

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ APRIL 1, 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 Jerry Jennings of Mount Moriah Baptist 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 Philip 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 March 18, 2014 regular meeting were presented for approval. Catsavis, seconded by Settle, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

The Mayor recognized and welcomed the current Citizens Academy class, who was in attendance.

With regard to the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side, and two (2) minutes for comments only.

Item No. 1 was an ordinance amending the Master Land Use Plan Map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Residential Detached to Commercial Neighborhood / Rezoning: from Residential Single*

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Family Duplex Low / Medium Density (RSD-2) to a Planned Zoning District located at 4401 Massard Road).

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Tim Risley, agent for Cliff Cabaness. The purpose of the request is to allow for a future commercial development. A neighborhood meeting was held on February 5, 2014 with ten (10) neighboring property owners in attendance who expressed concerns relative to lighting, noise and proposed land uses for the site. The Planning Commission held a public hearing on March 11, 2014 with approximately seven (7) individuals speaking in opposition citing concerns relative to proposed land uses, noise, lighting, traffic and devaluation of property. The Planning Commission approved both the Master Land Use Plan amendment and rezoning with (8) in favor, zero (0) opposed and 1 abstention (Howard). Residents of Wellington Park and Wellington Place, subdivisions adjacent to the subject property, have voiced concerns about the proposed Planned Zoning District (PZD) rezoning and filed petition opposing the proposed rezoning with the City Clerk on Friday, March 28, 2014. Said petition was distributed to the Mayor and Board on said date.

The following individuals were present to address the Board:

- Tim Risley, agent

Re: Spoke in favor of the item and noted concerns of the adjacent property owners regarding the lack of a development plan have been addressed. The proposed amendments have been determined to be the most suitable to attract future development of the site; therefore, he recommended approval.

- Jerry Horne
Fort Smith, AR

Re: Conveyed no opposition to the site being utilized for office space; however, great concern was expressed that the proposed zoning classification would allow the construction of a convenience store. The adjacent property owners feel if such development occurs, it will create increased noise and traffic, which is not conducive to the neighborhood.

Director Weber expressed concern regarding permissible signage for future developments at the back of the property and the potential negative effect such would have for adjacent property owners. Due to such, she inquired if a large structure could be placed on the site and if the developer would be opposed to an amendment that would restrict commercial, pole signage only along Massard Road.

Mr. Risley conveyed no objection to such provided twenty (20) feet pole signs remain permissible along the Massard Road frontage.

Mr. Bailey advised the PZD Booklet identifies the maximum building size of 30,000 square feet.

Director Merry inquired if a convenience store is anticipated to be developed on the subject property and if additional approval is necessary.

Mr. Risley advised two (2) convenience stores are located in close proximity to the subject location; therefore, he conveyed much doubt any future development would include a convenience store citing such would be financially unfeasible.

Mr. Bailey clarified a convenience store is identified as a conditional use; therefore, such would require approval by the Planning Commission before construction could proceed.

Director Settle expressed concern with the lack of development plan and the unknown factor of what could potentially be developed.

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Mr. Risley advised the proposed PZD Booklet contains specific requirements regarding size of buildings, density and height of structures. Future development must be approved; therefore, conveyed assurance that any controversial developments can be addressed at that time.

Director Lau expressed concern with the Board addressing sign restrictions for future development citing such is a matter for the Planning Commission.

Weber, seconded by Catsavis, moved to amend the ordinance to allow 20 foot, commercial pole signs only along the Massard Road frontage and all other signage be restricted to monument signs on the remaining property. The members voted as follows: ayes – Good, Lorenz, Catsavis, Weber, Settle and Merry; nays – Lau. The Mayor declared the motion carried.

Lorenz, seconded by Good, moved adoption of the ordinance as amended. 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. 20-14.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*from Residential Single Family Medium Density (RS-2) to a Planned Zoning District located at #1 Essex Place*).

City Administrator Ray Gosack briefed the Board advising the applicant, Lance Beaty of Fort Smith Redevelopment Partners, LLC has opted not to proceed with the development project and terminated his contract to purchase the property; therefore,

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requested the application be withdrawn. The property owners, Shields & Mille Properties, LLC, were notified of the withdrawal to determine if they wish to proceed with the rezoning application. Mr. Jim Shields requested the matter be tabled to the May 6, 2014 regular meeting to allow time to inquire if there is other interest in the property.

The following individual was present to address the Board:

- Lisa Clay
Fort Smith, AR

Re: Spoke in opposition to the item as currently presented citing 252 petitioners have expressed their desire for the Board to amend the item in an attempt to protect their property values. Since the developer has withdrawn his offer to purchase the property, members of the Fianna Hills Country Club have offered to purchase the property and a meeting has been scheduled with the property owner on April 3rd to further discuss the matter. She also advised Mr. Shields and Mr. Mille revealed today that there were two (2) other potential proposals. Regardless, she conveyed support of the request to table consideration of the matter citing such will allow all interested parties the opportunity to review other proposals.

Director Catsavis, seconded by Good, moved to table the item to the May 6, 2014 regular meeting. Prior to a vote, Director Lau conveyed much support of the item as presented. If the country club closes, the property becomes vacant; therefore, he expressed great concern that such will negatively affect the value of the surrounding properties. He further alleged that such opposition to development that will create a positive economic impact is an example why the City of Fort Smith is not flourishing with other economic opportunities.

There was lengthy discussion regarding the matter whereby Director Lorenz clarified most property owners are not opposed to the main purpose of the rezoning,

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which is to construct a lodging facility. The opposition is to the other uses that would be allowed in the future under the proposed zoning classification. Due to the applicant withdrawal and apparent potential for other purchase offers, multiple Board members expressed concern with moving forward with consideration of the proposed item.

The motion to table consideration of the item to the May 6, 2014 regular meeting remaining on the floor, the Board voted as follows: ayes – Good, Lorenz, Catsavis, Weber, Settle and Merry; nays – Lau. The Mayor declared the motion carried and the item will be placed on the agenda of the May 6, 2014 regular meeting.

Item No. 3 was an ordinance amending Section 4-13 of the Fort Smith Municipal Code regarding the composition of the Animal Services Advisory Board.

Administrator Gosack briefed the board on the item advising such would make two (2) adjustments to the composition of the Animals Services Advisory Board. There has been difficulty recruiting citizens for this board, which may stem from the restrictive membership requirements. The presented amendment would reduce the number of members required to hold a particular affiliation from five (5) to three (3), and increase the number of at-large members from four (4) to six (6). Such changes should broaden the pool of eligible applicants; therefore, he recommended approval.

Catsavis, seconded by Lorenz, 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. 21-14.

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The Consent Agenda (Item No. 4) was introduced for consideration, the items being as follows:

- A. Resolution authorizing the acquisition of real property interests for Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A (\$33,200.00 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
- B. Resolution authorizing the Mayor to execute an amendment to the agreement with Mickle Wagner Coleman, Inc. for providing engineering services associated with Water Improvements to Chaffee Crossing and Southeast Fort Smith (\$118,700.00 / *Utility Department / Budgeted – 2012 Sales Tax Bonds*)

Lau, seconded by Lorenz, moved adoption of the consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-33-14 and R-34-14 respectively.

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

➤ Mayor Sanders

- Re:
- 1. Congratulated the city of Mulberry and Mayor Gary Baxter on the recent success of their first Edamame Festival.
 - 2. Welcomed the new Ross Dress for Less store to Fort Smith and announced the opening of this store has created 65 new jobs.

➤ Director Weber

- Re:
- 1. Noted Newton Jewelers recently celebrated 100 years in business; therefore, she extended congratulations upon reaching the milestone.
 - 2. Announced the annual Beautify Fort Smith event will be held Saturday, April 26, 2014. All supplies needed will be located at Central Mall and can be picked up at 8:00 a.m. KISR radio station will be broadcasting and snacks will be available to participating citizens. There will also be prizes donated by various companies and tree give-away for the 100 citizens;

therefore, she encouraged all residents to participate in this great event to clean up the city of Fort Smith. She further extended much appreciation to the Police and Sanitation Departments for their participation and assistance.

➤ Director Settle

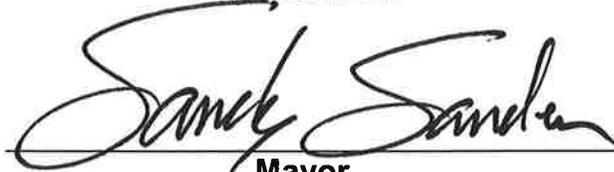
Re: Announced the 2014 Spring Festival Saturday, April 12, 2014 at Chaffee Crossing; therefore, he encouraged all to attend.

➤ Director Merry

- Re:
1. Noted the passing of Mr. Jack Fleck, a 1955 U.S. Open champion who had a huge impact on youth golf in our community, specifically his work with First Tee of Fort Smith.
 2. Acknowledged Clyde Chaney with the Golden Rule Clothes Closet for his compassion and the free assistance he provides to those in need of clothing and household goods.

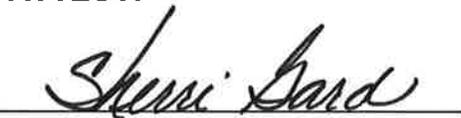
There being no further business to come before the Board, Good moved that the meeting adjourn. The motion was seconded by Lorenz, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:07 p.m.

APPROVED:



Mayor

ATTEST:



City Clerk