

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JANUARY 17, 2012 ~ 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 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.

Weber, seconded by Hutchings, moved to add the following item to the meeting agenda:

- ◆ Ordinance amending Ordinance No. 3-12 calling a special election in the city of Fort Smith, Arkansas on the question of levying a one-fourth of one percent (0.25%) sales and use tax within the city of Fort Smith, Arkansas for a period of ten (10) years; and prescribing other matters pertaining thereto

The members all voting affirmatively, the Mayor declared the motion carried. With Board concurrence, the Mayor further announced the item would be considered immediately following Item No. 2.

The minutes of the January 3, 2012 regular meeting was presented for approval. Settle, seconded by Good, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 was a presentation by Jim Dunn, President and C.E.O. of U.S. Marshals Museum, Inc., whereby he expressed much appreciation to the City of Fort Smith for the

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City's support of the project. Such support has been an asset for the project to move forward; therefore, in recognition, he presented a framed print of the U.S. Marshals Museum to the Mayor and Board.

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. 2 was an ordinance authorizing the issuance of water and sewer refunding revenue bonds; providing for the payment of the principal of and interest on the bonds; prescribing other matters relating thereto; and declaring an emergency.

Deputy Administrator Jeff Dingman briefed the Board on the item. The proposed ordinance authorizes the issuance of \$13,250,000 in water and sewer refunding revenue bonds to refinance existing bonds issued in 2005. Upon approval, such does not reduce the life of the existing bonds, which will retire in 2019, but merely reduces the interest rate thereby resulting in a net cost savings of \$1.1 million.

At the request of Director Settle, Mr. Dennis Hunt with Stephens, Inc. addressed the Board advising the bond market was very favorable as all bonds were sold today. Initially, the net cost savings was estimated to be \$647,000; however, due to the favorable bond market and lower than anticipated interest rates, the net cost savings to the City of Fort Smith was much higher than originally thought, approximately \$1.1 million.

The following individual was present to address the Board:

- Bob Newbold
Fort Smith, Arkansas

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Re: Questioned the cost to refinance existing bonds and requested confirmation of the total net cost savings to the City of Fort Smith.

Deputy Administrator Dingman advised the total cost to refinance was approximately \$300,000; however, he reiterated the “net” cost savings to the City of Fort Smith to refinance existing bonds is \$1.1 million.

Merry, seconded by Hutchings, moved to suspend 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 members all voting affirmatively, the Mayor declared the motion carried. The City Clerk read the ordinance for its readings. Weber, seconded by Tyler, moved adoption of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Good, moved adoption of Section 48 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. 6-12.

The following item was unanimously placed on the agenda at the beginning of the meeting:

- Ordinance No. 3-12 calling a special election in the city of Fort Smith, Arkansas on the question of levying a one-fourth of one percent (0.25%) sales and use tax within the city of Fort Smith, Arkansas for a period of ten (10) years; and prescribing other matters pertaining thereto

Administrator Gosack briefed the Board on the item advising the proposed ordinance merely amends the ballot heading for the 0.25% Sales and Use Tax on the March 13, 2012 special election ballot. Although the ballot title includes language that the 0.25% tax is for fire department and parks and recreation purposes, the previously approved ballot heading merely stated “0.25% Sales and Use Tax”. Many voters do not

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read the lengthier text of the ballot and only read the ballot heading. In order to clarify the ballot question to voters, approval of the proposed ordinance will merely amend the ballot heading as follows:

**0.25% SALES AND USE TAX FOR
FIRE DEPARTMENT AND PARK AND RECREATION PURPOSES**

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 voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 7-12.

Item No. 3 was an ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for other purposes *(604 North 8th Street)*

Administrator Gosack briefed the Board on the item advising the structure is dilapidated and determined to be unsafe and detrimental to the public welfare. The Historic District Commission has dealt with the property owners for over two (2) years to renovate the structure; however, very minimal improvements have been made. Due to such, the Historic District Commission recommends condemnation and ultimate demolition of the structure.

The following individual was present to address the Board:

- David Kerr
Fort Smith, Arkansas

Re: Advised he resides close to the subject structure citing such has been in disrepair for several years; therefore, he spoke in favor of the item and recommended approval of the ordinance.

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Good, 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. Settle, seconded by Weber, moved adoption of Section 5 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. 8-12.

Item No. 4 was an ordinance adopting policies and procedures for operation of the City of Fort Smith Government Access Channel and repealing Ordinance No. 90-09

Administrator Gosack briefed the Board on the item. Since regular meetings of the Board of Directors will no longer be televised and rebroadcast on the Government Access Channel, such requires the policies and procedures be updated. The attached policy removes or amends existing language regarding live and delayed coverage of Board of Directors regular meetings, as well as other minor wording changes. Upon review of the proposed policy, the city attorney also recommended additional amendments, which are noted as follows:

- Inclusion of advertisement of regular meetings for civic and social organizations, schools, and political organizations. *(Regular meetings have been advertised upon request; however, the existing policy did not specifically address the matter.)*
- Inclusion of political organizations to advertise on the channel for events that do not promote a political issue or candidate for political office. *(Advertisement of political issues or candidates for political office are prohibited and included as a program restriction.)*

To allow for the rebroadcast of the January 17, 2011 regular meeting through

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January 30, 2012, the proposed policies and procedures will become effective February 1, 2012.

The following individual was present to address the Board:

- David Harris
Fort Smith, Arkansas

Re: 1. Questioned if the inclusion of political organizations such as the League of Women Voters will now be allowed to advertise candidate forums.

Upon approval, Administrator Gosack confirmed that advertisement of candidate forums will be allowed on the Government Access Channel.

City Clerk Sherri Gard clarified that "if" such forum endorses a specific candidate, such would not be permitted as endorsement of a candidate for political office remains a program restriction.

At the request of Director Weber, City Attorney Jerry Canfield confirmed that upon approval of the ordinance, candidate forums or debates may be advertised on the Government Access Channel provided such does not promote a political issue or endorse a candidate for political office. He further advised that such advertisements shall not include candidate names.

2. The existing policy states that board meeting videos will be transferred and retained at the Fort Smith Public Library after three (3) years; however, the proposed policy removed said language. Due to such, he expressed concern with the matter.

Since board meetings will no longer be televised or videotaped, Mrs. Gard clarified existing board meeting videos will continue to be retained in the City Clerk's Office rather than transferred to the library.

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- Bob Newbold
Fort Smith, Arkansas

Re: Urged the Board to reinstate televised meetings citing disbelief that funds are not available for such.

- E. A. Mayo
Fort Smith, Arkansas

Re: Expressed discontent that such is the last televised meeting and alleged the Board of Directors, with the exception of Director Catsavis, is depriving the residents of knowing the action of the Board of Directors.

Director Good stated that although this is the last “televised” meeting of the Board, such is not the last time residents will be allowed to know the actions taken at regular meetings of the Board of Directors citing each member of the Board encourages citizen attendance.

- Edward McCurtain
Fort Smith, Arkansas

Re: Urged the Board to reinstate televised meetings.

Good, seconded by Weber, moved adoption of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 9-12.

The Consent Agenda (Item No. 5) was introduced for consideration, the items being as follows:

- A. Ordinance authorizing the Mayor to execute an agreement with the U.S. Marshals Museum, Inc. for certain services for inhabitants of the City of Fort Smith
- B. Resolution approving an agreement with Sebastian County regarding certain projects at Ben Geren Regional Park
- C. Resolution endorsing the levy of the three-fourths of one percent (0.75%) sales and use tax within the City of Fort Smith

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for the purpose of refinancing existing bonds and funding specific capital improvements; endorsing the levy of a one-fourth of one percent (0.25%) sales and use tax within the City of Fort Smith for a period of ten years to be divided equally to fund park and recreation purposes and fire department purposes; and prescribing other matters pertaining thereto

- D. Resolution setting a public hearing date on petition to vacate an alley and street rights-of-way located in conjunction with lots 14, 15, 16, 19, 20, 21, and 22 of Newlon's Subdivision, an addition to the City of Fort Smith, Arkansas (*5001 North 31st Street*)
- E. Resolution to accept completion of an authorize final payment for the construction of Street Overlay/Reconstruction, Project No. 11-03-C (*\$25,815.75 / Engineering Department / Budgeted - Sales Tax Program Fund*)
- F. Resolution authorizing partial payment to Forsgren, Inc. for the construction of Street Overlays/Reconstruction, Project No. 11-03-A (*\$520,998.23 / Engineering Department / Sales Tax Program*)
- G. Resolution authorizing payment for Change Order No. 9 with Motorola, Inc. for the Radio Communications System Project (*\$79,490.85 / Police Department / Budgeted - Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008 Radio Communication Fund*)
- H. Resolution authorizing final payment to Motorola Inc. for the Radio Communications System Project (*\$63,964.74 / Police Department / Budgeted - Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008 Radio Communication Fund*)
- I. Resolution accepting bids for the purchase of aggregates, sand, concrete, and asphalt concrete products for 2012 (*Annual bid / Various City Departments / Budgeted - General, Street, Water & Sewer, and Sanitation Operating Funds*)
- J. Resolution accepting bid for the purchase of various refuse containers (*\$330,000.00 / Sanitation Department / Budgeted - Sanitation Fund*)

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- K. Resolution accepting bid for the purchase of 65 gallon recycling roll-out carts (*\$159,100.00 / Sanitation Department / Budgeted - Sanitation Fund*)
- L. Resolution accepting bid for the purchase of 2 yard rear load dumpsters (*\$110,000.00 / Sanitation Department / Budgeted - Sanitation Fund*)
- M. Resolution authorizing the Mayor to execute easement for water pump station and bill of sale for improvements in connection with the Lake Fort Smith Water Supply Expansion Project
- N. Resolution authorizing the City Administrator to execute easements for the 27-inch and 36-Inch Lake Fort Smith water transmission line
- O. Resolution authorizing acquisition of real property interests for the Neighborhood Water System Improvements - Jack Freeze Service Area (*\$207.50 / Utility Department / Budgeted - 6505 Capital Improvement Fund*)
- P. Resolution accepting the project as complete and authorizing final payment to Utility Service Company for the Crowe Hill Elevated Storage Tank Painting (*\$89,900.00 / Utility Department / Budgeted - 6505 Capital Improvement Fund*)
- Q. Resolution authorizing the Mayor to execute an agreement with Mickle Wagner Coleman, Inc. to provide engineering services associated with Water Improvements to Chaffee Crossing and Southeast Fort Smith (*\$493,614.00 / Utility Department / Budgeted - 2008 Revenue Bonds*)

Regarding Item No. 5A, Director Catsavis questioned who will be responsible for operation expenses for the U. S. Marshals Museum.

Mr. Jim Dunn, President and C.E.O. of the U. S. Marshals Museum, advised admission fees and an endowment fund will provide for operation costs. A non-profit organization, to be known as the U.S. Marshals Museum Foundation, will also be created to help raise funds to supplement operation costs.

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With regard to Item No. 5K, the following individual was present to address the

Board:

- Rosemary Wingfield
Fort Smith, Arkansas

Re: Spoke in opposition to the proposed purchase of additional automated refuse containers citing the ongoing issue to return to alley sanitation pickup in the Park Hill East area.

Administrator Gosack advised the proposed purchase is merely for replacement refuse containers for areas already utilizing automated refuse collection.

Hutchings, seconded by Good, moved adoption of all consent agenda items. The members all voted affirmatively, with the exception of Director Catsavis voting “no” on Item No. 5A. The Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given No. 10-12 and the resolutions numbered R-8-12 through R-23-12 respectively.

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

- ▶ Director Settle

Re: Announced the following awards were recently presented to the City of Fort Smith at the Arkansas Municipal League Conference held in Little Rock:

- ▶ Honorable mention for Main Street Preservation by the *"Arkansas Business City of Distinction Award"*
- ▶ "2011 Volunteer Community of the Year"

- ▶ Director Weber

Re: 1. Extended much appreciation to the Rotary Club, Parks and Recreation Department, Arvest Bank and Guest Reddick Architects for planting trees at the Interstate 540 and Rogers Avenue.

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2. Announced a meeting will be held at 12:00 Noon, January 25th at Creekmore Park to discuss the establishment of a beautification committee; therefore, she encouraged all interested parties to attend.

▶ Director Merry

Re: Extended much gratitude to all those who participated in the recent Christmas Honors event to remove wreaths from the National Cemetery.

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

CIVIL SERVICE COMMISSION

Orval Smith

(to fill the unexpired term of Henry Oliver who resigned)

Term expires March 31, 2013

FORT SMITH HOUSING AUTHORITY

Richard Griffin (reappointment)

Term expires March 3, 2017

PLUMBING ADVISORY BOARD

Matthew Blaylock (reappointment)

Term expires February 28, 2016

Hutchings, seconded by Merry, moved acceptance of the appointment nominations.

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 the 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 individual present to address the Board:

- Rosemary Wingfield
Fort Smith, Arkansas

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Re: Alleged trash has not been picked up in the alleyways of Park Hill East for several weeks; therefore, she requested the Sanitation Department address the matter.

- E. A. Mayo
Fort Smith, Arkansas

Re: 1. Since the Board of Directors regular meetings will no longer be televised, she encouraged citizens to come to the meetings.

2. Expressed discontent with the Mayor's budget.

Mayor Sanders noted much of the funds within the Mayor's budget are utilized to assist worthwhile organizations that provide valuable services to the community.

- Edward McCurtain
Fort Smith, Arkansas

Re: Regarding the recent Van Buren water true-up issue, he alleged the City of Fort Smith allowed the City of Van Buren to "get away with" not paying their water bill.

Director Merry and Hutchings, as well as the Mayor, clarified Van Buren paid their monthly water billings. The only unpaid billings was the annual true-up amounts, which were in dispute.

- Randy Amon
Fort Smith, Arkansas

Re: Simply conveyed much appreciation to the Mayor and Board for their service to the city of Fort Smith.

Director Settle urged residents to volunteer with community organizations and "get involved" as such will ensure Fort Smith continues to become a better community.

Since this meeting is the last televised meeting, Mayor Sanders recognized 777 Productions for their excellent work associated with such.

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Director Hutchings conveyed much assurance to all that the Board will consider reinstating televised meetings during budget discussions beginning in July.

There being no further business to come before the Board, Tyler 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 at 7:08 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK