

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ NOVEMBER 4, 2014 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Mayor announced that tonight's meeting is the first to be streamed live on the internet and welcomed viewers. Invocation was given by Reverend Odell Curtis with God's House of Prayer, 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 October 21, 2014 regular meeting were presented for approval. Settle, seconded by Merry, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

The Mayor, Board of Directors and Administration recognized Mr. J.W. Taylor, recipient of the Knowlton Award by the Military Intelligence Corps Association (Item No. 1). The Knowlton Award recognizes individuals who have contributed significantly to the promotion of Army Military Intelligence in ways that stand out and must also demonstrate the highest standards of integrity and moral character.

Item No. 2 was a presentation of proposed 2015 Budget.

Director of Finance Kara Bushkuhl 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 13 & 17 at 6:00 p.m. each evening in the Bartlett Community Room of the Fort Smith Police Department.

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Director Catsavis inquired if a portion of the upcoming street sales tax proceeds could be used for step increases for city employees.

Mayor Sanders advised such discussion will take place at the noted budget review sessions.

Ms. Bushkuhl reiterated the matter is scheduled to be discussed at the budget hearings; however, if such is done, the intended use of said sales tax proceeds must be included within the ballot title.

Director Weber inquired when the Board would receive the figures for street sales tax revenues.

Mr. Gosack advised the options for providing pay adjustments and pension funding will be presented later this week or early next week. Although already discussed at the October 28, 2014 study session, the dedicated use of street sales tax revenue can be readdressed if requested.

Director Merry requested figures that reflect the increase of business license and franchise fees whereby Ms. Bushkuhl advised such is already included in the options to be discussed at the budget hearings.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map (*from Residential Multi-Family Medium/High Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by extension located at 2000-2100 South "R" Street; 2105-2115 South "R" Street; 2119-2222 South "R" Street; 2000-2209 South "S" Street; 2212-2219 South "S" Street; 2221-2223 South "S" Street; 2230 South "S" Street; 2000-2423 South "T" Street; 2000-2225 South "U" Street; 1822-2201 South 21st Street; 1800-2017 South 22nd Street; 1822-2208 South 23rd Street and 1913-1915 Jenny Lind Road*)

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Director of Development Services Wally Bailey briefed the Board on the item advising such is per the petition of Valerie Lewis, agent. The purpose of the rezoning request is for a corrective rezoning to reflect how this area has developed and to exclusively allow single family development. A neighborhood meeting was held September 25, 2014, with two (2) individuals speaking in opposition to the rezoning and requested their properties be removed from the rezoning request. The Planning Commission held a public hearing on October 14, 2014 with approximately 30 individuals present in support of the rezoning. Two (2) individuals spoke in opposition to the request, as well as Mr. Jim Horton, who requested two (2) of his rental properties located at 2104 South "R" and 2220 South "S" Streets be removed from the rezoning request. The Planning Commission amended the rezoning request by a unanimous vote to remove the two (2) above noted properties from the request. The Planning Commission approved the amended rezoning request by a vote of six (6) in favor and one (1) opposed (Redd).

The following individuals were present to address the Board.

- Valerie Lewis
Fort Smith, AR

Re: Spoke in favor of the item advising she represents the group of approximately a dozen property owners, who shared the expense of the application process whereby she recognized all those in attendance to support approval of the item. She commended the Planning Department for outstanding customer service, specifically Senior Planner Maggie Rice. She further expressed the group's strong support of the item citing such will allow them to maintain the community atmosphere the neighborhood currently maintains.

- Kevin King
Fort Smith, AR

Re: Requested his duplex at 2208 & 2210 South "R" Street be removed from consideration. He advised

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after doing some research, if his property was to be substantially damaged in a fire, he would not be authorized to rebuild as it currently is.

Director Catsavis inquired how many duplexes are included in the rezoning and questioned the time frame an owner would have to rebuild if the property was damaged by more the 50%.

Mr. Bailey advised he did not have a solid number of duplexes included in the rezoning; however, a property owner would have up to one (1) year to apply for a conditional use permit that would allow them to rebuild after detrimental damage to a structure.

Director Good questioned what option a property owner of a multi-family structure has to change the zoning if such is desired after passage of this ordinance whereby Mr. Baily advised such would require a new rezoning application.

Lau, seconded by Settle, moved to amend the ordinance to remove 2208 & 2210 South "R" Street from the ordinance. The members all voting affirmatively, the Mayor declared the motion carried.

Settle, seconded by Merry, 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. 60-14.

Item No. 4 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 Residential Attached / Rezoning: from Transitional (T) to*

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Residential Multi-Family Medium/High Density (RM-3) by extension located at 3507 & 3515 South 66th Street)

Mr. Bailey briefed the Board on the item advising such is per the petition of Bransen Harris, agent. The purpose of the requests is to allow for a multi-family development consisting of seven (7) duplexes and one (1) single family home. The development would have a total of fifteen (15) dwelling units with thirty-two (32) parking spaces, and landscaping along South 66th Street and Sunchase Lane. A neighborhood meeting was held August 21, 2014 with no individual present to speak in opposition. The Planning Commission held a public hearing on October 14, 2014 with the Ms. Moore, Paul Chastain, Sue Arter and Claudia Sanchez present in opposition to the request citing concerns relative to property devaluation, traffic safety and drainage. The Planning Commission approved the Master Land Use Plan amendment by a vote of five (5) in favor and two (2) opposed (Howard & Redd). The Planning Commission unanimously amended the rezoning request to make approval subject to all construction being built in accordance with the submitted development plan. The amended rezoning request was approved by a vote of five (5) in favor and two (2) opposed (Howard & Redd). The Planning Commission also considered approval of the development plan for the site whereby the Planning Commission amended such to make approval of the development plan subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All exterior lighting must comply with Section 27-602-5 of the Unified Development Ordinance.
- The drainage shall be approved by the City Engineering Department.

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The Planning Commission approved the amended development plan by a vote of five (5) in favor and two (2) opposed (Howard & Redd).

Director Settle expressed concern with drainage issues and inquired if drainage issues had been addressed.

Mr. Baily advised the Engineering Department has evaluated a preliminary plan; however, such will require more in depth evaluation. The applicant has been advised that a final approval has not been granted on the drainage project and such must be approved prior to the approval of a building permit.

Director of Engineering Stan Snodgrass advised the plans submitted shows a detention basin in the southeast corner; however, a full drainage plan has not been submitted. Such will be more closely reviewed upon receipt of the final drainage plan.

Mr. Bransen Harris, agent, addressed the Board advising he's aware the drainage portion of the development has not been approved and a detention pond will be necessary. He conveyed much willingness to make any concession necessary to ensure the development proceeds.

Director Weber inquired if rezoning are typically approved before the drainage issues are addressed and inquired how much more dense the development will be since the current zoning would allow duplexes. She further expressed concern that only two (2) spaces are allotted per dwelling citing such does not allow any parking spaces for guests thereby creating parking issues.

With regard to rezoning approval prior to drainage review, Mr. Baily advised the drainage issues can be costly; therefore, developers typically request rezoning approval prior to expending money to develop the drainage portion of the development. With regard to other duplexes in the area, he advised the current zoning allows only one (1) duplex per lot and is unaware of the intended density.

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With regard to parking, Mr. Harris advised the intent is for parking to be hidden from street view and provide for a more aesthetically pleasing development. Since current zoning would only allow one (1) duplex per lot and the driveways would have to be in front of every duplex, such is not the look the developers are trying to achieve; therefore, such is why the one (1) large parking lot is proposed.

Lau, 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. 61-14.

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

- A. Resolution to accept the bid and authorize a contract for the construction of South 7th Street and Parker Avenue Overlay/Reconstruction and Trolley Extension, Project No. 14-90-A (*\$713,760.00 / Engineering Department / Budgeted – Sales Tax Program Fund*)
- B. Resolution authorizing engineering services agreements for the design of projects in the 2015 Sales Tax Program (*\$164,800.00 / Engineering Department / Budgeted – Sales Tax Program Fund*)
- C. Resolution authorizing the Mayor to execute a correction for the electric utility easement with OG&E for the aquatic facility at Ben Geren Regional Park
- D. Resolution accepting the bid and authorizing the Mayor to execute a contract with Turn Key Construction, Inc. for asbestos abatement and renovations to the administrative wing of Fire Station No. 1 (*\$237,477.00 / Fire Department / Budgeted – 2012 Sales and Use Tax Bonds & 4803 Capital Funds*)

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Catsavis, seconded by Lorenz, 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-152-14 through R-155-14 respectively.

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

➤ Mayor Sanders

- Re: 1. Announced that there is still time to get to the polls and vote.
2. Reminded of the upcoming Veterans Day activities:
- Saturday, November 8, 2014: Veterans Day Parade at Chaffee Crossing, which begins at 12:00 Noon.
 - Tuesday, November 11, 2014: Memorial Service at the National Cemetery, which begins at 11:00 a.m.

➤ Director Catsavis

Re: Congratulated Fort Smith Police Department officers who recently received rank promotions.

➤ Director Settle

- Re: 1. Commended the University of Arkansas Fort Smith (UAFS) women's volley ball team on their 3rd consecutive conference championship. He further noted UAFS will host the Heartland Conference on November 14 & 15, 2014 at the Stubblefield Center.
2. Expressed excitement that regular meetings of the Board are now available via live stream on the internet.
3. Noted the passing of Dorance Damron and extended condolences to the family.

➤ Director Lau

Re: Requested an item be placed on the November 10, 2014 study session to allow Dennis Snow to make a presentation regarding a Steel Horse Rally in 2015.

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Director Lorenz concurred with the request; therefore, because placement requires the concurrence of two (2) members, Mayor Sanders announced such will be placed on the November 10, 2014 study session agenda.

➤ Director Weber

Re: Extended appreciation to Nancy Smerker, her church youth group, and Beautify Fort Smith for all the work that went into cleaning up the fenceline along Denny's at I-540 and Rogers Avenue, as well as the landscaping at the corner of South 21st Street and Rogers Avenue.

➤ Director Merry

Re: Announced the Christmas Honors festivities are forthcoming and noted the following:

1. Work day is Friday, December 12, 2014.
2. Wreath placement is set for Saturday, December 13, 2014 beginning at 10:15 a.m.

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 6:46 p.m.

APPROVED:


Mayor

ATTEST:


City Clerk