

MINUTES OF BOARD OF DIRECTORS SPECIAL MEETING

THURSDAY ~ JUNE 29, 2012 ~ 12:00 NOON

FORT SMITH PUBLIC LIBRARY COMMUNITY ROOM

The special meeting was called by Directors Steve Tyler, Don Hutchings, Pam Weber and Kevin Settle for the purpose of considering the following:

- Ordinance changing time and location of the July 3, 2012 Board of Directors regular meeting and canceling the regularly scheduled town hall meeting on same date

The special meeting was called to order by Mayor Sandy Sanders, presiding. 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 inquired if any Board member had any item of business to present that was not already on the agenda. None was presented.

The Mayor announced that multiple directors advised of their unavailability to attend the July 3, 2012 regular meeting; therefore, the proposed ordinance will change the date, time and location of said regular meeting to occur immediately following this special meeting. Such will also cancel the regularly scheduled town hall meeting, which was to occur following adjournment of the first regular meeting of the month. Mayor Sanders clarified that if the ordinance is not adopted, the July 3, 2012 regular meeting will proceed as regularly scheduled.

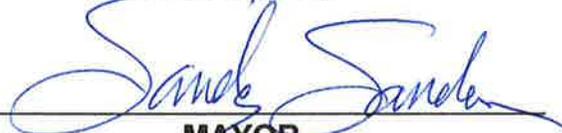
Hutchings, seconded by Settle, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance

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for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Weber, 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. 49-12.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Hutchings, and the members all voting aye, the Mayor declared the motion carried and the special meeting stood adjourned at 12:03 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JUNE 29, 2012 ~ 12:00 NOON

FORT SMITH PUBLIC LIBRARY COMMUNITY ROOM

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.

Mayor Sanders inquired if any Board member had any item of business to present that was not already on the agenda. None was presented.

The minutes of the June 19, 2012 regular meeting was 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.

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.

Item No. 1 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (*Auto Body Shops*)

Director of Development Services Wally Bailey briefed the Board on the item. Auto body shops were previously allowed in Commercial-5 zoning districts prior to adoption of the Unified Development Ordinance (UDO); however, due to the negative appearance, such was disallowed in said zoning districts upon adoption of the UDO. After thorough research, staff recommends an amendment to again allow auto body shops in Commercial-5 zoning districts, but as a conditional use. Such will allow the Planning

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Commission to review each application. The Planning Commission held a public hearing on the proposed amendment on June 12, 2012 and approved such by a vote of six (6) in favor and zero (0) opposed.

Director Hutchings spoke in favor of the item; however, he requested the Planning Commission be reminded that not all requests require approval.

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 voting affirmatively, the Mayor declared the motion carried. Weber, seconded by Tyler, 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. 50-12.

Item No. 2 consisted of the following items regarding the softball complex at Chaffee Crossing:

- A. Resolution approving an amendment to the application to the Assistant Secretary of Defense - Reserve Affairs for the Arkansas Army National Guard to perform clearing, grading and earth work for a softball complex at Chaffee Crossing
- B. Resolution approving the acceptance of a deed from the Fort Chaffee Redevelopment Authority for approximately 62.9 acres of land

Administrator Gosack briefed the Board advising at the June 5, 2012 regular meeting, the Board approved submission of an application to the military to perform earth work for the softball complex at Chaffee Crossing. The application was prepared by the River Valley Sports Complex (RVSC) and submitted to the military; however, the military advised the application contained four (4) discrepancies. The RVSC is taking care of two

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(2) discrepancies unrelated to the City; however, Item No. 2A addresses the requirement that the City of Fort Smith must advertise the project to private contractors who could perform the work and provide a statement that the military's work is not competing with the private sector. The advertisements have been completed with statements of interest due by 11:00 a.m. on July 5th; however, no statements of interest have been received to date. Provided no statements of interest are received by the deadline, the proposed resolution authorizes an amendment to address the matter.

Item No. 2B addresses the remaining discrepancy that requires the City of Fort Smith to own the property. The Fort Chaffee Redevelopment Authority (FCRA) has approved conveyance of the subject property, containing 62.9 acres, to the City of Fort Smith at no cost to the City. The proposed resolution formally accepts said conveyance.

If any environmental issue is discovered in the future, Director Catsavis questioned if the City of Fort Smith will be responsible for such.

Mr. Gosack noted that an environmental study has been performed on the property whereby no issues were found; however, he confirmed the City of Fort Smith would be held responsible if anything is discovered in the future.

Good, seconded by Tyler, moved adoption of Items No. 2A and 2B. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-146-12 and R-147-12 respectively.

The Consent Agenda (Item No. 3) was introduced for consideration, the items being as follows:

- A. Resolution granting a temporary revocable license for the placement of a deck within a public utility easement and authorizing the Mayor to execute agreement (*5200 Free Ferry Road*)

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- B. Resolution granting a temporary revocable license for the placement of a deck within a public utility easement and authorizing the Mayor to execute agreement (*5208 Free Ferry Road*)
- C. Resolution granting a temporary revocable license for the placement of a deck within a drainage easement and authorizing the Mayor to execute agreement (*5216 Free Ferry Road*)
- D. Resolution granting a temporary revocable license for the placement of a deck within a drainage easement and authorizing the Mayor to execute agreement (*5220 Free Ferry Road*)
- E. Resolution to accept the bids and authorize contracts for the construction of Street Overlays/Reconstruction, Project No. 12-03-C (*\$1,424,403.10/Engineering Department/Budgeted - Sales Tax Program Fund*)
- F. Resolution authorizing the permission to construct agreement with OG&E for the May Branch Outfall Pipe Replacement Project No. 12-06-E (*\$55,000 / Engineering Department / Budgeted - Sales Tax Program Fund*)
- G. Resolution authorizing acquisition of temporary right of entry easements for survey and exploration in connection with the Lake Fort Smith 48-Inch Water Transmission Line Project (*\$2,050.00 / Utility Department / Budgeted - 2012 Sales Tax Bonds*)
- H. Resolution authorizing a temporary extension of the City's contract with the Sebastian County Humane Society
- I. Resolution authorizing the Mayor to designate and authorize a contract with Western Arkansas Planning and Development District, Inc. for administration services of the Arkansas Community and Economic Development Grant for the River Bend Industries Project (*\$6,000.00 / CDBG / Not Budgeted - Arkansas Community Economic Development Set-Aside Grant R-101-12*)

Regarding Items No. 3A through 3D, Director Settle noted such are additions to an existing development plan; therefore and in order to reduce the likelihood of necessary

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amendments, he requested staff urge applicants to include as much information as possible upon submission of the original development plan.

Hutchings, seconded by Good, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-148-12 through R-156-12 respectively.

Item No. 4 was an ordinance rezoning identified property and amending the zoning map (*from Not Zoned to Commercial Moderate (C-3) by extension located at 9100 Massard Road*)

Mr. Bailey advised that all rezoning applications are required to be presented to the Board of Directors at the second regular meeting following the Planning Commission meeting where a recommendation for approval occurs. In this case, consideration of the proposed ordinance, as well as Item No. 5, was required to be on the July 3, 2012 regular meeting agenda. Since said meeting was rescheduled to June 29, 2012, such is now technically the "second regular meeting..."; therefore, the proposed ordinance is required to be on the agenda to comply with statutory requirements. Staff originally requested the item (along with Item No. 5) be tabled to the July 17, 2012 regular meeting to ensure proper notification to all interested parties; however, all interested parties have indicated their knowledge of the change of venue, and they are in support of the proposed rezoning. Due to such, staff rescinds its original request to table Item No. 4 and recommend consideration of the proposed ordinance.

The proposed rezoning is per the request of Brent Vinson, agent for the Fort Chaffee Redevelopment Authority (FCRA) to allow for the construction of a bank. The Planning Commission held a public hearing on June 12, 2012 with no individual present

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to speak in opposition. The Planning Commission unanimously amended the request to make approval subject to the following:

- FCRA approval of the land use classification from Mixed Use Residential/Commercial/Office to Commercial/Office
- Planning Commission review and approval of the preliminary and final development plan

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

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. 51-12.

Item No. 5 was an ordinance rezoning identified property and amending the zoning map (*from Transitional (T) to Commercial Heavy (C-5) by extension located at 7110 Rogers Avenue*)

Mr. Bailey reiterated his previous comments and requested consideration of the ordinance be tabled to the July 17, 2012 regular meeting.

Hutchings, seconded by Settle, moved the item be tabled to the July 17, 2012 regular meeting. The members all voting affirmatively, the Mayor declared the motion carried.

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

► **Mayor Sanders**

- Re: 1. Announced the Mayor's 4th of July Celebration will occur at the River Park with music starting at

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7:00 p.m. and fireworks at 9:30 p.m. He further confirmed that due to the extreme fire hazard, all precautionary measures have been taken.

2. Due to the recent business closings, he announced the Chamber of Commerce will hold a Job Fair on July 17 to assist displaced employees. To date, over eighty (80) companies will participate in the Job Fair.

▶ Director Weber

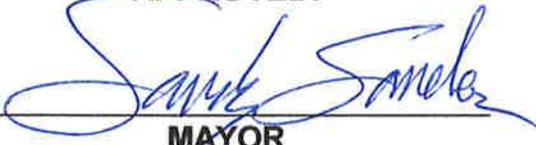
Re: Since board packets will no longer be delivered (*due to the City now utilizing a paperless packet*), she conveyed the weekly visits with the police cadet will be missed. The cadet will soon be deploying to Afghanistan; therefore, she requested all pray for his safe return.

▶ Administrator Gosack

Re: Reminded all this is the last meeting in which a hard copy of the board packet will be provided; however, he noted that hard copies of the agenda will still be available at each meeting.

There being no further business to come before the Board, Settle 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 12:25 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK