

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ NOVEMBER 1, 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 Phillip H. Merry, Jr. The Mayor declared a quorum present.

The Mayor 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 October 18, 2011 regular meeting were presented for approval. Settle, seconded by Tyler, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

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.

Item No. 1 was presentation of the proposed 2012 City Budget

Deputy Administrator Ray Gosack advised that copies of the proposed budget had been provided to the Mayor and Board prior to the meeting. The budget review sessions are scheduled for November 10 and 17 at 6:00 p.m. each evening in the Bartlett Community Room of the Fort Smith Police Department.

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Director of Finance Kara Bushkuhl advised the proposed budget will be available for viewing on the City's website by the end of the work day Wednesday, November 2, 2011.

The following individual was present to address the Board:

- Elizabeth Mayo
Fort Smith, Arkansas

Re: Questioned if the proposed budget includes expenditures for operation of The Park at West End, alleging an annual loss of \$23,000 for 2011. She further inquired if the proposed budget takes into account the uncashed checks from Van Buren for water usage, alleging such consists of \$5 million.

Regarding The Park at West End, Administrator Gosack confirmed operation costs are included in the 2012 Budget. The estimated loss for 2011 is not \$23,000 as alleged, but such is anticipated to be less than \$1,000. Regardless, any loss is covered by the Central Business Improvement District (CBID); therefore, any loss will not impact the City's budget.

With regard to Van Buren water usage, Mr. Gosack clarified the uncashed checks from Van Buren total \$161,000, not \$5 million as alleged.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*from Not Zoned to Residential Multi-Family Medium Density (RM-3) by classification located at 9505 Chad Colley Boulevard*).

Senior Planner Brenda Andrews briefed the Board on the item advising such is per the request of Pat Mickle, agent for MR Capital Partners, LLC. The purpose of the rezoning is to allow for the construction of a 484-unit, multi-family development and a billboard. The preliminary development plan indicates all structures within the development

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will be two-story and will be constructed in four (4) phases, with the final phase estimated to be complete by July 2017. The proposed development will also include an office/clubhouse, pool, basketball court, play and open area. Two (2) mini-storage buildings and a graveled area are also proposed at the rear of the site and will be for tenants only. Such is anticipated to be constructed in Phase 3 or 4. A neighborhood meeting was held on Tuesday, September 27, 2011 with no neighboring property owners in attendance. The Planning Commission held a public hearing on October 11, 2011 with no individual present to speak in opposition. The Planning Commission approved the rezoning by a vote of seven (7) in favor, zero (0) opposed and one (1) abstention (Griffin).

Hutchings, 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 all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 87-11.

Item No. 3 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan from Residential Attached to General Commercial and rezoning from Commercial Regional (C-4) to Commercial Heavy (C-5) by classification located at 1520 South "U" Street*).

Ms. Andrews briefed the Board on the item advising such is per the request of Scott Branton, agent for Woodrome Construction Services. The purpose of the rezoning is to facilitate a small mini-storage development at the southwest intersection of South "U" Street and South 16th Street. A neighborhood meeting was held on September 8, 2011

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with no property owners in attendance. The Planning Commission held a public hearing on October 11, 2011 with no individual present to speak in opposition. The Planning Commission approved both the Master Land Use Plan amendment and rezoning request by a vote of eight (8) in favor, zero (0) opposed. A companion variance request was submitted to the Planning Commission whereby such was also approved.

Director Hutchings questioned the purpose of the variance whereby Ms. Andrews advised such was merely to address lot size requirements.

Director Settle inquired if the Planning Commission approved the development plan for the project.

Ms. Andrews confirmed such and clarified no changes may be made to the development plan without Planning Commission approval.

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 and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 88-11.

Item No. 4 was an ordinance rezoning identified property and amending the zoning map (*from Commercial Light Special (C-2-SPL) to Commercial Heavy (C-5) by classification located at 10220 Highway 71 South*).

Ms. Andrews briefed the Board on the item advising such is per the request of John Paul Dean. The purpose of the rezoning is to permit the future construction of commercial development. A neighborhood meeting was held on Friday, September 16 with two (2)

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neighboring property owners in attendance, but neither conveyed any concerns. The subject property maintains no sanitary sewer; therefore, upon development, the public sanitary sewer will need to be extended or a private sanitary sewer system installed. The Planning Commission held a public hearing with no individual present to speak in opposition. The applicant provided no development plan and requested such be deferred to a later date. The Planning Commission approved the rezoning request by a vote of eight (8) in favor and zero (0) opposed, subject to a development plan being submitted and approved by the Planning Commission prior to issuance of any building permit.

Settle, seconded by Merry, 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. 89-11.

Item No. 5 was an ordinance establishing the policy and fee for scattering of cremated human remains at Oak Cemetery.

Director of Parks and Recreation Mike Alsup briefed the Board on the item. Cremation continues to increase in popularity and although a recent scattering ceremony took place in Oak Cemetery, the City maintains no formal policy for such. The proposed ordinance authorizes the scattering of cremated human remains on either a private grave space or at the scattering garden upon permit issued by the City Clerk. The Oak Cemetery Commission reviewed the proposed policy and recommend approval.

The following individual was present to address the Board:

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- Elizabeth Mayo
Fort Smith, Arkansas

Re: Spoke in opposition to the ordinance, specifically the proposed fees alleging such is merely "another tax" assessed by the City.

Director Catsavis questioned the recommended fees and requested a brief explanation.

Mr. Alsup advised if an individual wishes to scatter cremated human remains at a private grave space, a \$25.00 recording fee will be assessed. Such also requires the written permission of the grave space owner. If cremains are scattered in the scattering garden, a \$50.00 maintenance and recording fee will be assessed.

Administrator Gosack clarified the policy is to ensure a record of all interments in Oak Cemetery is recorded and maintained. Such will benefit many generations to come, specifically for those searching for genealogical information.

Director Tyler noted the fees are very minimal and inquired how the fees were determined whereby Mr. Alsup noted such were recommended by the Oak Cemetery Commission.

Director Settle questioned the size of the scattering garden.

Mr. Alsup advised the actual dimensions have not yet been determined; however, the location within the cemetery originally reserved for a mausoleum is the anticipated site for the scattering garden.

In order to assure family members of those currently interred or those who own grave spaces in Oak Cemetery, Director Hutchings clarified that random scattering of cremated human remains is prohibited. As alleged by Ms. Mayo, he further noted the

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proposed fees are not “another tax”, but merely a recording fee to ensure proper record-keeping of all remains placed within the cemetery.

Hutchings, 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 voted as follows: ayes - Tyler, Good, Hutchings, Settle and Merry; nays - Catsavis and Weber. The Mayor declared the motion carried. Good, seconded by Tyler, moved adoption of Section 2 the emergency clause. The members voted as follows: ayes - Tyler, Good, Hutchings, Settle and Merry; nays - Catsavis and Weber. The Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 90-11.

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

- A. Resolution to accept the bids and authorize a contract for the construction of Garrison Avenue Streetscape, North 9th Street to North 13th Street, Project No. 09-90-B, Job 040545 (\$2,439,405.90 / Engineering Department / Budgeted - 80% Federal-Aid and 20% Sales Tax Fund)
- B. Resolution authorizing engineering services agreements for the design of projects in the 2012 Sales Tax Program (\$819,354.00 / Engineering Department / Budgeted - Sales Tax Fund)
- C. Resolution rescinding Resolution No. R-134-02 and approving a lease agreement with Fort Smith Church Baseball League, Inc. for Kelley Park
- D. Resolution authorizing the Mayor to execute Authorization Number Two with Philip J. Leraris, P.E., L.S. for providing engineering services associated with the Consolidation of Lift Stations 7 & 14 Project (\$98,120.00 / Utility Department / Budgeted - 2008 Revenue Bonds)

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- E. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Goodwin & Goodwin, Inc. for the Consolidation of the Lift Stations 7 & 14 Project (\$956,899.00 / Utility Department / Budgeted - 2008 Revenue Bonds)

Administrator Gosack advised Item No. 6C has been revised to correct a typographical error; therefore, the motion to adopt the consent agenda needs to include "as revised".

