

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ FEBRUARY 21, 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. Several items were presented as follows:

1. Merry, seconded by Weber, moved that an item be placed on an upcoming study session to review options to publicly convey tethering is prohibited in the city.
2. Merry, seconded by Tyler, moved that an item be placed on an upcoming study session to discuss the task definition for the Animal Services Advisory Board.
3. Merry, seconded by Catsavis, moved that an item be placed on an upcoming study session to discuss the creation of a customer satisfaction survey for development services.
4. Merry, seconded by Settle, moved that an item be placed on an upcoming study session to discuss the City's position regarding the proposed Severance Tax in the State of Arkansas.

The minutes of the February 7, 2012 regular meeting and February 16, 2012 special meeting were presented for approval. Settle, seconded by Weber, moved approval of the minutes as written. 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, the

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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 an ordinance amending Ordinance No. 101-11 to realign boundaries of Wards 1 and 4.

Administrator Gosack briefed the Board on the item advising such is per the request of the Sebastian County Board of Election Commissioners and County Clerk. The purpose of their request is to realign the ward boundaries to coincide with the boundary of a voting precinct that was redrawn in the 2011 redistricting process and inadvertently encompassed two city wards. The instance requires two (2) different ballots to be provided in one (1) voting precinct and causes difficulty for election officials. Upon approval, such will relocate 240 residents from Ward 1 to Ward 4 and increases the largest variance between wards from 3.08% to 5.18%. State law requires no greater than 15% imbalance between wards; therefore, the proposed realignment is well within the reasonable tolerances.

Hutchings, 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. 15-12.

Item No. 2 was an ordinance amending the Unified Development Ordinance of the City of Fort Smith.

Administrator Gosack briefed the Board on the item as presented at the February

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14, 2012 study session. The Planning Commission held a special meeting and public hearing on February 2, 2012 with no individual present to speak in opposition to the proposed amendments designated as "February 2012 Amendments to the Unified Development Ordinance". The Planning Commission approved the amendments by a vote of nine (9) in favor and zero (0) opposed.

Good, 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 Good, 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. 16-12.

Item No. 3 was an ordinance for the purpose of amending the provisions of Chapter 19, Article III of the Fort Smith Code of Ordinances regarding the Fort Smith Historic District and for other purposes.

Administrator Gosack briefed the Board on the item advising the proposed amendments add consistency to the Unified Development Ordinance, assists residents in expediting some projects by allowing staff approval for some projects, allow property owners more time to start a project, and address the mandatory meeting schedule of the Historic District Commission. The Historic District Commission have reviewed the proposed amendments and recommend approval.

Tyler, seconded by Weber, moved adoption of the ordinance. The motion included

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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. 17-12.

The Consent Agenda (Item No. 4) was introduced for consideration, the items being as follows:

- A. Resolution approving a convention center lease agreement with the Fort Smith Advertising and Promotion Commission
- B. Resolution approving a tolling agreement with the United States Department of Justice relating to wet weather sanitary sewer work
- C. Resolution authorizing Change Order No. 1 to the contractor for the restoration and stabilization of the building at 800 North 9th Street (*\$4,875.00 decrease / Planning Department / Budgeted - General Fund*)
- D. Resolution accepting completion of and authorizing final payment for the restoration and stabilization of the building at 800 North 9th Street (*\$17,436.00 / Planning Department / Budgeted - General Fund*)
- E. Resolution authorizing a time extension for the construction of Street Overlays / Reconstruction, Project No. 11-03-B
- F. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays / Reconstruction, Project No. 11-03-B (*\$114,887.44 / Engineering Department / Budgeted - Sales Tax Program Fund*)
- G. Resolution authorizing Change Order Number One for the construction of Mill Creek Drainage Improvements, Project No. 05-06-C (*\$7,187.61 / Engineering Department / Budgeted - Sales Tax Program Fund*)

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- H. Resolution accepting completion of and authorizing final payment for the construction of Mill Creek Drainage Improvements, Project No. 05-06-C (\$26,712.89 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
- I. Resolution of the Board of Directors of the City of Fort Smith urging the Department of the Air Force and the Department of Defense to retain the 188th Fighter Wing in Fort Smith, Arkansas
- J. Ordinance authorizing the purchase of evidence tracking software upgrade for use by the Fort Smith Police Department (\$53,802.00 / *Police Department / Not Budgeted - Federal Asset Forfeiture Funds*)
- K. Resolution accepting a special warranty deed from the Fort Chaffee Redevelopment Authority for property associated with proposed Fire Station No. 11

Regarding Item No. 4A, the following individual was present to address the Board:

- E. A. Mayo
Fort Smith, Arkansas

Re: Provided a definition of "critical thinking" and spoke in opposition to the item.

Director Catsavis inquired if the current amount of funding to the convention center will be adjusted in future years.

Administrator Gosack confirmed such and clarified that funding will be adjusted annually depending on the convention center revenues and expenditures. Any change in funding must be approved by the Board via adoption of the City's budget.

With regard to Item No. 4B, Director Catsavis questioned the worst case scenario if the City does not continue wet weather sanitary sewer improvements.

Administrator Gosack advised the United States Department of Justice could force

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the City into a more strict and definitive compliance schedule, impose fines and penalties, require rate adjustments, take over City operations of the sanitary sewer system or impose a moratorium on sewer connections.

Merry, seconded by Hutchings, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given No. 18-12 and the resolutions numbered R-34-12 through R-43-12 respectively.

Regarding adoption of Item No. 4I and at the request of Mayor Sanders, the following individual addressed the Board of Directors:

- Colonel Mark Berry
National Guard 188th Fighter Wing

Re: Expressed much appreciation to the Board for adoption of the resolution citing he is "very proud the City is fighting for the 188th".

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

- ▶ Director Merry

Re: Expressed much appreciation to all residents serving on boards, commissions and task forces.

- ▶ Director Weber

Re: Reminded all that Beautify Fort Smith will meet at 12:00 Noon, February 22 at Creekmore Park to discuss participation in an April event to clear litter throughout the city.

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

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ANIMAL SERVICES ADVISORY BOARD

Veterinarian Member:

Mike Thames

Term expires February 21, 2014

Business Member:

Amanda Heim

Term expires February 21, 2013

Non-Profit Member:

Joan Bryant

Terms expires February 21, 2013

Citizens:

Sherilyn Walton

Tammy Trouillon

Terms expire February 21, 2014

Nichole Morgan

Carole Hutton

Terms expire February 21, 2015

ARKANSAS FAIR AND EXHIBITION FACILITIES BOARD

Eugene E. Bruick

Term expires March 7, 2017

ELECTRIC CODE BOARD OF APPEALS

Charles Uerling (*reappointment*)

Term expires March 31, 2017

PLUMBING ADVISORY BOARD

Charles Shank (*reappointment*)

Term expires February 28, 2016

SEBASTIAN COUNTY REGIONAL SOLID WASTE MANAGEMENT BOARD

Andrew Galbach

Term expires January 21, 2015

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

Regarding the Animal Services Advisory Board, Mayor Sanders further announced

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the Board requested the membership be reduced from nine (9) to seven (7) members; therefore, an ordinance authorizing same is anticipated to be presented for consideration at the next regular meeting.

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 individuals present to address the Board:

- E. A. Mayo
Fort Smith, Arkansas

- Re:
1. Reiterated opposition to the lease agreement with the Advertising and Promotion Commission for operation of the convention center (Item No. 4A).
 2. Expressed discontent with the City's budget.

There being no further business to come before the Board, Merry 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 7:24 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK