

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ OCTOBER 1, 2013 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Reverend Chuck Lauver of River Valley Church of the Nazarene, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Pam Weber, Kevin Settle and Phillip H. Merry, Jr. The Mayor declared a quorum present.

The Mayor inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

The minutes of the September 17, 2013 regular meeting were presented for approval. Settle, seconded by Lorenz, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 was an ordinance rezoning identified property and amending the zoning map (*from Not Zoned to Industrial Moderate (I-2) by extension located at 11508 Roberts Boulevard*)

Senior Planner for Development Services Brenda Andrews briefed the Board on the item advising such is per the request of Steve Beam of Chaffee Commercial Properties LLC. The purpose of the request is to facilitate the construction of a new non-metallic manufacturing and mining plant facility. A neighborhood meeting was held on Friday, August 30, 2013 with no individual present to speak in opposition. The Planning Commission approved the request by a vote of seven (7) in favor and zero (0) opposed.

Good, seconded by Merry, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the

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ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 48-13.

Item No. 2 is an ordinance directing the installation of a four way stop at the intersection of Chad Colley Boulevard and Massard Road ~ *Settle/Merry placed on agenda at the September 3, 2013 regular meeting / First reading at September 17, 2013 regular meeting* ~ **** Second Reading ****

Mayor Sanders briefed the Board on the item advising the motion to adopt the ordinance at the September 3, 2013 regular meeting did not receive the required five (5) affirmative votes for passage on its first reading; therefore, the ordinance was read in its entirety on said date. The City Clerk read the ordinance in its entirety for its second reading. The third and final reading of the ordinance is scheduled to occur at the October 15, 2013 regular meeting.

Item No. 3 was an ordinance to amend Section 25-268(b) of the Fort Smith Municipal Code regarding the removal and placement of residential solid waste carts and recyclables containers from the street right-of-way after collection ~ *Lorenz/Weber placed on agenda at the September 24, 2013 study session* ~

Deputy City Administrator Jeff Dingman briefed the Board on the item advising that currently, sanitation containers may not be placed curbside before 12:00 Noon on the day before collection. After collection, containers must be removed from the street right-of-way by midnight on the day of collection. The proposed ordinance prohibits sanitation containers from being stored in the front yard of residential properties between collections and requires storage of such be in a rear yard, side yard, carport or garage. There is no requirement that containers be screened from view. Upon approval, any violation will be enforced by the Neighborhood Services Division of Code Enforcement.

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The following individual was present to address the Board:

- David Harris
Fort Smith, Arkansas

Re: Commented that before city-wide automated sanitation service was implemented, trash receptacles were stored in the back of residential properties and not visible from the street. He further noted the irony that since automation requires curbside pick-up, now the City feels the sanitation carts should not be visible from the street.

Lorenz, seconded by Weber, moved to table consideration of the proposed ordinance pending clarification as to enforcement, penalties, etc. The motion also included that an item be placed on the October 8, 2013 study session to allow further discussion on the matter. The members voted as follows: ayes – Lau, Good, Lorenz, Catsavis, Weber and Settle; nays – Merry. The Mayor declared the motion carried.

Item No. 4 was a resolution approving and authorizing implementation of the Five-Year (2014-2018) Sales Tax Program for street, bridges and related drainage improvements ~ *Settle/Lorenz placed on agenda at the September 24, 2013 study session* ~

Director of Engineering Stan Snodgrass briefed the board on the item as discussed at the September 24, 2013 study session. Such authorizes implementation of the proposed projects within the Sales Tax Program.

In order to provide citizens access to upcoming projects, Director Settle recommended the CIP projects be posted on the City's website.

Mr. Snodgrass advised all CIP projects are consistently posted on the City's website under Engineering Department's link.

Settle, seconded by Weber moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-150-13.

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Item No. 5 consisted of the following ordinances levying the City's millage rates for the year 2013 (to be collected in 2014):

- A. Ordinance fixing the rate of and levying five (5.0) mills upon all taxable real and personal property in the city of Fort Smith, Arkansas for the year 2013 for general purposes
- B. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property to be used for maintenance of a public-city library pursuant to the provisions of Amendment No. 30 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
- C. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Police Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
- D. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Fire Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes

Assistant City Administrator Jeff Dingman advised the items contain no change and is merely a continuation of the existing millage rates. Upon approval, the ordinances will be certified to the Sebastian County Clerk for presenting to the Quorum Court when considering the millage for all cities in Sebastian County at their November meeting.

Settle, seconded by Lorenz, moved adoption of the ordinances. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinances for their readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance were adopted and numbered 49-13 through 52-13 respectively.

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The Consent Agenda (Item No. 6) was introduced for consideration, the items being as follows:

- A. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Neighborhood Sewer Improvements – Zero Street (\$172,320.84 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)
- B. Resolution authorizing Amendment No. 1 to Authorization No. 2 with McGuire Engineering, Inc. for engineering services for the Neighborhood Sewer Improvements – Zero Street (\$35,900.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)

Catsavis, seconded by Good, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-151-13 and R-152-13 respectively.

Mayor Sanders opened the Officials Forum with the following comments offered:

◆ Mayor Sanders

- Re:
- 1. Reminded all that the monthly town hall meeting will take place immediately following adjournment of the meeting.
 - 2. Announced the Fort Smith Government Access Channel was recently recognized as one of the best in the nation by the National Association of Telecommunications Officers and Advisors (NATOA) in the ‘Bulletin Board’ category of their programming awards. Due to such, he extended much appreciation to Amber Jones in the City Clerk’s office for her expertise and creativity in preparing all advertisements for the Access Channel.
 - 3. Congratulated Sergeant Dawn Sprayberry upon receiving the “Investigator of the Year Award” at the National Internal Affairs Investigators Association conference. Sgt. Sprayberry served more than five (5) years in the Office of Professional Standards/Internal Affairs and has recently started a new assignment as supervisor over the Special

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Investigations Unit of the Criminal Investigation Division with the Fort Smith Police Department.

4. Recognized Immaculate Conception (IC) upon being named a 2013 National Blue Ribbon Schools. The award is based on overall academic excellence or their progress in improving student academic achievement. IC is the first elementary school in Fort Smith to receive the award, as well as the first catholic school recipient in the state of Arkansas.
5. Reminded the 2013 Veterans' Day Parade will be held at 1:30 p.m., Saturday, November 9th at Chaffee Crossing.
6. Conveyed much gratitude to Marshall Sharpe, Ken Pyle from the Homeless Coalition and other volunteers and participants of the recent Community Action Poverty Simulation (CAPS) workshop. CAPS is a unique tool to educate people about the day to day realities of life with a shortage of money and an abundance of stress.
7. The Fort Smith Fire Department recently conducted repelling training; therefore, he extended much appreciation to the Fort Smith Convention Center for use of their facility to accomplish such.
8. For the upcoming holiday season, the Creekmore Express will begin on Monday, December 2, 2013. The Board of Directors will serve hot chocolate and popcorn on Thursday, December 5, 2013 beginning at 5:30 p.m.; therefore, he encouraged all to attend.
9. Noted Downtown Fort Smith was featured in the August 2013 edition of City & Town magazine via the article, "Fort Smith Reduces Stress with Green Space".

◆ Director Merry

Re: Regarding the recent Fort Smith Fire Department promotion ceremony on Friday, September 27th, he extended much appreciation to Fire Chief Mike Richards for conducting such a "patriotic ceremony".

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He further commended all Fire Department personnel who received various promotions.

◆ Director Weber

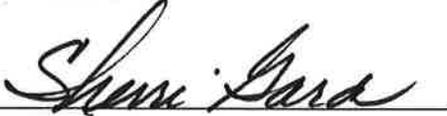
Re: Announced the annual fall cleanup is scheduled for Saturday, October 19, 2013. Beautify Fort Smith will again be providing trash bags for those who wish to participate and pick up litter in their neighborhoods. Such will be distributed at 8:00 a.m. at Martin Luther King Jr. Park.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Lau, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:20 p.m.

APPROVED:


Mayor

ATTEST:


City Clerk