

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MAY 6, 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 Bobbie Woodard Jones of St. James Missionary 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.

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 April 15, 2014 regular meeting and April 22, 2014 special 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.

Regarding the April 15, 2014 regular meeting, the Mayor conveyed an apology for no audio for the live broadcast on the Government Access Channel. Such was due to a faulty amplifier. The matter has now been resolved; therefore, he extended much appreciation to the City Clerk's Office, 777 Productions and all involved in getting the audio issue addressed.

Mayor Sanders, along with the Board and Administration, recognized the following City of Fort Smith Utility Department Employees and presented the below noted awards recently granted by the Arkansas Water Works and Water Environment Association (Item No. 1):

- ▶ John Hancock - Pretreatment Professional of the Year
- ▶ Tiffany Mallard - Safety Professional of the Year
- ▶ Lance McAvoy - James Bailey Memorial Educator of the Year

May 6, 2014 Regular Meeting

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.

Mayor Sanders announced this was the time and place set for a public hearing regarding the issuance of industrial development revenue bonds for Graphic Packaging International, Inc. Notice of the public hearing was duly published as required by law. Following the public hearing, consideration of an ordinance authorizing same would be given (Item No. 2).

Deputy City Administrator Jeff Dingman briefed the Board on the item. Graphic Packaging will acquire and install certain machinery, equipment and other personal property in connection with the company's packaging plants located in Fort Smith. Such is a \$7 million investment, which is anticipated to create approximately 25 new full-time jobs with an average annual wage of \$32,300 plus benefits. Graphic Packaging will be solely responsible for the debt service payments of the bonds; therefore, the City has no obligation to make the bond payments.

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

Lau, seconded by Good, moved to suspend 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 members all voting affirmatively, the Mayor declared the motion carried. The City Clerk read the ordinance for its readings. Good, seconded by Merry, moved adoption of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Lorenz, moved adoption of Section 12 the emergency clause. The

May 6, 2014 Regular Meeting

members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given Ordinance No. 22-14.

Mayor Sanders announced this was time and place set for a public hearing to close, vacate and abandon a portion of an alley right-of-way located in Block 9, Fitzgerald Addition (*between North 12th & 13th Streets and Garrison Avenue & North "A" Streets*). Notice of the public hearing was duly published as required by law. Following the public hearing, consideration of an ordinance authorizing same would be given (Item No. 2).

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Immaculate Conception Catholic Church . The church is currently renovating the building for its youth ministries; therefore, purpose of the closure is to eliminate vehicles from entering the alley from Garrison Avenue and to create a safer environment as the congregation enters and exits the building from the church's adjacent parking lot. Franchise utilities, appropriate City departments and property owners within three-hundred (300) feet were notified of the proposed abandonment. There were no objections or other concerns expressed; however, franchise utilities requested a twenty (20) feet easement be retained, which the church has duly executed. In keeping with the Board's policy, the church has also executed a memorandum of understanding, which stipulates that the applicant or assigns will not make any claim for compensation in the event the City exercises the power of eminent domain to reclaim the abandoned right-of-way.

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

Weber, seconded by Merry, moved adoption of the ordinance. The motion included

May 6, 2014 Regular Meeting

suspending the rule to allow the three (3) full readings to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance the its readings and the members all voting affirmatively, the Mayor declared the motion carried. Lorenz, seconded by Weber, 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 the ordinance given No. 23-14.

Item No. 4 was an ordinance rezoning identified property and amending the zoning map (*from Residential Single Family Medium Density (RS-2) to a Planned Zoning District (PZD) by classification located at #1 Essex Place*) ~ Tabled at the April 1, 2014 regular meeting ~

Mayor Sanders announced the applicant, Lance Beaty with FSM Redevelopment Partners does not wish to proceed with the project. The owner, Jim Shields with Fianna Hills Country Club has also indicated no desire to move forward with the requested rezoning.

There was no action taken; therefore, Mayor Sanders announced the ordinance died for lack of a motion.

Item No. 5 was an ordinance rezoning identified property and amending the zoning map (*from Transitional and Commercial-5-Special to Commercial Light (C-2) by extension located at 1701 Grand Avenue*).

Mr. Bailey briefed the Board on the item advising such is per the request of Stuart Ghan, agent for Janice & John Moir, Donna & Larry Lomax and Pat McGowan. The purpose of the requested rezoning is to allow for the construction of a Dollar General. A neighborhood meeting was held on Thursday, March 27, 2014 with two (2) individuals in

May 6, 2014 Regular Meeting

attendance; however, no objections were conveyed. The Planning Commission held a public hearing on April 8, 2014 with no individual present to speak in opposition. The Planning Commission reviewed the development plan and approved such by vote of six (6) in favor, one (1) opposed and one (1) abstention. The Planning Commission unanimously amended the request to make approval subject to the submitted development plan and that any future or new development would require approval by the Planning Commission. The Planning Commission approved the amended rezoning request by a vote of seven (7) in favor, zero (0) opposed and one (1) abstention.

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. 24-14.

Item No. 6 was an ordinance rezoning identified property and amending the zoning map (*from Not Zoned to a Planned Zoning District by classification located at 7900 Massard Road*).

Mr. Bailey briefed the Board on the item advising such is per the request of Brandon Woodrome. The purpose of the proposed rezoning is to allow for a mixed-use development of four (4) commercial buildings for office and retail, a sports bar/pub, six (6) duplexes, three (3) triplexes with garages, one (1) five-unit apartment with garages and two (2) six-unit apartments with garages on approximately nine (9) acres in Chaffee Crossing. A neighborhood meeting was held on Tuesday, March 25, 2014 with no neighboring property owners in attendance. The Planning Commission held a public hearing on April 8, 2014

May 6, 2014 Regular Meeting

with no individual present to speak in opposition. The Planning Commission approved the proposed rezoning by a vote of eight (8) in favor and zero (0) opposed.

Good, seconded by Lorenz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings 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. 25-14.

Item No. 7 was an ordinance amending Section 2-182 of the Fort Smith Municipal Code regarding professional services.

Mr. Dingman briefed the Board on the item advising Arkansas law provides that certain professional services must be acquired based on the qualifications of interested firms. The type of services included in the state mandated approach include engineering, architectural, legal and financial advisory services. State law allows municipalities to add other professional services provided such is approved by two-thirds vote of the governing body. The City of Fort Smith has added external accounting, consulting, title search & insurance, graphic design, software & website development, and, advertising & video production to the list of professional services. Upon approval, the proposed ordinance will include aquatic park management & marketing services to the qualifications based procedure. A selected aquatic park management and/or marketing firm will represent the city to the citizens in a professional and respectful manner, and ensure the park is operated in an efficient and productive manner. A scope of services may include providing standard operating procedures for park operations, concession stand operations, and receipts and deposits procedures; training and scheduling staff in all positions; marketing;

May 6, 2014 Regular Meeting

and water quality.

Director Merry inquired if a “norm” exists with regard to management and/or marketing services for aquatic park facilities.

Administrator Gosack advised there are multiple options whereby some aquatic park management and marketing companies perform all or only a portion of the necessary services associated with an aquatic park. The City of Fort Smith and Sebastian County may review multiple options and consider which best suits the needs of the aquatic facility at Ben Geren Regional Park.

Settle, seconded by Lorenz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings 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. 26-14.

Item No. 8 was an ordinance authorizing an increase of the total authorized sworn officer positions to one-hundred sixty-seven (167) for the Fort Smith Police Department.

Police Department Major Mark Hallum briefed the Board on the item advising on April 17, 2014 the Fort Smith Police Department received a request from the Sebastian County Prosecuting Attorney’s office to formally assign a Fort Smith police officer to the 12th Judicial Drug Task Force on a full-time basis. Accompanying this request was an offer to provide a majority of the funding for the Fort Smith police officer’s salary and benefits in the form of a \$45,000 grant recently awarded to the Prosecuting Attorney’s Office. The grant requires a local cash match of \$11,250 that will come from the Police Department’s existing personnel budget. Upon approval, the sworn officer’s salary and benefits, to

May 6, 2014 Regular Meeting

include possible overtime, will be funded by using monies from the grant as well as local matching funds for the period of time an officer is assigned as a full-time member of the 12th Judicial Drug Task Force. Such will allow for an increase in the scope and productivity of investigations concerning individuals engaged in illicit criminal and illegal narcotic activities in Sebastian County without adversely affecting the Department's manpower issues and enhance communication between the Department and Task Force members.

Settle, seconded by Merry, moved adoption of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried. Catsavis, seconded by Settle, moved adoption of Section 7 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and the ordinance given No. 27-14.

The Consent Agenda (Item No. 9) was introduced for consideration, the items being as follows:

- A. Resolution granting a temporary revocable license for the placement of an accessible landing and ramp within a public right-of-way and authorizing the Mayor to execute agreement
- B. Resolution authorizing the City Administrator to accept an offer made by a property owner for the acquisition of real property interests for the Lake Fort Smith Water Supply (\$70,000.00 / Utility Department / Budgeted - 6505 Capital Improvement Fund)

Weber, seconded by Merry, 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-47-14 through R-48-14 respectively.

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

May 6, 2014 Regular Meeting

▶ Mayor Sanders

- Re: 1. Announced the monthly Town Hall Meeting will be held immediately following adjournment and encouraged those wishing to speak to sign-in at the City Clerk's desk.
2. Noted early voting has begun for the May 20, 2014 election; therefore, he encouraged all to take advantage and "vote early".

▶ Director Weber

Re: Extended much appreciation to all who participated and were involved with the Great American Cleanup event hosted by Beautify Fort Smith on Saturday, April 26th. Approximately 250 citizens met in the Central Mall parking lot to obtain supplies and disbursed to clean up major corridors throughout the city, the river front and downtown. She noted several organizations, groups and individuals that participated and also noted special recognition the Sanitation and Police Departments for their assistance.

Mayor Sanders extended much appreciation to Beautify Fort Smith for coordinating the event, with special recognition to Director Weber.

There being no further business to come before the Board, Settle 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 6:29 p.m.

APPROVED:



MAYOR

ATTEST:



CITY CLERK, acting