Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau
Ward 2 – Andre' Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Pam Weber
At Large Position 6 – Kevin Settle
At Large Position 7 – Philip H. Merry Jr.

AGENDA

Fort Smith Board of Directors
REGULAR MEETING
June 3, 2014 ~ 6:00 P.M.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214

INVOCATION & 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 MAY 20, 2014 REGULAR MEETING

ITEMS OF BUSINESS:

1. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned to Industrial-1 by classification located at 10300 Roberts Boulevard, 12201 Roberts Boulevard and 8201 Flagstone Road; from Not Zoned to Industrial-1 by extension located at 8100 Chad Colley; from Not Zoned to Industrial-2 by classification located at 8201 Chad Colley; and, from Not Zoned to Industrial-3 by classification located at 10000 Roberts Boulevard)*

2. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(June 2014 Amendments)*

3. Ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for other purposes *(606 North 12th Street & rear building and 2308 North 27th Street)*

4. Consent Agenda

A. Resolution stating the City of Fort Smith's support for the Sustainable Arkansas Program *~ Good / Lau placed on agenda at the May 27, 2014 study session ~*

B. Resolution adopting a Board Governance Policy *~ Lau / Lorenz placed on agenda the May 27, 2014 brainstorming meeting ~*

C. Resolution to accept the bids and authorize a contract for the construction of Drainage Improvements, Project 13-06-B1 *($510,909.00 / Engineering Department / Budgeted – Street Sales Tax Program Fund)*

D. Resolution authorizing an agreement between the City of Fort Smith, Arkansas and the Fort Chaffee Redevelopment Authority to jointly design, construct and fund the construction of public streets *($1,900,000.00 / Engineering Department / Budgeted – Street Sales Tax Program Fund)*

E. Resolution authorizing the Mayor to execute an easement with Oklahoma Gas & Electric Company

F. Resolution accepting the project as complete and authorizing final payment to Goodwin & Goodwin, Inc. for the "P" Street Wastewater Treatment Plant Effluent Pump Installation *($8,548.80 / Utility Department / Budgeted – 2008 Revenue Bonds)*

G. Resolution authorizing Amendment No. 1 to Authorization No. 1 with Morrison Shipley Engineers to design the replacement for Lift Stations 15, 16 and 17 *($65,500.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

OFFICIALS FORUM ~ presentation of information requiring no official action

(Section 2-36 of Ordinance No. 24-10)

- Mayor
- Directors
- City Administrator

ADJOURN

ORDINANCE NO._____

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 11-5-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on May 13, 2014, that said change be made;

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

SECTION 1: That the following properties to-wit:

Graphic Packaging at Chaffee Crossing, Lot 1

more commonly known as 10300 Roberts Boulevard, should be, and is hereby rezoned from Not Zoned to Industrial Light (I-1) by Classification.

SECTION 2: That the following properties to-wit:

Part of the South Half of the Southeast Quarter of Section 5, and part of the Southwest Quarter of the Southwest Quarter of Section 4, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southwest Corner of said Section 5; Thence along the West Line of said Section 5, N02°38'35"E, 1568.71 feet; Thence leaving said West Line, N90°00'00"E, 1776.18 feet to the westerly line of Phoenix Metals, Lot 1, an addition to the City of Fort Smith, Sebastian County, Arkansas, being filed for record July 5, 2013 as plat 1930; Thence along said westerly line, N50°24'51"E, 393.82 feet to the northwesterly corner of said Lot 1; Thence along the northerly line of said Lot 1, S39°33'58"E, 1172.52 feet to the northeasterly corner of said Lot 1; Thence continuing S39°33'58"E, 140.00 feet to the easterly right-of-way line of Chad Colley Boulevard; Thence along said easterly right-of-way line, N50°22'23"E, 557.83 feet to the Point of Beginning; Thence S86°05'18"E, 1937.85 feet; Thence S87°18'52"E, 1284.83 feet to the westerly right-of-way line of the Relocated U.S. Highway 71; Thence along said westerly right-of-way line the following courses: S58°07'19"W, 465.45 feet; S70°41'22"W,

746.00 feet; S60°42’31”W, 361.87 feet; S39°04’12”W, 571.86 feet; S71°18’23”W, 176.68 feet; N86°53’32”W, 164.04 feet to a point on the northerly right-of-way line of Roberts Boulevard; Thence along said northerly right-of-way line the following courses: N86°53’32”W, 957.50 feet; 732.81 feet along the arc of a curve to the right, said curve having a radius of 900.18 feet and being subtended by a chord having a bearing of N63°23’28”W and a distance of 712.75 feet; N39°34’27W, 214.10 feet to a point on the easterly right-of-way line of Chad Colley Boulevard; Thence along said easterly right-of-way line the following courses: 213.38 feet along the arc of a curve to the right, said curve having a radius of 200.00 feet and being subtended by a chord having a bearing of N09°01’10”W and a distance of 203.40 feet; 241.51 feet along the arc of a curve to the right, said curve having a radius of 480.00 feet and being subtended by a chord having a bearing of N35°57’32”E and a distance of 238.97 feet; N50°22’23”E, 663.48 feet to the Point of Beginning. Containing 75.02 acres, more or less

more commonly known as 12201 Roberts Boulevard, should be, and is hereby rezoned from Not Zoned to Industrial Light (I-1) by Classification.

SECTION 3: That the following properties to-wit:

Part of the South Half of the Northeast Quarter, part of the Northwest Quarter of the Southeast Quarter, part of the Northeast Quarter of the Southwest Quarter, and part of the Southeast Quarter of the Northwest Quarter, all in Section 8, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Northeast Corner of said Section 8; Thence along the east line of said Section 8, S02°42’44”W, 1680.60 feet; Thence leaving said east line, N90°00’00”W, 1188.72 feet to the northwesterly right-of-way line of the Relocated U.S. Highway 71 and the Point of Beginning, said point being the southeast corner of Old Dominion Freight Line, Lot 1, being filed for record August 27, 2012 as plat 1894C; Thence along said right-of-way the following courses: S40°11’50”W, 1438.36 feet; S44°33’17”W, 465.18 feet to the southeasterly line of Mitsubishi Addition, Lot 1, being filed for record February 11, 2011 as plat 1830D; Thence along said southeasterly line, N49°48’10”W, 713.41 feet; Thence leaving said southeasterly line, N40°11’50”E, 1340.40 feet; Thence 62.98 feet along the arc of a curve to the left, said curve having a radius of 805.25 feet and being subtended by a chord having a bearing of N31°28’52”E and a distance of 62.96 feet; Thence S49°48’10”E, 45.53 feet to the southwest corner of said Old Dominion Freight Line, Lot 1; Thence along the south line of said Old Dominion Freight Line, Lot 1 the following courses: S49°48’10”E, 51.96 feet; S86°53’31”E, 828.39 feet to the Point of Beginning. Containing 27.72 acres, more or less

more commonly known as 8201 Flagstone Road, should be, and is hereby rezoned from Not Zoned to Industrial Light (I-1) by Classification.

SECTION 4: That the following properties to-wit:

Part of the Northwest Quarter of Section 8, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Northwest Corner of said Section 8; Thence along the North Line of said Section 8, S86°45'32"E, 740.79 feet to the easterly right-of-way line of Veterans Avenue; Thence along said right-of-way line the following courses: S30°51'41"W, 369.49 feet; 373.84 feet along the arc of a curve to the left, said curve having a radius of 764.68 feet and being subtended by a chord having a bearing of S16°51'21"W and a distance of 370.13 feet; S02°52'50"W, 463.00 feet; S02°17'54"W, 374.32 feet to the southwest corner of Rodebush Addition, Lot 1, being filed for record November 3, 2010 as plat 1827B and the Point of Beginning; Thence leaving said right-of-way line, and along the south line of said Lot 1, S87°42'06"E, 232.64 feet to the southeast corner of said Lot 1; Thence along the east line of said Lot 1 the following courses: N02°17'54"E, 80.62 feet; S87°07'56"E, 41.72 feet; N02°49'51"E, 86.43 feet; N87°22'20"W, 42.52 feet; N02°17'54"E, 207.61 feet to the northeast corner of said Lot 1; Thence S87°42'06"E, 33.42 feet to the southwest corner of Umarex Addition, Lot 1, being filed for record May 1, 2009 as plat 1809D; Thence along the south line of said Lot 1, S87°42'06"E, 735.17 feet to the southeast corner of said Lot 1 and the westerly right-of-way line of Chad Colley Boulevard; Thence along said westerly right-of-way line, S24°23'31"W, 926.09 feet; Thence leaving said right-of-way line, N87°13'23"W, 244.44 feet; Thence N02°57'30"E, 337.08 feet; Thence N87°12'40"W, 412.38 feet to said easterly right-of-way line of Veterans Avenue; Thence along said easterly right-of-way line, N02°17'54"E, 140.98 feet to the Point of Beginning. Containing 10.99 acres, more or less

more commonly known as 8100 Chad Colley, should be, and is hereby rezoned from Not Zoned to Industrial Light (I-1) by Extension.

SECTION 5: That the following properties to-wit:

Mitsubishi Addition, Lot 1

more commonly known as 8201 Chad Colley, should be, and is hereby rezoned from Not Zoned to Industrial Moderate (I-2) by Classification.

SECTION 6: That the following properties to-wit:

Mars Petcare at Chaffee Crossing, Lot 1

more commonly known as 10000 Roberts Boulevard, should be, and is hereby rezoned from Not Zoned to Industrial Heavy (I-3) by Classification.

The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS_____DAY OF_____, 2014.

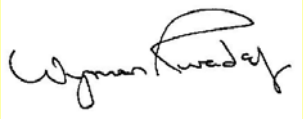
APPROVED:

ATTEST:

_____
Mayor

_____
City Clerk

Approved as to form:



_____
Publish One Time

May 28, 2014

Honorable Mayor and Board of Directors
City of Fort Smith, Arkansas

Re: Rezoning #11-5-14; A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for Planning Commission consideration of a zone request from:

1) From Not Zoned to Industrial Light (I-1) by Classification at 10300 Roberts Boulevard*(Graphic Packaging);* 12201 Roberts Boulevard *(undeveloped)* and 8201 Flagstone Road *(undeveloped);*

2) From Not Zoned to Industrial Light (I-1) by Extension at 8100 Chad Colley*(undeveloped*); and,

3) From Not Zoned to Industrial Moderate (I-2) by Classification at 8201 Chad Colley (*Mitsubishi*); and,

4) From Not Zoned to Industrial Heavy (I-3) (*Mars Petcare*) by Classification at 10000 Roberts Boulevard.

On May 13, 2014, the City Planning Commission held a public hearing to consider the above rezoning request.

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to establish zoning on property as it is currently developed and to be consistent with the Master Land Use Plan. Mr. Bailey stated that the rezoning includes three (3) existing developments: Graphics Packaging, Inc., Mitsubishi and Mars Petcare and three (3) undeveloped tracts with total acreage of the properties included in the rezoning request being approximately 275.96 acres.

Mr. Bailey noted that the four (4) properties proposed as Industrial Light (I-1) contain an approximate total combined acreage of 145.50 acres. He also noted that the property being proposed as Industrial Moderate (I-2) contains an approximate area of 90 acres and the property being proposed as Industrial Heavy (I-3) contains an approximate area of 40.45 acres.

Mr. Bailey stated that a neighborhood meeting was held on Thursday, May 8, 2014, at 7020 Taylor Avenue (FCRA Offices) with no surrounding property owners in attendance.

Mr. Randy Coleman of Mickle-Wagner-Coleman, was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Chairman Sharpe called for the vote on the rezoning request. The vote was 8 in favor, 0 opposed and 1 abstention (Cooper).

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

The Planning Commission hereby certifies this zoning map amendment to the Board of Directors in accordance with A.C.A. 14-56-422.

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall L. Sharpe

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: April 30, 2014

Re: Rezoning #11-5-14- A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for Planning Commission consideration of a zone request from: 1) Not Zoned to Industrial Light (I-1) by classification at 10300 Roberts Boulevard; 12201 Roberts Boulevard; and 8201 Flagstone Road; and from Not Zoned to Industrial Light (I-1) by extension at 8100 Chad Colley; and 2) From Not Zoned to Industrial Moderate (I-2) by classification at 8201 Chad Colley; and 3) from Not Zoned to Industrial Heavy (I-3) by classification at 10000 Roberts Boulevard

PROPOSED ZONING

The purpose of these zonings is to establish zoning on property as it is currently developed and to be consistent with the master land use plan. The rezoning includes three existing developments: Graphics Packaging, Inc., Mitsubishi, and Mars Petcare and three undeveloped tracts. The total acreage of the properties included in this rezoning request is 275.96.

LOT LOCATION AND SIZE

Sites Proposed as Industrial Light (I-1):

- The property at10300 Roberts Boulevard (Graphic Packaging) is located on the south side of Roberts Boulevard southeast of the intersection of Roberts Boulevard and Flagstone Road
- The undeveloped property at 12201 Roberts Boulevard is located on the north side of Roberts Boulevard the northeast intersection of Roberts Boulevard and Chad Colley Boulevard
- The undeveloped property at 8201 Flagstone Road is located on the southeast end of Flagstone Road
- The undeveloped property at 8100 Chad Colley Boulevard is located on the West side of Chad Colley Boulevard between Roberts Boulevard and Custer Boulevard

The four (4) properties proposed as Industrial Light contain an approximate total combined acreage of 145.50 acres.

Site Proposed as Industrial Moderate (I-2)

- The property located at 8201 Chad Colley Boulevard (Mitsubishi) is located on the east side of Chad Colley Boulevard northwest of the Chad Colley Boulevard and Custer Boulevard intersection. This property contains an approximate area of 90 acres.

Site Proposed as Industrial Heavy (I-3):

- The property located at 10000 Roberts Boulevard (Mars Petcare) is located on the south side of Roberts Blvd southeast of the Roberts Boulevard and Chad Colley Boulevard intersection. This property contains an approximate area of 40.45 acres

REQUESTED ZONING

The proposed zoning district for 10300 Roberts Boulevard (Graphic Packing), 12201 Roberts Blvd, 8201 Flagstone Road, and 8100 Chad Colley Boulevard is Industrial Light (I-1). Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

REQUESTED ZONING

The requested zoning for 8201 Chad Colley Boulevard (Mitsubishi) is Industrial Moderate (I-2). Characteristics of this zone are as follows:

Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Truck stop, pet cemetery, animal food processing, bus station, sports complex and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1), 27-431(C) 3
Maximum Lot Coverage - 60%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
Existing District (By Extension) – 20,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 50 feet
Side Yard on Street Side of Corner Lot - 50 feet
Side Yard Setback – 25 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.

Required street access – Major Arterial or higher

REQUESTED ZONING

The requested zoning for 10000 Roberts Boulevard (Mars Petcare) is Industrial Heavy (I-3). Characteristics of this zone are as follows:

Purpose:

To accommodate a wide variety and intensity of industrial uses, some of which may have significant external impacts. This may include areas of heavy and concentrated fabrication, manufacturing, and industry. The I-3 zoning district requires readily available and adequate public facilities and services, including access to major transportation hubs (rail, river, or highway-interstate). The I-3 zone must be located so as to minimize conflicts with other land uses. Industrial Heavy zoning is appropriate in the Industry classification of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Pet cemetery, explosives manufacturing, petroleum and coal products, bus station and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1), 27-431(C) 3

Maximum Lot Coverage - 60%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 20 acres
Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet
Front Yard Setback - 100 feet
Side Yard on Street Side of Corner Lot - 100 feet
Side Yard Setback – 50 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

All of the surrounding areas for the rezoning sites are either zoned Industrial Light or not zoned and are developed as industrial land uses or undeveloped.

LAND USE PLAN COMPLIANCE

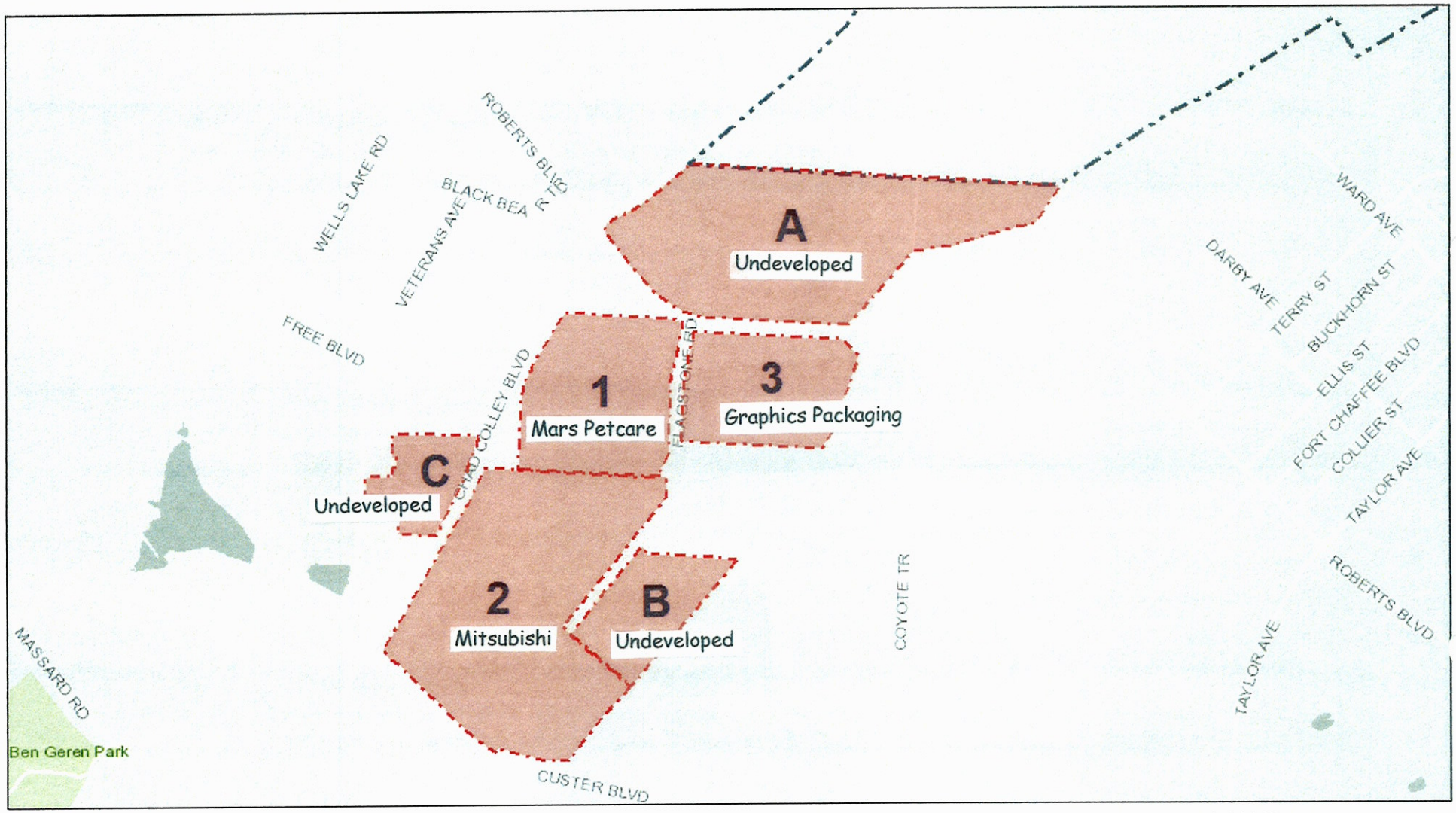
The *Chaffee Crossing Redevelopment Plan* currently classifies the subject areas as Mixed Use: Industrial/Office. This classification is intended to guide the appropriate development of non-residential uses with a larger community context, establish a strong street presence, and promote parking on the sides and rear of the buildings. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, May 8th, 2014 at 7020 Taylor Avenue (FCRA Offices). No surrounding property owners attended the meeting. Staff has received no objections to the proposed rezoning.

Based on the compatibility of the existing land use classification with the proposed industrial zoning districts, staff recommends approval of the proposed zoning requests.

Rezoning #11-5-14



May 2, 2014

Fort Smith City Limts

1:14,163

0 0.125 0.25 0.5 ft

0 0.2 0.4 0.8 m

1.	10000 Roberts Blvd.	Mars Petcare	Industrial heavy (I-3)
2.	8201 Chad Colley Blvd.	Mitsubishi	Industrial Moderate (I-2)
3.	10300 Roberts Blvd.	Graphics Packaging	Industrial Light (I-1)
A.	12201 Roberts Blvd.	Undeveloped	Industrial Light (I-1)
B.	8201 Flagstone Road	Undeveloped	Industrial Light (I-1)
C.	8100 Chad Colley Blvd.	Undeveloped	Industrial Light (I-1)

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

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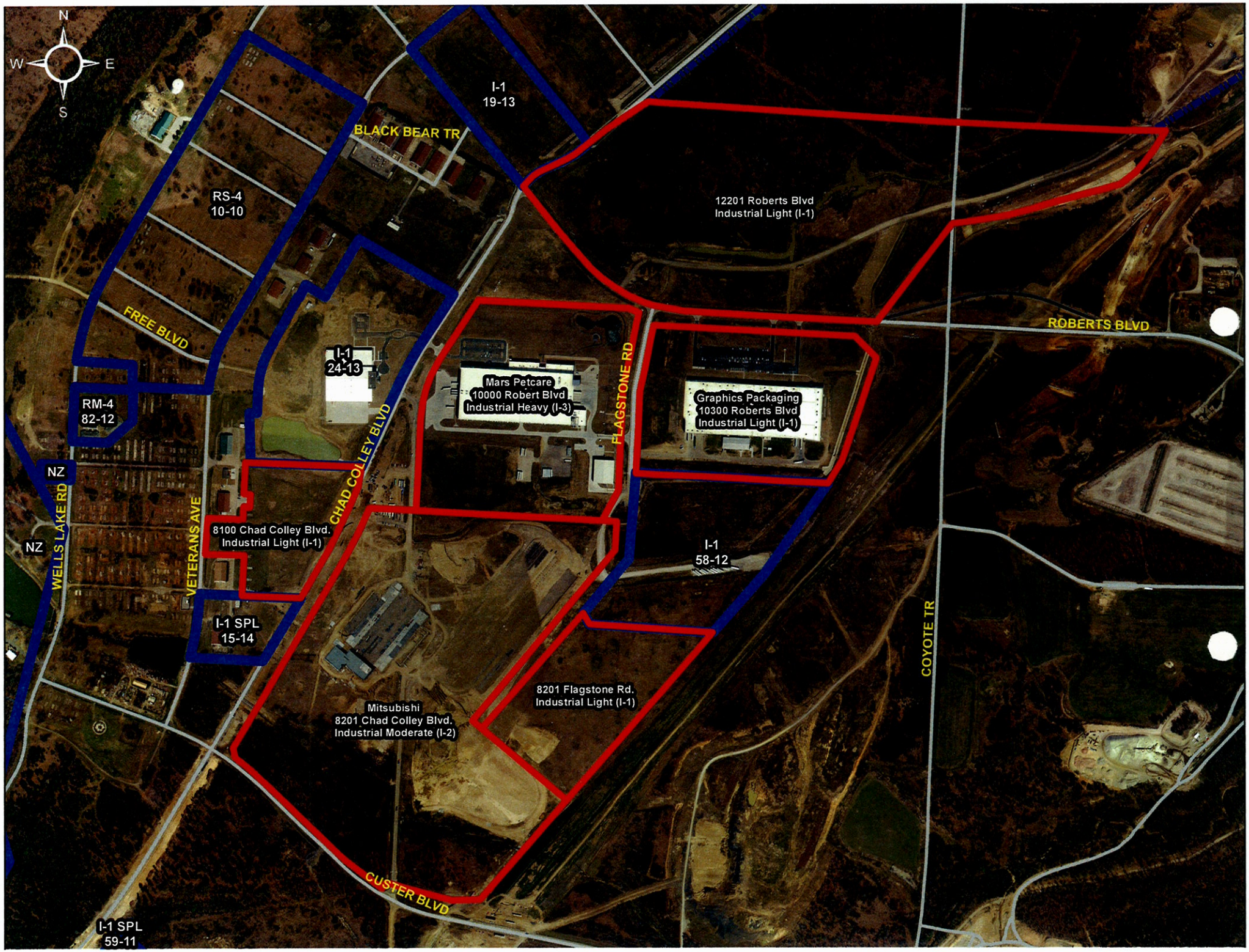
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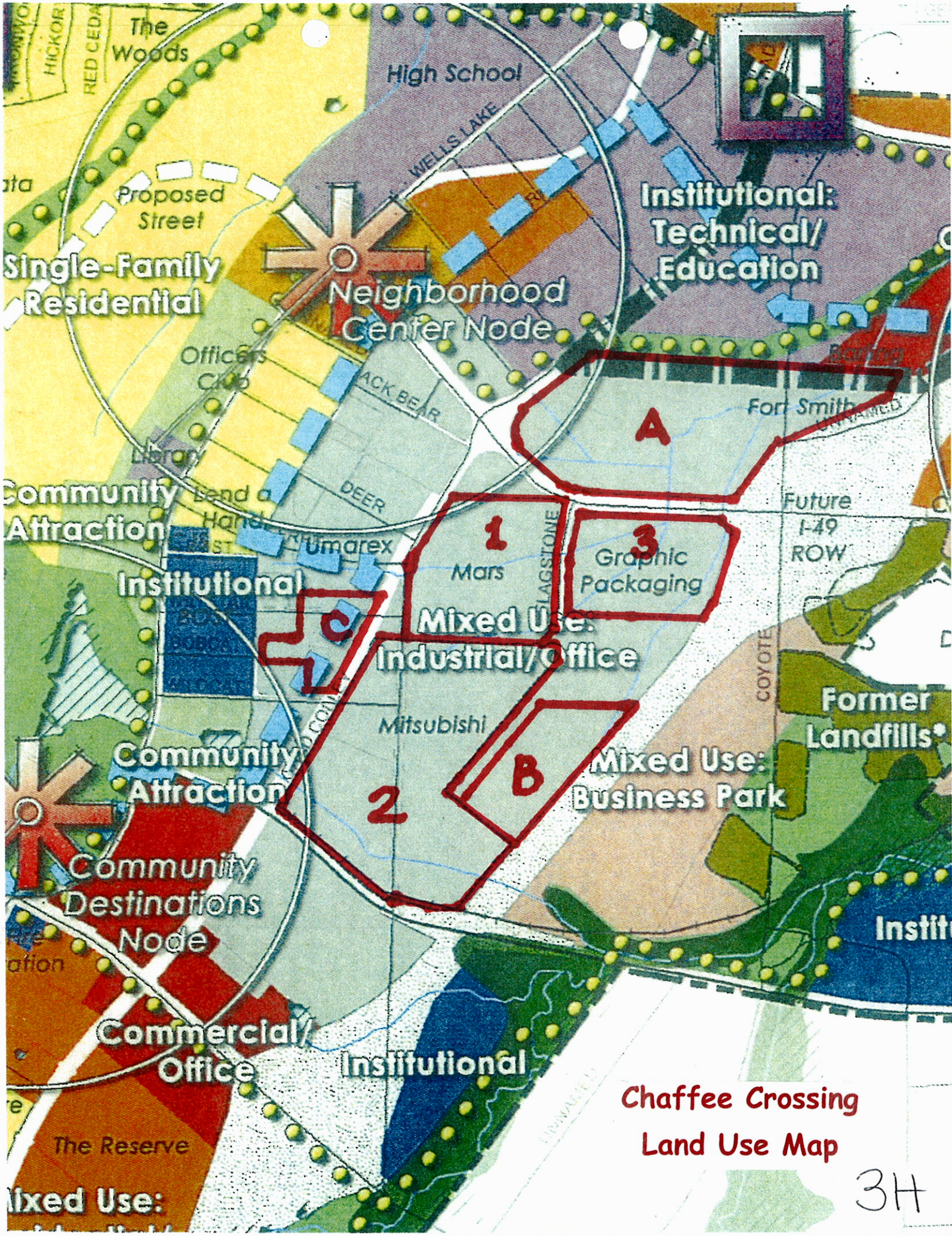
12201 Roberts Blvd
Industrial Light (I-1)
FREE BLVD
ROBERTS BLVD
I-1
24-13
Mars Petcare
10000 Robert Blvd
Industrial Heavy (I-3)
FLAGSTONE RD
Graphics Packaging
10300 Roberts Blvd
Industrial Light (I-1)
RM-4
82-12
CHAD COLLEY BLVD
NZ
NZ
WELLS LAKE RD
VETERANS AVE
8100 Chad Colley Blvd.
Industrial Light (I-1)
I-1
58-12
I-1 SPL
15-14
COYOTE TR
8201 Flagstone Rd.
Industrial Light (I-1)
Mitsubishi
8201 Chad Colley Blvd.
Industrial Moderate (I-2)
CUSTER BLVD
I-1 SPL
59-11



Chaffee Crossing
Land Use Map

3H

Neighborhood Meeting Minutes
FCRA/CITY OF FORT SMITH
Zoning of GPI, Mars, Mitsubishi, and miscellaneous parcels
FCRA Offices
May 8, 2014 10:00 AM

A public neighborhood meeting was held Thursday, May 8, 2014 at 10:00 a.m. at the FCRA offices. Those in attendance were Randy Coleman, Tyler Miller, Larry Evans, and Lori Robertson. No members from the neighborhood attended. Attendees left at approximately 10:15 am. See attached sign in sheet.

No phone inquiries were received regarding this project.

Submitted to file and to CFS May 8, 2014.

f:\doc\misc\Neighborhood Meeting Minutes – Zoning MARS, MIT, GPI @ ChaffeeCrossing 050814.doc

FORT SMITH /FCRA ZONING OF MISC PROPERTIES

NEIGHBORHOOD MEETING

May 8, 2014

NAME	COMPANY	PHONE #
1. Randy Coleman	MCC	649 [illegible]
2. Kenny E [illegible]	FCRA	9524554
3. Tyler Miller	City of Fort Smith	784-2241
4. Lorie Roberts	FCRA	452-4554
5.		
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3J

Rez.#11-5-14

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

   See Attached Legals A, B, & C
   and
   1. Mars Petcare at Chaffee Crossing, Lot 1
   2. Mitsubishi Addition, Lot 1
   3. Graphic Packaging at Chaffee Crossing, Lot 1

2. Address of property: 1 – 10000 Roberts Blvd, 2 -8201 Chad Colley, 3 – 10300 Roberts Blvd, A – 12201 Roberts Blvd, B – 8201 Flagstone Road, C – 8100 Chad Colley

3. The above described property is now zoned: Not Zoned

4. Application is hereby made to change the zoning classification of the above described property to Industrial - 1 by Classification.
   (Extension or classification)

5. Why is the zoning change requested?

   Property is currently unzoned.

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Mickle Wagner Coleman, Inc.
~~Owner~~ or Agent Name
(please print)

Owner

3434 Country Club Ave, Fort Smith, AR 72903
~~Owner~~ or Agent-Mailing Address

or

Agent

479-649-8484
~~Owner~~ or Agent Phone Number

3K

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Mickle Wagner Coleman Inc. to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. FCRA	[illegible]
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

This form is necessary only when the person representing this request does not own all property.

3L

May 5, 2014

City of Fort Smith Planning and Zoning Department
623 Garrison Avenue, Suite 331
Fort Smith, AR 72901

To Whom It May Concern:

Please let this letter serve as authorization for Fort Chaffee Redevelopment Authority, represented by Mr. Ivy Owen, Executive Director, to act as agent for Graphic Packaging International, Inc. solely in connection with the zoning action affecting the property owned by Graphic Packaging International, Inc. at 10300 Roberts Boulevard with the City of Fort Smith.

Regards,

Aaron Mauch, Plant Manager
Graphic Packaging International, Inc.

AM:ll

Cc: Randy Coleman, Mickle Wagner Coleman, Inc.

3M

From: "Brown, Rodger" <Rodger.Brown@mpshq.com>
Date: May 1, 2014 at 2:06:53 PM CDT
To: Ivy Owen <iowen@chaffeecrossing.com>
Subject: Representation in Regard to Zoning Action

May 1, 2014

Re: Representation in Regard to Zoning Action

To Whom IT May Concern:

This letter authorizes Mr. Ivy Owen, under his capacity of Executive Director, Fort Chaffee Redevelopment Authority (FCRA) to act as agent for Mitsubishi Hitachi Power Systems Americas, Inc. (MHPSA), lessee of the property known as the Arkansas Wind Turbine plant located at 8201 Chad Colley Blvd., Fort Smith, Arkansas, solely for the purpose of zoning action(s) with the City of Fort Smith, for a period of sixty days beginning May 1, 2014.

Regards,
Rodger Brown SPHR, GPHR
Senior Manager, Organizational
Development & Corporate Communications
Mitsubishi Hitachi Power Systems Americas Inc.
100 Colonial Center Parkway, Suite 500
Lake Mary, Florida 32746

Mitsubishi Hitachi Power Systems Americas, Inc.
www.MHPowerSystems.com

This message from Mitsubishi Hitachi Power Systems Americas, Inc. contains confidential or proprietary information. The information contained in this e-mail message is intended for the use of the individual(s) or entity to which it is addressed. If you received this transmission in error, please notify the e-mail sender. Thank you.

3N

April 30, 2014

City of Fort Smith Planning and Zoning Department
623 Garrison Avenue, Suite 331
Fort Smith, AR 72901

To Whom It May Concern:

Please let this letter serve as authorization for Fort Chaffee Redevelopment Authority as Mr. Ivy Owen, Executive Director, to act as agent for Mars Petcare, LLC in the zoning action with the City of Fort Smith.

Regards,

Chris Haas, Plant Manager
Mars Petcare US

CH:ll

Cc: Randy Coleman, Mickle Wagner Coleman, Inc.

Fort Chaffee Redevelopment Authority
7020 Taylor Avenue
Fort Smith, AR 72916

Umarex/PW Real Estate, LLC
7700 Chad Colley Blvd.
Fort Smith, AR 72923

Mars Petcare US, Inc.
315 Cool Springs Blvd.
Franklin, TN 37067

Bost Human Development Services
P. O. Box 11495
Fort Smith, AR 72917

Phoenix Corporation
4685 Buford Hwy.
Norcross, GA 30071

Rock & Linda Rodebush Living Trust
P. O. Box 11760
Fort Smith, AR 72917

Graphic Packaging
1500 Riveredge Pkwy
Atlanta, GA 30328

City of Fort Smith
Administration

Oak Bower
2300 Butler Street
Central City, AR 72941

Old Dominion Freight Line
500 Old Dominion Way
Thomasville, NC 27360

Richard & Rebecca Brown
2604 Butler Street
Central City, AR 72941

RUM, Inc.
P. O. Box 2062
Fort Smith, AR 72902

Ken Shollmier
13925 Beau Vue Drive
Little Rock, AR 72223

The vote on the final plat was 9 in favor and 0 opposed. The final plat was approved subject to the following:

- Construction plans for the off-site public improvements being approved by the City and the improvements being bonded or built and accepted by the City prior to the filing of the final plat.

- All required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents prior to the plat being filed with the county recorder.

3. **Rezoning #11-5-14; A request by Mickle-Wagner-Coleman, agent for Fort Chaffee Redevelopment Authority, for a zone change from:**

   A. **Not Zoned to Industrial-1 by Classification located at 10300 Roberts Boulevard; 12201 Roberts Boulevard and 8201 Flagstone Road and from Not Zoned to Industrial-1 by Extension located at 8100 Chad Colley.**

   B. **Not Zoned to Industrial-2 by Classification located at 8201 Chad Colley.**

   C. **Not Zoned to Industrial-3 by Classification located at 10000 Roberts Boulevard.**

   Mr. Wally Bailey read the staff reports indicating that the purpose of this request is to establish zoning on property as it is currently developed and to be consistent with the Master Land Use Plan. Mr. Bailey stated that the rezoning includes three (3) existing developments: Graphics Packaging, Inc., Mitsubishi and Mars Petcare and three (3) undeveloped tracts with total acreage of the properties included in the rezoning request being 275.96.

   Mr. Bailey noted that the four (4) properties proposed as Industrial Light (I-1) contain an approximate total combined acreage of 145.50 acres.

   The property being proposed as Industrial Moderate (I-2) contains an approximate area of 90 acres.

The property being proposed as Industrial Heavy (I-3) contains an approximate area of 40.45 acres.

Mr. Bailey stated that a neighborhood meeting was held on Thursday, May 8, 2014 at 7020 Taylor Avenue (FCRA Offices) with no surrounding property owners in attendance. Mr. Randy Coleman was present to speak on behalf of this request.

No one was present to speak in opposition to the rezoning request.

Chairman Sharpe then called for the vote on the rezoning request. The vote was 8 in favor, 0 opposed and 1 abstention (Cooper).

4. **Conditional Use #5-5-14; A request by Eloy Tarin & Yolanda Tarin, agent for Dale Allen, for a conditional use for a church located at 821 North 10th Street.**

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow for an existing building to be utilized for a small church. Ms. Rice stated that the church would like to utilize the first floor of the building located at 821 North 10th Street and no exterior changes to the property are being proposed. Ms. Rice also noted that the applicants have stated that any trash they generate would be taken home to be disposed of.

Ms. Rice noted that a neighborhood meeting was held on Saturday, April 26, 2014 on site with one (1) neighbor attending but expressed no objections.

Mr. Eloy Tarin was present to speak on behalf of this request.

No one was present to speak in opposition.

Chairman Sharpe then called for the vote on the conditional use request. The vote was 9 in favor and 0 opposed.

5. **Conditional Use #6-5-14; A request by Tyson Washburn, agent for Jerald Baker & Aaron Littlefield III, for a conditional use for a bus station and terminal located at 3401 Cavanaugh Road.**

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow a bus station terminal to be incorporate in the existing truck stop (Jam Mart) located at 3401 Cavanaugh Road. Mr. Bailey stated that the changes to the site will be minimal adding a bus loading zone and an outside smoking location.

ORDINANCE NO._____

AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FORT SMITH

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the Municipal Code; and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on May 13, 2014, that said changes be made; and,

WHEREAS, three (3) copies of the June 2014 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance;

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

SECTION 1: The June 2014 Amendments to the Unified Development Ordinance are hereby adopted.

SECTION 2: The codifier shall codify the new sections and amend the existing sections of the Unified Development Ordinance.

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack

of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS_____DAY OF _____, 2014.

APPROVED:

_____

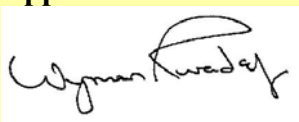
Mayor

ATTEST:

_____

City Clerk

Approved as to form:



_____

Publish One Time

May 27, 2014

Honorable Mayor and Board of Directors
City of Fort Smith, Arkansas

Re: Unified Development Ordinance Amendments

On May 10, 2014, the City Planning Commission held a public hearing to consider amendments to the Unified Development Ordinance.

Mr. Wally Bailey read the staff report indicating that the purpose of these Unified Development Ordinance amendments is to clarify certain items are exempt from meeting the minimum required setbacks. Also, two locations in the code make incorrect references that need to be corrected.

The current code language indicates patios, terraces, walks and driveways may encroach into the existing setbacks provided they are at grade and do not have enclosed walls or a roof and they are only permitted to extend into the setbacks by three feet, and must be approved by the building official, and must not cross property lines or utility easements. Historically, patios, terraces, walks and driveways have all been permitted to extend into the setbacks by more than three feet. Also, these at grade improvements are have been permitted to extend across and over utility easements. It would also be impossible for a driveway to be constructed that would comply with this section since driveways must extend across a property line to connect to the street.

Fences are also included in this section and with the many restrictions. Most if not all fences are constructed into the setbacks and many cross utility easements. The restriction on fences also needs to be removed to recognize the current practice for fence installations.

We also propose that handicap or accessibility ramps should be exempt. Many homes and businesses that are retrofitting to provide accessibility have difficulty complying with the minimum setback requirements on an existing structure. The proposal is to exempt ramps that are for the purpose of providing accessibility.

A new paragraph is being added that adequately addresses the exemptions for patios, terraces, walks, driveways, fences and accessibility ramps.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

The 27-416(D)(4)(a) and 27-602-3(D) have incorrect references to other sections of the UDO. The proposed amendment is an editorial correction to correct these references.

No one was present to speak either in support or in opposition to the proposed amendments.

Chairman Sharpe then called for the vote on the Unified Development Ordinance Amendments as proposed. The vote was 9 in favor and 0 opposed.

Respectfully Submitted,

Marshall L. Sharpe

CITY PLANNING COMMISSION

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

JUNE 2014

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE

section. Setbacks must be unobstructed from the ground to the sky except as specified in this section.

2. Along a private street, setback measurement shall start at a point 25 feet from the street centerline.

3. The following structures may encroach no more than three feet into the required setbacks if: (1) they are approved by the city building official, and (2) provided that they do not cross property lines or utility easements:

~~**a.** patios, terraces, walks, and driveways, provided they are at grade and not covered;~~

b. porches, decks landings, and stairs, provided they are for single story buildings and are not covered;

c. play equipment;

d. clothesline poles if not located in the setbacks adjacent to street right-of-way;

e. portable yard furniture;

~~**f.** fences;~~

g. overhangs, coves, and cornices as defined in the currently adopted building code may be allowed, provided they do not exceed 3 feet. The definition of overhang specifically excludes any exterior wall of any structure regardless of its elevation above ground level.

h. mechanical units;

i. area and security lighting fixtures and supports (poles);

4. Setback Averaging. Regardless of the minimum front or rear setback required by the underlying zoning district, front or rear setbacks may be adjusted to the average of the existing setbacks of the lots that are on both sides of the subject lot according to the following:

a. Only the setbacks on the lots that abut each side of the subject lot on the same side of the street as the subject lot may be used.

b. When one abutting lot is vacant or a corner lot, then the average is of the setback of the non-vacant lot and the zoning district minimum setback.

8B

5. All residential lots on a cul-de-sac street that have frontage on the radius of the cul-de-sac are permitted to have a front yard setback of 20 feet.

6. Except as otherwise provided in individual zone districts and/or overlay districts, signs are to be exempt from setbacks and minimum requirements provided they are erected in compliance with the provisions of the Fort Smith Sign Regulations.

7. Gasoline sales are permitted under the following conditions:

   a. Pump islands shall be located a minimum of twenty (20) feet from any public right-of-way.

   b. Island canopy overhangs shall be located at least ten (10) feet from any public right-of-way and must have a height of at least twelve (12) feet. Supportive posts of canopies shall be located at least twenty (20) feet from any public right-of-way.

8. The following structures are exempt from setback regulations as specified below:

   a. Patios, terraces, walks, and driveways provided they are at grade, and do not have enclosed walls or a roof;

   b. Ramps for the purpose of meeting accessibility requirements provided they do not have enclosed walls or a roof;

   c. Fences;

D. Height

1. Measurement. Building height is the mean vertical distance from the average ground level at the minimum front setback to the highest permanent part of the building or structure.

2. A structure may not be more than the maximum allowable feet high at the minimum side setback line, but for each addition foot of horizontal setback in excess of the minimum, the height may be increased by one foot. The height of a gabled end of a building shall be measured at the midpoint of the gable instead of the peak of the gable.

3. The following structures may be exempted from the height requirements in the various districts if they are not detrimental to neighboring property and are approved by the city building official:

D. District Standards

1. No property shall be zoned or rezoned to this classification unless the property has been (prior to the rezoning) recommended as an historic district by the Historic District Commission and established as a historic district by the Board of Directors.

2. All properties zoned RH shall be subject to the architectural design review requirements set forth in the ordinance creating such property as a historic district.

3. Parking Requirements.

    a. The Historic District Commission shall review all parking plans to consider the surface paving material, site screening, access drives, and landscape/streetscape elements of the plan.

    b. A parking lot shall only be allowed in the historic district to serve a permitted use that is located in the district.

4. Signs. The Historic District Commission shall review each "business sign" application to determine its architectural and aesthetic compatibility with the Historic District. The purpose of their review is to assure the preservation of the authentic historic character of the district as nearly as possible. In addition to the review by the Historic District Commission and their determination of the appropriateness of business signs, the following criteria shall govern all business signs in the district:

    a. Permitted signs.

        1. Business signs as defined in section 27-~~356~~ 200 shall be permitted in the Historic District. A business sign shall not exceed six (6) square feet in area.

        2. Banners, as follows:

            a. May not exceed an area of six (6) square feet in total area;

            b. May be displayed only on the outside walls of buildings and may not obscure windows, doors or any other architectural feature;

            c. Display time is limited as determined by the Historic District Commission;

8D

1. A dense vegetative planting buffer incorporating approved landscaping materials of a variety that shall be equally effective in winter and summer. Approved landscaping materials shall be adequately spaced to form a solid continuous visual screen. Where shrubs are used they shall be evergreen in nature or approved deciduous material, be at least 24 inches tall at the time of planting, and be spaced closely enough together so as to create a seamless row of screening/buffering and reach the required height within twenty-four (24) months after the initial installation.

2. A solid masonry or vinyl fence or wall that is compatible with the principal structure or development. Where a masonry or vinyl fence or wall is utilized for the parking lot screening, the perimeter landscaping required by section 27-602-3 (c) must be installed on the right-of-way side of the fence but not in the right of way. Where fences or walls are used they shall be no more than 4 feet in height, as measured from the surface of the parking lot, except for those that are constructed as part of a comprehensive security fence.

3. Earth berms shall be gently rolling in nature so as to appear natural and have a maximum slope ratio of 3:1 (horizontal run to vertical rise) and a recommended slope of 4:1. Where a berm does not reach the minimum required screening height, additional screening measures shall be installed to complement the berm. Berms and approved landscaping materials shall be adequately spaced to form a solid continuous visual screen and reach the required height within twenty-four (24) months after the initial installation.

All parking lot screening shall be a minimum of three (3) feet above the finish elevation of the parking lot. All planted materials shall reach the required height within twenty-four (24) months after the initial installation. Screening shall be installed in a manner so that it does not impair the sight lines of driveways or intersections.

D. Height of Screening. The height of a screening buffer, except for parking lot screening required by section 27-602-3(~~D~~ C), shall comply with the following:

1. Visual screening walls, fences, or berms and fences in combination shall be four (4) to six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect.

2. Vegetation shall be four (4) to six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved with vegetation capable of growing up to four (4) to six (6) feet in height within twelve (12) months after the initial installation.

E. Interior Landscaping For Vehicular Use Areas.

8E

8. Unified Development Ordinance Amendments

Mr. Wally Bailey read the staff report indicating that the purpose of these Unified Development Ordinance amendments is to allow some things that regularly encroach into setbacks without having to request a zoning variance or being in conflict with the code and also to correct references made within the code that are currently incorrect. Mr. Bailey noted the following proposed amendments to the Unified Development Ordinance:

Page 171 – Item #3 shall read as follows:

The following structures may encroach no more than three feet into the required setbacks if: (1) they are approved by the city building official, and (2) provided that they do not cross property lines or utility easements:

a. porches, deck landings and stairs, provided they are for single story buildings and are not covered;

b. play equipment;

c. clothesline poles if not located in the setbacks adjacent to street right-of-way;

d. portable yard furniture;

e. overhangs, coves and cornices as defined in the currently adopted building code may be allowed, provided they do not exceed 3 feet. The definition of overhang specifically excludes any exterior wall of any structure regardless of its elevation above ground level;

f. mechanical units;

g. area and security lighting fixtures and supports (poles);

Page 172 - #8 shall read as follows:

The following structures are exempt from setback regulations as specified below:

a. patios, terraces, walks and driveways provided they are at grade and do not have enclosed walls or a roof;

b. ramps for the purpose of meeting accessibility requirements provided they do not have enclosed walls or a roof;

c. fences

Commissioner Spearman requested the word and be added to paragraph a.

Page 191 - #4 Signs – a. Permitted signs - #1 shall read as follows:
Business signs as definite in Section 27-200 shall be permitted in the Historic District. A business sign shall not exceed six (6) square feet in area.

Page 339 – D. Height of Screening shall read as follows:

The height of a screening buffer, except for parking lot screening required by section 27-602-3(C), shall comply with the following

No one was present to speak either in support or in opposition to the proposed amendments.

Chairman Sharpe then called for the vote on the Unified Development Ordinance Amendments as proposed. The vote was 9 in favor and 0 opposed.

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

9. **Variance #17-5-14; A request by Jessica Hougen & Blake Vaughn for a variance from 5 feet to 0 feet rear yard setback and from the requirement that accessory structures shall be incidental and subordinate to the principal structure located at 419 North 19th Street.**

Ms. Maggie Rice read the staff report indicating that the purpose of these variance requests is to allow the owners to construct a new garage on the existing slab. Ms. Rice stated that the owners would like to place the new garage on the existing slab to maintain the historic value of the property. Ms. Rice noted that this property had a garage that burned in 2009.

Ms. Rice stated that a neighborhood meeting was held on Sunday, May 4, 2014, at

3

ORDINANCE NO._____

AN ORDINANCE ORDERING THE OWNERS OF CERTAIN DILAPIDATED AND SUBSTANDARD STRUCTURES TO DEMOLISH SAME, AUTHORIZING THE CITY ADMINISTRATOR TO CAUSE THE DEMOLITION OF SUCH STRUCTURES TO OCCUR, AND FOR OTHER PURPOSES.

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 tract of real property, and the improvements located there, are dilapidated, unsafe and otherwise detrimental to the public health and constitute structural, fire and health hazards:

Street Address: **606 NORTH 12TH STREET & REAR BUILDING - NE 5' OF LOT 1 AND ALL LOT 2, BLOCK 90; CITY ADDITION**

2308 NORTH 27TH STREET - LOT 41; BLAIRS HAPPY HOME ADDITION

SECTION 2: The owners of the tract of real property described in Section 1 are hereby ordered to remove or raze the improvements located on the said tract of property and to remedy the unsightly and unsanitary conditions otherwise located on said tract of real property within thirty (30) days from the date of this ordinance.

SECTION 3: With reference to any tract identified in Section 1 as to which compliance with the direction of Section 2 has not occurred within thirty (30) calendar days from the date of passage of this ordinance, the City Administrator is hereby authorized to execute a contract, based on the bid(s) accepted on the date of this action or at a later date, for the removal or razing of the described improvements on the tract of real property.

SECTION 4: 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.

SECTION 5: Emergency Clause. It is hereby found and declared by the Board of Directors that the dilapidated,

unsanitary condition of the tracts of real property and improvements described herein constitute an immediate menace to the health, welfare and safety of the citizens of the City so that an emergency is hereby declared and that this ordinance shall be effective from and after the date of its passage.

This Ordinance adopted this _____day of_____2014.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
Publish One Time

MEMORANDUM

Building Safety Division

TO: Ray Gosack, City Administrator

FROM: Jimmie Deer, Building Official

DATE: May 23, 2014

SUBJECT: Unsafe Structures

The following structures have been damaged and/or deteriorated to a condition that has caused the Building Department to condemn them. The property and the improvements, thereon are now, and for several months prior hereto, have been dilapidated, unsafe, unsightly, unsanitary, obnoxious and detrimental to the public welfare and are found to be in violation of the Ordinances of the City of Fort Smith.

The property descriptions and owners are:

606 N. 12th Street & Rear Building – NE 5' of Lot 1 and all of Lot 2, Block 90; City Addition

Owners:

Robert Skulman & Shirley Wade
2207 Wedgewood BLVD
Fort Smith, AR 72903

Regions Bank
C/O Mortgage Dept.
723 Garrison Ave.
Fort Smith, AR 72901

2308 N. 27th Street- Lot 41, Blairs Happy Home Addition

Owners:

Alfred & Thelma Poole
2308 N. 27th Street
Fort Smith, AR 72904

The owners of these properties have been notified according to the procedures outlined in Section 16-88 of the Fort Smith Municipal Code. The property owners were notified by certified mail and posting the same letters on the buildings. The letter or notice contains information concerning the appeal procedure outlined in Section 16-91 of the Municipal Code. The Code specifies that they must file any appeals within fifteen (15) days from the date of service. The owner(s) of the subject properties did not file an appeal within the fifteen (15) day period nor have they requested an appeal hearing since that deadline has passed.

606 N. 12th Street – The Structure burnt on December 17, 2013 and the water was turned off on September, 2009. Due to the condition of the structure and failure of the owners or bank to repair the damaged structure unsafe notices were sent out on April 17, 2014. The City has $1191.26 amount of clean up liens on this property. The letters were signed for. As of today the owners have taken no action to obtain permits to repair or demolish the structure.

2308 N. 27th Street – The structure has been without water since 2009. Staff has had an open Property Maintenance case on this property since August 1, 2013 and has received no responses from the owners. There are several liens to the city and county on the property for clean up in the amount of $1455.53. Due to the condition of the structure unsafe notices were sent out on April 17, 2014. The letters were signed for. As of today the owners have taken no action to obtain permits to repair or demolish the structure.

Therefore, I am recommending this matter be referred to the Board of Directors for their review. An Ordinance will be prepared that will order the property owners to demolish or repair the buildings within thirty (30) calendar days and if such work has not occurred, the staff will be authorized to have the structures removed.

Please contact me if you have any questions or if we need to discuss this matter in more detail.

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606 N. 12th St.

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CARNES AVE
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2308 N. 47th St.

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RESOLUTION NO. _____

A RESOLUTION STATING THE CITY OF FORT SMITH'S SUPPORT FOR THE SUSTAINABLE ARKANSAS PROGRAM

WHEREAS, the Applied Sustainability Center at the University of Arkansas is proposing the creation of a Sustainable Arkansas program; and

WHEREAS, said program would be a voluntary certification program for Arkansas cities to demonstrate their commitment to sustainable development practices; and

WHEREAS, said program can further economic development goals by communicating a community's support for sustainable development; and

WHEREAS, said program encourages the adoption of best practices that enhance quality of life and stewardship of resources;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that:

The City of Fort Smith hereby supports the creation of the Sustainable Arkansas program. Formal recognition of sustainable development policies and practices is essential to promoting progressive economic development in all Arkansas cities.

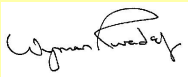
This Resolution passed this _____ day of June, 2014.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____
No Publication Required

MEMORANDUM

May 23, 2014

TO: Mayor and Board of Directors

FROM : Ray Gosack, City Administrator

SUBJECT: Sustainable Arkansas Cities

The Applied Sustainability Center at the University of Arkansas is working to create a Sustainable Arkansas program. The program would be a certification for cities. It would demonstrate a city's commitment and support for sustainable development practices. Such practices might include construction of trails and sidewalks, building codes that promote energy efficiency, waste minimization and recycling, and a stream side protection ordinance. The attached synopsis provides greater detail.

The program organizers are seeking to identify cities who might be interested in this program. The organizers are pursuing grant and foundation funding to get the program up and running, and they need to demonstrate that there's interest from cities.

This program has the potential to produce economic and development benefits as described in the synopsis. However, implementation of the measures could be viewed by some as being burdensome, unnecessary regulation, and development unfriendly.

Michele Halsell, managing director of the Applied Sustainability Center, and Peter Nierengarten, sustainability and resilience department director for the City of Fayetteville, will be present at the May 27th study session to discuss the Sustainable Arkansas program.

Attachment

cc: Michele Halsell, Applied Sustainability Center
Peter Nierengarten, City of Fayetteville

Sustainable Arkansas: Where the Natural State meets the Land of Opportunity

Executive Summary

Sustainability offers a strategy for harnessing Arkansas' natural assets to generate economic opportunity. A 2012 report prepared by Boyette Strategic Advisors for the Arkansas Economic Developers highlighted the importance of sustainability as an economic development strategy for the state. The report makes the case that Arkansas has sustainability assets that can be leveraged to promote economic growth and development and that cities play a key role in capitalizing on these assets.

The report recommends establishing a Sustainable Arkansas program to help cities be more competitive in attracting investment. The program would provide a process for cities to become certified as Sustainable Arkansas cities, and would provide training, access to grant funding, and access to student interns. The program would be ***free to cities***, strictly ***voluntary***, and flexible enough to accommodate ***local priorities***.

By modeling the program after an existing program, Arkansas could quickly gain traction, accelerate progress and gain momentum in leveraging sustainability as a pathway to economic prosperity. A program could be in development by July 2014 with cities joining the program in 2015.

This proposal outlines the economic benefits of sustainability for Arkansas cities, program components, a funding strategy, a process for launching the program, and a time line for action.

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Introduction: Sustainability as Pathway to Prosperity

The Applied Sustainability Center at the University of Arkansas proposes to coordinate a certification program for Arkansas cities to help them leverage sustainability to enhance prosperity and promote economic growth. The program would be modeled after Sustainable Jersey, a highly successful program that promotes the adoption of best practices, policies and programs among municipalities in New Jersey.

A 2012 report by Boyette Strategic Advisors titled *Arkansas Sustainable Agenda for Economic Development* highlighted Arkansas' strengths in sustainability and pointed out that these strengths could be leveraged to promote job growth and enhance economic prosperity for the state. Many Arkansas cities and regions are poised to take advantage of various sustainability attributes to attract new investment and new residents. The report cites a CoreNet study that revealed that 92 percent of corporate real estate executives consider sustainability criteria in their location decisions.

The Boyette report recommends establishing a Sustainable Arkansas Program modeled after Sustainable Jersey. Sustainable Arkansas would provide a framework that cities can use to guide their sustainability efforts as well as a certification program that helps cities communicate their sustainability attributes to citizens and other stakeholders.

The Sustainable Arkansas program would be ***free*** to cities. The program would be strictly ***voluntary*** and would provide flexibility for cities to emphasize ***local priorities***. Sustainable Arkansas would be a grass-roots, community-centric approach to expanding the adoption of policies and programs that would help Arkansas cities expand prosperity and promote economic development. The program would provide the following services to cities:

- Certification as a Sustainable Arkansas City
- Training for local leaders in a variety of topics related to sustainability
- Access to grant funding to support local sustainability initiatives
- Access to interns to assist with local sustainability projects
- Recognition for leadership

Economic Development, Sustainability, and Cities

Arkansas cities stand to reap economic benefits from participating in Sustainable Arkansas.

1. Increased competitiveness in attracting new investment: Corporations increasingly factor sustainability into their location decisions. A CoreNet study showed that 92% of corporate real estate executives include sustainability criteria in their location decisions. They are looking for locations that help them meet their sustainability goals which are often mandated by their customers. Arkansas cities and regions that are not actively addressing sustainability issues will be at a disadvantage relative to cities that help employers meet their sustainability goals. Topeka, Kansas, is an example of proactively addressing employer sustainability needs at the Kanza Fire Commerce Park. Employers who build in the park achieve 60% of the points needed to achieve LEED Gold certification. Sustainable Arkansas can assist cities by providing a framework that helps them develop sustainability assets and communicate these effectively to prospective employers.

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2. Increased competitiveness in attracting talent: In a global economy, investment follows talent. Arkansas cities must position themselves to attract talent in order to attract investment. Millennials choose where they want to live and then find work in their chosen city. Employers know this and are looking to locate in cities that allow Millennials to live a lifestyle that emphasizes active transportation, cultural amenities, and authenticity. Cities that develop sustainability assets that attract Millennials will be more competitive in attracting new investment from corporations seeking to hire talent in this generation.

3. Affordability – Save Money, Live Better: This is the Walmart principle played out on a community scale. Local elected officials are not in a position to mandate pay raises by employers, however they have an opportunity to build cities that address affordability factors, thus stretching incomes and enhancing the health of the local economy. Arkansans use 25% more energy than the national average, and the ACEEE estimates that the average Arkansas household could reduce their energy consumption by 37%. Cities play a role in tapping these savings and diverting them to local businesses. For example, adopting and enforcing stricter building codes could save Arkansas households as much as $1,000 in utility bills annually, dollars that could be spent in the local economy. Cities can also help residents save money on transportation. A study by the Center for Neighborhood Technology reported that residents in Northwest Arkansas spend 29% of their disposable income on commuting-related expenses compared to a national average of 19%. Additionally, the study revealed that only three cents of every dollar spent on gasoline stays in the local economy. Cities that invest in building sidewalks and trails that connect residential areas to jobs, education, and shopping can help residents reduce their commuting-related expenses, dollars which could also be spent locally. Combining energy savings with a "Shop Local" campaign can help to insure the sustainability of local businesses and keep dollars circulating in the local economy. Sustainable Arkansas would provide a framework for sharing policy tools and promoting best practices among Arkansas cities.

4. Distributed Jobs through Mining Arkansas' Clean Energy Potential: Arkansas has abundant potential to create jobs in the emerging clean energy sector. Arkansas has a relatively energy intensive economy with the 11th highest energy consumption per real dollar of gross state product (US Energy Information Administration, http://www.eia.doe.gov/emeu/states/_seds.html.) Mining energy efficiency in Arkansas could create thousands of jobs distributed across the state. Cities that adopt stricter building codes or that create energy improvement districts would help to foster demand for the services of companies such as Viridian or Harrison Energy Partners, allowing them to add new employees. Similarly, Arkansas can mine clean energy resources including solar, wind, geothermal, and biomass. Arkansas ranks 11th among US states for solar energy potential and 6th among US states for biomass potential. Developing these assets not only creates jobs for individuals working in these fields, but also helps to attract new investment among employers who are looking for greener energy supplies. Cities that develop their renewable energy assets and make them available to employers will be more competitive in attracting new investment.

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5. Regional Collaboration for Economic Benefit: Sustainable Arkansas could help to foster regional collaboration on sustainability projects that no city could accomplish singly and that would have economic benefit for multiple communities. The Razorback Greenway in Northwest Arkansas is an example of a sustainability project that has a positive impact on the regional economy and requires collaboration among the cities in the region. Collaboration among cities could help them to achieve their sustainability goals faster whether it involves expanding public transportation or developing a regional renewable energy network. Regional efforts focused on tourism or local food specialties could also be fostered under the Sustainable Arkansas umbrella.

Sustainable Arkansas Program Components

The Sustainable Arkansas program would provide the following program components to cities:

1. Certification as a Sustainable Arkansas City
2. Training for local leaders in a variety of topics related to sustainability
3. Access to grant funding to support local sustainability initiatives
4. Access to interns to assist with local sustainability projects
5. Recognition for leadership

Certification

Sustainable Arkansas would be modeled after Sustainable Jersey as recommended in the 2012 report by Boyette Strategic Advisors. Cities would achieve certification based on the accumulation of ***points*** awarded for ***actions*** taken in different ***categories*** such as energy efficiency, transportation, renewable energy, water stewardship and waste minimization and recycling. Points are awarded for the adoption of specific policies or the implementation of a specific program. Some of the actions are listed as "priority actions" and cities choose at least two priority actions. Cities take additional actions which are spread out across the categories to earn the remaining points needed to be certified. The chart below illustrates the bronze and silver certification levels for Sustainable Jersey, which can be modified for Arkansas. Certification categories, actions and points awarded would be developed by convening Arkansas subject matter experts and stakeholders (see Program Development Activities on p. 6).

Bronze Certification	**Silver Certification**
Green Team	**Green Team**
150 points	**350 points**
2 out of 11 priority actions	**3 out of 11 priority actions**
Actions in 6 out of 17 categories	**Actions in 8 out of 17 categories**

Certification Dimensions

Cities would earn points toward certification by adopting policies, programs, and best practices in a number of areas related to sustainability such as energy efficiency, water stewardship, waste minimization, land use, or health. The criteria would be established by working groups comprised of subject matter experts from academia, state agencies, business and industry, and non-profit groups. The chart below provides examples of actions that might be included in the certification process.

Examples of Sustainable Arkansas Categories & Actions					
Energy Efficiency	Adopt 2009 or 2012 IECC bldg. codes	Energy labeling for homes	New bldgs. 5000+sq.ft. LEED or Green Globes certified	Green MLS	
Transportation	Adopt no-idling ordinance	Purchase fuel-efficient fleet vehicles	Adopt a complete streets ordinance	Allocate some turn-back funds to sidewalks, trails, safe routes to school	
Renewable Energy and Alternative Fuels	Reduce restrictive covenants for residential renewables	Fast-track permitting process for residential renewables	Pursue landfill gas to energy	Install CNG fueling station & Electric Vehicle (EV) recharging stations	Convert city fleet to biodiesel and CNG
Water	Adopt streamside protection ordinance	Adopt Low-Impact Development ordinance	Water conservation outreach program	Encourage installation of rain gardens	Repair leaking water infrastructure
Waste	Implement waste reduction and recycling programs	Expand recycling, incl. e-waste recycling	Implement a city or county composting program	Collect restaurant waste oil to convert to biodiesel	
General Criteria	Internal Green Team	External Green Team	Sustainability Office	Sustainability Coordinator or Director	Sustainability Plan with targets and goals

Training

Training can be delivered in an online format such as a webinar or in a classroom setting face-to-face. Training may be delivered by University of Arkansas faculty and staff or may be outsourced by contracting with experts from other organizations such as the Urban Land Institute, the Center for Neighborhood Technology, of the Sustainable Cities Institute. Training may be offered on a wide array of topics to assist cities in leveraging sustainability for local benefit. Training topics may include:

- How to start a sustainability office/program
- Communication – how to tell your city's sustainability story without "greenwashing"
- Power of the purse – green purchasing
- Community engagement and outreach for sustainability
- How to engage the business community – Greenway Business Certification Program (S. Bristow)
- LEAN Manufacturing – E3 (AIEC/Nutter and Harding)
- Greening your tourism, hotels, and hospitality (R. Harrison)
- Land use, transportation, & health – getting the most benefit from city investments
- Drive Smart Training for city staff (David Baxter at AML)

Access to Grant Funding

Similar to Sustainable Jersey, a pool of funds could be established that cities can use to implement various sustainability initiatives. Cities would need to meet minimum criteria of establishing a Green Team in order to apply for a grant. A committee would review applications and award funding based upon criteria established by the grant funder.

Internships

Students in the University of Arkansas' sustainability minor and urban planning minor must complete capstone projects. Cities could specify projects or specific needs related to sustainability and then interview interns. Internships could be paid or unpaid. This would give students hands-on real-world experience to build their resumes while giving cities an opportunity to advance sustainability priorities or projects. For example, a student might complete a tree canopy inventory for a city or assist with mapping food deserts. These completed projects could be used to inform city decisions regarding tree planting priorities and where to focus efforts to expand access to healthy food.

Recognition

Annual Awards: Currently, Arkansas Business recognizes several Arkansas cities each year for their efforts in various categories. The categories include Workforce Development, Green/Energy Conservation Initiatives, Main Street Preservation, Tourism Development, Quality of Life, and Technology Advancements. Sustainable Arkansas can work with Arkansas Business to establish objective criteria for awards in various categories based on points earned or actions taken.

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Program Development Activities

In order to launch a Sustainable Arkansas program, the following activities would need to be undertaken:

- Convene stakeholder groups comprised of subject matter experts to establish certification criteria in key areas such as energy, water, waste, land use, health, local food systems, etc.
- Build the website portal to publish certification guidelines, accept city applications for certification, provide educational materials, etc. (Note: Sustainable Jersey has offered to share their website code with Arkansas in order to reduce development costs and accelerate progress.)
- Establish a process for city applications and supporting documents to be reviewed and certification to be awarded.
- Host an annual recognition event, perhaps in conjunction with the Arkansas Municipal League's annual conference to recognize cities that achieve certification as well as cities that exhibit leadership in different dimensions of the certification.
- Provide training to municipal leaders on a variety of topics including local sustainability planning, communicating with stakeholders without green-washing, establishing a green business certification program, and developing effective community outreach campaigns.
- Secure grant funding from various sources to support municipal sustainability efforts and administer a process for awarding grant funds to cities.
- Develop a program for matching municipal project needs and student intern skills and learning needs.

Timeline

Pre-work: February 2014 – July 2014

- February: write proposals
- March-June: secure funding

Year 1: Develop certification criteria, build website, recruit cities: July 2014-June 2015

- July – September: convene working groups to discuss action areas and establish criteria for bronze, silver, gold certification
- July – November: Website development
- October: Convene all working groups together and announce launch
- November – December: recruit cities
- December: Applications available
- January 2015: Orientation for cities at AML Winter Conference
- February 1: Applications due; first review
- March: Cities make revisions as needed
- April: Revised applications due
- June: 1st cities certified, Announce at AML Annual Conference

Year 2: Launch training programs, small grant programs, and internship programs.

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Funding Goals

In the first year, the required level of funding is projected at $300,000. This includes funding for convening stakeholder groups to develop the certification criteria, developing the website, technical support from the staff at Sustainable Jersey, recruiting cities into the program, and hosting the first annual recognition event.

In the second year, less funding is needed for developing certification criteria, website development, and technical support. Instead funding shifts to providing training programs and the certification process. With the addition of free training programs for city leaders and launching an internship program, the funding needed would grow to $400,000 in the second year. Similar to Sustainable Jersey, we would like to develop a small grant program with $200,000 to $300,000 available to award to cities to support their sustainability initiatives starting in the second year of operations.

Diversified Funding Strategy

Funding for Sustainable Arkansas would come from three main sources: one-third from state agencies, one-third from philanthropic organizations, and one-third from corporate underwriters. Sustainable Jersey receives funding from Walmart Stores, a natural gas company, and other entities each year to support small grants to cities in New Jersey. Potential funding sources for Sustainable Arkansas are summarized in the table below.

Charitable Foundations	State Agencies	Corporate Underwriters
• **Surdna Foundation** • **Winthrop Rockefeller Foundation** • **Arkansas Community Foundation** • **Blue & You Foundation**	• **Arkansas Economic Development Commission** • **Arkansas Energy Office** • **Arkansas Dept. of Environmental Quality** • **Arkansas Dept. of Health and Human Services**	• **Walmart Stores** • **Tyson Foods** • **Entergy, SourceGas, other Arkansas utilities** • **Siemens, Viridian, et. al.**

Arkansas Cities Demonstrate Readiness

There is increasing evidence that Arkansas cities are already engaged around sustainability and would like to be more engaged. Some cities have a longer history and more comprehensive initiatives underway. Cities are moving beyond recycling to address energy efficiency, community gardens and alternative transportation. Other cities are just beginning their sustainability journey.

- Fayetteville was the first city to adopt the 2009 IECC building codes and require energy labeling for new homes, the first city to establish an Energy Improvement District, and the first city to adopt a streamside protection ordinance and a low-impact development ordinance.

- North Little Rock has leveraged its hydro-electric dam to attract new investment (Caterpillar) and retain business (L'Oreal). The city is the first to implement smart meters and has adopted a complete streets ordinance.
- Searcy established the "Searcy Energy Smart" program in 2013 which included outreach to residents and the business community and resulted in savings of $466,473 in one-time cash incentives and $352,598 in ongoing annual energy savings.
- Arkadelphia is working toward becoming a zero net waste city, has purchased the first hybrid police car fleet, and uses geothermal energy at city hall.
- Harrison implemented a "road diet" on Main Street that has resulted in new businesses opening and increased tax revenues and is the first city to have an energy plan for municipal operations.
- Eureka Springs is the first city in Arkansas to conduct a greenhouse gas inventory and publish a climate action plan (CAP).
- Jonesboro is building a multi-modal transportation facility that connects rural and urban transportation services and there is an active green team at the Chamber of Commerce.
- DeWitt is the first city to have a mini-biofuels refinery and a purchasing policy to purchase biofuels for city vehicles.

These efforts should be encouraged and expanded. This can happen in an organic, ad hoc fashion, but such an approach would result in wasted time and energy as each city attempts to reinvent the wheel. An ad hoc approach would also result in a missed opportunity to capitalize on municipal sustainability efforts as a key element in attracting residents and new business investment.

By providing a structure around which cities can organize their sustainability initiatives, along with training for city staff and other stakeholders, Sustainable Arkansas can help to accelerate city efforts and reduce the up- front investment of time and energy that is usually required in determining what to do and how to go about it. Sustainability is so broad and so all-encompassing that city leaders may be reluctant to move forward, overwhelmed by the breadth of choices and actions involved. A Sustainable Arkansas program could assist cities by providing structure and guidance to help them move from wherever they are on the path toward greater and greater levels of sustainability. Sustainable Arkansas can facilitate the sharing of municipal policies and best practices among cities and be flexible enough to allow cities to focus on local priorities.

Sustainable Arkansas would also provide third party, independent certification for municipal sustainability efforts. Participation in the program would be free of charge and strictly voluntary, but flexible enough so cities can customize their efforts to focus on local priorities.

University of Arkansas as Host

Arkansas Sustainable Agenda for Economic Development highlighted the University of Arkansas as an asset that could be leveraged as a valuable resource in pursuing sustainability as a strategy for economic development. The following paragraphs describe the University's strengths particularly as they relate to cities, sustainability and economic development.

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Leading by Example: The University of Arkansas is the ideal institution to host Sustainable Arkansas. In 2007, the university was among the first 100 colleges and universities to sign the American College and University Presidents' Climate Commitment pledging to achieve carbon neutrality by mid-century. Since 2008, the university has reduced its energy consumption by 43 million kilowatt hours avoiding 18,800 metric tons of CO2 emissions, and realized energy savings of $4.55 million in 2013.

Academic Program - Educating Students: Beyond reducing its own environmental footprint, the University is committed to educating students about sustainability. The university is the first institution of higher education in Arkansas to establish a minor in sustainability. The 18 credit-hour interdisciplinary minor is open to students in any major, from accounting to zoology. The Sustainability Minor provides foundational knowledge and skills related to the discipline of sustainability and prepares students to become innovators within their diverse fields.

In addition to the sustainability minor, the university has proposed a major in sustainability. If approved by the Arkansas Department of Higher Education, the new program would prepare students for careers in sustainability. Graduates of the program would have an understanding of the interdisciplinary nature of sustainability issues and would be able to use data, metrics and statistical analyses to make recommendations to advance sustainability of organizations and institutions. The university also offers a Graduate Certificate in sustainability.

The University launched a minor in Urban Planning in fall 2013. The program offers two areas of emphasis – urban infrastructure design and public policy – and three concentrations: Policy, Spatial, and Environmental. Students learn to solve problems related to complex issues in the built and natural environment, transportation, health, economic development, and others. It also gives students the knowledge of how to participate with government and community organizations in building better communities and cities.

Business & Industry Partnerships: Students at the Sam M. Walton College of Business have worked with the Fayetteville Chamber of Commerce to develop and administer a green business certification program called Greenway. Students conduct a site visit and collect information about the businesses sustainability practices and policies. Businesses that meet minimum criteria are certified as a Greenway business and may display the Greenway logo.

On a much larger scale, the University is co-founder of The Sustainability Consortium, an organization of diverse global participants working collaboratively to deliver science-based tools to improve consumer product sustainability. Working with universities, leading retailers, consumer products companies and non-governmental organizations, the TSC's vision is to drive a new generation of innovative products that address environmental, social and economic imperatives.

Research & Outreach Centers: The University houses a number of centers that bring expertise and key assets to bear on sustainability in cities.

- ***Applied Sustainability Center***: Housed in the Sam M. Walton College of Business, the Applied Sustainability Center is an interdisciplinary research and outreach center whose mission is to accelerate learning about sustainability and expand the commitment to sustainable practices in the public and private sectors. The Center has hosted an annual conference, The Sustainable Communities Leadership Summit, to bring together sustainability leaders across the state. The

ASC has offered training programs such as Energy, Jobs and the Economy for candidates for the Arkansas Legislature, and has brought nationally renowned presenters such as Chuck Marohn of Strong Towns to the state to conduct workshops for municipal leaders. The ASC has worked with utility companies to develop energy scorecards for 14 Arkansas cities in order to help municipal leaders understand energy consumption in the city and options for promoting energy efficiency and renewable energy. The center is also assisting the city of Fayetteville in collecting and reporting data to the STAR Community Rating Index as the first city in the state to achieve a STAR rating.

- ***Center for Advanced Spatial Technology***: Established in 1991, CAST is a unit of the J. William Fulbright College of Arts and Sciences. The Center for Advanced Spatial Technologies (CAST) focuses on application of geospatial technologies in research, teaching, and service. These technologies include geomatics, GIS, GPS, remote sensing, photogrammetry, geospatial software and systems design, interoperability, and large (multi-terabyte) geospatial databases. CAST's capabilities are directly relevant to enhancing sustainability in cities from addressing issues related to watershed protection and storm water runoff to siting for photovoltaics or mapping community gardens. CAST provided technical support and analysis for the ASC's municipal energy scorecard program.

- ***Community Design Center***: The mission of the University of Arkansas Community Design Center is to advance creative development in Arkansas through education, research and design solutions that enhance the physical environment. As an outreach center of the School of Architecture, UACDC is developing a repertoire of new design methodologies applicable to community development issues in Arkansas with currency at the national level. The Community Design Center has worked with a number of Arkansas cities including Lake Village and Monticello. The CDC published the Low Impact Development Design Guide and has published visual guides for a Fayetteville trolley system, light rail for NWA, and neighborhood design for Habitat for Humanity emphasizing affordable housing that is energy efficient, low impact, and high design.

- ***Center for Business and Economic Research***: The Center for Business and Economic Research (CBER) is a public service/outreach center and a student-faculty research center. An integral part of the Sam M. Walton College of Business, CBER conducts externally sponsored research for local and state government, as well as the state business community. The staff responds daily to requests for state and local economic and demographic data. The Center partnered with CAST and the ASC on the municipal energy scorecard program.

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Appendices

Letters of Support

Faculty Bios

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City Letterhead

To: Whom It May Concern

From:

Date:

Re: Sustainable Arkansas

As the mayor of Fayetteville, Arkansas, I am writing to express my support for Sustainable Arkansas. In Fayetteville, we are proud of our city's efforts to be more sustainable. Fayetteville was the first city to adopt the 2009 IECC building codes and implement energy labelling for new homes. Fayetteville was the first city to adopt a stream side ordinance to protect surface water. Fayetteville has one of the most extensive trail systems in the state and one that has been designed intentionally to serve as an alternative to the car and not merely as a recreational amenity.

In short, we recognize the importance of sustainability as a strategy that helps Fayetteville address affordability and cost of living issues by helping our residents save money on utility bills and commuting-related expenses. We recognize that sustainability helps promote public health by fostering active transportation and healthy lifestyles. And we recognize that sustainability helps to protect our natural resources. All of these things make Fayetteville an attractive place to live, work and raise a family and we believe that this in turn helps Fayetteville to attract investment and jobs.

We are proud of our accomplishments, but we also know that there is more that we could do. Sustainable Arkansas will help Fayetteville by providing recognition for the work we have already done with regard to sustainability. The program will also help to guide our efforts going forward and help us to remain competitive with cities in other states. For example, accelerating the expansion of renewable energy resources and expanding public transit will help Fayetteville and NWA compete to attract new investment and jobs. Finally, the program will help to build a community of cities and municipal leaders across the state who can share best practices and policies.

Sustainable Arkansas, as described in the proposal, will provide training, access to interns, and potentially access to grant funding to expand sustainability efforts, not just in Fayetteville, but in other cities across the state. As more and more cities adopt sustainable practices and policies, Arkansas as a whole will prosper. Fayetteville would welcome an opportunity to be certified as a Sustainable Arkansas city. We are happy to share what we have learned with other cities.

RESOLUTION NO. _____

A RESOLUTION ADOPTING A BOARD GOVERNANCE POLICY

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that:

The Board Governance Policy attached hereto as Exhibit A is hereby adopted. The board shall review the policy annually, and more frequently if needed.

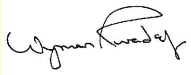
This Resolution passed this _____ day of June, 2014.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____
No Publication Required

MEMORANDUM

May 29, 2014

TO: Mayor and Board of Directors

FROM : Ray Gosack, City Administrator

SUBJECT: Board Governance Policy

Attached for adoption is the condensed version of the board governance policy which was discussed at the May 27th brainstorming meeting. The creation of a board governance policy was identified as a goal at the board of directors retreat last year. A board governance policy provides for transparent, responsive, and accountable representation of the public. It embodies the principles and procedures that help the board and staff function effectively.

The staff recommends approval of the attached resolution. The resolution provides that the policy will be reviewed annually, and more frequently if needed. Please let me know if there's any questions or a need for more information.

- Ray

Attachments

CITY OF FORT SMITH

BOARD GOVERNANCE POLICY

Adopted by Resolution No. _____

June 3, 2014

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INTRODUCTION

The responsibilities of modern government depend upon having procedures which help a community function effectively in the current atmosphere of complex laws, rules and regulations. This governance policy is intended to refine and expand those initial rules of self-government. Creation of the policy was identified by the City Board as a priority during a strategic planning retreat in summer 2013.

The governance policy is a valuable resource for Fort Smith, the City's citizens, the City Board and City administration as all continue to work together for responsive, effective, and efficient local government. The members of the City Board and City administration should be familiar with the contents of this policy and keep it close at hand.

Section 1: USE OF THIS POLICY

This governance policy is designed to provide guidance for the Board and City Administration. It is not to be considered as restrictions or expansions of Board authority. This policy is not intended to be an amendment or substitute for state laws, city ordinances, case law, or other authority. Because this policy is designed to assist the Board and not to provide substantive rules affecting constituents, it is expressly stated that this policy does not constitute land use regulations, official controls, "appearance of fairness rules", public hearing rules or other substantive rules binding upon or to be used by or relied upon by members of the public.

Section 2: STATEMENT OF VALUES

It is hereby the policy of the City to establish the values stated in this Section 2 as core values of City governance. City leaders listen to the community in a way that fully represents the community's interests and goals. Board and staff should make the maximum effort to collaborate, seeking consensus as far as possible. Board members should individually, and collectively, demonstrate the ability to lead and reason together. City leaders exhibit respect for the professionalism and ethical conduct of the City Administrator and staff; and the City Administrator and staff exhibit the same respect and professionalism for the Mayor and City Board. Leaders strive to achieve sustainable outcomes in City policies and administration, with sustainable bottom lines for the community, environment, and for City finances and the local economy. Holding public office is synonymous with public trust. A public officer's relationship with the public is that of a fiduciary. The public expects the utmost of integrity, honesty, and fairness in their dealings with public officials.

Section 3: RESPONSIBILITIES OF MAYOR, VICE MAYOR, AND BOARD MEMBERS

The roles and responsibilities of the Mayor, Vice, Mayor, and Board members are as follows. These are in addition to those enumerated throughout the Fort Smith Municipal Code and Arkansas statutes 14-48-101 et. seq. In the event of a conflict, the state statutes and municipal code shall govern.

3.1 Mayor

- Acts as the official head of the city for all ceremonial purposes.
- Selects substitute for City representation when Mayor can't attend.
- Issues proclamations.

- Supervise the preparation of Board meeting agendas by the City Clerk.
- Chairs Board meetings.
- Maintains order, decorum, and the fair and equitable treatment of all speakers at board meetings.
- Keeps discussion and questions focused on the specific agenda item under consideration.
- Recognizes citizens who wish to comment at public meetings.
- Signs documents on behalf of the City.
- Has no vote at board meetings, but may veto actions passed by the board (except personnel items).
- Recognized by the Governor for purposes of military law.

3.2 Vice Mayor

The Vice Mayor is elected by the Board at the first regular Board meeting in January of odd-numbered years following the seating of board members elected in the preceding November General Election. The Vice Mayor serves a 2-year term, and may serve multiple terms without limitation. In the event of a vacancy, the board shall elect a new Vice Mayor to serve the remainder of the unexpired term. The Vice Mayor may be removed by a majority vote of the Board members.

- Performs the duties of Mayor if the Mayor is absent or otherwise unable to perform his/her duties.
- If presiding at a Board meeting, the Vice Mayor retains his/her right to vote on matters before the Board.
- Represents the City at ceremonial functions at the request of the Mayor.

3.3 Board Members' Responsibilities

All members of the Board of Directors have equal votes. No Board member has more power than any other Board member, and all should be treated with equal respect. Board members should:

- Fully participate in City Board meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Prepare in advance of Board meetings and be familiar with topics on the agenda.
- Represent the City at ceremonial functions at the request of the Mayor.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Fort Smith government.
- Keep the community informed on municipal affairs.
- Encourage communications between citizens and the Board.
- Ensure the diverse interests of the community are represented.
- Be mindful of limited resources and avoid requests for unnecessary information in recognition of the limitations of staff time and resources.

Section 4: CODE OF ETHICS

Board members should be mindful of the need for neutrality and impartiality, rendering equal service to all and to extend the same treatment each would want to receive himself/herself. They should abstain from deliberations and voting when and only when a conflict of interest exists in accordance with the City's business ethics policy, section II. Board members should make decisions based on the merits of the issue with attention to due process and citizen participation. They should be knowledgeable and develop an understanding of local, state and national governmental guidance, directives, regulations and ordinances pertaining to a Board member's office. Members of the board should maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out public duties; avoid improprieties in roles as public servants including the appearance of impropriety; and never use city position or powers for improper personal gain. Board members should maintain and respect the confidentiality of private and confidential information. Avoid personal gain by the misuse of confidential information. Members of the board shouldn't condone any unethical or illegal activity.

Section 5: CODE OF CONDUCT

Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. However, participants shouldn't make belligerent, personal, derogatory, impertinent, slanderous, threatening, abusive or disparaging comments. Shouting or physical actions that could be construed as threatening won't be tolerated.

Section 6: BOARD DECISION-MAKING PROCESS

6.1 Board Meetings Will Be Efficient and Businesslike

The information exchange, review, deliberation and vetting of issues during prior study sessions enables Board business meetings to be expeditious for the benefit of those who have business pending before the Board. The presiding officer's role, especially at the regular meetings, is to keep the Board business focused and expeditious. Board members, staff, and citizens should discuss only the topic before the Board so as not to become distracted by irrelevant discussion.

6.2 Maintain a Policy Focus

The Board's major policy focus will be on the intended long-term impacts outside the operating organization, not on the administrative or programmatic means of attaining those effects. Ends policies should define what is to be accomplished in terms of benefits, recipients, and their relative priorities. The Board should emphasize strategic rather than short-term issues, policy rather than single events, and group rather than individual decisions. Members should make decisions and recommendations based upon research and facts involving staff and stakeholders which considers the goals, impacts and the best interest of the greatest number of those affected.

6.3 Staff Reports

The City Administrator and staff shall provide the Mayor and Board with briefing reports which clearly and concisely state the issue(s), identify options and provide analysis of the advantages, disadvantages, and likely outcomes of each option, and make recommendations.

6.4 Effective Decision Making Requires Finality

Effective decision making results in finality and "moving on". While it's important to deliberate in many voices, the Board must govern with one voice.

6.5 Make No Promises on Behalf of the Board

Board members shall never overtly or implicitly promise a Board action, or to promise City staff will do something specific (issue a permit, fix a pothole, adjust a water bill, etc.). Only decisions of the Board acting as a body are binding.

Section 7: LEGAL COUNSEL AND LITIGATION

The City Attorney provides legal advice to the Board, City Administrator, and staff to the extent their interests coincide with the City's. The City Attorney should not be requested to provide research, advice, or counsel on matters unrelated to the City's direct legal interests. The Mayor and members of the Board are encouraged to make requests for legal advice through the City Administrator. This policy doesn't prohibit the Mayor and Board members from having direct access to the City Attorney. Once an individual or organization has filed a legal proceeding against the City or threatened to do so, no Board member shall engage in discussions or other communications with such individual (or the officers or directors of the organization) or their legal counsel about the subject of the lawsuit without first disclosing the intent to do so to the Board.

Section 8: PUBLIC PARTICIPATION

Citizens are encouraged to participate at regular and special board meetings. Before the Board deliberates and votes on matters, citizens will have an opportunity to comment on the matters. A citizen wishing to comment on a matter which is not on a meeting agenda may do so at the town hall meeting. More specific procedures for public participation are in Section 2-37 of the Fort Smith Municipal Code.

Section 9: OPEN, TRANSPARENT GOVERNMENT

All meetings of the City Board must be open and public in accordance with the Arkansas Freedom of Information Act (Arkansas Statute 25-19-101 et. seq.). Deliberations and decisions of the board should be made so that the public has opportunity to view the performance of its elected officials. The Board may convene in executive session as provided by law. Members of the Board should avoid unintended meetings about city business which may occur in-person, by telephone, or interactive e-mail discussion.

Section 10: FILLING VACANCIES ON THE BOARD OF DIRECTORS BY APPOINTMENT

Once the Board has determined there is a vacant seat on the Board, the Board shall act in accordance with state law (Arkansas Statute 14-48-115) and as expeditiously as possible to fill the vacancy. If the Board shall fill the vacancy, the Board shall publicly solicit applications/statements of interest from qualified citizens. Based on the number of applications received, the Board shall establish a process for screening and interviewing applicants. The Board shall not be obligated to interview all applicants, particularly if there is a large number.

Section 11: EXECUTIVE SESSION DISCUSSIONS

Discussions held in executive session are to remain confidential and should never be discussed with anyone except those who were present during the executive session discussion. Any notes taken during executive session discussions should be treated with the same confidentiality. There shall be no audio or video recordings of executive sessions.

Section 12: CENSURE OF BOARD MEMBERS

Board members who intentionally or repeatedly disregard proper conduct may be privately or publicly censured by the Board. The board may discuss and consider a censure in executive session after properly and publicly announcing the purpose of the executive session.

Section 13: ENDORSEMENT OF CANDIDATES

Board members shall have the right to endorse candidates for all Board seats and for other elected offices. It is prohibited for anyone to make endorsements of candidates during Board meetings or other official City meetings.

Section 14: BOARD MEETING AGENDA PROCESS

Items may be placed on board meeting agendas in accordance with the processes outlined in Section 2-31 of the Fort Smith Municipal Code. During a study session, two or more directors may place an item on the agenda for a regular Board meeting. After a study session but at least 48 hours before the meeting, four directors may place an item on the agenda for the next regular meeting. An item requiring immediate action may be placed on the meeting agenda only with the concurrence of all seven directors. An item placed on a meeting agenda may be removed by four or more directors by giving notice to the City Clerk prior to the date of the meeting.

Section 15: BOARD MEETING TYPES AND PROCEDURES

The Board of Directors conducts regular meetings, special meetings, study session meetings, executive sessions, town hall meetings, neighborhood ward meetings, retreats, budget review meetings, and brain storming meetings. The procedures for conducting meetings are outlined in Chapter 2, Article II of the Fort Smith Municipal Code.

Section 16: TRAINING AND PROFESSIONAL DEVELOPMENT FOR BOARD MEMBERS

Board members are encouraged to attend training events that are beneficial to the performance of their elective duties. Such events may be found at conferences of the Arkansas Municipal League, the National League of Cities, and other similar organizations. Attendance at such events is subject to funding availability in the Board's budget.

Section 17: TRAVEL AUTHORIZATIONS

17.1 Need for Travel

The Mayor and Board members will sometimes find it necessary to travel to conduct city business. Travel paid with public funds shall be for purposes directly related to the conduct of official city business and for which the elected official's presence is necessary.

17.2 **Authorized Expenses**

Expenses for official travel shall be for purposes and uses only as permitted by the City's travel policy which may be found in Section III of the City's Human Resources Policies. Reimbursement amounts shall be in accordance with established allowances for meals, lodging, mileage, etc. Travel expenses for spouses or others accompanying the elected official shall be the sole responsibility of the elected official.

Section 18: RELATIONSHIP BETWEEN BOARD, CITY ADMINISTRATOR, AND STAFF

18.1 **Cooperation**

Cooperation and mutual respect are essential from each individual for the good of the community. Staff should not be intimidated or manipulated by a Board member's individual comments or actions. Individual Board members shouldn't direct their differences of opinion to staff in a manner which creates dissension or polarization in the organization.

18.2 **Informal Communications Encouraged**

Individual members of the Board are encouraged to interact informally and casually with City staff for the purpose of gathering information, following up on routine constituent service requests, obtaining progress reports on policies and programs, and providing information to staff. Such informal contacts can serve to promote better understanding of specific City functions and services.

18.3 **Limit Contact to Specific City Staff**

Questions of City staff and requests for additional background information should be directed only to the City Administrator, Deputy City Administrator, City Attorney, Internal Auditor, and department heads. Requests for information which require a substantial work effort should be made to the City Administrator or Deputy City Administrator rather than to the department head. Requests for follow-up, directions, or action to staff should be made only through the City Administrator or Deputy City Administrator. Requests of the Internal Auditor may be made directly to that official without the need to coordinate with the City Administrator. When in doubt about what staff contact is appropriate, Board members should ask the City Administrator or Deputy City Administrator for assistance.

18.4 **Avoid Administrative Functions**

Board members shall not attempt to influence City staff on employment decisions, awarding contracts, purchasing decisions, selecting consultants, or issuing City licenses and permits.

18.5 **Solicitation of Political Support from City Employees**

Board members shouldn't solicit any type of political support (financial contributions, display of posters or yard signs, name on list of supporters, etc.) from City employees. City employees may, as private citizens with constitutional rights, support political candidates. All political activities must occur away from City workplaces, without the use of any City resources, and never during an employee's work time.

Section 19: ORIENTATION OF NEW BOARD MEMBERS

The City Administrator shall provide each newly elected Board member with appropriate orientation services, preferably before the member takes office. Such orientation should include, but not necessarily be limited to, the following:

The Board Governance Policy	Board Meeting Procedures
Agenda Preparation	Freedom of Information Act
Contacts/Making Requests of Staff	Code of Business Conduct

Tours of City Facilities

Section 20: COMMUNICATION WITH BOARDS, COMMISSIONS, AND COMMITTEES

Any comments by a City Board member at a board, commission, or committee meeting should be clearly made as individual opinion and not as a representation of the feelings of the entire City Board. It is inappropriate for a City Board member to contact a member of a board, commission, or committee to lobby on behalf of an individual, business, or developer. It is acceptable for City Board members to contact members of boards, commissions, or committees in order to seek clarification of a position taken by the board, commission, or committee.

4C

RESOLUTION _____

A RESOLUTION TO ACCEPT THE BIDS AND AUTHORIZE A CONTRACT FOR THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS
PROJECT NO. 13-06-B1

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

SECTION 1: The bid of Forsgren, Inc., received May 27, 2014, for the construction of Drainage Improvements, Project No. 13-06-B1, in the amount of $510,909.00 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Forsgren, Inc., subject to the terms set forth in Section 1 above.

SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This Resolution adopted this _____ day of June, 2014.

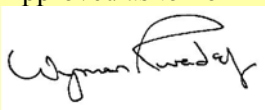
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form



_____
No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: May 29, 2014

SUBJECT: Drainage Improvements
Project No. 13-06-B1

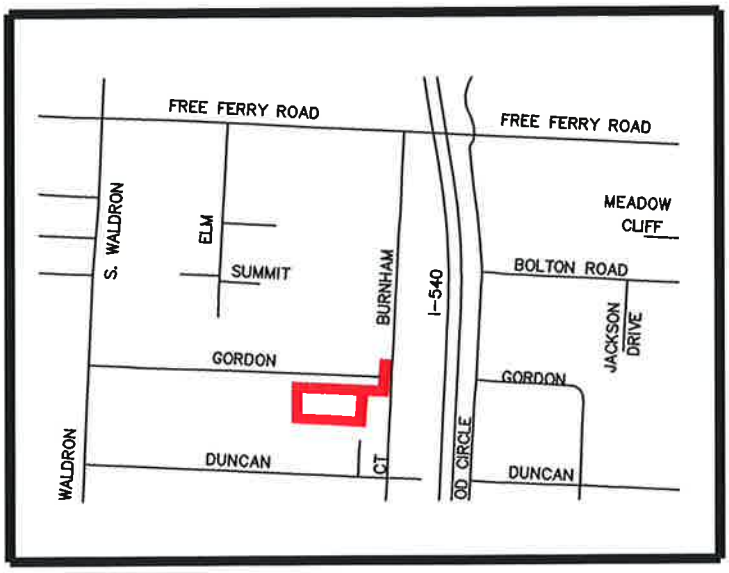
This project consists of drainage improvements to alleviate neighborhood flooding concerns. The project includes improvements in the following three areas: 5800 & 5900 Blocks of Gordon Lane, 3100 Block of South 100th Street and the 3100 Block of South 106th Street. The locations of the proposed improvements are shown on the attached exhibit.

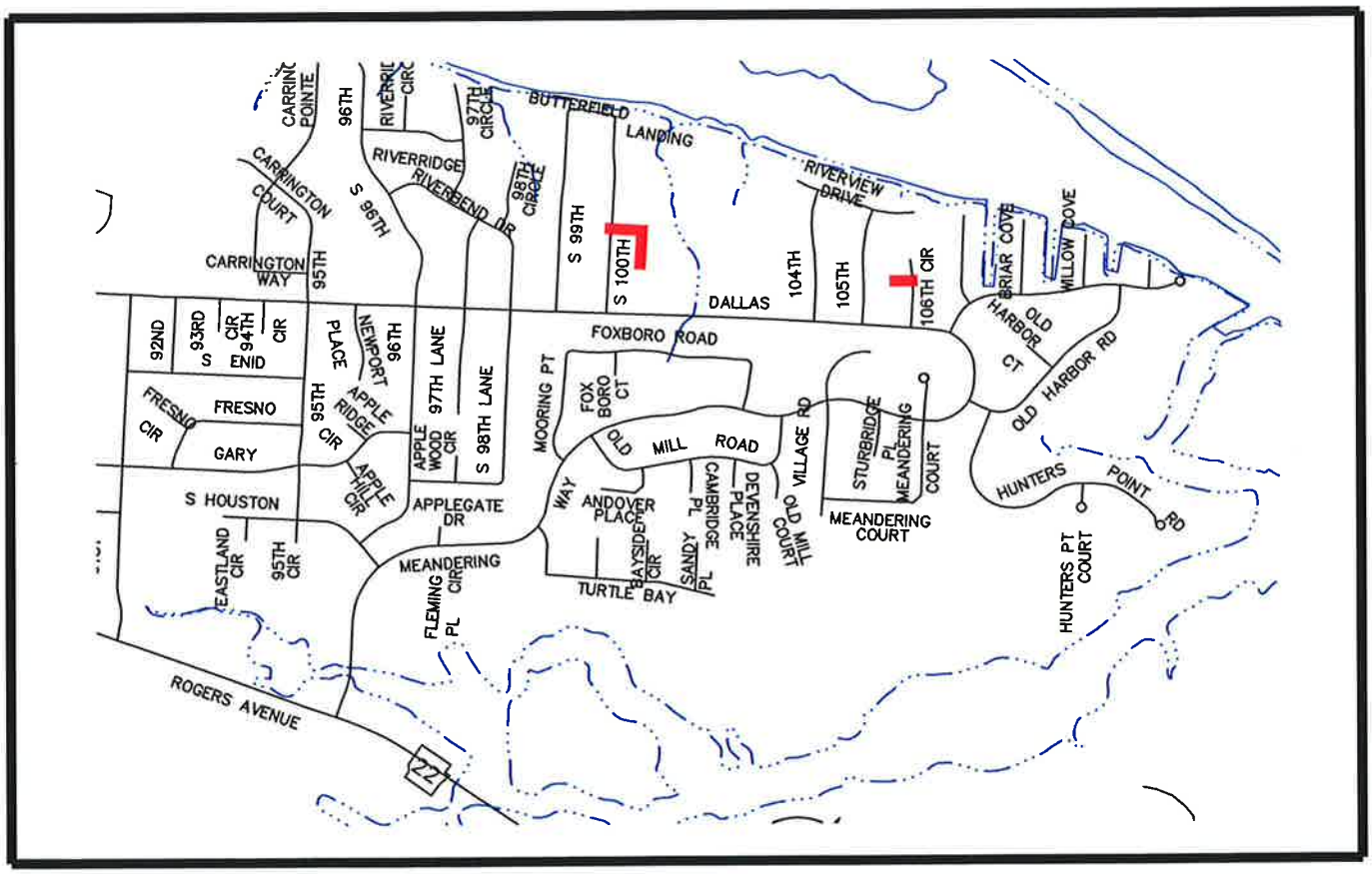
Construction plans and specifications were prepared by Morrison Shipley Engineers, of Fort Smith. An advertisement was published and bids were received on May 27, 2014. Seven contractors requested plans and specifications and five bids were received which are summarized as follows:

CONTRACTOR	**AMOUNT**	**CONTRACTOR**	**AMOUNT**
1. Forsgren, Inc. Fort Smith, AR	$510,909.00	4. Goodwin & Goodwin Fort Smith, AR	$586,816.20
2. Township Builders Little Rock, AR	$535,762.00	4. Brothers Construction Van Buren, AR	$624,656.00
3. T-N-T, Inc. Van Buren, AR	$584,513.55	*Engineer's Estimate*	*$510,000.00*

I recommend that the lowest bid be accepted and that the construction contract be awarded to Forsgren, Inc. The estimated notice to proceed date for this contract is June 30, 2014. Based on the contract duration of 180 days, the estimated completion date would be December 26, 2014.

Attached is a Resolution to accomplish the above recommendation. Funds are available in the Sales Tax Program (1105).





2013 CAPITAL IMPROVEMENTS PROGRAM DRAINAGE IMPROVEMENTS	The City of Fort Smith ARKANSAS	Project: 13-06-B1 Date: MAY 2014 Scale: NONE Drawn By: RBR

G:\DRAWINGS\CIP\00-00 CIPALL\2013\ DRAINAGE EXHIBIT.DWG 05/28/14-08:40 RBR 13-06-B1

4D

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF FORT SMITH, ARKANSAS AND THE FORT CHAFFEE REDEVELOPMENT AUTHORITY TO JOINTLY DESIGN, CONSTRUCT AND FUND THE CONSTRUCTION OF PUBLIC STREETS

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

Section 1: The Mayor is hereby authorized to execute an Agreement with the Fort Chaffee Redevelopment Authority providing for the sharing of costs for the design and construction of public streets.

Section 2 The Agreement authorized in Section 1 above stipulates that the cost of the public streets will be shared equally by both parties as set forth in the Briefing Report dated May 29, 2014, a copy of which is attached hereto.

This Resolution adopted this _____ day of June, 2014.

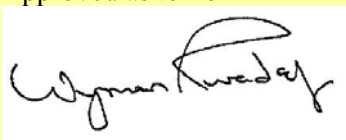
APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to Form



_____
No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: May 29, 2014

SUBJECT: Cost Share Agreement with the Fort Chaffee Redevelopment Authority for the Development and Construction of Public Streets

The above referenced cost share agreement is for the design and construction of two new streets to serve the new ArcBest corporate headquarters. The ArcBest development will be located east of the McClure Amphitheater as shown on the attached Exhibit "A". The office building is currently planned to be approximately 150,000 square feet. ArcBest expects to add several hundred jobs to its Fort Smith workforce over the next several years, which is being accommodated by the construction of this new corporate facility. The total investment by ArcBest is anticipated to be approximately $30 million.

The combined total length of the two streets is approximately 3,800 feet with an estimated total cost of $3,800,000. The cost will be split equally between the Fort Chaffee Redevelopment Authority (FCRA) and the City. Additionally, the right of way required for the construction of the streets will be donated by the FCRA to the City at no cost to the City. This investment will support the Board of Director's goals of job creation and economic development. These streets will also encourage further economic growth and development of the area between the amphitheater and Wells Lake Road.

Attached hereto is a Resolution with authorizes the Mayor to execute the cost sharing agreement for this project. I recommend that the Resolution be adopted by the Board of Directors at the next regular meeting.

Enclosure

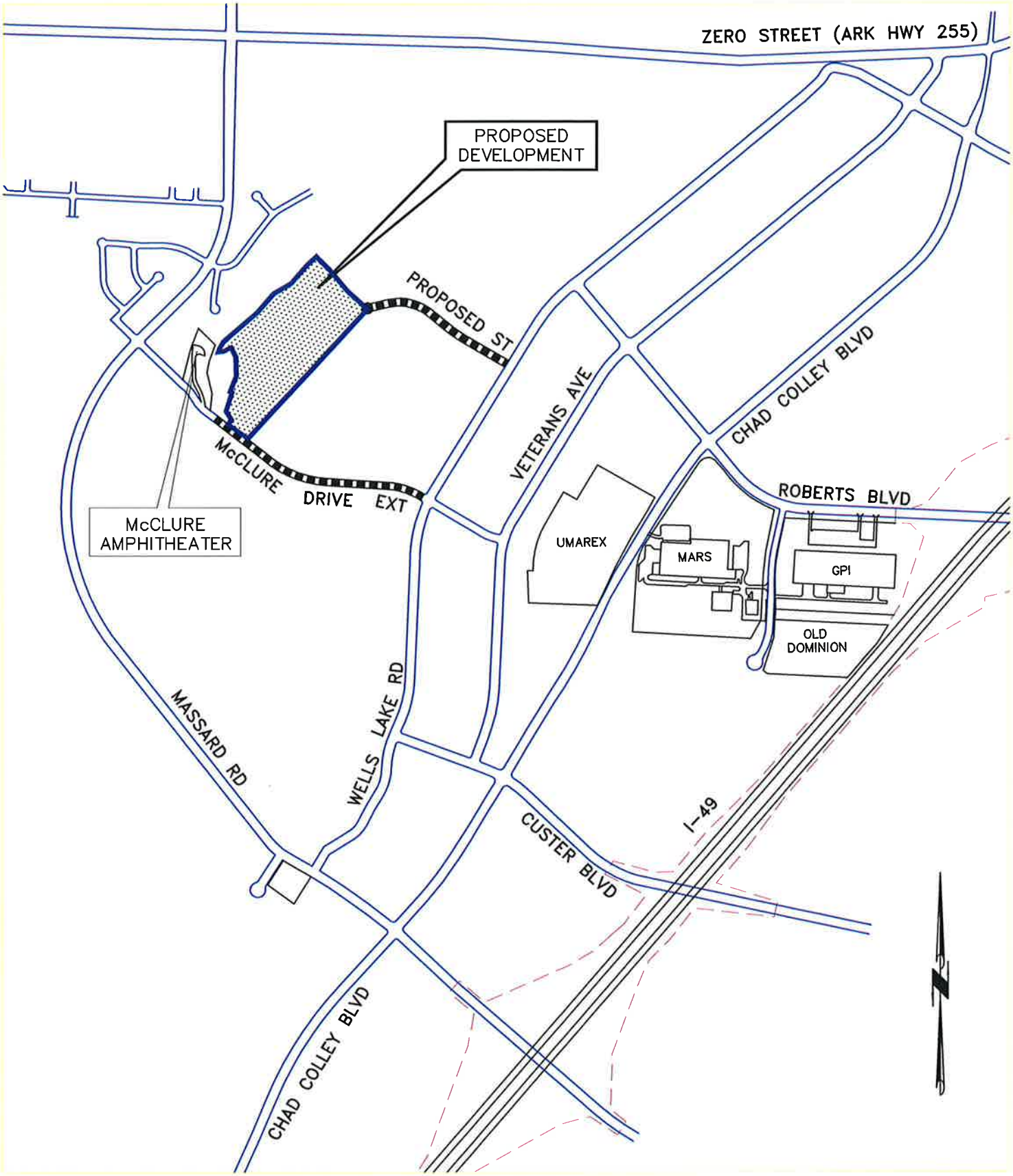


EXHIBIT "A"
CITY/FCRA PUBLIC STREET CONSTRUCTION
FORT SMITH, ARKANSAS

The City of Fort Smith ARKANSAS

Project:	
Date:	MAY 2014
Scale:	NONE
Drawn By:	RBR

G:\DRAWINGS\CIP\McClure\ VicMap.dwg 05/19/14-14:55 RBR EXHIBIT

RESOLUTION NO._____ 4 E

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN EASEMENT TO OKLAHOMA GAS & ELECTRIC COMPANY

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

The Mayor is hereby authorized to execute an easement to the Oklahoma Gas & Electric Company for the installation of underground and overhead electric services in connection with the Zero Street Pump Station Wet Weather Improvements, Project Number 09-17-E1, on city property located at 5501 Jenny Lind Road, Fort Smith, Arkansas.

This Resolution adopted this _____ day of June 2014.

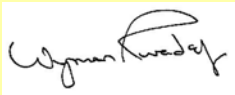
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** May 22, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Zero Street Pump Station Wet Weather Improvements
Project Number 09-17-E1

Zero Street pump station requires the installation of an overhead primary electric line and an underground line for a pad mounted transformer to serve the sewer pump station and site improvements. Oklahoma Gas & Electric Company requires an easement for this service installation. A copy of the easement and exhibit drawing depicting the easement area are attached. Staff recommends the granting of the easement.

Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman

THIS INSTRUMENT WAS PREPARED BY:
LAND MANAGEMENT
AFTER RECORDING RETURN TO SAME @:
OG&E ELECTRIC SERVICES
ATTN: RIGHT OF WAY DEPT. - **M/C AF90**
7200 HIGHWAY 45
FORT SMITH, ARKANSAS 72916

EASEMENT

Work Order # 7331589

KNOW ALL MEN BY THESE PRESENTS:

THAT, **THE CITY OF FORT SMITH,** Grantor, in consideration of Ten or more dollars, in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY,** an Oklahoma corporation, Grantee, its successors and assigns, the right privilege and authority to enter upon and install, erect, operate and maintain and construct or reconstruct underground and/or above ground a system of system of poles, conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other necessary fixtures for the transmission and distribution of electric current and communication messages, upon, under, over and across the property hereinafter described, together with the authority to cut down, control the growth of, or trim and keep trimmed any trees that may in the judgment of the Grantee interfere with or endanger said line or its maintenance and operation, with full power and authority to enter upon the premises for said purposes including the right of ingress and egress to and from said system across adjoining lands

The real property covered by this easement is situated in Sebastian (Fort Smith District) County, State of Arkansas, and described as follows:

Overhead: A Twenty-five (25) wide easement being Twelve and one/half foot (12 ½) wide on each side of the centerline lying in the **Southwest Quarter of the Southeast Quarter of Section 33, Township 8 North, Range 32 West** being more particularly described as follows: Commencing at the NW corner of said SW/4 SE/4; thence South 86°29'34" East along the north line of said SW/4 SE/4, 30.35 feet to the east right of way line of Jenny Lind Road; thence along said east right of way line of Jenny Lind Road the next five (5) courses: South 02°30'42" West 417.50 feet; South 87°17'37" East 15.00 feet; South 02°42'23" West 75.00 feet; South 00°09'22" East 100.12 feet; South 15°45'23" East 252.61 feet; thence South 72°46'03" West 8.10 feet to an OG&E pole and **Point of Beginning;** thence South 89° 05' 45" East

249.77 feet; thence North 61° 20' 16" East 238.82 feet to the **Point of Terminus. Also being shown on the attached Exhibit A.**

Underground: A Ten foot (10') wide easement being five feet (5.0') wide on each side of the centerline lying in the **Southwest Quarter of the Southeast Quarter of Section 33, Township 8 North, Range 32 West,** being more particularly described as follows: Commencing at the NW corner of said SW/4 SE/4; thence South 86°29'34" East along the north line of said SW/4 SE/4, 30.35 feet to the east right of way line of Jenny Lind Road; thence along said east right of way line of Jenny Lind Road the next five (5) courses: South 02°30'42" West 417.50 feet; South 87°17'37" East 15.00 feet; South 02°42'23" West 75.00 feet; South 00°09'22" East 100.12 feet; South 15°45'23" East 252.61 feet; thence South 72°46'03" West 8.10 feet to an OG&E pole; thence South 89°05'45" East 249.77 feet; thence North 61°20'16" East 238.82 feet to the **Point of Beginning;** thence North 28°51'21" West 275.17 feet; thence North 61°08'39" East 71.13 feet to the **Point of Terminus. Also being shown on the attached Exhibit A.**

The centerline of this easement shall be along the actual route of the line as installed and shall include any additional easement area needed for downguys, anchors or other related facilies.

Grantor further covenants and agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of Ark. Code 14-271-101 et seq. (One-call statute).

Grantor hereby consents to permit Grantee to trim trees and foliage on Grantor's property immediately adjacent to the easement granted herein to insure the health of the trees involved, and Grantee shall have the right to enter upon Grantor's property for this purpose.

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

Signed and delivered this _____ day of _____, 2014.

THE CITY OF FORT SMITH

By: _____

SANDY SANDERS, MAYOR

STATE OF _____}
}§ **ACKNOWLEDGMENT**
COUNTY OF _____}

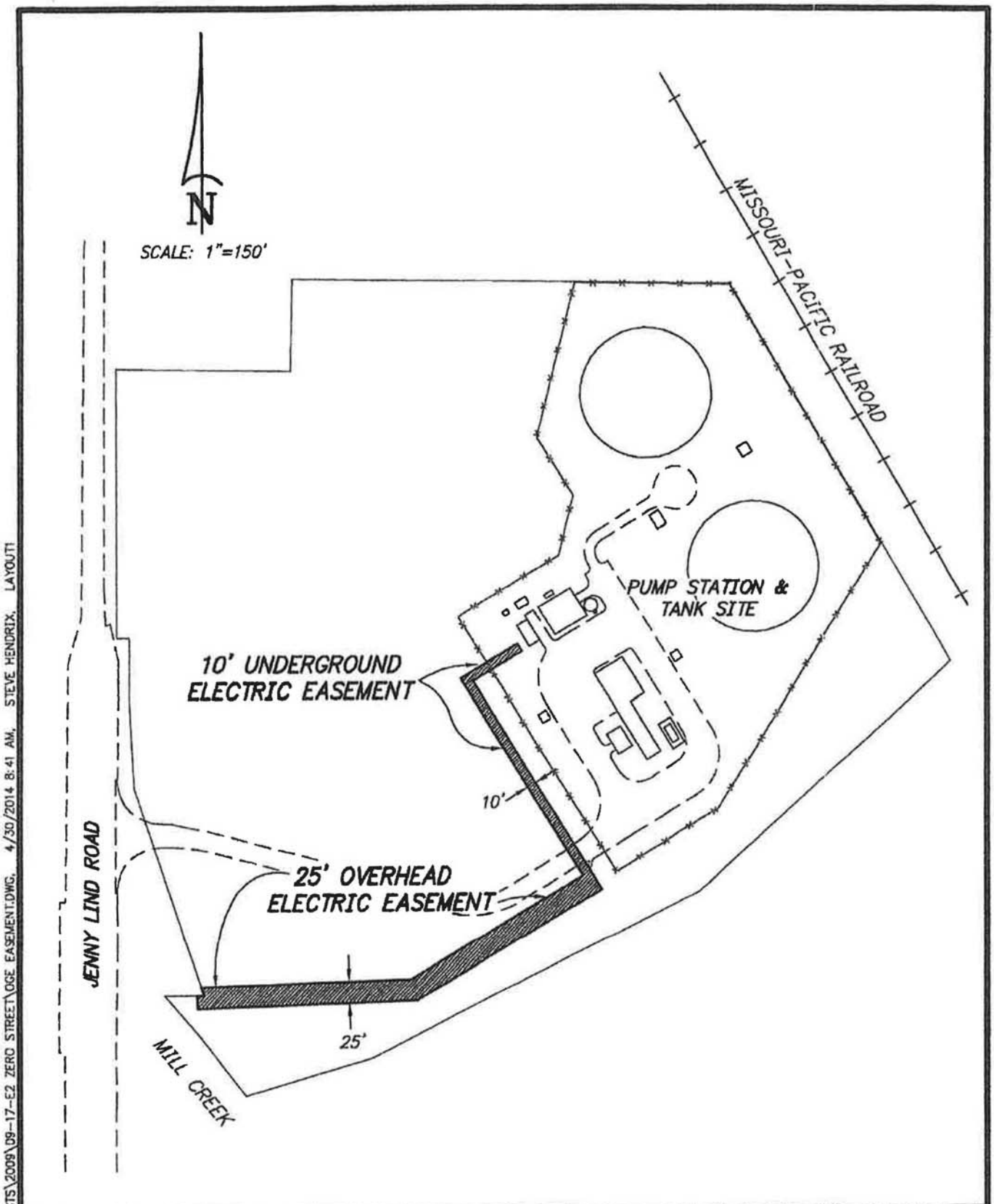
Before me, the undersigned, a Notary Public, in and for Said County and State, on this _____ day of _____, 2014, personally appeared SANDY SANDERS, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its MAYOR and acknowledged to me that he executed the same as his free and voluntary act and deed of same, for the uses and purposes therein set forth.

My Commission Expires:

_____ _____

Notary Public

(Draft No. _____) R/W File No. 7331589
Form 468 (Rev 7/2003) ARK_OH UG-C2.DOT Atlas Sheet No. RG



HAWKINS • WEIR
ENGINEERS, INC.
110 South 7th Street • Van Buren, Arkansas 72956 • (479) 474-1227
211 Natural Resources Drive • Little Rock, Arkansas 72205 • (501) 374-4846
www.hawkins-weir.com

EXHIBIT A
OG&E ELECTRIC SERVICE EASEMENT
ZERO STREET PUMP STATION
FOR: OG&E ELECTRIC

DATE: 04/29/14	SCALE: 1"= 150'	JOB NO. 09-17-E2

U:\DRAWINGS\PROJECTS\2009\09-17-E2 ZERO STREET\OGE EASEMENT.DWG, 4/30/2014 8:41 AM, STEVE HENDRIX, LAYOUT1

RESOLUTION NO. _____ 4 F

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO GOODWIN AND GOODWIN, INC., FOR THE "P" STREET WASTEWATER TREATMENT PLANT EFFLUENT PUMP INSTALLATION

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

SECTION 1: The construction of "P" Street Wastewater Treatment Plant Effluent Pump Installation, Project Number 12-17-C2, is hereby accepted as complete.

SECTION 2: Final payment to Goodwin and Goodwin, Inc., in the amount of $8,548.80, is hereby approved.

This Resolution adopted this _____ day of June 2014.

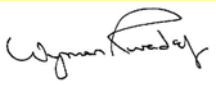
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** May 23, 2014

FROM: Steve Parker, Director of Utilities

SUBJECT: "P" Street Wastewater Treatment Plant Effluent Pump Installation
Project Number 12-17-C2

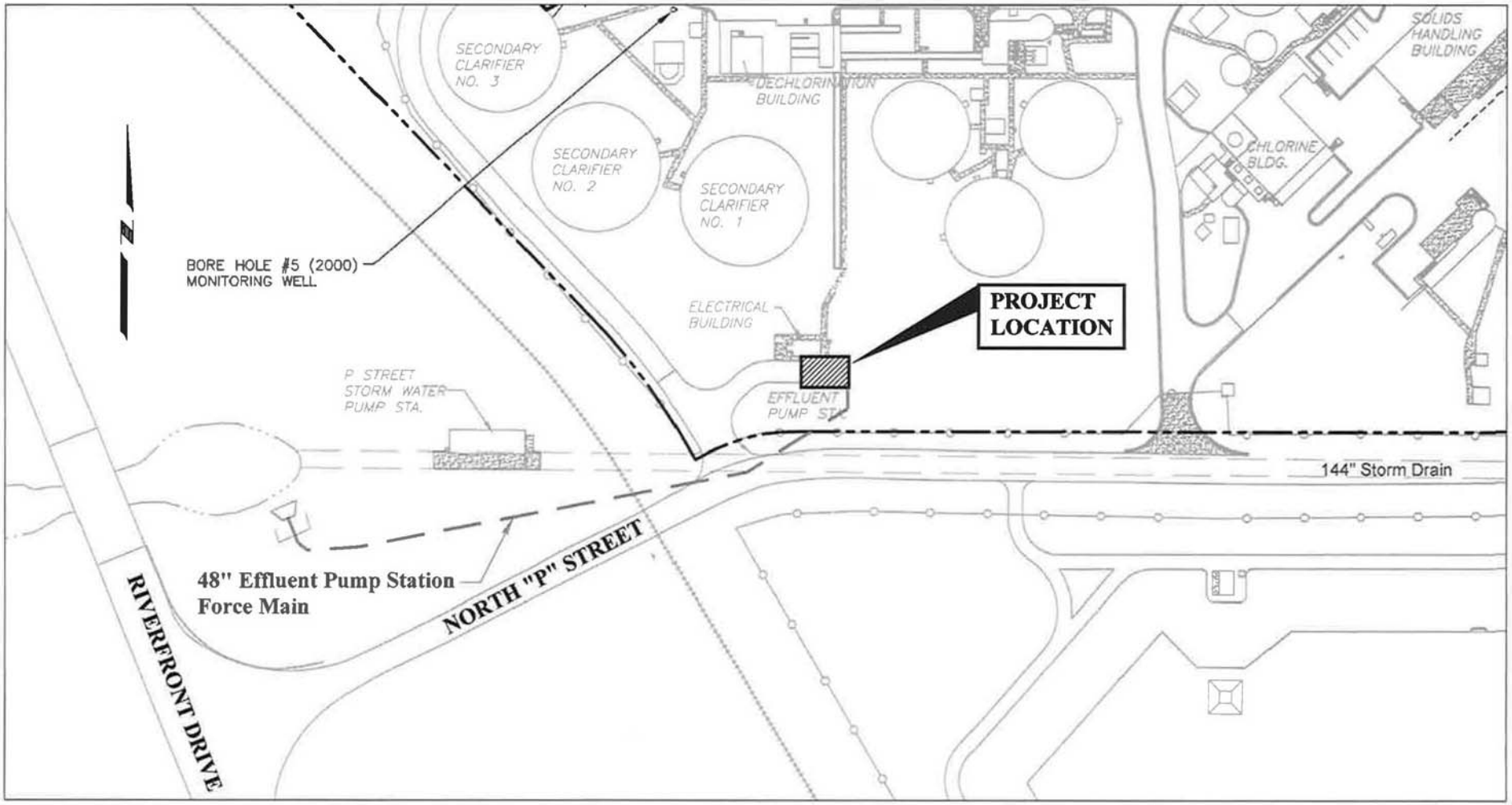
This project upgraded the "P" Street wastewater treatment plant effluent pump station, which is used to maintain plant discharge during flooding conditions on the Arkansas River, by installing a second pump. This increased the pumping capacity from 24 to 45 million gallons a day. This pumping rate matches the peak wet weather biological treatment capacity of the "P" Street treatment plant. The attached exhibit shows the project area.

The city had prepurchased the pump and its installation was performed by Goodwin and Goodwin, Inc. A Resolution accepting the project as complete and authorizing final payment to Goodwin and Goodwin, Inc., in the amount of $8,548.80 is attached. It is my recommendation that the project be accepted as complete. A project summary sheet is attached for your review.

Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman



"P" STREET WASTEWATER TREATMENT PLANT
EFFLUENT PUMP STATION UPGRADE
PROJECT NUMBER 12-17

Project Summary

Project status: Complete

Project name: "P" Street Wastewater Treatment Plant Effluent Pump Installation

Today's date: May 23, 2014

Project number: 12-17-C2

Staff contact name: Steve Parke

Project engineer: Hawkins Weir Engineers, Inc.

Staff contact phone: 784-2231

Project contractor: Goodwin and Goodwin, Inc .

Notice to proceed issued: March 31, 2014

Completion date: May 19, 2014

	Dollar Amount		Contract Time (Days)
Original contract	$87,680.00		50
Change orders: Number One	$0.00		0
Total change orders	$0.00		0
Adjusted contract	$87,680.00		N/A
Payments to date (as negative):	$-79,131.20	90.3%	
Amount of this payment (as negative)	$-8,548.80	9.8%	
Retainage held	$0.00		
Contract balance remaining (underrun)	$0.00	0.0%	
Amount over (under) as a percentage	0.0%		

Final comments:

RESOLUTION NO. _____ 4 G

RESOLUTION AUTHORIZING AMENDMENT NUMBER ONE TO AUTHORIZATION NUMBER ONE WITH MORRISON SHIPLEY ENGINEERS TO DESIGN THE REPLACEMENTS FOR LIFT STATIONS 15, 16, AND 17

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

SECTION 1: Amendment Number One to Authorization Number One under the Agreement with Morrison Shipley Engineers, Inc., for engineering services associated with the Replacements for Lift Stations 15, 16, and 17, Project Number 12-15-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number One in the amount of $65,500.00, for engineering design services, adjusting Authorization Number One to amount of $155,500.00.

This Resolution adopted this _____ day of June 2014.

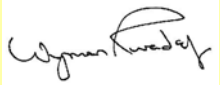
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



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INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** May 27, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Replacements For Lift Stations 15, 16, and 17
Project Number 12-15-ED1

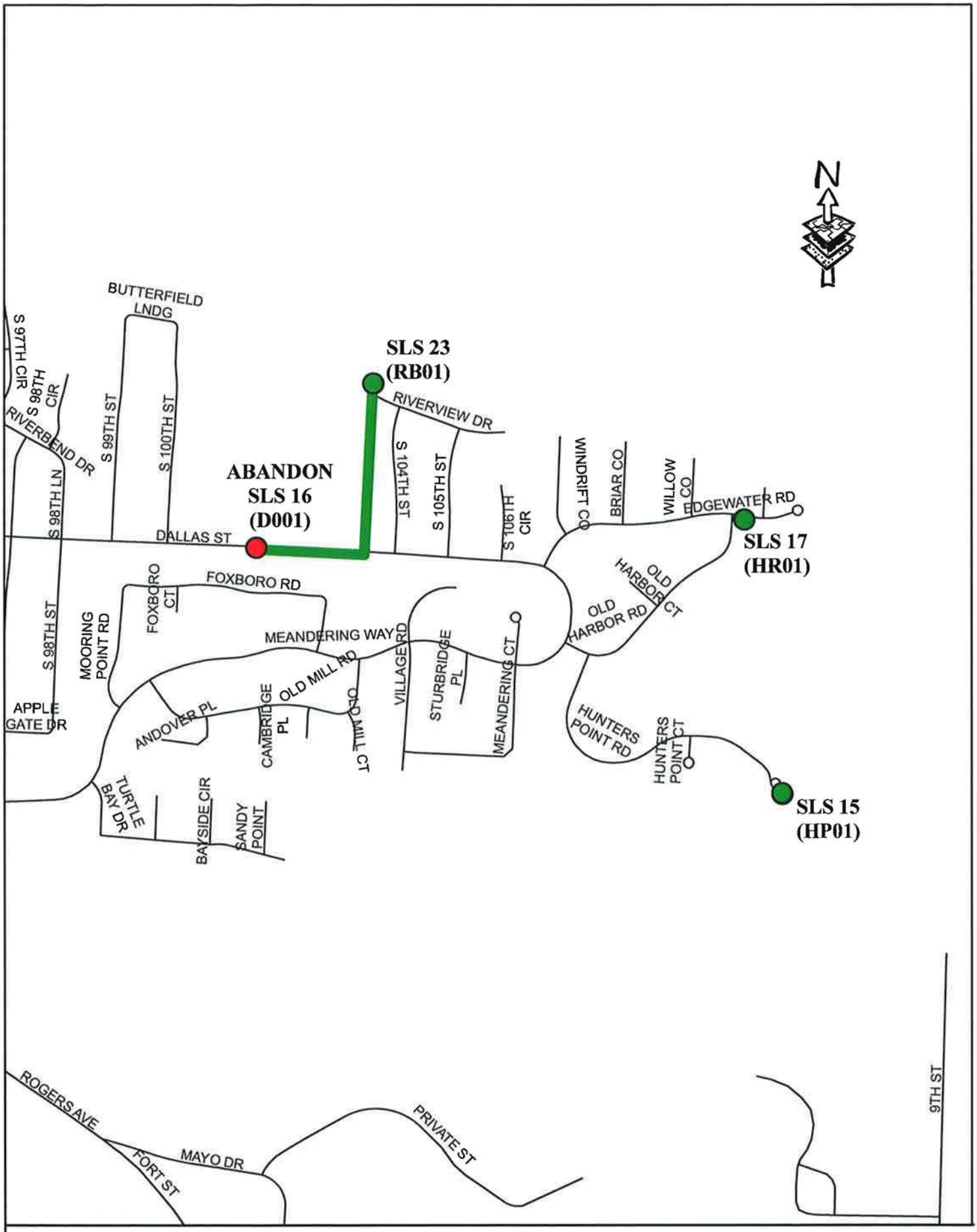
This project consists of designing the replacement facilities for three below grade sewer lift stations at the locations shown on the attached exhibit. All of the existing stations consist of a concrete wet well and a below grade, metal dry well which contains duplex pumps and associated controls. Because of the age and deterioration of the stations and the problems with confined space entry during routine maintenance of the pumps, the pump stations will be replaced with submersible pump stations. During the design, it was determined that sewer lift station 16 could be eliminated if the flows to that station were sent to sewer lift station 23 by means of a new gravity sewer line. Amendment Number One will incorporate the design of the new gravity sewer and decommissioning station 16 along with adding the replacement of sewer lift station 23 to the design project. In addition, enhanced architecture and landscaping will be incorporated in the designs so that the sewer lift stations have improved aesthetics within their neighborhood setting.

A Resolution for Amendment Number One to Authorization Number One for engineering design services in the amount of $65,500.00, adjusting Authorization Number One to the amount of $155,500.00, is attached. Funding for these additional services is available from the 2012 sales and use tax bonds issued for wastewater improvements.

Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman



Lift Stations 15 (HP01), 16 (D001), &17 (HR01) Replacement
Fort Smith, Arkansas
Project Number 12-15

The City of Fort Smith ARKANSAS

May 29, 2014

TO: Members of the Board of Directors
Members of the Historic District Commission

RE: Appointments:

The terms of Mr. Graham Sharum and Mr. Charles Lane of the Historic District Commission will expire July 31, 2014. In accordance with Ordinance No. 2926 applications for these prospective vacancies are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on June 11th, 2014. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

Ray Gosack

Ray Gosack
City Administrator

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

Printed on 100% Recycled Paper

May 29, 2014

TO: Members of the Board of Directors
Members of the Planning Commission

RE: Appointments:

Ms. Michelle Hood of the Planning Commission will resign June 30th, 2014. In accordance with Ordinance No. 2926 applications for this prospective vacancy are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on June 11th, 2014. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

Ray Gosack

Ray Gosack
City Administrator

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The City of Fort Smith ARKANSAS

May 29, 2014

TO: Members of the Board of Directors
Members of the Port Authority

RE: Appointments:

The term of Bob C. Worley of the Port Authority will expire July 31, 2014. In accordance with Ordinance No. 2926 applications for this prospective vacancy are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on June 30th, 2014. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

Ray Gosack

Ray Gosack
City Administrator

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The City of Fort Smith ARKANSAS

May 30, 2014

TO: Members of the Board of Directors
Members of the Property Owners Appeal Board

RE: Appointments:

The terms of Dolores Chitwood and Scott D. Monroe of the Property Owners Appeal Board will expire July 14, 2014. In accordance with Ordinance No. 2926 applications for these prospective vacancies are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on June 11th, 2014. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

Ray Gosack

Ray Gosack
City Administrator

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Fort Smith, Arkansas 72902
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June 2013

June 2013

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July 2013

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
May 26 - Jun 1	**May 26**	**27**	**28**	**29**	**30**	**31**	**Jun 1**
Jun 2 - 8	**2**	**3**	**4** 11:30am Planning Com. S.S. (Creekmore) 6:00pm Board of Directors (FSM Public Schools)	**5**	**6** 12:00pm Housing Asst. Bd. (Main Library)	**7**	**8**
Jun 9 - 15	**9**	**10**	**11** 12:00pm Bd. Study Session (Main Library) 5:30pm Planning Com. (Creekmore)	**12** 11:30am Parks Com. (Creekmore)	**13** 12:00pm Oak Cemetery Com. (Creekmore)	**14**	**15**
Jun 16 - 22	**16**	**17**	**18** 4:30pm Library Bd. (Windsor Branch Library) 6:00pm Bd. of Directors (FSM Public Schools Serv. Cntr.)	**19**	**20** 5:30pm Comp. Plan Mtg. (Elm Grove Com. Cntr.)	**21**	**22**
Jun 23 - 29	**23**	**24**	**25** NO STUDY SESSION 4:00pm A & P Com. (Miss Laura's) 5:30pm Airport Com. (Airport - Adm. Office Conf. Rm)	**26**	**27** 5:00pm Historic Dist. S.S. (220 North 7 Street)	**28**	**29**
Jun 30 - Jul 6	**30**	**Jul 1**	**2**	**3**	**4**	**5**	**6**