

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ NOVEMBER 16, 2010 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Ray Baker, 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 Steve Tyler, Andre' Good, Don Hutchings, George Catsavis, Gary Campbell and Kevin Settle; absent - Director Cole Goodman. The Mayor declared a quorum present.

The Mayor inquired if any Board member had an item of business to present that was not already on the agenda. There was none presented.

The minutes of the November 2, 2010 regular meeting were presented for approval. Settle, seconded by Good, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

Item No. 1 consisted of the following presentations:

- Mayor Baker, the Board and Administration, presented a framed collage of photos of the Umarex facility, along with a rose, to Adam Blaylock, C.E.O. of Umarex U.S.A., Inc. to commemorate the recent opening their new Fort Smith plant.
- Mayor Baker announced that the City of Fort Smith Development Services Department was recently awarded the *2010 Community Service Award* by the International Code Council. Such recognizes the department's efforts to go above and beyond normal expectations to improve the community; therefore, he presented the plaque proclaiming same to Director of Development Services Wally Bailey.

The Mayor welcomed newly elected Ward 4 Director George Catsavis, who was sworn into office by District Court Judge Claire Borengasser prior to the meeting.

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With regard to the time limit policy for persons wishing to address the Board, Mayor Baker communicated that five (5) minutes per side would be extended on controversial items with three (3) minutes for rebuttal per side.

Mayor Baker announced that this was the time and place set for a public hearing regarding the Five-Year Consolidated Plan for Program Years 2011 - 2015 for the City of Fort Smith, Arkansas and authorizing its submission to the United States Department of Housing and Urban Development (HUD). Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of a resolution authorizing same would be given (Item No. 2).

Acting Administrator Ray Gosack briefed the Board on the item as discussed at the November 9, 2010 study session. The Community Development Advisory Committee has reviewed the proposed Five-Year Consolidated Plan and recommend its approval.

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

Director Hutchings commented on the multiple avenues utilized to ensure public notification of the proposed plan; therefore, he expressed much appreciation to Community Development staff for their notification efforts.

Director Good noted the plan includes funding for homeless services; therefore, he requested staff provide clarification that said funding does not come from the City's General Fund.

Mr. Gosack clarified such and noted that said services are made possible due to an allocation from the federal government for Community Development Block Grant purposes, of which homeless services are an authorized use.

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Settle, seconded by Good, moved approval of the resolution. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-201-10.

Mayor Baker announced that this was the time and place set for a public hearing to certify to the Sebastian County Tax Collector delinquent property cleanup liens. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of an ordinance authorizing same would be given (Item No. 3).

City Clerk Cindy Remler briefed the Board on the item. The ordinance certifies \$167,269.41 in delinquent property cleanup liens associated with properties cleaned or structures demolished by the City of Fort Smith. Such is approximately \$10,000 more than was certified in 2009 and consists of 210 properties with 176 property owners. Hearings were held before the Property Owners Appeal Board (POAB) on September 27th and 29th, with three (3) individuals present to appeal the liens. Upon approval, the ordinance will be forwarded to the Sebastian County Tax Collector and the liens placed on the tax records for 2010, to be collected in 2011. Each lien includes a 10% penalty. The motion for approval of the ordinance should include removal of those liens which have been paid since preparation of the ordinance for the meeting packet.

The following individual was present to address the Board:

- Loren and Peggy Schmidt
4100 Morris Drive

Re: Advised they recently purchased the property from Arkansas State Lands and was unaware of the liens included within the proposed ordinance. Multiple liens were paid at the time of the purchase; therefore, they alleged payment to the City should have been received.

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The subject cleanings took place prior to their ownership; therefore, they requested a reduction in the fees and conveyed opposition to the amounts due citing the fees are "excessive".

At the request of Director Good, Ms. Remler briefly reviewed the appeal process and verified that the aforementioned payment had been received; however, such payment was for cleanings in past years and not the cleanings included within the proposed ordinance. All notifications regarding the appeal hearings were forwarded to the previous owner, Enterprise Corporation of the Delta, which all notifications were returned unclaimed.

Neighborhood Services Supervisor Rick Ruth advised that notices from his department were also forwarded to the previous owner and returned unclaimed as well; however, as required by law, a notice was also posted on the property. He noted that the property has been cleaned multiple times since 2006; however, no property cleanup violations have occurred since the Schmidt's ownership.

