

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JULY 5, 2016 ~ 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 Director Don Hutchings, 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, Tracy Pennartz, Kevin Settle and Don Hutchings. 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 June 21, 2016 regular meeting was presented for approval. Lau, seconded by Lorenz, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, the Vice-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 consisted of the following items regarding annexation and land use of 11512 Old Highway 71 South:

- A. Ordinance accepting certain territory into the city of Fort Smith, Arkansas (*Rye Hill Baptist Church, 11512 Old Highway 71 South*)
- B. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Unclassified / Extraterritorial Jurisdiction Commercial Neighborhood to General Commercial / Rezoning: from not zoned (NZ) / Extraterritorial Open-1 (ETJ O-1) to Commercial Moderate (C-3) by classification located at 11512 Old Highway 71 South*)

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Director of Development Services Wally Bailey briefed the Board on the items advising Item No. 1A is per the petition of Joshua T. Carson, agent for Rye Hill Baptist Church. The purpose of the petition is to annex 2.68 acres currently located in Sebastian County, but is contiguous to the existing Rye Hill Baptist Church campus, which is located within the corporate limits of the city of Fort Smith. As required by law, the petition was first presented to the Sebastian County Assessor and County Clerk to verify the identity of the petitioner; verify there are no property owners included in the petition that do not wish to be included in the petition; verify the property is contiguous with the city of Fort Smith; and, verify that there are no enclaves created by the proposed annexation. All of the aforementioned were verified; therefore, County Judge David Hudson issued an order recommending the annexation be considered by the City of Fort Smith. The petition was also required to include a schedule of services that will be extended to the area within three (3) years after the date the annexation becomes final. The City of Fort Smith currently already provides such services to the proposed annexation area; therefore, such is not an issue. Upon approval, provided no appeal is filed in the Circuit Court within thirty (30) days, the annexation will become effective thirty (30) days after adoption of the proposed ordinance.

Per the Fort Smith Municipal Code, an annexation ordinance presented to the Board for consideration must be accompanied by a rezoning and Master Land Use Plan amendment; therefore, Item No. 1B is per the request of Nick Griffin of Mickle-Wagner-Coleman, agent for Ronnie Keener, Chairman of the Building Committee for Rye Hill Baptist Church. The purpose of the amendments is associated with the annexation of 2.68

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acres and accommodates the proposed expansion of the existing Rye Hill Baptist Church sanctuary addition, additional parking and landscaping. The Planning Commission held a public hearing on June 14, 2016 with no individual present to speak in opposition. The Planning Commission approved the Master Land Use Plan amendment subject to the submitted development plan and Board of Directors' approval of the associated annexation by a vote of eight (8) in favor, zero (0) opposed and one (1) abstention. The Planning Commission also approved the rezoning request subject to an approved conditional use application and Board of Directors' approval of the association annexation, by a vote of eight (8) in favor, zero (0) opposed and one (1) abstention.

The proposed ordinance previously distributed to the Board contained a typographical error on page 2 whereby the address was incorrectly noted as 11512 Old Highway 271 South. The ordinance has been revised to correct the address to 11512 Old Highway 71 South; therefore, the motion to adopt Item No. 1B should include "*as revised*" to reflect said correction.

Hutchings, seconded by Pennartz, moved adoption of Item No. 1A. 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. There being no Director wishing to comment and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 38-16.

Catsavis, seconded by Hutchings, moved adoption of Item No. 1B as revised to correct the address on page 2 from 11512 Old Highway 271 South to 11512 Old Highway

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71 South. The motion also 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. There being no Director wishing to comment and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 39-16.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*from Industrial Light (I-1) to Industrial Moderate (I-2) by extension located at 400 Phoenix Avenue*).

Mr. Bailey briefed the Board on the item advising such is per the request of Ron Brixey, agent for William Lovvorn. The purpose of the rezoning request is to bring the current use of the property into compliance with existing zoning requirements and to facilitate expansion of an existing pallet-making business with an approximate 22,000 square feet addition. The Planning Commission held a public hearing on June 14, 2016 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of nine (9) in favor and zero (0) opposed.

Lau, 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. There being no Director wishing to comment and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 40-16.

Item No. 3 was a resolution authorizing execution of telecommunications services

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agreement with Cox Arkansas Telcom, LLC (\$18,386.75 / Information & Technology Department / Budgeted - Communications 4401-210).

Director of Information and Technology Russell Gibson briefed the Board on the item advising the City is currently under contract with AT&T for provision of Wide-Area-Network (WAN) and Internet services. The existing, five (5) year contract expires on November 15, 2016. On April 16, 2016 the City's Information & Technology Services (ITS) Department released a request for proposals (RFP) soliciting responses from qualified providers of these services in anticipation of the expiration of the existing AT&T contracts. Three (3) responses were received, i.e. AT&T, Cox Communications and Newroads Telecom. All three (3) vendors were selected for on-site interviews and invited to perform a formal presentation related to their respective organization's RFP response. Upon approval, the proposed contract for telecommunications services has the potential for a projected, three (3) year cost savings of approximately \$435,501 compared to existing contracts for like-services.

Pennartz, seconded by Good, moved adoption of the resolution.

Director Pennartz complimented the ITS Department for the manner in which the savings was conveyed to the Board and communicated much appreciation for their diligence in pursuing savings and efficiency of taxpayer dollars.

The motion remaining on the floor, the members all voted affirmatively with the exception of Director Settle, who abstained, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-99-16.

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Item No. 4 was a resolution authorizing an amendment to an agreement with River Valley Sports Complex altering the language of the draw schedule.

City Administrator Carl Geffken advised the item was requested by the River Valley Sports Complex (RVSC). The proposed amendment specifically addresses Sections 7 & 8 of the Amended Agreement, which currently read as follows:

Section 7. Upon completion of one four-field complex, including all playing surfaces and irrigation, the city shall make a payment to the Seller in the amount of \$150,000.

Section 8. Upon completion of the second four-field complex, including all playing surfaces and irrigation, the City shall make payment to the Seller in the amount of \$150,000.

The RVSC has indicated that, in hindsight, the above provisions are inefficient in terms of building all eight (8) fields at the same time. The requested modification is to allow RVSC to receive one (1) draw of \$150,000 upon completion of infield surfaces and topsoil work on all eight (8) fields, which are nearing completion. The subsequent request then would be to receive the second draw of \$150,000 upon completion of all irrigation and sod work on the playing surfaces of all eight (8) fields. The overall purpose is for efficiency in scheduling the contractors, particularly the dirt, irrigation, and sod contractors. The proposed amendment does not alter the total obligation of \$1.6 million from the City and it does not alter the estimated completion date; therefore, staff maintains no objection to the request.

Lorenz, seconded by Settle, moved adoption of the resolution.

Director Catsavis expressed concern with the item and requested confirmation \$1.6 million included the dirt work to be completed by the Army National Guard (Guard). If not,

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since the Guard did not get to complete the dirt work, he inquired how the RVSC will make up the difference. He further questioned if the previously authorized amount included completion of the parking lot.

Mr. Lee Webb of RVSC confirmed the \$1.6 million included the cost for dirt work that the Guard could not accomplish in their allotted time to be on site. As noted, the Guard did not get to complete the amount of dirt work anticipated; however, the RVSC maintained enough funds from other less-than-anticipated expenses to cover the cost of the uncompleted dirt work. With regard to the parking lot, due to the number of large trucks still utilizing the area to complete other phases of the project, construction will not be initiated until no large trucks will be in the area. Regardless, such is the *“only hang up”* to complete the project with the originally allotted funds; however, he currently anticipates enough funding will remain to complete construction of the parking lot.

Director Pennartz questioned the anticipated date of completion and when games are expected to commence.

Mr. Lee advised the anticipated date of completion is July 31st citing the top soil should be placed on the infields this week, and construction of the fences should be initiated and completed the following week. The complex is expected to be play-ready this fall, but anticipates games will commence next spring.

The motion remaining on the floor, the members all voted affirmatively with the exception of Director Catsavis, who abstained. The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-100-16.

Mayor Sanders opened the Officials Forum with the following wishing to comment:

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▶ Mayor Sanders

- Re:
1. Extended much appreciation to all who attended the Mayor's 4th of July Celebration, as well as all those involved in coordinating the event.
 2. Reminded all of the Annual Mayor's Prayer Breakfast scheduled for 6:15 a.m., Friday, July 15th at the Executive Hotel.
 3. Announced the Municipal Primary Election for City Director candidates in Ward 4 will be held on Tuesday, August 9, 2016.
 4. Extended congratulations to Mars Petcare, who has recently converted to a "zero landfill" participant, citing everything used at the facility is now recycled. Due to such, the City has lost a landfill customer; however, such will extend the life of the landfill, which will benefit the city of Fort Smith in the long-run.
 5. Announced the monthly Town Hall meeting will be held immediately following adjournment.

▶ Director Hutchings

Re: Conveyed much appreciation to Mayor Sanders for the Mayor's 4th of July Celebration.

▶ Director Settle

- Re:
1. Extended a "Happy 19th Anniversary" to his wife, Teri.
 2. Conveyed much gratitude to the Mayor and Board, as well as all those who attended, for their attendance at Exide Technologies (his employer) groundbreaking ceremony recently held on June 28th.

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- ▶ Director Pennartz

Re: Advised of a recent “*big bang*” in the vicinity of her front yard, which prompted her to go outside and determine the cause of such. She soon met Sam, a City of Fort Smith Utility Department employee, who provided a detailed explanation of the project. Due to such, she provided a “*shout out*” to Sam in appreciation for his time and effort to carefully explain the work being performed.

- ▶ Administrator Geffken

Re: Reiterated much appreciation to the Mayor for the Mayor’s 4th of July Celebration citing “*the fireworks were wonderful*” and it was “*great to see the number of people*” in attendance.

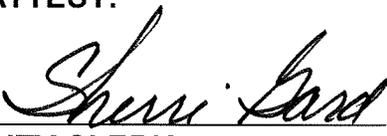
There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Pennartz and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:22 p.m.

APPROVED:



VICE-MAYOR

ATTEST:



CITY CLERK