



Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Steve Tyler

Ward 2 – Andre' Good

Ward 3 – Don Hutchings

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

Study Session

April 10, 2012 ~ 12:00 Noon

Fort Smith Public Library Community Room

3201 Rogers Avenue

1. Discuss citizen participation at Board meetings ~ *Director Settle requested at the February 7, 2012 regular meeting ~*
2. Discuss reinstating televised meetings of the Board of Directors ~ *Catsavis/Tyler placed on agenda at the February 28, 2012 study session ~*
3. Review proposal to build, operate and manage a sports complex on Riverfront Drive ~ *Good/Weber placed on agenda at the April 3, 2012 regular meeting ~*
4. Review preliminary agenda for the April 17, 2012 regular meeting

MEMORANDUM

To: Ray Gosack, City Administrator
From: Sherri Gard, City Clerk
Date: April 4, 2012
Re: Citizen Participation at Board Meetings

At the February 7, 2012 regular meeting, Director Settle requested information be gathered from other cities regarding citizen participation at board meetings. A survey was forwarded to the six (6) largest populated cities in Arkansas, i.e. Little Rock, Fayetteville, Springdale, Jonesboro, North Little Rock and Conway. A spreadsheet has been prepared with the responses received and is attached for review.

Also attached are excerpts from the Fort Smith Municipal Code regarding citizen participation at regular or special meetings of the Board of Directors. Section 2-37(b) relates to citizen comment on agenda items for regular and special meetings. Section 2-37(b) relates to the Citizens Forum, which occurs only at regular meetings.

If you have any questions, please let me know.

Citizen Participation and Revised Meeting Survey

March 2012

Survey Questions		Little Rock Pop. 193,524	Fayetteville Pop. 73,580	Springdale Pop. 69,797	Jonesboro Pop. 67,263	North Little Rock Pop. 62,304	Conway Pop. 58,908
1	Citizens allowed to speak on agenda items?	Yes	Yes	Yes	Yes	Yes	Yes
1A	If so, set time limit?	No	No	No	5 minutes, 15 total	3 minutes	No
2	Citizens allowed to speak on non-agenda items?	Yes	No	Yes	Yes	Yes	No
2A	If so, set time limit?	3 minutes	N/A	No	5 minutes, 15 total	3 minutes	N/A
2B	If so, beginning or end of meeting?	End of meeting	N/A	Beginning of meeting	End of meeting	End of meeting	N/A
2C	If not, other public opportunity provided?	N/A	Quarterly town hall meeting	N/A	Committee meetings	N/A	No
3	Meetings televised?	Yes	Yes	Yes	Yes	Yes	Yes
3A	If so, gavel to gavel coverage?	Yes	Yes	Yes	Yes	Yes	Yes
3B	If so, broadcast live and/or rebroadcast?	Live & rebroadcast	Live & rebroadcast online	Rebroadcast only	Live only	Live & rebroadcast online	Live & rebroadcast
3C	If so, city funded or other entity?	City (franchise fees)	City	City	Grants	City & cable provider	City (publicly owned cable company)
4	Allow private recording of meetings by citizens?	Yes	Yes	Yes	Yes	Yes	Yes
4A	If so, rules or guidelines established?	No	No	No	Being developed	No	No

Sec. 2-37. Agenda consideration at opening of meeting; public comment on agenda items.

- (a) After each regular or special meeting of the board of directors is called to order and the roll is called, the mayor shall inquire of the members of the board of directors if any director desires to present any item of business or other matter to the board during the meeting, or which is not already on the agenda of a regular or special meeting. If the mayor receives an affirmative response, the subject of all such items of business or matters for consideration shall be promptly determined. No person, except a member of the board of directors, shall be permitted by the mayor to discuss any item of business or other matter presented at the meeting for a place on the agenda until the item of business is placed on the agenda, or other matter is approved by the board for presentation at the meeting. The mayor shall submit separately to the board for vote without motion each item of business or other matter proposed by a director. A director presenting items requiring board action, but not placed on the agenda of the meeting at which presented, shall be told by the mayor that the item will be on the agenda for the next regular meeting of the board, unless removed by a majority of the board. At each regular or special meeting of the board the mayor may then ascertain the number of persons present for each item on the agenda and shall rearrange the order of the agenda subject to the approval of the board, so that the business of the largest groups of people present is first on the agenda.
- (b) After a motion is made and seconded for approval of each item on the agenda of any regular or special meeting of the board, and before such item is discussed by members of the board, the mayor shall inquire of those present if anyone has a statement to make concerning the item under consideration. An applicant before the board may have up to five (5) minutes to make an opening presentation. If a group of citizens opposes the applicant, they may have up to five (5) minutes to make an opposing presentation. Each side shall have up to three (3) minutes to make a rebuttal presentation. All other comments from citizens shall be limited to no more than two (2) minutes per citizen. Any of these time limits may be extended by a consensus of the members of the board. Citizen comments must be relevant to the agenda item under consideration.

(Ord. No. 24-10, § 1, 5-18-10)

Sec. 2-44. Citizen complaints and citizen initiated items of business.

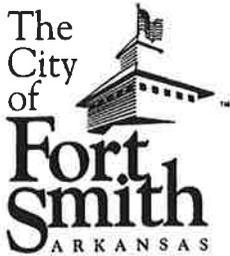
(a) Any citizen having a complaint or an item of business with the city should present the complaint or the item of business to the city administrator's office for action prior to presentation of the complaint or item of business to the board of directors at a meeting. Before presentation of the complaint or item of business to the board of directors, the aggrieved citizen shall first notify the city administrator, or his designated representative, of the nature of the complaint, and the city administrator shall immediately cause an investigation to be made of the complaint or requested item of business and notify the citizen and board of directors of the results of the investigation and recommended action, if any. A citizen who remains aggrieved by the action of the city administrator may then present the matter to the board of directors at any subsequent regular meeting after giving notice to the city administrator at least seven (7) days before the regular meeting. The matter shall be scheduled as an item of business on the regular meeting agenda. The city administrator shall provide the board of directors with a briefing report on the citizen's request, any action taken by the city administrator or his staff, and other information deemed relevant by the city administrator. The citizen shall have up to three (3) minutes to present his or her request at the regular meeting. The board of directors may extend this time limit by its concurrence. After considering the citizen's request, the board of directors may:

- (1) Take any action it deems appropriate, consistent with applicable law;
- (2) Determine to not consider the matter any further;
- (3) Request additional information from the citizen or the city administrator;
- (4) Defer the matter for further consideration at a study session meeting or a subsequent regular meeting.

If the board of directors determines to not consider the matter any further, the city administrator shall not schedule on a regular, special or study session meeting agenda any identical or substantially similar request made by any citizen within one (1) year of the board of directors' determination to not consider the matter any further.

(b) At each regular meeting, there shall be an item on the agenda immediately preceding adjournment of the meeting, which item shall allow citizens to introduce matters to the board of directors. Each citizen shall have up to two (2) minutes to present his or her matters, which matters shall be limited to those involving the city government and shall not be directly related to items considered on that meeting's agenda. If a matter presented by a citizen requires consideration of possible action by the board of directors or the city administrator, the matter shall be handled in accordance with subsection 2-44(a).

(Ord. No. 24-10, § 1, 5-18-10)



MEMORANDUM

April 4, 2012

TO: Mayor and Board of Directors

FROM: Ray Gosack, City Administrator

SUBJECT: Televising Board Meetings

At the February 28th study session, directors Tyler and Catsavis asked for a study session to consider an offer from a local business to pay the cost of televising city board meetings. The interested sponsor was identified as Jerry Hamel. The televising of board meetings began in 2009. Funding for televising meetings was removed from the 2012 budget during the board's budget review meetings.

On March 15th, director Catsavis, Sherri Gard and I met with Jerry Hamel of Hamel Properties to discuss Mr. Hamel's offer to pay for televising the meetings. A summary of that meeting is attached. Mr. Hamel subsequently provided a written proposal to which I responded with additional inquiries. Mr. Hamel responded a few days later. Copies of those letters are attached.

We've also received a proposal from Pharis Broadcasting to air the board meetings live on KFPW radio for a cost of \$500 per meeting (\$12,000 per year). Pharis Broadcasting's proposal is attached.

REVIEW OF PROPOSALS

As the board reviews these proposals, questions and issues the board may wish to consider include:

- ▶ Is it appropriate to have sponsors for televising meetings of a governmental legislative body? Would the board's impartiality be called into question if one of the sponsors had a controversial item (such as a rezoning case) before the board?

- ▶ Mr. Hamel has said that in return for underwriting the cost of televising meetings, he expects to use that sponsorship in his advertising. However, it hasn't been stated which of his businesses would include this in its advertising. The proposal is from Hamel Properties, LLC. However, Mr. Hamel also owns C & H Tire Company. If the board proceeds with Mr. Hamel's offer, it should be clear which companies will be advertising the sponsorship of televising city board meetings. The board may also want to know the particulars of how this advertising will be done, e.g., which media, content, frequency, etc.
- ▶ Mr. Hamel has proposed that he will hire the production company. Is this arrangement acceptable to the board? Or, does the board prefer that the production company be under the city's direction? If this is the preferred approach, then satisfactory arrangements would need to be made with the sponsor for advance payment of the production costs to the city.
- ▶ The staff has contacted the production company, 777 Productions. The production company reports that Mr. Hamel has discussed with them paying the cost of production with 1 camera. When the city was paying the cost of televising meetings, 3 cameras were used. Is it acceptable to the board to have only 1 camera used to televise the meetings?

OPTIONS

The board may wish to consider the following options:

- 1) Proceed with televising board meetings as Mr. Hamel has proposed.
 - 1 camera
 - Hamel Properties employs the production company
 - sponsorship of televising meetings mentioned in business advertising
- 2) Proceed with televising board meetings with different arrangements with Mr. Hamel. The number of cameras, arrangements for payment, and the parameters of sponsorship advertising would need to be determined.
- 3) Restore to the 2012 budget funding by the city for televising board meetings. Cost options are attached.

Our most significant General Fund revenue, sales tax, is 6.95% higher than budgeted for the first 2 months of 2012. If this trend continues throughout the year, we will see an additional \$1,060,000 in sales tax revenue above what was budgeted. However, the trend may not continue for the remaining 10 months of 2012.

- 4) Consider restoring funding by the city to the budget in July as decided at the January 10th study session. This would allow time to see if the trend of increased sales tax revenue continues, make certain other significant General Fund revenues aren't below budget, and gauge how rising fuel prices will affect the 2012 budget.
- 5) Accept the proposal of Pharis Broadcasting to air the meetings on KFPW radio at a cost of \$500 per meeting.

If there's any questions or a need for more information, please let me know.

Attachments

cc: Jerry Hamel, Hamel Properties, LLC
Bill Pharis, Pharis Broadcasting

Gosack, Ray

From: Gosack, Ray
Sent: Thursday, March 15, 2012 10:58 AM
To: Andre' Good; Andre' Good (good4ward2@gmail.com); Dingman, Jeff; Don Hutchings; George Catsavis (georgecatsavis@gmail.com); Philip Merry (philip_merry@ajg.com); pweber5469@aol.com; Sandy Sanders (SSanders@FortSmithAR.gov); Settle, Kevin (Board of Directors); Steve Tyler (sksttyler@sbcglobal.net)
Cc: Gard, Sherri
Subject: Televising Board Meetings

George Catsavis, Sherri Gard, and I met this morning with Jerry Hamel to discuss his interest in paying for televising city board meetings. Mr. Hamel will submit a written proposal by April 1st, which is scheduled for consideration at the April 10th board study session.

Mr. Hamel said that 5-6 business people have approached him about sharing the cost of televising board meetings. Mr. Hamel didn't identify those businesses; I advised him that the board would likely want to know the identities of those businesses. Mr. Hamel will identify these businesses in his proposal letter. Their interest is in paying the entire cost of televising the meetings (approx. \$27,000 annually) and not just the General Fund portion of this cost.

I asked if the businesses had any expectations in exchange for "sponsoring" the televising of the meetings. Mr. Hamel understands that no recognition may be given on the government access channel. He said the only expectation is that some of the businesses may mention in their advertising that they sponsor the televising of city board meetings.

We also discussed the mechanics of who would hire the production company, how the city would be compensated if it hires the production company, cancellation terms, and the expectations for production quality. I advised Mr. Hamel that I thought the best arrangement would be for the city to hire the production company, the businesses to pay the city up front for the costs (probably on an annual basis) so that the city would be assured of having the funds to pay the costs, and that the city would need at least 70 days notice if the businesses wanted to cancel or not renew the arrangement (we have to give the production company 60 days notice of cancellation). Mr. Hamel responded that the businesses may prefer contracting with the production company, subject to the city's approval, and paying the production company directly. He thought the businesses would be able to negotiate a more favorable cost with the production company. Mr. Hamel will discuss these options with the businesses and address their preferred approach in his proposal letter.

I advised Mr. Hamel that at this past Tuesday's study session, there was a brief discussion about possibly eliminating citizens forum from regular board meetings. I told him that if this discussion continues, it would likely do so at the April 10th study session.

Please let me know if you have any questions or need more information.

Ray

**HAMEL PROPERTIES, LLC.
4618 WHEELER AVENUE
FORT SMITH, ARKANSAS, 72901**

March 19, 2012

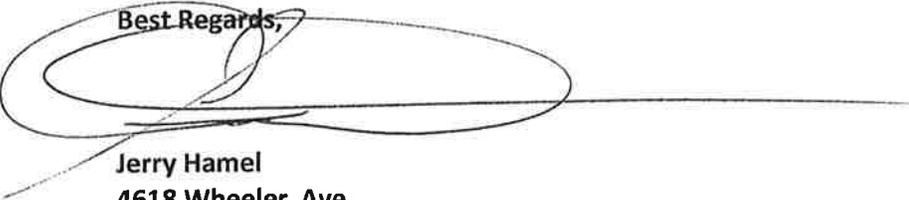
**Ray Gosack
City Administrator
P.O. Box 1908
Fort Smith, Ar. 72902**

Dear Mr. Gosack,

We are excited to bring TV coverage of the Board of Directors Meetings in Fort Smith back to the people of the city on the city information channel. Hamel Properties believes that transparency in government is of great importance and we're pleased that you have made that clear that you advocate transparency also.

Have an agreement in place with TV Production Company, and we are ready to move forward. We are aware that the city channel will not allow advertising, and will respect that covenant, but reserve the right to acknowledge that we support government transparency in our advertising for our company under separate cover. It is my understanding that we can be ready to provide TV coverage the first week of April 2012, and would be pleased with your confirmation of agreement thru year 2012, ASAP.

Best Regards,



**Jerry Hamel
4618 Wheeler Ave.
Fort Smith, Ar. 72901
(479)646-0270**



VIA FAX: 646-0293

March 19, 2012

Mr. Jerry Hamel
Hamel Properties, LLC
4618 Wheeler Ave.
Fort Smith, Arkansas 72901

Dear Mr. Hamel:

Thank you for your letter of March 19th regarding the televising of board of directors meetings. As we've previously discussed, the televising of board meetings must be approved by the board of directors. Until this approval is given, there shouldn't be any arrangements made to televise the meetings. Discussion of your proposal is scheduled for the April 10th board study session.

During our meeting last week, you mentioned that there were 5 or 6 businesses who were interested in sponsoring the televising of board meetings. Your March 19th letter doesn't identify any other businesses who will be sharing the cost. Are there other businesses involved in your proposal? If so, who are they?

Your March 19th letter states that you "... reserve the right to acknowledge that we support government transparency in our advertising for our company ...". Is the company who would be mentioning this in its advertising Hamel Properties, LLC, or another company?

Your letter also states that you "(h)ave an agreement in place with TV Production Company, ...". Could you identify this production company and the particulars of how they would televise the board meetings, e.g., how many cameras they would use, other production capabilities, ability to provide a DVD of the meeting in a format compatible for re-broadcast on the cable TV government access channel. If you prefer, you may have a representative of your proposed TV Production Company contact Sherri Gard to discuss these particulars.

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

Mr. Jerry Hamel

-2-

March 19, 2012

Thank you for your attention to these inquiries. If you have any questions or need further clarification, feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Ray Gosack". The signature is written in a cursive, slightly slanted style.

Ray Gosack
City Administrator

E-mail: rgosack@fortsmithar.gov

cc: Mayor and Board of Directors
Sherri Gard, City Clerk

**HAMEL PROPERTIES, LLC.
4618 WHEELER AVENUE
FORT SMITH, ARKANSAS, 72901**

March 22, 2012

**Ray Gosack
City Administrator
P.O. Box 1908
Fort Smith, Ar. 72902**

Dear Mr. Gosack,

Thank you for your response and commitment for transparency in government. Per our past discussion and your pledge to cooperate in bringing TV broadcasts of Directors meetings back to the citizens of Fort Smith. We have an agreement with your former TV production company to resume broadcasts of the City Directors meetings on the first week of April of 2012.

I am sure that you agree that this is not an item that requires Board approval because transparency in government is a civil right protected by the Constitution of The United States of America.

Same TV production company as was used by the City in the past

Paid for by Hamel Properties, LLC.

No changes in format

We only make this offer to pay the TV cost because of your claim of a budget shortfall at City Hall.

Again, same format as in the past that was paid by the taxpayers of the city, except Hamel Properties, LLC. will pay the cost.

Thanks again for meeting with us and we are excited that you share our feelings that transparency in government is the most important issue.

Best Regards,

A large, stylized handwritten signature in black ink, appearing to be 'Jerry Hamel', written over a horizontal line.

**Jerry Hamel
4618 Wheeler Ave.
Fort Smith, Ar. 72901
(479)646-0270**

**HAMEL PROPERTIES, LLC.
4618 WHEELER AVENUE
FORT SMITH, ARKANSAS, 72901**

March 26, 2012

**Ray Gosack
City Administrator
P.O. Box 1908
Fort Smith, Ar. 72902**

Dear Mr. Gosack,

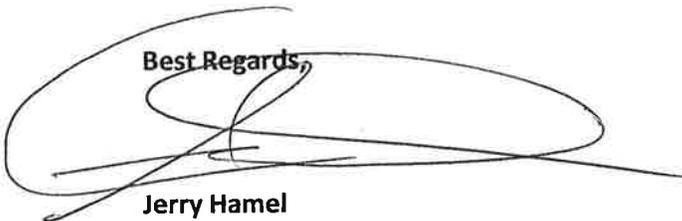
We know that you have stated many times that transparency in government is you most important goal, and we fully support your view and will do everything possible to help you accomplish this end. We also understand that city finances have been hit hard by the huge downturn in the economy, and wish to help the city with its promise for transparency by providing the funds to reestablish TV broadcasts of the City Directors meetings as a public service. I spoke with George Catsavis last week and he indicated that a majority of the City Directors were in favor of resuming the TV broadcast, but it should be approved by the Board. We agree, and think that all Board of Directors will approve the issue because it would be "the kiss of death" politically, for any Director to oppose the return of TV broadcasts.

Could you imagine any responsible City Director not wanting to have the people see the government at work and making decisions that will improve the quality of life in Fort Smith?

With this in mind, we have contacted the TV production company and advised them to wait until the proposal can be discussed and approved by you and the Board of Directors.

Thanks again for your great attitude regarding the absolute need for more transparency in our city government.

Best Regards,



**Jerry Hamel
4618 Wheeler Ave.
Fort Smith, Ar. 72901
(479)646-0270**



Pharis Broadcasting, Inc.

March 20, 2012

To: Ray Gossack
Fort Smith City Administrator

From: Bill Pharis
Fort Smith Radio Group

In a recent discussion among members of our staff and later with various city officials, suggestions were made about how city Board of Directors meetings might be accessed by local citizens unable to attend in person. The following proposal resulted from those talks.

KFPW-AM, Fort Smith, which has been operating here since 1930, would carry the live audio of the twice-monthly meetings. We would take the audio output of the Board's sound system and relay it through our Cellcast audio system to the KFPW-AM studio for broadcast. KFPW has an excellent signal over Fort Smith and does not reduce power at night as other AM stations in the market do. We could also feed the audio over the internet on our website, if that is desired.

To let the citizens know of the broadcasts, we would run 100 announcements per month on KFPW (which has a news/talk format and features the Arkansas Today local morning show) announcing that the meetings are heard on the station. We would also include announcements on the four other Fort Smith Radio Group stations informing listeners that the meetings are heard on KFPW-AM.

We would have a person at each meeting and another at the station during the broadcasts. The charge for providing these services would be \$1,000 per month.

Please understand that this proposal is made as a suggestion only. From our standpoint, any action or lack of action on it by the City of Fort Smith will have no affect on the good relationship we enjoy with you and city personnel.

Fort Smith Radio Group
ArkansasToday.com

P.O. Box 908 • 321 North Greenwood Avenue • Fort Smith, AR 72902
479-783-5379 • Fax 479-785-2638

TELEVISED MEETINGS

Cost Per Meeting	Number of Meetings	Base		Avg. Cost for Meeting Over 2 Hrs	TOTAL ESTIMATED		COST TO GENERAL FUND
		Annual Cost	Annual Cost		ANNUAL COST	ANNUAL COST	
3 Cameras *	24	\$26,400	\$26,400	\$375.00	\$26,775	\$7,497	
2 Cameras **	24	\$16,800	\$16,800	\$375.00	\$17,175	\$4,809	
1 Camera **	24	\$12,000	\$12,000	\$375.00	\$12,375	\$3,465	

* Proposed by 777 Productions for 2012 - submitted August 2011

** Proposed by 777 Productions as options to reduce cost - submitted December 2011



MEMORANDUM

April 5, 2012

TO: Mayor and Board of Directors

FROM: Ray Gosack, City Administrator

SUBJECT: Sports Complex

Last fall, Jake Files and Lee Webb approached the board about funding the construction of a sports tournament complex at Chaffee Crossing. Copies of their proposal and business plan are attached. The complex would be a quality facility intended to attract tournaments and possibly a venue for local high school and college teams. The tournaments would produce a positive economic impact for the region's economy.

The proposal anticipated receiving \$1.6 million from the city for construction of an 8-field complex. The board supported this request. The project was included in the funding plan for revenue from the parks' share of the 1/4% sales tax.

The project organizers are now proposing to move the location of the sports tournament complex from Chaffee Crossing to 51 acres of land owned by the city adjacent to the riverfront. Maps showing this location are attached.

CITY-OWNED RIVERFRONT LAND

In 2003, the city acquired 51 acres of land on the east side of Riverfront Dr. The purpose of this acquisition was to provide a location for ball fields to replace Andrews Field. In 2004, the city entered into a 50-year lease agreement (copy attached) with the Sebastian County Girls Softball League for the entire 51-acre tract. The league played at Andrews Field on 4 diamonds prior to conversion of the land for expansion of the Fort Smith National Cemetery. In 2006, voters rejected a sales tax bond proposal to construct a riverfront sports complex at this location. The property remains undeveloped.

Last fall when the board discussed funding for a variety of parks projects, this 51-acre location was identified for a soccer complex with construction tentatively planned for 2015. A listing of parks projects from that discussion is attached.

The 51-acre site isn't development-ready. It would need a road extension off Riverfront Dr. and the extension of water and sewer mains to the site. Below are the costs for these improvements:

Spradling Ave. extension	\$1,700,000
Water Main extension	\$ 410,000
Sewer Main extension	<u>\$ 200,000</u>
TOTAL	\$2,310,000

NOTE: If an extension of Spradling Ave. to connect with the neighborhoods to the east is desired, the cost of the roadway project would be an additional \$1.7 million.

The 51-acre site is located in the regulatory flood plain. Construction of athletic fields poses no problem in this area. However, the buildings such as restrooms and concession areas would have to be elevated an average of 9' above the normal ground elevation in order to be above the flood elevations.

Use of the site by anyone other than the Sebastian County Girls Softball League will require termination of the existing lease which runs through 2054. The league has verbally indicated a willingness to relinquish the lease when it has assurance of the 2 additional ball fields at Ben Geren Regional Park.

CONCLUSION

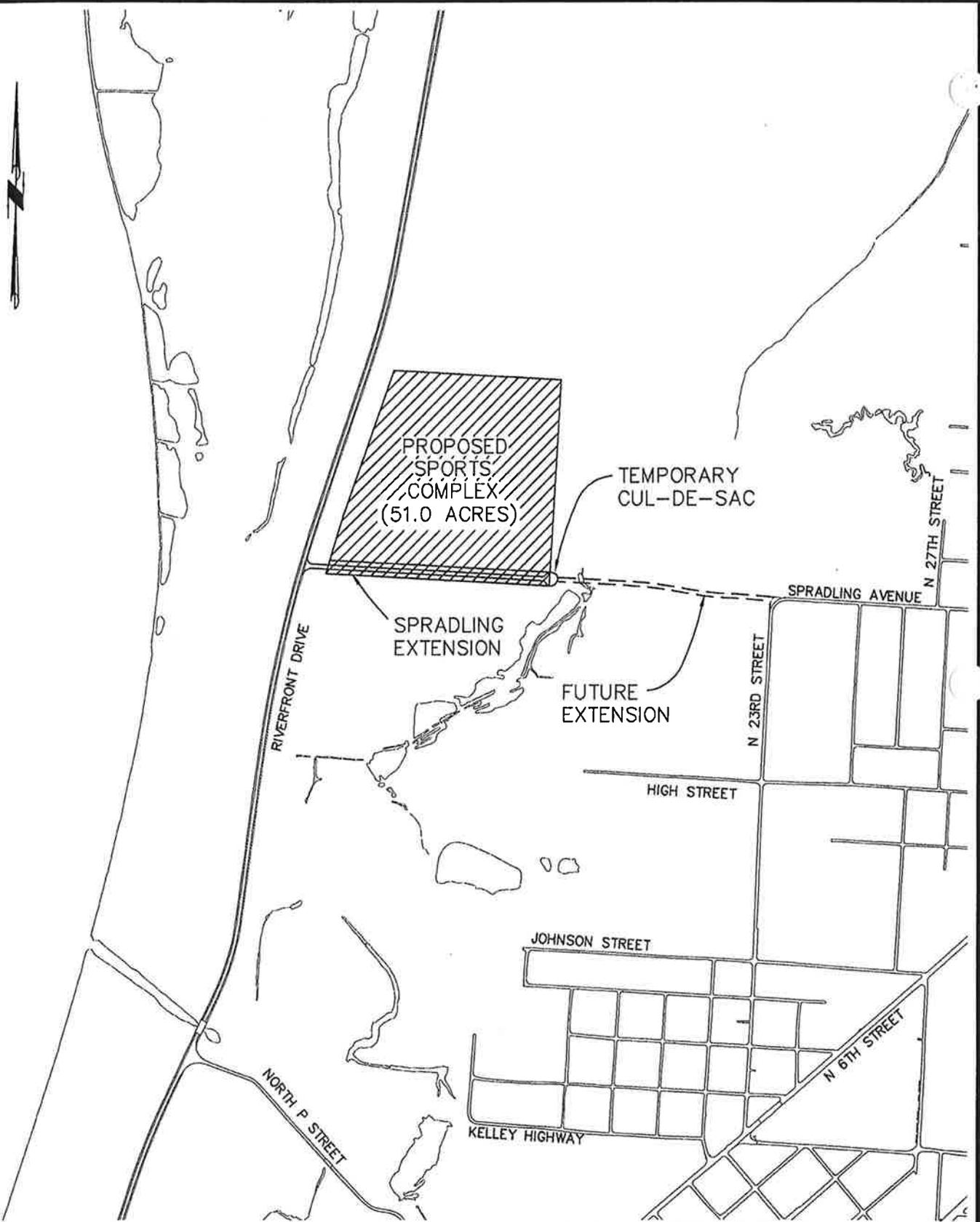
As the board discusses the best location for this facility, it should consider the location at which the facility will have the greatest success. Which location will visitors new to our city find most desirable? To answer this question and other questions about the size and design of the facility, the board may find it useful to first conduct a feasibility study. Such a study could help quantify the need for a tournament facility, which would lead to a project designed to meet market demands. This would give greater assurance of the wisest investment of taxpayer funds.

If there's any questions or a need for more information, please contact me.

cc: Jake Files

Ray

1/8% FOR PARKS SERVICES	2012	2013	2014	2015	2016	2017
Revenue	600,000	2,436,000	2,472,540	2,509,628	2,547,273	2,585,482
Purposes						
Aquatic Center Operations			75,000	76,500	78,030	79,591
Ben Geren Park Ballfields	550,000	700,000				
Chaffee Crossing Ballfields		1,475,000	125,000			
Parks Maintenance O & M Budget	50,000	250,000	350,000	425,000	500,000	600,000
Trails			750,000	950,000	1,000,000	1,000,000
Misc. Park Improvements			275,000			
Fort Smith Park Playground			100,000			
Fort Smith Park Fishing Tmnt. Facilities					500,000	
Creekmore Park Tennis Courts			250,000			
Creekmore Park Land Acq. & Parking				250,000		
Tilles Park Tennis			20,000			
Soccer Fields & Park Along Riverfront Dr.						
Wilson Park Playground & Pavilion					100,000	
Neighborhood Park Construction			500,000		150,000	150,000
TOTAL - PARKS	600,000	2,425,000	2,445,000	2,501,500	2,328,030	1,829,591
ENDING BALANCE	0	11,000	27,540	8,128	219,243	755,891
Misc. Park Improvements						
Shade Structures at pools			75,000			
Kitchen & Storage @ River Park Pavilion			100,000			
Kelley Riverpark Stage & Amphitheater			53,000			
Wilson Park Playground & Pavilion			100,000			
TOTAL			328,000			



PROPERTY LOCATION MAP
 RIVERFRONT DRIVE SPORTS COMPLEX
 FORT SMITH, ARKANSAS



Project:	
Date:	APRIL 2012
Scale:	NONE
Drawn By:	RBR

from Julie Files
Sept. 13, 2011



The River Valley Sports Complex Organization is seeking funding to develop new softball fields at Chaffee Crossing.

CON'S TO THE CURRENT SOFTBALL FIELDS

- HISTORY OF POOR FIELDS AT BEN GEREN PARK
- NO LARGE SCALE PROMOTION OF TOURNAMENTS
- LOW NUMBER OF TEAMS WANTING TO PLAY
- LACK OF ORGANIZATION BY LEADERSHIP
- PARK CLOSES EARLY
- POOR CONCESSION AND RESTROOM FACILITIES
- COSTLY FOR NEW FIELDS

PRO'S TO A NEW COMPLEX

- THERE SEEMS TO BE A CONSENSUS THAT THERE IS A NEED FOR NEW FIELDS IN THE RIVER VALLEY REGION
- FULL TIME MANAGEMENT
- FULL TIME TOURNAMENT DIRECTOR
- PROFESSIONALLY MAINTAINED FIELDS
- FIELDS WILL MEET ALL YOUTH, HIGH SCHOOL, AND COLLEGE SOFTBALL REGULATIONS (ASA, USSA)
- BETTER LIGHTING AND FIELD QUALITY WILL ATTRACT COLLEGE AND HIGH SCHOOL PROGRAMS TO UTILIZE THE AREA
- BETTER FIELDS MEANS MORE TEAMS AND ORGANIZATIONS WILL TRAVEL TO THE AREA TO PLAY
- LEGISLATORS ARE COMMITTED TO THE PROJECT
- ADVERTISING WILL BE SOLD AT THE COMPLEX TO HELP OFFSET THE COST OF MAINTAINING THE FIELD

THE ORGANIZATION IS ALSO APPLYING FOR GIF-1 GRANT THROUGH THE RURAL SERVICE DEPARTMENT OF THE STATE.





In-Kind Donation\$ to Date

Excavation & site prep of future fields	\$100,000
Engineering	\$5,000
Fill Material (top soil, shale, gravel and sand)	\$30,000
Sod	\$24,000
Labor (for irrigation, plumbing, electrical and concrete finish)	\$30,000
Crane usage for lighting	\$8,000
Field Maintenance	\$10,000 (per year)

TOTAL IN-KIND

\$207,000



River Valley Sports Complex



Business Plan October 2011



River Valley Sports Complex Executive Summary

Nearly 40 million kids play organized sports in America each year. In the River Valley Region, we are blessed with over 50,000 children¹, many of whom have an active lifestyle. These children and their families who participate in softball and baseball team sports use the things they learn about teamwork and life as strong foundation for their future well-being.



Clinical studies also show that sports and recreation programs can help youth establish lifelong, healthy and physical activity patterns. Regular physical activity can ward off life-threatening diseases; reduce feelings of depression and anxiety; help control weight and obesity; and build and maintain healthy bones, muscles, and joints, according to the President's Council on Physical Fitness.

To facilitate the growth of these sports and their availability to our kids, we are proposing the River Valley Sports Complex in Chaffee Crossing as a non-profit organization.

The RVSC will provide a first-class location in the Region for tournament play on the weekends and also league play during the week. The purpose of the development is two-fold. First, we are providing a quality, safe environment that will be an economic engine bringing many families from outside our Region here on the weekends that will stay in our hotels, eat at our restaurants, buy from our vendors, and see the beauty in our Region. Second, it will allow our kids (and adults) to have a high quality place to play, practice, and compete with each other during the week.



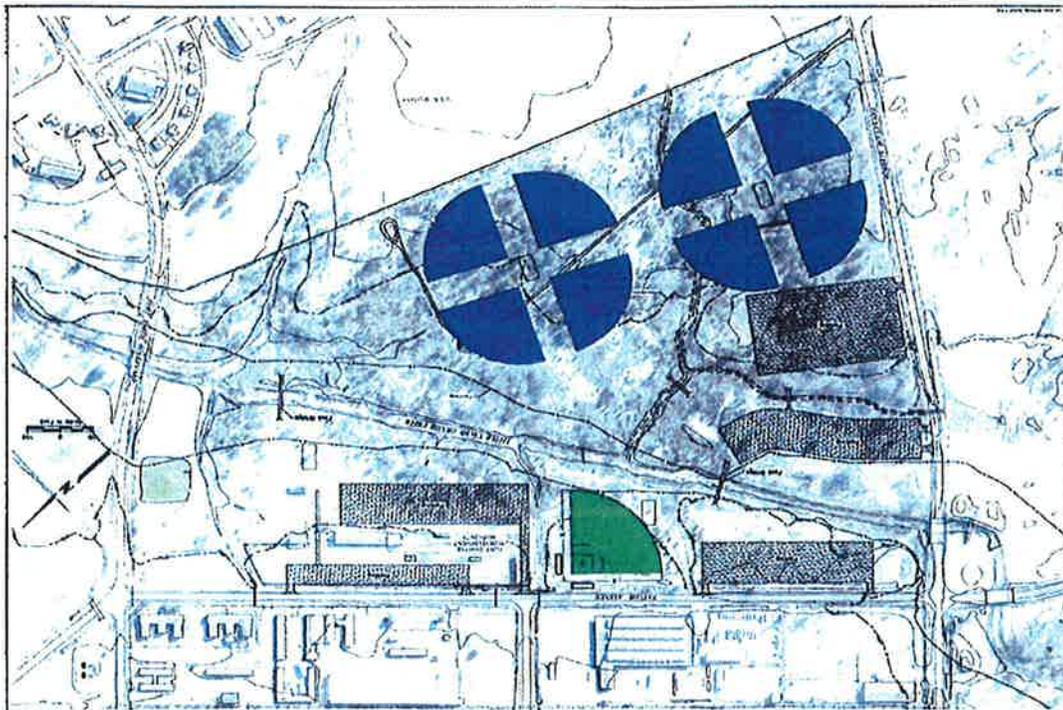
The funding of the RVSC will come from public and private entities alike, and we will provide a long-term management of the Complex that will allow for turnover, succession, and long-term success. These kind of facilities have shown to be profitable and supported by the community when they are run properly, maintained at a high level, and continually improved with operational profits. We also believe

that a strong collaboration with city and county government provides a solid base for future growth and is a part of the mission of local governmental entities in providing local opportunities for children and families and their recreation.



Mission Statement:

The River Valley Sports Complex will provide a safe, quality environment where children and adults can compete, develop, and grow while also providing a place where competitive tournaments thrive and provide economic benefits to the local community.



Graphic depiction of the fields overlaid on the site selected to be donated by the Fort Chaffee Redevelopment Authority (pending Board approval). The purple triangles demonstrate where fields will be placed (Phases I & II), and the green triangle shows the location of the Championship Field (Phase III).

1.1 Objectives

- To increase participation in youth sports and recreation programs in the River Valley area.
- To increase youth access to health care and healthy development.
- To provide a quality environment for hosting Regional competitive tournaments.

1.2 Mission

The River Valley Sports Complex will provide a safe, quality environment where children and adults can compete, develop, and grow while also providing a place where competitive tournaments thrive and provide economic benefits to the local community.



1.3 Keys to Success

- Providing a quality complex that will be a worthy destination to those playing travel ball.
- Providing a quality place for children and adult leagues to play.
- Minimize field maintenance and facility costs by installing energy efficient fixtures and equipment.
- Recruiting more corporate support for the sports program.
- Maintaining a high approval rate with the area's parents and youth.

Organization Summary

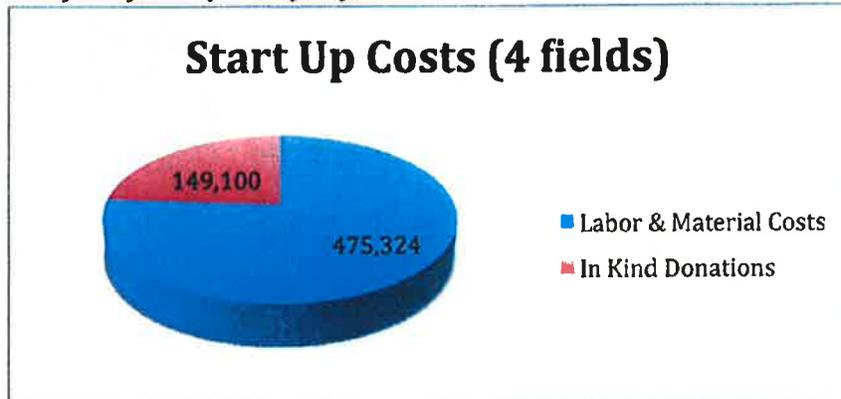
River Valley Sports Complex will be a private, non-profit organization that will manage and maintain the Complex at Chaffee Crossing while leasing the grounds from the city of Fort Smith or Sebastian County.

RVSC will have a full-time tournament director who will focus on tournament development and growth. We will also have a Groundskeeper who will be responsible for the maintenance and management of the grounds.

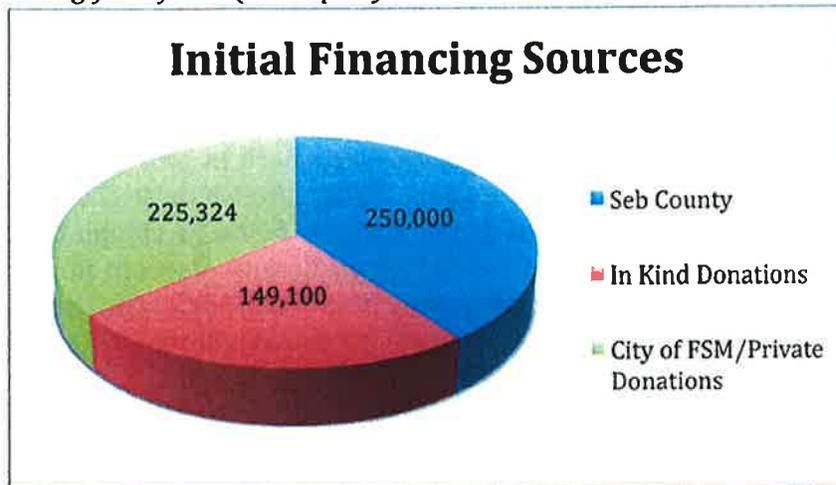
2.1 Start-up Summary

Start-up costs and initial financing are shown on the following tables and chart.

Start up Costs for 4 fields (1 complex):



Initial Financing for 4 fields (1 complex):



****Note on City of Fort Smith financing...we are requesting a minimum of \$500,000 in revenues from the city of Fort Smith up to a maximum of \$1,250,000. The city has pledged a certain amount from the March bond issuance to softball field development, and in light of our plans and obligations that would allow the city to seek grants, as they now cannot do, we are looking to increase our request to the maximum amount. The increased amount would also allow us to build a total of 8 fields in the start-up phase of our plan.**

Services

RVCS will offer the following opportunities during the year:

- Softball tournaments in March through October (8 month tournament season).
- Baseball tournaments (ages 12 and under) in March through October.
- Softball leagues for children and adults in the Spring, Summer, and/or Fall.



Market Analysis Summary

There are 55,000 children in the Fort Smith MSA under 18 years of age.

There are also numerous adult softball leagues that include women, men, and co-ed of all ages. These groups often times have more teams than can compete in area complexes because of scheduling issues, lighting issues, field condition, or management. We also have a few locales that can offer tournaments but are not maximized because of the above conditions and also don't attract the level of interest from Regional contenders because

Strategy and Implementation Summary

It is imperative that RVSC takes a proactive approach in promoting its facility both in the community and around the Region. To accomplish these goals, we must begin immediately in the construction of the initial 4 fields (1 complex). This will be funded by an investment from the Sebastian County Quorum Court and in-kind donations of labor and material from many interested local contributors.

This immediate investment will allow us to get started on construction in November 2011, and to begin playing on the fields in the Spring of 2012.

The next phase of the development will be to add an additional 4 fields (1 complex) to bring the total number of fields to 8. The investment by the City Board of Directors will help facilitate this phase and will also immediately satisfy the



requirements for the city to begin pursuing grants from the Fort Smith Parks Department (to meet requirements for replacement of the Andrews Field Complex).

The third phase of the development would be to build a Championship Field that could house inter-collegiate competitions as well as serve as the location for the

championship games in the tournaments. This field would be managed and maintained by RVSC and could be leased back by local universities for their fast-pitch softball facilities, relieving them of both the capital and physical location constraints that might be an issue in their building of a facility.

The RVSC will have a construction committee as a part of their Board that will help oversee the construction, solicit donations, and manage the timeline during this start-up process.



3.1 Competitive Edge

RVSC's competitive edge is twofold. One is the support of the community's public resources to build a successful sports venue that will have a positive impact on the attitude and health of the area's children, families, and adults.



The Complex's second advantage is the support of businesses to have a real impact on the local economy. The number of visitors to the Complex will allow for extensive exposure for area businesses and also provides a unique opportunity to have a dynamic impact on the area's youth.

3.2 Fundraising Strategy

RVSC will be directing its fund-raising program at two groups. One will be the area's major donors, and the other will be the Region's businesses. Being successful with both groups is key to the program's future.

- **Major Sponsorships:** The program's expectations is that major sponsorships will be secured to be placed in an Operating Reserve account to allow for major unexpected expenses and operating deficits, if any exist. These sponsorships will be detailed and include naming rights for the entire park, each complex (group of 4 fields), each field, and other specific parts of the park.

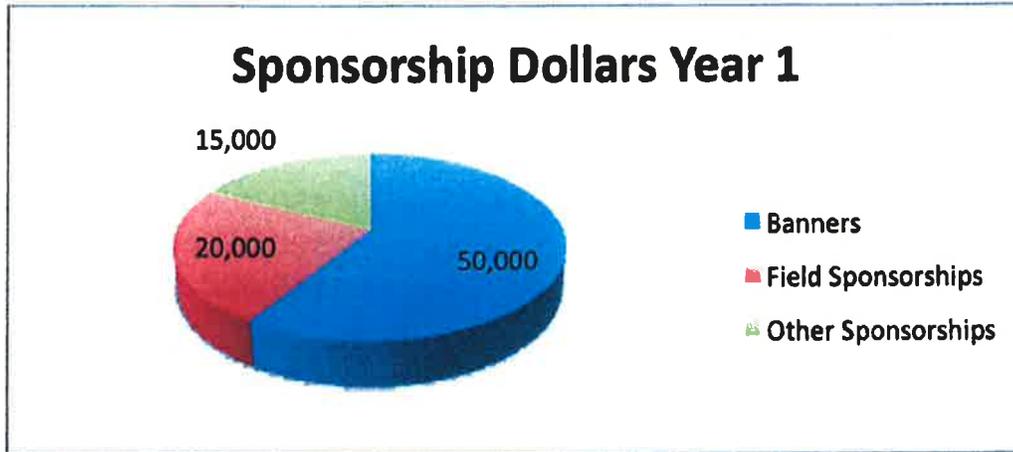
First, without a sense of ownership in the program the community will not support the program over time. Second, a monetary commitment to the program creates an expectation of services that will push the program to become more responsive to the community needs.



- **Business Sponsorships:** Local businesses can become sponsors of RVSC by securing banners and scoreboard signage on each field and will help provide ongoing revenue for maintenance and operations. With the sponsorship will come the opportunity to have the company name on field/facility banners.

3.2.1 Funding Forecast

The following is the funding forecast for three years.



Management and Financial Summary

RVSC will establish a team to manage the day-to-day operation of the program.

Management Plan

4.1 Personnel Plan

A non-profit Board of Directors will have oversight and offer accountability for the operations and finances of the organization. In addition to the volunteer capacity, a team of full-time and seasonal personnel will be hired as well.

The program team will have the following positions (which may be paid or volunteer):

- Tournament Director.
- Head Groundskeeper.
- Concession Coordinator.
- Sponsorship/Fundraising Developer.
- Seasonal Help.
- Umpire Coordinator.

Financial Plan

5.1 Operating Budget with Revenue & Expenses

The following is the Financial Plan for RVSC for 4 fields and 8 fields.

ANNUAL INCOME	<i>if 4 fields</i>	<i>if 8 fields</i>
Tournament Income	\$131,680	\$263,360
Sponsorship Income		
Banners	\$50,000	\$75,000
Field Sponsors	\$20,000	\$40,000
Other Marketing	\$15,000	\$20,000
Total Income	\$216,680	\$398,360
ANNUAL EXPENSE		
Tournament Director	\$35,000	\$55,000
Head Groundskeeper	\$30,000	\$50,000
Add'l Personnel in busy season	\$25,000	\$40,000
Insurance/Taxes	\$7,500	\$12,500
Maintenance Equipment	\$15,000	\$20,000
Supplies	\$7,500	\$12,000
Utilities	\$3,500	\$5,000
Total Expenses	\$123,500	\$194,500
Net Operating Income	\$93,180	\$203,860

Assumptions:

Based on 8 month season (March-October)

Based on 50% usage (18 of the 36 weeks)

Tournament numbers taken directly from Russellville complex with 4 fields

5.2 Start-up Costs for Fields

FIELD COSTS				
	Actual Cost	In-Kind/Donate	TTL--4 fields	TTL--8 field
Engineering/Consulting	\$ 2,500	\$ -	\$ 10,000	\$ 20,000
Dirt work/excavation	\$ 10,000	\$ 8,000	\$ 40,000	\$ 80,000
Lighting				
Materials	\$ 33,500	\$ -	\$ 134,000	\$ 268,000
Panels/Switch Gear	\$ 7,500	\$ -	\$ 30,000	\$ 60,000
Crane Install	\$ 2,400	\$ 2,400	\$ 9,600	\$ 19,200
Labor	\$ 7,500	\$ 7,500	\$ 30,000	\$ 60,000
Fencing	\$ 24,900	\$ -	\$ 99,600	\$ 199,200
Covering for Seating areas	\$ 10,500	\$ 5,000	\$ 42,000	\$ 84,000
Seating				
Dugout	\$ 1,856	\$ -	\$ 7,424	\$ 14,848
Spectator	\$ 3,400	\$ -	\$ 13,600	\$ 27,200
Timekeeper	\$ 425	\$ -	\$ 1,700	\$ 3,400
Scoreboards	\$ 2,500	\$ -	\$ 10,000	\$ 20,000
Landscaping				
Sod	\$ 12,000	\$ 6,000	\$ 48,000	\$ 96,000
Irrigation	\$ 3,500	\$ -	\$ 14,000	\$ 28,000
Other/Contingency	\$ 2,500	\$ -	\$ 10,000	\$ 20,000
SUB-TOTALS	\$ 124,981	\$ 28,900	\$ 499,924	\$ 999,848
	per field	in kind	4 fields	8 fields
COMMON AREAS				
Concession/Walkways				
Site Prep	\$ 2,000			
Plumbing	\$ 3,500			
HVAC	\$ 4,500	\$ 2,000		
Concrete	\$ 5,000	\$ 2,000		
Masonry	\$ 6,000	\$ 2,500		
Framing	\$ 2,500	\$ 2,500		
Lumber/Materials	\$ 15,000	\$ 5,000		
Electrical	\$ 4,500	\$ 3,000		
Doors/Windows	\$ 1,500	\$ 1,500		
Concrete Sidewalks	\$ 30,000	\$ 15,000		
Bathrooms	\$ 50,000			
	\$ 124,500	\$ 33,500	\$ 124,500	\$ 174,500
		Total Costs	\$ 624,424	\$ 1,174,348
		Less In-Kind	\$ (149,100)	\$ (264,700)
TOTAL COSTS TO BUILD COMPLEX			\$ 475,324	\$ 909,648

- *no parking lot costs built into this
- *for 8 fields, added an additional bathroom complex
- *no shade pavilions built into this
- *concession will service 4 fields and 8 fields together

5.3 Tournament Proforma

Below is an Annual Tournament Income Proforma for Year 1 that is taken directly from a similar complex with 4 fields in Russellville, Arkansas. It demonstrates what we have said and continue to maintain. These developments can and will make money if they are managed properly and provide a venue for leagues to play and tournaments to prosper.

Tournament Income Breakdown				
Fields	4			
Tournaments	18			
Teams per Tourn	20			
Revenue:				
Entry Fees	\$81,000	\$225	per team	\$4,500
Gate Fees	\$72,000	\$200	per team avg	\$4,000
Concession	\$90,000	\$250	per team avg	\$5,000
Total Income	\$243,000			\$13,500
Expenses:				
Umpires & Food	\$63,000	\$175	per team avg	\$3,500
Trophies	\$14,400	\$40	per team avg	\$800
Tourn Workers	\$25,920	\$1,440		\$1,440
Field Rental (utilities)	\$8,000	\$400	per team avg	\$444
Total Expenses	\$111,320			\$6,184
Net Income	\$131,680		per tourn	\$7,316

5.4 Expected Site Visitors

Based on empirical data from the tournaments described above, the following chart demonstrates the number of visitors to the Complex for Tournaments only (it does not factor in the site visits due to league play, which could be many).

The growth is shown as increase due to more tournaments in Years 2 & 3 as well as factoring a 10% growth each year due to more recognition of the Complex and number of teams travelling to play in our Region.

As you can imagine, RVSC produces a very healthy return to our area in terms of dollars spent per person as well.



DRAFT

Memo:

December 8, 2011

To: Ray Gosack, City Administrator
From: Mike Alsup, Parks and Recreation Director
Re: Meeting with Jake Files and Lee Webb to discuss the questions I asked about the River Valley Sports Complex (RVSC) Business Plan

Jake Files, Lee Webb, and I met Wednesday, December 7 to discuss the Business Plan for the sports complex proposed at Chaffee Crossing. There is no written response to the questions asked about the Plan. I will summarize the discussion and answers.

**The answers in italics below are responses from the River Valley Sports Complex group.*

1. Who is RVSC?

RVSC does not currently exist as an entity, aside from the cooperation of Jake Files and Lee Webb as individuals. There is no board of directors or supporting league or agency in this effort. If funding and a lease agreement are secured for the project, RVSC plans to fill a board of directors *with those who are interested and can contribute towards the development and operation of the complex. They intend to fill the board with those with fund-raising experience, softball expertise and/or involvement, and community awareness.*

2. Why has the request for funding increased from \$250,000 to \$2,000,000?

The request for funding has increased as RVSC has conducted more study on this type facility and more thoroughly discussed in-kind donations and monetary donations with potential donors. *This is also a reflection of a much greater vision that what was originally brought forward. The original plan consisted of 3 phases: PHASE 1: 4 fields, PHASE 2: 4 fields additional, PHASE 3: Championship Field additional. We are now proposing to do this in one increment with the following reasons stated.*

The possible participation and need of the Fort Smith Public Schools to have fields that are competitive with all the schools that they compete with was a primary factor. The addition of the 2 fields to meet the city of Fort Smith obligation to the Andrews field commitment is another reason. Another reason is the opportunity that may present itself for UAFS to bring another collegiate sport to the table and have a home here.

Staff comment: successful tournament sports facilities typically have a "wow" factor that is expensive to build. The buildings are typically themed, and the facilities often include a pavilion, playground, batting cage, and other amenities. In order to attract teams and get them to return, the facility and staff must be second to none. I am concerned about the lack of detailed construction or concept plans or a detailed operations plan.

Mike, we will have an operations plan for you in much greater detail and have met with Contractors who specialize in this type of field construction that can and will substantiate our numbers. We plan to hire them to build the fields and oversee all construction. They laser grade and have the best ways to build the fields and complex to minimize maintenance costs

and downtime for the future. We can have a process as well that allows for you, the manager of the city parks system, to both be involved with us and approve our plans if that gives you a greater comfort level.

3. What commitments have been made for in-kind donations and monetary donations?

No written commitments for in-kind or monetary donations have been made. RVSC has spoken to potential donors for funding maintenance, supplies, and equipment. *There will be ongoing expenses budgeted for personnel, equipment, and supplies. This has been a misconception from the start for some reason that we were doing everything with volunteer labor and donated equipment and supplies. That is simply not the case.*

Staff comment: There is concern about the long term maintenance of the facility and commitment from businesses to supply turf care products and equipment at no cost.

4. Will the RVSC facility meet the requirements of the State Outdoor Grants conversion replacement facility?

No. The State Parks, Outdoor Grants Division, gave me this ruling. The grant program funds outdoor parks projects that are open to the public. *With the addition of the 2 fields that WILL BE open to the public, we would request an additional review of our facility by the State.*

5. What experience do you have in operating this type facility?

Experience is in playing and coaching, not operating a league or maintaining sports fields.

6. How do you plan to maintain the property, 60 acres?

The plan is to use donated equipment to mow and maintain the ball fields. The hope is that Fort Chaffee Redevelopment Authority will mow and maintain the remainder of the property. RVSC has begun research into the cost of weekly maintenance of the facility and property including mower maintenance, restroom cleaning, supplies, etc. A verbal commitment has been made to provide fertilizer, weed control products, etc.

We have a commitment from Ivy Owen at Chaffee to mow and maintain the areas outside of the fields. We have detailed maintenance plans that have also been substantiated by those who have run similar facilities and understand the demands of in-season and out-of-season maintenance.

7. Will you staff the facility with paid staff or volunteers?

RVSC will use volunteers when available but will use paid staff to maintain the fields and property and to work the concession stand and gate during tournaments. *The primary staff will all be paid—both in concession operations, gate, and maintenance.*

8. What level of playing surface is being planned?

There are no written details or plans, photographs or model facilities, provided for the playing surfaces, buildings, or other amenities. *We have researched and once again, will be working with experts on this very thing. This would be another area that would be open to*

your approval as we progress. Without us incurring a great deal of engineering and architectural costs, we have provided a fair level of detail. We will also have for you at the next meeting a plan for the concession area at each complex and a rendering as well.

Staff comment: as mentioned in question 2, the playing surface, turf, clay mixture, under drain system, etc. are essential to the success of the facility. It is concerning that there is no information on this question.

9. Would you provide a list of two or three like facilities that can be used as models for RVSC?

The first example given was Russellville, AR. Russellville is not a like facility. The City owns and maintains the facility using City funds. The tournaments are privately sponsored.

A list of eleven (11) ball complexes was provided. These facilities are being contacted to discuss their operation and funding.

The two facilities in Tulsa, Oklahoma require the City's assistance with their utilities and some of the maintenance including mowing.

Not all of the facilities on the list are tournament facilities. Like our local leagues, some of the listed facilities host a few tournaments at the beginning or ending of the regular season.

Staff comment: As of this date, none have been confirmed as model facilities that are tournament facilities that either break even or turn a profit. The staff is aware of tournament facilities that operate with tax support.

10. How do you envision the ongoing operations and relationship with the City?

RVSC plans to ask the City for a lease agreement like the Church League agreement where the City funds the cost of utilities. RVSC also plans to increase the amount of capital requested for the project to \$2 million.

We feel like a lease agreement similar to what the FSCL has already been through the city with would be a fair representation of what we would propose with the added benefit that the city is already familiar with and operating under those terms and conditions.

RESOLUTION NO. R-157-04

A RESOLUTION APPROVING A LEASE OF PROPERTY BETWEEN THE CITY OF FORT SMITH AND THE SEBASTIAN COUNTY GIRLS' SOFTBALL ASSOCIATION

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

The Mayor is hereby authorized to enter into the attached lease agreement with the Sebastian County Girls' Softball Association for 51 acres of property to allow the construction of a new softball diamond complex to replace Andrews Field.

This Resolution adopted this 7th day of September, 2004.

APPROVED:



MAYOR

ATTEST:

Cindy Remler
CITY CLERK

Approved as to form
JK
no publication required

R-157-04

LEASE AGREEMENT

THIS AGREEMENT MADE AND ENTERED INTO this 9th day of Sept, 2004, by and between the City of Fort Smith, Arkansas, hereinafter "City" and the Sebastian County Girls' Softball League, Inc., hereinafter "League."

WITNESSETH

WHEREAS, the City is the owner of the real property described in paragraph 1 of this Agreement having received ownership of the subject property by purchase from Kansas City Southern Railroad Company for the use of the subject property as a "public park"; and,

WHEREAS, the parties desire that the subject property continue to be used, in part, for the public youth athletic activities supervised by the League (primarily baseball and softball activities); and,

WHEREAS, the parties desire to place in writing the terms of their agreement regarding the lease of the described real properties and use of the described personal properties by the League; NOW, THEREFORE:

In exchange of the mutual terms and conditions set forth herein, which are acknowledged by the parties to be sufficient to support the obligations set forth herein, the parties agree as follows:

1. Leased property. The City hereby leases to the League for an annual payment of one dollar (\$1.00) due on or before January 31 each year and the League hereby takes from the City, under the terms and conditions set forth herein, the hereinafter-described tract of real property located in the Fort Smith District of the County of Sebastian, State of Arkansas, to wit:

Part of the Southwest-Quarter (SW1/4) of Section 33, Township 9 North, Range 32 West, Ft. Smith, Sebastian County, Arkansas, more particularly described as follows: Commencing at the Southwest Corner of said SW1/4 of Section 33' thence North 89

degrees, 39 minutes, 54 seconds East, 615.24 feet to the easterly right of way line of Clayton Expressway for the POINT OF BEGINNING; thence North 13 degrees, 17 minutes, 00 seconds East, along said easterly right of way line, 442.52 feet; thence North 15 degrees, 30 minutes, 00 seconds East, along said easterly right of way line, 1122.66 feet; thence North 89 degrees, 39 minutes, 54 seconds East, 1259.47 feet; thence South 00 minutes, 54 seconds East, 1510.14 feet to the south line of said SW1/4; thence South 89 degrees, 39 minutes, 54 seconds West, along said south line, 1670.00 feet to the point of beginning, containing 51.00 acres, more or less, less and except a strip of property 100' wide located along the southern boundary of the above described tract as shown on the attached Exhibit "A."

SUBJECT, however, to any and all easements, servitudes, reservations, restrictions, licenses and agreements, public rights-of-way and rights of others, whether of record or not, zoning ordinances and laws and those matters which would be disclosed by an accurate survey and/or inspection of the above described property.

2. The League shall use the leased property solely for the conduction of the League's scheduled youth activity programs, primarily including baseball and softball leagues for the public park benefit of the citizens of the City of Fort Smith. During the term of the Lease, the League shall have the right to control use of the softball improvements and facilities which may be constructed on the property and personal property and equipment owned by the League or stored in the structures located on the leased property.

3. It is acknowledged by the League that all employees, agents and volunteers of the League are not employees or agents of the City.

4. The League shall allow participation in its recreational, park activities on a non-discriminatory basis. The League shall not permit discrimination based on race, national origin, religion, disability, or gender. The provisions of this paragraph shall not prevent the League from establishing recreational activities according to gender in compliance with the guidelines of the American Softball Association or other supervising agency nor according to the ages and

competitive abilities of the participants in the activities.

5. The League shall indemnify and hold the City harmless from all claims, liens, actions, and judgments, including reasonable legal fees and costs incurred with reference thereto, arising from the activities of the League under this Lease Agreement. Liability insurance (with contract obligation coverage) shall be maintained by the League in the amount shown on Exhibit "B."

6. The scheduled activities of the League shall be open to participation by all Fort Smith citizens, subject to the right of the League to impose reasonable rules on participants in League scheduled activities.

7. The League shall maintain the leased properties and the proposed improvements to be located thereon so as to return same to the City at the end of the leased term in the same condition as the property now exists and, as to proposed improvements, in the condition of same upon completion of initial construction, subject to ordinary wear and tear. The League's maintenance obligation includes the obligation to clean and maintain public restrooms during times scheduled by the League. Specifically, it shall be the obligation of the League to maintain the leased premises in conformance with all relevant codes and ordinances of the City, including the Clean-up of Lands Ordinance and applicable Health Codes.

8. The League shall have the right to construct improvements for uses consistent with the terms of the lease. All such construction activities shall be in conformance with all applicable codes and regulations.

9. The League shall maintain fire, storm and other casualty insurance on the improvements located on the leased premises in minimum amounts set forth in the schedule attached as Exhibit "B" to this Agreement. Any such insurance policy shall designate the City

and the League as insureds under the policy "as their interests may appear." All insurance proceeds shall be utilized to repair or replace damaged improvements, consistent with this Agreement.

10. The City has the right to grant easements, rights-of-way, and other rights of use of the leased property which do not directly affect the League's use of ball field areas.

11. This Agreement shall have a term of fifty (50) years.

12. Any notice required or permitted to be given pursuant to this Lease Agreement shall be provided to the other party at the addresses indicated:

City of Fort Smith
Office of City Administrator
P.O. Box 1908
Fort Smith, Arkansas 72902

Sebastian County Girls' Softball League, Inc.
ATTN: Mike Bock
P.O. Box 957
Fort Smith, Arkansas 72903

13. Either party to this Agreement may provide notice to the other at the addresses indicated in paragraph 12 above, that the party deems the other party to the Agreement to be in violation of the Agreement.

a. The notice shall specify the nature of the alleged violation and the corresponding provision in this Agreement. Within seven (7) days, the other party shall respond in writing regarding the allegations of violation of the Agreement. If the alleged violations have been cured, the response shall so note. If after the exchange of notice of violation and response, either party considers the issue to not be resolved, that party shall notify the other of the date, time, and place of a meeting (to be held within the City of Fort Smith and not sooner than seven

(7) days from the date of said notice of meeting and not more than fourteen (14) days subsequent to the date of said notice of meeting) at which representatives of the parties shall discuss the alleged violation and the response thereto.

b. Irrespective of the foregoing, in the event that the City determines that any condition on the leased premises constitutes an immediate health hazard to the members of the public, the City shall have the right to immediately take action to correct said condition. In that situation, the City shall notify the representative of the League identified in paragraph 12 above, by telephone, facsimile transmission or other method designed to provide the most expedient notice to the League. If the League does not subsequently agree to pay the expense of such curative action, the City has the right under this Agreement to petition a court of competent jurisdiction to declare the rights of the parties and, and if it is declared that the expense was the obligation of the League under this Agreement, the League shall immediately pay the expense to the City after exhausting judicial remedies regarding that issue. Any failure of the League to comply with the provisions of this paragraph shall be a basis for the City, in its sole discretion to terminate this Lease Agreement on seven (7) days notice of termination.

c. In the event the meeting of the parties pursuant to the procedures in subparagraph (a) above does not resolve the alleged violation, either party may pursue any available judicial remedy. Upon final determination that the other party is in violation of this Agreement, either party shall have the right to terminate this Agreement, on seven (7) days notice to the other.

THIS AGREEMENT EXECUTED as of the date first set forth above by the Mayor and the City Clerk of the City of Fort Smith pursuant to Resolution No. R-157-04 of the Fort Smith Board of Directors and the President and Secretary of the League pursuant to resolution

adopted by the Board of Directors of the League.

CITY OF FORT SMITH, ARKANSAS

By: 

ATTEST:


City Clerk

SEBASTIAN COUNTY GIRLS'
SOFTBALL LEAGUE, INC.

By: 
President

ATTEST:


Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF SEBASTIAN)

On this 9th day of September, 2004, before me personally appeared Ray Baker, personally known to me to be the individual who executed the within and foregoing instrument, and he acknowledged that he signed the same as the duly authorized agent of the City of Fort Smith, and that the same is the free and voluntary act and deed of the City of Fort Smith, for the uses and purposes therein mentioned.

Given under my hand and official seal this 9th day of September, 2004.

Cindy L. Jones
Notary Public

My Commission Expires:

October 30, 2011



ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF SEBASTIAN)

On this 16th day of September, 2004, before me personally appeared Mike Beck, personally known to me to be the duly authorized agent of the Sebastian County Girls' Softball League, Inc., and he signed the above and foregoing instrument, acknowledged, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned.

Given under my hand and official seal this 16th day of September, 2004.

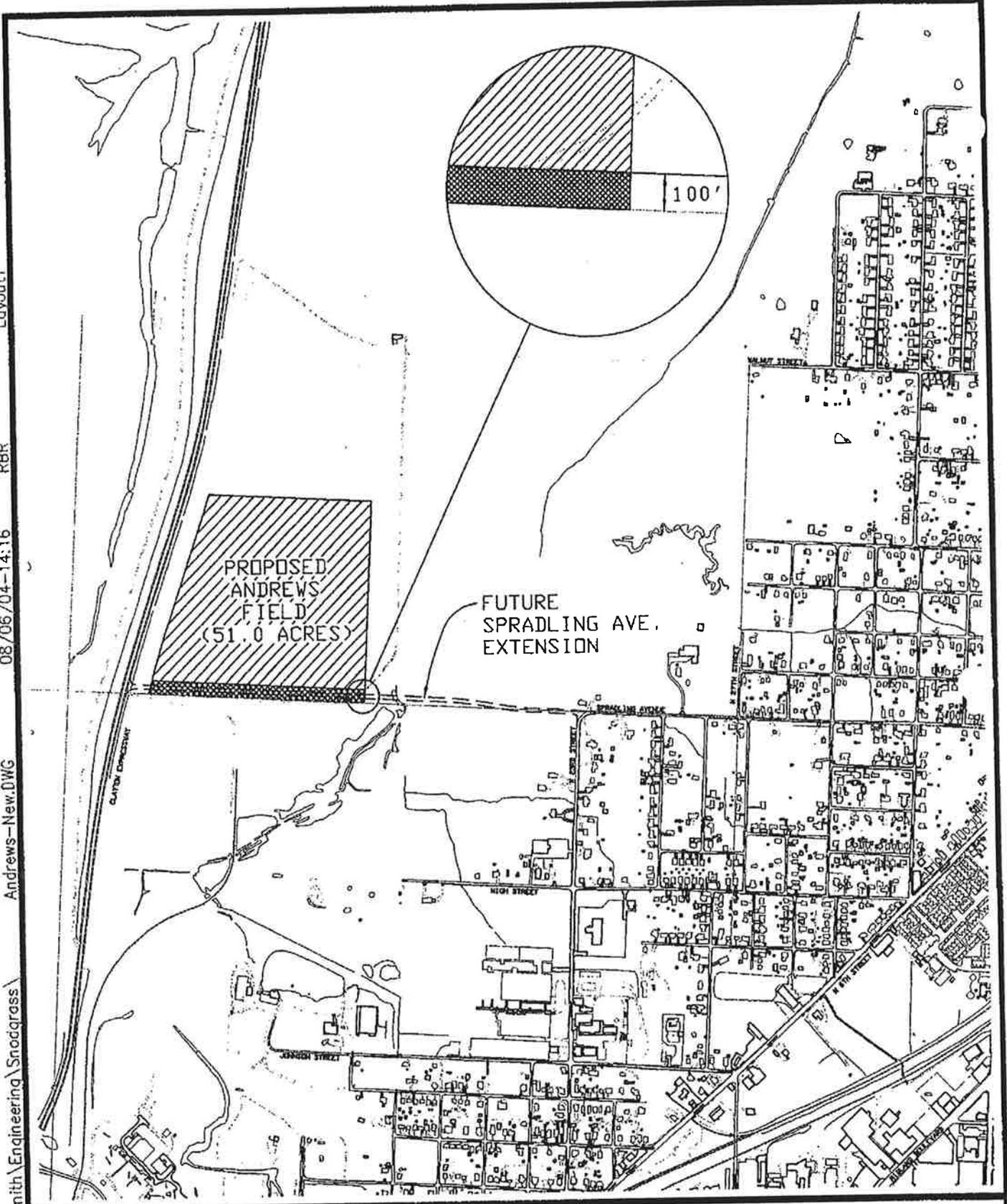
OFFICIAL SEAL
KARON SUMMERHILL
NOTARY PUBLIC, ARKANSAS
SEBASTIAN COUNTY
MY COMMISSION EXPIRES JANUARY 29, 2013

Karon Summerhill
Notary Public

My Commission Expires:

1-29-13

D:\City of Ft. Smith\Engineering\Snodgrass\Andrews-New.DWG 08/06/04-14:16 RBR Layout1



PROPERTY LOCATION MAP
ANDREWS FIELD
FORT SMITH, ARKANSAS



Project:	
Date:	AUGUST 2004
Scale:	NONE
Drawn By:	RBR

Exhibit A



April 2, 2012

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

RE: Appointments:

The term of Mr. Rick Deramus of the Airport Commission will expire effective June 30, 2012. 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 administrators office no later than the close of business on May 7, 2012. 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 black ink that reads "Ray Gosack". The signature is written in a cursive style with a large, prominent "R" and "G".

Ray Gosack
City Administrator



April 2, 2012

TO: Members of the Board of Directors
Members of the Transit Advisory Commission

RE: Appointments:

The terms of Mr. Ken O'Donnell and Ms. Pauline Novak of the Transit Advisory Commission will expire effective June 15, 2012. 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 administrators office no later than the close of business on May 7, 2012. 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 black ink that reads "Ray Gosack". The signature is written in a cursive style.

Ray Gosack
City Administrator

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

**MINUTES OF AIRPORT COMMISSION REGULAR MEETING
TUESDAY – FEBRUARY 28, 2012
FORT SMITH REGIONAL AIRPORT CONFERENCE ROOM**

The regular meeting of the Fort Smith Airport Commission was called to order at 5:30 p.m. by Chairman Deramus, presiding. Commissioners Archer, Deramus, Devero, Haver, Nordin and Schiffner were present. Commissioner McGhee was absent. Also present were John Parker, Airport Director; Kathey Boze, Director of Administration and Michael Griffin, Director of Operations.

ADOPTION OF MINUTES

On a motion by Commissioner Nordin and second by Schiffner, the Commission approved the Minutes of the Regular Meeting of January 24, 2012. Voting aye: Archer, Deramus, Devero, McGhee, Nordin and Schiffner. Voting nay: none.

FINANCIAL STATEMENT

Staff presented an overview and answered questions regarding the financials for the period ending January 31, 2012.

ITEMS OF BUSINESS

1. Resolution to retain the 188th Fighter Wing at Fort Smith: Staff presented a resolution urging the Department of Air Force and the Department of Defense to retain the 188th Fighter Wing in Fort Smith. This resolution mirrors the City of Fort Smith resolution passed by the City Board of Directors February 21. Staff provided literature on points of value of the 188th and the Air National Guard. A motion was made by Commissioner Schiffner and second by Archer to approve Resolution 2012-1 in support of the 188th. Voting aye: Archer, Deramus, Devero, Haver, Nordin and Schiffner. Voting nay: none.
2. Accept Bids for Airport Vehicle: The 2012 budget includes the purchase of an airport pickup truck to replace Airport 6, a 1998 GMC pickup. Bids were advertised and three bids were received from 2 companies. The low bid meeting specifications submitted by Randall Ford in the amount of \$24,546. This truck is a 2012 Ford 250 Super Duty, the same style pickup truck purchased in late 2011 without some of the features. The current Airport 6 will be offered for sale through govdeal.com, an auction website. The proceeds will be used to purchase a snow plow attachment for the new vehicle. Commissioner Archer made a motion and Haver second to accept Randall Ford's bid of \$24,546. Voting aye: Archer, Deramus, Devero, Haver, Nordin and Schiffner. Voting nay: none.
3. Coffee Vending Machine Purchase: Staff researched two coffee vending options for the departure lounge, Seattle's Best Coffee vending machine and Keurig individual served cups. Both are brand name choices and will require a water supply line to the site. Cost comparisons for initial entry and operations were given to the Commission for consideration. Staff recommended leasing the Keurig individual cup dispenser with possible purchase after review of profitability. The operations will be maintained

Minutes of F.S.A.C. Regular Meeting

February 28, 2012

Page 2

in house for the recovery period of the investment. A motion was made by Commissioner Nordin and second by Devero to proceed with the Keurig dispenser for the departure lounge. Voting aye: Archer, Deramus, Devero, Haver, Nordin and Schiffner. Voting nay: none.

4. Airport Activities/Projects

- A. AIP 40, Construction of Taxiway A West Phase 1 is nearing completion with electrical, joint sealing, painting and cleanup the only elements to finish.
- B. Security fence project is complete with only punch list items remaining.
- C. West Corporate Taxiway project, a state 80/20 grant is complete and grant reimbursement of \$311,073.79 has been received from the Department of Aeronautics.
- D. State grant for Drainage Improvements in the West corporate Area is approved by the Arkansas Department of Aeronautics for \$123,283.56 state share. The total project cost is \$137,092.85, and the project is under way.
- E. Snow removal operations were conducted during the recent snowfall with limited deicing operations on sidewalks as a preventative measure.
- F. Site work for the annual audit is complete. BKD will be at the March Commission meeting to present the final audit.
- G. TSA inspection is scheduled for March.
- H. FAA spring conference was held in Tulsa on February 27-28 and staff attended. Most of the discussions held at the conference were concerning the new multi-year AIP authorization. Changes made in funding from 95/5% to 90/10% will mean the airport's share will be larger. The multi-year grants will be beneficial to the airport with projects like the multi-phase Taxiway A Project.

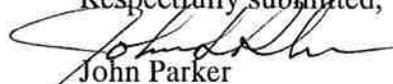
NEXT COMMISSION MEETING

The next regularly scheduled meeting of the Fort Smith Airport Commission will be Tuesday, March 27, 2012 at 5:30 p.m. in the Fort Smith Regional Airport Conference Room.

ADJOURNMENT

On a motion by Commissioner Archer and second by Devero the meeting adjourned at 6:25 p.m.

Respectfully submitted,


John Parker
Airport Director



Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Steve Tyler

Ward 2 – Andre’ Good

Ward 3 – Don Hutchings

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 ~ Summary
Fort Smith Board of Directors
Study Session
April 10, 2012 ~ 12:00 Noon
Fort Smith Public Library Community Room
3201 Rogers Avenue

1. Discuss citizen participation at Board meetings ~ *Director Settle requested at the February 7, 2012 regular meeting ~ Tyler/Weber placed an ordinance on the April 17, 2012 regular meeting agenda to remove the Citizens Forum from regular meetings. The Board concurred that after adjournment of the first regular meeting of each month, an informal town hall meeting will be held to allow citizens to address the Board.*
2. Discuss reinstating televised meetings of the Board of Directors ~ *Catsavis/Tyler placed on agenda at the February 28, 2012 study session ~ Hutchings/Catsavis placed all necessary items, i.e. amendments to the 2012 budget, access channel policies, etc., on the April 17, 2012 regular meeting agenda to accommodate reinstating televised meetings as soon as possible, preferably the May 1, 2012 regular meeting.*

Such included direction for staff to pursue necessary authorizations to accommodate the proposed live radio broadcast of meetings on KFPW and live streaming of meetings on the city’s website. The Board also requested agenda items be posted on the Government Access Channel.
3. Review proposal to build, operate and manage a sports complex on Riverfront Drive ~ *Good/Weber placed on agenda at the April 3, 2012 regular meeting ~ The Board deferred consideration of the proposal until the forthcoming joint meeting with the Parks and Recreation Commission, currently scheduled for May 10, 2012.*
4. Review preliminary agenda for the April 17, 2012 regular meeting

OTHER

Director Merry recommended ballots no longer be utilized in executive sessions to determine appointment nominations citing “all” voting should be done after reconvening from executive session.