

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JANUARY 5, 2016 ~ 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 Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Tracy Pennartz, Kevin Settle and Don Hutchings. 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.

Settle, seconded by Pennartz, moved to place an item on the agenda to discuss the calendar associated with the City Administrator search. The members all voting affirmatively, the Mayor declared the motion carried and the item will be placed on the agenda as Item No. 6, after consideration of the consent agenda.

The minutes of the December 15, 2015 regular meeting were presented for approval. Lau, seconded by Settle, 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, and two (2) minutes for comments only.

Item No. 1 was an ordinance declaring an exceptional situation requiring the waiving of competitive bidding and authorizing execution of a contract between the Sebastian County Humane Society and the City of Fort Smith, Arkansas.

January 5, 2016 Regular Meeting

Police Chief Kevin Lindsey briefed the Board on the item advising the proposed contract has been negotiated between the City and the Sebastian County Humane Society (SCHS). The existing contract with the SCHS expires February 29, 2016; however, the proposed contract will realign to a calendar year authorizing a three (3) year contract retroactive to January 1, 2016 and ending December 31, 2018. The request for waiver of competitive bidding is necessary because there are no other like organizations in the immediate area to accommodate the City's needs. The proposed contract provides for incremental increases in fees from \$17.25 to \$18.00 per day per animal in 2016 increasing to \$18.50 in 2017 and \$19.00 in 2018. The City will be responsible for fees associated for animal cruelty cases. Each year, the City will also pay \$1,160 for cat hold boxes and up to \$1,100 for live cat traps, which is no change from the current contract. Up to \$1,804 per year is anticipated for maintaining a supply of live cat traps and cat boxes. The City will pay \$6,200 per year for use of office space on the SCHS campus for Animal Control, which is the same rate as previous years. The Animal Services Advisory Board (ASAB) reviewed the proposed contract with only one (1) response that inquired about the difference between cat traps and cat hold boxes. Total expenditures for the 2015 fiscal year are expected to be approximately \$235,000 based upon the per month average previously cited. Based upon current data, yearly estimates for the total contract are expected to be \$286,074 for the first year (2016); \$293,765 for the second year (2017); and, \$301,456 for the third year (2018). Because contract negotiations were still in progress at the time of budget preparation, the Police Department budgeted \$290,000 for 2016. The SCHS Board of Directors have approved the proposed contract and the Fort Smith Police Department recommend approval.

January 5, 2016 Regular Meeting

Director Catsavis inquired of multiple statistics from the Sebastian County Humane Society (SCHS), i.e. how many animals are admitted to the SCHS on an annual basis; the percentage of animals adopted and euthanised; how long the SCHS will hold cats before euthanised; the manner of euthanasia; and in the event of euthanasia, if a muscle relaxer is provided to animals prior to such.

Ms. Bekah Trotter, SCHS Executive Director, provided the requested information advising 5,841 animals were admitted to the SCHS in 2015 with approximately sixty percent (60%) adopted. There is no actual time limit for cats; however, friendly cats are typically held for three (3) days before becoming property of the SCHS and placed up for adoption. If unadoptable, euthanasia will be performed. Feral cats are typically held for one (1) day before euthanasia is performed by injection. The chemical utilized for euthanasia contains a paralytic.

Director Pennartz also requested multiple statistics regarding the percentage of animals were admitted by Animal Control officers; if the SCHS maintains contracts with other cities; and, what percentage of the SCHS total 2015 operating budget is attributed to the Fort Smith contract.

Ms. Trotter advised since animals brought to SCHS by the public is also included in the City's contract, approximately sixty-two (62%) of all animals admitted to SCHS were under the City of Fort Smith contract. Animal Control officers brought in 1,457 stray dogs along with thirty-six (36) dogs that were quarantine cases. Animal Control does not pick up cats unless they've been injured or have bitten someone; however, Animal Control submitted fifty-eight (58) cats in 2015. The SCHS maintains contracts with the cities of Sebastian County, Barling, Greenwood, Hacket, Alma and Van Buren. With regard to the

January 5, 2016 Regular Meeting

SCHS operating budget, she merely clarified that the City's contract attributed to approximately thirty (30%) of the SCHS revenue.

Director Settle noted the proposed contract contains an increased cost per animal; therefore, he inquired if the rates were negotiated. Regardless, with the recent budget cuts to multiple City of Fort Smith departments, including the Police Department, i.e. decrease in officer personnel, denial of fleet replacement requests, etc. Due to such, he spoke in opposition to the proposed contract citing the included rate increases.

Chief Lindsey confirmed the proposed rates were negotiated; however, he conveyed much willingness to postpone consideration of the proposed and reopen negotiations if the Board so desires.

Good, seconded by Catsavis, moved adoption of the ordinance. The members voted as follows: ayes - Good, Lorenz, Catsavis & Hutchings; nays - Lau, Pennartz & Settle. The Mayor declared the motion carried and the ordinance as adopted and given Ordinance No. 1-16.

Item No. 2 consisted of the following items regarding an appeal of the Planning Commission's denial of a conditional use permit (*appeal of Alvin L. Prieur, agent for Mahmoud "Mike" Yasin*) ~ Tabled for sixty (60) days at the November 3, 2015 regular meeting ~ :

- A. Resolution approving an appeal of Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue
- B. Resolution affirming the action of the Planning Commission denying Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue

Director of Development Services Wally Bailey briefed the Board on the item advising

January 5, 2016 Regular Meeting

the applicant has indicated the property sale has not yet been accomplished; however, such is anticipated to be finalized near the end of January 2016. Due to such, the applicant has requested consideration of the appeal be tabled for an additional sixty (60) days.

Settle, seconded by Pennartz, moved to table consideration of the item for sixty (60) days. The members all voting affirmatively, the Mayor declared the motion carried.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map (*from Not Zoned (NZ) to Commercial Moderate (C-3) by extension located at 9300 Chad Colley Boulevard*).

Mr. Bailey briefed the Board on the item advising such is per the request of Michael Riley, agent for the Fort Smith Redevelopment Authority (FCRA) and Dr. Beau Sparkman.

The purpose of the request is to facilitate the development of a 5,960 square foot dental office with tenant space, twenty-five (25) parking spaces, landscaping and architectural features with one-hundred percent (100%) use of high quality material. The Planning Commission held a public hearing on December 8, 2015 with no individual present to speak in opposition. The Planning Commission unanimously amended the request to make approval subject to the following:

- ▶ Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the Unified Development Ordinance (UDO). Any changes greater than those described in the aforementioned section will require Planning Commission approval.

The Planning Commission approved the amended request by a vote of six (6) in favor, zero (0) opposed and one (1) abstention. The Planning Commission also approved the submitted development plan by a vote of six (6) in favor, zero (0) opposed and one (1) abstention.

January 5, 2016 Regular Meeting

Settle, seconded by Lorenz, 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 Ordinance No. 2-16.

Item No. 4 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (*auto and vehicle dealer (indoors)*) ♦ *Future Fort Smith Item*

Mr. Bailey briefed the Board on the item advising the purpose of the request is for a text amendment to the Unified Development Ordinance to establish a definition for auto vehicle dealer indoors, along with appropriate land use chart amendments, in the Commercial-4, Commercial Heavy (C-5), Industrial Light (1-1), Industrial Moderate (1-2) and Industrial Heavy (1-3) zoning districts as a permitted use and a conditional use in the Commercial Downtown (C-6) zoning district. The Planning Commission held a public hearing on December 8, 2015. There were no individual present to speak in opposition. The Planning Commission approved the proposed amendment by a vote of seven (7) in favor and zero (0) opposed.

Director Catsavis questioned if the proposed includes all terrain vehicles (ATV).

Mr. Bailey confirmed such citing the definition includes all motorized vehicles; however, there is an exception whereby such does not include heavy equipment.

Director Lau noted vehicle dealerships are required to provide a service center; therefore, he questioned if such is a requirement for the proposed.

Mr. Bailey confirmed that vehicle dealerships are required to provide a service center, either on or off site; however, said requirement is solely for dealerships that

January 5, 2016 Regular Meeting

maintain outdoor sales. The proposed addresses solely indoor vehicle dealerships; therefore, there is no requirement for an indoor dealership to provide a service center.

Settle, seconded by Lorenz, 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. Catsavis, seconded by Hutchings, 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 adopted and ordinance was given Ordinance No. 3-16.

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

- A. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and the 188th Wing of the Arkansas Air National Guard
- B. Ordinance authorizing the appropriation of funds for the Water & Sewer Refunding and Construction Revenue Bonds, Series 2015
- C. Resolution accepting bids for the purchase of aggregates, sand, concrete, and asphalt concrete products for 2016 (*Annual bid / Various Departments / Budgeted - Various Departments*)
- D. Resolution accepting bids for the purchase of fleet trucks (*\$183,802.00 / Utility Department / Budgeted - 2015 Water and Sewer Revenue Bonds*)
- E. Resolution authorizing the Mayor to execute an agreement with Shannon & Wilson, Inc. for providing engineering services associated with Year 2016 post construction monitoring and inspection of the Lake Fort Smith Dam and Reservoir (*\$86,388.00 / Utility Department / Budgeted - Water Treatment Operations Budget*)

January 5, 2016 Regular Meeting

Regarding Item No. 5D, Director Settle requested future fleet purchases include the mileage on the vehicle being replaced and if other departments were afforded the opportunity to utilize said vehicle.

With regard to Item No. 5E, Director Lau noted it appears quarterly inspections are being conducted due to a guideline/protocol of the Natural Resources Commission. In order to save on inspection expenses, he inquired if such is a requirement or if such may be reduced to twice annually upon request.

Director of Utilities Steve Parke noted that since the project is still in the consolidation phase, he recommended quarterly inspections be retained citing such is a critical period in which quarterly inspections are beneficial. Once the consolidation phase is complete, he feels such would be appropriate and will inquire if inspections may be performed semi-annually.

Hutchings, seconded by Settle, 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 Ordinance No. 4-16 and the resolutions numbered R-1-16 through R-4-16 respectively.

Item No. 6 was discussion regarding the scheduling of City Administrator candidate interviews ~ *Unanimously placed on the agenda at the beginning of the meeting* ~

Mayor Sanders advised the projected schedule for selection of the next City Administrator is currently as follows:

February 18:	City selects candidates for interviews
February 29 - March 4:	Mayor and Board interview finalists
March 8:	Mayor and Board select City Administrator

The Mayor announced review of all candidate information to determine possibly

January 5, 2016 Regular Meeting

three (3) finalists; conduct interviews; and, to select the City Administrator will be conducted in executive session; therefore, special meetings will need to be called to accommodate such. In order to ensure the Board's availability, he requested each member review their calendars to determine tentative dates to conduct said special meetings. The Board determined the following tentative dates for special meetings:

Thursday, February 18:	Review candidate information and select finalists
Monday, February 29:	Candidate interview
Thursday, March 3:	Candidate interview
Monday, March 7:	Candidate interview
Tuesday, March 8:	Select City Administrator

City Clerk Sherri Gard reminded the Board that although the above dates were selected, such remain tentative as the Board must still formally call the special meetings. Candidate interview dates may need to be adjusted to accommodate a specific candidates schedule if necessary; however, it will be recommended the above dates are preferred.

The Mayor noted that depending on arrival times of the candidate finalists, a community tour, lunch with department heads and possible tour of city facilities will be coordinated for the day of the interviews. Dinner will be provided at 5:30 p.m. with each special meeting to be scheduled for 6:00 p.m.

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

▶ Mayor Sanders

- Re:
1. Congratulated Director Lorenz upon being named *Manager of the Year* by his employer, Shared Services.
 2. Reminded all that the January 12, 2016 study session will be held at 6:00 p.m. rather than 12:00 Noon.

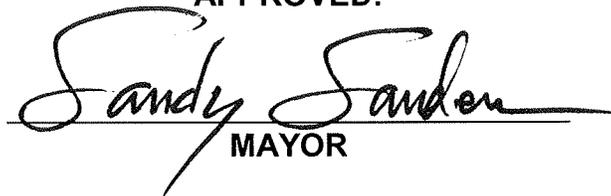
January 5, 2016 Regular Meeting

▶ Director Settle

- Re: 1. Regarding landfill disposal rates currently scheduled for discussion at the January 12, 2016 study session, he recommended the item be removed the agenda and brought back for discussion at a later date. As noted by the Mayor, said study session was previously changed from 12:00 Noon to 6:00 p.m.; therefore, he further recommended the time be changed back to 12:00 Noon. The Board concurred to such; therefore, the Mayor advised the January 12, 2016 study session will be held at 12:00 Noon and the subject item postponed for discussion at a later date.
2. The University of Arkansas Fort Smith will host nationally televised basketball games (mens and womens) scheduled for 5:00 p.m. and 7:00 p.m., Saturday, January 16, 2016; therefore, he encouraged all to attend.

There being no further business to come before the Board, Pennartz moved that the meeting adjourn. The motion was seconded by Lorenz, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:41 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK