

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ OCTOBER 15, 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 Pastor Don Moore of The Healing Place, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, George Catsavis, Pam Weber, Kevin Settle and Philip H. Merry, Jr.; absent - Director Mike Lorenz. The Mayor declared a quorum present.

Mayor Sanders 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 October 1, 2013 regular meeting were presented for approval. Catsavis, seconded by Good, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

Mayor Sanders recognized and noted much appreciation for the attendance of several members of Leadership Fort Smith.

Item No. 1 was an ordinance amending 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 after collection ~ *Lorenz/Weber placed on agenda at the September 24, 2013 study session; Tabled at October 1, 2013 regular meeting pending discussion at future study session; Lorenz/Weber placed amended ordinance on agenda at the October 8, 2013 study session ~*

City Administrator Ray Gosack briefed the Board on the item as discussed at the October 8, 2013 study session citing the proposed amendments are included within the proposed ordinance.

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Weber, seconded by Merry, moved to table consideration of the item to the November 5, 2013 regular meeting to allow Director Lorenz to be present. The members present voted as follows: ayes - Weber and Merry; nays - Lau, Good, Catsavis and Settle. The Mayor declared the motion defeated.

Weber, 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 ordinance for its readings and the members present voted as follows: ayes - Weber and Merry; nays - Lau, Good, Catsavis and Settle. The Mayor declared the motion defeated.

Item No. 2 was an ordinance amending Section II.C. of the Code of Business Conduct of the City of Fort Smith ~ *Lau/Good placed on agenda at the September 24, 2013 study session ~*

Administrator Gosack briefed the Board on the item as discussed at the September 24, 2013 study session. The existing provisions of the Code of Business Conduct prohibits any financial transaction between a municipal representative and the City. Due to the number of citizens serving on boards, commissions and committees, such restriction is not practical and because many have financial transactions with the City, the City is in violation of its own policy. Upon approval, the ordinance will allow a municipal representative, i.e. those serving on boards, commissions or committees, to have financial transactions with the City unless that transaction is under the purview of that representative's board, commission or committee. The proposed amendment will not change anything with regard to elected officials and City employees, who are already prohibited from any such transaction under the existing Code of Business Conduct.

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Lau, seconded by Good, 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 ordinance for its readings and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 53-13.

Item No. 3 was an ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for other purposes *(916 North 11th Street)*

Administrator Gosack briefed the Board on the item advising the structure has been determined to be unsafe and detrimental to the public welfare; therefore, he recommended approval of the item. Although the City will proceed with soliciting bids for demolition of the structure, he clarified the owners will have approximately thirty (30) days to demolish the structure. If such is not accomplished and in order to appropriately address public safety concern, the City will proceed with the demolition.

Settle, 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 ordinance for its readings and the members present all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Merry, moved adoption of Section 5 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and the ordinance was given No. 54-13.

Item No. 4 was an ordinance directing the installation of a four way stop at the

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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 at October 1, 2013 regular meeting ~ ** Third and Final Reading ***

Administrator Gosack noted the item is merely to accomplish the third and final reading of the ordinance as required by law.

Director Good conveyed much confidence in the traffic study citing the proposed signage amendments will address the public safety concerns at the intersection. He further reminded all in attendance that Police Chief Kevin Lindsey also concurs with the recommendation that a four-way stop is not warranted at the location.

The City Clerk read the ordinance in its entirety for its third and final reading. Mayor Sanders then presented the emergency clause for consideration. Settle, seconded by Merry, moved adoption of Section 2 the emergency clause. The members present voted as follows: ayes - Good, Catsavis, Weber, Settle and Merry; nays - Lau. The Mayor declared the motion carried and the ordinance and emergency clause were adopted and the ordinance was given No. 55-13.

The Consent Agenda (Item No. 5) was introduced for consideration, the items being as follows:

- A. Resolution to accept the bids and authorize a contract for the construction of Street Overlays/Reconstruction, Project No. 13-03-B (\$2,318,809.90/*Engineering Department / Budgeted - Sales Tax Program Fund*)
- B. Resolution to accept the bids and authorize a contract for the construction of Towson Avenue Streetscape Improvements, Job 040602, F.A.P. STPE-ENHN (464), Fort Smith Towson Avenue Streetscaping (ATEP-11) (S) Sebastian County, Project No. 12-90-A (\$649,485.00 / *Engineering Department / Budgeted - Sales Tax Program Fund*)

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- C. Resolution authorizing the Mayor to enter into a facility use agreement with Joe Hartgraves for the operation of a private park (*1715 North 13th Street*)
- D. Resolution accepting bid of Locution Systems, Inc. for the providing of the city's fire station alerting system upgrade (*\$397,268.00 / Fire Department / Budgeted - 4803-304 Capital Outlay*)
- E. Resolution authorizing a contract change order to the contract for the construction of the Fort Smith Landfill Scale Facility (*\$76,455.49 / Sanitation Department / Budgeted - Sanitation Sinking Fund for Landfill Construction*)

Regarding Items No. 5A and 5B, Director Settle extended appreciation to Director of Engineering Stan Snodgrass and conveyed much gratitude for each of the projects.

With regard to Item No. 5C, Director Good conveyed much gratitude to Director of Parks and Recreation Mike Alsup for working with Mr. Hartgraves.

Good, seconded by Settle, moved adoption of all consent agenda items. The members present all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-153-13 through R-157-13 respectively.

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

◆ Mayor Sanders

- Re:
- 1. Due to the federal government shutdown and possible furlough of firefighting crew at the Fort Smith Regional Airport, he extended much appreciation to Governor Mike Beebe, Major General William Wofford, Administrator Gosack and Airport Director John Parker for their efforts to ensure fire protection services for the airport remained in tact during the shutdown.
 - 2. Announced the City of Fort Smith has several new firefighters and conveyed appreciation to the Fire Department for the time and effort to select and train new firefighters.

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◆ Director Weber

- Re: 1. Announced the annual fall cleanup is scheduled for Saturday, October 19, 2013. Beautify Fort Smith will provide 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.
2. Expressed discontent with the proposed remediation plan submitted by Whirlpool Corporation to address the TCE contamination; therefore, she moved that an item be placed on an upcoming study session, prior to the Arkansas Department of Environmental Quality (ADEQ) public hearing on November 12th, to discuss the City's legal rights regarding the matter. The motion included that the city attorney be in attendance at said study session and that Administrator Gosack contact Governor Mike Beebe's office and request either the governor or a representative come to the aforementioned ADEQ public hearing on November 12th. Director Merry seconded the motion; therefore, because placement requires only two (2) directors, Mayor Sanders announced the item will be placed on an upcoming study session agenda.

◆ Administrator Gosack

- Re: 1. Announced Leadership Fort Smith will have their "Local Government Day" on Thursday, October 24th. The Board has been invited to lunch on said date; therefore and if possible, he encouraged the board to attend.
2. Reminded all that the Ward 4 Meeting is scheduled for 6:00 p.m., Monday, October 28th at the Dallas Street Branch Library, 8100 Dallas Street.

The Board entered into an executive session at approximately 6:18 p.m. and after reconvening, Mayor Sanders announced the following appointment nominations:

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CENTRAL BUSINESS IMPROVEMENT DISTRICT

Steve Clark

Term expires October 30, 2019

PARKS AND RECREATION COMMISSION

Casey Millspough

~ to fill the unexpired term of Bobby Aldridge who resigned ~

Term expires August 31, 2014

Merry, seconded by Weber, moved acceptance of the appointment nominations.

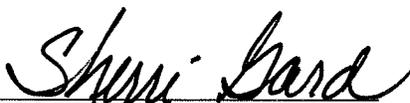
The members present all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Weber moved that the meeting adjourn. The motion was seconded by Settle and the members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:28 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK