

# ***AGENDA***

**FORT SMITH BOARD OF DIRECTORS  
STUDY SESSION**

***MAY 25, 2010 ~ 12:00 NOON***

**FORT SMITH PUBLIC LIBRARY  
COMMUNITY ROOM  
3201 ROGERS AVENUE**

1. Review community site visit report prepared by Legacy Consulting, and grant funding possibilities
2. Review recommendations from the Parks and Recreation Commission regarding improvements to the Creekmore Park tennis courts
3. Discuss a proposed ordinance banning "K-2" substance
4. Review preliminary agenda for June 1, 2010 regular meeting



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## MEMORANDUM

May 20, 2010

**TO:** Dennis Kelly, City Administrator

**FROM:** Ray Gosack, Deputy City Administrator

**SUBJECT:** Community Site Visit Report

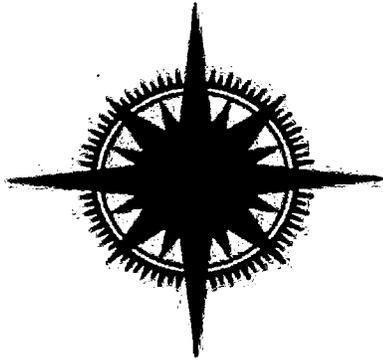
Attached is the community site visit report prepared by Legacy Consulting. The staff was requested by board members to work with Legacy Consulting. We completed a lengthy survey about Fort Smith and its city government. The department heads spent a morning in discussions with the Legacy Consulting principal. These services and the report were provided at no cost to the city as a benefit of our membership in the Arkansas Municipal League.

Chad Gallagher of Legacy Consulting will be present at the May 25<sup>th</sup> study session to review the report. He'll also be prepared to discuss grant funding possibilities for the City of Fort Smith. The discussion about grant opportunities begins on page 4 of the attached report. The report also includes numerous observations and recommendations regarding community identity and leadership, needs assessment, budget processes, strategic plans, marketing and public relations, economic development, downtown and riverfront development, quality of place, and municipal services.

Please contact me if there's any questions or a need for more information.

*Ray*

Attachment



# LEGACY CONSULTING

STRATEGY, EXECUTION, SUCCESS

## COMMUNITY SITE VISIT SUMMARY REPORT

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## THE CITY OF FORT SMITH

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MAYOR RAY BAKER  
Administrator Dennis Kelly

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BUILDING & EMPOWERING ARKANSAS COMMUNITIES

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## FORT SMITH, ARKANSAS

### HELPING YOU BUILD A SUCCESSFUL COMMUNITY

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#### OUR OBSERVATIONS

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Legacy Consulting Principal Chad Gallagher conducted a Community Site Visit in Fort Smith, Arkansas on November 18, 2009. The visit consisted of a roundtable discussion with city department heads, a tour of the city highlighting its various new developments, primary areas, challenges and proposed projects, as well as an exit interview with Deputy City Administrator Ray Gosak.

Outlined below are our observations and a summary of our recommendations for Fort Smith.

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#### COMMUNITY IDENTITY

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Fort Smith has a rich, celebrated history. It is a fiercely independent community with a long record of building in spite of difficulty or challenges. The city has been an anchor in Arkansas' economy and a significant engine for manufacturing success in the past. In recent years, Fort Smith has thoughtfully moved toward cultivating the quality of life for its citizens and significantly enhanced life through well developed parks, downtown revitalization and a growing four year college. Fort Smith has come to a crossroads and is well positioned to clearly embrace and establish its identity in the new economy. Built upon the foundation of its rich history we can see Fort Smith as an innovative hub, a research center and a bustling community of social life that supports this emerging identity.

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#### LEADERSHIP VALUES

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For a healthy future to be properly built, there are certain values that will bolster the city's relationship with its citizens and strengthen it in the days to come. Many of these values were found present in Fort Smith. This list is not an indicator of their absence but more an indication of the importance of developing, strengthening and adhering to these foundational values. The values listed below are key for Fort Smith's success:

**Vision**— it is the primary role of leadership to provide and articulate a clear vision for an organization, a company or a municipality. For Fort Smith, this responsibility rests upon its city leaders. This vision must be cast as a glimpse into a Fort Smith of the future that all are striving toward. It must be bold and tangible. Furthermore, this vision must recognize where the city is at today as well as where it must get to in the future. This ability to project and inspire a specific future is key in building accurately.

The vision must also be broad in scope. It cannot be tunnel vision that only looks at one segment or sector of the community. It must address all concerns. It must also be clearly documented. It must be bold in its direction, but strategic and practical in its application. Great opportunity confronts Fort Smith at this time, and the capacity to seize this opportunity is determined in large part by the ability to develop a bold vision and bring it to fruition.

**Creativity**— is a core value that must be embraced for Fort Smith to enjoy success in the years to come. Fort Smith must be willing to entertain the unthinkable, explore every opportunity and become willing to challenge the status quo. The city must be creative, flexible and willing to be different—not just from others but from the Fort Smith of the past—in order to advance.

**Collaboration**— Fort Smith leadership must make a purposeful effort to come together and collaborate on community development, economic development and community improvement projects. This includes, first and foremost, coming together and creating a shared community vision. Turf battles among community leaders only harm the corporate advance. Many citizens and municipal employees lose faith in leadership when discussions are made overly political and when they are clearly influenced by turf battles or too much posturing is taking place over who gets credit or control. A true spirit of collaboration among community leaders is necessary to maintain appropriate credibility among the citizenry, be appealing to new opportunities and achieve success for the whole community.

**Flexibility**— is a core value that must be embraced for Fort Smith to enjoy success in the years to come. Fort Smith's rich history as an independent, Western frontier community will always be treasured by her citizens, but it is clear that much has changed since that time. The economic realities are starkly different today than they were just 30 years ago, much less 100 years ago. This will hold true in the next 100 years as well. There must be a purposeful mental shift among leadership that, over time, translates to the citizenry. Fort Smith must be creative, flexible and willing to stay on the cutting edge in order to advance, all the while maintaining its time tested principles and community values.

**Vibrancy**—A certain level of consistent, sustainable, vibrant energy is necessary in order for Fort Smith to achieve all that lies before it. Vibrancy is equated with creativity and rejuvenation. Fort Smith has a wealth of history, strong companies and community team players, and it must now bring all these things together to seize the day. It must become known as an active, pulsing community. Implementing a visionary plan of the Fort Smith of tomorrow will require an effort that is not short-lived. It must be constant, steady and done with unfailing energy. Establishing the clear expectation for all involved that the project is long-term and multi-staged will help cement the necessary energy levels for this project. Creating synergy around a vibrant vision is a key to success for Fort Smith.

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## **RECOMMENDED ACTIONS**

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Upon meeting with city leadership and conducting an initial evaluation it is our recommendation that the following items be considered for action:

### **Conduct a Formal Needs Assessment**

Conducting a community needs assessment is an important part of building a better municipality. This is no different than a developer who surveys the land before building, a general surveying his army before war, or a CEO surveying a company before executing an acquisition. Furthermore, the process should be both formal and ongoing. This needs assessment should include comparative data from other similar communities, a review of economic indicators, as well as a detailed evaluation of the overall strengths and weaknesses of the city. It should assess a wide variety of community life including healthcare, retail tax base, infrastructure and much more. It should include detailed community input obtained through various methods such as town hall meetings, citizen surveys, telephone polls, and personal interviews. This assessment must be comprehensive and must include all members from all sectors of the community. A well-written needs assessment can be an effective tool when prioritizing your needs. A needs assessment also greatly enhances and prepares Fort Smith in its efforts to acquire grant funds from outside entities. It is with these issues in mind that we recommend Fort Smith conduct a formal needs assessment.

### **Develop a Community Blueprint**

The City of Fort Smith will greatly benefit from having conducted a formal needs assessment. It is important to take the information gathered from the needs assessment and develop a community blueprint. A community blueprint is the architectural design of the community you desire to build. It articulates the envisioned municipality of the future. This blueprint must be centered on Fort Smith's own unique identity. This blueprint must be formal and is the document that should clearly articulate the community's vision and the strategic steps necessary to fulfill this vision. The blueprint process must be shared with the entire community, include participation from all community sectors and steps must be taken to ensure that the community takes ownership of this vision. Your community blueprint will resemble the blueprint of a new home. It casts the vision of the finished project and provides instruction on how to reach it. Like the needs assessment, this is a tremendous benefit to the city's effort in obtaining grant funds and, in addition, fosters continued growth and progress. Finally, it is imperative that both city leadership and the community regularly evaluate this blueprint, as it is a template for continual additions and renovations.

### **Develop a Strategic Budget Process**

The annual city budget is one of the most important documents created by municipalities, and this budget should become a strategic document. Since the municipal budget determines the amount of resources available to each department, budgeting often exerts more influence on what gets done than a strategic plan. It is because the budget is such an important part of municipal government that it should be tied to the strategic plan referenced.

We recommend that Fort Smith's budget process be clearly linked and justified by the development of the newly created community blueprint and a simple goal sheet for each municipal department. Monies should not be budgeted for items that do not clearly fit into the long-term planning approved by city leaders. This process should also create a capital improvement fund for each department to save toward long-term projected needs. Even saving a small amount regularly toward future capital improvements will prove beneficial to the city.

### **Develop a Strategic Plan for each municipal department**

This is an important component of strengthening the city's overall mission. It is also a helpful tool when planning and budgeting for long-term growth and capital improvements. These strategic plans do not need to be elaborate or laborious but should clearly articulate each department's mission and its specific goals for at least the next five years. This should include a cost analysis and fiscal impact study for each goal for budgeting purposes. Knowing a department's wants, needs, and overall financial situation can be a valuable tool when casting your city's vision and planning for the years ahead. It will also transition the way your department heads think. Developing long term, strategic thinking at the department level will enhance your planning capacity.

### **Focus on Grant Writing and Utilize the Arkansas Grant Book to Identify Funding Opportunities**

Successful grant writing is one of the best tools to fight against budget shortfalls for community projects and capital improvements. Though a grant application can be improved by using a needs assessment and community blueprint, the responsibility lies on the writer to prepare a concise, informative, and persuasive grant application. We first recommend the city become very familiar with the Arkansas Grant Book, a program offered by the league to members. Kevin Smith, with the Arkansas Grant Book, provides a detailed catalogue of available grants to municipalities, and this is a great tool to review in search of that perfect match of need and funding. Legacy Consulting will gladly discuss any of these opportunities to help you decipher if a particular grant is a good fit.

We specifically recommend that the city make a list of all projects, both service oriented and capital needs, for which grant funds are needed. Once this list is complete, Legacy Consulting and the Arkansas Grant Book can review it and give a formal recommendation of grant programs that would be probable matches for the specified need. Once a grant is identified, Legacy Consulting can provide assistance in completing the grant application.

Specifically, we mention various projects throughout the report for which grant funding may be secured. We recognized that the city has been successful in securing earmarks through direct federal appropriations. We commend the city and encourage it to continue its efforts with the federal delegation and its relationship with the current lobbying firm it is utilizing. However, we also recognized that while some success in appropriations exists, there are few grants applied for and received for a city the size of Fort Smith. We strongly recommend the city take steps to remedy this.

In addition to grant opportunities outlined throughout the report we believe that grant funding may also be secured for:

- Drainage Issues in various areas of the city
- The construction of a Fire Substation in the Chaffee Crossing Area
- The construction of a NFPA Training Facility
- The implementation of a program to Address Cyber Bullying

### **Develop a Staff Grant Writer**

We strongly encourage the City of Fort Smith to assign grant writing as a specific task to one existing or new staff member that can be developed and trained in seeking, writing and managing grants. This staff position can offer guidance to each department with funding needs and with specific grant acquisitions. Legacy Consulting can assist in training and providing ongoing assistance to this employee.

### **Identify & Develop a New Community Marketing & Public Relations Plan**

We recommend the city create a strategic marketing and public relations plan to promote the city. Upon completing the community needs assessment and blueprint process we recommend that the city develop a corresponding marketing plan that really presents the Fort Smith of the future to the public. Fort Smith's strength historically has been its great workforce, manufacturing capacity and rich history, but now it is much more than that. Manufacturing continues to be a great anchor for the community, but Fort Smith is now much more than a manufacturing town. We envision a campaign that shows the public that they only thought they knew Fort Smith. It's like the phrase, "This is not your father's Oldsmobile" used by GM to reintroduce the Olds to a younger generation in the early 1990s. The campaign development should include consideration for a new logo and slogan. Ultimately you want to develop a marketing plan that fits the city's identity and shows the momentum, progress and development taking place. It should create excitement about Fort Smith and a sense of commitment and cohesion. It should successfully cause others to look toward the Fort Smith of the future. Legacy Consulting can assist in this project's development and implementation.

### **Develop an Aggressive Economic Development Blueprint & Outreach**

#### **Embrace the New Economy**

Fort Smith is ripe for a true economic remake. It should be cutting edge. There is no reason that Fort Smith cannot become the innovative R&D hot spot—an example of the "new economy" thriving in Arkansas. While this report is an insufficient venue to thoroughly dissect the necessary steps to be taken and the effort to be made, it is clear that Fort Smith should seize the day. It is the second largest municipality in Arkansas with a substantial retail base, an expanding residential developments and attractive education and recreation systems. Fort Smith has historically been a true economic engine for Arkansas. The new economy is global, knowledge based, research heavy, high speed, flexible and built by multiple small businesses instead of a handful of large manufacturing facilities alone. The city should ensure that it has the latest technology available in high speed internet service at key potential economic development sites and strategically building a knowledge based hub.

Specifically, we recommend that the city explore becoming the research and development hub for many of the businesses that now enjoy a retail or wholesale vendor presence in Northwest Arkansas. The Wal-Mart phenomenon has brought a significant increase in businesses located in Northwest Arkansas. These businesses have a presence in the region in order to develop, maintain and enhance their relationship with the world's largest retailer. We recommend that Fort Smith take advantage of this reality. Fort Smith could look to these companies for economic growth. These are companies that are already aware of the beauty of Northwest Arkansas, the competitive edge it gives them and the comparatively low business cost. While their vendor sales must be located near Wal-Mart it could be a sound decision to place research and development centers, customer call and service centers and other business activities in nearby Fort Smith. Reducing the proximity between vendor sales to retailers and research and development could be a very attractive pitch. We strongly recommend that all key players (city, chamber, regional organizations, economic development groups/boards, etc.) collaborate to create a very specific plan that targets with deliberate precision the economic development recruitment. This economic development plan should include due diligence on potential businesses in identified sectors as well as a plan for industry start-ups. Another sector that is worthy of exploration is in the area of **medical research and pharmaceutical testing**. Fort Smith has enjoyed a cutting edge and reputable medical community with well respected medical facilities. This sector of the economy is one of the fastest growing sectors tied directly to the extended life span of Americans and the increased utilization of medical technology and resources throughout the world. We strongly recommend this be considered in developing the city's economic development plan.

Fort Smith is the ideal location for new economy businesses. We strongly recommend that the city make a serious and significant investment in developing its economic development plan, targeted recruitment plan and specific strategy to implement this new plan once designed. Legacy Consulting would gladly participate in the design and implementation of this new plan.

#### **Establish a Formal Economic Development Protocol**

Economic development oftentimes requires multiple players. A community can leverage its multi-entity approach in many efforts. Through collaboration a municipality, chamber of commerce, economic development board, and multiple other entities can leverage their unique strengths and resources to ensure success. However, when these various parts do not work seamlessly together it creates confusion, frustration and duplicity. It projects a poor image of the community and its leadership. It hints at turf battles, disorganization, poor planning and a lack of common vision and collaboration to potential members of the local economy. We recommend that Fort Smith develop or refine its current economic development protocol. Gathering all economic development players at the table and determine how best to utilize various skills and resources, creating a primary point of contact for the state and potential recruits and assigning certain responsibilities will increase productivity. Some similar sized Arkansas cities have now contracted third party organizations to oversee all of their economic development efforts and coordinate all collaborating partners. This option should be considered by Fort Smith.

### **Create A Corporate Outreach Plan**

Once a clear economic development plan has been crafted, a corporate outreach plan should be implemented. Through promotion and more importantly personal delegations, letters, visits and active pursuit, the city should make an aggressive effort to win over the businesses and corporations that best fit the development plan. It is imperative that the city not wait on a business to come to it or on the state to bring a potential business. Economic development is more competitive than ever and it requires proactive effort.

### **Inspire Small Business Creation & Entrepreneurship**

Fort Smith and the surrounding region are home to a significant portion of Arkansas' population. Scores of these residents dream of being their own entrepreneurs and a handful of them will act of this dream. In fostering a progressive "new economy" reputation it is important that Fort Smith promote and encourage local small business creation. Nurturing the entrepreneur spirit in Western Arkansas could help plant a small seed today that bears extraordinary fruit in the next generation. It only takes one successful entrepreneur (think Sam Walton & Bentonville) to transform a location. Fort Smith should consider an entrepreneurial program that provides incentives for small business launches in certain sectors or that meet certain criteria. This could be done in conjunction with a university or even a corporate sponsor, foundation or school of business.

### **Help Promote & Strengthen Existing Businesses**

We recommend working with the Chamber of Commerce and other key players in a collaborative effort to provide an enhanced level of benefit to businesses that choose to locate in Fort Smith. Promotional advertising on their behalf, special shopping events, hosting occasional luncheons for business owners with the mayor and other leaders, hosting workshops with business experts are all possible ways to demonstrate the extra step taken in Fort Smith to foster a strong business community. Business location is driven first by markets but when markets are comparable business owners do have a choice. They make decisions about where to open that next store or to launch the first. A potential business will evaluate multiple similar markets at one time. It is important that every edge and advantage be created for the Fort Smith market. Continual service, camaraderie, and a community effort to promote local businesses all can contribute toward a final decision in Fort Smith's favor. It should clearly be someone's responsibility to continually check on and work with existing businesses to address their concerns, discuss expansion opportunities, attempt to avoid pitfalls and ensure that they remain a growing active part of the local economy.

### **Conduct a Retail Market Study**

A retail market study should be a part of any formal needs assessment conducted in Fort Smith. This study would analyze Fort Smith's economic realities from a retail basis. It would evaluate shopping patterns, areas of the retail market that are saturated or lacking as well as the community's capacity to further develop. This study provides crucial information for

economic development. The University of Arkansas at Little Rock's Institute for Economic Development is a great resource for this type of project. Their contact information is:  
2801 South University Avenue  
Little Rock, AR 72204-1099  
PHONE:501-569-8519  
FAX: 501-569-8538.  
Legacy Consulting would be honored to assist in this project.

### **Collaborate with the University of Arkansas at Fort Smith for Macro Development**

The University of Arkansas at Fort Smith has long been an important part of the community. It's affiliation with the University of Arkansas system has added an additional source of reputation and resource to its current efforts. We strongly recommend that the university have a seat at the table in developing the city's economic development plan and other long term community blueprints. Specifically, it seems appropriate that the developed economic development area include a strong educational component of studies at the university in that field of study. For example, securing certain research jobs may be influenced positively by a strong science or engineer program or a pharmaceutical research effort will be bolstered by a strong medical science program at UAFS. This collaboration will significantly enhance the city's effort.

### **Continue Downtown Renewal**

Downtown Fort Smith is an impressive sight when one compares its current state to only a few years ago. The City's deliberate location of the convention center, the recruitment of a new hotel, the extensive public investment in infrastructure, the city's commitment to maintaining downtown offices and the expansive renovation of buildings all add up to create true synergy and momentum for Fort Smith. Fort Smith has cut its vacancy rate in its historic district in half, renovations continue and this has occurred during a difficult economic environment. This effort is a crowning jewel for Fort Smith and the city is to be commended for it. The private-public effort to renew infrastructure and create use for Fort Smith has brought renewal. We encourage the city to continue to be an active participant in this effort. The city has nothing to gain from a dilapidated downtown. In reality, a renewed, attractive downtown becomes a real asset. Renewed infrastructure and a diverse retail base provide great strength to downtown and renew its place as an anchor in the Fort Smith economy.

### **Utilize & Develop the Arkansas Riverfront**

Fort Smith has invested a tremendous deal of effort and resources to research, review and evaluate options for the Arkansas River. We will not use this space to try and elaborate on what others have studied at a much more comprehensive level and made professional recommendations. However, we strongly recommend that the city progressively pursue retail and recreational development on the Arkansas River adjacent to downtown Fort Smith. A minor league baseball team and stadium is one of the ideas that have been mentioned as a possibility for this development. We believe any development of this nature would be a tremendous boost to Fort Smith.

## **Install Interactive History Markers in Fort Smith**

Fort Smith has a rich history that it has successfully connected to, commemorated and preserved. It continues to shape the community and plays a dominant role in the city. The city's preservation of community landmarks is to be commended. We recommend the city consider the installation of interactive historical landmarks in front of key buildings, locations, landmarks and even about historic figures. These interactive markets could show pictures or verbally announce information or allow the guest unique opportunities to engage with that which is being commemorated. There are some grant funds for which this project could be eligible and a review of various private and public organizations could lead to creative financing for these items even if done in phases.

## **Emphasis on Quality of Life & Place Development**

Quality of life and quality of place are no longer luxuries or added bonuses in community development. They are now key components. They are not only integral because they strengthen overall community life, but because quality of life has become a serious consideration on the checklist for business in selecting a location. Quality of life has been considered secondary in the past but must be elevated in priority and consideration. The city should look for ways to creatively inspire, encourage and remove obstacles that would impede the development of an active community with diverse opportunities for enjoying life. The parks and recreation opportunities is one noticeable area that Fort Smith has made a true investment. This has a significant return through helping recruit and maintain families and consequently businesses for Fort Smith. Other thoughts include:

### **Create a Walkable City**

Fort Smith should consider creating a "walkable city". This could be done in phases. It would include sidewalk enhancements and trail creation that takes citizens through the community in segments or for the brave at heart through the entire town. The effort could be a tremendous public relations tool and greatly enjoyed by the citizens. There are a variety of walking trail grants currently offered in Arkansas. Legacy Consulting and the Arkansas Grant Book can provide a list of these upon request.

### **Arts & Entertainment**

We recommend that Fort Smith in collaboration with the private sector, the public school district, the university and other interested organizations and patrons actively develop a strong arts and entertainment community. While "arts and entertainment" are very broad in scope and we'll leave it to Fort Smith to define how best to develop this effort, the fact remains that people want to live where they enjoy living. A rich and varied sense of culture, arts and entertainment enhance the quality of enjoyment for local citizens. We recommend this be taken into consideration in any needs assessment and strategic planning process.

### **Add Curbside Leaf Collection**

Leaves turning rich shades of red and orange are a joy to look at but once they've turned loose from the tree they are little more than a nuisance for property owners, neighbors and the city's sanitation department. Heavy bags are difficult to handle for refuse collectors and nothing seems more frustrating to a citizen that spent the weekend raking than to have the bag left of the curb by the pick-up crew. The city should consider moving to bagless curbside collection. This is popular and successful in other Arkansas cities, such as North Little Rock and Fordyce. Property owners rake leaves only to the curb on designated days and a truck with a vacuum device drives through the neighborhoods sucking up the leaves. The program is wildly popular among citizens and truly provides them a convenient service for which they will be grateful. There are some recycling grants for which the purchase of this equipment or the development of a compost mechanism can be applied.

### **Maintain Alleyway Refuse Collection**

Fort Smith has debated, like many other municipalities in Arkansas and beyond, whether or not to abandon alleyway refuse collection. The argument for doing so is based upon narrow and crowded alleyways built when garbage trucks were smaller. In spite of these concerns, we recommend that Fort Smith maintain this collection point and actually encourage it because it enhances the aesthetics of the neighborhoods, reducing the sight of spilled trash and loitered cans in plain public view. It also takes the refuse equipment off of the street where traffic is still going and places them in untraveled alleys.

### **Implement a Formal Community Policing Program**

We strongly recommend the city develop a true, formal community policing program that emphasizes public relations and compliments the academy efforts that the department has implemented thus far under the direction of the police chief. The city's police department is impressive and seems to have a wide variety of good public relation programs. With a large and growing community it is easy for the department to be set at odds with that community. Community policing establishes protocols and a philosophy that reshapes the department's interaction with the public in a formal way and better positions the community for police grants.

Community policing is a philosophy that promotes organizational strategies which support the systematic use of partnerships and problem-solving techniques. This philosophy proactively addresses the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Community Policing is comprised of three key components:

- **Community Partnerships**  
Collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police.

- **Organizational Transformation**

The alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving.

- **Problem Solving**

The process of engaging in the proactive and systematic examination of identified problems to develop and rigorously evaluate effective responses.

Legacy Consulting can provide you with various community policing plans from similar sized cities across the nation. In addition, there are grants available through the US Department of Justice for Community Policing efforts, activities and programs.

### **Conduct Annual Planning Retreats**

If the city does not already utilize planning retreats, then we recommend that the administrator initiate annual or semi-annual planning retreats with both the city directors and department heads in order to share vision, discuss challenges, collaborate on solutions, hear reports and invite guests to address key issues. Some retreats could be beneficial with other key community players focused on broad community needs and not just municipal services. This will allow true dialogue to take place outside of the confines and bustle of the office while also building camaraderie and goodwill. Legacy Consulting is available to facilitate these types of meetings and retreats.

### **Develop a Formal Effort for Public Relations**

The city's newsletter is a role model which other Arkansas cities should emulate. It's important that the only thing citizens get in the mail from their local government is not a monthly bill. Particularly in Fort Smith, it seems that the city government has lost some measure of confidence from city employees and citizens through various dilemmas over the past few years. A continual and organized effort to relay important information, engage the citizens and pass on the hard work being done to build a better Fort Smith is important. Consider it like keeping the boss informed of the progress of an important project. You have to keep him informed and aware because he's too busy to monitor every detail, that's why he's hired you and what he does hear may oftentimes be influenced by gossip, half-truths or simply wrong information. We recommend that the city designate and empower someone to handle all public relations—media campaigns, advertising, promotional efforts, etc. on the city's staff, hire an employee for this purpose or contract professionally with a firm that can provide minimum assistance to the city to keep an existing employee focused on the big picture and to strategically develop appropriate campaigns, promotions and strategy. Legacy Consulting would be honored to help with these efforts.

### **Contract with Legacy Consulting for Ongoing Community Development Work**

The City of Fort Smith is thriving with progress and excitement. We would be honored to be engaged by the City of Fort Smith to oversee or assist with its community development, economic development, public relations and grant acquisition efforts. Legacy will submit a proposal to provide such ongoing services at the city's request.

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## OUR SERVICES

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As a member of the Arkansas Municipal League, Legacy Consulting provides one annual site visit to Fort Smith, this summary report and unlimited off-site assistance with grant requests and other community development projects. This does not include grant writing but does include guidance and application review. Additionally, Arkansas municipalities can engage Legacy Consulting at a greater level of service for grant acquisitions, community development, public relations and economic development. The city can engage Legacy Consulting on a per project basis or through an ongoing relationship.

Specifically, Legacy Consulting can provide the following services to Fort Smith:

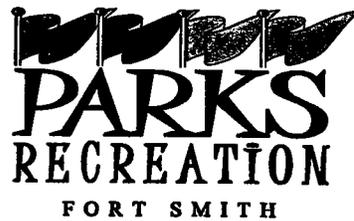
- **Conduct a community needs assessment for the city.**
- **Work with the city to develop a community blueprint.**
- Assist the city with grant acquisition request.
- Help develop and train a staff member in grant writing
- Review and assess the city's current economic development plans and efforts.
- **Develop and implement an overall community development and economic development plan.**
- Manage the city's economic development efforts.
- Develop a community marketing and public relations plan.
- Manage the city's public relation efforts.
- Lead community leadership retreats and planning meetings.
- Provide the city with the best practice research regarding the mentioned projects and others of interest.
- Develop all community promotional materials.
- Assist in the pursuit and implementation of all recommendations in this report.

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## SUMMARY

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In summary, Fort Smith is rich with opportunity. As the cliché declares, Fort Smith is indeed at a crossroads. Yet it has arrived at this point through so many good decisions, hard work and devoted community activists. Even many recent efforts, such as downtown, the Marshal's Museum, retail expansion, the new library and the college's expansion all speak to the strong desire and effort to build a quality community. The city is poised to begin a new and exciting chapter- one that exudes with renewal, breeds a tremendous sense of energy and becomes a driving engine in the new economy. Visiting Fort Smith was a true pleasure. We look forward to reviewing this report with Fort Smith officials and to working with the city on its endeavors in the days to come.



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## Memo:

May 17, 2010

To: Dennis Kelly, City Administrator

From: Mike Alsup, Director of Parks and Recreation

Re: Recommendation concerning the maintenance of the tennis courts at Creekmore Park

The Parks Commission recommends that either the City allocate funding for the resurfacing of the tennis courts at Creekmore Park or that Western Arkansas Tennis Association (WATA) be allowed to sell advertisement on the wind screens at each court to provide funding for this project and other large maintenance or capital expenses. The Commission voted four in favor and two opposed to the motion; the no votes were not in opposition to the resurfacing of the courts but in opposition to advertising in the parks. Similar requests for advertising have been denied in the past as previous Boards did not want the parks to become commercialized with advertisement.

This recommendation comes after considering a request from WATA to sell advertisement on the wind screens for this purpose. WATA estimates the sale of advertisement could generate up to \$48,000 every two years. Funding for resurfacing the courts has not been available in the Parks Department budget the last three years. There was no capital funding for Parks in 2008 or 2010.

If the sale of advertisement on the wind screens is approved, the staff recommends that all funds received from this source of funding be designated to major maintenance of the courts and capital improvements to the facility. It is recommended that advertisement be limited to logos, business names, or family names. It is recommended that the Transit Department advertising standards and procedures be followed.

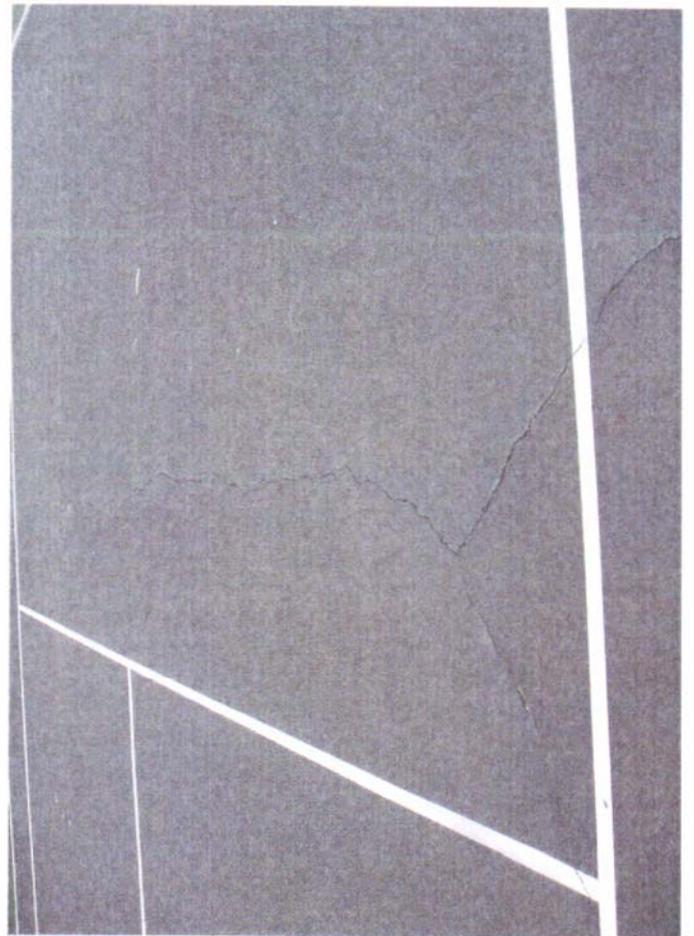
At this time the tennis courts are in immediate need of repair due to cracks in the concrete surface causing concern for players' safety. Resurfacing is the color textured coating on the surface of the courts. The cracks throughout the courts are caused by several factors. Water under the courts causes some of the cracks and the natural breaks that occur in concrete are the main reasons the courts are in their current condition. The short term solution is to fill the cracks and resurface the courts. This process should be scheduled every two to three years with an anticipated cost of \$35,000.

The long term solution is to either provide a 4" post tension concrete surface to the courts or a 2" asphalt pavement surface. These options are estimated to cost \$200,000 to \$250,000 for the eight courts. If the concrete or asphalt project were to be funded, it is recommended that the lighting for the courts be improved to NCAA standards. Due to wiring capabilities and location of the light poles this cannot be accomplished with the current set up. The improved lighting would be accomplished with all of the poles and wiring being placed on the outside of the fence. The cost of improving the lighting is estimated at \$250,000.

Approval of the recommendation to allow the sale of advertisement would require a change to the City Code 18-41 Posting Signs. "No person shall post, paste, or affix any placard, notice or sign within any park." The recommended language is: "*No person shall post, paste, or affix any placard, notice or sign within any park without prior approval of the Parks Commission.*"

attachment

cc: Park Commission  
Marge Griesse, WATA  
Bob Huckleberry, UAFS Tennis Coach  
Gunner Delay, Northside Tennis Coach  
Barb Daniel, Southside Tennis Coach  
Gina Clark, Union Christian Tennis Coach



## Fort Smith Transit Department Advertising Standards and Procedures

Fort Smith Transit bus advertising is operated on a no public forum basis. Only commercial advertising which does not promote alcoholic beverages, tobacco products, gambling, sexually explicit materials or graphically violent material, will be allowed on transit buses.

All proposed advertising will be reviewed by Fort Smith Transit to ensure compliance with this policy. Should Fort Smith Transit determine a submitted advertisement to be in violation of this policy, Fort Smith Transit will notify the advertiser of the determination and of a right to appeal. Decisions may be appealed to the Transit Advisory Commission. If a satisfactory response is not received at this level, Fort Smith Transit or the advertiser may then appeal to the City Administrator for final resolution.

The following advertising materials are prohibited:

1. Political
2. Public issue or viewpoint
3. Tobacco and tobacco related products, or advertisements of a business, the principal purpose of which is selling the same
4. Alcoholic beverages or advertisements of a business, the principal purpose of which is selling of same
5. Obscene materials, sexually explicit materials, including graphic representations of sexual conduct, or advertisements of a business, the principal purpose of which is selling of same
6. Gambling or advertisements of a business, the principal purpose of which is selling of same
7. Graphically violent or threatening materials
8. Non-consented use of a person's name
9. Race, religion, gender, or age demeaning or discriminatory materials

5 May 2010

## WATA Proposal for Court Resurfacing Fundraiser

- Sell advertising space on court windscreens
- Each end of court facing inside
- Maximum 2 per end
- ½ court(2 per end) \$1,600 with 3'x3' logo
- Full court(1 per end) price range up to \$3,000 dependant on location and logo size
- Sell for 2 year period, can be renewed for additional 1 year periods depending on wear
- Windscreen cost for black, open mesh 6'x25' approximately \$100
- Logo printing starting at \$138 for 3'x3'
- Windscreen life expectancy 3-5 years
- Resurfacing cost \$35,000 bid submitted by Ed Kinsey
- Attachments
  - Example of windscreen with ads
  - List of court usage

## Court Usage April 2010

### Youth:

- Quickstart 10 years and under (fastest growing children's program in this area)
- Junior Team participation up 30% this year(326 players)
- Junior high schools in Sebastian county practice and tournaments
- Southside, Northside, and Union Christian high schools practice and tournaments(62 players)
- UAFS practice and tournaments(20 players)
- Individual and group lessons by Creekmore staff

### Adult:

- Leagues-4 women's, 3 men's(68 players total)
- USTA competitive teams-2 women's, 3 men's
- Tournament-Benefit Bank- women's and men's singles, doubles, and mixed divisions
- Individual and group lessons by Creekmore staff
- Individual court reservations
- Petition posted in clubhouse requesting court resurfacing signed by 84 people

219

# How to Choose a Wilson Windscreen

- Windscreens are a functional and aesthetic addition to your tennis courts.
- Provide a dark backdrop against which players can see and react to ball movement better.
- Serve to break up gusting winds and allow consistent, even air flow.
- Minimize annoying distractions from nearby swimming pools, parking lots, highways, and players on adjacent courts.
- Give courts a professional appearance and increase playing pleasure by providing a consistent backdrop and color.
- Today's various windscreens allow you to make the decision regarding what type to use should be based primarily on cost and aesthetic considerations rather than on wind protection because all windscreens will tend to break up gusting winds.
- Another consideration is how well a windscreen can be installed without risking fence damage from strong winds.
- Most windscreens are designed for use on nearly all courts, but they should include anti-billow features such as 1" x 12" openings to allow air to pass.

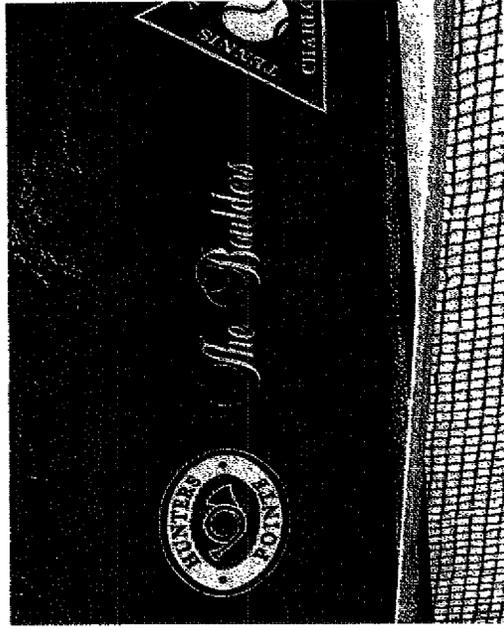
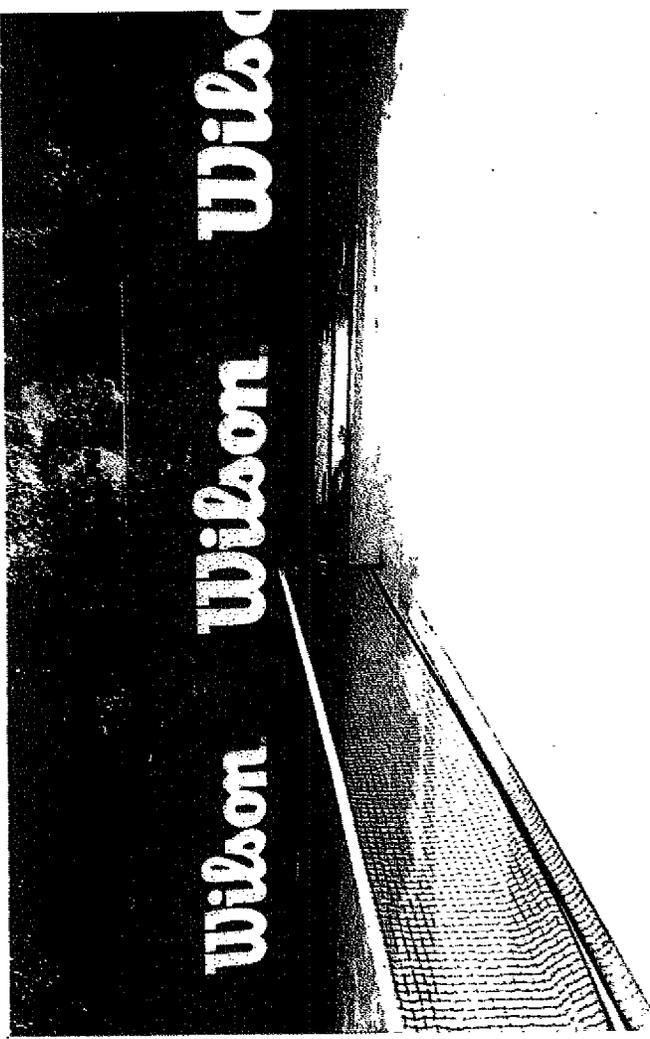
Six-foot windscreens generally do not look as attractive as, nor reduce wind as well as nine-foot windscreens. They should only be used if the facilities are located near the water with very strong winds, which would destroy fences with nine-foot windscreens attached.

Our most highly recommended windscreen is the Wilson Mastershade Plus. Made of knitted high-density polyethylene monofilament, it has superior UV-resistance and a special "heat-set" treatment that allows the windscreen to lie flat and straight on the fence with no billowing.

Mastershade Plus hems are 3-ply construction with heavy-duty binding and anti-billow tabs are built into every nine-foot piece. It is moderately priced, easy to install, very durable, and looks good over time, making it perfect for nearly all applications.

However, if privacy is an issue you may need a more opaque windscreen to minimize visual distractions from public thoroughfares. In that case, the Wilson Royale-Screen, made of vinyl-coated polyester, is an excellent choice and offers a high level of opacity.

For smaller budgets, the Wilson PVC offers high mildew and sun-



resistance at an excellent price, while the polypropylene Wilson Air Master 1 is an excellent choice for controlling wind while providing consistent airflow. They both look great on the court and add to your playing pleasure.

At the high-end, the nine-foot high Wilson Pro Screen offers a particularly attractive and distinctive look with its 5' high vinyl center (for maximum ball visibility and wind control) and 2' high PVC top and bottom (for optimal airflow).

## CUSTOM LOGOS ON WINDSCREENS

We can put your team or club name and logo onto our windscreens. They're terrific for promoting tournaments and major events!

For more information, contact Wilson at 1-800-421-1111.

Wilson is a registered trademark of Wilson Sporting Goods Co.

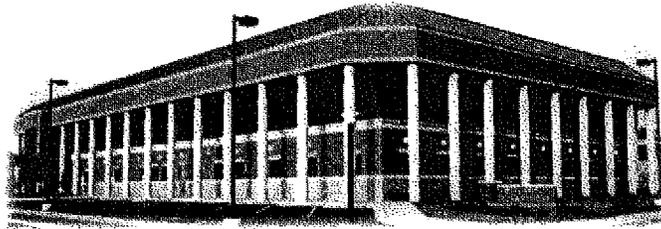
13	218W Deluxe Heavy Duty reel reel, with <del>removable handle for external wind posts</del> , Black, Green		
NC	3207W Covered winder for <del>external wind post</del> , like old Ball Sampson winder, aluminum-casted, Green or Black	5 lbs.	43.00 /ea.
13	218W Deluxe Heavy Duty Steel Not Reel, <del>removable handle for external wind posts</del> , Green only	4 lbs.	42.00 /ea.
13	3210W Shelby Reel Assembly for 2 7/8" OD <del>external wind posts</del> , Black, Green	4 lbs.	49.00 /ea.
13	3446W Replacement handle for #218W, #219W reel, Black, Green	1 lb.	13.86 /ea.
13	3444W Replacement handle pin for #218W, #219W reel	1 lb.	2.75 /ea.
13	3361W Post Crank Handle, Extra or replacement for #3210 reel, Black, Green	1 lb.	12.60 /ea.
13	3286W Post Collar for 2 7/8" OD Post, Extra or replacement, B, Gr	1/2 lb.	2.75 /ea.
<b>REPLACEMENT PARTS FOR 2 1/2" SQUARE VOGUE POST</b>			
12	3224W Brass Winder, complete assembly	5 lbs.	138.00 /ea.
12	3223W Post Crank Handle, Extra or replacement	1 lb.	36.00 /ea.
<b>POST PADS</b>			
11	3151W WILSON Post Pad, high-density, closed cell foam, 4 permanently attached wraparound straps with Velcro fasteners, 13 oz. weather-resistant vinyl. Sold individually but used in pairs. 11" x 42" (for dead-end post)	3 lbs.	74.00 /ea.
	22" x 42" (for winder end post)	5 lbs.	144.00 /ea.

**WINDSCREENS**

<i>(See our note on Warranties)</i>			
16	278W WILSON PRO SCREEN, 9' windscreen, with 5' H 18.5 oz. vinyl center for maximum ball visibility and wind control, and 2' H PVC top and bottom for optimal airflow. Includes 2 rows of anti-blow tabs, at 2' and 7' heights. Black, Dark Green, Royal Blue	10 s.f./lb.	0.886 /sq.ft. 3-YEAR WARRANTY!
15	288W WILSON PRO SCREEN OPEN MESH, vinyl-coated polyester, 6' x 9' fts, Dark Green, Black and colors	12 s.f./lb.	0.691 /sq.ft. 3-YEAR WARRANTY!
16	3030W Original WILSON ROYALE-SCREEN CLOSED MESH, vinyl-coated polyester, 6' x 9' fts, Dark Green, Black and colors	11 s.f./lb.	0.715 /sq.ft. 3-YEAR WARRANTY!
MEZY	NC 3028W WILSON SUPER PVC knitted 100% denser polyester scrim coated with vinyl (PVC), 6' x 9' fts, Dark Green, Black and colors	13 s.f./lb.	0.87 /sq.ft. 3-YEAR MAIL WARRANTY, 4-YEAR WORKMANSHIP WARRANTY
16	267W WILSON PVC OPEN MESH, vinyl polyester, 6' x 9' fts, Dark Green, Black	20 s.f./lb.	0.93 /sq.ft. 3-YEAR WARRANTY!
16	3026W WILSON PVC CLOSED MESH, vinyl polyester, 6' x 9' fts, Dark Green, Black	19 s.f./lb.	0.72 /sq.ft. 2-YEAR WARRANTY!
<b>CUSTOM LOGOS AVAILABLE ON #278W, #3030W, #3028W, #3026W, #267W, AND #3026W - CALL FOR DETAILS</b>			
17	274W WILSON MASTERSHADE PLUS windscreen, with heat-set treatment, 6' x 9' fts, Custom lengths (5' H has 4.5' H line marked to indicate where windscreen should be attached to fence with Ty-raps), Dark Green, Black	17 s.f./lb.	0.66 /sq.ft. 3-YEAR WARRANTY!
16	276W WILSON AIR MASTER I, Leno polypropylene OPEN MESH, 6' x 9' fts, Dark Green, Black	26 s.f./lb.	0.515 /sq.ft. 2-YEAR WARRANTY!
17	276W WILSON AIR MASTER I, polypropylene CLOSED MESH, 6' x 9' fts, Dark Green, Black	26 s.f./lb.	0.645 /sq.ft. 2-YEAR WARRANTY!
17	3017W WILSON AIR MASTER III, non Leno polypropylene OPEN MESH, 6' x 9' fts, Green. <i>Ltd Supply</i>	28 s.f./lb.	0.49 /sq.ft.

\* Orders calling for available colors (including Royal Blue) other than the standard Dark Green or Black will be automatically charged an additional \$0.02/sq.ft.

17	265W 6' WILSON MASTERSHADE knitted windscreen, with heavy duty selvage, 120'L x 6'H, Dark Green, Black	42 lbs.	192.00 /ft. 3-YEAR WARRANTY!
NC	3374W Same as #265W 6' except 25'L x 6'H, Black, <i>Ltd Supply</i>	6 lbs.	42.00 /ft.
17	3375W Same as #265W 6' except 50'L x 6'H, <i>Ltd Supply</i>	18 lbs.	81.00 /ft.
17	3387W WILSON MASTERSHADE knitted windscreen, hemmed, grommeted, 120'L x 6'H, Dark Green, Black	51 lbs.	266.00 /ft.
17	3391W Same as #3387W except 50'L x 6'H, <i>Ltd Supply</i>	21 lbs.	126.00 /ft.
17	266W 9' WILSON MASTERSHADE knitted windscreen, with heavy duty selvage, 120'L x 9'H (has 4.5' H line marked to indicate where windscreen should be attached to fence with Ty-raps), Dark Green, Black	80 lbs.	288.00 /ft.
17	3376W Same as #266W 9' except 50'L x 9'H, <i>Ltd Supply</i>	26 lbs.	120.00 /ft.
17	3379W Same as #266W 9' except 100'L x 9'H, Dk Grn, <i>Ltd Supply</i>	50 lbs.	282.00 /ft.
17	3388W WILSON MASTERSHADE knitted windscreen, hemmed, grommeted, 120'L x 9'H, Dark Green, Black	70 lbs.	320.00 /ft.
17	3383W Same as #3388W except 50'L x 9'H, <i>Ltd Supply</i>	29 lbs.	153.00 /ft.
17	3384W Same as #3388W except 100'L x 9'H, Dk Grn, <i>Ltd Supply</i>	52 lbs.	323.00 /ft.
NC	268TW MASTERSHADE lite, 120'L x 6'H, Dark Green, Black	4 lbs.	23.50 /ft.
NC	279W Extra charge for pieces less than 20'L	N/A	9.00 /ea.
NC	114W Extra charge for pieces over 640 sq ft (80' x 8', 60' x 9')	N/A	10%



## Fort Smith Police Department

Kevin Lindsey, Chief of Police

### INTERDEPARTMENTAL MEMORANDUM

**To:** Dennis Kelly, City Administrator  
**From:** Kevin Lindsey, Chief of Police  
**Subject:** Herbal Substances (i.e. K-2) Ordinance  
**Date:** May 20, 2010

Currently, legal herbal mixtures and synthetic chemical compounds are being marketed as a "legal high" in the Fort Smith region. These products are sold in retail outlets under names such as K-2, Spice, Genie and Yucatan Fire. Research indicates these herbal mixtures have similar effects to that of *cannabis* or marijuana. These products pose a threat to public safety as they are increasingly being abused by teens and young adults around the nation.

In researching K-2 and similar herbal mixtures, we found that these products are increasingly being sold at smoke shops, gas stations, convenience stores and novelty shops across the nation, and more specifically in the City of Fort Smith. Law enforcement authorities are encountering herbal mixtures being sold as incense with greater frequency and there are documented cases in Greenwood, Arkansas and in Crawford County, Arkansas where teens and young adults were found to be in possession of these herbal mixtures. These substances are readily available to teens and young adults, and there are currently no state or federal laws regulating the sale, possession or ingestion of these substances.

Some of the chemical compounds found in herbal mixtures, such as K-2, have been found to be 100 times more potent than THC, the active ingredient in *cannabis*. The adverse side effects of these compounds can include, but are not limited to, pain attacks, heart palpitations, hallucinations, delusions, vomiting, increased agitation, and dilated pupils. The long term effects of these compounds are not yet known, which increases the danger of ingesting such compounds.

Several municipalities and counties in Arkansas have recently enacted ordinances banning K-2 and similar products, and include: Greenwood, Springdale, Rogers, Crawford County, Benton County, and most recently, Sebastian County. While some of

Interdepartmental Memorandum  
Herbal Substances (K-2) Ordinance, Study Session  
May 20, 2010

the ordinances enacted have been aimed at juveniles, others have been enacted to ban the substances for the entire population. Prior to the Missouri State Legislature passing a law banning the substances statewide, there were several municipalities and counties which enacted ordinances to ban the substances, to include: Pettis County, MO, St. Charles County, MO, Camdenton, MO and Lake Ozark, MO.

These products are currently sold within the city limits of Fort Smith in at least two locations, making them readily available to the citizens of Fort Smith, as well as surrounding communities. Although little is known about the long term effects of this substance on humans, these substances may pose significant risk to the health, safety and welfare of the City's inhabitants, creating a need to regulate these substances. Staff has completed research on the issue and drafted two ordinances for consideration by the Board of Directors.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 14, ARTICLE II, OF THE FORT SMITH CITY CODE OF ORDINANCES REGULATING THE POSSESSION, SALE AND INGESTION OF CERTAIN SUBSTANCES**

---

**WHEREAS**, the Board of Directors of the City of Fort Smith, Arkansas, has determined that within the city limits of the City of Fort Smith, Arkansas, there are certain substances available for sale which produce intoxicating effects similar to THC or marijuana; and,

**WHEREAS**, at this point, neither the state of Arkansas, nor the federal government, have enacted any laws to regulate the sale, possession or ingestion of same, and have not yet categorized such substances as illegal, controlled substances; and,

**WHEREAS**, it has been determined that the effects of these substances are potentially dangerous to users, and, furthermore, that the long-term effects are unknown, and thus constitute a health concern to the citizens of the City of Fort Smith, Arkansas;

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

Chapter 14, Article II, of the Fort Smith Municipal Code is amended by adding Section 14-32, which shall read as follows:

**Sec. 14-32. Possession, Sale and Ingestion of Certain Substances**

- (a) It shall be unlawful for any person to use, possess, purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following substances within the city limits of the City of Fort Smith, Arkansas:
- (1) Salviadinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts
  - (2) (6aR,10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol some trade or other names: HU-210
  - (3) 1-Pentyl-3-(1-naphthoyl)indole – some trade or other names: JWH-018\Spice
  - (4) 1-Butyl-3-(1naphthoyl)indole – some trade or other names: JWH-073
  - (5) N-benzylpiperazine – some other trade names: BZP
  - (6) 1-(3-[trifluoromethylphenyl]) piperazine – some trade or other names: TFMPP
  - (7) Or any similar substance.

- (b) It is not a violation of this Ordinance if a person was acting under the supervision of an authorized law enforcement officer to enforce or ensure compliance with this Ordinance.
- (c) It is unlawful for any person, knowingly, to breathe, inhale or drink any compound, liquid or chemical listed within this Ordinance, or a similar substance for the purpose of inducing a condition of intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner, changing, distorting or disturbing the auditory, visual, or mental process.
- (d) It is unlawful for any person, within the city limits of the City of Fort Smith, Arkansas, knowingly, to sell, offer for sale, deliver, give, or possess with the intent to sell, deliver or give to any other person any compound, liquid, or chemical set forth herein, or other substance that will induce a condition of intoxication through breathing or inhalation if he or she has reasonable cause to believe that the compound, liquid or chemical sold, offered for sale, delivered, given or possessed with the intent to sell or give will be used for the purpose of violating this Ordinance.
- (e) This Ordinance does not apply to any person who commits any act described in this Ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This Ordinance likewise does not apply to the inhalation of anesthesia for a medical or dental purpose.
- (f) Any person found to be in violation of this Ordinance will be guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in section 1-9 of this Code of Ordinances.

Emergency Clause. It is hereby determined that the sale, use, and possession of the substances identified in this Ordinance are a significant risk to the health, safety and welfare of the City's inhabitants, and, that such substances are currently being sold and used, without regulation or prohibition, and thus an emergency exists that requires the immediate effectiveness of this Ordinance.

This Ordinance adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney  
Publish 1 time

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 14, ARTICLE II, OF THE FORT SMITH CITY CODE OF ORDINANCES TO ADD A SECTION REGULATING THE POSSESSION, SALE AND INGESTION OF CERTAIN SUBSTANCES**

---

**WHEREAS**, the Board of Directors of the City of Fort Smith, Arkansas, has determined that within the city limits of the City of Fort Smith, Arkansas, there are certain substances available for sale which produce intoxicating effects similar to THC or marijuana; and,

**WHEREAS**, at this point, neither the state of Arkansas, nor the federal government, has enacted any specific laws to regulate the sale, possession or ingestion of same, and have not yet categorized such substances as illegal, controlled substances; and,

**WHEREAS**, it has been determined that the effects of these substances, especially, in minors, are potentially dangerous to users, and, furthermore, that the long-term effects are presently unknown, and thus constitute a health concern to the citizens of the City of Fort Smith, Arkansas;

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

Chapter 14, Article II, of the Fort Smith Municipal Code is amended by adding Section 14-32, which shall read as follows:

**Sec. 14-32. Possession, Sale and Ingestion of Certain Substances**

- (a) It shall be unlawful for any person to give, barter, or sell to a minor, within the city limits of the City of Fort Smith, Arkansas:
- (1) Salviadivinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts
  - (2) (6aR,10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol some trade or other names: HU-210
  - (3) 1-Pentyl-3-(1-naphthoyl)indole – some trade or other names: JWH-018\Spice
  - (4) 1-Butyl-3-(1naphthoyl)indole – some trade or other names: JWH-073
  - (5) N-benzylpiperazine – some other trade names: BZP
  - (6) 1-(3-[trifluoromethylphenyl]) piperazine – some trade or other names: TFMPP
  - (7) Or any similar substance.
- (b) It is unlawful for a minor to use, possess, purchase, or attempt to purchase, within the city limits of the City of Fort Smith, Arkansas, any of the substances set forth in subsection (a) above.

- (c) It is not an offense under this Ordinance if the possessor or purchaser was acting at the direction of an authorized agent of law enforcement to enforce or ensure compliance with this law prohibiting the sale or possession of any of the aforementioned substances.
- (d) It is unlawful for any minor, knowingly, to breathe, inhale or drink any compound, liquid or chemical listed within this Ordinance, or a similar substance for the purpose of inducing a condition of intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner, changing, distorting or disturbing the auditory, visual, or mental process.
- (e) It is unlawful for any person, within the city limits of the City of Fort Smith, Arkansas, knowingly, to sell, offer for sale, deliver, give, or possess with the intent to sell, deliver or give to any other person any compound, liquid, or chemical set forth herein, or other substance that will induce a condition of intoxication through breathing or inhalation if he or she has reasonable cause to believe that the compound, liquid or chemical sold, offered for sale, delivered, given or possessed with the intent to sell, or give will be used for the purpose of violating this Ordinance.
- (f) This Ordinance does not apply to any person who commits any act described in this ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This Ordinance likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose. For purposes of this Ordinance, a minor is defined as an individual under the age of twenty-one years of age.
- (g) Any person found to be in violation of this will be guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in section 1-9 of this Code of Ordinances.

Emergency Clause. It is hereby determined that the sale and use of the substances identified in this Ordinance are a significant risk to the health, safety and welfare of the City's inhabitants, especially, minors, and are currently being sold and used, without regulation or prohibition, and thus an emergency exists that requires the immediate effectiveness of this Ordinance.

This Ordinance adopted this \_\_\_\_ day of \_\_\_\_\_, 2010.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney  
Publish 1 time

## GULF COAST HIDTA INTELLIGENCE BULLETIN

Spice/K2Overview:

An emerging threat in the Gulf Coast HIDTA is the abuse of a combination of legal herbal mixtures and synthetic chemical compounds marketed as a "legal high." This product, commonly retailed under the names of Spice, Mojo, K2, or Genie, has become increasingly abused by teens and young adults and has gained the attention of law enforcement authorities and legislators. Until recently, the "legal weed" was exclusively purchased over the Internet; however, due to its popularity, it is becoming increasingly sold at smoke shops, gas stations and convenience stores. The plants used to create this legal high include baybean, blue lotus, pink lotus and lion's tail. They were used by ancient cultures as a sedative or for euphoric effects. In addition to the natural herbal contents, these products also contain several synthetic chemical compounds that are potentially hazardous. These products, designed to be smoked, are produced internationally and imported into the United States.



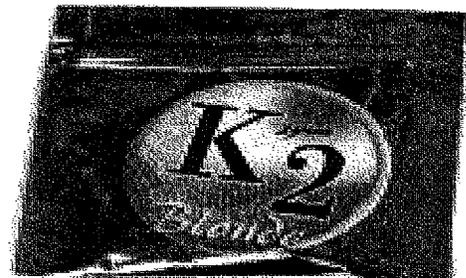
Law enforcement authorities are encountering these herbal incenses with greater frequency and some cities in the United States have witnessed an increase in hospitalizations due to the adverse effects of the herbs. Reports indicate that this combination of herbs has similar effects to that of cannabis. These adverse side effects include, but are not limited to, pain attacks, heart palpitations, hallucinations, delusions, vomiting, increased agitation and dilated pupils. There are no accepted urine drug testing or field test kits able to detect the chemicals; however, laboratory testing can detect the presence of synthetics. Chemical testing has revealed that some of the synthetic chemicals found in these products are controlled substance schedule 1 drugs. One of these synthetics, HU-210, is structurally similar to, but is reportedly 100 times more potent than THC, the active ingredient in cannabis.

Cost: These products are available in several volumes, including three gram packs, 400 milligram packs and 800 milligram packs with retail around \$5 for a pre-rolled herbal cigarette to around \$20 to \$50 for the three gram package.

Legislation: Currently, Alabama and Louisiana have introduced legislation making several of the chemical compounds in these substances illegal. The Mississippi Bureau of Narcotics has sent a proposal to Mississippi legislators seeking to make these chemical compounds illegal. A town in Northern Arkansas has passed a city ordinance outlawing the sale and possession of these products. Out of concern for its citizens, especially teenagers and young adults, the city enacted the law prior to the potential increase in abuse. Businesses caught retailing the product face the possibility of having their license revoked plus a \$200 fine for each sale of the product while citizens in possession of the product face a \$500 fine. Due to the increased usage and adverse effects of the product, many other states are working on legislation to ban these chemicals. Currently, Kansas is the only state to have already passed legislation to ban these chemical substances.



April 2010



# GULF COAST HIDTA INTELLIGENCE BULLETIN



## Spice/K2

**Incidents:** The U.S. Customs and Border Protection seized two packages at a DHL freight hub in Dayton, Ohio containing 31.65 kilograms of herbal incense. The packages were shipped from the Czech Republic to Port Richey, Florida. This product tested positive for HU-210 at a CBP laboratory in Chicago. In February 2010, a CBP laboratory in Atlanta tested two shipments of suspected herbal incense. The product tested positive for JWH-018, a synthetic cannabinoid.

**Extracts:** The naturally occurring ingredients in these smoking herbal blends have been utilized by ancient cultures. Spice/K2 includes the following herbs:

*Baybean* - smoked as a marijuana substitute

*Maconha Brava* - smoked for visionary effects

*Blue Lotus* - flowers known for visionary and inebriating effects

*Pink Lotus* - smoked or turned into a drink for euphoric effects

*Dwarf Scullcap* - used as a sedative

*Siberian Motherwort* - used as medicine and a smoking herb

*Indian Warrior* - used as a muscle relaxer

*Lion's Tail* - used for euphoric effects

**Chemicals:** The following are examples of the synthetics found in these products.

*HU-210* - structurally and pharmacologically similar to THC, the main ingredient in marijuana. It is listed as a Schedule 1 Controlled Substance.

*CP 47,497* - has pain reliever effects and binds to one of the two sub-types of cannabinoid receptors in the brain (CB<sub>1</sub>).

*JWH-018* - a synthetic cannabinoid and effects both the CB<sub>1</sub> and CB<sub>2</sub> receptors in the brain.

**Packaging/Brand Names:** Spice. K2. Moio. Genie. Yucatan Fire



**Sources:** Alabama Bureau of Investigation, Drug Enforcement Administration, Louisiana State Police, Mississippi Bureau of Narcotics, National Drug Intelligence Center, South Florida HIDTA, U.S. Customs and Border Protection

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# ***AGENDA*** ~ ***Summary***

## **FORT SMITH BOARD OF DIRECTORS STUDY SESSION**

***MAY 25, 2010 ~ 12:00 NOON***

**FORT SMITH PUBLIC LIBRARY  
COMMUNITY ROOM  
3201 ROGERS AVENUE**

1. Review community site visit report prepared by Legacy Consulting, and grant funding possibilities  
*Chad Gallagher of Legacy Consulting reviewed the report and discussed recommendations. The Board requested that Mr. Gallagher submit a proposal for their review to include providing assistance to the City in matters of community development, economic development, public relations and grant acquisition efforts.*
2. Review recommendations from the Parks and Recreation Commission regarding improvements to the Creekmore Park tennis courts  
*Placed item on June 1, 2010 regular meeting agenda to amend the Western Arkansas Tennis Association agreement to allow advertising at the Creekmore Tennis Center.*
3. Discuss a proposed ordinance banning "K-2" substance  
*Briefing by Police Chief Kevin Lindsey and discussion with City Attorney Rick Wade. Ordinance was placed on June 1, 2010 regular meeting agenda.*
4. Review preliminary agenda for June 1, 2010 regular meeting