AGENDA

FORT SMITH BOARD OF DIRECTORS
REGULAR MEETING

NOVEMBER 16, 2010 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS
SERVICE CENTER
3205 JENNY LIND ROAD

5:45 p.m. - Oath of Office ceremony for newly elected Ward 4 Director George Catsavis

THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING
(Section 2-37 of Ordinance No. 24-10)

APPROVE MINUTES OF THE NOVEMBER 2, 2010 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentations
   - ➢ Umarex on the occasion of opening their new Fort Smith facility
   - ➢ Development Services Department for receiving the International Code Council's 2010 Community Service Award

2. Public hearing and resolution approving the Five-Year Consolidated Plan for Program Years 2011 - 2015 for the City of Fort Smith, Arkansas and authorizing its submission to the United States Department of Housing and Urban Development

3. Public hearing and ordinance certifying to the Sebastian County Tax Collector delinquent property cleanup liens

4. Ordinance amending Ordinance No. 24-10 and setting the location and time for regular meetings of the Board of Directors for the year 2011

5. Ordinance amending Section 7-71 of the Fort Smith Municipal Code to decrease the number of members on the Oak Cemetery Commission

6. Consent Agenda

   A. Resolution appointing Acting City Administrator

   B. Ordinance declaring exceptional circumstance and authorizing continuation of agreement with Data-Tronics Corporation

   C. Resolution establishing tennis court usage fees for the Creekmore Park Tennis Center and superseding Resolution No. R-16-06

   D. Resolution authorizing partial payment to Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant - Contract 3 ($1,260,718.84)

OFFICIALS FORUM ~ presentation of information requiring no official action
(Section 2-36 of Ordinance No. 24-10)

A. Mayor

B. Directors

C. City Administrator

EXECUTIVE SESSION

Appointments: Audit Committee (4), Building Board of Adjustment and Appeals (1) and Oak Cemetery Commission (3)

CITIZENS FORUM ~ presentation of information by citizens ~ an opportunity for citizens to present matters to the Mayor and Board of Directors which involve the city government and are not directly related to items considered on the agenda for this meeting. ***Presentations are limited to 2 minutes for each citizen***
(Section 2-44(b) of Ordinance No. 24-10)

ADJOURN

2

RESOLUTION NO. _____

A RESOLUTION APPROVING THE FIVE YEAR CONSOLIDATED PLAN FOR PROGRAM YEARS 2011-2015 FOR THE CITY OF FORT SMITH, ARKANSAS, AND AUTHORIZING ITS SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The five year Consolidated Plan for Program Years 2011-2015 for the City of Fort Smith, Arkansas, is hereby approved.

SECTION 2: The Director of Community Development is hereby authorized to submit the Consolidated Plan to the Little Rock Office of the Department of Housing and Urban Development.

This Resolution adopted this 16th day of November, 2010.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY CLERK

Approved as to form!
Asst City Attorney
NPR

MEMORANDUM

To: Ray Gosack, Acting City Administrator
From: Matt Jennings, Director of Community Development
Copy: Wally Bailey, Director of Development Services
Date: November 12, 2010
Subject: 5-Year Consolidated Plan (Program Years 2011-2015)

The Five Year Consolidated Plan is ready for the final public hearing. The notice was published in the legal notices section of the Times Record; other notices were mailed and emailed. I am requesting that in the interest of keeping copies to a minimum, the final consolidated plan submitted with the study session packet be used for the voting session. A copy of the plan is on the City Website at: http://www.fortsmithar.gov/CommunityDevelopment/files/Fort%20Smith_Con_Plan_FINAL_2011-2015.pdf . Additionally, copies are available at the City Clerk's office, the Planning and Community Development office and all public libraries.

Once the public hearing is closed, a resolution is attached for consideration by the Board of Directors which would approve the plan and authorize its submission to the U. S. Department of Housing and Urban Development.

As requested by Director Tyler at the study session, a summary of activities and beneficiaries follows this memo.

The Community Development Advisory Committee has recommended approval to the Board of Directors at the October 13, 2010 meeting.

Should you have any questions or comments, please let me know.

City of Fort Smith CDBG Funded Activities Summary

Project Type		*PY 2007*	*PY 2008*	*PY 2009*
Housing Reconstruction	**(households)**	**2**	**0**	**0**
Housing Rehab.; Single Family	**(households)**	**48**	**27**	**50**
Public Facilities - General	**(persons)**	**92**	**86**	**0**
Youth Centers	(persons)	0	338	0
Centers for the Disabled	(persons)	0	0	94
Parks, Recreation Facilities	(persons)	2,204	0	0
Sidewalks – ARRA Funding	(public facility count)	0	0	1
Water / Sewer Improvements	(persons)	974	0	0
***Public Services - General**	**(units of service)**	**27,381**	**360**	**56**
*Operating Costs for Homeless	(units of service)	3,011	2,108	3,535
*Senior Services	(persons)	66	30	61
*Transportation Services	(persons)	0	71	0
*Abused Spouses	(persons)	322	385	153
*Child Care Services	(persons)	0	0	366
*Health Services	(units of service)	2,796	3,194	3,128
*Subsistence Payments	(persons)	0	0	100

**All public services projects are reported by non-profit agencies*

City of Fort Smith HOME Funded Activities Summary

Project Type		*PY 2007*	*PY 2008*	*PY 2009*
Homebuyer	**(households)**	**76**	**72**	**60**

PY = Program Year

Memo SS 1

To: Ray Gosack, Acting City Administrator

From: Matt Jennings, Director of Community Development

CC: Wally Bailey, Director of Development Services

Date: November 5, 2010

Re: Five Year Consolidated Plan for Program Years 2011-2015

As you are aware, each entitlement city that receives funding from the Department of Housing and Urban Development is required to prepare a Consolidated Plan which defines the goal, objectives and strategies and performance measures with input from our citizens. The plan describes how these CDBG and HOME funds granted to the city will be expended over the next five year period. CDBG and HOME are operated on a July 1 – June 30 program year. The final document of the subject plan is enclosed for review.

The plan describes the consolidated plan development process, the demographic and economic profile, the housing market analysis, the housing and homeless needs assessment, the community development needs assessment and finally the strategic plan.

The Executive Summary(pages 1—7) provides a description of how the CDBG and HOME funding will be spent over the next five program years for affordable housing, homelessness, special needs, non-housing community development, an anti-poverty strategy and coordination with other housing and community development agencies and organizations. The significant changes from the previous plan (2005-2010) as it relates to CDBG funding is to: *1. Increase homelessness funding from 10% to 15%. 2. Explore the use of a Section 108 loan to assist with the building of a homelessness campus. 3. Increase the amount of funding from the CDBG community development from 60% to 80% of the allocation for the Fort Smith Housing Assistance Program to continue to preserve the older owner-occupied housing stock and revitalize our core neighborhoods.*

With CDBG funds, the plan maintains public service funding at 15% which is the regulatory maximum that can be spent towards those project types. The community development category and un-programmed funding were reduced by 2.5% each to increase the homelessness category. The percentages will be 15% Homelessness, 15% Public Service, 47.5% Community Development/Housing, 20% Administration and 2.5 % for un-programmed funds.

HOME funds will continue with the same percentages with goals to increase affordable housing opportunities to move families that are mortgage ready from renters to homeownership. The percentages are 75% for affordable housing, 15% for Community Housing Development Organization (CHDO) set-aside (regulation minimum) and 10% for administration (regulation maximum).

The consolidated plan is a result of two public hearings and 152 surveys completed by citizens as well as agencies that traditionally provide services to low income families and individuals. A 30 day review and comment period for the consolidated plan expired on November 1, 2010 at 4:00 p.m. No comments were received during the 30 day review period. The plan is posted on the city web page and is available in hard copy at the city planning and community development office.

Beginning on August 5, 2010, numerous notices were published in the Times Record, the Lincoln Echo and the Hispano Unidos newspaper publications. Additionally, Rev. U. C. Washington assisted us with distributing notices through the ministerial alliance, notices were sent though Wardell Henley with NSTBG, Carolyn Plank for distribution through the neighborhood association, email notices, letters and notices mailed out to people and the media on the Citizen Participation list, documents on the website and the city access channel. The detailed documentation of the public involvement process is on Pages 129-166.

At the conclusion of the public hearing presentation of the draft consolidated plan on the October 13, 2010, the Community Development Advisory Committee (CDAC) met and recommended approval to the Board of Directors for the consolidated plan. CDAC members in attendance were Fran Hall, Chairperson, Yvonne Keaton-Martin, Kerry Norman, George Willis, Rebecca Timmons and Ginia Smith. Cinda Rusin was absent.

