MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JANUARY 7, 2014 ~ 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 Joe Taylor of Heritage Baptist Church, who also presented bibles to the Mayor, each member of the Board and City Administrator Ray Gosack, 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 December 17, 2013 regular meeting were presented for approval. Settle, seconded by Good, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

The Mayor recognized the following Boy Scouts from Troop 2316, who were in attendance to earn their Citizenship & Community Badge:

- Charles Shirley
- Andrew Smith
- Sebastian Barber
- Noah Ramos
- Nathan Runke
- Riley Worgan

Item No. 1 was a presentation by Girl Scout Council Diamonds of Arkansas, Oklahoma and Texas.

Girl Scout Troop Leader Linda Kaelin, Troop 4383 at St. Boniface Catholic School, addressed the Board advising cookie sales will begin Saturday, January 11, 2014 and booth sales will commence around mid-February. A Girl Scout Mobile App

has been created and available to help locate the closest booth sale in your area. Girl Scout Jordan Geoates, Troop 4383, also addressed the Board advising how funds from Girl Scout cookie sales are utilized.

The following Girl Scouts, all members of Troop 4383, presented boxes of cookies to the Mayor and each member of the Board, and served cookies to all those in attendance:

- India Owen
- Rily Brooks
- Caitlin Elliot
- Caroline Thomas
- Kathryn Kaelin
- Jordan Geoates
- Atleigh Sidler
- Mary Emma Jeremiah

The Mayor expressed gratitude to the Boy and Girl Scouts, and their parents, for their attendance.

The Mayor announced that this was the time and place set for a public hearing to close, vacate and abandon a portion of an alley right-of-way located in Block 575 in Reserve Addition *(between South 5th & 6th Streets and South "D" & "E" Streets).* 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 Administrator Ray Gosack briefed the Board on the item advising such is per the petition of Bear Creek Leasing d/b/a Boyd Metals. The purpose of the closure is to facilitate a 17,500 square foot expansion of an existing building at 506 South 5th Street. Bear Creek Leasing, Inc. owns all the property adjacent to the alley proposed for abandonment. Franchise utilities, appropriate city departments as well as property owners within 300 feet of the subject area were contacted with no objections or

concerns offered. In keeping with the Board's policy, all applicants requesting right-of-way abandonment are required to sign a Memorandum of Understanding (MOU). Such stipulates the applicant or its assigns will not make any claims for compensation in the event the City exercises the power of eminent domain to reclaim the abandoned right-of-way. The applicant has executed the required MOU.

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

Lau, 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. Settle, seconded by Lorenz, 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 Ordinance No. 1-14.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map *(from Not Zoned to Residential Single Family Medium/ High Density (RS-3) by classification located at 7901 Massard Road)*

Brenda Andrews, Senior Planner, briefed the Board on the item advising such is per the request of Larry Hall, agent for Massard Missionary Baptist Church. The purpose of the rezoning is to allow for the development of a 9,838 square foot church building with future expansions. A neighborhood meeting was held on Monday, December 2, 2013 with no neighboring property owners in attendance. The Planning Commission held a public hearing on December 10, 2013 with Mr. Larry Hall present to

speak in favor of the request; however, no individual was present to speak in opposition. The Planning Commission approved the rezoning request with seven (7) in favor and zero (0) opposed.

Lorenz, 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 Ordinance No. 2-14.

Item No. 4 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(January 2014 Amendments)*

Mrs. Andrews briefed the Board on the item advising the proposed Unified Development Ordinance (UDO) amendments are as follows:

Amendment No. 1

This amendment will allow parallel parking spaces to count towards the minimum number of parking spaces required. Smaller sites and developments often need to utilize parallel parking to meet the minimum requirements.

Amendment No. 2

Changing the term multi-family (apartments/condominiums) to multi-family development in Appendix A will match the definitions and other sections of the UDO.

Amendment No. 3

All commercial zoning districts require increased rear and side yard setbacks when adjacent to residential single family property. This requirement also exists in the residential multi-family zones for multi-family structures. However, the Commercial Light (C-2) zone does not currently have this requirement. In order to be consistent with all Commercial zones, this amendment would require the enhanced setback in the Commercial Light (C-2) zone similar to the other commercial zones.

Amendment No. 4

This amendment requires multi-family developments to provide screening at the side and rear property lines when adjacent to single-family zoned or developed property. (This requirement also exists for commercial developments).

The Planning Commission held a public hearing on December 10, 2013 with Mr. Al Prieur present to speak in favor of the proposed amendments; however, no individual was present to speak in opposition. The Planning Commission approved the request by a vote of seven (7) in favor and zero (0) opposed.

Weber, 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 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 Lorenz, 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 Ordinance No. 3-14.

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

A. Ordinance to abandon a portion of a public utility easement located in Country Club Estates, Block G, an addition to the City of Fort Smith, Sebastian County, Arkansas

B. Ordinance authorizing the Mayor to execute agreements for certain services for inhabitants of the city of Fort Smith

C. Ordinance authorizing the Mayor to execute an agreement with the U.S. Marshals Museum, Inc. for certain services for inhabitants of the city of Fort Smith

D. Resolution accepting bids for the purchase of aggregates, sand, concrete and asphalt concrete products for 2014 *(annual bid)*

Merry, seconded by Lorenz, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the ordinances and resolution were adopted with the ordinances numbered 4-14 through 6-14 respectively and the resolution given Resolution No. R-2-14.

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

- Mayor Sanders

  Re: 1. Announced Fort Smith was named as the No. 5 *True Western Town* for 2014 and *Best Promotion of a Historical Place* by True West Magazine. He also extended appreciation to those involved in Fort Smith receiving such.

  2. Expressed gratitude to all Convention Center staff involved in making the Mayor's New Year's Eve event a great success.

  3. Commended Fire Chief Mike Richards and the Fort Smith Firefighters for volunteer time and personal financial contributions offered to the community.

  4. Extended congratulations to Fort Smith native Gus Malzahn, now head football coach for Auburn University, upon winning the BCS National Championship.

  5. Reminded of the town hall meeting scheduled to take place immediately following adjournment of the regular meeting.

- Director Merry

  Re: 1. Noted the recent passing of the following individuals and extended condolences to their families:

  - Wayne Meeks, local golf professional
  - David Banks, former CEO of Beverly Enterprises, now Golden Living.

  2. Conveyed much appreciation to all volunteers who participated in the 2013 Christmas Honors event.

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 6:20 p.m.

APPROVED:

Mayor

ATTEST:

City Clerk