

**MINUTES OF BOARD OF DIRECTORS REGULAR MEETING**

**TUESDAY ~ JANUARY 4, 2011 ~ 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 Steve Tyler, Andre' Good, Don Hutchings, George Catsavis, Pam Weber, Kevin Settle and Philip Merry. 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 December 21, 2010 regular meeting were presented for approval. Mayor Sanders advised that pages 8 and 10 were revised to replace "Mayor Baker" with "Vice-Mayor Campbell". Settle, seconded by Tyler, moved approval of the minutes as revised. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 was an ordinance rezoning identified property and amending the zoning map (Commercial-5 to Industrial Light (I-1) by Extension / 7201 South 28<sup>th</sup> Street)

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Steve Beam. The purpose of the request is for the continued use of the property as a construction yard. The Planning Commission held a public hearing on December 14, 2010 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of seven (7) in favor and zero (0) opposed.

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Director Weber advised she served on the Planning Commission during consideration of this item, as well as Items No. 2, 3 & 4 on the agenda; therefore, she announced her intent to abstain from voting on each ordinance.

Hutchings, 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 all voted affirmatively, with the exception of Director Weber who abstained. Mayor Sanders declared the motion carried and the ordinance was adopted and given No. 1-11.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (Commercial-2 to Commercial-5 by Extension / 7601 Rogers Avenue)

Mr. Bailey briefed the Board on the item advising such is per the request by John Alan Lewis, agent. The purpose of the request is to allow the applicant to operate a movie lounge which includes a movie theater and restaurant. The application was previously presented to the Board of Directors for consideration in 2010; however, such was withdrawn pending unresolved issues with adjacent property owners. A neighborhood meeting was held on Monday, November 29, 2010 with no adjacent property owners in attendance. The Planning Commission held a public hearing on December 14, 2010 with no individual present to speak in opposition. The Planning Commission unanimously amended the request to make approval subject to the following:

- Twenty-five foot no development buffer strip of land along the northern boundary
- No outdoor storage will be permitted

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The Planning Commission approved the amended request by a vote of six (6) in favor, zero (0) opposed and one (1) abstention (Lau).

Due to the requirement for no outdoor storage, Director Good inquired if the property owners were agreeable to such and questioned when construction will be initiated.

Mr. Alan Lewis, agent, and Mr. Blake Curry, owner, conveyed no objection to the outdoor storage requirement. The contractor has already been selected and construction is anticipated to begin in February 2011.

Settle, seconded by Hutchings, 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 voted affirmatively, with the exception of Director Weber who abstained. Mayor Sanders declared the motion carried and the ordinance was adopted and given No. 2-11.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map (Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial-2 (ETJ I-2) by Classification / 5705 Steephill Road)

Mr. Bailey briefed the Board on the item advising such per the request of Nick Glidewell, agent. The purpose of the rezoning is to allow the existing business to operate in compliance with the Extra-Territorial Jurisdiction zoning ordinance. The Planning Commission held a public hearing on December 14, 2010 with no individual present to speak in opposition. The Planning Commission approved the rezoning by a vote of seven (7) in favor and zero (0) opposed.

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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 all voted affirmatively, with the exception of Director Weber who abstained. Mayor Sanders declared the motion carried and the ordinance was adopted and given No. 3-11.

Item No. 4 was an ordinance rezoning identified property and amending the zoning map (Commercial-2 to Commercial-5 by Extension / 4798 Old Greenwood Road)

Mr. Bailey briefed the Board on the item advising such is per the request of Kevin Keefner, agent. The purpose of the rezoning is to allow the property owner to relocate an existing billboard sign. The widening of Old Greenwood Road and Phoenix Avenue intersection by the Arkansas Highway and Transportation Department (AHTD) requires removal of the sign and the existing zoning will not allow the relocation. The Planning Commission held a public hearing on December 14, 2010 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of seven (7) in favor and zero (0) opposed.

Settle, seconded by Tyler, 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 voted affirmatively, with the exception of Director Weber who abstained. Mayor Sanders declared the motion carried and the ordinance was adopted and given No. 4-11.

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Item No. 5 was an ordinance changing meeting time and location of the February 1, 2011 Board of Directors meeting

Acting Administrator Ray Gosack briefed the Board on the item advising such changes the time and location of the February 1, 2011 regular meeting to 12:00 Noon at the Elm Grove Community Center. The meeting is being rescheduled to accommodate members of the Board who wish to attend the bi-annual reception with state legislators hosted by the Chamber of Commerce the evening of February 1. Ordinances do not go into effect until 30 days after their adoption unless the ordinance contains an emergency clause. Since February 1 is less than 30 days from the date of passage (January 4) and to ensure compliance, the ordinance has been revised to include the required emergency clause.

Director Good inquired if the meeting will be televised live whereby Mayor Sanders noted that such will not occur; however, it will be videotaped and rebroadcast on the City Access Channel at the regularly scheduled times.

Hutchings, seconded by Merry, moved adoption of the ordinance as revised. 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. Settle, seconded by Good, moved adoption of Section 2 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 5-11.

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

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- A. Resolution urging the United States Postal Service to continue operating mail processing services in Fort Smith
- B. Resolution to accept the bids and authorize contracts for the construction of Chad Colley Boulevard Extension, Project 10-00-A (\$3,161,802.15)
- C. Resolution accepting bid for the replacement of energy recovery ventilation system (\$88,201.00) ~ Police Dept. ~
- D. Resolution accepting bids for the purchase of aggregates, sand, concrete, and asphalt concrete products for 2011 (annual bid)
- E. Ordinance authorizing execution of Telecommunications Services Agreements with AT&T and waiving required competitive bidding procedures
- F. Resolution accepting the project as complete and authorizing final payment to Utility Service Company, Inc., for the Fianna Hills Elevated Storage Tank Painting (\$26,150.00)

Regarding Item No. 6A, the following individual was present to address the Board:

- Thomas Henry, President of the American Postal Workers Local #1211 (APWL)  
6731 Frog Bayou Drive  
Rudy, AR 72951

Re: Presented a copy of the APWL's written position opposing the relocation of mail processing operations to Fayetteville, Arkansas. Such consolidation will cause 51 employees from Fort Smith to be relocated either to Fayetteville or other locations in the nation. Many concerns exist with regard to delivery to and from Fort Smith; however, the major concern is the time delay in receiving mail into Fort Smith. He advised of a public hearing scheduled by the United States Postal Service (USPS) for Tuesday, January 12 and urged individuals to attend.

Director Settle requested information regarding the public hearing before the USPS,

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and who citizens may contact to oppose the relocation, be posted on the City's website and City Access Channel.

With regard to Item No. 6C, Director Tyler noted that the proposed project does not utilize all the Energy Efficiency and Conservation Block Grant money awarded to the City of Fort Smith; therefore, he inquired if the remaining funds will be utilized for other city structures.

Mr. Gosack confirmed such advising the remaining grant money will be used for energy efficiency projects at multiple fire stations and the utilities facility on Kelley Highway.

Regarding Item No. 6E, Director Settle announced his intent to abstain from voting on the ordinance due to his brother being employed by AT&T.

With regard to Item No. 6F, Director Catsavis inquired if the company provides a warranty for their work and the length of such.

Director of Utilities Steve Parke affirmed that a warranty exists and conveyed much assurance the warranty is for five (5) years.

Hutchings, seconded by Tyler, moved approval of all consent agenda items. The members all voted affirmatively, with the exception of Director Settle abstaining on Item No. 6E. The Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given No. 6-11 and resolutions numbered R-1-11 through R-5-11 respectively.

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

► Mayor Sanders

Re: Requested an item be placed on the January 11, 2011 study session for a presentation regarding

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consolidation of the Advertising and Promotion Commission with the convention center.

Two (2) members of the Board of Directors must approve the requested agenda placement; therefore, Merry, seconded by Weber, moved to include the matter on the January 11, 2011 study session agenda.

▶ Director Good

Re: Extended much appreciation to Director of Parks and Recreation Mike Alsup, as well as staff, for their efforts to ensure another successful year for the Holiday Express.

▶ Director Settle

Re: Simply welcomed newly elected Mayor Sanders and Directors-at-Large Merry and Weber.

▶ Acting Administrator Gosack

Re: Advised he will be on vacation January 13 through 23 and Director of Development Services Wally Bailey will serve as Acting City Administrator in his absence.

An executive session was held and after reconvening, Mayor Sanders announced the following appointment nominations:

**ADVERTISING & PROMOTION COMMISSION**

Mayor Sandy Sanders  
Term is indefinite

**SEBASTIAN COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT**

Mayor Sandy Sanders  
*(to fill the unexpired term of former mayor, Ray Baker)*  
Term expires January 21, 2012

**VICE-MAYOR**

Kevin Settle  
Term expires December 31, 2012

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Weber, seconded by Good, moved acceptance of the appointment nominations. The members all voting aye, the Mayor declared the motion carried.

Mayor Sanders further announced the Board of Directors offered the position of City Administrator to Ray Gosack, who accepted the position, and Director Don Hutchings was selected by the Board to negotiate an employment agreement.

Merry, seconded by Catsavis, moved to appoint Ray Gosack as City Administrator. The members all voting affirmatively, Mayor Sanders declared the motion carried.

The Mayor requested a special meeting be called immediately preceding the January 11, 2011 study session to confirm the appointment and authorize execution of an employee agreement with Mr. Gosack.

Merry, seconded by Catsavis, moved acceptance of the requested special meeting. 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 in Citizens Forum, Mayor Sanders communicated that two (2) minutes will be allotted to each person wishing to speak.

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

- Eric Arthur  
815 North "B" Street

- Re:
1. Regarding adoption of building codes updated by the State of Arkansas, he questioned if the City of Fort Smith is required to adopt same.
  2. Requested confirmation that the recently adopted sewer rate increase was merely to meet bond rating requirements and that proceeds from such will not be utilized for sewer improvements.

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Director Merry advised that staff will provide a response to Mr. Arthur as soon as possible.

- Caryol Hendrick  
9306 South Shore Drive

Re: Regarding fluoridation of water provided by the City of Fort Smith, she requested the matter be placed on the January 11, 2011 study session agenda for discussion.

Mayor Sanders advised several items are already scheduled for said study session; however, if the Board so desires to address the issue, such will be scheduled for discussion at a later date.

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

APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK