



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

August 5, 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 JULY 15, 2014 REGULAR MEETING

ITEMS OF BUSINESS:

1. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned (NZ) to a Planned Zoning District (PZD) by classification located at 11701 Custer Boulevard, 7201 Fort Chaffee Boulevard and 12201 Roberts Boulevard*)
2. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned (NZ) to Commercial Light (C-2) by classification located at 8801 Wells Lake Road*)
3. Ordinance prohibiting and regulating the placement and maintenance of signs in public rights-of-way *~Lau/Settle placed on agenda at the July 22, 2014 study session~*

4. Ordinances updating construction and life safety codes:
 - A. Ordinance for the purpose of adopting the 2012 Edition of the International Fire Code known as the 2012 Arkansas Fire Prevention Code Volume I and other provisions relating thereto
 - B. Ordinance for the purpose of adopting the 2012 Edition of the International Building Code known as the 2012 Arkansas Fire Prevention Code Volume II and other provisions relating thereto
 - C. Ordinance amending Section 6-2 of the Fort Smith Municipal Code for the purpose of adoption of the International Residential Code for One and Two Family Dwellings known as the 2012 Edition of the Arkansas Fire Prevention Code Volume III
 - D. Ordinance amending Section 10-2(b) and (c) of the Fort Smith Municipal Code
5. Resolution authorizing the Mayor to execute a non-exclusive fiber optics network franchise agreement with Vantage Telecom, LLC d/b/a Newroads Telecom
6. Consent Agenda
 - A. Resolution setting public hearing date on petition to vacate an alley located in East Heights Block 1 and Block 2, an addition to the City of Fort Smith, Arkansas
 - B. Resolution to accept the bids and authorize a contract for the construction of Drainage Improvements, Project No. 13-06-B2 *(\$510,379.00 / Engineering Department / Budgeted – Sales Tax Program Fund)*
 - C. Resolution authorizing the early redemption of outstanding Parking Facilities Refunding and Improvement Revenue Bonds, Series 1998
 - D. Resolution authorizing the Mayor to execute a lease agreement with Smith Automotive Accounting, LLC for parking spaces in the proximity of 720 Garrison Avenue
 - E. Resolution accepting the bid and authorizing a contract with Richardson Roofing, LLC for re-roofing of the Creekmore pool building and roof replacement of the Creekmore Community Center *(\$87,000.00 / Parks Department / Budgeted – Capital Outlay Improvements)*
 - F. Resolution authorizing the Mayor to execute an electric utility easement with OG&E for the aquatic facility at Ben Geren Regional Park

- G. Resolution authorizing the City Administrator to accept an offer made by a property owner for the acquisition of real property interests for the Lake Fort Smith Water Supply (\$4,000.00 / Utility Department / Budgeted – 6505 Capital Improvement Fund)
- H. Resolution authorizing the City Administrator to accept offer made by a property owner for the acquisition of real property interests for the Mill Creek Interceptor Improvements – Phase II (Charitable Donation / Utility Department)
- I. Resolution authorizing Amendment No.1 to Authorization No. 3 with Mickle Wagner Coleman, Inc. for engineering services for the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines (\$76,600.00 / Utility Department / Budgeted - 2012 Sales Tax and Use Tax Bonds)
- J. Resolution authorizing the Mayor to execute Amendment No. 1 to the agreement with Hawkins Weir Engineers, Inc. for engineering services for the Massard Interceptor Access Improvements (\$27,000.00 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bonds)
- K. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Goodwin & Goodwin, Inc. for the Massard Interceptor Access Improvements (\$197,560.00 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bonds)
- L. Resolution authorizing the Mayor to execute an agreement with CDM Smith, Inc. for providing engineering services for the “P” Street Sewer Basin Hydraulic Model Update (\$108,436.00 / Utility Department / Budgeted – 2012 Sales Tax 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 to consider request No. 17-7-4 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 8, 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:

Part of the West Half of Section 10, part of the East Half of Section 9, and part of the Southwest Quarter of Section 3, all in Township 7 North, Range 31 W, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southeast Corner of said Section 9, said corner being marked with an existing 2" aluminum cap stamped PLS 883; Thence along the south line of said Section 9, N87°11'16"W, 2273.47 feet; Thence leaving said south line, N03°09'54"E, 597.29 feet to the intersection of the right-of-way centerlines of Taylor Avenue and Custer Boulevard, said right-of-way being dedicated with ordinance number 69-12, said intersection also being the Point of Beginning; Thence along said right-of-way centerline of Taylor Avenue the following courses: N03°09'54"E, 1005.06 feet; 1375.71 feet along the arc of a curve to the right, said curve having a radius of 2883.75 feet and being subtended by a chord having a bearing of N16°49'54"E and a distance of 1362.70 feet; N30°29'54"E, 417.35 feet; N33°47'11"E, 106.49 feet; N41°35'41"E, 172.73 feet; N44°06'22"E, 61.53 feet to the intersection with the right-of-way centerline of Roberts Boulevard; Continuing N44°06'22"E, 2461.57 feet to the intersection with the right-of-way centerline of Ward Avenue; Continuing N44°06'22"E, 22.19 feet; N02°06'37"E, 1028.53 feet to the intersection with the right-of-way centerline of Fort Chaffee Boulevard; Thence along said right-of-way centerline of Fort Chaffee Boulevard the following courses: N44°05'07"E, 1342.85 feet; 435.66 feet along the arc of a curve to the right, said curve having a radius of 1153.53 feet and being subtended by a chord having a bearing of N54°54'17"E and a distance of 433.08 feet; N65°43'28"E, 226.36 feet to a point on the Fort Smith-Barling City Limit Line; Thence along said City Limit Line, S69°20'17"E, 482.65 feet to the northwest corner of a 2.0 acre parcel as described in Deed 2012F-20238; Thence leaving said City Limit Line and along the west line of said

parcel, S20°35'42"W, 279.50 feet to the southwest corner of said parcel; Thence along the south line of said parcel, S69°24'18"E, 83.07 feet; Thence leaving said south line, S20°41'04"W, 743.58 feet to the north line of a 4.59 acre parcel as described in Deed 2011F-07068; Thence along said north line, N68°48'30"W, 355.99 feet to the northwest corner of said parcel; Thence along the west line of said parcel the following courses: S15°30'44"E, 75.04 feet; S03°24'42"E, 378.77 feet to the southwest corner of said parcel; Thence S68°48'30"E, 157.03 feet along the south line of said parcel; Thence leaving said south line, S20°41'04"W, 275.00 feet; Thence S68°48'30"E, 138.05 feet; Thence S18°10'34"W, 227.02 feet to the northwest corner of a 3.68 acre parcel as described in Deed 7064762; Thence along the west line of said parcel, S18°10'34"W, 592.15 feet to the southwest corner of said parcel; Thence S72°28'41"E, 429.14 feet along the south line of said parcel to the centerline of Mahogany Avenue; Thence along said centerline, S12°48'50"W, 98.40 feet to a point on the Military Boundary; Thence along said Military Boundary the following courses: N77°32'11"W, 258.74 feet; S69°57'38"W, 799.16 feet; S54°38'24"W, 100.68 feet to the intersection with the right-of-way centerline of Ward Avenue; Continuing S54°38'24"W, 99.28 feet; S19°53'57"W, 2160.04 feet; S02°54'26"W, 50.86 feet to the intersection with the right-of-way centerline of Roberts Boulevard; Continuing S02°54'26"W, 1462.90 feet; N87°10'46"W, 24.98 feet; S03°21'20"W, 231.77 feet; S86°05'25"E, 24.96 feet; S03°54'54"W, 226.22 feet to the intersection with the right-of-way centerline of Custer Boulevard; Thence along said right-of-way centerline, N86°43'31"W, 2325.30 feet to the Point of Beginning. Containing 289.14 acres, more or less.

Less and except:

A part of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 3 and a part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 9 and a part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 10, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. More particularly described as follows:

Commencing at an existing railroad spike at the Northeast (NE) corner of said NE1/4 of the NE1/4; Section 9, T-7-N, R-31-W, thence S02°41'35"W, 292.03 feet along the East line of said NE1/4 of the NE1/4 to a set iron pin and the Point of Beginning, said point being on the easterly boundary of the City of Fort Smith (CFS) Maintenance Facility; thence N45°58'03"W, 143.38 feet along said easterly boundary, to a set iron pin and the southeasterly right-of-way of Taylor Avenue; thence N44°01'57"E, 317.51 feet along said southeasterly right-of-way to a set iron pin and the southwesterly right-of-way of Fort Smith Boulevard; thence S45°58'21"E, 328.65 feet along said right-of-way to a set iron pin; thence S41°49'29"E, 166.44 feet along said right-of-way to a set iron pin; thence S35°12'39"E, 181.84 feet along said right-of-way to a set iron pin; thence S54°47'21"W, 205.19 feet to a set iron pin; thence N35°12'39"W, 198.00 feet to a set iron pin; thence N77°19'54"W, 205.49 feet to an existing iron pin being the southeast corner of said CFS Maintenance Facility; thence N45°58'03"W, 121.64 feet along the easterly boundary of

said CFS Maintenance Facility to the Point of Beginning. Containing 174,484 square feet or 4.00 acres more or less.

Containing in aggregate 285.14 acres, more or less.

more commonly known as 11701 Custer Boulevard, 7201 Fort Chaffee Boulevard and 12201 Roberts Boulevard is hereby rezoned from Not Zoned (NZ) to a Planned Zoning District (PZD) by Classification. The approved change in zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zone Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: August 1, 2014
Subject: Recreational Planned Zoning District-Chaffee Crossing

The subject rezoning application for a Planned Zoning District (PZD) will be presented to the Board of Directors at the August 5, 2014 meeting. The property in this PZD consists of approximately 285 acres and includes the city's proposed softball fields, FCRA's golf course, and Sebastian County's soccer fields.

The requested PZD will allow the properties to be utilized for recreational purposes, such as baseball fields, soccer fields, sports complex/athletic fields, playgrounds, country club, and amusement centers.

All future development on these properties will comply with the Chaffee Crossing Master Development Guidelines and the Unified Development Ordinance. The attached project booklet submitted with the zoning request establishes the development standards for the properties.

The Unified Development Ordinance states that when the Planning Commission certifies a proposed rezoning to the Board of Directors, the Board shall consider the request based on the criteria established in the UDO Section 27-341-3(E). The criteria is attached for review.

The UDO states that the Board of Directors may take any one of the following actions on the application:

1. Approve the application and preliminary plan;
2. Approve as amended the application and/or preliminary plan. The Board of Directors may impose a time limit for the development as described in the project booklet; or
3. Deny the application and preliminary plan.
4. Where there is new, material evidence presented at the Board of Directors meeting that was not available to the Planning Commission, the Board shall return the application and preliminary plan to the Planning Commission for reconsideration based on the new evidence.

The Board also has the option to table the application and preliminary plan. The purpose of which is to postpone the item to a specific time for the purpose of obtaining additional information.

Please contact me if you have any questions.



July 29, 2014

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

Re: Rezoning #17-7-14; A request by Mickle-Wagner-Coleman, Inc., agent for a rezoning from Not Zoned (NZ) to a Planned Zoning District (PZD) by Classification located at 11701 Custer Boulevard, 7201 Fort Chaffee Boulevard and 12201 Roberts Boulevard.

On July 8, 2014, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Brenda Andrews read the staff report indicating that the purpose of this rezoning request is to allow this area to be utilized for recreational uses such as baseball fields, soccer fields, sport complex/athletic fields, playgrounds, country clubs and amusement centers.

Mr. Pat Mickle was present to speak on behalf of this request.

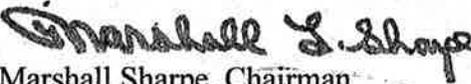
No one was present to speak in opposition to this request.

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

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 Sharpe, Chairman

MS/lp

cc: File
City Administrator

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

Memo

To: City Planning Commission

From: Planning Staff

Date: July 2, 2014

Re: Rezoning #17-7-14 - A request by Mickle Wagner Coleman, Inc., Agent, for Planning Commission consideration of a zone request from Not Zoned to a Planned Zoning District (PZD) located at 11701 Custer Boulevard, 7201 Fort Chaffee Boulevard, and 12201 Roberts Boulevard

LOT LOCATION AND SIZE

The subject property is on the west side of Taylor Avenue north of Custer Boulevard continuing to about Brittany Drive. The tract contains an approximate area of 285 acres with approximately 2,260 feet of street frontage along Custer Boulevard and 9,550 feet of street frontage along Taylor Avenue.

PROPOSED ZONING

The proposed Planned Zoning District will allow this area to be utilized for recreational uses such as baseball fields, soccer fields, sports complex/athletic fields, playgrounds, country clubs and amusement centers.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.

4A

- Developments that utilize design standards greater than the minimum required by the UDO.

SURROUNDING ZONING AND LAND USE

The areas to the north are not zoned and have undeveloped areas and areas that are developed as offices and a church.

The areas to the south and east are not zoned and developed with military warehousing and utilized as the Fort Chaffee Maneuver Training Center. An area to the east is the Learning Fields which are utilized by Master Gardeners.

The areas to the west are predominantly undeveloped and not zoned. An approximately 4 acre tract between Roberts Boulevard and Ward Avenue is zoned Industrial Moderate (I-2) and developed as a chemical manufacturing company. Other areas are developed as construction related uses.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* classifies this site as Park/Open Space, Community Attraction and a small area is classified as Mixed Use: Historic Area. The proposed PZD will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **All of the traffic will have ingress and egress points on Taylor Avenue, Custer Boulevard and Roberts Boulevard. The site can also be accessed from Frontier Road and Fort Chaffee Boulevard, which have two-lanes with some paved shoulders and open ditches.**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **The booklet submitted for the proposed PZD states that future development will comply with the Chaffee Crossing Master Development Guidelines for Community Attractions the Unified Development Ordinance.**

4B

- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **Yes**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **No new right-of-way dedication is proposed or required at this time.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **Yes**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Please refer to the project booklet's traffic information-Section 3k.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **Please refer to chart in Item 3J of the project booklet, which indicates how the proposed PZD will exceed the UDO requirements.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The properties are accessible from Custer Boulevard, Roberts Boulevard, and Taylor Avenue. The sites can also be accessed from Frontier Road and Chaffee Boulevard.

Right-of-way dedication – No new right-of-way dedication is proposed or required at this time.

Drainage – No new drainage plans have been proposed or required at this time. Item 3d - iv of the project booklet states that the site will comply with the UDO for the storm water detention areas and drainage.

Landscaping & Screening – The PZD booklet states in 3d -iii that the buffer areas, screening, and landscape areas will comply with the Chaffee Crossing Master Development Guidelines for Community Attractions.

Parking – Page six (6) of the project booklet states that the PZD will comply with Section 27-600 - General Development Standards of the UDO, which set forth the required minimum parking standards.

Signage – Page six (6) of the project booklet states that the proposed PZD will comply with the UDO Section 27-700 – Signage Regulations except when the FCRA design guidelines are more restrictive.

Sidewalks – Page six (6) of the project booklet states Page 6 of the PZD booklet states that the proposed PZD will comply with the UDO Section 27-500 which regulates side walk requirements when platting is proposed and/or required.

HC

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Chaffee Crossing Redevelopment Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The proposed PZD and uses are compatible with adopted plans.**
- B. Compatibility of the proposed development with the character of the neighborhood. **The proposed PZD and uses are compatible with the surrounding area and proposed developments.**
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The proposed permitted uses will allow Amusement center (outdoor), country club, driving range (outdoor), golf course, miniature golf course, sports complex/athletic field, and parks or playground (public and nonpublic. Please refer to the Proposed Land Use Matrix – Chart 1 in the project booklet.**
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts. **The PZD states in Item 3K that the proposed PZD will generate traffic and that improvement of Taylor Road and Frontier Road to the Master Street Plan’s Major Collector status may provide more than adequate capacity. Also, please refer to the traffic information provided on page six (6) of the project booklet.**
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts. **Water service and sanitary sewer service are adequate with a 16” water line and 8” & 30” sewer lines in place. Extensions will be made to service this area. Please refer to page 3 – item 3d - vi of the project booklet.**
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The proposal complies with all Unified Development Ordinance requirements in Sections 27-200, 27-500, 27-600 and 27-700 as the outlined project booklet unless more restrictive standards are required by the Chaffee Crossing Design Guidelines.**

40

STAFF COMMENTS AND RECOMMENDATIONS

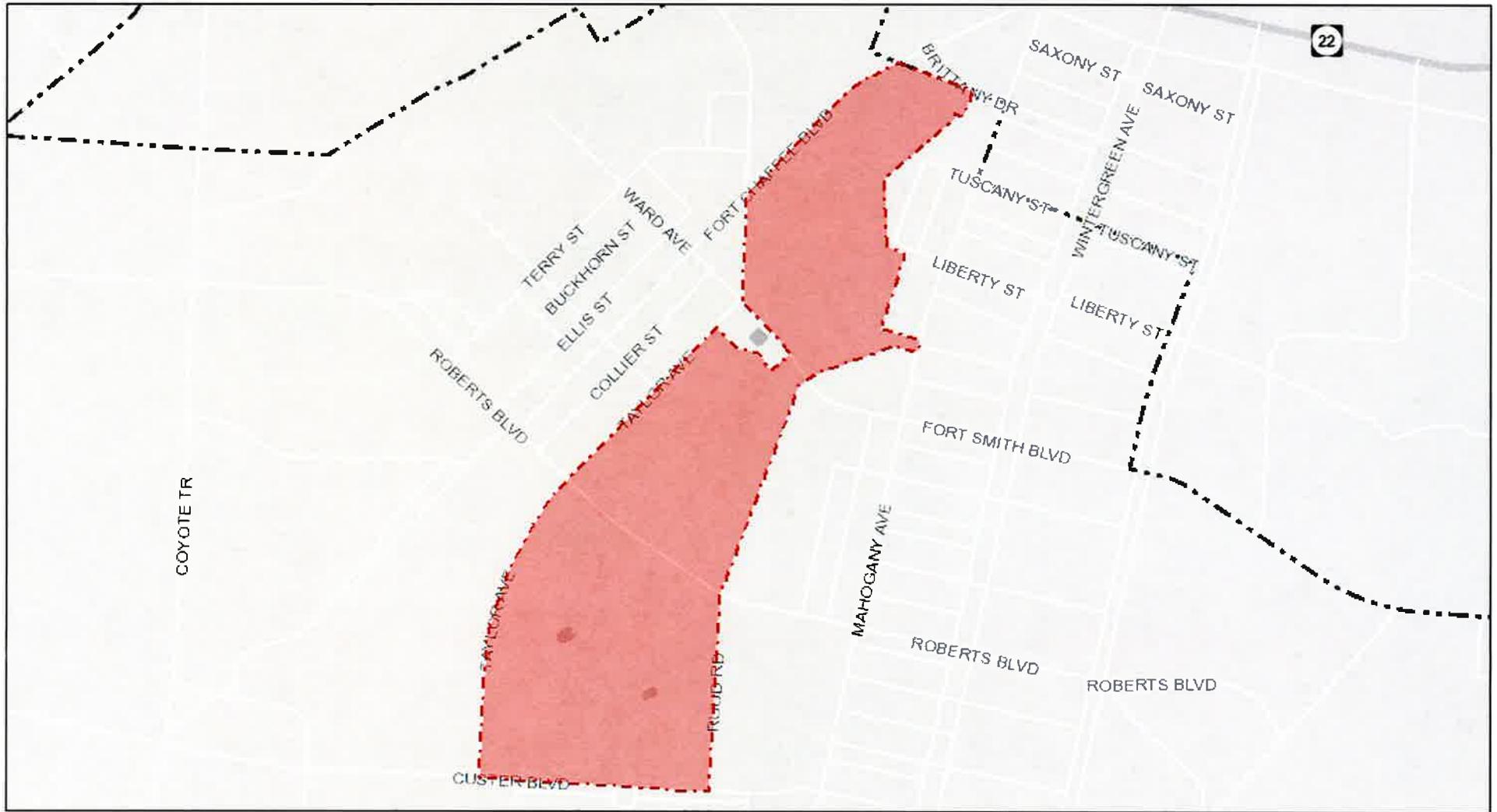
A neighborhood meeting was held Monday, June 30, 2014 at 10:00 a.m. at 7020 Taylor Avenue Fort Chaffee Redevelopment Authority Offices. Three representatives of the Learning Fields/Master Gardeners attended the meeting. They had no objections to the proposed PZD.

The enclosed project booklet appears to comply with the minimum requirements of the UDO.

HE

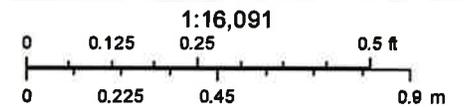
Rezoning #17-7-14: From not Zoned to Planned Zoning District (PZD)

HF



June 16, 2014

Fort Smith City Limits



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

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location FCRA Offices, 7020 Taylor Avenue, Fort Smith, AR 72916

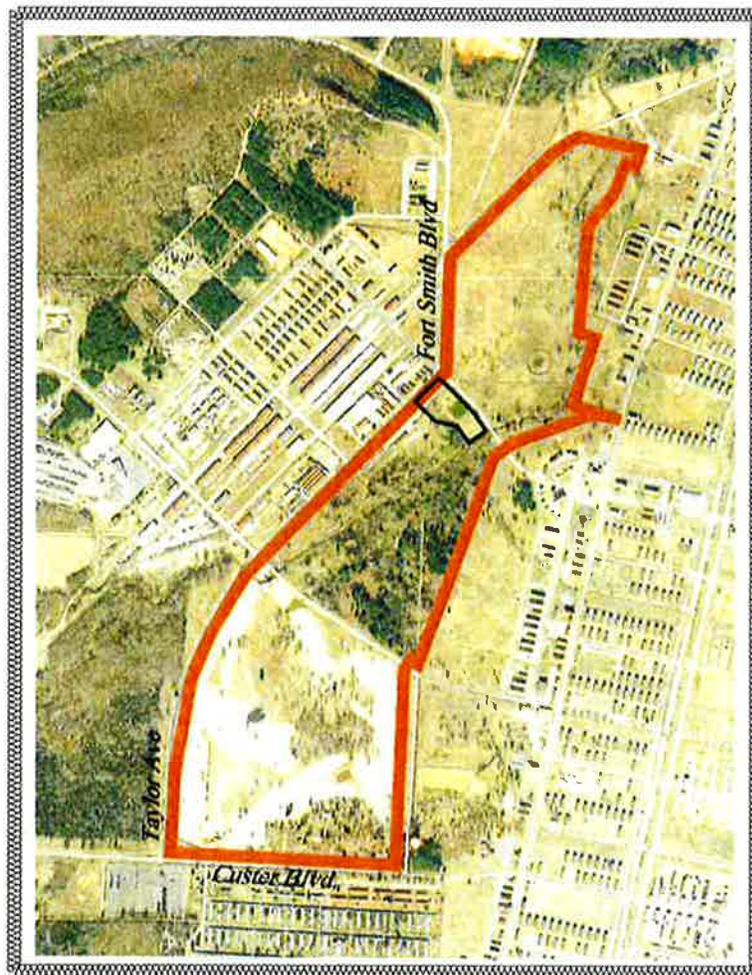
Meeting Time & Date June 30, 2014 @ 10:30 a.m.

Meeting Purpose Proposed Planned Zoning District for FCRA Recreational Area

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. <u>Brendan Anderson</u>	<u>Fort Smith Planning Dept</u>	<u>484-2216</u>
2. <u>Jerry L. McGary</u>	<u>M.G. Learning Fields</u>	<u>646-4180</u>
3. <u>Shel Hackett</u>	<u>M.G. LEARNING FIELDS</u>	<u>484-9679</u>
4. <u>Loac Will</u>	<u>M.G. LEARNING FIELDS</u>	<u>646-5314</u>
5. <u>Pat Miceve</u>	<u>MGC, Inc</u>	<u>649-8484</u>
6.		
7.		
8.		
9.		
10.		
11.		

HG

FCRA RECREATIONAL DEVELOPMENT PLANNED ZONING DISTRICT



July 2014

**MICKLE
WAGNER
COLEMAN**



Engineers-Consultants-Surveyors

3434 Country Club Ave.
P.O. Box 1507
Fort Smith, Arkansas

(479) 649-8484
Fax: (479) 649-8486
info@mwc-engr.com

Recreational Development
Project Booklet
Planned Zoning District Application
Fort Chaffee Redevelopment Authority
June 2014

3a. **Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.**

The subject property is currently not zoned. A zoning is needed to allow the development of the baseball activities and other planned activities in the immediate area. A Planned Zoning District will enable regulations to achieve compatibility within the development. It enables the development to utilize design standards greater than the minimum required by the UDO.

3b. **Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.**

1. Fort Chaffee Redevelopment Authority
7020 Taylor Avenue
Fort Smith, AR 72906
Phone: 452-4554
2. Sebastian County
35 South 6th Street, Room 106
Fort Smith, AR 72901
3. City of Fort Smith
Clerk's Office
P.O. Box 1908
Fort Smith, AR 72902

3c. Description of the scope, nature, and intent of the proposal.

The PZD will include all the property between Fort Chaffee Boulevard on north and west, Taylor Avenue on the West, Custer Boulevard on the South, and Fort Chaffee Maneuver Training Center on the east. The anchor of the development will be the River Valley Softball Complex. The property to the north and south of the recreation areas will be developed with uses compatible with, and many in support of, the recreation facilities, but will also include other industrial facilities. Uses anticipated in the PZD may include housing in the vicinity of the Golf Course at some point in time.

3d. General project scope:

i. Street and lot layout

See attached VICINITY MAP.

The principal roadways serving the site are Taylor Avenue, Roberts Blvd, and Custer Blvd. Taylor Avenue is designated as a major collector south of Fort Smith Blvd. and a major arterial to the north. Roberts Blvd. is designated as a boulevard.

ii. Site plan showing proposed improvements

A Softball Complex and additional soccer fields are planned. See attached SITE PLAN.

iii. Buffer areas, screening, and landscaping

Buffer areas and landscaping will follow Chaffee Crossing Master Development Guidelines for Community Attractions. Parking lots will be screened from street rights of way and adjacent properties in accordance with Chaffee Crossing Master Development Guidelines for Community Attractions.

iv. Storm water detention areas and drainage

Will comply with UDO.

v. Undisturbed natural areas

Undisturbed areas are included in the Softball fields, and in the Soccer fields.

vi. Existing and proposed utility connections and extensions

A 30" sanitary sewer runs thru the site generally paralleling Little Vache Grasse Creek from Fort Chaffee Blvd. to south of Roberts Blvd. Water is supplied to the area by a 16" line along Taylor Avenue that ties to an 18" line north of Roberts at Darby. An 8" line continues north along Taylor Avenue to Fort Smith Blvd. This 8" line can be extended further north as needed.

vii. Development and architectural design standards

Development and architectural standards will comply with the UDO and the Chaffee Crossing Master Development Guidelines for Community Attractions.

viii. Building elevations

All building elevations will comply with the Chaffee Crossing Master Development Guidelines for Community Attractions.

ix. Proposed signage (type and size)

All signage will comply with the Chaffee Crossing Master Development Guidelines for Community Attractions.

3e. Proposed development phasing and timeframe

The Deer Trails Golf Course and Soccer fields presently exist and the softball fields are in the planning stages. They will be the anchors for the development. Additional soccer fields are proposed in that area in the future. Redevelopment or further development of the golf course may occur. Should housing be proposed, an amendment to this PZD will be presented for review and consideration.

3f Identify land use designations

Existing land uses- Parks/Open Space: Public, Mixed Use: Historic Area, and Community Attraction – Refer to LAND USE EXHIBIT.

3g. Identify area and bulk regulations

Bulk and Area requirements for the PZD are as shown below.

Bulk and Area Comparison – Unzoned to PZD. Because over 90% of the uses proposed for this PDZ are allowed in a I-1 zone, the I-1 bulk and area requirement are used to identify those for the PZD requirements.

	I-1	<u>Proposed PZD</u>
Min. Lot Size	20,000 SF	40,000 SF
Min. Lot Width	100'	100'
Max. Lot Coverage	75%	60%
Max. Height at BSL	45	45
Addnl. Height UDO-27-404-D	1:1	1:1
Min. Front Setback:	I-1	PZD
Taylor	25'	50'
Roberts	25'	50'
Custer	25'	50'
Fort Chaffee Blvd.	25'	50'
New Streets	25'	25'
Side Setback	10'	20'
Min. Street Side Setback	15'	25'
Min. Rear Setback	10'	20'

3h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)

Currently there is no existing zoning on this property so there will be no chart of comparison.

3i. A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.

See Chart 1 – PZD Permitted Land Uses vs. Existing Zone Designations.

- 3j. **A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.).**

<u>Design Guidelines</u>	<u>UDO</u>	<u>PZD</u>
– Sideyard parking screening (w/ 75+ spaces)	No	Yes
<u>Signs</u>		
Outdoor Advertising Signs Permitted	Yes	No
Portable Signs Permitted	Yes	No
Pylon Sign Permitted	Yes	No
Monument Sign – Max. Height	N/A	10'
– Max. Area	300 SF	100 SF
Wall Sign – Façade Area	100%	15%*
*One wall sign per structure & not to exceed 8' in height.		
<u>Landscaping</u>		
Planting	1 tree /50'	1 tree/40'
<u>Limited Land Uses</u>		
Refer to Chart 1		

- 3k. **Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.**

The property is separated from the existing uses to the west by the Taylor Road and Fort Chaffee Blvd. corridors. The area to the east is Fort Chaffee Maneuver Training Center. A significant portion of the area to the west is leased and/or unoccupied at this time. Redevelopment of these areas into commercial/historical uses is probable. These PZD uses will generate traffic; improvement of Taylor Road and Frontier Road to the Master Street Plan's major collector status may provide more than adequate capacity. The building facades of the structures in the PZD will comply with the Chaffee Crossing Master Development Guidelines for Community Attraction; all signage is limited to monument type (no free standing sign, no billboards, and no portable signs).

31. **A traffic study when required by the Engineering Department (consult with staff prior to submittal).**

Traffic Information Statement

Taylor Road runs a partial length of the project – about 2500'. Frontier and Fort Chaffee Blvd extend further to the north another 2000'. The streets have two lanes with some paved shoulders and open ditches.

The potential for growth in this area is indicated to be somewhat slow, with some increase due to the future local (west) commercial/industrial development..

- 3m. **Statement of availability of water and sewer (state size of lines).**

Water and sewer are adequate with a 16" water line and 8" & 30" sewer lines in place. Extensions will be made to service this area. See the Site Plan. The property all drains directly to the Little Vache Grasse Creek. Drainage and detention facilities will be per City regulations.

For this Planned Zoning District, for the sections listed below, the current version of the Unified Development Ordinance shall apply subject to the notation below for 27-600 and 27-700.

27-200- Will comply with provisions of 27-200.

27-500-Site Layout and Design- Will comply with provisions of 27-500.

27-600 – General Development Standards- Will comply with provisions of 27-600 with the exception that the FCRA Design Guidelines will be enforced where they are more restrictive.

27-700- General Standards- Will comply with provisions of 27-700 with the exception that the FCRA Design Guidelines will be enforced where they are more restrictive.

f:\doc\misc\Recreational Development PZD Project Booklet FCRA – rev 6-27-14.doc

**Chart 1
FCRA Recreational Development
PZD Permitted Land Uses vs.
Existing Zoning Designation**

May 15, 2014

Fort Smith Use Matrix		J	K	L	M	N	O	Q				R	S	T	U	W			X	Y	AB	Z	AC	AD	AE	AF	PZD			
Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	H	RH	T	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3		
P = Permitted Use, C = Conditional Use, A = Accessory Use																														
<i>Size or density restrictions for any use may be noted in the district</i>																														
Transportation, Communication, Information and Utilities																														
Communications and Information																														
Commercial communication towers		C	C	C	C	C	C	C	C	C	C	C	C	C	C						C	C	P	P	P	C	P	P	P	C
Arts, Entertainment, and Recreation																														
Amusement, Sports, or Recreation Establishment																														
Amusement center (outdoor)																														
Country club		C	C	C	C	C	C	C	C	C	C	C	C	C	C									C	C	C				P
Fitness, Recreational Sports, Athletic Club																														
Driving range (outdoor)																					C	C	C	C	C					P
Golf course				C	C	C	C	C	C	C	C	C	C	C	C						C	C	C	C	P	P	P	P	P	P
Indoor Games Facility																					C	C	C	C			C	C	C	P
Miniature golf course																														
Sports complex/athletic field																							P	P	P	P	P			P
Natural and Other Recreational Parks																										C	C	C		P
Park or playground (public and nonpublic)		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		P
f:\doc\misc\FCRA Recreational Development Land Use Chart 5-15-14.xls																														

Fort Smith
1

Use Matrix

FCRA Recreational Parcel Zoning – 285 Acres

Part of the West Half of Section 10, part of the East Half of Section 9, and part of the Southwest Quarter of Section 3, all in Township 7 North, Range 31 W, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southeast Corner of said Section 9, said corner being marked with an existing 2" aluminum cap stamped PLS 883; Thence along the south line of said Section 9, N87°11'16"W, 2273.47 feet; Thence leaving said south line, N03°09'54"E, 597.29 feet to the intersection of the right-of-way centerlines of Taylor Avenue and Custer Boulevard, said right-of-way being dedicated with ordinance number 69-12, said intersection also being the Point of Beginning; Thence along said right-of-way centerline of Taylor Avenue the following courses: N03°09'54"E, 1005.06 feet; 1375.71 feet along the arc of a curve to the right, said curve having a radius of 2883.75 feet and being subtended by a chord having a bearing of N16°49'54"E and a distance of 1362.70 feet; N30°29'54"E, 417.35 feet; N33°47'11"E, 106.49 feet; N41°35'41"E, 172.73 feet; N44°06'22"E, 61.53 feet to the intersection with the right-of-way centerline of Roberts Boulevard; Continuing N44°06'22"E, 2461.57 feet to the intersection with the right-of-way centerline of Ward Avenue; Continuing N44°06'22"E, 22.19 feet; N02°06'37"E, 1028.53 feet to the intersection with the right-of-way centerline of Fort Chaffee Boulevard; Thence along said right-of-way centerline of Fort Chaffee Boulevard the following courses: N44°05'07"E, 1342.85 feet; 435.66 feet along the arc of a curve to the right, said curve having a radius of 1153.53 feet and being subtended by a chord having a bearing of N54°54'17"E and a distance of 433.08 feet; N65°43'28"E, 226.36 feet to a point on the Fort Smith-Barling City Limit Line; Thence along said City Limit Line, S69°20'17"E, 482.65 feet to the northwest corner of a 2.0 acre parcel as described in Deed 2012F-20238; Thence leaving said City Limit Line and along the west line of said parcel, S20°35'42"W, 279.50 feet to the southwest corner of said parcel; Thence along the south line of said parcel, S69°24'18"E, 83.07 feet; Thence leaving said south line, S20°41'04"W, 743.58 feet to the north line of a 4.59 acre parcel as described in Deed 2011F-07068; Thence along said north line, N68°48'30"W, 355.99 feet to the northwest corner of said parcel; Thence along the west line of said parcel the following courses: S15°30'44"E, 75.04 feet; S03°24'42"E, 378.77 feet to the southwest corner of said parcel; Thence S68°48'30"E, 157.03 feet along the south line of said parcel; Thence leaving said south line, S20°41'04"W, 275.00 feet; Thence S68°48'30"E, 138.05 feet; Thence S18°10'34"W, 227.02 feet to the northwest corner of a 3.68 acre parcel as described in Deed 7064762; Thence along the west line of said parcel, S18°10'34"W, 592.15 feet to the southwest corner of said parcel; Thence S72°28'41"E, 429.14 feet along the south line of said parcel to the centerline of Mahogany Avenue; Thence along said centerline, S12°48'50"W, 98.40 feet to a point on the Military Boundary; Thence along said Military Boundary the following courses: N77°32'11"W, 258.74 feet; S69°57'38"W, 799.16 feet; S54°38'24"W, 100.68 feet to the intersection with the right-of-way centerline of Ward Avenue; Continuing S54°38'24"W, 99.28 feet; S19°53'57"W, 2160.04 feet; S02°54'26"W, 50.86 feet to the intersection with the right-of-way centerline of Roberts Boulevard; Continuing S02°54'26"W, 1462.90 feet; N87°10'46"W, 24.98 feet; S03°21'20"W, 231.77 feet; S86°05'25"E, 24.96 feet; S03°54'54"W, 226.22

5/22/2014

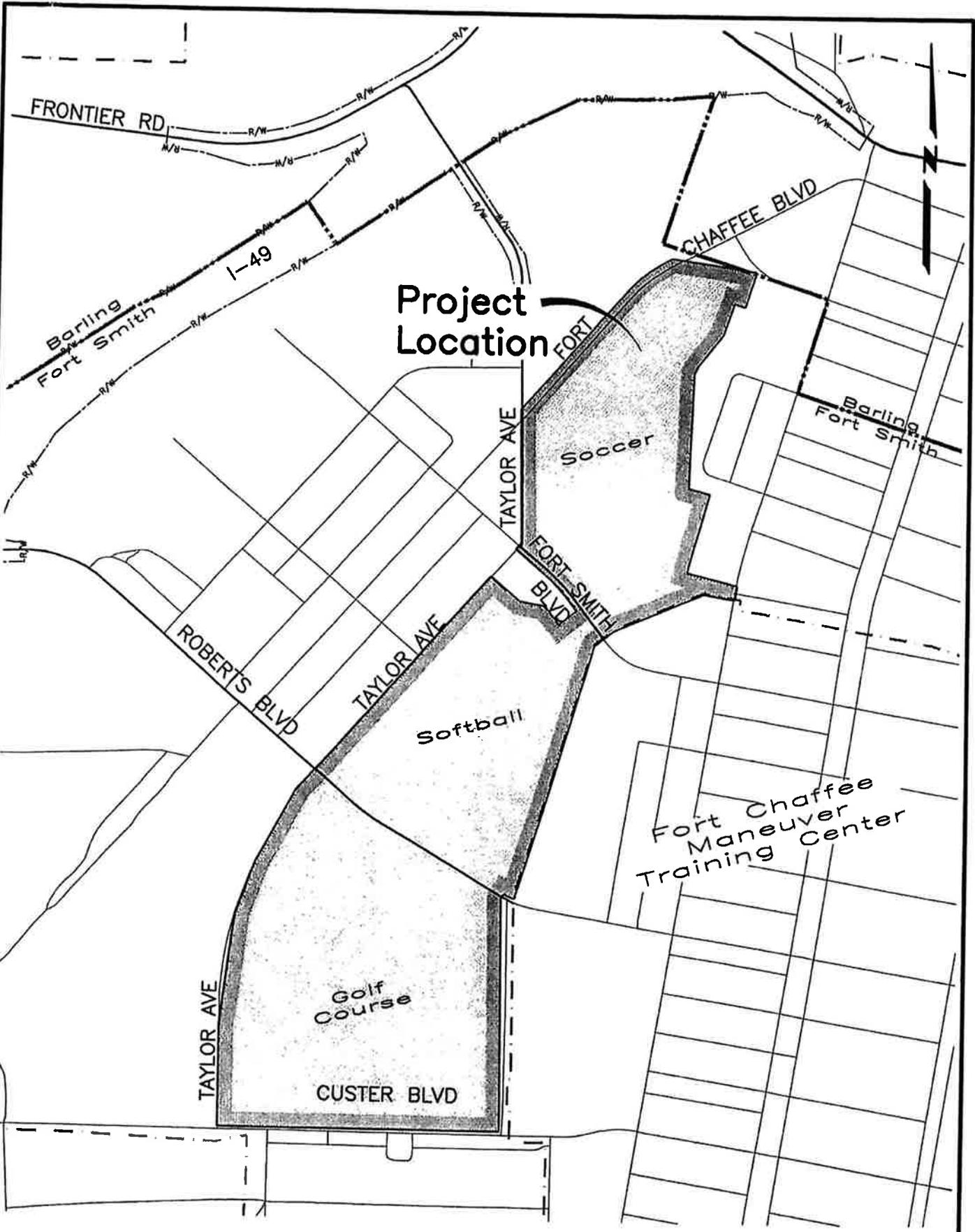
feet to the intersection with the right-of-way centerline of Custer Boulevard; Thence along said right-of-way centerline, N86°43'31"W, 2325.30 feet to the Point of Beginning. Containing 289.14 acres, more or less.

Less and except:

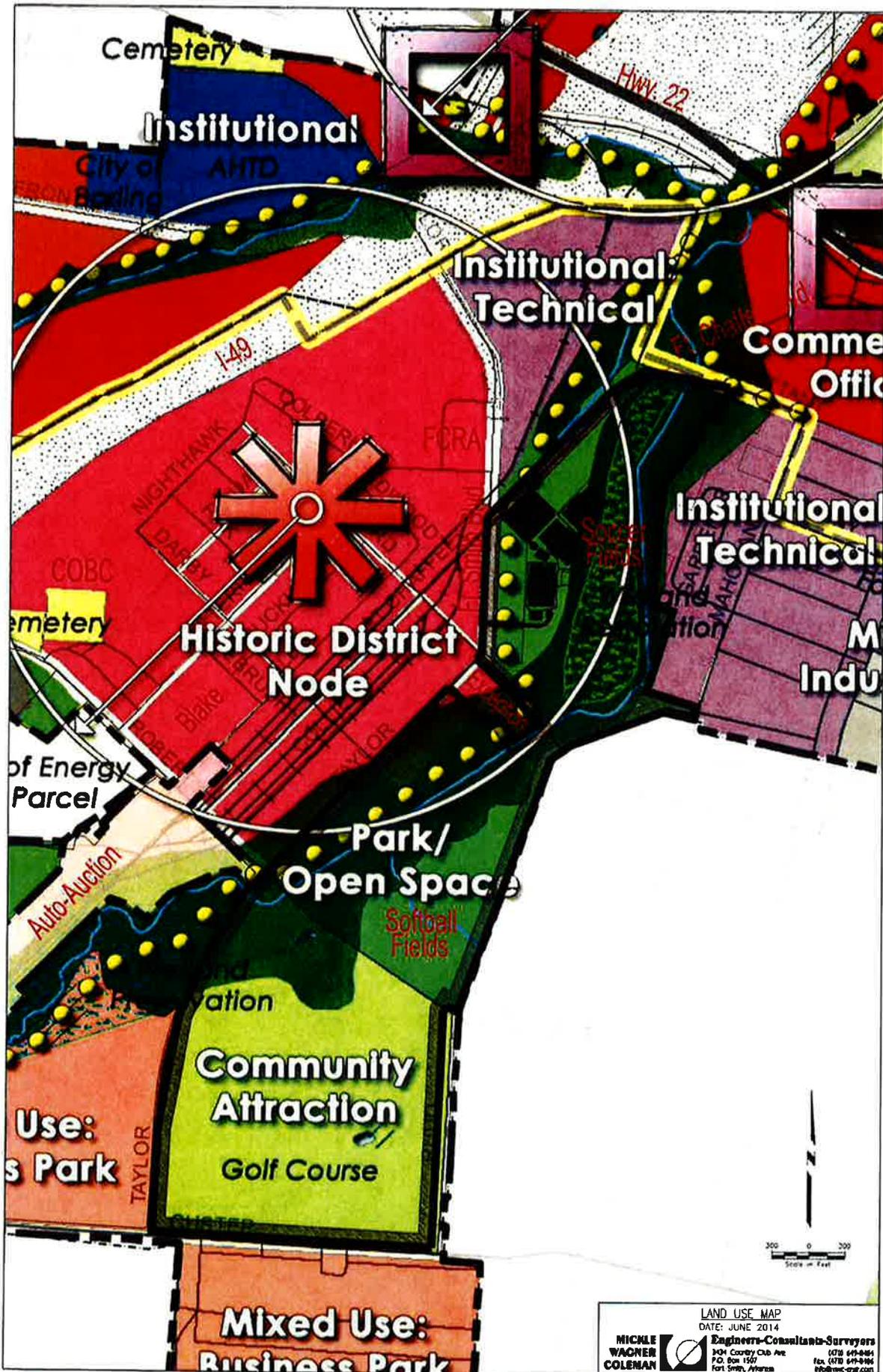
A part of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 3 and
a part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 9 and a part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 10, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. More particularly described as follows:

Commencing at an existing railroad spike at the Northeast (NE) corner of said NE1/4 of the NE1/4; Section 9, T-7-N, R-31-W, thence S02°41'35"W, 292.03 feet along the East line of said NE1/4 of the NE1/4 to a set iron pin and the Point of Beginning, said point being on the easterly boundary of the City of Fort Smith (CFS) Maintenance Facility; thence N45°58'03"W, 143.38 feet along said easterly boundary, to a set iron pin and the southeasterly right-of-way of Taylor Avenue; thence N44°01'57"E, 317.51 feet along said southeasterly right-of-way to a set iron pin and the southwesterly right-of-way of Fort Smith Boulevard; thence S45°58'21"E, 328.65 feet along said right-of-way to a set iron pin; thence S41°49'29"E, 166.44 feet along said right-of-way to a set iron pin; thence S35°12'39"E, 181.84 feet along said right-of-way to a set iron pin; thence S54°47'21"W, 205.19 feet to a set iron pin; thence N35°12'39"W, 198.00 feet to a set iron pin; thence N77°19'54"W, 205.49 feet to an existing iron pin being the southeast corner of said CFS Maintenance Facility; thence N45°58'03"W, 121.64 feet along the easterly boundary of said CFS Maintenance Facility to the Point of Beginning. Containing 174,484 square feet or 4.00 acres more or less.

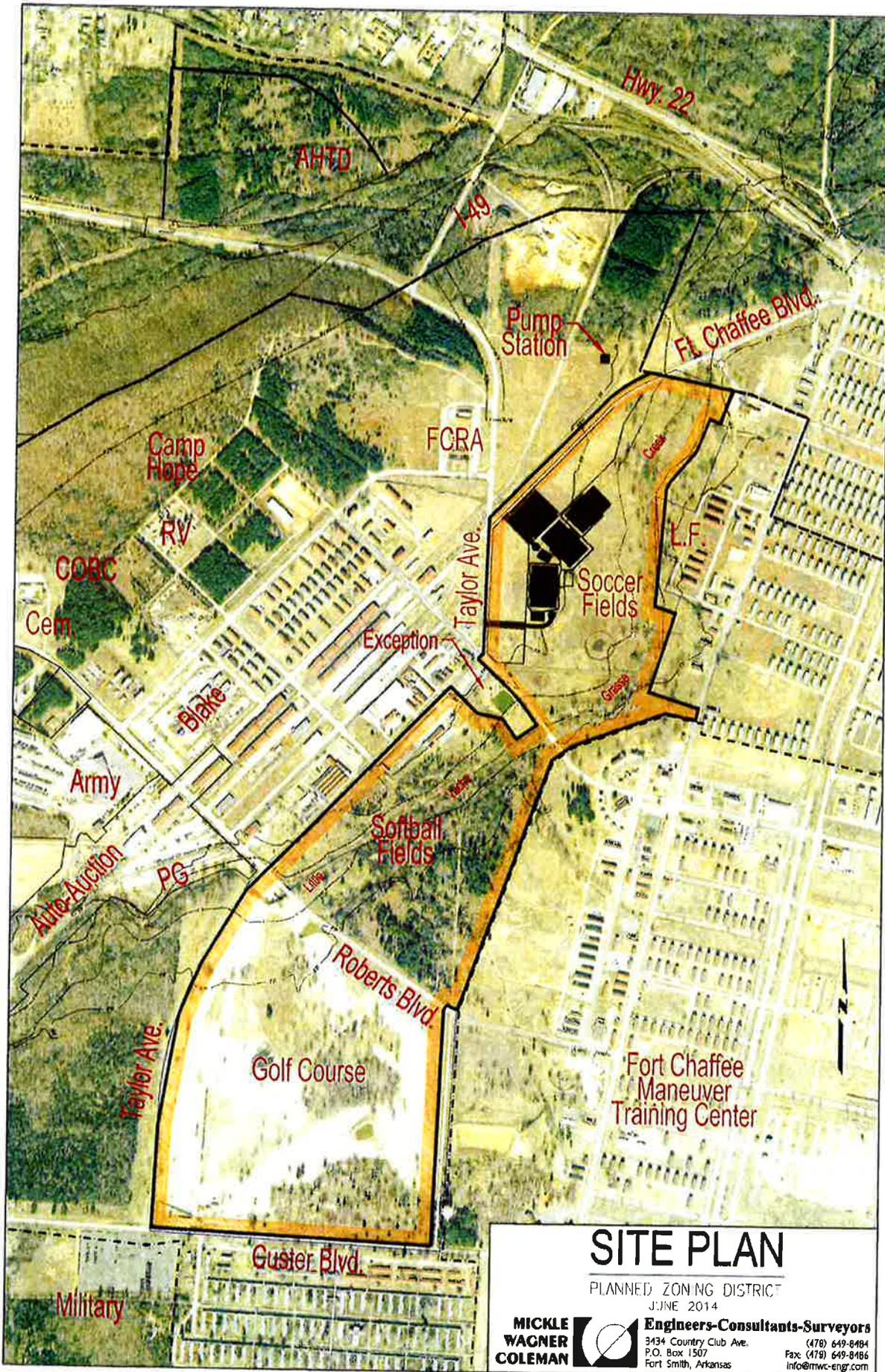
Containing in aggregate 285.14 acres, more or less.



**FCRA
RECREATIONAL DEVELOPMENT
Vicinity Map**



LAND USE MAP
 DATE: JUNE 2014
NICKLE WACNER COLEMAN
 Engineers-Consultants-Surveyors
 304 Country Club Ave
 P.O. Box 1507
 Fort Smith, Arkansas
 (479) 647-9464
 Fax: (479) 647-9466
 nwc@nwc-arg.com



SITE PLAN

PLANNED ZONING DISTRICT
JUNE 2014

**MICKLE
WAGNER
COLEMAN**



Engineers-Consultants-Surveyors
3434 Country Club Ave. (478) 649-8484
P.O. Box 1507 Fort Smith, Arkansas Fax: (478) 649-8486
Info@mw-c-engr.com

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

Sebastian County
35 South 6th Street-Room 106
Fort Smith, AR 72901

City of Fort Smith

DRAFT

**Planning Commission Meeting Minutes
July 8, 2014**

Ms. Andrews stated that a neighborhood meeting was held on Monday, June 30th at 7020 Taylor Avenue with no neighboring property owners attending the meeting.

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

Following a discussion by the Commission, motion was made by Commissioner Newton, seconded by Commissioner Spearman and carried unanimously to amend this request to make approval subject to the following:

- All construction must be built in accordance with the submitted development plan.
- The development shall receive approval from the Chaffee Crossing Design Review Committee. Development standards approved by the committee shall not be less than what is required by the Fort Smith Unified Development Ordinance.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 9 in favor and 0 opposed.

4. Rezoning #17-7-14; A request by Mickle Wagner Coleman, Inc., agent, for a zone change from Not Zoned to a Planned Zoning District located at 11701 Custer Boulevard, 7201 Fort Chaffee Boulevard and 12201 Roberts Boulevard.

Ms. Brenda Andrews read the staff report indicating that the purpose of this rezoning request is to allow this area to be utilized for recreational uses such as baseball field, soccer fields, sport complex/athletic fields, playgrounds, country clubs and amusement centers.

Ms. Andrews stated that a neighborhood meeting was held on Monday, June 30, 2014, at 10:00 a.m. at 7020 Taylor Avenue which is the Fort Chaffee Redevelopment Authority offices with three (3) representatives of the Learning Fields/Master Gardeners in attendance. Ms. Andrews noted that there were no objections to the proposed Planned Zoning District.

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

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. 16-7-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 8, 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:

Part of the Southeast Quarter of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southeast Corner of said Section 7; thence along the East line of said Section 7, N 02°38'26"E, 259.27 feet to the northerly right-of-way line of Massard Road; thence along said northerly right-of-way line the following courses: N 47°55'39"W, 909.65 feet; 298.68 feet along the arc of a curve to the left, said curve having a radius of 2070.00 feet and being subtended by a chord having a bearing of N 52°03'49"W and a distance of 298.43 feet; N 33°48'10"E, 29.47 feet; N 59°17'16" W, 43.82 feet to the Point of Beginning; continuing along said northerly right-of-way line, N 59°17'16"W, 375.65 feet; 4.36 feet along the arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of N 55°07'23"W and a distance of 4.36 feet; thence leaving said northerly right-of-way line, N 39°15'46"E, 236.11 feet to a point on the easterly right-of-way line of Wells Lake Road; thence along said easterly right-of-way line, N 58°59'55"E, 140.00 feet; thence leaving said easterly right-of-way line, S 43°49'09"E, 289.02 feet; thence S 30°42'44"W, 280.00 feet to the Point of Beginning, containing 2.58 acres, more or less.

more commonly known as 8801 Wells Lake Road, should be, and is hereby rezoned from

Not Zoned (NZ) to Commercial Light (C-2) by Classification, subject to the development plan

approval by the Planning Commission.

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:

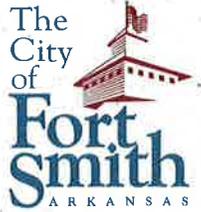
Mayor

City Clerk

Approved as to form:



Publish One Time



July 29, 2014

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

Re: Rezoning #16-7-14; A request by Mickle-Wagner-Coleman, Inc., agent for RUM, Inc. for a rezoning from Not Zoned (NZ) to Commercial Light (C-2) by Classification located at 8801 Wells Lake Road.

On July 8, 2014, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for the addition and renovation of an existing vacant building into a restaurant.

Mr. Pat Mickle was present to speak on behalf of this request.

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

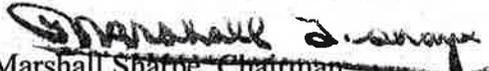
Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. Motion was then made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the submitted development plan. Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 9 in favor and 0 opposed.

The Planning Commission also reviewed the development plan for the subject site. The development plan was approved by a vote of 9 in favor and 0 opposed.

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 Sharpe, Chairman

MS/lp

cc: File
City Administrator

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

Memo

To: City Planning Commission

From: Planning Staff

Date: June 24, 2014

Re: Rezoning #16-7-14 - A request by Pat Mickle, agent, for Planning Commission consideration of a zone request from Not Zoned to Commercial Light (C-2) by classification at 8801 Wells Lake Road (Companion to item #6)

PROPOSED ZONING

The approval of the requested rezoning will allow for the addition and renovation of the existing vacant building into a restaurant.

LOT LOCATION AND SIZE

The subject property is on the south east corner of the intersection of Massard Road and Wells Lake Road. The tract contains an area of 2.58 acres with approximately 375 feet of street frontage along Massard Road and approximately 376 feet of street frontage along Wells Lake Road.

REQUESTED ZONING

The requested zoning on this tract is Commercial Light (C-2). Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

EXISTING ZONING

The property is Not Zoned.

SURROUNDING ZONING AND LAND USE

The areas to the north are not zoned and are undeveloped.

The areas to the east are not zoned and are undeveloped.

The areas to the south are not zoned and Residential Multifamily Medium Density (RM-3) and are undeveloped.

The area to the west is zoned Transitional (T) and is developed as a fire station.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Commercial/Office. This classification is intended for 60% Commercial- regional large retail (box stores, home goods, hotels, outparcel development), 30% Office – Multi-story corporate headquarters (professional offices), and 10% residential- high density multi-family condos or apartments. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan. A companion item is a Development Plan Review for the proposed restaurant.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, June 30, 2014 at the Fort Chaffee Redevelopment Authority Offices (7020 Taylor Avenue). No surrounding property owners attended the meeting.

Staff recommends approval of the request subject to the approval of the submitted development plan.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location FCRA Offices, 7020 Taylor Avenue, Fort Smith, AR 72916

Meeting Time & Date June 30, 2014 @ 9:30 a.m.

Meeting Purpose Proposed development & rezoning of Maness Schoolhouse property

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Brenda Jones	Fort Smith Planning Dept	784-2216
2.	Jay Owen	FCRA	452-4554
3.	Pat Melton	MWC-ILWC	649-8484
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

f:\doc\forms\cfs forms-applications\2011 Rezoning Application – maness schoolhouse.doc

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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

- 2. Address of property: 8801 Wells Lake Road

- 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 C-2 (Commerical Light) by Classification.
(Extension or classification)

- 5. Why is the zoning change requested?

The property is not zoned. Applicant wishes to convert the existing building
into a restaurant.

- 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

P.O. Box 1507, Fort Smith, AR 72902
~~Owner or Agent Mailing Address~~

or


 Agent

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

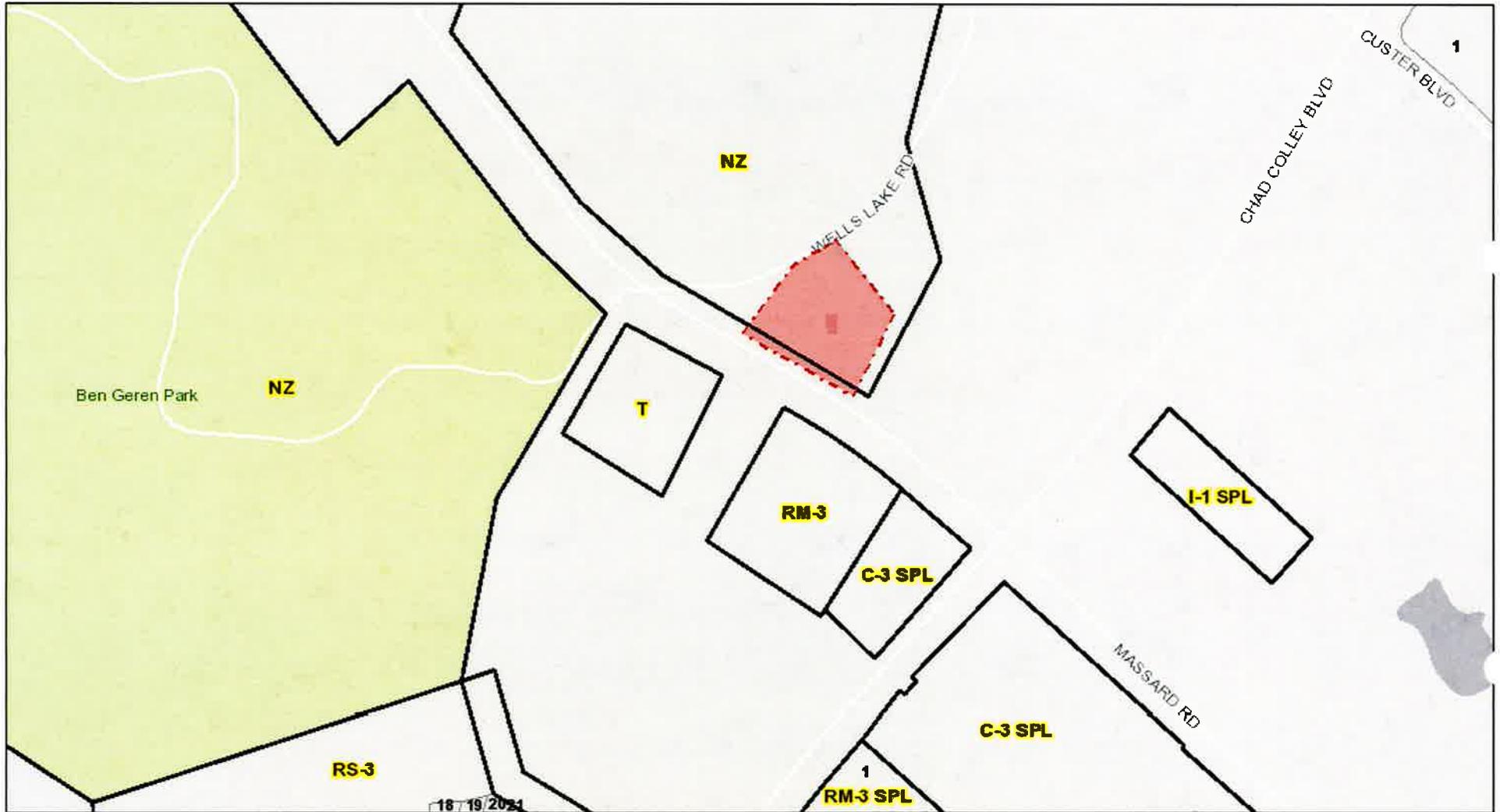
5E

Maness Hill Addition, Lot 1

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

Commencing at the Southeast Corner of said Section 7; Thence along the East Line of said Section 7, N02°38'26"E, 259.27 feet to the northerly right-of-way line of Massard Road; Thence along said northerly right-of-way line the following courses: N47°55'39"W, 909.65 feet; 298.68 feet along the arc of a curve to the left, said curve having a radius of 2070.00 feet and being subtended by a chord having a bearing of N52°03'49"W and a distance of 298.43 feet; N33°48'10"E, 29.47 feet; N59°17'16"W, 43.82 feet to the Point of Beginning; Continuing along said northerly right-of-way line, N59°17'16"W, 375.65 feet; 4.36 feet along the arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of N55°07'23"W and a distance of 4.36 feet; Thence leaving said northerly right-of-way line, N39°15'46"E, 236.11 feet to a point on the easterly right-of-way line of Wells Lake Road; Thence along said easterly right-of-way line, N58°59'55"E, 140.00 feet; Thence leaving said easterly right-of-way line, S43°49'09"E, 289.02 feet; Thence S30°42'44"W, 280.00 feet to the Point of Beginning. Containing 2.58 acres, more or less.

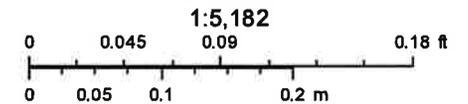
Rezoning #16-7-14: From Not Zoned to Commercial Light (C-2) 8801 Wells Lake Road



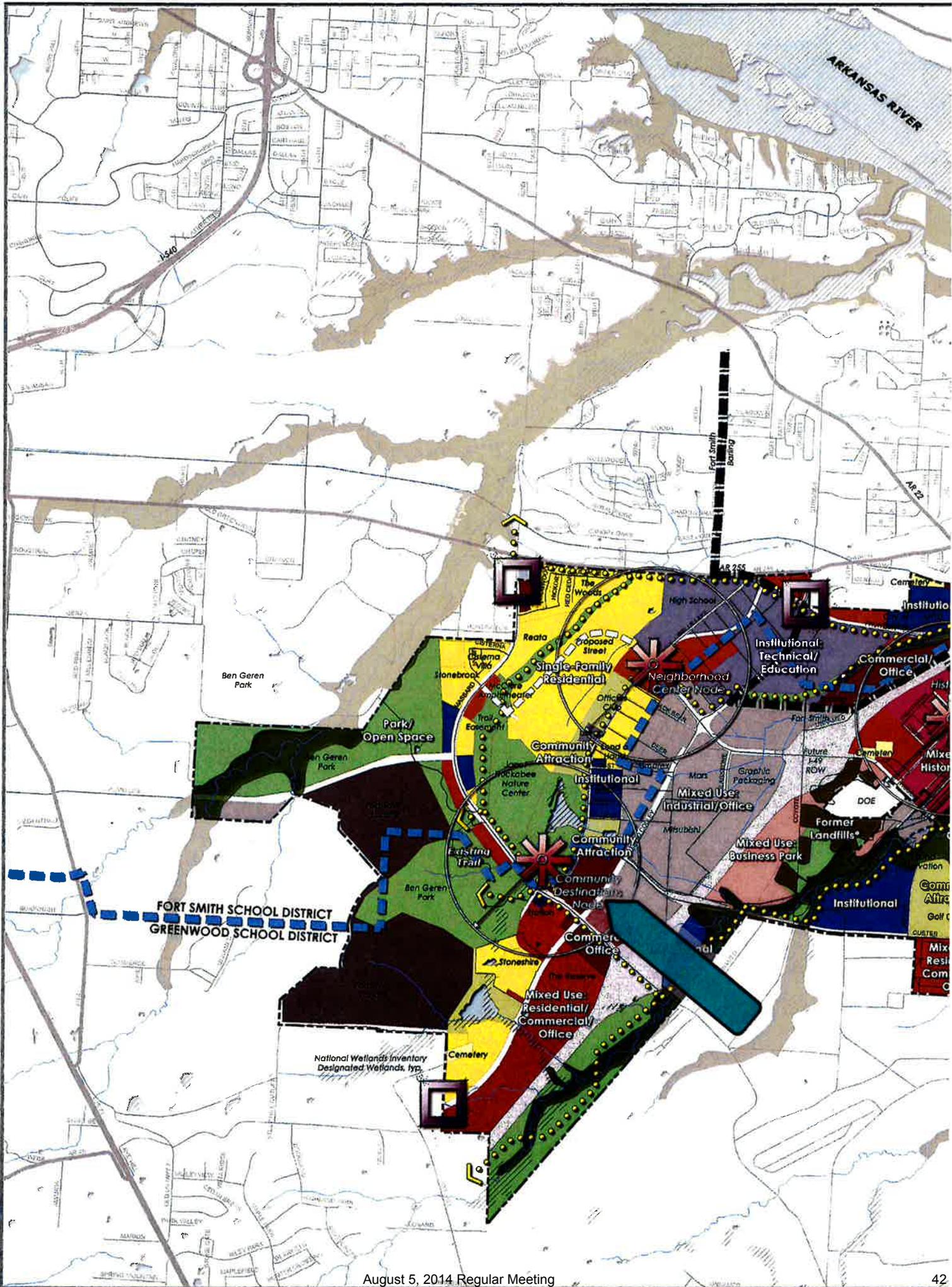
June 16, 2014

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions

SE



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



Massard I-49 Properties, LLC
110 Sagebrush Street
Percy, AR 71964

Arvest Bank
P. O. Box 11110
Fort Smith, AR 72917

JW Stephens Enterprises, LLC
P. O. Box 11165
Fort Smith, AR 72917

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

City of Fort Smith

Arkansas Game & Fish Commission
2 Natural Resources Drive
Little Rock, AR 72205

DRAFT

Planning Commission Meeting Minutes
July 8, 2014

5. **Rezoning #16-7-14; A request by Mickle Wagner Coleman, Inc., agent for RUM, Inc. for a rezoning from Not Zoned (NZ) to Commercial Light (C-2) by Classification located at 8801 Wells Lake Road. (companion item to item #6)**
6. **A request by Mickle-Wagner-Coleman, Inc., agent for RUM, Inc. for development plan approval for a restaurant located at 8801 Wells Lake Road. (companion item to item #5)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the addition and renovation of the existing vacant building into a restaurant.

Ms. Rice stated that a neighborhood meeting was held on Monday, June 30, 2014, at the Fort Chaffee Redevelopment Authority Offices (7020 Taylor Avenue) with no surrounding property owners attending the meeting.

Mr. Pat Mickle was present to speak on behalf of this request.

No one was present to speak in opposition to these requests.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these items separately.

5. **Rezoning #16-7-14; A request by Mickle-Wagner-Coleman, Inc., agent for RUM, Inc. for a rezoning from Not Zoned (NZ) to Commercial Light (C-2) by Classification located at 8801 Wells Lake Road. (companion item to item #6)**

Chairman Sharpe called for the vote on the rezoning request. Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the submitted development plan.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 9 in favor and 0 opposed.

6. **A request by Mickle-Wagner-Coleman, Inc., agent for RUM, Inc. for development plan approval for a restaurant located at 8801 Wells Lake Road. (companion item to item #5)**

Chairman Sharpe called for the vote on the development plan. Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following:

- All construction must be built in accordance with the submitted development plan. The final landscaping plan will be approved by staff at the building permit phase.
- Provide preliminary traffic information.
- Stormwater management, including detention and water quality treatment in accordance with the 2011 Storm Drainage Standards is required when total land disturbance is greater than one acre.
- The development plan shall comply with the Chaffee Crossing Design Guidelines and construction shall not be less than what is required by the Unified Development Ordinance.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 9 in favor and 0 opposed.

7. Home Occupation #6-7-14; A request by Robert Miller for a home occupation for a web development and graphics design business located at 2519 North 41st Street.

Ms. Maggie Rice read the staff report indicating that the purpose of the home occupation request is to allow the applicant to operate a web design business out of his residence. Ms. Rice noted that he will be designing web sites, graphics and print media design and no one site printing of documents will be done. Ms. Rice also noted that parking for the home occupation will be in the applicant's driveway where he has room for four (4) cars.

Mr. Robert Miller, 2519 North 41st Street, was present to speak on behalf of this request.

Mr. Phil Sisco, 2521 North Albert Pike, was present to voice his opposition to allow any type of business to be operated in a residential neighborhood.

Following a discussion by the Commission, motion was made by Commissioner Cox, seconded by Commissioner Parks, and carried unanimously to amend this request to make approval subject to the following:

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING AND REGULATING THE PLACEMENT AND MAINTENANCE OF SIGNS IN PUBLIC RIGHTS-OF-WAY

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

SECTION 1: Except for traffic signs installed or authorized by the City of Fort Smith, and except as is provided in Sections 2, 3 and 4 of this Ordinance, it is unlawful for any person or entity to place, cause to be placed, or maintain any sign or banner in any public right-of-way or upon any utility pole, traffic sign, signal or device in any public right-of-way in the City of Fort Smith. The term public right-of-way includes the entire width of all dedicated public rights-of-way as well as all right-of-way used for public purposes by prescription. Subject to contrary determination, there is a presumption that all areas between a public sidewalk and the edge of the adjacent paved street, all drainage ditch areas, and all areas within ten (10) feet of the adjacent paved street are within a public right-of-way.

SECTION 2: The following temporary signs are exempt from the provisions of Section 1 above under the conditions, but only under the conditions stated:

(i) With permission of the adjacent property owner, if any, who maintains the right-of-way area, temporary signs no greater than four (4) square feet in size may be placed in public right-of-way, but not on a utility pole, sign or other device in the right-of-way, in an area not used for vehicular traffic at a time no earlier than Friday at 12:00 noon and, if so placed, shall be removed by the first following Monday at 12:00 noon.

(ii) With permission of the adjacent property owner, if any, who maintains the

right-of-way area, nonprofit organizations may place in public right-of-way, but not on a utility pole, sign or other device in the right-of-way, in an area not used for vehicular traffic temporary signs of a noncommercial nature for the purpose of directing the public to the location of an event or activity which promotes the general public welfare; provided no more than three (3) signs directing the general public to such event or activity shall be placed in public rights-of-way and further provided no such temporary sign shall be allowed to remain on public right-of-way for more than seven (7) consecutive days.

(iii) Sandwich board signs are permitted on the sidewalks in the Garrison Avenue Historic District area that is within the Central Business Improvement District. The sandwich board signs must comply with the CBID Design Guidelines.

SECTION 3: (a) Except as permitted by Section 2 and 4 any person or entity desiring to place a sign within public right-of-way on a temporary basis may petition the Board of Directors of the City of Fort Smith for a temporary revocable license for such use of the public right-of-way. The petition seeking a temporary revocable license for such use shall be filed with the Fort Smith City Clerk, shall be in writing, shall contain a map depicting the proposed location of the use of the public right-of-way, shall identify the dimensions of the sign proposed for temporary placement in the public right-of-way, shall identify the type of the sign by a general category such as "religious", "political", "business advertising", "special event advertising", etc., and shall be submitted in advance of any placement of a sign for which the temporary revocable license is requested. The City Clerk shall cause the petition for a temporary revocable license to be scheduled for review by the Board of Directors. The petitioned temporary sign shall not be placed prior to the issuance of an approved temporary revocable license and its continued placement shall be subject to the terms of the temporary revocable license.

(b) The City Administrator is hereby authorized and directed to prepare a form for potential issuance of a “temporary revocable license” which might be issued by the Board of Directors to authorize a temporary location of a sign in a public right-of-way and setting the conditions for the removal of the sign upon completion of the term of the license.

SECTION 4: Section 27-704-5(c) of the Fort Smith Code is hereby amended to read:

(c) No permanent sign base or support shall be erected or maintained in any public right-of-way. After obtaining an appropriate sign permit from the city, signs may be installed so that a portion of the sign occurs in the air space of a public right-of-way, subject to the following requirements:

- (1) The sign face may not be more than thirty-six (36) inches in height; and,
- (2) Any portion of the sign occurring in the public right-of-way shall be at least twelve (12) feet above the ground surface of the right-of-way; and,
- (3) The supportive post(s) (which may not be located in the right-of-way) for any such sign shall not be more than two (2) and shall not be more than sixteen (16) inches in width or diameter.
- (4) Such heights of thirty-six (36) inches and twelve (12) feet are to be measured from the elevation of the center of the street at the point of the overhanging portion of sign. If the sign occurs in or over the rights-of-way of two (2) streets, such heights of thirty-six (36) inches and twelve (12) feet are to be measured from the higher street.
- (5) All signage that is placed at intersecting streets in the triangular area (known as the sight triangle) shall be governed by (c)(1) and (c)(2) above. The sight triangle is described as the area delineated by a distance of twenty-five (25) feet along the intersecting property lines, beginning at the property corner point and extending said twenty-five (25) feet in both directions away from the corner point of intersection and then connecting the terminus points by a line to form the triangular area.

SECTION 5: Section 27-704-5(f) of the Fort Smith Code is hereby repealed on the basis that its requirement has been included within the provision adopted by Section 4 above.

SECTION 6: Enforcement.

(a) Any person or entity violating the provisions of Section 1 or causing a sign to be located in the public rights-of-way in violation of the provisions of Sections 3 or 4 shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties set forth in Section 1-9 of the Fort Smith Code of Ordinances.

(b) The City Administrator, by his designated agents, is hereby authorized and directed to remove any sign violating the provisions of this Ordinance from the public rights-of-way. Any such sign removed from the public right-of-way is subject to immediate destruction. The City Administrator may develop procedures for the temporary impounding of such signs and reasonable efforts of notifying the owners of the signs of their availability of removal from impoundment by the City.

SECTION 7: The codifier of the Fort Smith Municipal Code will codify the provisions of Sections 1, 2, 3, 4, 5 and 6 of this Ordinance within the previously reserved sections of Article I of Chapter 22 of the Fort Smith Municipal Code.

This Ordinance adopted this ____ day of _____, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: July 31, 2014
Subject: Temporary Signs in Public Rights-of-Way

After citizen complaints about temporary signs in the rights of way, we were asked to prepare information for a discussion topic at a Board of Directors Study Session in April 2014. Following the discussion, the Board asked us to further research the topic and return with a report and a proposed ordinance. This information was discussed at the July 22, 2014 study session. The proposed ordinance has been placed on the August 5, 2014 Board agenda. A copy of the background information from the study session is enclosed.

At the July study session we were asked to research an alternative that would regulate the temporary signs based on specific zoning districts while not regulating such signs in other districts. Another question is whether we could regulate the temporary signs on certain streets and not others.

We referred these questions to the City Attorney. A copy of Mr. Rick Wade's response to the questions is enclosed. A key point in his letter is whether we can articulate legitimate reasons related to the City's police powers such as aesthetics or safety.

To restrict the signs in different zoning districts may be difficult to defend based on the basic considerations of aesthetics and/or public safety. We recommend this option not be considered.

The subject of restricting the temporary signs on certain corridors has some merit as long as the Board is able to articulate legitimate reasons related to the City's police powers such as aesthetics or safety.

It is possible the Board could consider a restriction of temporary signs on streets that are classified as Major Arterial, Boulevard, and Freeway. A list of those streets is attached.

Some legitimate articulable reasons for distinguishing these streets from others might include the following:

Aesthetics:

The Beautification of Fort Smith is an important goal for how we present ourselves. The streets classified as major arterials, boulevards and freeways typically have more traffic

and more visitors to our community who are using these streets. Most of the gateways into the city are on these streets. To make the best impression, we need to remove the visual clutter that can occur with a proliferation of temporary signs in the public right of way of these streets.

Safety:

Streets Classified as Major Arterials, Boulevards and Freeways typically allow more traffic, faster speeds and have more conflict points with more driveways and street intersections. A restriction of temporary signs in the rights of way of these streets will eliminate possible distractions for motorists.

Since restricting temporary signs to these streets requires such legitimate rationale, it may be difficult to justify a number of exceptions for this limited application. An argument could be made that if the aesthetics and safety are important for these streets and that these streets should be distinguished from other streets then why would we allow exceptions that would compromise the aesthetics and safety issues.

Please contact me if you have any questions.

Major Arterial/Boulevard

Freeway

Grand

I-540

Rogers

I-49

Zero

Phoenix Avenue

Wheeler

North 6th

North 10th & 11th

Riverfront

Waldron (Rogers to Grand)

North 50th

South 74th (Phoenix to Dallas)

Massard Road (from Dallas South)

Rye Hill Road East (from Hwy. 71 to Massard)

Custer

Roberts Boulevard

North 23rd (Kelley Highway to Spradling Avenue)

Kelley Highway

Garrison Avenue (Dodson to Rogers)

South Greenwood Avenue (Dodson Avenue to Rogers Avenue)

Taylor Avenue

Highway 71

Highway 271

Towson

Highway 253

Chad Colley

Highway 45

Old Greenwood Road

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July 30, 2014

Mr. Wally Bailey
Director of Planning
623 Garrison Ave., 3rd Floor
Fort Smith, AR 72901

Re: Temporary Signs in Public Rights-of-Way

Dear Mr. Bailey:

The question has been posed as to whether the City of Fort Smith may legally regulate temporary signs in specific zones, e.g., commercial or industrial, while not regulating such signs in another one, e.g., residentially zoned properties. Similarly, the question has been asked as to whether the City may legally limit its regulation of temporary signs on streets or corridors as identified on the Master Street Plan or to streets that are specifically identified by the applicable ordinance and not to other streets.

As was suggested in a prior legal opinion, dated January 15, 2014, issues relating to signs, both commercial and non-commercial, have been before the courts on myriad occasions over the past several decades and continue to generate additional court decisions. Many of those cases involve assertions of First Amendment rights. Consequently, it might be helpful to give a brief overview of the legal background.

If the City of Fort Smith were to ban all temporary signs in the City's rights-of-way, it is our opinion that the City may do so. As indicated in our July 15th opinion, the U.S. Supreme Court, in Members of City Council of Los Angeles v. Taxpayers for Vincent, 466 U.S. 789 (1984), stated that it was within the City of Los Angeles' constitutional power to attempt to improve its appearance and that this interest was unrelated to the suppression of ideas because municipalities have a weighty, aesthetic interest in "proscribing intrusive and unpleasant formats for expression." 466 U.S. at 806. In making its ruling, the U.S. Supreme Court noted that the elimination of signs on public property did not require extending the ban to private property because the private citizen's interest "in controlling the use of his own property justified the disparate treatment." 466 U.S. at 811.

It is well-established that signs are a form of expression protected by the First Amendment. See

City of Ladue v. Gilleo, 512 U.S. 43, 48-51 (1994); Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981). While a statute regulating speech “of private citizens on private property or in a traditional public forum is presumptively impermissible,” City of Ladue, 512 U.S. at 59, the government may impose reasonable time, place, and manner restrictions on protected speech as long as they are content-neutral,” narrowly tailored to serve a significant government interest, and . . . leave open ample alternative channels for communication of the information.” Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989) (internal quotation marks omitted); Members of City Council of City of Los Angeles, *supra*, 466 U.S. at 804-07 (“First Amendment forbids the government to regulate speech in ways that favor some view points or ideas at the expense of others,” but it is well-settled that the governmental entity may exercise police powers to advance aesthetic values).

In Metromedia, Inc., *supra*, the U.S. Supreme Court looked at a City of San Diego ordinance that imposed substantial prohibitions on the erection of outdoor advertising displays. The ordinance permitted on-site commercial advertising but forbade other advertisements unless allowed by one of 12 specified exceptions. The U.S. Supreme Court, adopting the approach taken earlier in Central Hudson Gas & Electric Corp. v. Public Service Comm’n of New York, 447 U.S. 557 (1980), held that the U.S. Constitution “accords a lesser protection to commercial speech than to other constitutionally guaranteed expression.” Metromedia, 453 U.S. at 507, *citing* 447 U.S. at 562-63. Consequently, the Court has held that the protection available for a particular commercial expression depends on the nature of the expression and the governmental interest served by its regulations. In the Metromedia case, a plurality opinion, four justices found that a city’s appearance and traffic safety are substantial governmental goals. 453 U.S. at 507-08. In that case, the Court concluded that the ordinance in question served those goals and was no broader than necessary to accomplish those ends. However, as to the City of San Diego’s general ban on signs carrying non commercial advertising, the plurality held that the ordinance was invalid under both the First and Fourteenth Amendments. *Id.* at 512-17. According to the Court, if the ordinance’s specific exceptions permitted some non-commercial messages to be conveyed in commercial and industrial zones, the City of San Diego must also allow the use of signs conveying other non-commercial messages throughout those zones. The Court concluded, therefore, it was not a reasonable time, place, and manner restriction. Two justices in the Metromedia case determined that the City’s ordinance was invalid because the City failed to demonstrate that the signs (in that case, billboards) impaired traffic safety and that the ordinance was not sufficiently narrowly drawn to accomplish its goal of traffic safety; similarly, they determined that the City failed to show that its interest in aesthetics was substantial in commercial and industrial zone areas.

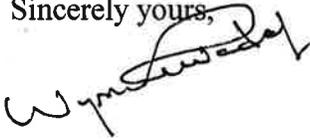
In response to one of the questions presently posed, i.e., may temporary signs be allowed in residential areas, but banned or regulated in industrial or commercial areas, it is our opinion that such disparate treatment would be suspect. That is, while recognizing that the courts have determined that municipalities may ban all temporary signs in public rights-of-way or may place reasonable regulations on all temporary signs within a municipality’s rights-of-way, and have recognized governmental power based on considerations of aesthetics and/or public safety, it may, however, be difficult to defend the differential treatment of temporary signs in one zone versus another when analyzed under those specific police powers. For example, a private homeowner would, presumably, be allowed to place a non commercial sign in the right-of-way of their own yard (e.g., a sign promoting a church bazaar) however, should a total ban on temporary

signs be imposed solely within industrial or commercial zoned properties, it would then preclude an owner or operator of a business within that zone of posting the same sign in the industrial or commercial zone. Attempting to justify the different treatment based on aesthetic values or traffic safety, might be extremely difficult, legally.

You have also asked whether the City may legally limit its regulation of temporary signs on streets or corridors as identified on the Master Street Plan or to streets that are specifically identified by the applicable ordinance and not to other streets. In responding to this part of your inquiry, it is important to reemphasize that the courts seemingly have upheld reasonable time, place, or manner restrictions, as long as they are content-neutral, where the governing entity was able to articulate legitimate reasons related to their police powers, e.g., aesthetics or safety. Accordingly, if the City were to regulate temporary signs on certain streets or corridors as opposed to others, there should be articulable reasons expressed as to why the differential treatment.

We trust that this responds to your inquiry. If you need additional information or input, don't hesitate to let us know.

Sincerely yours,



Wyman R. Wade, Jr.
WRW/cmm

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: July 17, 2014
Subject: Signs in the Public Rights of Way

The Board asked us to research the subject of temporary signs in the right of way. Temporary signs in the rights of way include signs that advertise a business, a special event, off-site advertising, real estate signs, political signs, directional signs, etc.

After discussing the subject with the Board at a study session in April this year, we were directed to further study the item and report back with a proposed ordinance. We were also asked to visit with some affected groups and individuals for the purpose of discussing proposed regulations.

I contacted the Greater Fort Smith Association of Home Builders(GFSAHB), The Fort Smith Board of Realtors, Mr. Wayne Pogue of Graphic Services, Inc., and Shannon Fawcett of Bost, Inc.

The GFSAHB provided me with a written response which is enclosed. They have requested no limit on the number of signs allowed for an event or an activity as discussed in Section 2(c)(ii) of the proposed ordinance and to extend the number of days from 7 to 10 for the length of time these signs would be permitted to stay in a street right of way.

The Board of Realtors representatives and I met to discuss the proposed ordinance. A written response to our discussion is enclosed. They have asked that Realtor signs be exempted from any signage regulations.

Mr. Wayne Pogue of Graphic Services and I discussed the topic. Graphic Services creates many signs such as banners and other temporary signs for non-profits and businesses. Graphic Services also installs many of the signs. They are aware of the right of way and try to stay out of the right of way. Mr. Pogue indicated that he agrees that it is an issue that needs to be addressed.

Ms. Shannon Fawcett and I discussed the subject. I contact Bost as a non-profit that uses temporary signs to promote their events. As a non-profit they use the signs and need the exposure to advertise the events since they can't always afford televisions ads. They always get permission from property owners before installing signs on or near their property.

I also contacted the Arkansas Highway and Transportation Department (AHTD) regarding their policy and procedures. The AHTD picks up all signs that are placed in the State Highway rights of ways. The signs are taken to their maintenance facility where they are stored. If a telephone number is available, they call the sign owner and let them know they picked up they sign and if they want it they can pick it up at their maintenance facility. They typically keep the signs for approximately 30 days and do not charge a fee for anyone to retrieve a sign.

We can conduct a program similar to the one used by AHTD for the removal of signs in the right of way. Baridi Nkokheli, Director of Sanitation, and I have discussed a plan that allows us to use the Sanitation property as a place to store any impounded signs.

With regard to exempting Realtor signs, I researched ordinances of several cities and a generic research of the Internet to see if I could find any examples that would help me draft such an exception. I also asked the Board of Realtors for any assistance finding an exception. I could not find any examples of ordinances with the requested exceptions.

I asked the city attorney for assistance on that subject. Mr. Wade indicates in his letter that a municipality cannot specifically exclude real estate signs but allow other types of signs. Mr. Wade's letter is enclosed.

The draft ordinance has the following features:

- ❖ Section 1 has the basic requirement to prohibit signs in the rights of way
- ❖ Section 2 has three exceptions allowing for weekend signage, special consideration for non-profit events and sandwich board signs downtown.
- ❖ Section 3 includes the temporary revocable license procedure whereby an appeal or request can be made to place a sign in the rights of way other than as permitted in the ordinance.
- ❖ Section 4 is currently within the code but placed here since it will be the place for any signs in or over the public rights of way and the restrictions for placing any sign in a sight triangle of intersecting streets.

The draft ordinance is included for review.

Please contact me if you have any questions.

DAILY & WOODS

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July 15, 2014

Mr. Wally Bailey
Director of Planning
623 Garrison Ave., 3rd Floor
Fort Smith, AR 72901

Re: Temporary Signs in the Right of Way

Dear Mr. Bailey:

You have asked as to what, if any, restrictions or prohibitions may be placed on temporary signs, e.g., on-site real estate signs and directional signs. The following is an overview of what, in many respects, is an ever changing area of the law.

A municipality's authority to regulate signs is based upon its "police power." However, because signs are a means of communication, that authority has been limited by the courts in applying and interpreting the free speech provisions of the U.S. Constitution or the applicable state constitution. See City of Ladue v. Gilleo, 512 U.S. 43 (1994) (striking down a Ladue, Missouri ordinance that prohibited homeowners from displaying any signs on their property, except "residential identification" signs and signs advertising the sale, lease, or exchange of property).

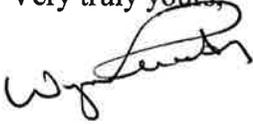
While local government may not prohibit temporary real estate signs on private property, the U.S. Supreme Court in Members of City Council v. Taxpayers for Vincent, 466 U.S. 789 (1984), held that government may totally prohibit the posting of signs on public property. Thus, local government may prohibit the posting of real estate Open House directional signs in the public right-of-way or attached to public property, such as street and traffic lights, as part of a total prohibition on posting signs in these public locations. In Taxpayers for Vincent, *supra*, employees of the City of Los Angeles routinely were, pursuant to their local ordinance, removing posters attached to utility poles and at various locations on public land – in that case, the U.S. Supreme Court recognized the City's "weighty, essentially esthetic interest in proscribing intrusive and unpleasant formats for expression. . . . [T]he visual assault . . . presented by an accumulation of signs posted on public property – constitutes a significant substantive evil within the City's power to prohibit." 466 U.S. at 806-807. See also Metromedia, Inc. v. San Diego, 453 U.S. 490 (1981). An ordinance may regulate signs based on time, place, or manner of communication but not on content. That is, a municipality cannot specifically exclude real estate

signs but allow other types of signs on its property. Linmark Assocs., Inc. v. Township of Willingboro, 431 U.S. 85 (1977).

Where ordinances allow temporary real estate signs in residential areas, while prohibiting political and other noncommercial temporary signs, courts will declare the ordinance invalid, both because it restricts the free speech rights of property owners without providing an alternative channel of communication and because it grants more favorable treatment to commercial than noncommercial messages. See generally, Chapter 6, Legal Issues in the Regulation of On-Premises Signs, at 136, in Marya Morris, Douglas Mace, Mark Hinshaw & Alan Weinstein, Context-Sensitive Sign Regulations (Chicago APA Planners Press 2002).

We trust this is responsive to your query. If you need additional input, let us know.

Very truly yours,



Wyman R. Wade, Jr.
WRW/cmm



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 Fort Smith, AR 72901
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2014
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July 10, 2014

City of Fort Smith
 Attn: Wally Bailey
 623 Garrison Ave. Room 331
 Fort Smith, AR 72901

Dear Mr. Bailey,

As President of the Fort Smith Board of Realtors®, I am responding on behalf of our board of directors and our association to your recent inquiries in regards to signage and the city's initiative to restrict or ban certain signs throughout the city. We deeply appreciate your asking for our input on this issue.

As Realtors® in our community, we understand what an enormous impact the real estate industry has on our local economy and we are apprehensive about any restrictions that would adversely affect it. Current statistics from the Arkansas Realtors® and the National Association of Realtors® support the fact that well-placed signs are vital tools of our industry. After consulting with our State and Local Realtor® leadership, local brokers and property owners, we respectfully urge the City of Fort Smith to exempt Realtor® signs from any signage restrictions.

Best regards,

Robin Mulac, 2014 President
 Fort Smith Board of Realtors®

REALTOR® is a registered mark, which identifies a professional in real estate who subscribes to a strict code of ethics as a member of the NATIONAL ASSOCIATION OF REALTORS.



City of Fort Smith

Wally Bailey, Director of Development Services

P.O. Box 1908

Fort Smith, AR 72902

Mr. Bailey,

On behalf of the Greater Fort Smith Association of Home Builders, regarding:

(c) The following temporary signs are exempt from the provisions of Section 1 above under the conditions, but only under the conditions stated:

(i) An open house residential sign is a temporary stake sign used to advertise a residential open house and may be placed in public right-of-way in an area not used for vehicular traffic at a time no earlier than Friday at 12:00 noon and, if so placed, shall be removed by the first following Monday at 12:00 noon; and,

(ii) Nonprofit organizations may place in public right-of-way in an area not used for vehicular traffic temporary signs of a noncommercial nature for the purpose of directing the public to the location of an event or activity which promotes the general public welfare; provided no more than three (3) signs directing the general public to such event or activity shall be placed in public rights-of-way, and, further provided no such temporary sign shall be allowed to remain on public right-of-way for more than seven (7) consecutive days.

We are requesting, an exemption to the numbers of signs allowed for an event or activity, and an extension of days from (7) to (10) allowed in the public right-of-way for those events. Residential construction greatly impacts the economic and community growth in the greater Fort Smith area, and we feel these restrictions will hamper our continued growth. Thank you for your consideration.

Sincerely,

Stephanie Stipins

Executive Director

5111 Rogers Ave. Central Plaza, Suite 531 Fort Smith, AR 72903
(479) 452-6213 Fax (479) 452-9025
www.fortsmithhomebuilders.com

4A.

ORDINANCE NO. _____

**AN ORDINANCE FOR THE PURPOSE OF ADOPTING THE 2012 EDITION OF THE
INTERNATIONAL FIRE CODE KNOWN AS THE 2012 ARKANSAS FIRE
PREVENTION CODE VOLUME I AND OTHER PROVISIONS RELATING THERETO**

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

SECTION 1: Section 10-31 of the Fort Smith Municipal Code is amended to read as follows:

There is hereby adopted by the Board of Directors for the purpose of establishing rules and regulations governing conditions hazardous to life and property from fire and explosion that certain code known as the Fire Prevention Code adopted by the Fire Marshal Section of the Arkansas State Police, being particularly the 2012 edition of the Arkansas Fire Prevention Code Volume I of such code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been incorporated as fully as if set out at length herein; and the provisions thereof shall be controlling within the City.

SECTION 2: Section 10-32 of the Fort Smith Municipal Code is amended to read as follows:

The code adopted by this article is amended and changed in the following respects:

- (3) Delete this paragraph in its entirety.
- (4) Appendixes B, C, D, E, F, G and K are adopted.
- (5) Delete Appendixes A, H, I and J.

SECTION 3: Effective Date:

The Ordinance shall be effective commencing on September 2, 2014.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

APPROVED:

ATTEST:

Mayor

City Clerk

Approved as to form:



Publish One Time

4B.

ORDINANCE NO: _____

AN ORDINANCE FOR THE PURPOSE OF ADOPTING THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODE KNOWN AS THE 2012 ARKANSAS FIRE PREVENTION CODE VOLUME II AND OTHER PROVISIONS RELATING THERETO

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

SECTION 1: Section 6-26 of the Fort Smith Municipal Code is amended to read as follows:

There is hereby adopted by the Board of Directors for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the International Building Code being particularly the 2012 edition of the Arkansas Fire Prevention Code Volume II of such code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been incorporated as fully as if set out at length herein; and the provisions thereof shall be controlling within the city.

SECTION 2: Section 6-27 of the Fort Smith Municipal Code is amended to read as follows:

The code adopted by this article is amended and changed in the following respects:

(4) Section 109.4 is amended to read as follows:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing before obtaining the necessary permits shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fee.

(6) Section 3408.2 is mended to read as follows:

A certificate of occupancy for an existing building will be required only when a change of occupancy shall be made in a building, and a building permit required. "Occupancy" is defined as the purpose for which a building, or part thereof, is used or intended to be used. Change of ownership does not necessarily indicate change of occupancy. A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with this code, for the occupancy intended. Where necessary, in the opinion of the building official, two sets of detailed

drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of this code for such occupancy, a certificate of occupancy shall be issued.

- (7) Appendix D is adopted:
- (8) Delete Appendixes A, B, C, E, F, G, H, I, J, K, L and M.

SECTION 3: Effective Date:

The ordinance shall be effective commencing September 2, 2014.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



Publish One Time

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 6-2 OF THE FORT SMITH MUNICIPAL CODE FOR THE PURPOSE OF ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS KNOWN AS THE 2012 EDITION OF THE ARKANSAS FIRE PREVENTION CODE VOLUME III.

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

SECTION 1: Section 6-2 of the Fort Smith Municipal Code is hereby amended to read as follows:

For the purpose of prescribing regulations governing the minimum standards applicable to one and Two Family Dwellings in the City, there is hereby adopted that certain code known as the 2012 Edition of the International Residential One and Two Family Dwellings Code Known as the 2012 Edition of the Arkansas Fire Prevention Code Volume III less and except the identified chapters and appendixes of which code not less than three (3) copies have been and are now filed in the office of the City Clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlled in the limits of the City of Fort Smith, Arkansas.

SECTION 2: Section 6-3 Amendments of the Fort Smith Municipal Code is amended to read as follows:

The code adopted by this article is amended and changed in the following respects:

(3) A New Section R105.10 - Contractors Licensing is added to the Code:

It shall be the duty of every contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every contractor or builder making such contracts and subletting the same, or any part thereof, to obtain a license from the applicable state agency and obtain a city occupational license as provided in the general license ordinance.

(6) The following chapters and appendixes are to be deleted in their entirety and not adopted:

Chapters 11 through 42 and Appendixes A through Q.

SECTION 3: Effective Date:

This Ordinance shall be effective commencing September 2, 2014.

PASSED AND APPROVED THIS _____ DAY OF _____ 2014

APPROVED

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



Publish One Time

4D.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 10-2, SUBSECTIONS (b) AND (c) OF THE
FORT SMITH MUNICIPAL CODE**

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

SECTION 1: Section 10-2 (b) and (c) of the Fort Smith Municipal Code is amended to read as follows:

- (b) The fire code board of appeals referred to in this section is the board of appeals provided for by the Arkansas State Fire Prevention Code, Volume 1, currently in force in the city as adopted in Section 10-31. It is expressly determined that such fire code board of appeals has those powers and duties provided for in Volume 1, section 108, of the 2012 Arkansas State Fire Prevention Code.
- (c) Except as expressly set forth in this section, the procedure for the handling of such appeals from the decisions of the fire official/building official to the fire code board of appeals, including the finality of decisions thereof, shall be those procedures which are specified in the 2012 Arkansas State Fire Prevention Code.

SECTION 2: Effective Date:

The Ordinance shall be effective commencing September 2, 2014.

PASSED AND APPROVED THIS ___ DAY OF _____, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: July 31, 2014
Subject: Arkansas Fire Prevention Code

The Arkansas State Fire Marshal's office completed a comprehensive process of updating the Arkansas Fire Prevention Code. These updates have also been approved by the Legislative Rules and Regulations Committee. The Arkansas State Fire Code is a three volume set of codes regulation Fire, Residential, and Building construction.

To be consistent with the Arkansas State codes, we need to amend the Fort Smith Municipal Code to reflect the changes to the State Fire Code. The adoption of the codes will provide consistency for the construction and design community as they are required to comply with the State and City codes. . Adopting the State codes will prevent any conflicts between City and State regulations.

Additionally the Arkansas Fire Prevention Code states "Each district, county, municipality or other political subdivision of this state shall only adopt and enforce the provisions of the Arkansas Fire Prevention code, 2012 edition....it shall be the responsibility of local authorities having jurisdiction to bring the proposed specific rule or provision up to the minimum standards of the AFPC, 2012 edition.

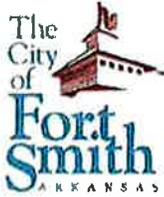
Additionally, we were notified by the Insurance Services Office (ISO) that we need to update the City codes so that we can receive the best possible rating on our Building Code Effectiveness Grading Schedule (BCEGS). The maintenance or adoption of current codes is a critical element in the ISO grading process.

We notified the construction and design community of the code updates. Jimmie Deer issued a notice and has answered questions about the changes. We convened the Building Code Board of Adjustments and Appeals and they approved a motion in support of the adoption of the Arkansas Fire Prevention Code.

Fire Chief Mike Richards convened the Fire Code Board of Appeals for their review and recommendation regarding the code adoption. The Fire Code Board of Appeals recommended adoption of the Arkansas Fire Prevention Code to remain consistent with the State regulations.

Enclosed are copies of letters from ISO, Arkansas State Fire Marshal, an excerpt from the Arkansas Fire Code about locally adopted codes, a memo from Chief Richards, a memo from Jimmie Deer about the Building Code Board of Appeals meeting and a memo from the fire Code Board of Appeals.

Please let me know if you have any questions.



FORT SMITH FIRE DEPARTMENT

200 NORTH FIFTH STREET
FORT SMITH, ARKANSAS 72901
479-783-4052 • FAX: 479-783-5338



Mike Richards
Fire Chief

Memo

To: Ray Gosack, City Administrator
From: Mike Richards, Fire Chief MR
Date: July 28, 2014
Re: Ordinance Amending Section 10-2, Subsections (b) and (c), of the Fort Smith Municipal Code

In the event the Fort Smith Board of Directors approves the adoption of the 2012 Arkansas State Fire Prevention Code, we will need to amend Section 10-2, specifically subsections (b) and (c), of the Fort Smith Municipal Code to be consistent with the state code.

Section 108 of the 2012 Arkansas State Fire Prevention Code, Volume I, provides for the right of a municipality to establish a local fire code board of adjustments and appeals and sets forth their limitations on authority. This is the authority that the City has referenced in Section 10-2 to create our local Fire Code Board of Appeals and Adjustments. With the adoption of the 2012 Arkansas State Fire Prevention Code, we will need to amend our City code from the 2007 edition to the 2012 edition.

The Fort Smith Fire Code Board of Appeals and Adjustments held an open meeting at the Fort Smith Fire Department Training Room at 5:30 p.m., July 28, 2014, to discuss the adoption of the new 2012 Arkansas State Fire Prevention Code. The Fire Code Board of Appeals and Adjustments approved a motion in support of the 2012 Arkansas Fire Prevention Code. A copy of the memo from the Fire Code Board of Appeals and Adjustments is enclosed.

It is our recommendation that the amendment to Section 10-2, subsections (b) and (c), of the Fort Smith Municipal Code in reference to the 2012 Arkansas State Fire Prevention Code be adopted.

Please contact me if you have any questions.

cc: Wally Bailey, Director of Developmental Services

Enclosures (1)



4 B EVES DRIVE SUITE 200 MARLTON, NJ 08053 (856) 985-5600 FAX: (856) 810-9065

November 27, 2013

Mr. Jimmie Deer, Building Official
Ft. Smith
623 Garrison Avenue
P. O. Box 1908
Ft. Smith, AR. 72902

RE: Recent Building Code Effectiveness Grading Schedule (BCEGS®)

Dear Mr. Deer:

Building Code Enforcement Departments evaluated by Insurance Services Office (ISO) in the State of Arkansas are not retaining their BCEGS Classification. The primary reason for these regressions has been the jurisdictions' inability to adopt and enforce the most current and coordinated codes. Your jurisdiction currently has a personal class of 4 and a commercial class of 4. The recently completed grading for your jurisdiction has a pending class of 9 for residential, and a class 9 for all other construction. Our review indicates that the classification for Ft. Smith will improve when the State of Arkansas adopts a more current edition of codes. No action is required at this time.

ISO recognizes the efforts of the Arkansas State Fire Marshal to adopt the full set of 2012 I codes by January 2014 and that the proposed adoption will qualify Arkansas jurisdictions for full credit under the adopted code section of the BCEGS program.

We will continue to monitor the code adoption process in Arkansas, and will update your classification as soon as the statewide code update becomes effective. Thank you for your cooperation in the BCEGS program and your commitment to safety and durability in the built environment. ISO will delay publication pending the code adoption detailed above.

Sincerely,

Mary Lucidi
Community Mitigation Analyst
(800) 444-4554 EXT. 6208
Email mlucidi@iso.com

cc: Mr. Ray Gosack, City Administrator
623 Garrison Avenue
P. O. Box 1908
Ft. Smith, AR 72902



State of Arkansas



ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"

Mike Beebe Governor

Stan Witt Director

January 31, 2014

ARKANSAS STATE POLICE COMMISSION

Daniel "Woody" Futrell Chairman Nashville

Wallace Fowler Vice-Chairman Jonesboro

Frank Guinn, Jr Secretary Paragould

Dr. Lewis Shepherd Arkadelphia

John Allison Conway

Bob Burns Little Rock

Jane Dunlap Christenson Harrison

Mr. Jimmie Deer Building Official City of Fort Smith P. O. Box 1908 Fort Smith, AR 72902

Dear Jimmie:

Please accept this letter as official confirmation that the 2012 Arkansas Fire Prevention Code has been adopted by the State of Arkansas with an effective date of January 1, 2014. As you know, being a member of the Arkansas Fire Prevention Code Revision Committee, the AFPC is adopted in accordance with the Administrative Procedures Act. On July 15, 2013, the Legislative Rules and Regulations Committee reviewed the proposed 2012 Arkansas Fire Prevention Code without objection.

You, along with other Fort Smith fire and building officials, have played a prominent role in supporting the Arkansas Fire Prevention Code in many ways, not the least of which is adoption of the AFPC at the local level. I hope the information contained in this letter with respect to the effective date is helpful. To assist you with your local adoption I am enclosing a copy of the summary (of changes) which was presented to the Arkansas Bureau of Legislative Research.

Thank you again for your dedication to making Fort Smith and all of Arkansas a safer place to live and work. Your service as a member of the Arkansas Fire Prevention Code Revision Committee is especially appreciated. Please feel free to contact me anytime I or members of the State Fire Marshal's Office can be of assistance.

Sincerely

[Handwritten signature of Lindsey Williams]

Lindsey Williams Captain, Arkansas State Police State Fire Marshal

Part I—Administrative

CHAPTER 1

SCOPE AND ADMINISTRATION

PART 1—GENERAL PROVISIONS

SECTION 101

SCOPE AND GENERAL REQUIREMENTS

[A] 101.1 **Title.** These rules shall be known as the *Arkansas Fire Prevention Code*.

[A] 101.2 **Scope.** This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems; and
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

[A] 101.2.1 **Appendices.** Provisions in the appendices shall not apply unless specifically adopted. Appendices B, C, D, E, F, G and K are adopted by the State of Arkansas. Other appendices shall not apply unless adopted by local ordinance. Requests for exceptions to Appendix D may be appealed to the Arkansas State Fire Marshal (State Fire Marshal).

[A] 101.2.2 **Locally adopted codes.** Each district, county, municipality or other political subdivision of this state shall only adopt and enforce the provisions of the *Arkansas Fire Prevention Code*, 2012 edition. The AFPC, 2012 edition, shall be the only foundation document available for modification by local jurisdictions should they choose to adopt more stringent provisions. It shall be the responsibility of local authorities having jurisdiction to bring the proposed specific rule or provision up to the minimum standards of the AFPC, 2012 edition. The State Fire Marshal shall advise local jurisdictions of any requirement that is less stringent than the AFPC, 2012 edition.

[A] 101.3 **Intent.** The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or

dangerous conditions in new and existing buildings, structures and premises, and to provide safety to fire fighters and emergency responders during emergency operations.

[A] 101.4 **Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

[A] 101.5 **Validity.** In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

SECTION 102 APPLICABILITY

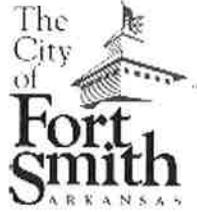
[A] 102.1 **Construction and design provisions.** The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when required in Chapter 11.
4. Existing structures, facilities and conditions which, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

[A] 102.2 **Administrative, operational and maintenance provisions.** The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

[A] 102.3 **Change of use or occupancy.** No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this Code and the *Arkansas Fire Prevention Code*, Volume II. Subject to the approval of the *fire code official*, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all of the



Fort Smith Building Board of Adjustments and Appeals
Meeting on Adoption of 2012 Arkansas Fire Codes

July 8, 2014

The Fort Smith Board of Adjustments and appeals Board met on July 8, 2014 at 3:00pm to discuss the City of Fort Smith adoption of the Arkansas Fire Prevention Codes Volumes II and III that went into effect on January 1, 2014 for the State of Arkansas.

Board Members In Attendance: David Edwards, Evan Fleming, Mark Koch and Brett Abbott

Absent: Chip Johnson

City Staff: Jimmie Deer

Jimmie opened the meeting and introduced the two newest Board members Mark Koch and Brett Abbott. Jimmie then reviewed the letter from the State Fire Marshall and a list of the changes between the 2006 and 2012 codes and the importance of the city proceeding with the of the adoption of the codes to be in line with the State Requirements.

After some discussion Evan Fleming made a motion in the support of the City Of Fort Smith proceeding with the adoption of the 2012 Arkansas Fire Prevention Codes respectfully Volumes II and III. Brett Abbott 2nd the motion and the vote was 4-0 in favor of the motion.

The meeting was then adjourned

July 31, 2014

CITY of FORT SMITH, ARKANSAS

ATTN: BOARD of DIRECTORS and MAYOR, Sandy Sanders

Re: Adoption of the Arkansas Fire Prevention Codes

We, the Fire Code Board of Appeals for the City of Fort Smith, urge the Board to adopt the newest editions of the Arkansas Fire Prevention Code (AFPC). The new editions have already been adopted by the State of Arkansas and the CFS should adopt same to be consistent with the State of Arkansas. In fact, should we not adopt the new codes, then both the new codes and the old codes would apply which very likely would create some issues for the Fire Marshals, the Building Department, Design Professionals and Developers within the City.

The new codes are:

2012 Arkansas Fire Prevention Code, Vol. I, commonly called the Fire Prevention Code.

2012 Arkansas Fire Prevention Code, Vol. II, commonly called the Building Code.

2012 Arkansas Fire Prevention Code, Vol. III, commonly called the Residential Building Code.

Sincerely,

Fire Code Board of Appeals,



James M. Reddick, Chairman

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A NON-EXCLUSIVE FIBER OPTICS NETWORK FRANCHISE
AGREEMENT WITH VANTAGE TELECOM, LLC D/B/A
NEWROADS TELECOM

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that the Mayor is authorized to execute the attached Non-Exclusive Fiber Optics Network Franchise Agreement with Vantage Telecom, LLC d/b/a Newroads Telecom. A copy of said Franchise Agreement has been on file with the City Clerk's office for one (1) week prior to passage.

This Resolution adopted this 5th day of August, 2014.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
No Publication Required

**NON-EXCLUSIVE
FIBER OPTICS NETWORK FRANCHISE AGREEMENT**

This Agreement is entered into this 5th day of August, 2014, between the City of Fort Smith, Arkansas (“the City”), a municipal corporation duly organized pursuant to the laws of the State of Arkansas, and Vantage Telecom LLC d/b/a Newroads Telecom (the “Franchisee”), a corporation authorized to do business in the State of Arkansas.

WITNESSETH

WHEREAS, the City recognizes that fiber optic telecommunications services for the purpose of providing information services is essential to the creation and maintenance of an information network within the City that can connect to the information superhighway; and

WHEREAS, Franchisee, has requested a franchise to use the hereinafter specified public rights-of-way, which may include streets, alleys, sidewalks and public utility easements available for telecommunications purposes that belong to or controlled by the City or which are held in trust for the public by the City, hereinafter referred to as the “public rights-of-way,” to install conduit or other cased fiber optic facilities that will facilitate the connection of businesses, residences and public agencies located within the City to an information network; and

WHEREAS, the parties agree that these information services are a telecommunications service and, therefore, a utility for which a written franchise agreement may be entered pursuant to Ark. Code Ann. § 14-200-101 or pursuant to the rights of the City to control the subject public rights-of-way; and,

WHEREAS, the City intends to exercise the full scope of its municipal powers, including both its police power and contracting authority, to promote the public interest and to protect the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, IN CONSIDERATION OF THE COVENANTS AND AGREEMENTS SET FORTH BELOW, THE PARTIES DO HEREBY CONTRACT AND AGREE AS FOLLOWS:

Section 1. (a) Subject to the provision of this Ordinance, a non-exclusive fiber optic franchise is hereby granted to Franchisee for the placement and maintenance of fiber optic communication cable in the public rights-of-way at the locations specified in Exhibit "A" hereto.

(b) It is agreed by the parties that this franchise shall have a limited term commencing on August 17, 2014, and shall expire on August 31, 2024, unless the Agreement is renewed by written agreement of the parties at least 120 days prior to the end of the primary term, or unless the Franchise is earlier terminated by abandonment or due to breach by the Franchisee.

(c) The failure of the Franchisee to meet any of the terms of this Agreement shall constitute cause for termination of this franchise by the City. Any termination will be declared in writing by the City Administrator and shall be subject to due process review by the Board of Directors.

(d) This franchise is nonexclusive and nothing in this Agreement shall limit or otherwise impact the right of the City to enter into other franchise agreements with other parties.

(e) All references to the City Administrator shall be deemed to refer to the City Administrator or the employees of the City designated by the City Administrator to perform the referenced function.

Section 2. (a) All work involved in the construction operation, maintenance, repair, upgrade, and removal of the fiber optic communication cable shall be performed by the Franchisee in a manner and using material in accordance with the City standards as determined

by the City Administrator. Franchisee shall bore streets whenever possible. Where street cuts are unavoidable, as determined by the City Administrator, they shall be approved by the City Administrator and performed in accordance with the City's Street Cut Ordinance.

(b) Any construction project, including initial installation pursuant to this franchise, will be completed by the Franchisee within thirty (30) days from the date of commencement (if any City permit is necessary, the date of the permit shall be the "date of commencement"), provided the City Administrator may allow reasonable extensions due to unexpected weather, acts of God or other reasonable circumstances that in the sole discretion of the City Administrator justify an extension of the project target completion date. Failure to complete the project by the completion date will result in the assessment of liquidated damages in an amount determined in writing by the City Administrator at the time the City issues any permit or authorizations for the construction project (or the sum of \$100.00 per day if other sum is not so established).

Section 3. The City shall have no responsibility for the maintenance of the said fiber optic communication cable. If the same is damaged so as to be inoperable in any manner, it shall be removed or abandoned by Franchisee, at Franchisee's sole cost and expense and in a manner meeting with the approval of the City Administrator.

Section 4. Franchisee shall hold the City harmless from and indemnify the City from all expenses, losses, costs, causes of action and judgments, including legal fees and expenses, arising from the placement, maintenance, operation, repair and removal of said fiber optic communication cable.

Section 5. Franchisee shall be member of and shall conform to the requirements of the Arkansas One Call system for all purposes including field locations of utilities prior to placement of the fiber optic communication cable and any maintenance or repair work thereto.

Section 6. Franchisee shall place a \$50,000 performance bond with the City to cover the cost of repairs or other incidental costs to the City associated with service interruption to the City's utility facilities or road facilities resulting from the initial installation of the fiber optic communications cable by Franchisee. The performance bond shall cover the period of installation of the fiber optic communication cable. The bond shall be secured by a corporate surety. A similar bond shall be required for subsequent construction projects utilizing the subject public rights-of-way.

Section 7. Franchisee shall procure and maintain in effect the following insurance policies in amounts determined appropriate by the City Administrator at the time of issuance of permits or authorizations for construction activities: Commercial General Liability insurance, Automobile Liability Insurance, Environmental Impairment Liability including Pollution Liability Insurance, and Worker's Compensation Insurance.

Section 8. (a) The franchise fee in the amount of \$3,000.00 for each year or part thereof this Franchise is in effect.

(b) The Franchise fee for the initial annual period shall be paid to the City at the time of execution of this franchise. The annual franchise fee shall be due by the tenth day of each subsequent annual period. The payment of the franchise fees in no way limits the right of the City to charge fees for any permits required for construction projects or any applicable taxes.

Section 9. The Franchisee shall, at its expense, protect, support, temporarily disconnect, relocate or remove from the subject public rights-of-way any property of the Franchisee when required at the sole discretion of the City by reason of traffic conditions, public safety, street vacation, freeway and street construction, a change or establishment of street grade, installation or construction of sewers, drains, water pipes, or any other type of structures or improvements by the City; but, the Franchisee shall have the right of abandonment of its property, subject to prior written approval of the City Administrator. If federal or state funds are available at no expense to the City (including actual cost or the cost of a pro-rata obligation of the City where a project is funded partially by the State or federal funds and partially by the City funds) for the purpose of defraying the costs to any utility company of any of the foregoing, such funds shall also be made available to the Franchisee if the federal or state regulations permit.

Section 10. Neither the City nor its officers, employees, agents, attorneys, consultants or independent contractors shall have any liability to the Franchisee for any liability as a result of any disruption or damage to the Franchisee's network that occurs as a result of, or in connection with, any breaking through, movement, removal, alteration, or relocation of any part of the network by or on behalf of the Franchisee or the City in connection with construction, relocation, improvement to, or alteration of any City structure, street or utility facility; except, however, the City shall reasonably attempt to avoid any damage to the Franchisee's network and shall, except in any emergency situation, provide reasonable notice to the Franchisee so as to allow the Franchisee to protect its network.

Section 11. Any notice of communication required in the administration of this Agreement shall be sent by any method that ensures overnight delivery and shall be addressed as follows:

City Administrator
City of Fort Smith
P.O. Box 1908
Fort Smith, AR 72902-1908

Notice to the Franchisee will be sent to:

Mr. Bill Stuckey, President
Newroads Telecom
310 Towson Avenue
Fort Smith, AR 72901

or to such other address as the Franchisee and the City may, in writing, designate from time to time, provided that notice is accomplished by overnight delivery to only one designated person for the City or Franchisee.

WHEREUPON, the City and Franchisee, acting through their duly authorized officers and pursuant to appropriate authority granted by their respective Board of Directors, do hereby execute this Franchise.

CITY OF FORT SMITH, ARKANSAS

NEW ROADS TELECOM

Sandy Sanders, Mayor

William Stuckey, President

Date: _____

Date: _____

ATTEST:

ATTEST:

Date: _____

Date: _____

Memo



To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 7/31/2014
Re: Newroads Telecom Franchise Renewal

Presented for the Board's consideration at the August 5 regular meeting is a Resolution authorizing the mayor to enter into a non-exclusive franchise agreement with Vantage Telecom, LLC d/b/a Newroads Telecom for the provision of fiber optics telecommunications services via the public rights-of-way in the city.

The proposal is for renewal of a franchise agreement. The Board authorized R-138-04 on August 17, 2004 authorizing a ten-year franchise to Vantage Telecom, LLC d/b/a Newroads Telecom. Such agreement expires August 17, 2014, and the proposed franchise agreement is to be effective August 17, 2014 through August 31, 2024.

The proposed non-exclusive franchise agreement allows Newroads to operate in any part of the city. Newroads maintains (and/or installs) network facilities (e.g., fiber optic cable), which are utilized to provide wholesale telecommunications services to end users and other telecommunications providers. Newroads' presence in the City provides increased competitive access for high-capacity bandwidth transport services to end users and other telecommunications carriers and service providers who then may resell such services to their end user customers.

These types of services are not included in the Arkansas Video Services Act adopted in 2012 that provides statewide franchises for video services providers.

The proposed agreement is standardized as much as possible for fiber optic providers, and requires the same \$3,000 annual franchise fee that we have charged other similar providers. It provides for protection of the public's interest as owners of the public rights-of-way.

Please contact me if you have questions regarding this agenda item.

RESOLUTION NO. _____

**RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION
TO VACATE AN ALLEY LOCATED IN
EAST HEIGHTS BLOCK 1 AND BLOCK 2
AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS**

WHEREAS, a petition to vacate an alley located in East Heights, Block 1 and Block 2, an addition to the City of Fort Smith, Arkansas, has been filed with the Office of the City Clerk in the manner and form as provided by law.

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

Said petition is hereby set for hearing on the 19th day of August 2014, at 6:00 p.m. at the regular meeting of the Board of Directors of the City of Fort Smith, and the city clerk is hereby directed to give notice of said meeting by publication once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fort Smith, Arkansas.

THIS RESOLUTION ADOPTED THIS _____ DAY OF AUGUST 2014.

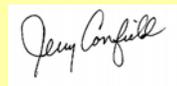
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



No Publication Required

Memo

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: 8/1/2014
Re: Resolution setting a public hearing date for a petition to vacate an alley located in Reserve Addition, Block 575

We have received the enclosed application from Andrew Malouf to vacate an alley in East Heights, Block 1 and Block 2. The alley is located between Mr. Malouf's properties located at 3620 Park Avenue and 3616 Park Avenue (East Heights, Lots 1 & 5). A copy of Mr. Malouf's application and a map showing the location of the alley are enclosed.

The applicant is requesting that the alley be abandoned so that he can install a privacy fence on the south end of the alley to prevent pedestrians walking between his properties.

In accordance with Arkansas law, the Board of Directors is required to set a public hearing on the proposed abandonment. Staff recommends that the Board of Directors set a public hearing date for August 19, 2014, for the purpose of reviewing this matter. Enclosed is a resolution for the Board's consideration.

In response to the petition to abandon the alley, staff has contacted all franchise utility companies and appropriate city departments relative to any ongoing or future interests that they may have within the alley. We will also notify all property owners within 300 feet of the proposed abandonment.

If you have any questions regarding this matter, please do not hesitate to contact me.

Enc.

**CITY OF FORT SMITH, ARKANSAS
REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY OR ALLEY**

APPLICATION:

Indicate one contact person for application: Applicant Representative

Applicant (owner)

Representative (engineer, attorney, realtor, etc)

Name: ANDREW J. M910UF

Name: _____

Address: 3620 & 3616
Park Ave
FORTSMITH AR, 72903

Address: _____

Telephone Number: 757-243-7153

Telephone Number: _____

E-Mail: Celtic-Dream-62275@yahoo.com

E-Mail: _____

Site Address/Location: 3620 & 3616 Park Avenue

Legal Description of area to be vacated (attach separate sheet if necessary): 20' alley between Lot 1, Block 3 and Lot 5, Block 2 - East Heights according to plat filed of record March 17, 1906.

Assessor's Parcel Number for Subject Property: # 12101-0005-0002-00 & 12101-0001-00003-00

Reason for Request: put privacy fence up to keep dogs away & keep my daughter safe.

Current Status of Right-of-Way/Easement: Open Alley

APPLICANT/REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

I understand that if it is determined following review of the application by city staff that ongoing utility interests must be protected through easement dedications, the applicant or his authorized agent shall be required to develop and submit a fully executed easement. Additionally, I understand that the applicant or agent will be required to execute a Memorandum of Understanding regarding any right-of-way abandonments and understand that no action will be taken by the Board of Directors on an abandonment request until said utility easement, if determined by staff is necessary, and Memorandum of Understanding are on file with the city.

I understand that I shall bear the expense of publication of notice given by the City in addition to the expense of publication of the ordinance after adoption by the Board of Directors.

Name: (printed) ANDREW J. MARYLOUF

Signature: Andrew J. Marylouf Date: 6/11/2014

Property Owner(s)/Authorized Agent: *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

Note: If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.

Application Checklist:

- A list from the Sebastian County Assessor's Office showing all property owners within 300 feet of all perimeter points of the tract being considered for abandonment. (*County Assessor is located in Room 107 of the Sebastian County Courthouse*).
- Abstractor's Certificate of Ownership stating names of all owners of property abutting the property to be vacated
- Petition with signatures of all abutting property owners
- Metes and Bounds legal description of the area to be vacated (Provide hard copy and CD containing legal description in MS Word)
- Hard copy and PDF of survey of the site depicting the perimeter property lines and area within the property to be vacated
- Application Fee of \$150.00. This fee is non-refundable.

The Planning Department will post a sign like the one shown below at area proposed for vacation. Once the sign is posted, it must be left in place until the vacation is approved by the Board of Directors. The planning staff will remove the sign the following day after by the Board of Directors meeting.



SAMPLE PETITION TO VACATE

(This is a sample petition. Applicants are responsible for submitting a petition which accurately reflects their specific request.)

PETITION TO VACATE (an alley _____) LOCATED IN

EAST HEIGHTS, LYING BETWEEN LOT 1, BLOCK 3 AND LOT 5, BLOCK 2 OF EAST HEIGHTS, CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

TO: Fort Smith Board of Directors

We, the undersigned, being all of the owners of the real estate abutting the (alley, easement, right-of-way) herein sought to be abandoned and vacated, lying in (Subdivision, Block, Lot), City of Fort Smith, Sebastian County, Arkansas, a municipal corporation, petition to vacate (an alley, easement, right-of-way) which is described as follows:

The twenty (20') wide alley lying between Lot 1, Block 3 and Lot 5, Block 2 of East Heights, an addition to the City of Fort Smith, Sebastian County, Arkansas, according to the plat filed of record March 17, 1906.

That the abutting real estate affected by said abandonment of the (alley, right-of-way, easement) are (Subdivision, Block, Lot of each property adjoining property to be vacated) has not been used by the public for a period of years, and that the public interest and welfare would not be adversely affected by the abandonment of the above-described (alley, easement, right-of-way)

The petitioners pray that the City of Fort Smith, Arkansas, abandon and vacate the above-described real estate, subject to existing public utility easements, water line easements, sewer easements, or drainage easements as required, and that the above-described real estate be used for the respective benefit and purpose as now approved by law.

The petitions further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREAS, the undersigned petitioners respectfully pray that the governing body of the City of Fort Smith, Arkansas, abandon and vacate the above-described real estate, subject to existing public utility easements, water line easements, sewer easements, or drainage easements as required, and that title to said real estate sought to be abandoned be vested in the abutting owners as provided by law.

Dated this 11 day of JUNE, 2014

ANDREW J. MALOY

Printed Name

Andrew Maloy

Signature

Printed Name

Signature



**PROPOSED ALLEY CLOSING
EAST HEIGHTS ADDITION
EXHIBIT "A"**

August 5, 2014 Regular Meeting

LIST OF PROPERTY OWNERS WITHIN 300 FEET

parcel_id	OW_NAME	OW_ADD	OW_SRC_D
18883-0000-00594-00	WILLSEY, MARY LINDA LIVING TRUST	3000 BLACKBURN FORT SMITH AR 72903	5/10/2013
18883-0000-00595-00	QUEZADA-GARCIA, ROBERTO & LIDIA	3707 PARK AVE FORT SMITH AR 72903	7/30/2013
10333-0005-00000-00	HERNANDEZ, ESTEBAN	411 N 36TH ST FORT SMITH AR 72903	6/29/2010
10333-0006-00000-00	PFEIFER, L P & WIFE	417 N 36TH ST FORT SMITH AR 72903-1640	10/1/2010
10333-0004-00000-00	PRICE, WILTA C FAMILY LIVING TRUST	P O BOX 674 FORT SMITH AR 72902	9/21/2009
10333-0003-00000-01	LIBERTY HILL HOLDING TRUST	P O BOX 11 NATURAL DAM AR 72948	10/28/2013
10333-0003-00000-00	NGO, DAN & THANH CUNG	2605 S 87TH ST FT SMITH AR 72903	10/27/2009
10333-0002-00000-00	ZAMAN, RAJA KHANI	3515 TOWSON AVE FORT SMITH AR 72901	6/28/2010
10333-0020-00000-00	JAGGERS-B PROPERTIES, LLC	6100 PARK AVE FORT SMITH AR 72903	4/9/2012
10333-0019-00000-00	FIRST COMMUNITY BANK OF CRAWFORD	2925 ALMA HWY SUITE A VAN BUREN AR 72956-5057	7/17/2013
11981-0005-00000-00	MALOUF, JAMES	3636 BARRY AVE FORT SMITH AR 72903	6/15/2010
11981-0004-00000-00	JOHNSON, JESSICA N & REESE, DERE	3634 BARRY AVE FORT SMITH AR 72903	6/30/2010
11981-0003-00000-00	MCELWEE, ELTON JR & ANGELA LYNN	3630 BARRY AVE FORT SMITH AR 72903-1724	8/6/2009
11981-0002-00000-00	SPENCER, SHIRAE J & BRENT D	3622 BARRY AVE FORT SMITH AR 72903	7/1/2010
11981-0001-00000-00	LINDSAY, JAMES W & DORIS A	3620 BARRY AVE FORT SMITH AR 72903-1724	8/6/2009
12101-0001-00002-00	KONERT, ROBERT P & SARAH KATHERINE	3600 PARK AVE FORT SMITH AR 72903-1736	8/13/2009
12101-0003-00002-00	GARNES, DANIEL	508 8TH ST BARLING AR 72923	7/29/2010
12101-0004-00002-00	SENIOR CARE PROPERTY PARTNERS, LP	120 BELLE AVE FT SMITH AR 72901	4/19/2013
12101-0005-00002-00	MALOUF, ANDREW	3620 PARK AVE Fort Smith AR 72903	7/9/2013
12101-0010-00002-00	LIVING INVESTMENT LLC	P O BOX 1573 VAN BUREN AR 72956	6/1/2010
12101-0008-00002-00	FRANCE, LISA L & MARSHALL D	104 HILLCREST DR GREENWOOD AR 72936-0000	4/21/2010
12101-0007-00002-00	WRIGHT, RON D & ELLA K TRUST	3913 S 27TH CIRCLE FORT SMITH AR 72901	8/13/2009
12101-0008-00003-00	POWER PROPERTY INVESTMENTS, LLC	P O BOX 34 VAN BUREN AR 72957	6/17/2011
12101-0006-00003-00	MASSEY, SHAWN F	3629 BARRY AVE FORT SMITH AR 72903-1723	8/13/2009
12101-0005-00003-00	WALDON, VIRGINIA	P O BOX 4385 FORT SMITH AR 72914	6/17/2010
12101-0004-00003-00	SPANGLER, EUGENE G & LEONA M	3634 PARK AVE FORT SMITH AR 72903-1736	8/14/2009
12101-0003-00003-00	WEWERS, JASON & MICHELLE	22 HAVEN HILL CIR FORT SMITH AR 72901	4/29/2013
12101-0002-00003-00	VERKAMP, JOHN P & DARLA S	624 E MAIN STREET CHARLESTON AR 72933	9/22/2010
12101-0001-00003-00	MALOUF, ANDREW	3620 PARK AVE Fort Smith AR 72903	4/2/2014
12101-0008-00004-00	WALTERS, MERCEDES N	3701 BARRY AVE FORT SMITH AR 72903	8/13/2009
12101-0007-00004-00	SUNDBERG, MARY ANN & PAUL	524 PLEASANT ST COLORADO SPRINGS CO	8/13/2009
12101-0001-00004-00	FRALEY, F W & LAVEDA	3700 PARK AVE FT SMITH AR 72903-1763	4/29/2010
12101-0002-00006-00	RUSSELL, NORMAN W & AGNES Y	3602 BARRY AVE FORT SMITH AR 72903-1724	5/13/2010
12101-0003-00006-00	RUSSELL, NORMAN W & AGNES Y	3602 BARRY AVE FORT SMITH AR 72903	8/14/2009
12101-0005-00006-00	LOWREY, SAMUEL LAFFETTE	P O BOX 11743 FORT SMITH AR 72917-1743	6/30/2010
18883-0000-00596-00	BARRIENTOS, CARLOS & MARIA	3625 PARK AVE FORT SMITH AR 72903	12/1/2010
18883-0000-00596-01	BARRIENTOS, CARLOS & MARIA D	9542 GARY ST FORT SMITH AR 72903	2/5/2010
18883-0000-00599-00	FT SMITH KINKEAD ACQUISITIONS, LLC	C/O GARRISON HASSENFLU KANSAS CITY MO 64108	1/14/2014
<Null>	<Null>	<Null>	<Null>
<Null>	<Null>	<Null>	<Null>

RESOLUTION _____

**A RESOLUTION TO ACCEPT THE BIDS AND
AUTHORIZE A CONTRACT FOR THE CONSTRUCTION OF
DRAINAGE IMPROVEMENTS
PROJECT NO. 13-06-B2**

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

SECTION 1: The bid of Brothers Construction, Inc., received July 29, 2014 for the construction of Drainage Improvements, Project No. 13-06-B2, in the amount of \$510,379.00 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Brothers Construction 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 August, 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: July 30, 2014
SUBJECT: Drainage Improvements
Project No. 13-06-B2

This project consists of drainage improvements to alleviate neighborhood flooding concerns. The project includes improvements in the 1500 block of South 40th Street. The location 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 July 29, 2014. Six contractors requested plans and specifications and four bids were received which are summarized as follows:

CONTRACTOR	AMOUNT	CONTRACTOR	AMOUNT
1. Brothers Const. Inc. Van Buren, AR	\$510,379.00	4. T-N-T Inc. Fort Smith, AR	\$583,861.90
2. Forsgren, Inc. Fort Smith, AR	\$517,950.00	<i>Engineer's Estimate</i>	<i>\$520,000.00</i>
3. Township Builders Inc. Little Rock, AR	\$558,500.00		

I recommend that the lowest bid be accepted and that the construction contract be awarded to Brothers Construction, Inc. The estimated notice to proceed date for this contract is September 2, 2014. Based on the contract duration of 90 days, the estimated completion date would be November 30, 2014.

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EARLY REDEMPTION
OF OUTSTANDING PARKING FACILITIES REFUNDING AND
IMPROVEMENT REVENUE BONDS, SERIES 1998

WHEREAS, it has been determined that the Parking Authority Fund has sufficient cash on hand to redeem all remaining bonds associated with the Parking Facilities Refunding and Revenue Improvement Bonds, Series 1998; and

WHEREAS, it has been determined that the remaining bonds, due for redemption in 2017, may be called early without penalty upon providing the required notice to the shareholders; and

WHEREAS, early redemption of said bonds with unobligated cash on hand will net a savings by avoiding interest payments associated with the scheduled debt service; and

WHEREAS, the Fort Smith Parking Authority met on July 17, 2014 and unanimously recommended that the remaining bonds be redeemed as soon as possible.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that the City Administrator, or his designee, is duly directed to seek early redemption of all outstanding Parking Facilities Refunding and Improvement Revenue Bonds, Series 1998.

This Resolution adopted this 5th day of August, 2014.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
No Publication Required

Memo



To: Ray Gosack, City Administrator

From: Jeff Dingman, Deputy City Administrator

Date: 7/30/2014

Re: Parking Facilities Refunding and Improvement Revenue Bonds, Series 1998

Presented for the Board's consideration at its August 5 regular meeting is a resolution authorizing the early redemption of outstanding Parking Facilities Refunding and Improvement Revenue Bonds, Series 1998. A memo dated July 3, 2014 detailing the specifics of the proposal is attached.

The Fort Smith Parking Authority met on July 17 and unanimously approved a recommendation to the Board of Directors to redeem all outstanding bonds with unobligated cash on hand in the Parking Authority Fund. Such action will save about \$28,000 in interest payments, the actual amount will depend on the date the redemption of all bonds is final.

Please contact me if there are question regarding this agenda item.

Memo



To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 7/3/2014
Re: Parking Authority Bonds – Early Redemption

Per recent review of the Parking Authority Fund in the FY2014 budget, it was determined that there are funds in the working capital balance of the fund sufficient to retire the remaining debt three years early.

The original debt issued by the Parking Authority for the parking garage was \$2,025,000. The balance outstanding on the debt service as of 12/31/2013 was \$385,000 principal and \$37,630 interest for a total of \$422,630. The city's FY2014 budget provides for this year's scheduled combined principal & interest payment of \$137,950. The debt is scheduled to be retired in the City's FY2017.

The FY2014 budgeted revenue for the Parking Garage program (part of the City's budget) is \$399,100. Annual revenues include \$32,000 in parking enforcement fines, \$81,000 in revenue from leasing parking spaces in the parking garage, and \$85,000 in revenue from the coin-operated parking meters located throughout the downtown district. The bonds issued to build the facility require that these revenues be pledged to the retirement of the debt. The balance of the revenue for this program is made up of \$1,100 in interest revenue and a \$200,000 subsidy from the city's General Fund.

The FY2014 budgeted expenses for the Parking Garage program total \$356,920. Expenses include Police Services (Parking Enforcement & meter management), Finance Services (Administrative staff & support), and the debt service payment. Although there is an unobligated balance of revenues over expenses in the FY2014 budget of \$42,180, that is expressly due to the General Fund Subsidy and is available for appropriation if needed. I've attached the Parking Authority Fund page from the city's FY2014 budget.

Using the FY2014 budget numbers as an example, once the debt is retired, the \$198,000 in revenue generated by the service charges, fees, and enforcement fines will not be enough to support the \$218,970 in remaining expenses. Absent some reallocation of these operating expenses, a subsidy of some amount from the General Fund will still be needed. The amount of subsidy will be determined both by demonstrated need and by funds allocated by the Board of Directors during the annual budget process (perhaps for contributions to a capital fund for future repairs), which presumably will be considerably less than the current \$200,000 per year.

We have verified with bond counsel that the bonds are callable at any time upon 30 days notice to the bondholders. Kara Bushkuhl has been in contact with the Trustee managing the debt service and has arranged a schedule for processing the payment, pending concurrence of the Parking Authority and approval of the city Board of Directors. A meeting of the Parking Authority has been set for July 17 for this discussion, and would be in front of the Board for consideration in early August.

This action will save about \$28,000 in interest payments and will release restrictive bond covenants governing the use of parking garage revenues, thereby allowing the city more flexibility in its operating policies concerning the facility. Subsequent discussion regarding those policies will certainly follow, but for the time being it is simply recommended that the bonds be redeemed. Please contact me if there are any questions regarding the early redemption of this outstanding debt.

Parking Authority Fund

	<u>Enforcement</u>	<u>Facilities</u>	<u>Total</u>
Revenues			
Service Charges and Fees	\$ 32,000	\$ 166,000	\$ 198,000
Interest	0	1,100	1,100
Transfers In	200,000	0	200,000
	<u>200,000</u>	<u>0</u>	<u>200,000</u>
Total	<u>\$ 232,000</u>	<u>\$ 167,100</u>	<u>\$ 399,100</u>
Expenses			
Capital Improvements	\$ 0	\$ 0	\$ 0
Other:			
Police Services	166,080	0	166,080
Finance	0	52,890	52,890
Debt Service:			
Current	0	137,950	137,950
Total	<u>\$ 166,080</u>	<u>190,840</u>	<u>356,920</u>
Excess (Deficiency) Revenues Over (Under) Expenses	\$ 65,920	\$ (23,740)	42,180
Working Capital, Beginning of Year	<u>0</u>	<u>496,208</u>	<u>496,208</u>
Working Capital, End of Year	<u><u>\$ 65,920</u></u>	<u><u>\$ 472,468</u></u>	<u><u>\$ 538,388</u></u>

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A LEASE AGREEMENT WITH SMITH AUTOMOTIVE
ACCOUNTING, LLC FOR PARKING SPACES IN THE PROXIMITY
OF 720 GARRISON AVENUE

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that the Mayor is authorized to execute the attached Lease Agreement with Smith Automotive Accounting, LLC for the purpose of providing parking spaces for employees at 720 Garrison Avenue in keeping with the Board’s stated objective of supporting job creation and downtown development.

This Resolution adopted this 5th day of August, 2014.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
No Publication Required

LEASE AGREEMENT

THIS LEASE AGREEMENT (the “**Lease Agreement**”) made on the ____ day of _____, 2014, by and between the City of Fort Smith, Arkansas (hereinafter called the “**City**”) and Smith Automotive Accounting, LLC, an Arkansas limited liability company (hereinafter called “**Smith**”).

WITNESSETH:

In exchange of the mutual covenants contained herein and the benefits accruing to the parties, it is agreed as follows:

1. **REAL PROPERTY**. Pursuant to the terms set forth herein, the City hereby lets to Smith and Smith does hereby lease from City, that tract of real property described in Exhibit “A” attached hereto consisting of seventeen (17) parking spaces, numbered 1 through 8 and 52 through 60 with right of ingress and egress from Rogers Avenue to said parking spaces described and depicted on Exhibit “A” attached hereto and made a part hereof (the “**Leased Premises**”).

The City makes no warranty of title or covenant of peaceful enjoyment of the subject real property by the Lessee. In the event that any person or entity raises an issue regarding an asserted violation of any obligation by the City by reason of the activities conducted by the Lessee, the City shall have the right to modify this Lease Agreement in any respect necessary to comply with the obligations of the City, said modification to be determined in the sole discretion of the City, and the Lessee will, thereafter, comply with the modified Lease Agreement or abandon Lessee's rights pursuant to the Lease Agreement.

Furthermore, this Lease Agreement is made subject to the previous easement agreements involved between the City of Fort Smith, Arkansas, and the Town Club of Fort Smith, i.e., a Non-Exclusive Maneuvering Easement, Document No. 7030485; a Non-Exclusive Sanitary Sewer Easement, Document No. 7030486; and, a Non-Exclusive Private Utility Easement, Document No. 7030486, all of which have been filed for record with the office of the Circuit Clerk and Recorder for Sebastian County, Arkansas.

2. **USE**. During the term of this Lease Agreement, the sole use permitted by Smith of the Leased Premises is for parking and ingress and egress purposes in conjunction with the facilities owned and operated by Smith on adjacent property located, in part, on Lots 20 and 21, South Side Garrison Avenue, Fort Smith, Sebastian County, Arkansas described on the Mickle Wagner survey dated February 1, 2005 attached hereto as Exhibit “B” and made a part hereof.

3. **TERM**. This Lease Agreement shall have an original term of five (5) years, commencing on June 1, 2014 and continuing until May 31, 2019 (the “**Term**”). At the end of the Term and subject to the conditions set forth in paragraph 12 of this Lease Agreement, Smith shall have the right for three (3) consecutive five (5) year terms to extend this Lease Agreement upon the same terms and conditions as agreed upon by the parties, save and except the rent

which shall be the same rent as granted for City's parking spaces on adjacent property, i.e., the City parking garage owned by the City and leased to private lessees at the time of the exercise of the option to extend this Lease Agreement and if none, then the fair rental value for parking spaces in and around the Leased Premises. In no event will the rent be less than the initial Forty and 00/100 (\$40.00) Dollars, plus tax, per parking space. Smith shall give written notice to the City of Smith's election to extend the Lease Agreement at least sixty (60) days before the expiration of the then existing term.

4. **INSURANCE**. Prior to the commencement of operations, Smith shall obtain the following described insurance and shall provide a certificate evidencing said insurance to the City Clerk of the City. The required insurance shall include general public liability insurance with a minimum policy limit of \$1,000,000.00 per occurrence providing protection to the public regarding the operations of Smith, including the parking use made of the Leased Premises.

5. **RENT**. Beginning on June 1, 2014 and continuing throughout the Term of this Lease Agreement, Smith shall pay to the City a Base Rental for the Leased Premises as follows:

Years 1-5: \$8,160.00, and subject to applicable sales/use taxes (\$40.00 per space per year x 17 spaces x 12 months = \$8,160.00 per year).

Said rentals shall be pro-rated on a monthly basis and payable monthly in advance on or before the first (1st) day of each month during the Term. A late payment charge of one and one-half (1.5%) of the rentals may be charged if the rentals are not paid by the tenth (10th) day of any month during the Term. The rentals shall be prorated for any month in which this Lease commences or expires on a day other than the first or last day of such month.

6. **MAINTENANCE**. Smith hereby agrees and covenants with the City that Smith will at all times during the term of this Lease Agreement, at Smith's cost, remove all trash and debris on the Leased Premises.

7. **SIGNAGE/ENFORCEMENT**. Smith shall be responsible for all signs designating the parking spaces on the Leased Premises and for any monitoring and enforcement of the parking rights with reference to the Leased Premises.

8. **ASSIGNMENT**. Smith shall not assign this Lease Agreement, nor sublet or permit any transfer by operation of law or otherwise of any part of its interest in the Leased Premises without the prior written approval of the City which shall not be unreasonably withheld or delayed.

9. **INDEMNITY**. Smith agrees to defend, indemnify, and hold harmless the City from any penalty, damages, claims, and liabilities, of any type or nature whatsoever, including the reasonable expenses incurred by the City in defending against same, arising from the use by Smith of the Leased Premises.

10. **INSPECTION**. The City reserves the right, by its duly appointed agent or agents, at

all reasonable times, to enter upon the Leased Premises for the purpose of inspecting the Leased Premises. The City reserves the right to make any and all reasonable uses of the Leased Premises for the purpose of maintenance of any adjacent public facilities, including streets, utility systems, lighting systems, sidewalks, and similar facilities, at any reasonable time determined in the sole discretion of the City. City agrees to give advance notice to Smith in the event it is necessary to perform any maintenance or repairs that will exceed twenty-four (24) hours.

11. **RIGHT TO CANCEL**. The City reserves the right to cancel this Lease Agreement on six (6) months written notice to Smith in the event the Leased Premises, or any portion thereof, is required for the constructing of any public improvement or operation. Provided however, Smith will be provided an equal number of parking spaces in the adjacent City parking garage according to the same terms as provided herein if such spaces in said parking garage are available.

12. **MEDIATION**. In the event that either party to this Lease Agreement determines that the other party is violating any provision of the Lease, the complaining party shall provide in writing notice of such complaint to the other party. The written notice of complaint shall specify a date and time for a meeting to be held in the office of the City Administrator of the City of Fort Smith regarding the complaint. Authorized representatives of both parties shall attend the meeting at the designated time and shall engage in a good faith discussion of the complaint. If the matter is not resolved at such meeting, the complaining party has right to pursue any judicial remedy in an action in the Circuit Court of the Fort Smith District of Sebastian County. No action shall be filed until the written complaint and hearing procedure specified in this paragraph have been completed.

13. **NOTICES**. Any notice required to be given under the provisions of this Lease Agreement shall be effective if delivered to or mailed in some form of mail requiring the return of receipt acknowledging delivery to the following addresses:

To City: City of Fort Smith
 Attn: City Administrator
 623 Garrison Ave.
 3rd Floor, Room 315
 Fort Smith, AR 72901

To Smith: Smith Automotive Accounting, LLC
 Attn: John M. Smith, Jr.
 720 Garrison Ave.
 Fort Smith, AR 72901

14. **BINDING EFFECT**. This Lease Agreement shall be binding upon the parties hereto, their respective heirs, successors and assigns.

15. **ENTIRE AGREEMENT.** This Lease Agreement embodies the entire agreement between the parties relative to the subject matter hereof, and there are no oral or written agreements between the parties, nor any representations made by either party relative to the subject matter hereof, which are not expressly set forth herein.

16. **GOVERNING LAW.** This Lease Agreement has been entered into and shall be governed by the laws of the State of Arkansas.

17. **COUNTERPARTS.** This Lease Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[remainder of page intentionally left blank signatures to follow]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the date herein written above.

CITY:

City of Fort Smith

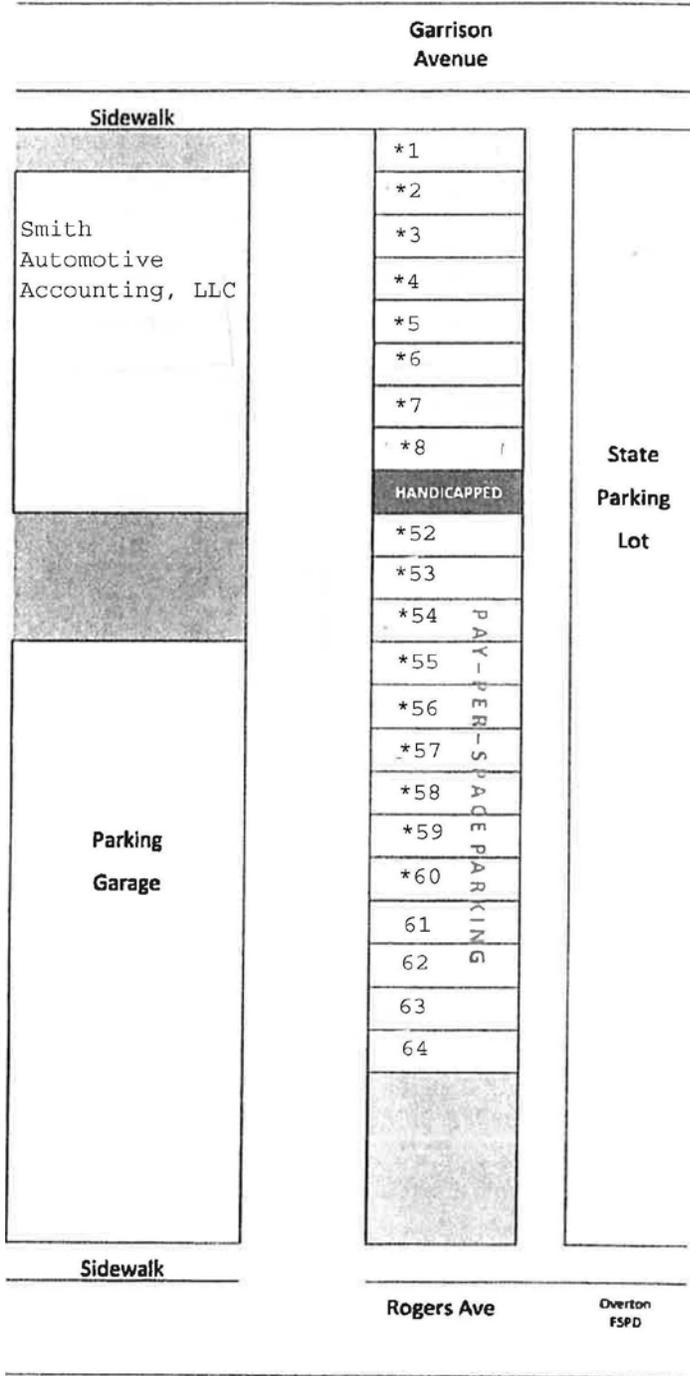
By: _____

SMITH:

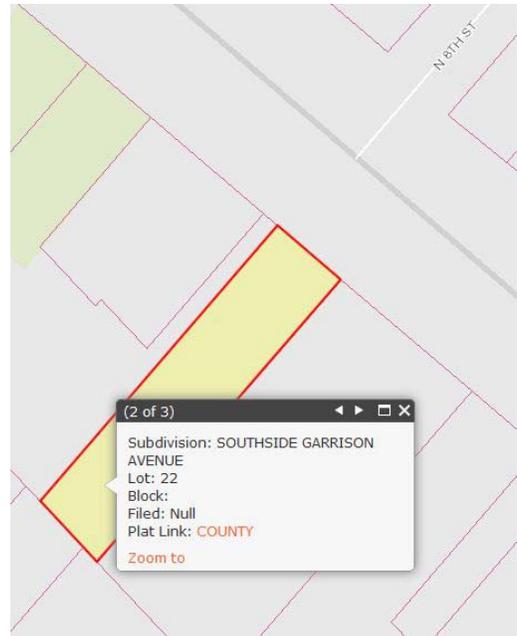
Smith Automotive Accounting, LLC, an Arkansas limited liability company

By: _____
John M. Smith, Jr.

Exhibit A
The Leased Premises



Legal Description:
That portion of Lot 22 of South Side of Garrison Avenue commencing at Garrison Avenue and consisting of numbered spaces 1 through 8 and numbered spaces 52 through 60 in the northwest corner of Lot 22, together with ingress and egress to and from the parking spaces.



Memo



To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 7/30/2014
Re: Lease Agreement with Smith Automotive Accounting, LLC

Presented for the Board's consideration at its August 5 regular meeting is a Resolution authorizing the Mayor to execute a Lease Agreement with Smith Automotive Accounting, LLC. This Lease Agreement provides parking spaces for Smith employees that will occupy the company's new corporate headquarters building at 720 Garrison Avenue.

The building at 720 Garrison is the former Town Club building. As part of consideration for the Town Club relocating in favor of the Fort Smith Convention Center project several years ago, eight parking spaces along the South 8th Street right-of-way were dedicated for use by the Town Club. The building has now been vacant since 2010.

Smith Automotive Accounting, LLC (Smith Auto Group) approached the city about leasing the eight spaces allocated to the Town Club, as well as nine more spaces for a total of seventeen spaces that would be dedicated, assigned, and marked at parking for Smith Automotive employees. The proposed lease agreement provides for the seventeen specific spaces at the rate of \$40 per month, plus applicable sales & use tax. This is the same rate that is charged for spaces in the city's parking garage.

As you know, securing a new use for this building is a much anticipated development for downtown. The availability of these parking spaces was important to the buyer of this property, and accommodating this arrangement supports the Board's stated objectives of supporting local businesses and creating jobs in the downtown district.

Please contact me if you have questions regarding this agenda item.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE BID AND
AUTHORIZING A CONTRACT WITH RICHARDSON ROOFING LLC
FOR RE-ROOFING OF THE CREEKMORE POOL BUILDING AND THE
ROOF REPLACEMENT OF THE CREEKMORE COMMUNITY CENTER

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

SECTION 1: The bid of Richardson Roofing LLC for the Re-roofing of the
Creekmore Pool Building and the Roof Replacement of the Creekmore Community
Center is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with
Richardson Roofing LLC for an amount not to exceed \$87,000.00, for performing said
project.

This Resolution adopted this _____ day of August, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



npr



Memo:

August 1, 2014

To: Ray Gosack, City Administrator
From: Mike Alsup, Director of Parks and Recreation *Mike Alsup*
Re: Creekmore Community Center and Pool Building Roof Project

It is recommended that the bid from Richardson Roofing LLC of Fort Smith be accepted to re-roof the Creekmore Pool building and the roof replacement of the Creekmore Community Center. This project includes installation of 60 mil TPO single ply membrane roofing, installation of new flashing and pitch pans with a twenty (20) year warranty on all materials and labor. Funding for this project was approved in the 2014 Capital Outlay budget under Community Centers and Aquatics.

Nine companies requested specifications on the project; two of those companies bid on the project. Richardson Roofing LLC was the low bidder at \$87,000.00. The specifications require that a manufacturer's certified installer must be on the site at all times during installation and that the company provide a twenty (20) year warranty on all materials and labor.

Richardson Roofing LLC commits to begin work within thirty (30) days from the date the Notice to Proceed is issued and will perform the work within thirty (30) days. They will work around the reservations schedule.

Re-roofing of the Creekmore Pool Building and the Roof
Replacement of the Creekmore Community Center
Summary of Bids Received
July 16, 2014 • 10:00 a.m.

BIDDER	BID AMOUNT
Richardson Roofing LLC Fort Smith, Arkansas	\$ <u>87,000.00</u>
Able Roofing Van Buren, Arkansas	\$ <u>NO BID</u>
Graham Roofing Van Buren, Arkansas	\$ <u>NO BID</u>
Copeland Roofing Fort Smith, Arkansas	\$ <u>NO BID</u>
Harness Roofing Fort Smith, Arkansas	\$ <u>111,842.00</u>
Adam and Sons Roofing Fort Smith, Arkansas	\$ <u>NO BID</u>
Mid Western Commercial Roofers Mobile, Alabama	\$ <u>NO BID</u>
Dale Crampton Company Fort Smith, Arkansas	\$ <u>NO BID</u>
AAA Construction, Roofing and Restoration Hot Springs, Arkansas	\$ <u>NO BID</u>

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ELECTRIC UTILITY EASEMENT WITH OG&E FOR THE AQUATIC FACILITY AT BEN GEREN REGIONAL PARK

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

The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the attached electric utility easement with OG&E for the aquatic facility at Ben Geren Regional Park, subject to concurrence by the authorized officials of Sebastian County.

This Resolution adopted this _____ day of August, 2014.

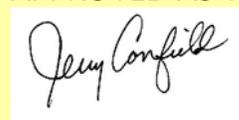
APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



_____ npr



Memo:

August 1, 2014

To: Ray Gosack, City Administrator

From: Mike Alsup, Director of Parks and Recreation *Mike Alsup*

Re: Electric Utility Easement with OG&E for the aquatic facility at Ben Geren Regional Park

OG&E will be providing electric service for the aquatic facility at Ben Geren Regional Park. An easement is required for the service line across the City and County owned property from the highway easement to the transformer and the transformer site. The resolution authorizes the Mayor to sign the easement; the City and Sebastian County must both authorize the easement as the property is jointly owned.

The aquatic facility is under construction with an opening date planned for Saturday, May 23, 2015, Memorial Day weekend. Construction is underway with much progress visible from the highway.

Please call me if you have any questions.

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 # 7355228

KNOW ALL MEN BY THESE PRESENTS:

THAT **THE CITY OF FORT SMITH, ARKANSAS, A municipal corporation, and SEBASTIAN COUNTY, ARKANSAS,** Grantors, in consideration of the sum 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, maintain and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Sebastian (Fort Smith District) County, State of Arkansas, to wit:

A TEN (10) foot wide easement being five (5) feet each side of the centerline lying in **Lot 2 of the Northwest Quarter of Section 6, Township 7 North, Range 31 West,** being more particularly described as follows: Commencing at the Southeast corner of Lot 1 of the Northwest Quarter of Section 6, Township 7 North, Range 31 West at an existing iron pin; thence North 01 deg. 28' 00" East 2261.60 feet along the East line of Lot 1 to the South right of way line of Ark. State Hwy. 255; thence North 77 deg. West along the South right of way line 2958 feet to the **point of beginning**; thence South 7 deg. West 74 feet to the **point of terminus.** **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 other related facilities.**

Grantors further covenant and agree 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. Grantors further acknowledge the requirements of Ark. Code 14-271-101 et seq. (One-call statute).

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 the 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: _____
Title: SANDY SANDERS, MAYOR

SEBASTIAN COUNTY, ARKANSAS

ATTEST

By: _____
Title: DAVID HUDSON, COUNTY JUDGE

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

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 **THE CITY OF FORT SMITH**, 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

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

Before me, the undersigned, a Notary Public, in and for Said County and State, on this _____ day of _____ 2014, personally appeared DAVID HUDSON to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its COUNTY JUDGE, 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. **7355228**
Form 468 (Rev 7/2003) ARK_OH-C2.DOT Atlas Sheet No. RG

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AN OFFER MADE BY A PROPERTY OWNER FOR THE ACQUISITION OF REAL PROPERTY INTERESTS FOR THE LAKE FORT SMITH WATER SUPPLY

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

The City Administrator is hereby authorized to accept an offer for the acquisition of real property made by the following property owner:

<u>Tract Number</u>	<u>Property Owner</u>	<u>Amount</u>
12-1	Roger D. Pense and Diana K. Pense	\$4,000.00

and to make payment for same in connection with the acquisition of 0.93 acres of real property designated as 99-01-P for the Lake Fort Smith Water Supply, Project 99-01, said property being located on Highway 71 North, Mountainburg, Arkansas 72946, being a part of Section 12, Township 12 North, Range 30 West, Crawford County, Arkansas.

This Resolution adopted this _____ day of August 2014.

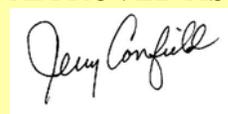
APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

Date: July 28, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Lake Fort Smith Water Supply
Project Number 99-01

Over the past few months staff has been discussing with Roger and Diana Pense the need to acquire watershed protection for Lake Fort Smith. Their property is on the southeasterly side of Highway 71. The 0.93 acres are situated within the watershed boundary area around the lake that the city proposes to acquire for watershed protection, either by a watershed protection easement or by fee title acquisition. The attached two exhibits show the watershed area and general location of the property.

Mr. and Mrs. Pense purchased this 0.93 acres of land along with 10 acres on Highway 71 North in 2011. The property was formerly the Ozark Mountain Smokehouse Restaurant until its closure a few years ago. The restaurant was converted into a lodge and RV park. The 0.93 acres lie across the highway in the watershed protection area and are not needed for their operation. The property drops off sharply toward the shoreline of the lake. Although somewhat steep, the property could be filled and used for residential or commercial purposes.

The city's appraiser, Matthews and Associates, has appraised the value of the land at \$3,000.00 and the watershed protection easement at \$600.00. This valuation is similar to previous appraisals of watershed protection properties purchased by the city in the area. After several discussions, Mr. and Mrs. Pense indicated they do not wish to consider the watershed easement but have offered to sell the land to the city for \$4,000.00.

Staff recommends accepting the counter offer extended by Mr. and Mrs. Pense and that the attached Resolution be presented to the Board for their approval at their next scheduled meeting.

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

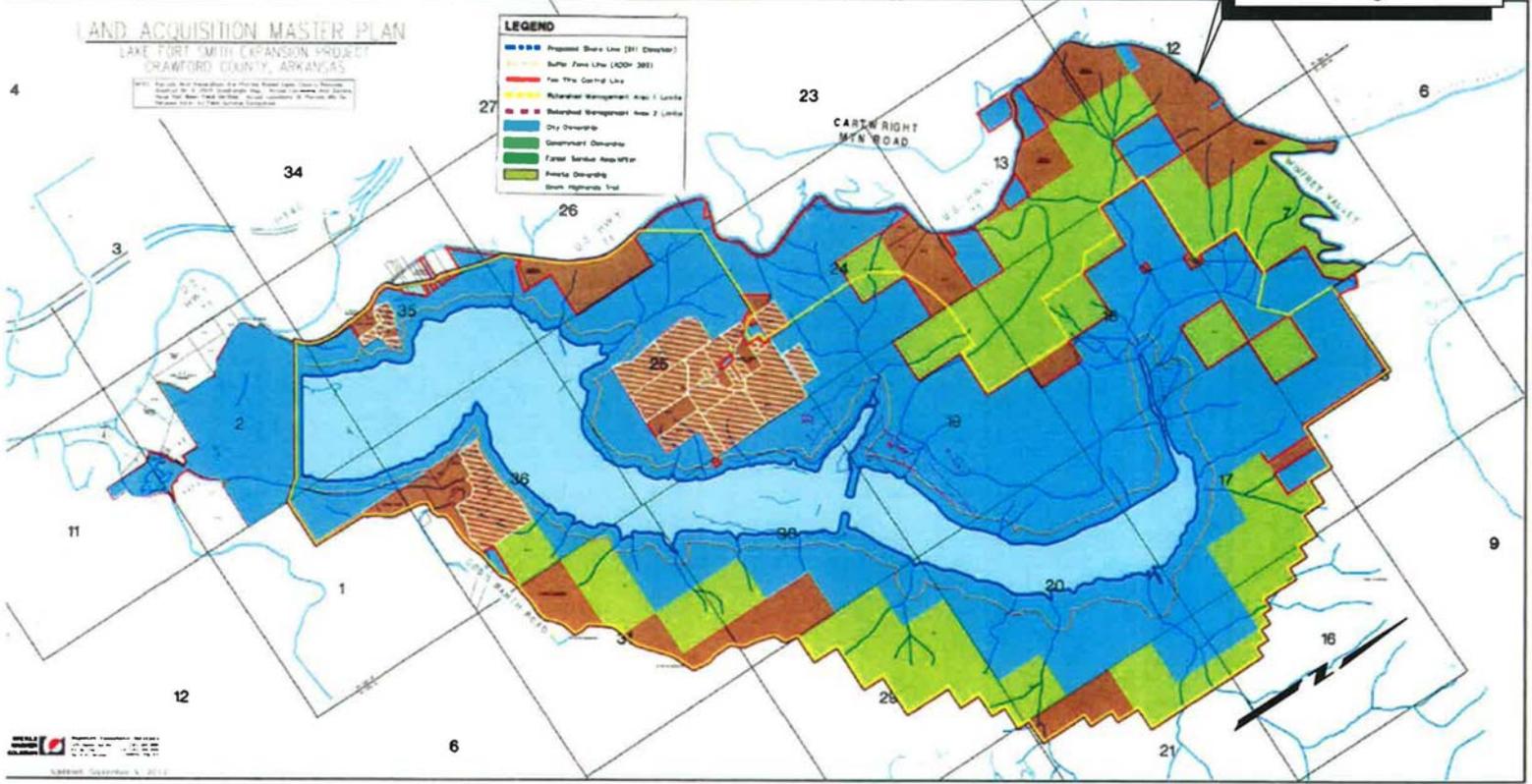
attachment

pc: Jeff Dingman

**Pense Property
LFS Tract 12-1
0.93± ACRES
Hwy 71 North
Mountainburg, AR 72946**

LAND ACQUISITION MASTER PLAN
LAKE FORT SMITH EXPANSION PROJECT
DRAWDING COUNTY, ARKANSAS

- LEGEND**
- Proposed Shore Line (2011 Director)
 - Public Zone Line (2009 382)
 - For The Control Line
 - Recreational Management Area 1 Lands
 - Recreational Management Area 2 Lands
 - Dry Drainage
 - Seasonal Drainage
 - Forest Similar Reservoir
 - Wetland Drainage
 - Stream Improvement Trail



Arkansas Department of Transportation
August 5, 2014



**LAKE FORT SMITH WATER SUPPLY PROJECT NO 99-01
PROPOSED WATERSHED PROTECTION PROPERTY PURCHASE
PENSE PROPERTY
July, 2014**

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT OFFER MADE BY PROPERTY OWNER FOR THE ACQUISITION OF REAL PROPERTY INTERESTS FOR THE MILL CREEK INTERCEPTOR IMPROVEMENTS - PHASE II

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

The City Administrator is hereby authorized to accept a settlement offer made by the following property owner:

<u>Tract No.</u>	<u>Owner</u>	<u>Amount of Charitable Donation</u>
Tract 31	Richard Griffin & Robert Viguet	\$17,232.00

and to accept a charitable donation of 2.21 acres of real property at the appraised value of \$17,232.00 in connection with the following property designated as 12-12-P, Tract 31, for the Mill Creek Interceptor Improvements - Phase II, Project 12-12-C1, said property being located near the 4200 block of Towson Avenue, Fort Smith, Arkansas.

This Resolution adopted this _____ day of August 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: July 28, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Mill Creek Interceptor Improvements - Phase II
Project Number 12-12

The Board approved the process of eminent domain to acquire a 0.28 acre sewer utility easement from Richard Griffin and Robert Viguet on December 3, 2013. At that time the owners had offered to sell the 2.21 acres of property to the city for \$17,725.00, which was the value of the property for county tax purposes, rather than sell the easement for its value of \$272.00. The property is adjacent to the Mill Creek drainage channel currently owned and maintained by the city. A copy of the property exhibit is attached for your review.

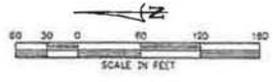
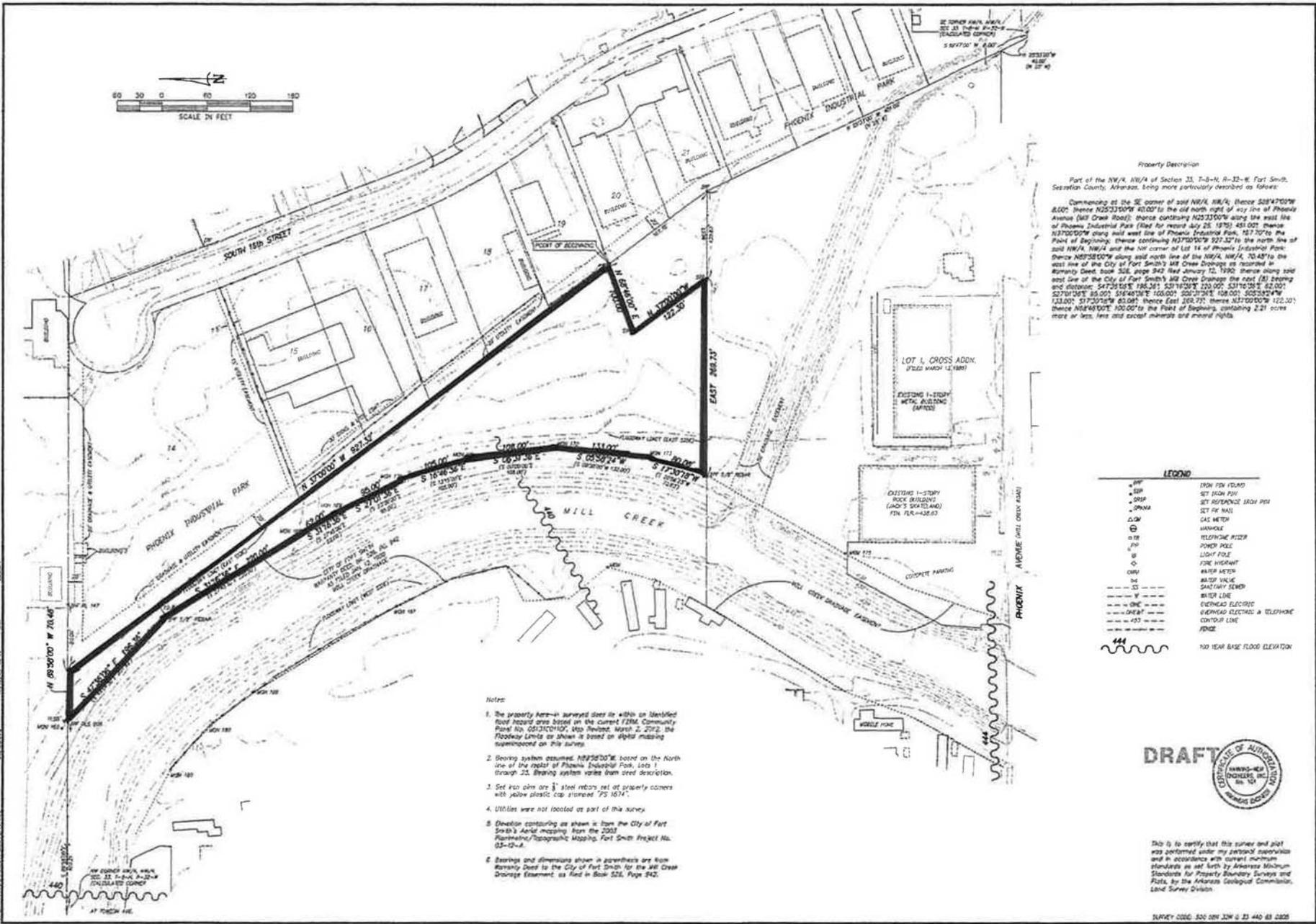
Recently, Mr. Griffin and Mr. Viguet, made a settlement offer to donate the property as a charitable donation to the city for the appraised value of \$17,232.00. Staff does not have any objections to the acceptance of the 2.21 acres of unimproved property, as it will not present any additional maintenance concerns.

Accepting the settlement offer of the owners for a charitable donation of \$17,232.00 for the property is reasonable to settle the eminent domain case. A Resolution accepting the owner's offer is attached for the Board's consideration.

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

attachment

pc: Jeff Dingman



Property Description

Part of the NW/4, NW/4 of Section 31, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the SE corner of said NW/4, NW/4, thence S 81°47'00\"/>

LEGEND

SP	IRON PIN FOUND
SNP	SET IRON PIN
SRM	SET REFERENCE IRON PIN
SNM	SET FIRE NAIL
DM	ONE METER
DM	MANHOLE
TR	TELEPHONE RIZZER
PP	POWER POLE
LP	LIGHT POLE
WM	WIRE WEIGHT
WM	WATER METER
WM	WATER VALVE
WM	WATER METER
WM	WATER LINE
WM	OVERHEAD ELECTRIC
WM	OVERHEAD ELECTRIC TELEPHONE
WM	CONDUIT LINE
WM	CONDUIT
WM	NO YEAR BASE FLOOD ELEVATION

- Notes**
- The property here-in surveyed does lie within a identified flood hazard area based on the current FEMA Community Panel No. 05131C0107, also Revised, March 2, 2012. The floodway limits are shown as based on digital mapping superimposed on this survey.
 - Bearing system assumed, NAD 83 based on the North line of the rest of Phoenix Industrial Park, Lots 1 through 25. Bearing system varies from deed description.
 - Set iron pins are 1/2" steel rebar set at property corners with yellow plastic cap stores 75-1074.
 - Utilities were not located as part of this survey.
 - Direction contouring as shown is from the City of Fort Smith's Aerial Mapping, from the 2003 Riverine/Topographic Mapping, Fort Smith Project No. 03-12-A.
 - Bearings and dimensions shown in parenthesis are from Warranty Deed to the City of Fort Smith for the WE Creek Drainage Easement, as filed in Book 526, Page 342.



This is to certify that this survey and plot was performed under my personal supervision and in accordance with current minimum standards as set forth by Arkansas Minimum Standards for Property Boundary Surveys and Plots, by the Arkansas Geological Commission, Land Survey Division.

DATE	
REVISION	

HAWKINS ENGINEERS, INC.

110 South W. Market
211 North E. Commerce Street
Fort Smith, Arkansas 72504
Phone: (479) 474-1227
Fax: (479) 374-4844
www.hawkinseng.com

FORT SMITH, ARKANSAS
BOUNDARY SURVEY
PART OF THE NW/4, NW/4, SEC. 31,
T-8-N, R-32-W
FOR
THE CITY OF FORT SMITH

DATE: 08/28/14
SCALE: 1" = 50'
DESIGNED BY: JDM
DRAWN BY: JDM
CHECKED BY: JDM
DATE: 12-12-13
SHEET NO.: SURVEY
SHEET 1 OF 1

RESOLUTION AUTHORIZING AMENDMENT NUMBER ONE TO AUTHORIZATION NUMBER THREE WITH MICKLE WAGNER COLEMAN, INC., FOR THE ENGINEERING SERVICES FOR CHAFFEE CROSSING WATER SUPPLY IMPROVEMENTS - GEREN ROAD AND MASSARD ROAD WATER LINES

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

SECTION 1: Amendment Number One to Authorization Number Three under the Agreement with Mickle Wagner Coleman, Inc., for providing construction phase services for the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines, Project Number 12-04-EC2, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number One in the amount of \$76,600.00, for construction phase services, adjusting Authorization Number Three to the amount of \$307,952.00.

This Resolution adopted this _____ day of August 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: July 28, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Chaffee Crossing Water Supply Improvements -
Geren Road and Massard Road Water Lines
Project Number 12-04

On March 5, 2013, the Board awarded a contract to M. Phillips Construction for construction of water transmission line improvements along Geren Road and Massard Road. At that time the Board also approved Authorization Number Three with Mickle Wagner Coleman, Inc., in the amount of \$231,352.00 for construction inspection services associated with the project. This project was one of four water improvement projects authorized by the Board for the Chaffee Crossing development area. A notice to proceed was issued to the contractor on May 6, 2013, with 330 calendar days allowed by contract for completion. The contractor was to substantially complete the project by March 31, 2014. The project is now approximately 93 percent complete and is not expected to be fully completed before the end of August, six months beyond the contract completion date.

On July 10, 2014, Mickle Wagner Coleman notified us that they had exceeded funds authorized for construction phase services by \$47,275.00 and that they anticipated an additional \$29,320.00 to complete this service. They have requested a contract amendment, rounded to the nearest dollar, in the amount of \$76,600.00. They have also advised they anticipate that there will be \$14,000.00 remaining from the authorization for inspection services associated with construction of the Chaffee Crossing pump station and reservoir which will help offset these additional costs. Also, we anticipate some amount of liquidated damages will be assessed against the contractor for delays in completing the Geren Road and Massard Road water project.

I have attached a Resolution authorizing Amendment Number One to Authorization Number Three with Mickle Wagner Coleman, Inc, in the amount of \$76,600.00, adjusting the the contract amount to \$307,952.00 for providing the additional construction phase services. Funds for this Amendment are available from the 2012 sales tax and use tax bonds issued for water transmission system improvements. However, it is anticipated that underruns from other inspection services contracts and liquidated damages assessed to the contractor for delays in construction will provide a net result of no additional project cost.

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

attachment

pc: Jeff Dingman



Patrick J. Mickle, P.E.
Neal B. Wagner, PLS
Randell C. Coleman, P.E.
Andrew J. Dibble, P.E.

RECEIVED

JUL 11 2014

July 10, 2014

UTILITY DEPARTMENT

Mr. Jack Dillon
City of Fort Smith Utilities Department
3900 Kelley Highway
Fort Smith, Arkansas 72904

Re: Inspection Services
Chaffee Crossing Water Supply Improvements
Project No. 12-04-C2

Dear Jack:

On the Chaffee Crossing water line project Contract 12-04-C2, the Contractor's completion date was March 31, 2014. He is at this point over 3 months late in completing the work. We don't feel that he will be done until the end of August.

We have expended all the time authorized under our construction phase services for this project. In fact, we began exceeding the authorization sometime in May. Since the last billing on May 6, 2014 up thru July 4, 2014, we have billable time of \$54,836. We anticipate an additional 350 man hours of observation time will be required to complete the project at a cost of \$29,320. We have \$7,561 remaining in our current authorization.

Time Currently Billable	\$54,836
350 man-hours Additional Time	29,320
Balance in Current Authorization	<u>- 7,561</u>
	\$76,600

By form of this letter we request a contract amendment in the amount of \$76,600.

We anticipate underrunning the construction observation services contract for Projects 12-04-C3/12-04-C4. We feel \$14,000 will be left over in this project which may be available to apply to the 12-04-C2 project should you wish to change that allocation.

We appreciate your consideration of this request.

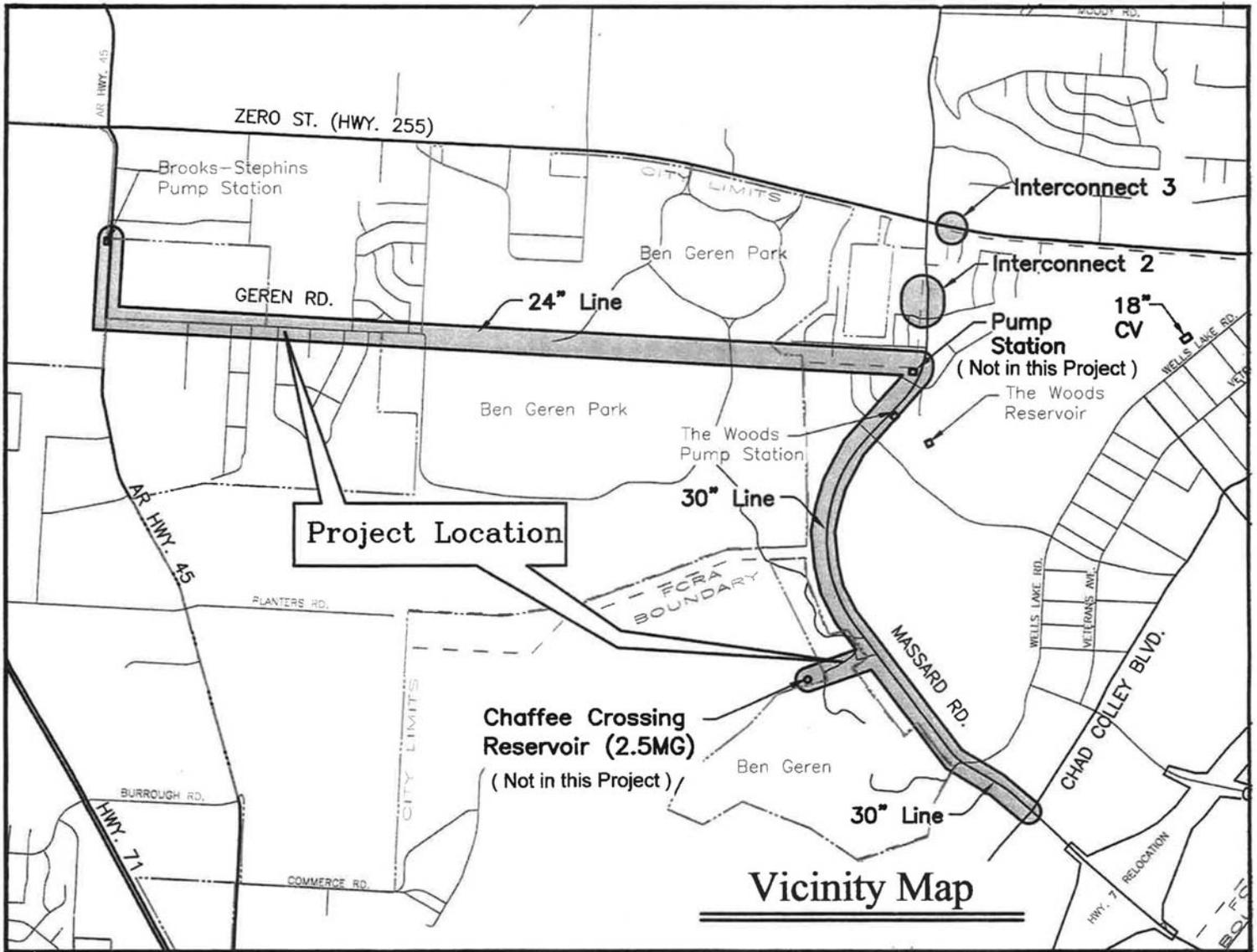
Sincerely,

Patrick J. Mickle, P.E.

f:\doc\letters\Chaffee Crossing 12-04-C2 Obs – Contract amendment request.doc

MICKLE WAGNER COLEMAN, INC.

3434 Country Club Avenue 72903 • P O Box 1507 72902 • Fort Smith, Arkansas • (479) 649-8484 • Fax (479) 649-8486
info@mwc-engr.com



RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER ONE TO THE AGREEMENT WITH HAWKINS WEIR ENGINEERS, INC., FOR ENGINEERING SERVICES FOR THE MASSARD INTERCEPTOR ACCESS IMPROVEMENTS

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

SECTION 1: Amendment Number One to the Agreement dated April 2, 2013, with Hawkins Weir Engineers Inc., for providing construction management services associated with the construction of the Massard Interceptor Access Improvements, Project Number 13-03-EC1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number One for construction phase services in the amount of \$27,000.00.

This Resolution adopted this _____ day of August 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE
MAYOR TO EXECUTE A CONTRACT WITH GOODWIN & GOODWIN, INC.,
FOR THE MASSARD INTERCEPTOR ACCESS IMPROVEMENTS

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

SECTION 1: The bid of Goodwin & Goodwin, Inc., for the construction of the Massard
Interceptor Access Improvements, Project Number 13-03-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Goodwin &
Goodwin, Inc., for an amount of \$197,560.00, for performing said construction.

This Resolution adopted this _____ day of August 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: July 28, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Massard Interceptor Access Improvements
Project Number 13-03

On April 2, 2013, the Board authorized an Agreement with Hawkins Weir Engineers, Inc., to provide design and bidding phase services associated with easement clearing and construction of an access road along a portion of the 48-inch interceptor sewer line serving the Massard wastewater treatment plant. The 48-inch interceptor sewer line was installed in 1965 with construction of the plant and exceeds 30 feet in depth as it approaches the treatment plant. In November 2012, a robotic internal inspection of 5,600 linear feet of the line was performed and determined that overall the interceptor was in fair shape. However, three segments totaling 1,817 feet in length were rated in poor condition and will require rehabilitation. Access to those segments of the sewer closest to the plant is currently limited due to topography and backwater from the Arkansas River. This will require the construction of an access road for the equipment needed for rehabilitation. An exhibit showing the location of this project is attached..

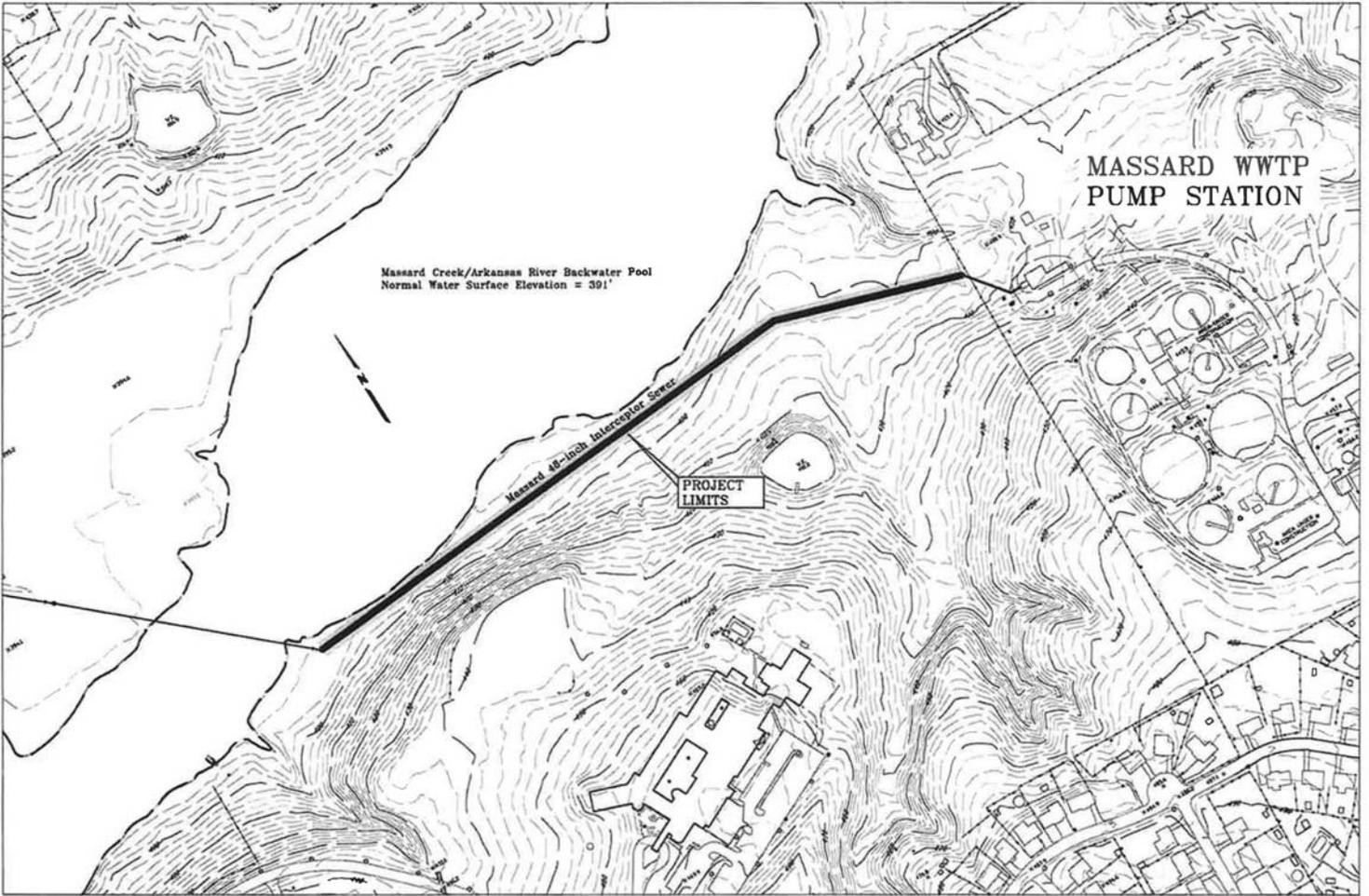
The final plans prepared by Hawkins Weir Engineers call for clearing, grading, and construction of 1,875 feet of gravel road. In March the Board authorized acquisition of the easements necessary for construction. The city recently received three bids for construction of this project with the lowest bid submitted by Goodwin & Goodwin, Inc., in the amount of \$197,560.00. A bid tabulation is attached for your information.

A Resolution accepting the bid of Goodwin & Goodwin for the amount of 197,560.00 is attached. Also attached is a Resolution authorizing an Amendment Number One to the Agreement with Hawkins Weir Engineers for providing construction management services in the amount of \$27,000.00. Funds are available from the 2012 sales tax and use tax bonds issued for continuation of wet weather sewer improvements.

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

attachment

pc: Jeff Dingman



Massard Interceptor Access Improvements
Project 13-03

Bid Tabulation Sheet

Project Name

Massard Interceptor Access Improvements
Project Number 13-03-C1

Bid Opening

July 22, 2014
10:00 A.M.

Bids Received

Goodwin & Goodwin, Inc. Fort Smith, AR	\$197,560.00
Forsgren, Inc. Fort Smith, AR	\$231,627.95
Crawford Construction Co. Fort Smith, AR	\$241,998.50

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CDM SMITH, INC., FOR PROVIDING ENGINEERING SERVICES FOR THE "P" STREET SEWER BASIN HYDRAULIC MODEL UPDATE

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

SECTION 1: An Agreement with CDM Smith, Inc., for providing engineering services for the "P" Street Sewer Basin Hydraulic Model Update, Project Number 14-07-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement for professional engineering services in the amount of \$108,436.00.

This Resolution adopted this _____ day of August 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: July 29, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: "P" Street Sewer Basin Hydraulic Model Update
Project Number 14-07

In support of the city's ongoing effort to identify and correct defects in the wastewater collection system that contribute to manhole overflows during periods of heavy rainfall in August 2013, the Board authorized a contract with RJN Group, Inc., to conduct flow monitoring within specific areas of the wastewater collection system. As a part of this study, 14 flow monitors and one rain gauge were installed within the "P" Street sewer basin to gather current flow and rainfall data for use in calibrating and updating the wastewater collection system hydraulic model of this basin. The updated model will be used to re-evaluate the 6.7 miles of interceptor sewer improvements originally identified in the 1993 wastewater management plan. The results of this modeling will verify the need for these improvements and become the basis of design for the improvements needed to eliminate wet weather overflows that occur within the "P" Street collection system.

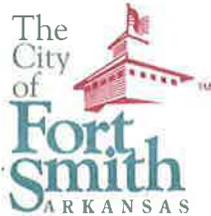
CDM Smith, Inc., has provided a proposal for analyzing the flow and rainfall data gathered, calibrating and running the hydraulic model of the basin, and determining improvements needed. The project will take approximately six months to complete and provide a final report identifying the projects to be designed and constructed. It is expected that design of the first phase of improvements will begin by mid-2015. The cost for updating of the hydraulic model is set at \$108,436.00.

A Resolution authorizing the Mayor to execute an engineering contract with CDM Smith, Inc., for providing this service is attached. Funding for this work is available from the 2012 sales tax and use tax bonds issued for continuation of wet weather sewer improvements.

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

attachment

pc: Jeff Dingman



July 24, 2014

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

RE: Appointments:

Larry Devero of the Airport Commission will resign his position August 1st, 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 August 13th, 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,

A handwritten signature in blue ink that reads "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

August 2014

August 2014						September 2014							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2		1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Jul 27	28	29	30	31	Aug 1	2
Jul 27 - Aug 2							
	3	4	5	6	7	8	9
Aug 3 - 9			11:30am Planning Com. S.S. (Creekmore) 6:00pm Bd. of Directors (FSM Public Schools)		12:00pm Housing Assistance Board (Main Library) 6:00pm Historic District Com. (220 North 7 Street)		
	10	11	12	13	14	15	16
Aug 10 - 16		11:00am Property Owners Appeal Bd. (Planning Conf. Rm.)	12:00pm Bd. Study Session (Main Library) 5:30pm Planning Com. (Creekmore)	12:00pm Parks Com. (Creekmore)	12:00pm Oak Cemetery Com. (Creekmore)		
	17	18	19	20	21	22	23
Aug 17 - 23			4:30pm Library Bd. of Trustees (Main Library) 6:00pm Bd. of Directors (FSM Public Schools Serv. Cntr.)				
	24	25	26	27	28	29	30
Aug 24 - 30		6:00pm Brainstorming Mtg. (Sanitation Dept. Adm. Bldg.)	12:00pm Bd. Study Session (Elm Grove Com) 4:00pm A & P Com. (Miss Laura's) 5:30pm Airport Com. (Airport-Adm. Office Co)		11:30am Housing Authority (Beckman Cntr.) 5:30pm Historic Dist. S.S. (220 North 7 Street)		
	31	Sep 1	2	3	4	5	6
Aug 31 - Sep 6							