

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ SEPTEMBER 6, 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 Pastor Jeff Jones of Grace Community Church, 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 H. Merry, Jr. The Mayor declared a quorum present.

Mayor Sanders urged all those who wish to address the Board of Directors during the meeting to promptly complete a speakers card and submit to the City Clerk.

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. Two (2) minutes will be allotted for consent agenda items and for those participating in the citizens forum.

The Mayor inquired if any Board member had any item of business to present that was not already on the agenda. The following requests were offered:

- Weber, seconded by Hutchings, requested a presentation regarding the plan for softball fields at Chaffee Crossing be placed on the next study session.
- Merry, seconded by Weber, requested a review of the *Mayor C. Ray Baker Endowment Fund* be placed on the September 13, 2011 study session.
- Tyler, seconded by Weber, requested Fayetteville officials be invited to discuss and present information regarding the Fayetteville Forward development plan and such be placed on the September 22, 2011 study session agenda.

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City Administrator Ray Gosack advised the agenda for said study session is full; therefore, suggested the matter be scheduled for a study session in October whereby Directors Tyler and Weber agreed to such.

The minutes of the August 16, 2011 regular meeting and August 23, 2011 special meeting were presented for approval. Settle, seconded by Hutchings, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 was a resolution regarding the City of Fort Smith joining the National Moment of Remembrance of the 10th anniversary of September 11th.

Director Merry merely conveyed support of the proposed resolution.

Hutchings, seconded by Settle, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-167-11.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*from Commercial-Heavy (C-5) to Residential Multi-Family Medium Density (RM-3) by extension located at 3003 Blair Avenue*).

Administrator Gosack briefed the Board on the item advising such is per the request of William Collige. The proposed is a corrective rezoning to allow the zoning to accurately reflect how the property has developed, and allow the property to be altered, expanded or sold as a residential property. The Planning Commission held a public hearing on August 9, 2011 with no individual present to speak in opposition. The

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Planning Commission approved the rezoning request by a vote of nine (9) in favor and zero (0) opposed.

Good, 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 voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 68-11.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map (*from Residential Multi-Family Medium Density (RM-3) to Commercial-Heavy (C-5) by extension located at 8599 Interstate 540 South*).

Administrator Gosack briefed the Board on the item advising such is per the request of Greg Simpson. The purpose of the rezoning request is to allow the property owner to install an outdoor advertising sign. A neighborhood meeting was held on August 2, 2011 with two (2) surrounding property owners in attendance; however, they conveyed no objection to the proposed rezoning. The Planning Commission held a public hearing on August 9, 2011 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of eight (8) in favor, zero (0) opposed and 1 abstention (Griffin).

Director Settle questioned the type of advertising sign proposed and requested clarification that such will not create a traffic issue for those entering Interstate 540.

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Director of Development Services Wally Bailey advised the proposed sign will be an electronic billboard and no traffic issues are anticipated as the sign will be located at the end of the on-ramp. Upon approval by the Board of Directors, the applicant must also obtain a permit from the Arkansas State Highway and Transportation Department.

Merry, 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 present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 69-11.

Item No. 4 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith.

Mr. Bailey briefed the Board on the item advising the proposed amendments are merely to correct and clarify language within the existing Unified Development Ordinance. As required by law, three (3) copies of the amendments have been on file in the City Clerk's Office for public review. The Planning Commission reviewed the proposed amendments at their August 3, 2011 study session and August 9, 2011 regular meeting. Local stakeholders, i.e. architects, engineers, developers, etc., were invited to participate in discussion during review by the Planning Commission. Many good suggestions were received and included in the proposed amendment. The Planning Commission approved the amendments by a vote of nine (9) in favor and zero (0) opposed.

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Director Catsavis requested confirmation that local stakeholders are aware of the proposed amendments and do not oppose such.

Mr. Bailey reiterated that local stakeholders participated in discussion and review of amendments and confirmed no objections have been conveyed.

Hutchings, seconded by, Weber 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. Settle, seconded by Weber, moved adoption of section 3 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. 70-11.

Item No. 5 was an ordinance amending Ordinance No. 16-08 and amending the disinterment fee for Oak Cemetery.

Administrator Gosack advised disinterment is more labor intensive requiring more equipment, manpower, and time to accomplish such. The Oak Cemetery Commission recommends the rate for disinterment be increased from \$400.00 to \$600.00 to more accurately reflect actual cost of providing said service.

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

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ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Merry, seconded by Tyler, 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. 71-11.

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

- A. Resolution urging the franchise utility companies to not install overhead utility lines along newly constructed street corridors
- B. Resolution amending Resolution No. R-159-11 relative to the purchase of water and wastewater chemicals for 2011-2012 (*Annual bid / Utilities Department / Budgeted - Water and Sewer Operating Fund*)
- C. Resolution authorizing payment to Motorola Inc. for the Radio Communications System Project (*\$142,455.50 / Police Department / Budgeted – City of Fort Smith, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008; Radio Communication Fund*)
- D. Resolution authorizing the City Administrator to enter into a work agreement with RP Systems for the radio communications system project (*\$464,777.00 / Police Department / Budgeted – City of Fort Smith, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008; Radio Communication Fund*)

Administrator Gosack advised Item No. 6C has been removed from consideration and deferred to a future meeting. Item No. 6D has been revised to request approval of an agreement relating to the Public Safety Communications System, rather than authorizing payment.

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Regarding Item No. 6A, the following individuals addressed the Board and conveyed concern with a number of issues requiring underground utility lines. Due to such, each requested consideration of the item be tabled to allow further discussion.

- Rob Ratley, manager
Oklahoma Gas & Electric (OG&E)
Fort Smith, AR
- Greg Davis, Member Services Manager
Arkansas Valley Electric Corporative
Fort Smith, AR
- Rex Terry
Legal Counsel for Arkansas Valley Electric Corporative
Fort Smith, AR

Settle, seconded by Tyler, moved to table consideration of Item 6A pending review at a future study session. The members all voting aye, the Mayor declared the motion carried.

Hutchings, seconded by Catsavis, moved adoption of all consent agenda items with the exception of Item 6A and 6C, which were removed from consideration. The motion also included approval of Item 6D as revised. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-168-11 and R-169-11 respectively.

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

- ♦ Mayor Sanders

Re: Advised of the following upcoming activities:

1. September 11th Ceremony, 12:00 Noon, Friday, September 9, 2011, Breedlove Auditorium
2. Program honoring heroes, 9:00 a.m. and 10:45 a.m., Sunday, September 11, 2011, Harvest Time Tabernacle
3. Community-wide Peace Service, 3:00 p.m., Sunday, September 11, 2011, First Methodist Church
4. Arkansas-Oklahoma State Fair, September 23 through October 1, 2011.
5. Fort Smith 2011 Regional Air Show, October 1 and 2, 2011.

◆ Director Merry

Re: Encouraged citizens attend a fundraising luncheon to benefit The First Tee of Fort Smith, 11:30 a.m. to 1:00 p.m., September 7, 2011, Hardscrabble Country Club. The event will honor Warren Stephens.

◆ Director Weber

Re: Reminded all that September is Hunger Awareness Month. Due to such, she noted Mayor Sanders community can food drive and announced the ferris wheel at The Park at West End will display orange lights to signify hunger awareness.

◆ Administrator Gosack

- Re:
1. Reminded the Board of the first meeting of the Animal Services Task Force, 6:00 p.m., Wednesday, September 7, 2011, Fort Smith Police Department Bartlett Community Room.
 2. Reminded the Board of the joint meeting with the Sebastian County Quorum Court, 6:00 p.m., Tuesday, September 13, 2011, Elm Grove Community Center.
 3. Extended congratulations to Police Chief Kevin Lindsey for earning his Masters in Business Administration Degree.

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

- Ed Devero
Fort Smith, AR

Re: Extended much appreciation to Mayor and Board for their time and dedication to serve the citizens of Fort Smith.

- Liz Armstrong
Fort Smith, AR

Re: Continued the reading of a list of various taxes in the State of Arkansas that Ms. Mayo began at the August 16, 2011 regular meeting.

- Elizabeth Mayo
Fort Smith, AR

Re: Commented on various issues relative to taxes in the State of Arkansas, information posted on the a relatively new website www.fortsmithtruth.com , businesses leaving Fort Smith and the population.

Director Catsavis questioned the placement of a football on the podium whereby Ms. Mayo commented on the speech given by Coach Vince Lombardi to the Green Bay Packers regarding "getting back to basics".

Director Hutchings clarified that Coach Lombardi's speech also contained many of the past accomplishments of the Green Bay Packers.

There being no further business to come before the Board, Good moved that the meeting adjourn. The motion was seconded by Tyler and the members all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned at 6:36 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK