

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ AUGUST 2, 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, George Catsavis, Tracy Pennartz, Kevin Settle and Don Hutchings; absent - Director Mike Lorenz. 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.

On behalf of the Board of Directors, City staff and citizens of Fort Smith, the Mayor extended condolences to Director Don Hutchings upon the recent passing of his beloved brother, Dino Hutchings.

The minutes of the July 19, 2016 regular meeting was presented for approval. Pennartz, seconded by Settle, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

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 rezoning identified property and amending the zoning map (*from Transitional (T) to Residential Single Family Medium/High Density (RS-3) by classification located at 1216 Hendricks Boulevard; and, from Residential Single Family*

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Duplex Low/Medium Density (RSD-2) to Residential Single Family Medium/High Density (RS-3) by classification located at 1216, 1220, 1314, 1402, 1404, 1414, 1510, 1514, 1516 and 1528 Hendricks Boulevard and 1531 South 37th Street; and, from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Single Family High Density (RS-4) by extension located at 1411, 1415, 1503, 1507, 1509, 1532 Hendricks Boulevard and 3909, 3911 and 3915 South "N" Street and 1404, 1405, 1408, 1409, 1414, 1415, 1500, 1505, 1508, 1510, 1515, 1516, 1517, 1520, 1521, 1525, 1529, 1530, 1531 and 1532 South 40th Street and 1535 South 37th Street) ♦ Future Fort Smith Item

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Linsey Yates and Brian Means. The purpose of the proposed neighborhood rezoning is to eliminate the possibility of future duplexes in the subdivision by requesting a district that allows only single-family residential dwellings. A neighborhood meeting was held on June 28, 2016 with approximately sixteen (16) property owners in attendance and all were in favor of the proposed rezoning. The Planning Commission held a public hearing on July 12, 2016. Mr. Dennis Rupp was in attendance at the public hearing to ensure his properties, which contain duplexes, were not included within the rezoning request; however, no individual was present to speak in opposition. The Planning Commission approved the rezoning request by a vote of seven (7) in favor and zero (0) opposed.

Subsequent to Planning Commission approval, the property located at 1533-1535 South 40th Street was discovered to be inadvertently included within the request; however, such was not intended to be included as such currently contains duplexes. The applicant

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did not intend to include any property that currently maintains a duplex; therefore, requested the address of 1533-1535 South 40th Street be removed from the application. The aforementioned property has been removed as requested and such is not included within the proposed ordinance.

Settle, seconded by Hutchings, moved approval of the item. 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.

Prior to the vote, Director Lau questioned if Lots 5, 6 and 7 on the map previously provided are the lots discovered to be have been inadvertently included.

Mr. Bailey clarified the subject lots on the map are those that were excluded from the original application. The address of 1533-1535 South 40th Street were removed after creation of the map, but excluded from the proposed ordinance.

Upon approval, if a property owner of a single-family structure within the subject area wished to construct a garage apartment, Director Catsavis questioned if such would be permitted.

Mr. Bailey confirmed that, upon approval, such would not be permitted as the requested zoning classification allows only single-family dwellings.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 42-16.

Item No. 2 was an ordinance rezoning identified property and amending the zoning

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map (*from Commercial Heavy (C-5) to Transitional (T) by extension located at 1208 & 1216 Mesa Drive*).

Mr. Bailey briefed the Board on the item advising such is per the request of J. D. Sagely. The purpose of the proposed rezoning is to allow for the sale of and development of duplexes on each lot. A neighborhood meeting was held on Monday, June 27, 2016 with no neighboring property owners in attendance. The Planning Commission held a public hearing on July 12, 2016 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of six (6) in favor, zero (0) opposed and one (1) abstention.

Good, 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 on the item and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 43-16.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map (*from Commercial Heavy (C-5) to Residential Single Family Medium Density (RS-2) by extension located at 5900 South 92nd Street*).

Mr. Bailey briefed the Board on the item advising such is per the request of Josh Carson, agent for Sam Glen Properties. The purpose of the proposed rezoning is to allow the property owner to convert the existing building and property into a residential, single-family dwelling. A neighborhood meeting was held on Wednesday, June 15, 2016 with five

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(5) neighboring property owners in attendance; however, no opposition was conveyed. The Planning Commission held a public hearing on July 12, 2016 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of seven (7) in favor, zero (0) opposed and one (1) abstention.

Settle, seconded by Pennartz, 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 on the item and the members present all voting affirmatively, with the exception of Director Lau who abstained, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 44-16.

The consent agenda (Item No. 4) consisting of the following items was presented for consideration:

- A. Ordinance authorizing the appropriation of donated funds for Fire Department equipment purchases (*\$35,528.00 / Fire Department / Not Budgeted - Unobligated balance of the General Fund*)
- B. Resolution accepting Change Order No. 1 with Rodebush Construction, Inc. for construction of the press box and dugouts at Martin Luther King, Jr. Park (*\$350.00 / Parks Department / Budgeted - 1/8% Sales and Use Tax & Arkansas Department of Parks and Tourism Grant*)
- C. Resolution accepting completion of and authorizing final payment to Rodebush Construction, Inc. for construction of the press box and dugouts at Martin Luther King Jr. Park (*\$5,987.50 / Parks Department / Budgeted - 1/8% Sales and Use Tax & Arkansas Department of Parks & Tourism Grant*)

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- D. Resolution naming the softball field at the Martin Luther King Jr. Park, *Grizzly Field*, and the press box, *Lawrence "Buzz" Wood Press Box*
- E. Resolution authorizing the Mayor to execute a lease agreement with the Special School District of Fort Smith for the softball field at Martin Luther King, Jr. Park
- F. Resolution authorizing the acquisition of real property interests for the Lake Fort Smith 48-Inch Water Transmission Line, Project No. 08-07-P (\$6,450.00 / *Utility Department / Budgeted - 2012 & 2014 Sales and Use Tax*) ♦*Future Fort Smith Item*

With regard to Item No. 4D, Mayor Sanders recognized Mrs. Lawrence "Buzz" Wood and extended appreciation for her attendance.

Hutchings, seconded by Catsavis, moved adoption of all consent agenda items.

Prior to the vote and regarding Item No. 4A, Director Pennartz requested a brief explanation of the item.

Fire Chief Phil Christensen addressed the Board acknowledging Assistant Fire Chief Boyd Waters for his initiative to talk to and apply for a grant from Firehouse Subs. He and Assistant Chief Waters met with Firehouse Subs and conveyed their desire to obtain the subject equipment. The Department participated in a grant process, which included submitting an online application and was awarded the much needed funds. The grant, along with a donation from Shared Services Center, is what makes the subject purchases possible. The aforementioned donation was initiated by Shared Services Center after meeting with the City of Fort Smith fire marshals, citing they "*fell in love with the fire marshals*" and wanted to do something to help the Department; therefore, the entity held multiple fundraisers, which resulted in an approximate \$15,000 donation. He expressed

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much appreciation to both entities for their contributions and support of the Fort Smith Fire Department.

Director Pennartz extended appreciation to the Fire Department for its initiative to apply for the subject grant and also conveyed much gratitude to Firehouse Subs and Shared Services Center for their contributions. She further noted her attendance at the "National Night Out" event at the Convention Center prior to the meeting citing the fire marshals were there displaying and explaining how to use the rescue equipment to attendees.

With regard to Item No. 4D, Director Settle extended much appreciation to all involved with bringing the softball field at Martin Luther King Jr. Park to fruition. He further conveyed much honor with having *Grizzly Field* and *Lawrence "Buzz" Wood Press Box* on the north side of the city citing he'll be in attendance at the first game!

City Administrator Carl Geffkin invited Mrs. Wood to make a comment if she so desired; therefore, the following individual addressed the Board:

- Mrs. Lawrence "Buzz" Wood

Re: Advised her late husband dedicated approximately sixty-two (62) years of service to the Boys and Girls Club citing his passion was being a mentor to young men. She conveyed much appreciation to the Board for its consideration of naming of the subject press box after her late husband stating, "*the family is honored.*"

With regard to Item No. 4F, which authorizes settlement of an eminent domain proceeding, Director Pennartz indicated another property was previously included for acquisition for the subject project; however, only one (1) property is included in the

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proposed resolution. Due to such, she inquired if acquisition of the other property has already been resolved and if so, she further inquired of the associated cost.

Interim Director of Utilities Bob Roddy conveyed much assurance the acquisition of the other property has been resolved; however, he will confirm and provide the requested associated cost for such.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the ordinance and resolutions adopted with the ordinance given Ordinance No. 45-16 and the resolutions numbered R-107-16 through R-111-16 respectively.

Mayor Sanders announced the monthly Town Hall meeting will be held immediately following adjournment; therefore, he encouraged those wishing to address the Board in said meeting to sign-in at the City Clerk's desk.

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

- Mayor Sanders

Re: Announced early voting began today for the upcoming election (Tuesday, August 9th) for the position of City Director in Ward 4. He further advised of an issue on the same ballot for Sebastian County residents, excluding Fort Smith, regarding ambulance services and encouraged all to participate in the election.

- Director Hutchings

Re: Extended much appreciation to the Board and community for the outpouring of affection upon the loss of his brother, Dino Hutchings.

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- Administrator Geffken

Re: Noted the "Pokemon Go" event held in Tilles Park on Friday, July 29th was a great success with 157 registered trainers and an estimated 350 citizens (ages 5 to 55) participating. Due to the aforementioned success, another "Pokemon Go" event has been scheduled for 5:00 to 9:00 p.m., Saturday, August 20th at the River Park. Registered trainers are anticipated to again be in attendance and the City is working on having food vendors available. He encouraged all to attend and extended much appreciation to Parks Department staff for their work associated with hosting the event.

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 present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:22 p.m.

APPROVED:



Sandy Sanderson
(MAYOR)

ATTEST:



Shimi Gora
CITY CLERK