To reduce costs in the hiring of a consultant to assist with the preparation of the consolidated plan, the city participated with the Cities of Bentonville, Conway, Jacksonville and West Memphis to achieve economies of scale. The cities asked that the City of Fort Smith be the lead city in the Arkansas HUD Entitlement Cities Consortium. Western Economic Services, LLC provided the consultant services and the Fort Smith share was $31,987.24 which is paid out of the federal funds. The HUD Little Rock Field office intends to submit the process to the HUD headquarters in Washington, D.C as a "Best Practice" item.

Should you have any questions, comments or need additional information, please let me know.

3.

ORDINANCE NO._____

AN ORDINANCE CERTIFYING TO THE SEBASTIAN COUNTY TAX COLLECTOR DELINQUENT PROPERTY CLEANUP LIENS

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS THAT:

SECTION 1: It is hereby determined by the Board of Directors that the hereinafter described properties and the amount of lien filed against each, shall be certified to the Sebastian County Tax Collector and placed on the tax books as delinquent taxes and collected accordingly. The amount of lien shown for each property shall be increased by ten percent (10%) as a penalty for collection. The amount, less three percent (3%) thereof, when so collected, shall be paid to the City by the Sebastian County Tax Collector, all in accordance with Section 16-11 of the Fort Smith Code of Ordinances:

NAME	ADDRESS OF PROPERTY CLEANED	AMOUNT OF LIEN	LIEN + 10% PENALTY
616 North 19th, LLC	616 North 19	232.07	255.28
616 North 19th, LLC	616 North 19	199.82	219.80
Acord, Hartsel Gerald	3020-3022 Alabama	2,926.72	3,219.39
Al Hakeem, Abdullah	2144 North 13	308.75	339.63
Al Hakeem, Abdullah	2144 North 13	226.82	249.50
Al Hakeem, Abdullah	2144 North 13	222.82	245.10
Al Sher, Inc.	1719 North 13	577.91	635.70
Al Sher, Inc.	1719 North 13	228.78	251.66
Al Sher, Inc.	1719 North 13	263.78	290.16
Ameriquest Mortgage Co.	3312 Joilet	313.26	344.59
Ames, Thomas Dewayne	3400 North Johnson	271.12	298.23
Ames, Thomas Dewayne	3400 North Johnson	199.78	219.76
Ames, Thomas Dewayne	3400 North Johnson	195.78	215.36
AR Valley Habitat for Humanity	2325 North 29, lot north of	230.80	253.88
AVS Properties	2023 North 12	217.32	239.05
AVS Properties	1417 Lyman	227.21	249.93
AVS Properties	1417 Lyman	201.82	222.00
AVS Properties	1417 Lyman	228.82	251.70
AVS Properties	1418 South 12	300.05	330.06
AVS Properties	1418 South 12	273.78	301.16

Approved as to form:
Asst City Attorney

NAME	ADDRESS OF PROPERTY CLEANED	AMOUNT OF LIEN	LIEN + 10% PENALTY
AVS Properties	1418 South 12	265.78	292.36
AVS Properties	1418 South 12	234.78	258.26
AVS Properties	1924 Birnie	292.77	322.05
AVS Properties	1924 Birnie	275.75	303.33
AVS Properties	2023 North 12	222.07	244.28
AVS Properties	2023 North 12	208.57	229.43
AVS Properties	2023 North 12	234.82	258.30
AVS Properties	2023 North 12	226.82	249.50
AVS Properties	2109 Wirsing	327.77	360.55
AVS Properties	2109 Wirsing	222.07	244.28
AVS Properties	2201 North 28	312.82	344.10
AVS Properties	2201 North 28	230.82	253.90
AVS Properties	2201 North 28	234.82	258.30
AVS Properties	2215 North 30	298.09	327.90
AVS Properties	2215 North 30	268.96	295.86
AVS Properties	2215 North 30	197.78	217.56
AVS Properties	2215 North 30	201.78	221.96
AVS Properties	2215 North 30	295.38	324.92
AVS Properties	2401 North 30	267.82	294.60
AVS Properties	3101 Russell	222.07	244.28
AVS Properties	3101 Russell	252.32	277.55
AVS Properties	Mussett & Eller, corner of	226.82	249.50
AVS Properties	Mussett & Eller, corner of	226.82	249.50
Bailey, Clifford & Alice	608 North 4	382.52	420.77
Bailey, Clifford & Alice	608 North 4	275.82	303.40
Bailey, Clifford & Alice	608 North 4	270.32	297.35
Bandy, Hilde F.	1808 North 13	325.11	357.62
Bandy, Hilde F.	1808 North 13	232.16	255.38
Bandy, Hilde F.	1808 North 13	228.16	250.98
Bandy, Hilde F.	922 North 6	211.32	232.45
Barker, Oliver & Alma	1921 North "B"	372.72	409.99
Barsh, J. A.	North "P" and North 8, 3rd lot southeast of	248.92	273.81
Bayview Financial Property Trust	1418 Dallas	329.72	362.69
Bayview Financial Property Trust	1418 Dallas	287.82	316.60
Beckwith, Richard	1121 North 9	249.42	274.36
Beckwith, Richard	1121 North 9	202.42	222.66
Beckwith, Richard	1121 North 9	237.42	261.16
Beckwith, Richard	1121 North 9	241.42	265.56
Beckwith, Richard	1121 North 9	237.42	261.16
Beckwith, Richard	1806 North "M", lot west of	296.82	326.50
Bell, Altha B.	2901 North "K"	251.29	276.42
Black, Pathro Pat	1809 North 9	389.76	428.74
Blazier, Ray & Nenita	3720 Victory Circle	275.82	303.40
Bozeman, Josie	1215 North 7	232.78	256.06

NAME	ADDRESS OF PROPERTY CLEANED	AMOUNT OF LIEN	LIEN + 10% PENALTY
Bozeman, Josie	1215 North 7	197.78	217.56
Bozeman, Josie	1215 North 7	262.21	288.43
Bozeman, Josie	1215 North 7	197.78	217.56
Brannon, Floyd R. & Mildred L.	1410 North 5	250.32	275.35
Brannon, Floyd R. & Mildred L.	1410 North 5	272.32	299.55
Brannon, Floyd R. & Mildred L.	1410 North 5	267.07	293.78
Brown, Alice F.	920 North 8	78.78	86.66
Brown, Alice F.	920 North 8	74.78	82.26
Burton, Cookie	2205 North "Q"	244.32	268.75
Carney, Cecil	3212 Emrich	252.82	278.10
Castaneda, Marc A. & Jennifer A.	3621 Coventry Lane	371.82	409.00
Castaneda, Marc A. & Jennifer A.	3621 Coventry Lane	314.82	346.30
Castaneda, Marc A. & Jennifer A.	3621 Coventry Lane	291.82	321.00
Castro, Noe Recinos	2113 North 30, lot next to	378.98	416.88
Castro, Noe Recinos	2113 North 30, lot next to	269.10	296.01
Christiana Bank & Trust	2116 North 30	245.53	270.08
Christiana Bank & Trust	2116 North 30	219.28	241.21
Christiana Bank & Trust	2116 North 30	201.78	221.96
Christiana Bank & Trust	2116 North 30	245.53	270.08
Cichinski, Walter C. & Volena	1720 South "P"	326.66	359.33
Clemmons, Ward W.	3920 Rogers	244.82	269.30
Clemmons, Ward W.	3920 Rogers	225.32	247.85
Cole, Michael Lee	5024 South 29	279.78	307.76
Cole, Michael Lee	5024 South 29	267.78	294.56
Cole, Michael Lee	5024 South 29	267.78	294.56
Cole, Michael Lee	5024 South 29	271.78	298.96
Connor, Carolyn	1735 North 13	239.75	263.73
Connor, Carolyn	1735 North 13	187.78	206.56
Connor, Carolyn	1735 North 13	226.78	249.46
Connor, Carolyn	1735 North 13	222.78	245.06
Cook, Teresa K.	1713 North Short 7	240.82	264.90
Coons, Richard K.	500 North 9	197.16	216.88
Coons, Richard K.	500 North 9	218.66	240.53
Coons, Richard K.	500 North 9	201.16	221.28
Coons, Richard K.	500 North 9	201.16	221.28
Coons, Richard K.	North "H" & North 3, 2nd lot from	261.82	288.00
Coons, Richard K.	North "H" & North 3, 2nd lot from	261.82	288.00
Coons, Richard K.	North "H" & North 3, 2nd lot from	310.70	341.77
Cordova, Angel	3715 Bradley	286.42	315.06
Cordova, Angel	3715 Bradley	259.42	285.36
Cozart, Don B.	1500 Phoenix	379.84	417.82
Cozart, Don B.	1500 Phoenix	540.74	594.81
Cozart, Don B.	1500 Phoenix	207.82	228.60
Cozart, Don B.	1500 Phoenix	8,067.92	8,874.71

NAME	ADDRESS OF PROPERTY CLEANED	AMOUNT OF LIEN	LIEN + 10% PENALTY
Cross, Crystal	3217 Irving	1,823.16	2,005.48
Davidson, Scott	1915 South "U"	213.32	234.65
Davidson, Shon	North Short "Q" & North 6, 1st lot east of	265.82	292.40
Davidson, Shon	North Short "Q" & North 6, 1st lot east of	226.82	249.50
Davidson, Shon	North Short "Q" & North 6, 2nd lot east of	265.82	292.40
Davidson, Shon	North Short "Q" & North 6, 2nd lot east of	226.82	249.50
Do, Khai Q.	2121 Bluff	215.30	236.83
Doan, Bao	1822 South 12	271.17	298.29
Doan, Bao	1822 South 12	230.78	253.86
Doan, Bao	1822 South 12	238.78	262.66
Doan, Bao	1822 South 12	213.28	234.61
Dye, Robert E. & Ethel	2622 North 17, lot next to	210.82	231.90
Eisen, Leon Jr. & Alice	1101 North 15	413.09	454.40
Eisen, Leon Jr. & Alice	1101 North 15	249.07	273.98
England, Jerry	1805 South "Q"	416.38	458.02
England, Jerry	1805 South "Q"	291.82	321.00
Enterprise Corp. of the Delta	4100 Morris Drive	315.07	346.58
Enterprise Corp. of the Delta	4100 Morris Drive	240.10	264.11
Enterprise Corp. of the Delta	4100 Morris Drive	325.00	357.50
Enterprise Corp. of the Delta	4100 Morris Drive	236.10	259.71
Enterprise Corp. of the Delta	4100 Morris Drive	236.10	259.71
Enterprise Corp. of the Delta	4100 Morris Drive	544.00	598.40
Escobar, Raul	1725 North 13	478.49	526.34
Evans, Faye, Jimmy & Randy	812 North 13	201.96	222.16
Farris, John L.	7924 Colony Lane	435.72	479.29
Farrow, Thomas M.	2205 Wirsing	465.65	512.22
Fernandez, Gabriel	523 North 12	256.28	281.91
Fernandez, Gabriel	523 North 12	285.34	313.87
Fernandez, Gabriel	523 North 12	222.78	245.06
Fernandez, Gabriel	523 North 12	226.78	249.46
Fernandez, Gabriel	523 North 12	191.78	210.96
Fields, Junior	2208 North 35	218.46	240.31
Fryar, Inetta	1717 North "F"	339.15	373.07
Gallagher, Charles & Nancy	2405 North 31	2,965.75	3,262.33
Gallagher, Charles & Nancy	2405 North 31	361.86	398.05
Gallagher, Charles & Nancy	2405 North 31	248.78	273.66
Gallagher, Charles & Nancy	2405 North 31	283.13	311.44
GE Properties, LLC	905 South 19	649.86	714.85
Glosenger, Mark E.	800 Belle	3,532.62	3,885.88
Gonzales, Heriberto E.	321 May	345.82	380.40
Graham, Jerry or Susan	908 North 34	298.82	328.70
Griffin, Francis (deceased)	2901 South 12	255.71	281.28
Griffin, Francis (deceased)	2901 South 12	193.82	213.20

NAME	ADDRESS OF PROPERTY CLEANED	AMOUNT OF LIEN	LIEN + 10% PENALTY
Griffin, Francis (deceased)	2901 South 12	193.82	213.20
Griffin, Francis (deceased)	2901 South 12	193.82	213.20
Griffin, Vercie Mae	1925 North 12	253.75	279.13
Griffin, Vercie Mae	1925 North 12	236.78	260.46
Griffin, Vercie Mae	1925 North 12	248.78	273.66
Guarino, Matthew J.	2200 South "U"	436.49	480.14
Hackbarth, Wesley Jr.	1814 North 6	447.43	492.17
Hamel, Anna M.	1820 South 12	1,510.34	1,661.37
Hamel, Timothy	1820 South 12	1,108.97	1,219.87
Hamel, Timothy	1820 South 12	441.68	485.85
Hamilton, Terry	604 North 39	272.75	300.03
Harris, Dorothy	1625 South "Q"	347.82	382.60
Harris, Dorothy	1625 South "Q"	281.82	310.00
Harris, Dorothy	1625 South "Q"	289.82	318.80
Harris, Willie A.	705 North 18	266.93	293.62
Harwood, Ashley James	1906 North 6	281.96	310.16
HASCO Development Co., Inc.	2212 North 31, lot next to	311.13	342.24
HASCO Development Co., Inc.	2212 North 31, lot next to	209.91	230.90
HASCO Development Co., Inc.	2212 North 31, lot next to	240.16	264.18
HASCO Development Co., Inc.	2212 North 31, lot next to	218.66	240.53
Hawkins, Rosa Etta	1316 North 8	445.53	490.08
Hernandez, Hector	4408 Armour	1,041.78	1,145.96
Hernandez, Hector	4408 Armour	36.69	40.36
Heuangwilai, Lyna	4101 Johnson	454.15	499.57
Heuangwilai, Lyna	4101 Johnson	310.82	341.90
Heuangwilai, Lyna	4101 Johnson	314.82	346.30
Hickey, Dorothy	3228 Neis	308.82	339.70
Hickey, Dorothy	3228 Neis	226.82	249.50
Hoggard, Lori	9917 Jenny Lind	242.78	267.06
Hoggard, Lori	9917 Jenny Lind	242.78	267.06
Hoggard, Lori	9917 Jenny Lind	327.68	360.45
House, Patricia A.	5720 Plum	367.03	403.73
House, Patricia A.	5720 Plum	308.10	338.91
House, Patricia A.	5720 Plum	313.50	344.85
HSBC Bank	822 South 22	289.16	318.08
Hudson, James & Janet	705 North 8, lot north of	513.20	564.52
Hunt, Amparo Puccini	3711 Birnie	289.17	318.09
Huynh, Dung	1711 South "P"	258.98	284.88
James, Ora R. & Edward	2002 North 14	261.78	287.96
James, Ora R. & Edward	2002 North 14	261.78	287.96
James, Ora R. & Edward	2002 North 14	230.78	253.86
James, Ora R. & Edward	2002 North 14	230.78	253.86
James, Ora R. & Edward	2002 North 14	226.78	249.46
Jones, Harland L.	709 North 35	248.78	273.66
Jones, Harland L.	709 North 35	275.78	303.36

NAME	ADDRESS OF PROPERTY CLEANED	AMOUNT OF LIEN	LIEN + 10% PENALTY
Jones, Harland L.	709 North 35	248.78	273.66
Jones, Harland L.	711 North 35	260.78	286.86
Jones, Harland L.	711 North 35	287.78	316.56
Jones, Harland L.	711 North 35	256.78	282.46
Joyce, Keith O. & Georgiann R. (deceased)	923 South 22	241.59	265.75
KAMAL-U Properties	1311 North 14	277.21	304.93
KAMAL-U Properties	1311 North 14	215.32	236.85
KAMAL-U Properties	1809 North 14	265.82	292.40
KAMAL-U Properties	1809 North 14	226.82	249.50
KAMAL-U Properties	1809 North 14	222.82	245.10
KAMAL-U Properties	1935 North 12	213.32	234.65
KAMAL-U Properties	1935 North 12	195.82	215.40
KAMAL-U Properties	1935 North 12	195.82	215.40
KAMAL-U Properties	2211 North 33	222.07	244.28
KAMAL-U Properties	2211 North 33	195.82	215.40
KAMAL-U Properties	2211 North 33	290.50	319.55
KAMAL-U Properties	2211 North 33	261.82	288.00
KAMAL-U Properties	2213 North "R"	340.34	374.37
KAMAL-U Properties	2321 North 29	230.78	253.86
KAMAL-U Properties	2321 North 29	226.78	249.46
KAMAL-U Properties	2321 North 29	222.78	245.06
KAMAL-U Properties	2321 North 29	226.78	249.46
Kay, Stephan	2815 North "J"	224.78	247.26
Kay, Stephan	2815 North "J"	263.78	290.16
Kaykhossrokiani, Afshean	2016 South "P"	328.38	361.22
Keomany, Roung	1722 North 8	271.21	298.33
Keomany, Roung	1722 North 8	187.82	206.60
Keomany, Roung	1722 North 8	222.82	245.10
Kerr, Cynthia L. & Preston D.	4618 North 31	273.32	300.65
Kerr, Cynthia L. & Preston D.	4618 North 31	273.82	301.20
Kerr, Cynthia L. & Preston D.	4618 North 31	228.07	250.88
Killian, Henry & Dana	1924 North 12	225.46	248.01
Lamoreux, Paul L.	1000 South Greenwood	327.25	359.98
Lauderdale, Alice M.	1013 North 6	312.67	343.94
Lauderdale, Alice M.	1013 North 6	269.78	296.76
Lauderdale, Alice M.	1013 North 6	8,147.08	8,961.79
Lee, Matthew T.	2109 Birnie	222.66	244.93
Lee, Matthew T.	2109 Birnie	220.66	242.73
Lewis, Leighanna	612 North 35	264.75	291.23
Lind, Don C. & Julianne	5500 Free Ferry, lot behind	808.82	889.70
Lindenau, Marren	117 Martin Circle	326.91	359.60
Lindenau, Marren	117 Martin Circle	272.37	299.61
Lindenau, Marren	117 Martin Circle	237.35	261.09
Lindenau, Marren	117 Martin Circle	246.10	270.71
Lingner, Bernadine M.	310 North 19	230.00	253.00
LNH Properties, Inc.	8900 - 8902 Bryn Mawr	269.00	295.90
Lowery, Claudye (deceased)	3008 Russell	228.78	251.66
Lowery, Claudye (deceased)	3008 Russell	236.78	260.46
Lowery, Claudye (deceased)	3008 Russell	228.78	251.66
Lowery, Claudye (deceased)	3008 Russell	232.78	256.06

NAME	ADDRESS OF PROPERTY CLEANED	AMOUNT OF LIEN	LIEN + 10% PENALTY
Lowery, Claudye (deceased)	3008 Russell	232.78	256.06
Lowrey, Jimmie Neal	1023 South 22	279.21	307.13
Lowrey, Jimmie Neal	1023 South 22	232.07	255.28
Lowrey, Jimmie Neal	1023 South 22	338.54	372.39
Lowrey, Jimmie Neal	1023 South 22	221.32	243.45
Lowrey, Jimmie Neal	11 Northwood Drive	267.82	294.60
Lowrey, Jimmie Neal	11 Northwood Drive	228.82	251.70
Lowrey, Jimmie Neal	11 Northwood Drive	232.82	256.10
Lowrey, Jimmie Neal	11 Northwood Drive	232.82	256.10
Lowrey, Jimmie Neal	3226 Neis	269.82	296.80
Lowrey, Jimmie Neal	3226 Neis	226.82	249.50
Lowrey, Jimmie Neal	3811 Morris Drive	271.78	298.96
Lowrey, Jimmie Neal	3811 Morris Drive	240.78	264.86
Lowrey, Jimmie Neal	3811 Morris Drive	236.78	260.46
Lowrey, Jimmie Neal	3811 Morris Drive	240.78	264.86
Lowrey, Jimmie Neal	4001 Wirsing	377.66	415.43
Lowrey, Jimmie Neal	4001 Wirsing	412.72	453.99
Lowrey, Jimmie Neal	4001 Wirsing	736.82	810.50
Lowrey, Jimmie Neal	4001 Wirsing	297.78	327.56
Lowrey, Jimmie Neal	619 North 36	294.67	324.14
Lowrey, Jimmie Neal	619 North 36	211.28	232.41
Lowrey, Jimmie Neal	619 North 36	250.28	275.31
Lowrey, Jimmie Neal	619 North 36	733.00	806.30
Martin, Deborah	517 - 519 North 12	292.13	321.34
Martin, Wesley or Nikki	1918 South "P"	307.75	338.53
Martin, Wesley or Nikki	1918 South "P"	259.67	285.64
Martin, Wesley or Nikki	1918 South "P" & garage	2,566.64	2,823.30
Martindale, Lenora	2044 North 30	260.62	286.68
McLuckie, Donald A.	508 - 512 North 5	285.38	313.92
McLuckie, Donald A.	508 - 512 North 5	466.12	512.73
McLuckie, Donald A.	508 - 512 North 5	599.00	658.90
McLuckie, Donald A.	508 - 512 North 5	233.72	257.09
Mechling, Laura K.	1100 South 19	285.78	314.36
Mechling, Laura K.	1100 South 19	291.78	320.96
Meeks, Ricky L.	526 North 34	1,136.82	1,250.50
Moore, John A. (deceased)	4820 South 32	359.00	394.90
Moore, John A. (deceased)	4820 South 32	572.53	629.78
Moore, John A. (deceased)	4820 South 32	299.78	329.76
Moore, John A. (deceased)	4820 South 32	286.28	314.91
MRW, Inc.	1408 North 12, lot north of	234.82	258.30
Muldrow, Lelia G.	701 North "N"	227.35	250.09
Muldrow, Lelia G.	701 North "N"	201.10	221.21
Muldrow, Lelia G.	701 North "N"	240.10	264.11
Muldrow, Lelia G.	701 North "N"	236.74	260.41
Mumey, John Frasier	405 - 407 South 14	277.16	304.88
Mumey, John Frasier	405 - 407 South 14	271.66	298.83
Nelson, Robert D.	2205 North "Q", lot east of	306.75	337.43
New South Federal Savings Bank	7707 Williamsburg Lane	337.50	371.25
Northwest Paving Co., Inc.	4822 Mussett	269.03	295.93
Northwest Paving Co., Inc.	4822 Mussett	212.53	233.78

NAME	ADDRESS OF PROPERTY CLEANED	AMOUNT OF LIEN	LIEN + 10% PENALTY
ODOG-WU Ozara Investment	2018 North Short 15, lot next to	195.82	215.40
ODOG-WU Ozara Investment	2909 North "I"	224.82	247.30
ODOG-WU Ozara Investment	4710 Mussett	336.70	370.37
ODOG-WU Ozara Investment	7712 Joseph, lot south of	263.82	290.20
ODOG-WU Ozara Investment	7712 Joseph, lot south of	246.32	270.95
ODOG-WU Ozara Investment	7712 Joseph, lot south of	224.82	247.30
ODOG-WU Ozara Investment	7712 Joseph, lot south of	224.82	247.30
ODOG-WU Ozara Investment	920 North 5	359.75	395.73
ODOG-WU Ozara Investment	920 North 5	232.82	256.10
ODOG-WU Ozara Investment	920 North 5	228.82	251.70
ODOG-WU Ozara Investment	920 North 5	267.82	294.60
Pacheoc, Tammy	3422 Grand	271.82	299.00
Patterson, Wesley & Charlotte	3712 Spradling	419.85	461.84
Payton, Cecil R.	North 20 & Birnie, 2nd lot west of	296.07	325.68
Poindexter, Rick	North 19 & Birnie	343.82	378.20
Poindexter, Rick	North 19 & Birnie	292.07	321.28
Poindexter, Rick	North 19 & Birnie	278.57	306.43
Posey, Shedrick or Learman	1712 North 12	228.78	251.66
Posey, Shedrick or Learman	1712 North 12	185.78	204.36
Posey, Shedrick or Learman	1712 North 12	224.78	247.26
Posey, Shedrick or Learman	1712 North 12	220.78	242.86
Price, Larry Eugene	3600 Willow	379.99	417.99
Price, Larry Eugene	3600 Willow	246.16	270.78
Price, Larry Eugene	3600 Willow	246.16	270.78
Pyles, Keith W.	919 North 34	273.16	300.48
Quach, Thai Q.	1224 Bluff	322.38	354.62
Quach, Thai Q.	1507 North 12	317.79	349.57
Quach, Thai Q.	913 North 7	197.78	217.56
Quach, Thai Q.	913 North 7	221.28	243.41
Quach, Thai Q.	913 North 7	197.78	217.56
Rainwater, Gale Dean & Melissa	4824 South 16 Terrace	320.22	352.24
Rankin, Bill	1616 South 11	174.70	192.17
Rao, Nagraj & Elitsa	716 North "R"	431.98	475.18
Reinschmiedt, Phillip	1020 North 46	2,379.84	2,617.82
Reinschmiedt, Phillip	1020 North 46	259.09	285.00
Roberts, Henry	North "G" & North 9, corner of	224.82	247.30
Roberts, Henry	North "G" & North 9, corner of	349.75	384.73
Roberts, Roy C. & wife	1401 North 11	316.82	348.50
Rodriquez, Lucy	2917 North "L"	276.59	304.25
Rodriquez, Lucy	2917 North "L"	224.82	247.30
Rodriquez, Mercedes S.	1900 North "I"	250.32	275.35
Sanders, Robert E. & Wanda	3519 Newlon	418.55	460.41
Sanders, Robert E. & Wanda	3519 Newlon	244.78	269.26
Sanders, Robert E. & Wanda	3519 Newlon	248.78	273.66
Sanders, Robert E. & Wanda	3519 Newlon	283.78	312.16
Sanders, Robert E. & Wanda	3519 Newlon	237.78	261.56
Sanders, Ronald	1416 North 5	314.21	345.63
Sanders, Ronald	1416 North 5	228.82	251.70
Schuman - R. Kaye Co., F.	2017 North Short 15, lot behind	217.32	239.05
Schuman - R. Kaye Co., F.	816 North 3, lot south of	560.27	616.30

NAME	ADDRESS OF PROPERTY CLEANED	AMOUNT OF LIEN	LIEN + 10% PENALTY
Schuman, R. Kay Co. - F.	2030 North 14, lot south of	241.79	265.97
Sheppard, Florence Mae	2020 North 29	279.78	307.76
Sheppard, Florence Mae	2020 North 29	240.78	264.86
Sheppard, Florence Mae	2020 North 29	387.44	426.18
Sheppard, Florence Mae	2020 North 29	262.28	288.51
Sheppard, Florence Mae	2020 North 29	240.78	264.86
Siam, Shirley J.	10 Northwood	292.60	321.86
Skulman, Dolores	1803 South "X"	227.79	250.57
Skulman, Robert & Shirley Wade	606 North 12	511.70	562.87
Skulman, Robert & Shirley Wade	606 North 12	191.82	211.00
Skulman, Robert & Shirley Wade	606 North 12	376.77	414.45
Skulman, Robert & Shirley Wade	920 North 6	227.04	249.74
Skulman, Robert & Shirley Wade	920 North 6	197.82	217.60
Skulman, Shirley Wade	1101 North 12	245.19	269.71
Smith, Frances A.	1615 South "U"	354.59	390.05
Smith, Frances A.	1615 South "U"	252.82	278.10
SNGC, LLC	3217 Irving	343.16	377.48
SNGC, LLC	3217 Irving	242.16	266.38
Starks, R. D. Jr. & Gloria D.	3711 MacArthur	208.82	229.70
Starks, R. D. Jr. & Gloria D.	3711 MacArthur	248.12	272.93
Starks, R. D. Jr. & Gloria D.	3711 MacArthur	416.28	457.91
Stewart, Phillips A. & Janice	3222 Blair	240.16	264.18
Stewart, Phillips A. & Janice	3222 Blair	215.91	237.50
Stewart, Phillips A. & Janice	3222 Blair	250.91	276.00
Stewart, Phillips A. & Janice	3222 Blair	250.16	275.18
Sturgeon, Keith C. & Mary Sue	2212 North 55 Lane	224.31	246.74
Sturgeon, Stephanie	1451 North 40	313.63	344.99
Sutton, Darrell & Debra	1604 Raleigh	464.37	510.81
Taft, Kendard E.	811 North "F"	433.72	477.09
Taft, Kendard E.	811 North "F"	222.82	245.10
Tanner, Minnie	2145 North 30	237.57	261.33
Taylor, Roberta	2310 North 31	313.59	344.95
Taylor, Roberta	2310 North 31	238.82	262.70
Taylor, Roberta	2409 North 33, lot north of	323.57	355.93
Thompson, Robert J. & Carolyn	3611 Birnie	289.82	318.80
Tucker, Darren D.	2106 North "K"	271.06	298.17
Tucker, Darren D.	2106 North "K"	253.13	278.44
Turner, Jessie May	1911 North 14, lot next to	263.78	290.16
Turner, Jessie May	1911 North 14, lot next to	224.78	247.26
Turner, Jessie May	1911 North 14, lot next to	220.78	242.86
Turner, Jessie May	1911 North 14, lot next to	220.78	242.86
Udouj, Elizabeth Diane	2600 Fresno Place	85.39	93.93
UV Properties, LLC	2917 Fairway Hamlet Court, lot north of	964.52	1,060.97
UV Properties, LLC	2917 Fairway Hamlet Court, lot north of	272.28	299.51
UV Properties, LLC	2917 Fairway Hamlet Court, lot north of	324.78	357.26
Vernon, Richard Z. & Thomas G.	2720 North "O"	232.78	256.06
Vinsant, Paul O.	Kelley Hwy & North 32, SE corner of	298.47	328.32
Walker, et al, Rob & Jun E.	3808 Park	303.65	334.02
Ware, Kathy J.	4315 Virginia	300.88	330.97

NAME	ADDRESS OF PROPERTY CLEANED	AMOUNT OF LIEN	LIEN + 10% PENALTY
Warren, Michael N. & Pamela D.	2216 South "S"	293.27	322.60
Weindel, John L. (deceased)	317 North 9	287.94	316.73
Weindel, John L. (deceased)	317 North 9	252.78	278.06
Weindel, John L. (deceased)	317 North 9	412.22	453.44
Weindel, John L. (deceased)	317 North 9	240.78	264.86
Weindel, John L. (deceased)	423 North 7	501.77	551.95
Weindel, John L. (deceased)	423 North 7	764.48	840.93
Weindel, John L. (deceased)	814 North "D"	271.78	298.96
Weindel, John L. (deceased)	814 North "D"	252.78	278.06
Weindel, John L. (deceased)	814 North "D"	240.78	264.86
Weindel, John L. (deceased)	814 North "D"	2,652.24	2,917.46
Weindel, John L. (deceased)	914 North "E"	239.64	263.60
Wieser, Melva I.	1610 Lexington	412.23	453.45
Wieser, Melva I.	1610 Lexington	282.24	310.46
Wieser, Melva I.	1610 Lexington	282.24	310.46
Wieser, Melva I.	1610 Lexington	291.74	320.91
Wieser, Melva I.	1610 Lexington	295.74	325.31
Yarbrough, James D. & Alice C.	709 North 14	259.29	285.22
		$152,062.93	**$167,269.41**

SECTION 2: The provisions of this ordinance are hereby declared to be severable to the extent that a decision by any court of competent jurisdiction determining that any portion of this ordinance or any application thereof is unconstitutional, invalid or otherwise illegal shall not affect the constitutionality, validity or legality of the other provisions and/or applications of the ordinance.

PASSED AND APPROVED this 16th day of November, 2010.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY CLERK

MEMORANDUM
November 10, 2010

TO: Ray Gosack, Acting City Administrator

FROM: Cindy Remler, City Clerk CR

RE: Certification of Delinquent Property Cleanup Liens

The attached ordinance certifies to the Sebastian County tax collector a total of $167,269.41 in delinquent property cleanup liens associated with those properties abated or structures demolished by the City of Fort Smith over the last year. Each lien includes a 10% penalty. There are 176 property owners involving 210 properties with delinquent liens. There were 187 delinquent liens certified to the county in 2009 totaling $156,959.31.

PROPERTY OWNERS APPEAL BOARD HEARINGS

Hearings before the appeal board were held on September 27th and 29th in the Bartlett Community Room at the Fort Smith Police Department. Notification of the hearings was by certified mail and publication in the Times Record. Three property owners attended the hearings, and the minutes are attached.

NOVEMBER 16th BOARD OF DIRECTORS MEETING

As required by law, notice of the meeting was provided to the property owners by certified mail, and publication in the Times Record four consecutive weeks prior to the meeting. As of this date, no property owner has indicated they will attend the meeting. Neighborhood Services staff along with Karen Lewis, appeal board chair, will also be present to answer any questions.

Upon approval of the ordinance, a copy will be forwarded to the tax collector, and the liens will be placed on the tax records for the year 2009 (for collection in 2010).

If you or members of the board have any questions prior to the meeting, please let me know.

MINUTES OF PROPERTY OWNERS APPEAL BOARD HEARINGS

SEPTEMBER 27, 2010 AND SEPTEMBER 29, 2010 ~ 6:00 P.M.

FORT SMITH POLICE DEPARTMENT ~ BARTLETT COMMUNITY ROOM

The hearings were held to allow delinquent property owners an opportunity to be heard regarding charges by the City for abatement costs and who feel they have been wrongly charged. Notice of the hearings was published in the Times Record on Friday, August 27, 2010, and certified letters dated August 17, 2010 were also mailed to each property owner.

MONDAY ~ SEPTEMBER 27, 2010

The hearing was called to order by Karen Lewis, Chairperson, with the following members of the appeal board present: Karen Lewis, Scott Monroe, Dolores Chitwood, Sherry McKinney and Megan Raynor. A quorum was declared. Also present were members of the City staff: City Clerk Cindy Remler, Assistant City Clerk Sherri Gard, Building Official Jimmie Deer, Neighborhood Services Supervisor Rick Ruth, and inspectors Dean Polk, Kelly Arnold, Bill Striplin and Randal Hicks.

Chairperson Lewis stated the purpose of the hearings, and then each member of the appeal board introduced themselves, advising of how long they have been property owners in Fort Smith.

The following property owners were present:

- **John Howard**
  3304 South 91st Street, Fort Smith
  Property: 819 Belle Avenue
  Owner: William E. Brown, deceased
  Cleaned: December 29, 2009 / $299.98

Neighborhood Services Supervisor Rick Ruth presented the inspection video and reviewed the property file. The property was inspected on October 30, 2009 and posted for overgrowth, trash and debris, and dead limbs in the front, back and alley. At that time, the property maintained no water service. Notice was posted on the property and a certified letter mailed to the owner of record, Mr. William E. Brown, whereby such was returned unclaimed. (It was unknown at the time that Mr. Brown was deceased.) The property was again inspected on December 10, 2009. The violations had not been addressed; therefore, the property was assigned to a contractor for abatement and such was completed on December 29, 2009.

Mr. Howard advised multiple homeless individuals have moved in and out of the structure for several years with no utility connections. His elderly mother resides at 818 Belle Avenue, across the street from the subject property; therefore, he has initiated action to obtain ownership of the property whereby two-thirds of Mr. Brown's heirs have already executed deeds making him a partial owner. One additional deed is required for full ownership and such is scheduled to be accomplished next month via court action. He has paid the taxes on the property since January 2008 and has recently contracted with True Green Landscaping to maintain the property on a regular basis.

Appeal Board Action

The appeal board expressed appreciation to Mr. Howard for his recent action to obtain ownership and maintain the property, but such does not negate the fact that the City cleaned the property.

Chitwood, seconded by Raynor, moved that the lien remain in full ($299.98) and that same be forwarded to the Sebastian County tax collector for placing on the tax records. The members all voting aye, Chairperson Lewis declared the motion carried.

There being no further business to come before the appeal board, McKinney moved that the hearing adjourn. The motion was seconded by Chitwood and the members all voting aye, Chairperson Lewis declared the motion carried and the hearing adjourned.

Property Owners Appeal Board - September 2010

WEDNESDAY ~ SEPTEMBER 29, 2010

The hearing was called to order by Karen Lewis, Chairperson, with the following members present: Karen Lewis, Scott Monroe, Dolores Chitwood, Sherry McKinney and Megan Raynor. A quorum was declared. Also present were members of the City staff: City Clerk Cindy Remler, Assistant City Clerk Sherri Gard, Building Official Jimmie Deer, Neighborhood Services Supervisor Rick Ruth, and inspectors Dean Polk, Kelly Arnold, Bill Striplin and Randal Hicks. Ward 2 City Director Andre' Good was also in attendance.

Chairperson Lewis stated the purpose of the hearings, and then each member of the appeal board introduced themselves, advising of how long they have been property owners in Fort Smith.

The following property owners were present:

- **Natalie Turner**
  P.O. Box 11223, Fort Smith
  Property: 1913 South 16th Street
  Owner: Natalie Turner
  Cleaned: May 11, 2009 ~ $210.53
  June 18, 2009 ~ 238.80

  Note: Ms. Turner did not address the Appeal Board as she discussed the above noted cleanings with Inspector Dean Polk prior to the start of the hearing and agreed to pay the total amount due within the week.

- **Troy D. Plank**
  200 North 39th Street, Fort Smith
  Property: 3310 North 28th Street
  Owner: Troy D. Plank
  Cleaned: March 9, 2010 ~ $432.04

  Neighborhood Services Supervisor Rick Ruth presented the inspection video and reviewed the property filed. The property was inspected on January 6, 2010 and posted for trash and debris, and dead limbs in the front, side and back of the

property. A certified letter was mailed to Mr. Plank on January 7 and Mr. Plank signed for the letter on January 13. The property remained in violation as of January 27 whereby a legal search was initiated and a certified letter was mailed to the mortgage holder on January 28. Said letter was signed on February 8. The final inspection took place on February 15 and the violations has not been addressed; therefore, the property was assigned to a contractor for abatement. All violations were abated by the contractor on March 9.

Mr. Plank addressed the appeal board and alleged he called Neighborhood Services on multiple occasions advising of his intent to clear the violations; however, the City cleaned the property before he could complete the work. The property was sold in April 2010 and the new owners indicated their intent to demolish the structure; therefore, he utilized his available time after work to clear everything out of the house and time was limited due to no electric service at the structure.

Ms. Chitwood inquired if the City's file contained a record of phone calls received.

Mr. Ruth advised general conversations are not noted within the file; however, phone calls are included if pertinent information is exchanged such as requests for an extension. The file for the subject property contains no record of any phone calls from Mr. Plank.

There was brief discussion regarding the status of the aforementioned demolition whereby Building Official Jimmie Deer noted that a demolition permit was issued on April 27 and demolition occurred in May. He further noted that the property was purchased by the Housing Authority, and a house has been constructed on the lot.

Appeal Board Action

The appeal board expressed concern that Mr. Plank utilized his available time to clear out contents within the structure rather than abate the subject violations, of which they felt he was aware of the deadline to complete.

Monroe, seconded by McKinney, moved that the lien remain in full ($432.04) and that same be forwarded to the Sebastian

County Tax Collector for placing on the tax records. The members all voting aye, Chairperson Lewis declared the motion carried.

- **Carolyn Connor**
  1902 North 29, Van Buren
  Property: 1735 North 13th Street
  Owner: Carolyn Connor
  Cleaned: May 20, 2009 ~ $239.75
  June 26, 2009 ~ $187.78
  August 4, 2009 ~ $226.78
  September 30, 2009 ~ $222.78

Inspector Bill Striplin reviewed the property file and inspection videos for each cleaning. The property was first inspected on April 22, 2009 and found to be in violation for overgrowth. A certified letter was forwarded on April 22 and Mr. Justin Boswell signed for such on April 27. The property was reinspected on May 4 and no action had been taken by the property owner; however, he granted an automatic 7 day extension to allow completion of a legal search for potential mortgage holders. Upon completion of the extension, the property remained in violation; therefore, such was assigned to a contractor and the first cleaning took place on May 20.

Due to the cleaning on May 20, no formal notification was required for the subsequent cleanings; however, Mr. Striplin advised that the property has been cleaned multiples times every year since Ms. Connor purchased the property in 2000. The City has already cleaned the property 3 times in 2010 and if reimbursement is not received, such will be included in next year's appeal process.

Ms. Connor addressed the Board stating she is legally blind and on a fixed income; therefore, she simply could not afford to hire someone to maintain the property. She has offered to convey the property to the City of Fort Smith; however, she was informed by the City Attorney that the City did not wish to acquire the property.

City Clerk Cindy Remler advised this property contains 18 cleanup liens which total over $8,800 and such includes a 2004 demolition for approximately $5,000. Several of the liens were certified to the Sebastian County Collector; however,

since this property was included in a foreclosure action by the City in 2007, the liens were removed from the county. During the foreclosure action, the City discovered that the property had been forfeited to the State of Arkansas; therefore, the City ceased its foreclosure action to await the state process to sale the property in hopes to recoup the City's cost at the time the property is sold.

Mr. John Gaffney recently contacted the City Clerk's Office advising he purchased the property from the state and requested the liens be released as he was unaware they existed. Since he purchased the property via the state process, he is merely a partial owner along with Ms. Connor, unless he proceeds with quite title action or Ms. Connor assigns her portion of the property to him.

The appeal board discussed the matter with Ms. Connor advising her that, as co-owners of the property, she and Mr. Gaffney are responsible for the upkeep of the property.

Appeal Board Action

McKinney, seconded by Raynor, moved that the full amount of the subject liens ($877.09) be forwarded to the Sebastian County Tax Collector for placing on the tax records. The members all voting aye, Chairperson Lewis declared the motion carried.

There being no further business to come before the appeal board, Lewis moved that the hearing adjourn. The motion was seconded by Monroe, and the members all voting aye, Chairperson Lewis declared the motion carried and the hearing adjourned.

Cindy Remler, City Clerk

4.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 24-10 AND SETTING THE LOCATION AND TIME FOR REGULAR MEETINGS OF THE BOARD OF DIRECTORS FOR THE YEAR 2011

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1 of Ordinance No. 24-10 is hereby amended to read as follows:

Regular Meetings of the Board of Directors

Beginning January 1, 2011 and continuing through December 31, 2011, the regular meetings of the Fort Smith Board of Directors shall be held at 6:00 p.m. in the board room at the Fort Smith Public Schools Service Center, 3205 Jenny Lind, on the first and third Tuesday evenings, unless such date is a legal holiday, in which case such meeting shall be held on the following evening at the same time and place.

THIS ORDINANCE ADOPTED this 16th day of November, 2010.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY CLERK

Approved as to form:
Asst City Attorney
Publish 1 Time

5

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 7-71 OF THE FORT SMITH MUNICIPAL CODE TO DECREASE THE NUMBER OF MEMBERS ON THE OAK CEMETERY COMMISSION

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS THAT:

Section 7-71 of the Fort Smith Municipal Code is amended to read as follows:

There is hereby created and established a commission consisting of nine (9) members to be known as the Oak Cemetery Commission.

PASSED AND APPROVED THIS _____ DAY OF NOVEMBER, 2010.

APPROVED:

ATTEST:

_____
Mayor

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney
Publish 1 Time

3301 South M Street / Fort Smith, Arkansas 72903 / 479.784.2368 / FAX 479.784.2480 / www.fsark.com/Parks

PARKS
RECREATION
FORT SMITH

Memo:

November 12, 2010

To: Ray Gosack, Acting City Administrator
From: Mike Alsup, Director of Parks and Recreation Mike Alsup
Re: Oak Cemetery Commission, reduce number of members to nine

The Oak Cemetery Commission was formed to assist in the preservation, harmony and beauty of Oak Cemetery, and to safeguard each lot or grave with sanctity. The Commission organizes Tales of the Crypt each year and makes recommendations for the operation and maintenance of the cemetery including restoration of monuments, copings, and statutes. Members serve three year terms.

The Commission recommends that the number of members be reduced from eleven (11) to nine (9) because the larger number is not needed to make recommendations and conduct business. The number of Commission members was increased from seven (7) to nine (9) members in 2006 then to eleven (11) in 2007. This recommendation comes at a good time as two members are not applying to continue on the Commission. Those two members are on different rotations of four members which will leave all three rotations with three members.

I recommend approval of this ordinance. Please contact me if you have any questions regarding this matter.

6A.

RESOLUTION NO. _____

A RESOLUTION APPOINTING ACTING CITY ADMINISTRATOR

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1: The action by the Board of Directors during the November 2, 2010 regular meeting appointing Deputy City Administrator Ray Gosack as acting City Administrator is hereby confirmed. The acting City Administrator assumes the powers and duties of City Administrator as set forth in A.C.A. § 14-48-117.

Section 2: The appointment made by Section 1 above shall continue until another City Administrator is appointed and qualifies, subject to subsequent action by the Board of Directors. The acting City Administrator shall receive the salaries and other benefits provided for by the budget for the City of Fort Smith for the position of Deputy City Administrator.

This Resolution approved this _____ day of November, 2010.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY CLERK

Approved as to form:
Asst'd City Attorney
NPR

MEMORANDUM
November 10, 2010

TO: Mayor and Board of Directors

FROM: Cindy Remler, City Clerk CR

RE: Appointment of Acting City Administrator

The attached resolution has been prepared confirming the Board's appointment at the November 2 meeting of Ray Gosack as acting City Administrator. Arkansas Code requires the appointment to be by resolution.

6B

ORDINANCE NO. _____

AN ORDINANCE DECLARING EXCEPTIONAL CIRCUMSTANCE AND AUTHORIZING CONTINUATION OF AGREEMENT WITH DATA-TRONICS CORP.

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The City Administrator is hereby authorized to continue the agreement between the City of Fort Smith and Data-Tronics Corp. for the period January 1, 2011 through December 31, 2011 which agreement authorizes Data-Tronics Corp. to provide data processing services to the City at the rates indicated in the Data Processing Service Schedule attached

hereto.

SECTION 2: It is determined that an exceptional circumstance exists with reference to the City's data processing services arrangement with Data-Tronics Corp. The exceptional circumstances relate to the continuous nature of the services provided, the confidentiality involved in the handling of the data being processed and the availability of sources for the services as indicated by former evaluations. By reason of said exceptional circumstances, it is determined that competitive bidding is not feasible and the contract should be continued.

THIS ORDINANCE ADOPTED THIS 16 DAY OF NOVEMBER, 2010.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY CLERK

Approved as to form.
Asst City Attorney
NPR

The City of Fort Smith ARKANSAS

MEMORANDUM

November 8, 2010

TO: Ray Gosack, Acting City Administrator

FROM : Kara Bushkuhl, Director of Finance Kara

SUBJECT: Data Processing Agreement with Data-Tronics

Attached is correspondence from Ms. Cindy House of Data-Tronics regarding the renewal of the contract between the City and Data-Tronics for providing data processing services. DTC is very cognizant of the present state of the economy, and as such, has not recommended any increase in rates for 2011.

I recommend the continuation of the contract with Data-Tronics and respectfully request that the attached ordinance be placed for Board consideration at its November 16, 2010 meeting. If you have any questions, please let me know.

September 30, 2010

Data-Tronics Corp.
data-tronics.com

Ms. Kara Bushkuhl
Director of Finance
City of Fort Smith
P. O. Box 1908
Fort Smith, AR 72902

Dear Kara:

As specified under the Term of the contract between Data-Tronics Corp. and the City of Fort Smith, the Data Processing agreement will automatically renew each January 1 unless either party has previously provided the other with an eighteen-month advance notice in writing of canceling the agreement.

Each year at this time we review our contract with the City of Fort Smith. This year Data-Tronics will not be taking a rate increase. This year's schedule looks a little different because several items were removed. The charges for Microfiche were removed since the City no longer receives any microfiche. Also the section for Application Data Files was removed since we now use DB2 as the data storage mechanism for most City systems. This platform allows us to provide straight data files for the City's use with minimal effort.

Under the Network section the Annual P-Synch License Maintenance Fee of $166.80 appears. As a reminder this charge applies to the City of Fort Smith's use of the password-reset tool for maintaining Data-Tronics issued network and mainframe passwords. This fee covers the annual maintenance cost for 120 City of Fort Smith people at $1.39 each.

I have enclosed two copies of the 2010 Data Processing Service Schedule for your review which reflects the charges and rates for 2011. Please sign both copies and return them to me for Data-Tronics to sign, after which I will return a signed copy of the schedule for your files.

If you have any questions after reviewing the Data Processing Service Schedule, please feel free to give me a call. As always, we appreciate your business. The City of Fort Smith is a valued customer, and we are always willing to assist you in any way possible.

Sincerely,

Cindy House

Cindy House
Manager, Information Services

encl

3801 Old Greenwood Road P.O. Box 10048 Fort Smith, Arkansas 72917-0048 479-784-8400

Data Processing Service Schedule

This Schedule constitutes part of the Agreement between Data-Tronics Corp. and the City of Fort Smith, dated September 8, 1980, and replaces the Data Processing Service Schedule with the effective date of January 1, 2010, and Contract Supplements thereto. These rates become effective January 1, 2011.

				2011 Rates	
I.	APPLICATION PROCESSING				
	A.	Municipal Utility Billing			
		1.	Normal Processing		
			A. Base Processing Charge	$14,290.03	Per Month
			B. Active Service Agreements	$0.1282	Per Account
			C. Service Points with Meter	$0.0855	Per Meter
			D. Account Transactions	$0.0342	Per Trans
	B.	General Ledger			
		1.	Normal Processing		
			A. Online Processing	$1,350.78	Per Month
			B. Online Transactions	$0.0431	Per Trans
			C. Standard Reporting	$1,138.21	Per Month
	C.	Accounts Payable			
		1.	Normal Processing		
			A. Online Base Charge	$703.33	Per Month
			B. Regular Batch Processing	$298.41	Per Month
			C. Online Transactions	$0.1688	Per Trans
			D. Checks	$0.6207	Per Check
	D.	Payroll			
		1.	Normal Processing		
			A. Online Base Charge	$795.57	Per Month
			B. Standard Monthly Reporting	$1,229.51	Per Month
			C. Payroll Checks	$0.6236	Per Check
			D. Quarterly Reporting	$144.64	Per Quarter
			E. Annual Reporting	$867.88	Per Year
	E.	Miscellaneous Accounts Receivable			
		1.	Normal Processing		
			A. Online Base Charge	$472.81	Per Month
			B. Online Transactions	$0.0486	Per Trans
			C. Statements	$0.4608	Per Stmt
			D. A/R Online Landfill Transactions	$0.0467	Per Trans
	F.	Miscellaneous Receipts and Privilege License (Collections) System			
		1.	Normal Processing		
			A. Online Base Charge	$482.12	Per Month
			B. Online Transactions	$0.0515	Per Trans
			C. Standard Batch Reporting	$820.68	Per Month
			D. Statements	$0.4882	Per Stmt
		2.	On Request		
			A. Business Registration Forms	$0.0429	Per Form

G.	Sanitation Accounts Receivable			
	1.	Normal Processing		
		A. Online Base Charge	$417.13	Per Month
		B. Regular Batch Processing	$333.68	Per Month
		C. Online Transactions	$0.0484	Per Trans
	2.	Annual Processing		
		A. Annual Origin Location Report	$123.28	Per Run
	3.	On Request		
		A. List of Sanitation Customers by Route	$38.80	Per Run
II.	MAILING LABELS			
	A.	Mailing Labels	$0.0472	Per Label
III.	NETWORK			
	A.	Internet System Support	$500.00	Per Month
	B.	Service Provider License Agreement	$1,700.00	Per Month
	C.	Annual P-Synch License Maintenance Fee	$166.80	Per Year

ATTEST: _____ By: _____

Title: _____

Date: _____

ATTEST: _____ By: _____

Title: _____

Date: _____

6C

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING TENNIS COURT USAGE FEES FOR THE CREEKMORE PARK TENNIS CENTER AND SUPERSEDING RESOLUTION NUMBER 16-06

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: The charges for the Creekmore Park Tennis Center Reservation Policy shall be as follows:

High School:	Practice & Matches:	$5.00 per court/per hour
College:	Practice & Matches	$5.00 per court/per hour

Members of the Reservation System:

Yearly Rate:	Family	$150.00
	Individual	$100.00
Six Month Rate:	Family	$80.00
	Individual	$60.00
Three Month Rate:	Family	$50.00
	Individual	$40.00

- will be permitted to reserve tennis courts on-line, by phone or in person
- may reserve courts 3 days in advance
- may reserve up to 3 courts; with only one court reserved in a given time slot

SECTION 2: Resolution 16-06 is hereby superseded.

This Resolution shall be in full force and effective as of December 1, 2010.

This Resolution passed this _____ day of November, 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:
Asst City Attorney
NPR

3301 South M Street / Fort Smith, Arkansas 72903 / 479.784.2368 / FAX 479.784.2480 / www.fsark.com/Parks

PARKS
RECREATION
FORT SMITH

Memo:

November 12, 2010

To: Ray Gosack, Acting City Administrator
From: Mike Alsup, Director of Parks and Recreation Mike Alsup
Re: Western Arkansas Tennis Association request for fee changes

The Parks and Recreation Commission recommend that the fees requested by Western Arkansas Tennis Association, WATA, be approved. WATA operates the tennis center at Creekmore Park and has successfully promoted the sport with classes, leagues, and tournaments. The fees are requested to cover the cost of staffing and programming the center. The Creekmore tennis courts are very popular and used extensively for organized and open play. The City also provides four tennis courts at Tilles Park; there are no fees to use these courts.

If approved by the Board of Directors, this resolution will supersede resolution 16-06 which established the current fees. The fees for high school and college use have not changed from resolution 16-06. The request is to establish a membership system which would allow members to make reservations for the courts on-line, over the phone, or in person. Individuals or families can choose from a yearly, six month, or three month time frame for membership. When not scheduled, the courts are open to the public on a first come first served basis. At least one court is left open to the public most of the time. The exception is during times scheduled for the University of Arkansas Fort Smith and the high schools to practice and play their games, and during league play.

I recommend approval of this ordinance. Please contact me if you have any questions regarding this matter.

attachment

Western Arkansas Tennis Association

3303 So. M St.
Fort Smith, AR 72903
479.783.WATA (9282)
wata@sbcglobal.net
watatennis.net

Creekmore Reservation System
User Fee

On September 21, 2010 the WATA Board approved the use of the "Creekmore Reservation System User Fee" and the increase to the Fort Smith Public School's High School tennis program hourly rate to $5.00/ per hour.

Creekmore Reservation System
User Fee

- Yearly Rate:
  - Family $150.00
  - Individual $100.00
- Six Month Rate:
  - Family $80.00
  - Individual $60.00
- Three Month Rate:
  - Family $50.00
  - Individual $40.00

Members of the Reservation System:

- will be permitted to reserve tennis courts on-line, by phone or in person.
- may reserve courts 3 days in advance.
- may reserve up to 3 courts; with only one court reserved in a given time slot.

NOTE: Unreserved courts will available on a first-come basis.

Respectfully Submitted,
On Behalf of the WATA Board,

Marge Griesse, Executive Director

RESOLUTION NO. _____ 6 D

RESOLUTION AUTHORIZING PARTIAL PAYMENT TO CROSSLAND HEAVY CONTRACTORS, INC., FOR CONSTRUCTION OF THE LAKE FORT SMITH WATER TREATMENT PLANT - CONTRACT 3

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

Partial payment number fourteen to Crossland Heavy Contractors, Inc., in the amount of $1,260,718.84, for construction of the Lake Fort Smith Water Treatment Plant - Contract 3, Project Number 07-09-C3, is hereby approved.

This Resolution adopted this _____ day of November 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____ npr

INTER-OFFICE MEMO

TO: Ray Gosack, Acting City Administrator **DATE:** November 2, 2010

FROM: Steve Parker, Director of Utilities

SUBJECT: Lake Fort Smith Water Treatment Plant Improvements - Contract 3
Project Number 07-09-C3

Crossland Heavy Contractors, Inc., has submitted partial pay request number fourteen in the amount of $1,260,718.84 for work completed on the Lake Fort Smith Water Treatment Plant Improvements - Contract 3. A project summary sheet is attached for your information. Major items of work completed during the time period covered by this pay request are as follows:

- Sitework
- Site Piping
- Demolition
- Site Electrical
- Clarification Facility
- Main Electrical Building
- Backwash and Plant Service Water Pump Stations
- Chemical Building

The attached Resolution authorizes payment to Crossland. Should you or members of the Board have any questions or desire additional information, please call.

attachment

Project Summary

Project status: In process

Project name: Lake Fort Smith Water Treatment Plant Improvements - Contract 3

Today's date: November 2, 2010

Project number: **07-09-C3**

Staff contact name: Steve Parke

Project engineer: Burns & McDonnell, Inc.

Staff contact phone: 784-2231

Project contractor: Crossland Heavy Contractors, Inc.

Notice to proceed issued: August 31, 2009

Final completion date: December 27, 2011

	Dollar Amount	Contract Time (Days)
Original contract	$31,641,000.00	785
Change orders:		
Change Order No. 1	$22,902.00	14
Change Order No. 2	$89,078.00	49
Change Order No. 3	$-19,174.00	
Total change orders	$92,806.00	63
Adjusted contract	$31,733,806.00	848
Payments to date (as negative):	$-17,114,068.41	
Amount of this payment (as negative)	$-1,260,718.84	
Retainage held	$1,586,690.30	
Contract balance remaining	$13,359,018.75	
Amount Over as a percentage	1.00%	

Final comments:

To date contractor has completed 56% of the work (does not include payment for materials stored) and utilized 50% of the contract time (to substantial completion).

The City of Fort Smith ARKANSAS

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: November 12, 2010

SUBJECT: Audit Committee

The terms of Director Don Hutchings, Director Kevin Settle, Mr. Lavon Morton and Mr. Ken Pyle of the Audit Committee will expire November 30, 2010. Mr. Pyle and Mr. Morton would like to be reappointed.

The applicants available at this time are:

Matthew Garner	12100 Supling Drive
Brent Alexander	11707 Southcrest Drive

Appointments are **by the Board of Directors.** Four appointments are needed; the terms will expire November 30, 2013.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430

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The City of Fort Smith ARKANSAS

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: November 9, 2010

SUBJECT: Building Board of Adjustment and Appeals

The term of Evan Fleming of the Building Board of Adjustment and Appeals will expire November 30, 2010. Mr. Fleming would like to be reappointed.

There are no other applicants available at this time.

Appointments are **by the Board of Directors.** One appointment is needed; the term will expire November 30, 2014.

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The City of Fort Smith ARKANSAS

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: November 10, 2010

SUBJECT: Oak Cemetery Commission

The terms of Joseph S. Irwin, John Woods, Pam Weiler and Joel Scott Stubblefield of the Oak Cemetery Commission will expire November 30, 2010. Mr. Irwin, Ms. Weiler and Mr. Stubblefield would like to be reappointed. Mr. Woods does not want to be reappointed. Ms. Katherine Irish Clardy has not been able to attend any of the meetings, after missing three unexcused meetings she is automatically dismissed from the commission.

There are no other applicants available at this time.

Appointments are **by the Board of Directors.** Three appointments are needed; the terms will expire November 30, 2013.

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P.O. Box 1908
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