

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ NOVEMBER 19, 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 Barbara Hardcastle, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Mike Lorenz, George Catsavis, Pam Weber, Kevin Settle and Phillip H. Merry, Jr. The Mayor declared a quorum present. Director Andre' Good arrived during presentation of Item No. 1.

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 November 5, 2013 regular meeting were presented for approval. Settle, seconded by Lorenz, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

Mayor Sanders announced this was the time and place set for a public hearing regarding the issuance of industrial development revenue bonds for Gerber Products Company. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of an ordinance authorizing same would be given (Item No. 1).

Deputy Administrator Jeff Dingman briefed the Board on the item advising Gerber Products Company plans to expand its infant & toddler foods manufacturing and packaging capabilities at its existing facility in Fort Smith, which is an estimated \$150 million investment. Gerber Products Company will be solely responsible for the debt

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service payments of the bonds; therefore, the City of Fort Smith maintains no obligation to make the bond payments. The project supports the board's stated priorities of fostering economic development and job creation/retention.

Director Settle conveyed much gratitude to Gerber Products Company for their investment in the community.

There being no individual present to speak, Mayor Sanders closed the public hearing.

Weber, seconded by Merry, moved to suspend the rules 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 members all voting affirmatively, the Mayor declared the motion carried and the City Clerk read the ordinance for its readings. Settle, seconded by Lorenz moved adoption of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried. Weber, seconded by Merry, moved adoption of Section 12 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. 59-13.

Mayor Sanders announced this was the time and place set for a public hearing to certify to the Sebastian County Tax Collector delinquent property cleanup liens. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of an ordinance authorizing same would be given (Item No. 2).

City Clerk Sherri Gard briefed the board on the item advising the ordinance certifies to the Sebastian County Tax Collector a total of \$163,848.87 in delinquent property cleanup liens for properties maintained or structures demolished by the City of Fort Smith. Upon approval, a 10% penalty will be assessed. Hearings before the

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Property Owners Appeal Board (POAB) were held on September 25 and 26 in the Bartlett Community Room at the Fort Smith Police Department. Notification of the hearings was by certified mail and publication in the Times Record. Eight (8) property owners attended the hearings and the draft minutes of said hearings were provided to the Board. It was discovered that one (1) property was inadvertently entered incorrectly. Such was merely a typographical error and proper notification was provided; therefore, the ordinance has been revised to correct the error and the motion to adopt the ordinance should include "as revised". The motion to adopt the ordinance should also include a provision to allow the removal of any liens that have been paid in full prior to formal submission of the ordinance to the Sebastian County Tax Collector.

The following individual was present to address the Board:

- Greg Edwards
Springdale, AR

Re: Regarding cleanup liens on 6206 Highway 271, 6213 South 11th Street, 6215 South 11 Street, and southeast corner of South 11th & Creston Streets consisting of sixteen (16) liens, he merely alleged the costs for cleanings were "too high".

Mrs. Gard advised Mr. Joe Edwards attended the appeal hearing before the POAB in September. The POAB voted unanimously that all liens should remain due in full and be certified to the Sebastian County Tax Collector.

There being no further individuals present to address the Board, Mayor Sanders closed the public hearing.

Weber, seconded by Good, moved adoption of the ordinance as revised and 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 motion also included a

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provision to allow the removal of liens that have been paid in full prior to formal submission to the Sebastian County Tax Collector. 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. 60-13.

Item No. 3 was an ordinance amending Section 16-15 of the Fort Smith Municipal Code changing the annual cutoff date for consideration of appeal for delinquent property cleanup liens.

Mrs. Gard briefed the Board on the item advising per the Fort Smith Municipal Code, property owners are provided the opportunity for appeal of property cleanup liens that are 90 days delinquent as of July 15 of each year. In order to determine and notify property owners who are eligible to appeal said liens, City Clerk staff must obtain accounts receivable reports, which are provided with information through the month-end. Each year, a special report must be requested to ensure inclusion of cleanup liens that have become 90 days delinquent from July 1 through July 15. In order to coincide with existing month-end reporting and remove the necessity of the special report, staff recommends the 90 day delinquency/cutoff date for appeals be amended from July 15 to June 30. The Property Owners Appeal Board reviewed the proposed amendment on September 9, 2013 and voted unanimously (5 in favor, 0 opposed) to recommend such. Upon approval, the amendment will become effective in 2014.

Lorenz, seconded by Settle, moved adoption of the ordinance including 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

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its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance as revised was adopted and given No. 61-13.

Item No. 4 was an ordinance amending Section 2-26 of the Fort Smith Municipal Code setting the dates, time and location for regular meetings of the Board of Directors for the year 2014 ~ *Settle/Lorenz placed on agenda at the November 12, 2013 study session ~*

City Administrator Ray Gosack briefed the Board on the item as discussed at the November 12, 2013 study session whereby the Board concurred to retain the first and third Tuesday of each month for all regular meetings in 2014. There are no holidays in 2014 that conflict with any scheduled regular meeting dates.

Lau, seconded by Lorenz, moved adoption of the ordinance including 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 as revised was adopted and given No. 62-13.

Item No. 5 was a resolution authorizing partial payment to Archer Western Construction, LLC for the construction of the Zero Street Pump Station Wet Weather Improvements – Pump Station and EQ Storage (*\$973,415.65 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)

Administrator Gosack briefed the board on the item advising such authorizes partial payment to Archer Western Construction LLC, in the amount of \$973,415.65 for work completed on the Zero Street Pump Station Wet Weather Improvement Pump

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Station and EQ Storage Project. Work is progressing on schedule and staff recommends approval of the partial payment.

Settle, seconded by Lau, 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-170-13.

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

◆ Mayor Sanders

- Re:
1. Conveyed much appreciation to Chris Remaley and all those involved in the success of the Veterans Day Parade.
 2. Commended Museum Coordinator Joey Chasteen on the new Fort Chaffee Barracks Museum at Chaffee Crossing's museum district and urged citizens to visit.
 3. Expressed gratitude to The Avenue of Flags Committee for work associated with the Veterans Day Program on November 11, 2013 at the National Cemetery.
 4. Noted success of following November 9, 2013 events:
 - The Hall of Honor Cornerstone Dedication Ceremony
 - University of Arkansas at Fort Smith homecoming parade.
 5. Advised of the newest Mercy Clinic groundbreaking ceremony, November 19 at 5700 Cliff Drive.
 6. Conveyed much appreciation to all who contributed and participated in the comprehensive plan exercises the evening of November 18 and the afternoon of November 19.
 7. Announced the City of Fort Smith has been named as one of the Arkansas's Volunteer Community of the Year for the 16th year. In 2013, more than 580,000 volunteer hours were contributed to various projects and activities in Fort Smith.

8. Conveyed condolences upon the loss of two (2) iconic individuals, who have greatly impacted our community:
 - John Bell Jr., a popular and acclaimed artist.
 - Dr. Roger Bost, who was instrumental in starting what is now known as the Western Arkansas Counseling and Guidance Center and Bost, Inc.

◆ Director Settle

- Re:
1. Also conveyed condolences regarding the passing of Dr. Bost and Mr. Bell.
 2. Conveyed much discontent with Cox Communications announcement on the channel lineup change scheduled to take place in December 2013. The City of Fort Smith Government Access Channel will be relocated from channel 6 to channel 214, and the University of Arkansas Fort Smith (UAFS) channel will relocate from channel 24 to channel 216. He clarified the change was not a decision of the Board of Directors, but solely by Cox Communications; therefore, any grievances should be directed to Cox Communications.
 3. Announced the UAFS ladies volleyball team have made it to the 2013 Heartland Conference Volleyball Tournament, and for the second-consecutive year, will host said tournament, which is scheduled for 5:00 p.m., November 22 and 1:00 p.m., November 23 at the Stubblefield Center.
 4. The UAFS Athletic Department and men's basketball team, along with its Booster Club 6th Man, will host the 3rd Annual Toy Toss at the Stubblefield Center at 7:00 p.m. on December 7. Fans are encouraged to toss soft toys onto the court from their seats. The toys are collected and distributed by the Salvation Army to the families of needy children in the Fort Smith area.
 5. Announced the Settle Family donated a music box light show and two (2) light show boxes to the Parks Department to be utilized in conjunction with the City's Christmas lights throughout the city.
 6. Reminded that the City's Christmas lights will be turned on Friday, November 29, 2013.

The Board entered into an executive session and after reconvening, Mayor Sanders announced the following appointment nominations:

**FORT SMITH MUNICIPAL EMPLOYEES BENEVOLENT FUND
BOARD OF ADVISORS**

April Byrd
(to fill the unexpired term of Rhonda Harper who resigned)
Term expires June 30, 2016

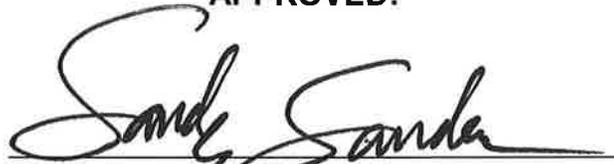
OAK CEMETERY COMMISSION

Pam Weiler (reappointment)
Joseph Irwin (reappointment)
Joel Stubblefield (reappointment)
Terms expire November 30, 2016

Lorenz, seconded by Settle, moved acceptance of all appointment nominations. The members all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Merry, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:31 p.m.

APPROVED:



Mayor

ATTEST:



City Clerk