Regarding Item No. 6A, Director Catsavis questioned if Forsgren will be able to meet the Disadvantage Business Enterprise (DBE) requirement of 8.5% of the total bid amount.

Director of Engineering Stan Snodgrass conveyed much assurance that Forsgren will meet the requirement by utilizing several DBE companies as suppliers for the project.

Weber, seconded by Settle, moved adoption of all consent agenda items including the aforementioned revision to Item No. 6C. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-199-11 through R-203-11 respectively.

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

► Mayor Sanders

- Re:
1. Regarding the recent announcement of the closing of Whirlpool, he conceded such is a challenge; however, he conveyed much confidence the City will move forward and every effort will be made to attract another company to takes its place.
 2. Announced Fort Smith will soon be recognized and presented the "2011 Volunteer Community of the Year Award".

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3. Regarding the upcoming special election on Tuesday, November 8, he advised early voting started today and urged support for both issues on the ballot.

▶ Director Settle

Re: Regarding the 1% prepared food tax on the upcoming special election ballot and regardless of the outcome, he commented the city needs to “move forward together” for the betterment of the city for future generations.

▶ Director Merry

- Re:
1. Regarding the recent announcement about the sale of OK Foods, he conveyed much gratitude to OK Industries management for their efforts to ensure over 4,000 jobs will remain in Fort Smith.
 2. Advised of the upcoming Christmas Honors event at the National Cemetery, which will take place on December 9 and 10. He further noted that in 2010, such resulted in 1,762 volunteer hours.

▶ Administrator Gosack

- Re:
1. Extended congratulations to Travis Joiner of 777 Productions, who produces the live telecast of Board meetings, for his upcoming marriage on November 11.
 2. Announced many City departments have initiated multiple cost saving measures and such are noted on the City of Fort Smith Facebook page.
 3. Regarding the proposed reapportionment of city ward boundaries, he advised the map indicating the proposed changes and staff report are available for public inspection, review and comment in the Fort Smith City Clerk’s Office, as well as the City of Fort Smith website, www.fortsmithar.gov.

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

- Carolyn Plank, President Neighborhood Coalition
Fort Smith, Arkansas

Re: Spoke in opposition to the automated sanitation pickup in the Park Hill area alleging no notification was forwarded to residents; therefore, she requested such be delayed pending formal notification and neighborhood discussion.

- Anna Raymond
Fort Smith, Arkansas

Re: Reiterated Ms. Plank's comments and urged the Board to reconsider curbside collection in the Park Hill area. She also presented a folder of information to each member of the Board, which consisted of written information and pictures of the neighborhood.

- Thomas H. Raymond
Fort Smith, Arkansas

Re: Merely reiterated the comments of Ms. Raymond.

- Elizabeth Mayo
Fort Smith, Arkansas

Re: Expressed discontent with recent Board actions governing animal regulations and the prepared food tax.

- Rosemary Wingfield
Fort Smith, Arkansas

Re: 1. Expressed discontent with curbside collection in the Park Hill area and requested such be returned to the alleyway.

2. Advised of multiple parking violations (parking in yards) after 5:00 p.m.; therefore, she requested Neighborhood Services personnel be available after hours for inspection and violation enforcement.

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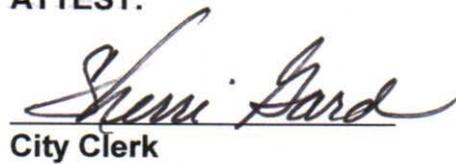
There being no further business to come before the Board, Tyler moved that the meeting adjourn. The motion was seconded by Settle, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:47 p.m.

APPROVED:



Mayor

ATTEST:



City Clerk