

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ NOVEMBER 5, 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 Michael Topham, of Cavanaugh United Methodist Church, 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 Mayor recognized Matthew Dawkins of Boy Scout Troop 110, who was in attendance to earn his Citizenship and Community Badge.

The minutes of the October 15, 2013 regular meeting were presented for approval. Settle, seconded by Lau, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 was a presentation of proposed 2014 City Budget.

City Administrator Ray Gosack advised the copies of the proposed budget had been provided to the Mayor and Board prior to the meeting. The budget review sessions are scheduled for November 14 & 18 at 6:00 p.m. each evening in the Bartlett Community Room of the Fort Smith Police Department.

Item No. 2 was a resolution authorizing the City Administrator to execute a grant letter with The Walton Family Foundation for the construction of the River West Trail

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Administrator Gosack advised the Walton Family Foundation has offered a grant of \$1 million to stimulate the construction of the River West Trail along the Arkansas riverfront. The two (2) mile trail, which is part of Fort Smith's Master Trail Plan, will connect the downtown River Park with the existing Rice Carden Levee Trail. When completed, there will be a continuous, five (5) mile public trail between the Fort Smith National Historic Site and the northern bend in the Arkansas River. The proposed resolution authorizes execution of a grant letter to accept the \$1 million grant from the Walton Family Foundation. Design work is scheduled to begin in spring 2014, construction anticipated to begin in September 2014, and completion by mid 2015. Much appreciation was extended to the Walton Family Foundation for the subject grant.

Settle, seconded by Merry, 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-158-13.

Item No. 3 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: Unclassified to Office, Research and Light Industrial (ORLI) / Rezoning: Not Zoned to Industrial Light (I-1) by classification located at 12010 Old Highway 71 South*)

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Alan Lewis, agent for KMW Properties, LLC. The purpose of the request is to facilitate the use of the property as storage for portable storage containers. The existing land use could continue as a legal nonconforming use; however, no expansions or intensifications of land use are permitted, and no permits can be issued for expansions or new construction without the proper zoning

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classification on the property. A neighborhood meeting was held on Friday, October 4, 2013, with one email from Jimmy Didier, a surrounding property owner, stating opposition to the proposed citing devaluation of his commercial property. The Planning Commission held a public hearing on October 8, 2013 with no individual present to speak in opposition. The Planning Commission approved the Master Land Use Plan amendment and rezoning request by a vote of nine (9) in favor and zero (0) opposed.

The following individual was present to address the board:

- Alan Lewis
Fort Smith, AR

Re: Spoke in favor of item citing the request is merely to allow continued use of the property as it is already being used.

Merry, 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 all voting affirmatively the Mayor declared the motion carried and the ordinance was adopted and given No. 56-13.

Item No. 4 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (*November 2013 Amendments*)

Mr. Bailey briefed the Board on the item advising the proposed amendments are as follows:

- Before adoption of the Unified Development Ordinance (UDO), Auto Parts and Accessory Sales were permitted by right in the Commercial Lite (C-2) zoning district; however, after adoption of the UDO, the use was removed from the zoning district thus creating some nonconforming businesses. After discussions with the Planning Commission, staff recommended a change that makes Auto Parts and Accessory Sales a conditional use in the Commercial Light zoning district.

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- Section 27-704-4(C) regarding outdoor advertising regulations uses the term street rather than right-of-way. This amendment makes the change to help make the application of the ordinance consistent and clear.

The Planning Commission held a public hearing on October 8, 2013 with no individual present to speak in opposition. The Planning Commission approved the proposed amendments by a vote of (9) in favor and (0) opposed.

Lorenz, seconded by Weber, 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 all voting affirmatively the Mayor declared the motion carried. Catsavis, seconded by Settle, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 57-13.

Item No. 5 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 (*1401 North 11th Street – 3 structures*)

Administrator Gosack briefed the Board on the item advising the structures have been determined to be unsafe and detrimental to the public welfare; therefore, he recommended approval of the item.

Good, seconded by Settle, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be

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by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Good moved adoption of Section 5 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 58-13.

Item No. 6 was a resolution granting a temporary revocable license for the placement of a soil gas monitoring point in a public right-of-way (*Jacobs Avenue*)

Mayor Sanders announced the item had been withdrawn from consideration per the request of Whirlpool. Such is to allow further evaluation of an alternate site that is more suitable for the installation of the soil gas monitoring point.

The Consent Agenda (Item No. 7) was introduced for consideration, the items being as follows:

- A. Resolution accepting completion of and authorizing final payment for repairs to the city parking facility at 700 Rogers Avenue (\$5,451.60 / *Planning Department / Budgeted – Parking Authority Fund*)
- B. Resolution authorizing engineering services agreement for the design of a project in the 2014 Sales Tax Program (\$80,800.00 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
- C. Resolution accepting the project as complete and authorizing final payment to Matlock Electric Company Inc. for replacement of emergency generators at Fire Stations 1 through 10 (\$20,436.50 / *Fire Department / Budgeted – 2012 Sales Tax Bonds*)
- D. Resolution accepting bids for the purchase of fleet trucks (\$197,824.00 / *Utility & Street Departments / Budgeted – General, Water & Wastewater and Street Funds*)
- E. Resolution accepting the project as complete and authorizing final payment to Crawford Construction Company for Sunnymede Pump

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Station Force Main Emergency Repair at Horan Drive
(\$109,765.00 / Utility Department / Not Budgeted – Appropriated
funds from Unobligated Water and Sewer Operating Funds)

- F. Resolution authorizing the City Administrator to execute an agreement with a property owner for the acquisition and release of easements in connection with the Mill Creek Interceptor Improvements – Phase 1 (\$1,101.15 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)
- G. Resolution authorizing partial payment to Archer Western Construction, LLC for construction of the Zero Street Pump Station Wet Weather Improvements – Pump Station and EQ Storage (\$1,334,720.30 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)
- H. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with Hawkins-Weir Engineers, Inc. for design services of the Wastewater Pump Station No. 5 Interceptor Sewer Easement Clearing and Access Road (\$44,240.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)
- I. Resolution authorizing Change Order No. 1 with Forsgren, Inc. for construction of the Chaffee Crossing Area F Sewer Extension (\$20,508.67 / Utility Department / Budgeted – 2008 Revenue Bonds)
- J. Resolution authorizing final payment to Forsgren, Inc. for the Chaffee Crossing Area F Extension (\$45,744.26 / Utility Department / Budgeted – 2008 Revenue Bonds)
- K. Resolution authorizing the Mayor to execute a temporary revocable license agreement granting to Sunbelt Holdings for a private sanitary sewer service (force main) in the public right-of-way

With regard to Item No. 7C, Director Settle expressed much gratitude to Fire Chief Mike Richards for all the work involved with replacement of emergency generators.

Lorenz, seconded by Settle, 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-159-13 through R-169-13 respectively.

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

◆ Mayor Sanders

- Re:
1. Announced a ribbon cutting ceremony took place earlier in the day at the Health Management Associates, Inc. (HMA) new facility in Fort Smith. Governor Mike Beebe, Senator Bruce Holland and several other city leaders were in attendance.
 2. Extended congratulations to the Fort Smith Chamber of Commerce, who recently celebrated its 125th anniversary.
 3. Expressed gratitude to Mars Petcare regarding their plans for a \$50 million expansion that will create 40 new jobs in the Fort Smith area.
 4. Conveyed appreciation to all citizens in attendance at the recent Ward 4 neighborhood meeting held on October 28, 2013 at the Dallas Branch Library.
 5. Announced a Fort Smith City Heritage Edition Rifle will be presented to the City of Fort Smith by area resident Bob Cole, and Steve Faler, President of American Legacy Firearms. Presentation of such will occur at 2:00 p.m., Friday, November 8, 2013 at the Bass Reeves Statue in Pendergraft Park.

◆ Director Settle

- Re:
1. Announced the following upcoming events on Saturday, November 9, 2013:
 - University of Arkansas at Fort Smith homecoming parade - 10:00 a.m. on Waldron Road near the UAFS campus. As well as the homecoming basketball games: women's at 2:00 p.m. and men's at 4:00 p.m.
 - The Hall of Honor Cornerstone Dedication Ceremony - 11:00 a.m. at the future U.S. Marshals Museum site, 121 Riverfront Drive.
 - Veterans Day Parade - 1:30 p.m. at Chaffee Crossing. Citizens may gather near the

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Chaffee Crossing Historic District to support and honor veterans.

2. Congratulated the Southside High School volleyball team upon winning the state championship.
3. Noted the passing of Charles Mills, who served on the Transit Advisory Commission; therefore, he extended condolences to the family.

◆ Director Merry

- Re:
1. Reminded the 2014 Christmas Honors work day will be Friday, December 13, 2013 from 8:00 a.m. to 1:00 p.m. at the Fort Smith Convention Center. The Christmas Honors ceremony will occur at 9:30 a.m. at the National Cemetery.
 2. Conveyed gratitude to the Walton Family Foundation for the \$1 million grant to help fund the River West Trail. Noted the late Greg Smith, who was an advocate for expansion of trails, "*would be very proud.*"

◆ Administrator Gosack

- Re:
1. Reminded all of the Arkansas Department of Environmental Quality public hearing scheduled for 6:00 p.m., Tuesday, November 12, 2013 at the Fort Smith Senior Activity Center, 2700 Cavanaugh Road. Such is for public comment regarding the proposed plan to remediate the TCE pollution at and near the Whirlpool Corporation property. Information regarding the aforementioned is available on the city's website.
 2. Announced the upcoming ribbon cutting for the McClure Drive project is scheduled for 4:30 p.m. on November 8, 2013, McClure Drive east of Massard Road. Such is a joint project between the City of Fort Smith and the Fort Chaffee Redevelopment Authority to provide access to the McClure Amphitheater.
 3. Gerber Products has advised they're ready to proceed with the issuance of the industrial revenue bonds, which the board passed a resolution of intent for such in June 2013. Gerber expects to invest \$150

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million in the project, which will create 90 new jobs. A public hearing and ordinance authorizing issuance of said bonds will be on the November 19, 2013 agenda for Board consideration.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Lorenz, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:24 p.m.

APPROVED:



Mayor

ATTEST:



City Clerk