

## MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ FEBRUARY 2, 2021 ~ 6:00 P.M.

### FORT SMITH CONVENTION CENTER

The meeting was called to order by Mayor George McGill, presiding. Invocation was given by Director Robyn Dawson, followed by the Pledge of Allegiance led by Director Neal Martin.

On roll call the following members of the Board were all physically present: Directors Jarred Rego, Andre' Good, Lavon Morton, George Catsavis, Kevin Settle, Robyn Dawson, and Neal Martin. 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 January 19, 2021 regular meeting was presented for approval. Morton, seconded by Settle, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 consisted of the following items regarding appeal of Planning Commission approval of the replat Plat, Fianna Hills, Phase III, Lots 409A, 411A, 412A and Tract 4A (*Appeal of Fianna Hills Property Owners Association, Inc.*) (*Planning*):

- A. Resolution affirming the action of the Planning Commission's approval of the replat of Fianna Hills, Phase III, Lots 409A, 411A, 412A and Tract 4A
- B. Resolution approving an appeal of the replat, Fianna Hills, Phase III, Lots 409A, 411A, 412A and Tract 4A

Director of Development Services Maggie Rice briefed the Board on the item advising Mickle-Wagner-Coleman, agent for Fianna Properties, LLC, filed an application

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to replat the subject property. The plat complies with the applicable standards of the Unified Development Ordinance (UDO) subdivision standards and the area and bulk requirements for the RS-2 zoning district, which requires a minimum lot area of 10,500 square feet and a minimum lot width at the building line of 75'. The UDO states that plats that increase the average size of existing subdivision lots are not defined as a minor plat. As a result, the plat must be considered by the Planning Commission. The lots currently contain approximately 8,276 square feet, and if replatted with a portion of the golf course, would increase to approximately 23,958 square feet. The Planning Department received responses from multiple individuals both in favor and opposition to replat application prior to Planning Commission consideration. The Planning Commission considered the application at its January 12, 2021 meeting whereby seven (7) property owners spoke in opposition to the request and two (2) spoke in support. The Planning Commission approved the application by a vote of eight (8) in favor and zero (0) opposed. Mr. John Alford, attorney for the Fianna Hills Property Owners Association (POA), filed an appeal of the Planning Commission's approval of the replat of portions of the Fianna Hills golf course with the City Clerk's Office on January 22, 2021. Item No. 1A affirms the action of the Planning Commission approving the requested replat. Item No. 1B overturns the action of the Planning Commission and denies the requested replat of the subject properties.

There was brief discussion regarding speaking time limits whereby it was noted that all parties should be extended adequate time to convey comments and concerns; therefore, the Board concurred to extend five (5) minutes per person.

The following individuals were present and addressed the Board:

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- Mark Moll, attorney for Fianna Properties, LLC

Re: Spoke in favor of Item No. 1A advising the golf course closed in 2018 citing such is unfortunately the trend for many golf courses. Regardless, the subject golf course maintained only two-hundred-twenty (220) members at the time of closure. The owner, Mr. David Mille, has continued to maintain the parcels not already sold. Although there are contracts-of-sale for one-hundred-ninety-five (195) lots, the proposed replat involves only three (3) lots. The POA claims easement issues exist; however, such matters should be left to the courts to decide. He reiterated and reminded the Board that the subject matter involves the replat of 3 lots and their decision should be based on such, as well as the fact that the application meets all the requirements of the UDO adding the Director of Development Services has formally indicated same. He requested approval of Item No. 1A and urged the Board to not table the matter to a later date.

- Dalton Person, attorney for Fianna Properties, LLC

Re: Noted concurrence with the comments of his co-counsel, Mr. Moll, reiterating that the replat complies with all applicable standards of the UDO. Additionally, he reminded all that the Planning Commission voted unanimously to replat the subject 3 lots. He further conveyed no objection to allowing the courts to decide the use of the now-closed golf course; however, he urged the Board to uphold the Planning Commission's approval of the subject replat.

- Kyle Foreman  
Fort Smith, Arkansas

Re: Spoke in favor of Item No. 1A citing he purchased his home three (3) years ago. The demographics of the neighborhood is changing whereby more younger couples are moving into the area, and with consistent and intermittent school closures due to COVID-19, many children are present and playing in their yards. He noted concurrence with Mr. Moll and urged the Board to not table the matter.

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- Danny Aldridge, representing the Fianna Hills Property Owners Association (POA)

Re: Advised he purchased his home in 1984 indicating he looked forward to the *“country club lifestyle.”* He conceded that although the area may not be utilized as a golf course and the owner should make money, he conveyed much assurance that other options/amenities exist and should be explored. Due to such, he urged the Board to table the subject item for ninety (90) days to allow the POA to discuss the matter and determine the best course of action to seek a resolution to reopen the facility/club house. If no feasible option is determined, he expressed much confidence that he will address the Board in 90 days and willingly advise of same, but urged the Board to give them *“a chance to make things work.”*

- James Gillespie  
Fort Smith, Arkansas

Re: Concurred with the comments of Mr. Aldridge and requested the matter be tabled to allow the POA to determine a resolution. Oklahoma City experienced a like-issue in years past whereby they came up with a plan and now they have great amenities. Unfortunately, Tulsa also experienced same; however, no plan was put in place alleging now many areas of the city are parking lots. He urged the Board to mirror Oklahoma City’s scenario and allow the POA to determine a plan that will only benefit the area. If such is not allowed, he expressed great concern that once replatting is initiated, such will continue *“like dominos.”*

- John Alford, attorney for Fianna Hills Property Owners Association, Inc.

Re: Spoke in favor of Item No. 1B advising many residents invested in their homes, which was sold as a golf course community in one of the largest developments in the city. The residential lots and golf course tracts were platted at the same time. Although only 3 lots are proposed for replatting, he urged that a development plan should be required for the entire one-hundred-fifty

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(150) acre site. He alleged that no one has requested the surrounding residents to get together and come up with a plan citing the applicants have only indicated the replat will extend adjoining residents back yards. Due to such and because heavy use of pesticides has been used on the replatted areas, he expressed much concern that no environmental remediation has been conducted citing said issues should be addressed prior to replat. He further noted that a plan should be prepared to also address drainage and protection of existing trees.

- David J. Mille, owner

Re: Advised he purchased the property in 2004 advising most of the members of the country club were from surrounding communities and not surrounding residents. Regardless, the 158 acres has to be mowed and, since it's a golf course, also requires consistent fertilization. Such results in an expense of approximately \$600,000 per year, which he has continued to pay even after closure of operations. His partner passed away in 2015, which initiated his decision to sell the property. There's been no interest except from an apartment and duplex developer, which he prefers that not be the end result for the property. Although the POA has indicated interest in acquiring, they "*have never ran a golf course*"; therefore, he fears they cannot support the expense required to operate same. He spoke in favor of Item No. 1A citing if replat of the properties are not ultimately approved, he conveyed much uncertainty as to how long he can continue to bear aforementioned maintenance expense before having to consider another option.

Settle, seconded by Martin, moved to table the matter for ninety (90) days. Prior to the vote, Director Morton commented the City should not stand between a buyer and seller, acknowledging there's a serious financial challenge to operate a golf course. Regardless, he posed no objection to postponing the matter in order to allow discussion for potential resolution; therefore, he requested a response from Mr. Moll regarding same. Additionally,

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since the POA has requested the matter be tabled and because no resolution has been achieved in the two (2) years the golf course has not been in operation, he questioned Mr. Aldridge why he feels such can be accomplished in 90 days.

Mr. Moll advised the owner, Mr. Mille, has tried to sell the property for ten (10) years. Within that time, the POA extended an offer and the owner accepted; however, the POA then backed-out and the owner has not heard from them since. After Planning Commission approval of the proposed replat, an *"an olive branch"* was extended with another offer submitted; however, Mr. Mille denied said offer alleging the POA has no idea of the exorbitant cost to operate the golf course.

Mr. Aldridge advised he's an elected official serving on the Sebastian County Quorum Court, and explained that Sebastian County took over the golf course at Ben Geren Park whereby such is bringing in revenue. Due to such, he reiterated much confidence such can be done; however, if it's determined that such cannot be accomplished at the Fianna Hills golf course, he also reiterated that if the Board will postpone the matter as requested, he gave *"his word as an elected official"* that will advise of such.

Director Catsavis spoke in opposition to tabling the matter for 90 days; however, upon approval, he questioned the anticipated use of the club house citing such is in great disrepair.

Mr. Moll advised that although roof repair is needed, the structure is *"not bad"*; therefore, the best option would be an effort to renovate and open the club house as a public restaurant.

Director Settle questioned the current zoning of the subject property whereby Mrs.

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Rice advised all are zoned residential single-family. Due to such and even upon approval of the replat, he further requested confirmation that if apartments were to be developed on the site, such would require Planning Commission approval whereby Mrs. Rice responded affirmatively.

Director Good conveyed no opposition to postponing the matter for 90 days especially if such could potentially result in a resolution; however, he affirmed that the Planning Commission approved the proposed replat and Board involvement would not be required had an appeal not been filed.

In the event the replat is not approved, Director Rego questioned what the “*next step*” would be.

Mr. Moll simply advised the owner can always reconnect with a developer from northwest Arkansas that previously conveyed interest in developing the property.

The motion to table the item for 90 days remaining on the floor, the members voted as follows: ayes - Rego, Morton, Catsavis, Settle, and Martin; nays - Good; abstention - Dawson. The Mayor declared the motion carried.

At approximately 7:02 p.m., the Mayor announced that a brief recess would be held whereby the Board reconvened at approximately 7:11 p.m.

Mayor McGill announced that this was the time and place set for a public hearing to close, vacate, and abandon a portion of street rights-of-way along Fort Chaffee Boulevard. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of an ordinance authorizing same would be given (Item No. 2).

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Mrs. Rice briefed the Board on the item advising such is per the request of Fort Chaffee Redevelopment Authority (FCRA). The applicant requests a reduction from an existing 80' right-of-way width to 50'. The request includes an abandonment of 15' of right-of-way on both sides of Fort Chaffee Boulevard from Roberts Boulevard to the city limit line of Fort Smith and Barling. The purpose of the request is to reduce the right-of-way to a width that is compatible with the Mixed Use: Historic Area and to provide areas for vehicular parking on both sides of the street. All franchise utilities and City Departments have been contacted regarding the requested abandonment whereby Arkansas Oklahoma Gas (AOG), Oklahoma Gas and Electric (OGE), AT&T, and the City of Fort Smith Utility Department require an easement for existing infrastructure, which has already been executed and provided. The ordinance has been revised to include clarification verbiage within the emergency clause; therefore, the motion to adopt should include "*as revised.*"

There being no individual present to speak, the Mayor formally closed the public hearing.

Settle, seconded by Good, moved adoption of the ordinance as revised. 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 by caption for its readings. Prior to the vote, Director Morton recalled past abandonment requests citing each provided development plans; however, no development plan was provided with the subject request. Due to such, he expressed concern that having no development plan "*is not in the best interest of the city*", and requested a brief explanation. Upon approval, he further inquired if ownership of the abandoned property will revert to the FCRA.



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Mr. Dalton Person, attorney for FCRA, reiterated the request is to provide on-street parking clarifying such is per the request of a prospective business owner, who desires to purchase property in the area. Such will also provide on-street parking for other property owners in the subject area. Twenty-three (23) surrounding property owners were notified of the request whereby all, but one (1) conveyed no objection to the proposed.

With regard to ownership of the abandoned property, Mrs. Rice confirmed that FCRA has already assigned ownership of the subject abandonment areas to the adjoining property owners. She further clarified that the aforementioned assignments are pending approval of the proposed ordinance.

The motion remaining on the floor, the members voted as follows: ayes - Rego, Good, Morton, and Settle; nays - Catsavis and Martin; abstention - Dawson. The Mayor declared the motion carried; however, because the motion did not obtain five (5) affirmative votes required to suspend the rule, the Mayor announced the ordinance must be read in its entirety for its first reading. Prior to initiation of the first reading, Director Settle requested confirmation that a separate motion can be made to suspend the rule, which will waive the reading requirement.

City Attorney Jerry Canfield confirmed that the Board may opt to suspend the rule, which requires five (5) affirmative votes, and clarified that those voting in opposition to the subject measure may vote in favor to suspend the rule.

Martin, seconded by Settle, 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 voted affirmatively with the exception of Director Dawson who abstained.

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The Mayor declared the motion carried. Settle, seconded Martin, moved adoption of Section 3 the emergency clause. The members all voted affirmatively with the exception of Director Dawson who abstained. The Mayor declared the motion carried and the ordinance and emergency clause were adopted and the ordinance was given Ordinance No. 10-21.

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 Detached to Residential Attached by extension / Rezoning: from Residential Estate One Acre (RE-1) to Residential Single Family-Duplex Medium /High Density (RSD-3) by classification at 6501 Kinkead Avenue*) (*Planning*).

Mrs. Rice briefed the Board on the item advising such is per the request of Isabel Lane, agent for Fenwick Properties. The subject property contains 1.95 acres and is located on the north side of Kinkead Avenue west of the North 66<sup>th</sup> Street intersection. The purpose of the requests is to facilitate the development of a five (5) lot duplex subdivision with a private access easement. In accordance with Ordinance No. 96-20, no neighborhood meeting was held; however, all surrounding property owners were notified of the proposed amendments. The Planning Department received one (1) phone call from Ms. Anna Bandy, who resides on North 66<sup>th</sup> Street. Mrs. Bandy indicated opposition to the proposed rental structure, but spoke in favor of the units being sold out-right. The Planning Commission held a public hearing on January 12, 2021 whereby Mr. Danny Stalcup was in attendance to speak in opposition to the proposed citing concerns regarding appropriateness, wildlife preservation, size of development, proximity to properties along

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Jeffrey Way, the potential for noise pollution, and devaluation of property values. The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the proposed amendments to the Board of Directors for consideration.

Catsavis, seconded by Martin, 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 by caption for its readings. Prior to the vote, Director Morton conveyed no issue with the proposed development; however, he inquired if the property maintains potential for flooding.

Director of Engineering Stan Snodgrass advised the northern portion of the subject property is included in the one-hundred (100) year floodway; however, the location in which construction is proposed is not in the floodway.

Director Rego complimented the development group citing such is a *“nice development.”*

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 11-21.

Item No. 4 was an ordinance rezoning identified property and amending the zoning map *(from Transitional (T) and Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by classification at 1500-1506 Dodson Avenue, 1310 South 17th Street, and 1324 South 17th Street) (Planning).*

Mrs. Rice briefed the Board on the item advising such is per the request of James

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Reddick, agent for Kelly Serenko. The subject property is located on the south side of Dodson Avenue between Lexington Avenue and South 17<sup>th</sup> Street, and contains 9.48 acres. The purpose of the proposed amendment is to allow the existing uses to be permitted by right. The Planning Commission held a public hearing on January 12, 2021 with no individual present to speak in opposition to the request. The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the proposed amendment to the Board of Directors for consideration.

Morton, 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 by caption of its readings. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 12-21.

Item No. 5 was an ordinance rezoning identified property and amending the zoning map (*from Transitional (T) to a Planned Zoning District (PZD) by classification at 523 Lexington Avenue*) (*Planning*).

Mrs. Rice briefed the Board on the item advising such is per the request of Tom Johnson, agent for WS Management, LLC. The subject property is located on the northeast corner of the Lexington Avenue and South “E” Street intersection, and contains 0.31 acres. The purpose of the proposed is to allow the uses listed within the PZD land use chart, which includes medial appliance services. In accordance with Ordinance No. 96-20, no neighborhood meeting was held; however, notification of the proposed rezoning was

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sent to surrounding property owners. The applicant received two (2) calls from surrounding property owners, who conveyed concerns regarding property use and property values; however, after explanation of the project, no further concerns were expressed. The Planning Commission held a public hearing on January 12, 2021 with no individual present to speak in opposition. The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the matter to the Board of Directors for consideration.

Settle, seconded by Rego, 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 by caption of its readings. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 13-21.

Item No. 6 was an ordinance zoning identified property and amending the zoning map (*from Not Zoned to a Planned Zoning District (PZD) by classification at 7000 Wells Lake Road*) (*Planning*).

Mrs. Rice briefed the Board on the item advising such is per the request of Connor Threet, agent for ERC Create, LLC. The subject property is located adjacent to The HUB, Phase I on Wells Lake Road, and contains 11.42 acres. The purpose of the proposed is to facilitate the development of a multi-use site consisting of twenty-seven (27) single-family dwellings on individual lots at the rear of the development; multiple buildings of varying size of multi-family; and, commercial uses at the forefront of the development. In accordance with Ordinance No. 96-20, no neighborhood meeting was held; however,

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notification was forwarded to surrounding property owners. One (1) property owner responded and simply conveyed concern regarding the potential affects to the nature trail around the Providence neighborhood. The Planning Commission held a public hearing on January 12, 2021 with no individual present to speak in opposition. The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the proposed amendment to the Board of Directors for consideration.

Martin, 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 by caption of its readings. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 14-21.

Item No. 7 was an ordinance zoning identified property and amending the zoning map (*from Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification at 10301 Chad Colley Boulevard*) (*Planning*).

Mrs. Rice briefed the Board on the item advising such is per the request of Mickle-Wagner-Coleman, Inc., agent for Rocky Walker. The subject property is located on the east side of Chad Colley just south of The Reserve Apartments, and contains 26 acres. The purpose of the proposed is to facilitate the development of a seventy-one (71) lot, single-family subdivision. The Planning Commission held a public hearing on January 12, 2021 with no individual to speak in opposition. The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the matter to the Board of Directors for consideration.

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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 by caption of its readings. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 15-21

Item No. 8 was an ordinance amending the 2019 Unified Development Ordinance (*Form Based Code*) (*Planning*).

Mrs. Rice briefed the Board on the item advising the proposed amendment adopts the Downtown Fort Smith Form-Based Code (FBC), which will replace the existing zoning districts in a majority of the Central Business Improvement District (CBID). Implementation of the FBC was a key recommendation of the Propelling Downtown Forward Master Plan adopted in 2017 by the City of Fort Smith. The primary purpose of the FBC is to facilitate the development and redevelopment of downtown whereby key benefits include the following:

- facilitates the appropriate reuse and rehabilitation of buildings
- enables new infill development
- advances development and promotes sustainable land use patterns
- encourages pedestrian activity and supports an attractive community

The CBID reviewed the proposed on November 17, 2020 and recommended approval. The Planning Commission held a public hearing on January 12, 2021 with no

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individual present to speak in opposition. The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the proposed amendment to the UDO to the Board of Directors for consideration.

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 by caption of its readings. Prior to the vote, Director Rego extended much appreciation to all involved in the proposed amendment citing such is a “*step forward*”, and acknowledged the proposed required a lot of hard work.

Director Settle questioned if a formal zone change for the subject area will be required whereby Mrs. Rice responded affirmatively citing such will be accomplished upon approval of Item No. 9 on the agenda. He further extended much appreciation to former Director Keith Lau who first requested the FBC several years ago.

Director Martin requested a brief explanation of the process for zoning whereby Mrs. Rice advised requirements remain the same as existing zoning requirements.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried. Martin, seconded by Rego, 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 the ordinance was given Ordinance No. 16-21.

Item No. 9 was an ordinance rezoning identified property and amending the zoning map (*from Transitional (T), Commercial Heavy (C-5), Commercial Downtown (C-6)*,



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*Industrial Light (I-1), and Industrial Moderate (I-2) to Form Based Code (FBC) by classification as located on the FBC Boundary Map) (Planning).*

Mrs. Rice briefed the Board on the item advising such is per the request of the City of Fort Smith. The subject location is located in Downtown Fort Smith and will include the following character areas:

- |   |               |   |                           |
|---|---------------|---|---------------------------|
| * | Garrison      | * | Warehouse/Industrial Arts |
| * | Cisterna      | * | Riverfront                |
| * | Civic/Medical | * | Neighborhood              |

The proposed zoning to the FBC, adopted per Item No. 8, i.e. Ordinance No. 16-21, will promote the reuse and rehabilitation of downtown buildings and enable new infill development. The Downtown Form Based Code also aids in the advancement of downtown's development by promoting sustainable land use patterns and encouraging pedestrian activity to create an attractive community environment. Planning Department staff held two (2) stakeholder meetings on October 19, 2020 and the CBID recommended approval of the FBC at its November 17, 2020 meeting. The Planning Commission held a public hearing on January 12, 2021 with no individual present to speak in opposition. The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the proposed to the Board of Directors for consideration.

Catsavis, seconded by Martin, 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 by caption of its readings. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 17-21.

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Item No. 10 was an ordinance amending the 2019 Unified Development Ordinance (*Off-street parking at neighborhood stores*) (*Planning*).

Mrs. Rice briefed the Board on the item advising proposed UDO amendment adds Neighborhood Store to the retail trade description category and requires a minimum of one (1) space per two-hundred-fifty (250) square feet of customer area. Over the past six (6) years, the Board of Zoning Adjustment has approved seven (7) variances to allow a reduction of off-street parking at neighborhood stores. The turnover in parking spaces at neighborhood stores, such as Family Dollar and Dollar General, is greater than other retail stores thus not requiring as many spaces. No parking shortages has been observed at any of the neighborhood stores receiving aforementioned variances. Upon approval, the proposed will eliminate the submittal of unnecessary variance applications.

Martin, 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 by caption of its readings. Prior to the vote, Directors Settle and Rego extended much appreciation to the Planning Department for an "*excellent job*" in recognizing and proposing the subject amendment.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Catsavis, 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 the ordinance was given Ordinance No. 18-21.

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The consent agenda (Item No. 11) was presented for consideration, the items being as follows:

- A. Resolution to accept the bid and authorize a contract for the construction of 2020 Traffic Signal Improvements, Project No. 20-09-A (\$520,037.50 / *Engineering Department / Budgeted - Sales Tax Program*) ♦ *Future Fort Smith Item*
- B. Resolution authorizing engineering services agreements for the design of projects in the 2021 Streets, Bridges, and Associated Drainage Sales Tax Program (\$976,303.00 / *Engineering Department / Budgeted - Sales Tax Program*) ♦ *Future Fort Smith Item*
- C. Resolution authorizing the Mayor to execute a lease agreement for City offices and parking spaces (*Finance*)
- D. Resolution accepting bids for the performance of taxicab inspections (*Finance*)
- E. Resolution authorizing the renewal of an annual software services maintenance agreement for Computer-Aided Dispatch (CAD) & Incident Crime Information System (ICIS) software with Tri-Tech Software Systems, a Central Square Company (\$101,067.47 / *Information Technology Services / Budgeted - Software Maintenance*)

Martin, seconded by Good, moved adoption of all consent agenda items. Prior to the vote and regarding Item No. 11A, Director Morton requested confirmation that the subject cost of \$520,037.50 is for construction of two (2) intersections, and inquired of the reasoning for the projects to be completed at this time.

Director of Engineering Stan Snodgrass confirmed the project includes two (2) intersections at the cost of approximately \$260,000 each. With regard to the reason for the projects, he advised that both existing traffic signals were initially installed in the mid 1980's; therefore, pole integrity and the overage age of the conduit and wiring, as well the

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base are in need of replacement. He added that replacements are usually on a thirty (30) year cycle; therefore, the subject replacements are a bit behind schedule for replacement.

With regard to Item No. 11B, Director Morton noted the area has experienced flooding in the past; therefore, he inquired if the proposed will help whereby Mr. Snodgrass responded affirmatively.

Regarding Item No. 11D, Director Morton conveyed no objection to the proposed; however, he requested that cleanliness and condition of the vehicle interior be added to the checklist.

Director Settle noted the City of Fort Smith does not oversee such for Uber or Lyft; therefore, he questioned the reason for such.

Deputy City Administrator Jeff Dingman simply advised that such entities are not licensed by the City of Fort Smith, but governed by the State of Arkansas.

With regard to Item No. 11E, Director Morton noted a new system is anticipated for 2021; therefore, he requested confirmation that the proposed is merely continuation of the existing maintenance agreement.

Director of Information and Technology Services Russell Gibson confirmed a new system will be implemented in 2021. The proposed is essentially continuation of the existing maintenance agreement to ensure coverage of the current system until the new system is installed and fully-operational.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and given Resolutions No. R-16-21 through R-20-21 respectively.

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

▶ Mayor McGill

- Re:
1. Announced the overlay of Grand Avenue is looking “very good” and his hopeful such will extent all the way to the Interstate.
  2. Regarding the ongoing COVID-19 pandemic, he urged all to continue to be mindful of its existence and take all necessary precautions.

▶ Director Catsavis

Re: Extended much appreciation to Director Morton for his concurrence at the January 19, 2021 regular meeting to place an item a future study session to discuss the adjustment of water billings when associated with a water leak.

Director Martin noted such is currently set for a study session in March; therefore, he requested the item be moved up on the schedule for discussion.

▶ Director Morton

Re: Announced that vaccination appointments are being made for all those who currently qualify for such; therefore, he encouraged all to take advantage of same and get vaccinated.

▶ Director Good

Re: Although the City recently reinstated shut-offs and late fees for utility billings, he requested such reviewed to determine the impact to the Solid Waste Services Department.

▶ Director Settle

Re: Regarding Consent Agenda Item No. 11D, i.e. bids for taxicab inspection, he acknowledged the City does not regulate Uber or Lyft; therefore, he questioned the necessity of regulating taxicabs, and requested an item

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be placed on a future study session to discuss same. Catsavis concurred with the request; therefore, because such requires the concurrence of two (2) directors to place an item on a future agenda, Mayor McGill announced the item will be added to a future study session agenda as requested.

▶ Director Martin

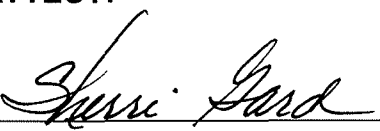
Re: Noted the recent passing of Mr. Chad Colley advising he fought in the Vietnam War and denoted many sacrifices made. He extended heartfelt condolences to his family citing *"the city of Fort Smith lost a special person."*

There being no further business to come before the Board, Catsavis moved that the meeting adjourn. The motion was seconded by Martin, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:56 p.m.

**APPROVED:**

  
MAYOR

**ATTEST:**

  
CITY CLERK