After brief discussion, Ms. Remler advised the Schmidt's did not attend the public hearings; however, POAB Chairperson Karen Lewis, who was in attendance, indicated the POAB is scheduled to meet on December 13. If the Board so desires to remove the property from the ordinance and refer back to the POAB for consideration, an appeal could be heard at that time. If the POAB determines the liens should remain in tact and be certified to the Sebastian County Collector for collection, an additional ordinance authorizing same could be presented for consideration at the December 21, 2010 regular meeting.

- Louis Vincent
312 North 33rd Circle

Re: Conveyed no opposition to the abatement process; however, he encouraged equal enforcement for all property owners. *(Note: Mr. Vincent did not have a property included within the proposed ordinance.)*

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

Several members of the Board concurred that the matter be referred back to the Property Owners Appeal Board; however, Hutchings, seconded by Catsavis, moved adoption of the ordinance in its entirety. 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 motion further included a provision to allow the removal of liens that have been paid since preparation of the ordinance. The City Clerk read the ordinance for its readings and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 59-10.

Item No. 4 was an ordinance amending Ordinance No. 24-10 and setting the location and time for regular meetings of the Board of Directors for the year 2011

Settle, seconded by Catsavis, 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 present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 60-10.

Item No. 5 was an ordinance amending Section 7-71 of the Fort Smith Municipal Code to decrease the number of members on the Oak Cemetery Commission

Director of Parks and Recreation Mike Alsup briefed the Board on the item. The Oak Cemetery Commission currently consists of eleven (11) members; however, the Oak Cemetery Commission recommends the number be decreased to nine (9). The purpose of such is because the larger number is simply not needed to make recommendations for

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the operation and maintenance of the cemetery, which is an integral duty of the Oak Cemetery Commission. Such is a good time to consider the recommendation as two (2) existing members do not wish to be reappointed.

Campbell, 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 and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 61-10.

The Consent Agenda (Item No. 6) was introduced for consideration, the items being as follows:

- A. Resolution appointing Acting City Administrator
- B. Ordinance declaring exceptional circumstance and authorizing continuation of agreement with Data-Tronics Corporation
- C. Resolution establishing tennis court usage fees for the Creekmore Park Tennis Center and superseding Resolution No. R-16-06
- D. Resolution authorizing partial payment to Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant - Contract 3 (\$1,260,718.84)

Regarding Item No. 6B, Director Tyler requested staff review the feasibility of obtaining the necessary software to provide in-house data processing services for 2012.

Campbell, seconded by Catsavis, moved approval of all consent agenda items. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinances and resolutions were adopted with the ordinances numbered 57-10 and 58-10 respectively and the resolutions numbered R-197-10 through R-200-10 respectively.

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

▶ Acting Administrator Gosack

Re: Reminded those in attendance of the retirement reception for City Clerk Cindy Remler. Such will be held on Thursday, November 18, 3:00 p.m. to 6:00 p.m. at the Fort Smith Convention Center. Formal presentations will occur at 4:30 p.m.

▶ Director Good

Re: Extended much appreciation to the Sanitation Department for the recent city-wide cleanup citing such has been an asset to the residents of Fort Smith.

The executive session was held and after reconvening, Mayor Baker announced the following appointment nominations:

AUDIT COMMITTEE

Director Don Hutchings (reappointment)

Director Kevin Settle (reappointment)

Ken Pyle (reappointment)

Lavon Morton (reappointment)

Terms expire November 30, 2013

BUILDING BOARD OF ADJUSTMENT AND APPEALS

Evan Fleming (reappointment)

Term expires November 30, 2014

OAK CEMETERY COMMISSION

Joseph S. Irwin (reappointment)

Pam Weiler (reappointment)

Joel Scott Stubblefield (reappointment)

Terms expire November 30, 2013

Settle, seconded by Campbell, moved acceptance of the appointment nominations.

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 in Citizens Forum, Mayor Campbell communicated that two (2) minutes will be allotted to

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each person wishing to speak.

Mayor Baker opened the Citizens Forum with the following individuals present to address the Board:

- Louis Vincent
312 North 33rd Circle

Re: Encouraged the City resubmit the request for participation in the I.C.E. Program, which would provide education and necessary certification to Fort Smith Police Officers to address illegal immigration.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Catsavis and the members present all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned.

APPROVED:



Mayor

ATTEST:


CITY CLERK