

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
Regular Meeting
December 18, 2012 ~ 6:00 P.M.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

5:30 p.m. - Reception for out-going elected officials

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 6

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING

(Section 2-37 of Ordinance No. 24-10)

APPROVE MINUTES OF THE DECEMBER 4, 2012 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentation:
 - Recognition to outgoing elected officials
2. Ordinance rezoning identified property and amending the zoning map (*from Industrial Light (I-1) to Residential Single-Family Duplex High Density (RSD-4) by classification located at 2910-3026 North 6th Street and 2718-2722 North 27th Street*) ~ Tabled at the December 4, 2012 regular meeting ~
3. Ordinance directing a study of regulations of outdoor advertising signs in the city of Fort Smith and its extraterritorial jurisdiction and declaring a moratorium on the receipt and consideration of application for new or modified outdoor advertising signs

4. Ordinance certifying to the Sebastian County Tax Collector delinquent property cleanup liens
5. Ordinance amending Sections 4-1 through 4-3; 4-7 through 4-8; 4-31 through 4-36; 4-38 through 4-39; 4-61 through 4-63; 4-86; 4-89 through 4-90; 4-93; 4-116 through 4-117; 4-119 through 4-120; 4-131 through 4-135; repealing Sections 4-40 and 4-41; and adding Sections 4-11; 4-64; 4-97; 4-115; 4-121 through 4-122; 4-130; 4-136 through 4-137; to the Fort Smith Municipal Code to authorize certain changes and additional regulations pertaining to domestic animals
~ *Merry/Catsavis placed on agenda at the December 11, 2012 study session* ~
6. Consent Agenda
 - A. Resolution supporting the Old Fort Homeless Coalition's Fort Smith River Valley Region's Ten-Year Plan (2012-2022) to end homelessness and authorizing the Mayor to execute statement of principles and actions
 - B. Resolution authorizing the acquisition of real property interests in connection with the 2011 Drainage Improvements Project 11-06-A (\$200.00 / Engineering Department / Budgeted – Sales Tax Program Fund)
 - C. Resolution authoring the Mayor to execute an agreement for professional services with Jacobs Engineering Group Inc. for the Ben Geren Park Softball Addition (\$108,700.00 / Parks Department / Budgeted – Sales Tax Program Fund)
 - D. Resolution authorizing certain changes to the Fort Smith Police Department Rules and Regulations regarding officers' Rules of Conduct
 - E. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Neighborhood Water System Improvements – Jack Freeze Service Area (\$69,989.83 / Utility Department / Budgeted – 2008 Revenue Bonds)
 - F. Resolution authorizing the Mayor to execute an agreement with Shannon & Wilson, Inc. for providing engineering services associated with year 2013 post construction monitoring and inspection of the Lake Fort Smith dam and reservoir (\$73,442.00 / Utility Department / Budgeted – 2008 Water & Sewer Capital Improvement Fund)
 - G. Resolution authorizing the City Administrator to accept an offer made by property owner for the acquisition of easements in connection with the Lake Fort Smith 48-Inch Water Transmission Line Project (\$10,750.00 / Utility Department / Budgeted – 2008 Revenue Bonds)

- H. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for providing engineering services for the Massard Wastewater Treatment Plant Odor Control Improvements (\$78,864.00 / Utility Department / Budgeted – 2008 Revenue Bonds)

- I. Resolution authorizing Change Order No. 1 with Axioo Construction, Inc. for the Zero Street Pump Station Wet Weather Improvements – Site Remediation (\$168,065.97 / Utility Department / Budgeted – 2012 Sales Tax Bonds)

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

- Appointments: A & P Commission (1), Library Board of Trustees (3) and Planning Commission (1)

- Performance evaluation – Internal Auditor

ADJOURN

ORDINANCE NO. _____

**AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 27-11-12 to rezone certain properties hereinafter described, and, having considered said request, recommended on November 13, 2012, that said change be made;

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

SECTION 1: That the following properties to-wit:

Part of the West Half (W/2) of Section 3, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 of Kelleam Addition to the City of Fort Smith, Arkansas, including any and all rights of way and alleyways adjoining said lots.

Also, that part of Lot 15 of said Kelleam Addition lying South and West of a line extended along the East line of said Lots 12 Southeasterly to the railroad right of way, said line also being the westerly line of Lot 6B, North Pointe Addition, Phase I, to the City of Fort Smith, Arkansas.

Also, that portion of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE/4, SW/4, NW/4) of said Section 3 lying South and West of a line extended along the East line of said Lot 12 Southeasterly to the railroad right of way, said line being the westerly line of said Lot 6B, North Pointe Addition, Phase I, less and except that portion of said property covered by an existing 100' x 100' communications tower lease site.

more commonly known as 2910-3026 North 6th Street and 2718-2722 North 27th Street, should be, and is hereby rezoned from Industrial Light (I-1) to Residential Single Family Duplex High

Density (RSD-4) by Classification.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

ATTEST:

APPROVED:

City Clerk

Mayor

Approved as to form:

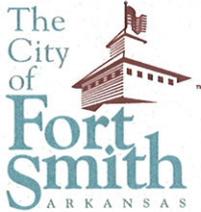


Publish One Time

Memo

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: December 14, 2012
Subject: Fort Smith Housing Authority proposed rezoning

Staff received notice today that the Fort Smith Housing Authority was able to reach an agreement with the property owner at 3000 North 6th Street, Mr. Daniel Manjarrez. Mr. Manjarrez has authorized the Housing Authority to act as his agent for the requested rezoning to Residential Single Family Duplex (RSD-4). The agreement includes a land swap for four lots within the original property boundary which will remain Industrial Light (I-1). Staff will provide an amended ordinance and revised map before the board meeting Tuesday night.



November 27, 2012

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

Re: Rezoning #27-11-12; A request by Kenneth Pyle & Mitch Minnick, agents for WEL, LLC – William Lee and Carco Rentals – Carl Corley, owners, for Planning Commission consideration of a zone request from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by Classification located at 2910-3026 North 6th Street and 2718-2722 North 27th Street.

On November 13, 2012, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for the development of a single family and duplex residential subdivision.

Ms. Rice noted that a neighborhood meeting was held on Monday, November 5, 2012, at Stephens Boys & Girls Club at 3101 North 6th Street with one surrounding property owner in attendance who had no objections to the proposed project. Ms. Rice stated that the owner of the property located at 3000 North 6th Street, Mr. Daniel Manjarrez, has not authorized the Housing Authority to purchase his property. Ms. Rice noted that Mr. Manjarrez's brother-in-law, Raymond Diaz, owns and operates Diaz Body Shop at this location and is opposed to the rezoning and does not want to move. The Housing Authority is currently still working with the property owner to reach an agreement to purchase the property. Ms. Rice noted that rezoning his property would make the auto body shop a nonconforming use. Further, city staff has contacted Mr. Diaz and he is aware of the rezoning and understands what happens if the zoning on his property is changed.

Mr. Ken Pyle and Mr. Mitch Minnick, representing the Fort Smith Housing Authority, were present to speak on behalf of these requests.

Commissioner Maurras questioned Mr. Pyle as to whether the Housing Authority has power of eminent domain and whether they have ever exercised that power in the past. Mr. Pyle stated that to the best of his knowledge the Housing Authority has never exercised their power of eminent domain.

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

623 Garrison Avenue
P.O. Box 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

Chairman Griffin then called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Steve Griffin, Chairman

SG/lp

cc: File
City Administrator

Memo

To: City Planning Commission

From: Planning Staff

Date: October 29, 2012

Re: Rezoning #27-11-12 - A request by Kenneth Pyle & Mitch Minnick, agents for WEL, LLC – William Lee and Carco Rentals – Carl Corley, owners, for Planning Commission consideration of a zone request from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by classification at 2910-3026 North 6th Street and 2718-2722 North 27th Street. Companion to item #1B (Development plan deferral)

LOT LOCATION AND SIZE

The subject property is on the east side of North 27th Street between the railroad tracks and North 6th Street. The tract contains an area of approximately 9 acres with approximately 600 feet of street frontage along North 6th Street and approximately 320 feet of street frontage along North 27th Street.

EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1).
Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling

IA-1

center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 20,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- Existing District (By Extension) – 20,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Arterial or higher

REQUESTED ZONING

The requested zoning on this tract is Residential Single Family – Duplex High Density (RSD-4). Characteristics of this zone are as follows:

Purpose:

To provide very dense single family detached and duplex housing as either new or infill development. The RSD-4 zoning district is appropriate in higher density residential areas near the downtown, in mixed use/density areas, and as a transitional buffer zone between lower density residential development and multifamily or commercial uses. The RSD-4 zoning district corresponds to the Residential Attached, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 5,000 square feet
- Maximum Height - 35 feet (1+1)
- Maximum Density – 8.7 Dwelling Units/Acre
- Maximum Lot Coverage - 65%
- Minimum Lot Width at Building Line – 50 feet

1A-2

Minimum Street Frontage – 20 feet
Front Yard Setback - 20 feet
Side Yard on Street Side of Corner Lot - 20 feet
Side Yard Setback – 5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Heavy (C-5) and Industrial Light (I-1) and are developed as an auto accessory business, an auto body shop, and the Boys Club.

The areas to the east are zoned Residential Multifamily Medium Density (RM-3) and are developed as residential.

The areas to the south are zoned Industrial Light (I-1), Industrial Moderate (I-2), and Commercial Heavy (C-5) and are developed as railroad tracks, Cagle Ornamental Iron, and a truck repair business.

The areas to the west are zoned Industrial Light (I-1) and are developed as auto body shops and a vacant business.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Mixed Use Employment. This classification is to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

PROPOSED ZONING

If the rezoning is approved it would allow for the development of single family and duplex residential subdivision.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, November 5th at Stephens Boys & Girls Club at 3101 North 6th Street. One surrounding property owner was in attendance. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

The proposed zoning would facilitate the development of a single family and duplex residential subdivision adjacent to North Pointe.

The owner of the property at 3000 North 6th Street, Daniel Manjarrez, has not authorized the Housing Authority to purchase his property. He owns and operates Diaz Body Shop at this location and does not want to move. The Housing Authority is still working with the property owner to reach an agreement to purchase the property. Rezoning his property would make the auto body shop a nonconforming use.

1A-3

Staff recommends approval of the request contingent upon approval of the deferral of the development plan and compliance with other departmental comments.

1A-4

NEIGHBORHOOD MEETING SUMMARY

Meeting Location _Stephens Boys & Girls Club, 3101 N. 6th St, Fort Smith, AR 72904_

Meeting Time & Date _6:30pm Monday, November 5th, 2012_

Meeting Purpose _To discuss rezoning request and preliminary lot layout for North Pointe Annex Subdivision_

The meeting began at 6:32pm. In attendance were Ken Pyle and Mitch Minnick, agents for the request; Tyler Miller, Planning Department representative; and Mr. and Mrs. James and Judith Kelley, the property owners at 2605 Kelley Highway.

Mr. Kelley posed the following questions:

- Could 27th Street be closed as a through street?
 - Mr. Miller stated street closures generally go through the city's engineering department and such a question should be asked of them.
- Does the city have any plans of making Kelley Highway, from Midland to 6th Street, four lanes?
 - Mr. Miller stated the city's engineering department would have the answer to this question as well.
- How will the development address railroad noise?
 - Mr. Pyle stated a 6-foot wooden privacy fence would separate the development from the railroad. In addition, Mr. Minnick stated that in previous developments near railroad tracks special building materials had been used to help with noise reduction.
- How will the development affect crime rate?
 - Mr. Pyle stated his opinion is a well lit, occupied development is more of a deterrent to criminal activity than the current open field and vacant building located on the property. He also pointed out that good management can play a part in keeping the crime rate low by conducting quality credit and criminal background checks.

Following the discussion of Mr. Kelley's questions, the meeting was adjourned at 6:58pm.

Prepared and Submitted by:



Mitch Minnick

1A-5

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Stephens Boys & Girls Club, 3101 N. 6th St, Fort Smith, AR 72904

Meeting Time & Date 6:30pm Monday, November 5th, 2012

Meeting Purpose To discuss rezoning request and preliminary lot layout for North Pointe Annex Subdivision

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. <u>Tyler Miller</u>	<u>City of Fort Smith</u>	<u>479-784-2241</u>
2. <u>JAMES W WELLEY JR</u>	<u>10615 HWY 253 FS 72914</u>	<u>479-646-7526</u>
3. <u>KEN PYLE</u>	<u>2100 N. 31ST ST FSM 72904</u>	<u>782-4991</u>
4. <u>MITCH MINNICK</u>	<u>2100 N. 31ST ST FSM 72904</u>	<u>782-4991</u>
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		

1A-6

PETITION FOR CHANGE IN ZONING MAP

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

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

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

<u>Parcel ID</u>	<u>Legal Description</u>	<u>Address</u>
14283-0033-00000-00	Lots 33-35, Kelleam Addition	2722 N. 27 th St
14283-0032-00000-00	Lots 31-32, Kelleam Addition	2718 N. 27 th St
14283-0030-00000-00	Lots 23-29, Kelleam Addition	Off N. 6 th & N. 27 th
14283-0020-00000-00	Lots 16-20, Kelleam Addition	not available from assessor
14283-0012-00000-00	Lots 7-12, Kelleam Addition	not available from assessor
14283-0004-00000-00	Lots 2 - 4, Kelleam Addition	N. 6 th St
14283-0006-00000-00	Lots 5 - 6, Kelleam Addition	3000 N. 6 th St
14283-0022-00000-00	Lots 21-22, Kelleam Addition	not available from assessor

- 2. Address of property: _____

- 3. The above described property is now zoned: **Industrial Light (I-1)**

- 4. Application is hereby made to change the zoning classification of the above described property to **Residential Single Family-Duplex High Density (RSD-4)** by **classification.**
(Extension or classification)

- 5. Why is the zoning change requested?

To permit development of a single-family and duplex residential subdivision.

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

Signed:

Fort Smith Housing Authority

Ken Pyle & Mitch Minnick

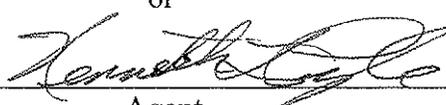
Owner or Agent Name

(please print)

Owner

2100 N. 31st St, Fort Smith, AR 72904

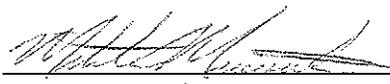
Owner or Agent Mailing Address

or


Agent

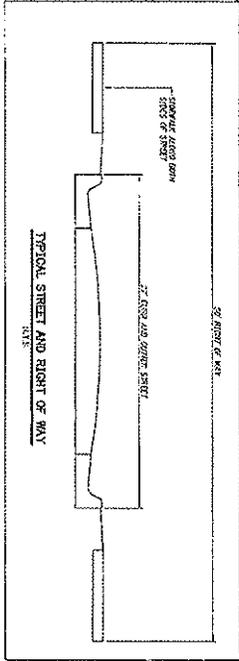
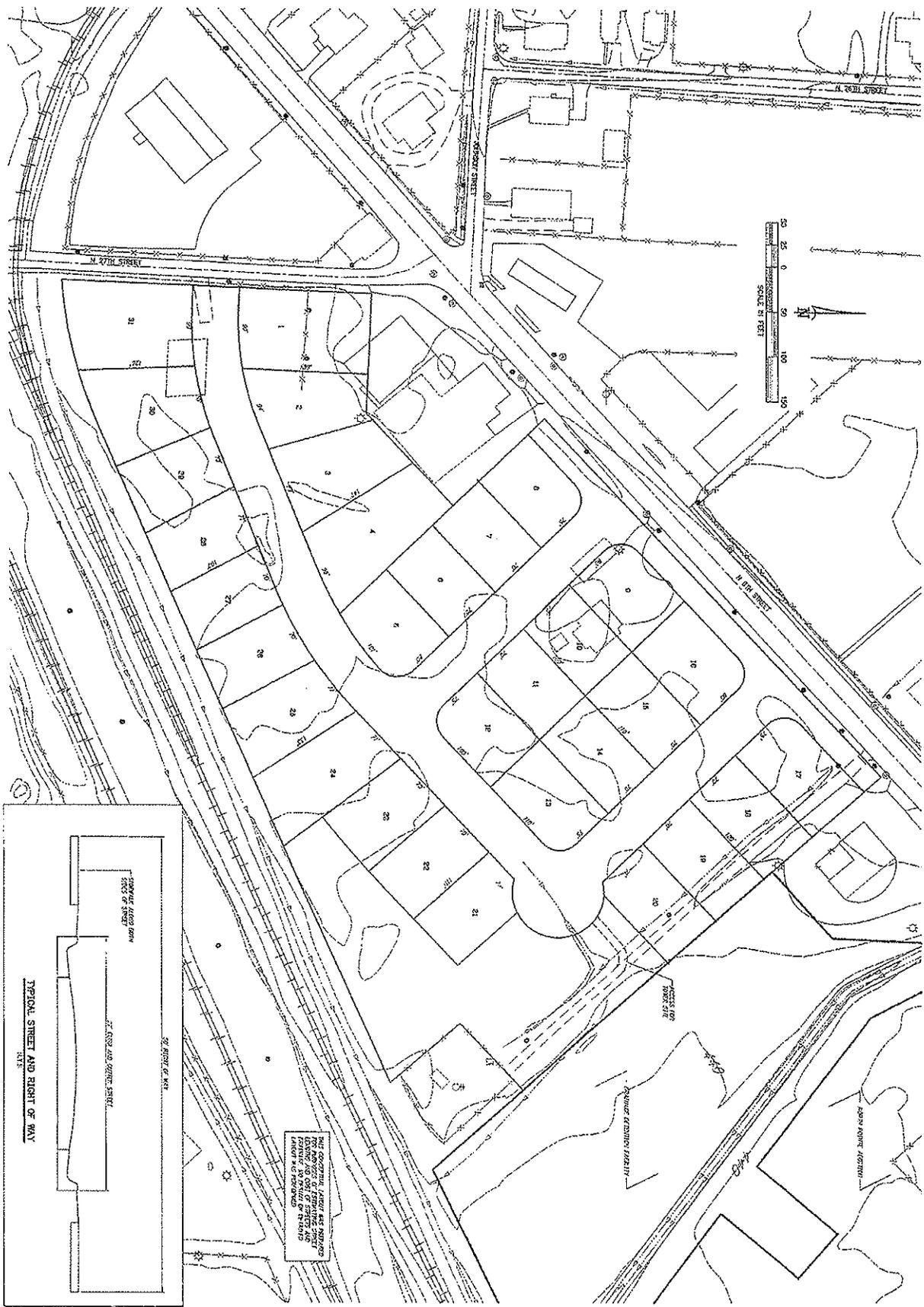
479-782-4991 ext. 28

Owner or Agent Phone Number



Agent

1A-7



THIS CONCEPTUAL LAYOUT AND PROPERTY LINES ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. THE FINAL PLAN SHALL BE PROVIDED BY THE CLIENT.

FORT SMITH, ARKANSAS
NORTH POINTE ANNEX
CONCEPTUAL PLAN
 DATE: 8/2/2012
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: [Number]
 SHEET NO: [Number]

HW HAWKINS & WEIR ENGINEERS, INC.
 110 South 7th Street • P.O. Box 64 • Van Buren, AR 72097 • (479) 474-1227
 200 River Market Avenue • Suite 250 • Little Rock, AR 72201 • (501) 374-4940
 www.hawkins-weir.com



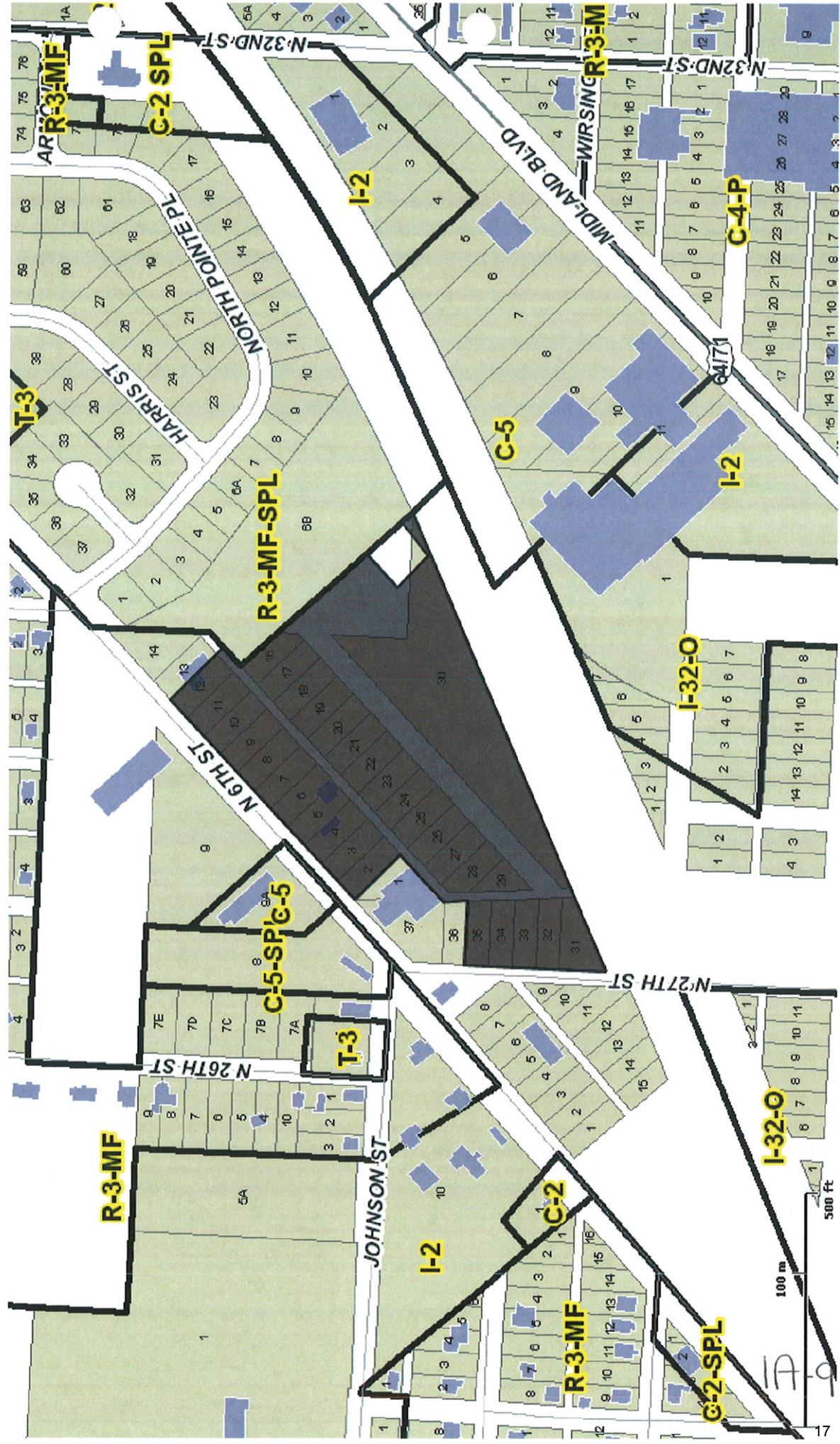
REVISION	DATE

DATE: 8/2/2012
 TIME: 1:15 PM
 SHEET NO: [Number]

1A-8

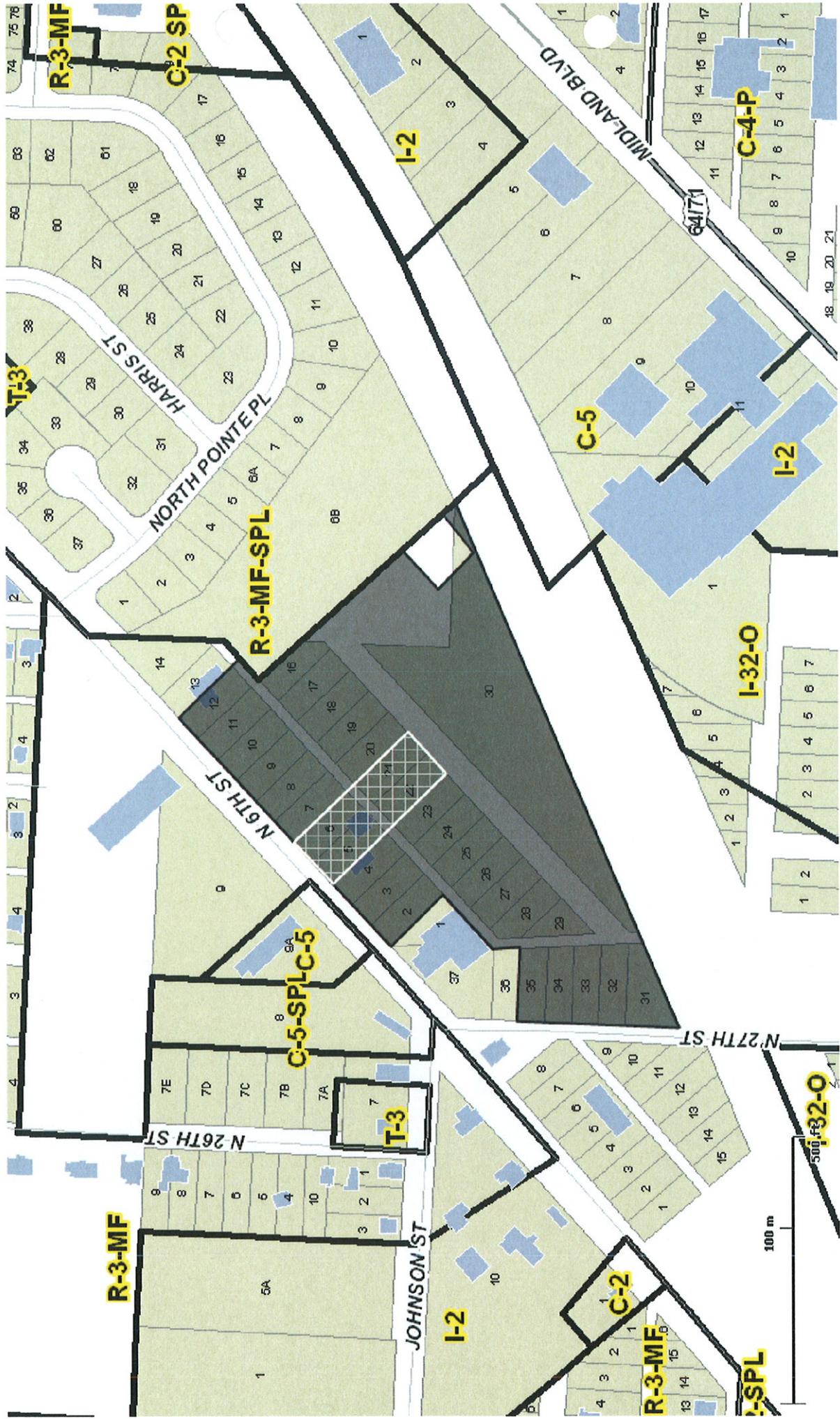
Rezoning #27-11-12: From Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4)

2910-3026 North 6th Street and 2718-2722 North 27th Street



Location of Diaz Body Shop

3000 North 6th Street



WEL, LLC
P. O. Box 3949
Fort Smith, AR 72913

Daniel Manjarrez
1615 North 52nd Street
Fort Smith, AR 72904

Fort Smith Housing Authority
2100 North 31st Street
Fort Smith, AR 72904

Perry & Mary Lou Driggers
1504 Old Uniontown Road
Van Buren, AR 72956

Hung Ngoc Tran & Cuc Nguyen
2919 North 6th Street
Fort Smith, AR 72904

Fort Smith Railroad Company
1318 S. Johanson Road
Peoria, IL 61607

North Pointe Limited Partnership
2100 North 31st Street
Fort Smith, AR 72904

James & Judith Kelley
10615 Hwy. 253
Fort Smith, AR 72901

Fort Smith Boys Club
3101 North 6th Street
Fort Smith, AR 72901

Giau & Rosie Mai
2800 North 6th Street
Fort Smith, AR 72904

Carco Rentals, Inc.
2905 North 32nd Street
Fort Smith, AR 72904

Glass Properties, Inc.
P. O. Box 4150
Fort Smith, AR 72914

Fort Smith Boys Club
4905 North "O" Street
Fort Smith, AR 72904

Hands of Love, Inc.
302 Chesnut
Warren, AR 71671

Robert & Barbara Neihouse
2811 North 6th Street
Fort Smith, AR 72904

Mai Thi Ngoc Nguyen
811 Skyline Drive
Van Buren, AR 72956

Women's Crisis Services
P. O. Box 774
Poteau, OK 74953

Fabio Garcia
309 North 20th Street
Fort Smith, AR 72901

Henry Kuykendall
3523 North 6th Street
Fort Smith, AR 72904

Littlefield Investment Company
P. O. Box 180129
Fort Smith, AR 72918

Mustafa & Jalili Yassin
2908 North 6th Street
Fort Smith, AR 72904

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
NOVEMBER 13, 2012**

On roll call, the following Commissioners were present: Vicki Newton, Rett Howard, Marshall Sharpe, Jennifer Parks, Brandon Cox, Steve Griffin, Walton Maurras and Richard Spearman. Commissioner Mike Lorenz was absent.

Chairman Griffin called for the vote on the minutes from the October 9, 2012, Planning Commission meeting. Commissioner Sharpe noted the following corrections to the minutes:

- Page 1- item #1 noted companion item #2 twice.
- Page 7- item #11, paragraph 1, last line the word alley was misspelled

Motion was then made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

1.A.Rezoning #27-11-12; A request by Kenneth Pyle & Mitch Minnick, agents for WEL, LLC – William Lee & Carco Rentals – Carl Corley, for a zone change from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by Classification located at 2910-3026 North 6th Street and 2718-2722 North 27th Street. (companion item to item #1B)

B. A request to defer the requirement for a development plan at 2910-3026 North 6th Street and 2718-2722 North 27th Street. (companion item to item #1A)

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the development of single family and duplex residential subdivision. Ms. Rice stated that the applicant is also requesting the deferment of a development plan at this time due to the fact that the developer does not have a defined plan for this area.

Ms. Rice noted that a neighborhood meeting was held on Monday, November 5th at Stephens Boys & Girls Club at 3101 North 6th Street with one surrounding property owner in attendance who had no objections to the proposed project. Ms. Rice stated that the owner of the property at 3000 North 6th Street, Mr. Daniel Manjarrez, has not authorized the Housing Authority to purchase his property. Ms. Rice noted that Mr. Manjarrez owns and operates Diaz Body Shop at this location and does not want to move. The Housing Authority is currently still working with the property owner to reach an agreement to purchase the property. Ms. Rice noted that rezoning his property would make the auto body shop a nonconforming use.

Mr. Ken Pyle and Mr. Mitch Minnick, representing the Fort Smith Housing Authority, were present to speak on behalf of these requests.

Commissioner Maurras questioned Mr. Pyle as to whether the Housing Authority has power of eminent domain and whether they have ever exercised that power in the past. Mr. Pyle stated that to the best of his knowledge the Housing Authority has never exercised their power of eminent domain.

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

Chairman Griffin then called for a vote on these requests.

- 1A. Rezoning #27-11-12; A request by Kenneth Pyle & Mitch Minnick, agents for WEL, LLC – William Lee & Carco Rentals – Carl Corley, for a zone change from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by Classification located at 2910-3026 North 6th Street and 2718-2722 North 27th Street. (companion item to item #1B)**

Motion was made by Commissioner Maurras, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to approval of the deferral of the development plan and compliance with other departmental comments. Chairman Griffin then called for the vote on this request as amended. The vote was 8 in favor and 0 opposed.

- 1B. A request to defer the requirement for a development plan at 2910-3026 North 6th Street and 2718-2722 North 27th Street. (companion item to item #1A)**

Chairman Griffin called for the vote on this request. The vote was 8 in favor and 0 opposed.

- 2. A request by Van Hale, agent for Joe Howard & Bill Dillard, for a Master Land Use Plan Amendment from Residential Detached to General Commercial located at 1101 & 1105 South Vicksburg Street. (companion item to items #3A, #3B & #11)**

- 3.A. Rezoning #28-11-12; A request by Van Hale, agent for Joe Howard & Bill Dillard, for a zone change from Residential Multifamily Medium Density (RM-3) to Commercial Heavy (C-5) by Extension located at 1100 Utica Street & 1101 South Vicksburg Street. (companion item to items #2, #3B & #11)**

- B. A request to defer the requirement for a development plan at 1100 Utica Street & 1101 South Vicksburg Street. (companion item to items #2, #3A & #11)**

- 11. Variance #39-11-12; A request by Van Hale, agent for Joe Howard & Bill Dillard, for a variance from required street access from minor arterial to local road located at 1101 Utica Street and 1101 South Vicksburg Street. (companion item to items #2, #3A & 33B)**

ORDINANCE NO. _____

AN ORDINANCE DIRECTING A STUDY OF REGULATIONS OF
OUTDOOR ADVERTISING SIGNS IN THE CITY OF FORT SMITH
AND ITS EXTRATERRITORIAL JURISDICTION AND DECLARING A
MORATORIUM ON THE RECEIPT AND CONSIDERATION OF
APPLICATIONS FOR NEW OR MODIFIED OUTDOOR ADVERTISING SIGNS

WHEREAS, the administrative staff and the Planning Commission of the City of Fort Smith are engaged in a study of appropriate regulations concerning outdoor advertising signs, including the conversion of existing signs into digital signs, in the City and in its extraterritorial jurisdictional area; and,

WHEREAS, it is determined that the protection of the health, safety and welfare of the inhabitants of the City requires a temporary moratorium on the conversion of existing signs into digital signs and on the receipt and consideration of applications for the construction of new outdoor advertising signs during the period of study of the City's existing regulations and potential amendments thereto; NOW, THEREFORE;

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

SECTION 1: The administrative staff of the City in conjunction with the Planning Commission of the City of Fort Smith shall continue and complete the study of existing and potential regulations concerning outdoor advertising signs in the City of Fort Smith and its extraterritorial jurisdiction area.

SECTION 2: There is hereby declared and established a moratorium from the date of adoption of this Ordinance for a period of approximately four months extending through the date of April 19, 2013, during which moratorium no application or permit for the construction or location of a new outdoor advertising sign shall be considered or acted upon by the administrative staff or the Planning Commission of the City of Fort Smith and, further, during which time no conversion of an existing advertising sign to a digital billboard shall be permitted or allowed in the City of Fort Smith or in its extraterritorial jurisdiction.

SECTION 3: The City Administrator and City Attorney are hereby authorized to take any and all necessary action to enforce the moratorium declared by Section 2 of this Ordinance.

SECTION 4: Emergency Clause. It is hereby determined that the provisions of this Ordinance should be immediately effective in order to allow time for the consideration of appropriate regulations of outdoor advertising signs and conversions of existing signs to a digital format. Therefore, an emergency is declared to exist, and this Ordinance, being necessary for the

protection of the health, safety and welfare of the inhabitants of the City, shall be of full force and effect from the date of its adoption.

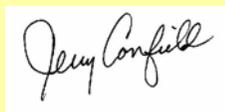
This Ordinance adopted this ____ day of December, 2012.

Mayor

ATTEST:

City Clerk

Approved as to form:



City Attorney
Publish One Time

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: December 13, 2012
Subject: Outdoor Advertising Signs (Billboards)

The planning staff has been researching different regulations regarding outdoor advertising signs (billboards). We did this after a discussion earlier this year concerning outdoor advertising signs in the extraterritorial jurisdiction. Also, we have had some variance requests presented to the Board of Zoning Adjustment this year (*all which were approved*) which would further indicate our ordinance needs a revision.

Based on previous discussions and research we believe the significant issues that need to be addressed with possible revisions to our current ordinance include the number of outdoor advertising signs in the city and ETJ, permitted locations of signs, distances from sensitive uses such as residential, height of signs, size of signs, and issues relative to digital billboards.

As we have reviewed this matter, we found that many communities declare a moratorium on any new sign applications/permits as they prepare new regulations. I have visited with Jerry Canfield on this matter and he has prepared an Ordinance that declares a four-month moratorium.

The ordinance will be presented to the Board of Directors at the December 18, 2012 meeting. Please contact me if you have any questions.

ORDINANCE NO. _____

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

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

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

NAME	ADDRESS OF PROPERTY CLEANED	AMOUNT OF LIEN	LIEN + 10% PENALTY
Lovell, Brian Todd	4314 North 54	322.03	354.23
Lovell, Brian Todd	4314 North 54	229.06	251.97
Lovell, Brian Todd	4314 North 54	254.56	280.02
		\$805.65	\$886.22

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

Approved as to form:



Publish one time

SECTION 3: Emergency Clause. The immediate effectiveness of this ordinance is required in order to comply with time deadlines applicable to the Sebastian County Tax Collector. Therefore, an emergency is hereby declared and this ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED this 18th day of December, 2012.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

MEMORANDUM

December 14, 2012

TO: Ray Gosack, City Administrator

FROM: Sherri Gard, City Clerk

RE: Certification of Additional Delinquent Property Cleanup Liens

At the November 20, 2012 regular meeting, an ordinance was presented for consideration to certify delinquent property cleanup liens to the Sebastian County Tax Collector. Mr. Brian Todd Lovell was in attendance to appeal four (4) cleanup liens on his property located at 4314 North 54th Street. Mr. Lovell did not attend the appeal hearings before the Property Owners Appeal Board (POAB), which were held in September 2012. Due to such, the Board of Directors removed the subject cleanup liens from the ordinance and requested the POAB consider the aforementioned appeal at their next meeting.

The POAB held a meeting on Wednesday, December 12, 2012 to consider the appeal as requested. Mr. Lovell was notified of the meeting via certified mail and was in attendance, along with his father Mr. Terry Lovell. The POAB waived one (1) lien in its entirety for a cleaning that took place on August 1, 2011, but recommended the remaining three (3) liens be certified to the Sebastian County Tax Collector without adjustment. The minutes of the meeting are attached.

Mr. Todd Lovell indicated his intent to attend the December 18, 2012 regular meeting to appeal the decision of the POAB to the Board of Directors. Both Todd and Terry Lovell previously contacted City staff regarding the subject liens; therefore, staff information regarding such is also attached.

The proposed ordinance certifies an additional \$886.22 in delinquent property cleanup liens, which includes the 10% penalty, to the Sebastian County Tax Collector.

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

2012 PROPERTY CLEANUP

Special Appeal Hearing requested at the Board of Directors November 20, 2012 Regular Meeting

STATUS	ACCT NO.	ECS NO	CUST NAME LAST, FIRST	PROPERTY CLEANED	CLEAN DATE	AMOUNT	ADD 10%	BILLING ADDRESS1	BILLING ADDRESS2	
RM	088864	001	11-1253	Lovell, Brian Todd	4314 North 54	5/13/2011	\$322.03	\$354.23	4314 N 54 ST	Fort Smith, AR 72904
RM	089525	001	11-1253	Lovell, Brian Todd	4314 North 54	6/20/2011	\$229.06	\$251.97	4314 N 54 ST	Fort Smith, AR 72904
RM - WAIVED BY POAB	089525	002	11-1253	Lovell, Brian Todd	4314 North 54	8/1/2011	- \$246.56 -		4314 N 54 ST	Fort Smith, AR 72904
RM	089525	003	11-1253	Lovell, Brian Todd	4314 North 54	10/28/2011	\$254.56	\$280.02	4314 N 54 ST	Fort Smith, AR 72904
						\$805.65	\$886.22			

MINUTES OF PROPERTY OWNERS APPEAL BOARD MEETING

DECEMBER 12, 2012 ~ 11:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

The meeting was requested at the City of Fort Smith Board of Directors regular meeting on November 20, 2012 to allow a property owner, who was in attendance at said meeting, an opportunity to be heard regarding charges by the City for abatement costs and who feel they have been wrongly charged.

The meeting was called to order by Karen Lewis, Chairperson, with the following members of the Appeal Board present: Karen Lewis, Scott Monroe, Megan Raynor and Dolores Chitwood. A quorum was declared. Also present were members of the City staff: City Clerk Sherri Gard, Building Official Jimmie Deer, Neighborhood Services Supervisor Rick Ruth and Inspector Randal Hicks.

The minutes of the appeal hearings held on September 17 and 20, 2012 were presented for approval. Monroe, seconded by Raynor, moved adoption of minutes as presented and the members all voting aye, Chairperson Lewis declared the motion carried.

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

Chairperson Lewis announced to all in attendance that an ordinance certifying those liens, which remain due and payable after the meeting, to the Sebastian County Tax Collector will be presented to the Fort Smith Board of Directors at their December 18, 2012 regular meeting. The property owner may also appeal the action taken by the Property Owners Appeal Board at the aforementioned meeting.

The following property owner was present to address the Appeal Board:

■ **Brian Todd Lovell & Terry Lovell, father
Fort Smith, Arkansas**

Property: 4314 North 54th Street
Owner: Brian Todd Lovell
Cleaned: May 13, 2011 ~ \$322.03
June 20, 2011 ~ \$229.06
August 1, 2011 ~ \$246.56
October 28, 2011 ~ \$254.56

Neighborhood Services Supervisor Rick Ruth and Inspector Randal Hicks reviewed the property file, presented pictures and videos of each of the above noted cleanings. The property owner, as well as the mortgage holder were forwarded certified letters advising of the initial violation. Certified letters were forwarded to the property owner at the subject property, as well as the mortgage holder. The certified letter to the property owner was returned unclaimed; however, the certified letter to the mortgage holder was signed for and received.

Mr. Todd Lovell addressed the Appeal Board citing he never received notification of the violations because the letter went to the subject property and not his mailing address of 3401 North 49th Street. Due to such, he feels proper notification was not accomplished; therefore, he should not be responsible for payment of the liens. However, he conceded the Sebastian County Assessor's Office did not have his correct mailing address until recently.

Mr. Terry Lovell expressed much discontent that the City did not notify his son of the property violation citing the property was listed with a realtor at the time of inspection. Due to such, he feels the City should have called the realtor to ensure proper notification.

There was much discussion regarding proper notification whereby Neighborhood Services Supervisor Rick Ruth confirmed that notice of the violations was attempted and accomplished as required by law. He further noted that all notices of the violations were also physically posted on the property.

Appeal Board Action ~ 4314 North 54th Street

The Appeal Board thoroughly reviewed the pictures and videos of each cleaning and expressed concern that the violation that resulted in the August cleaning was very minimal. There was much discussion with regard to proper notification whereby it was determined that the

City complied with all notification requirements. The Appeal Board urged the importance of ensuring the Sebastian County Assessor maintains a proper mailing address.

Chitwood, seconded by Monroe, moved to waive the lien for the August 1, 2011 cleaning (\$246.56) in its entirety. The members all voting aye, Chairperson Lewis declared the motion carried.

Chitwood, seconded by Monroe, moved that the remaining liens for cleanings in May, June and October remain due and payable in full (totaling \$805.65), and same be forwarded to the Sebastian County Tax Collector for placing on the tax records. The members all voting aye, Chairperson Lewis declared the motion carried.

Mr. Terry Lovell advised that prior to the public hearing before the Board of Directors at their November 20, 2012 regular meeting, City Clerk Sherri Gard offered to remove the administrative fees, which reduced the total amount due to approximately \$600. Due to the action of the Property Owners Appeal Board and the total due is now \$805.65, he advised they now wish to accept the offer and pay the lesser amount.

City Clerk Sherri Gard clarified that, in October, Mr. Todd Lovell inquired if the City would accept a reduced amount if he could pay all liens in full to take care of the matter. In order to assist Mr. Lovell, Ms. Gard confirmed that she agreed to remove the administrative fees PROVIDED payment was received prior to presentation of the ordinance to the Board of Directors for certification to the Sebastian County Tax Collector.

Chairperson Lewis confirmed the Property Owners Appeal Board voted to certify the total amounts due, including the administrative fees, to the Sebastian County Tax Collector; however, she noted the request may be presented to the Board of Directors at their December 18, 2012 regular meeting whereby Mr. Terry Lovell conveyed his intent to be in attendance.

There being no further business to come before the Appeal Board, Raynor moved that the hearing adjourn. The motion was seconded by Monroe and the members all voting aye, Chairperson Lewis declared the motion carried and the hearing adjourned at 11:45 a.m.

Sherri Gard, City Clerk

Gard, Sherri

From: Gard, Sherri
Sent: Wednesday, November 14, 2012 3:16 PM
To: Deer, Jimmie
Cc: Ruth, Rick; 'wbailey@fortsmithar.gov'
Subject: RE: RSVP: 4314 North 54 / Brian Todd Lovell
Attachments: Brian Todd Lovell.pdf

No, he did not attend. Mr. Lovell advised he would have if he had he been notified. Regardless, this is the gentleman that was recently VERY rude with the Neighborhood Services staff. Rick brought Mr. Lovell's son to my office and attached is my note in the file regarding such.

Sherri

From: Deer, Jimmie
Sent: Wednesday, November 14, 2012 3:04 PM
To: Gard, Sherri
Subject: RE: RSVP: 4314 North 54 / Brian Todd Lovell

Sherri did he come to the appeals board hearings? I

Jimmie Deer
Building Official
City of Fort Smith
P O Box 1908
Fort Smith, AR 72902
Phone: 479.784.2206
Fax: 479.784.1030
JDeer@FortSmithAR.gov

From: Gard, Sherri
Sent: Wednesday, November 14, 2012 3:02 PM
To: Ruth, Rick
Cc: James, Heather; Deer, Jimmie; Bailey, Wally
Subject: RSVP: 4314 North 54 / Brian Todd Lovell

Rick,

Mr. Brian Todd Lovell's father

~~Mr. Brian Todd Lovell~~ just phoned my office and advised he will be attending the November 20 regular meeting regarding multiple liens on the above noted property, which are included below. Please ensure all information regarding each cleaning is available for presentation to the Board of Directors.

DATE CLENAED	LIEN AMOUNT
May 13, 2011	\$322.03
June 20, 2011	\$229.06
August 1, 2011	\$246.56
October 28, 2011	\$254.56

Thanks!

Sherri Gard, CMC, CAMC
City Clerk
City of Fort Smith

October 26, 2012

Susan called to advise that Mr. Brian Todd Lovell's father phoned their office and was very upset and disgruntled about the property cleanup liens included in the paper for certification to the County. Rick instructed her to let me know in case Mr. Lovell's father phoned my office.

Later in the afternoon, Rick brought Mr. Lovell to my office, who was very apologetic about his father's earlier conduct on the phone with Neighborhood Services. Mr. Lovell expressed interest in either appealing the matter to the Board or Directors or executing a payment contract for the four (4) liens, which total \$1,052.21. After discussion, Mr. Lovell then inquired if he brought in "cash money" to pay off the liens, if any reduction would be extended. **I advised that if he could pay all accounts in full before presentation to the Board of Directors, I would agree to remove the administrative fees.**

Mr. Lovell was very appreciative stating he would think about it, and if he opted not to appeal to the Board or execute a payment contract, he would pay the accounts in full (*less the administrative fees*) next week.

SG

Gard, Sherri

From: Ruth, Rick
Sent: Wednesday, November 14, 2012 3:17 PM
To: Bailey, Wally; Gard, Sherri
Cc: James, Heather; Deer, Jimmie
Subject: RE: RSVP: 4314 North 54 / Brian Todd Lovell
Attachments: 4314 N. 54th St. Chronology.docx

He has not been before the appeals board. His father had contacted us and was irate and rude with the office staff so the call was transferred to me in the field. I tried to explain the process and the definition of legal notice but he kept cutting me off and wouldn't let me explain. Mr. Brian Lovell came into the office on October 26 and viewed the file and pictures and met with Sherri and was going to pay a reduced amount the following Monday to clear the account. I then received a call from his father the following week saying that they would be going to the board because he was going to speak to Mr. Goode and Mr. Catsavis and have it taken care of.

A summary of our actions is attached for your review. I can also provide copies of the filming of the assignments.

Thanks,

Rick Ruth

Property Maintenance Supervisor
Neighborhood Services Division

City of Fort Smith

Phone (479) 784-1027
rruth@fortsmithar.gov

From: Bailey, Wally
Sent: Wednesday, November 14, 2012 3:06 PM
To: Gard, Sherri
Cc: Ruth, Rick; James, Heather; Deer, Jimmie
Subject: Re: RSVP: 4314 North 54 / Brian Todd Lovell

Did he appear before the appeals board?

Wally
Sent from mobile

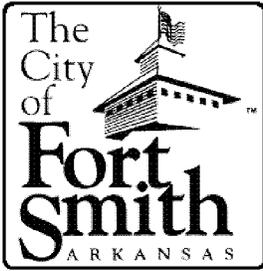
On Nov 14, 2012, at 3:02 PM, "Gard, Sherri" <sgard@FortSmithAR.gov> wrote:

Rick,

Mr. Brian Todd Lovell just phoned my office and advised he will be attending the November 20 regular meeting regarding multiple liens on the above noted property, which are included below. Please ensure all information regarding each cleaning is available for presentation to the Board of Directors.

DATE CLENAED	LIEN AMOUNT
May 13, 2011	\$322.03
June 20, 2011	\$229.06
August 1, 2011	\$246.56
October 28, 2011	\$254.56

Thanks!



Neighborhood Services Division

P.O. Box 1908, 623 Garrison Ave., Fort Smith, AR 72902

Chronology of Assignment(s) in reference to 4314 N. 54th St., ECS# E11-1253

1) The referenced property was inspected on **April 11, 2011** and found to be in violation of the Chapter 16 Nuisance Ordinances. The violations were noted via digital media. Legal Notification under due process of law was obtained when a copy of the 7 Day Clean-Up Warning was posted on the property and a follow up letter was sent via Certified Mail to Brian Todd Lovell at 4314 N. 54th St. on the following day, **April 12, 2011**. On **April 19, 2011** the certified letter to Mr. Lovell was returned by the Post Office marked 'Moved Left No Address Unable To Forward Return To Sender'. In an attempt to locate an alternate address for Mr. Lovell we checked the County Assessor's website which showed the 54th St. address to be his only property, the city's Water Records which showed the 54th St. address to be terminated with no other address available and a search of the whitepages.com online to no avail.

Note: As stated on the 7 Day Clean-Up Warning and follow up letter, if the violations are not cleared within the 7 day period we may abate the violations utilizing contractors and charging all costs associated with this action to the property owner and abate the property every 30 days throughout the calendar year.

2) The property was re-inspected on **April 26, 2011** and was still in violation. At that point a legal search was processed revealing City National Bank in Fort Smith to be a lien holder. We proceeded to send a copy of the Warning Letter to City National Bank via certified mail prior to taking any actions that would possibly result in a lien on the property as mandated by state law. The letter to City National Bank was mailed on **April 27, 2011** and signed for by Carol Rutherford on **April 29, 2011**. The signed card was returned to us by the Post Office on **May 2, 2011**. We then waited an additional 7 days before re-inspecting or taking any abatement action. Upon re-inspection the property remained in violation. The violations were filmed and assigned to a contractor for abatement and the property was inspected every thirty (30) days thereafter through the end of the calendar year. Subsequent inspections resulted in three (3) additional abatement actions. A summary of the abatement actions are as follows:

3) **May 13, 2011** Mow & trim grass, haul off limbs, trash & freezer.
3.5 Hrs \$122.50, 11 Pictures \$22.00, Landfill Charges \$12.97, Administrative Fees \$164.56

Total: \$322.03

4) **June 20, 2011** Mow & trim grass.
1.5 Hrs 52.50, 6 Pictures \$12.00, Administrative Fees \$164.56

Total: \$229.06

5) **August 1, 2011** Mow & trim grass.
2 Hrs \$70.00, 6 Pictures \$12.00, Administrative Fees \$164.56

Total: \$246.56

6) **October 20, 2011** Mow & trim grass.
2 Hrs \$70.00, 10 Pictures \$20.00, Administrative Fees \$164.56

Total: \$254.56

7) **Total of Charges: \$1052.21**

8) **October 26, 2012** Mr. Lovell signed an FOI request, reviewed the file and spoke with the City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 4-1 THROUGH 4-3; 4-7 THROUGH 4-8; 4-31 THROUGH 4-36; 4-38 THROUGH 4-39; 4-61 THROUGH 4-63; 4-86; 4-89 THROUGH 4-90; 4-93; 4-116 THROUGH 4-117; 4-119 THROUGH 4-120; 4-131 THROUGH 4-135; REPEALING SECTIONS 4-40 AND 4-41; AND ADDING SECTIONS 4-11; 4-64; 4-97; 4-115; 4-121 THROUGH 4-122; 4-130; 4-136 THROUGH 4-137; TO THE FORT SMITH MUNICIPAL CODE TO AUTHORIZE CERTAIN CHANGES AND ADDITIONAL REGULATIONS PERTAINING TO DOMESTIC ANIMALS

WHEREAS, the Board of Directors of the City of Fort Smith, Arkansas, has determined that recommendations from the Animal Service Advisory Board regarding the amending of existing provisions to the City’s regulations for domestic animals are necessary. Furthermore, additional provisions are needed to assist in the regulations related to domestic animals which threaten the health, safety, and general welfare of the citizens and residents of the City of Fort Smith; and,

WHEREAS, the Board of Directors of the City of Fort Smith, Arkansas, has determined that authorizing these amendments and additional regulations will help protect the health, safety, and general welfare of the citizens and residents 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:

SECTION I: THE FORT SMITH MUNICIPAL CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 4-1 – Definitions

The following words and phrases shall, for the purpose of this chapter, have the following meanings:

Aggressive animal shall mean any animal which displays or has a tendency, disposition or propensity to:

1. Bare its teeth or approach in a menacing manner a person or domestic animal that is not provoking the animal; or
2. Attack, chase, charge or bite a person or domestic animal (under circumstances not requiring medical attention to a person or domestic animal) in a menacing manner, or attempt to do so; or
3. Attack any person upon the streets, sidewalks, or any other public ground or place; or
4. Attack without provocation, human beings or domestic animals.

Animal control officer shall mean the person who shall be duly authorized by the board of directors as the agent of the city for the purpose of providing the services and fulfilling the responsibilities of the animal control officer as herein set out.

City approved/contracted impoundment facility shall mean the place provided for animal control for the impounding of dogs and other animals.

Collar shall mean any collar constructed of nylon, leather, or similar material specifically designed to be used for the animal for which it is intended.

Feral cat shall mean the offspring of lost or abandoned pet cats or other feral cats that are not spayed or neutered. They are not accustomed to contact with people and are typically too fearful and wild to be handled. Feral cats do not easily or may never adapt to living as pets in close contact with people. Their kittens, if they survive, will become feral without early contact with people.

Harness shall mean a restraint which encircles the neck and the torso of an animal with connecting straps between them for reinforcement.

Licensed veterinarian shall mean a practitioner of veterinary medicine who holds a valid license to practice his/her profession in any part of the United States.

Owner shall mean every person or entity having a right of property in a dog or other animal or who keeps or harbors a dog or other animal, routinely feeds or has it in his/her care, or acts as its custodian, or knowingly permits a dog or other animal to remain on or about any premises occupied by him/her.

Pen shall mean an enclosure for domestic animals meeting the following requirements:

Square Feet	Weight of animal in pounds	Additional Square Feet per animal
48	1-25	24
80	26-40	40
100	41-70	50
120	71-90	60
144	91+	72

1. In all pens, each domestic animal housed therein shall have room to stand, lie down, turn around and sit normally away from its own waste, and adequate coverage from inclement weather.
2. All pens shall be a minimum of six (6) feet in height.
3. All pens shall be surrounded on all sides by chainlink fencing of at least no. 9 gauge, with steel ties, maximum two and one-half (2 ½) inch mesh, with concrete or similar flooring or with side fencing buried eighteen (18) inches into the ground, and with gates padlocked.

Properly fitted shall mean:

1. With respect to a collar, to measure the circumference of an animal's neck plus at least one (1) inch additionally; and
2. With respect to a harness, to measure around the animal's chest and neck with an allowance for two (2) fingers to fit between the animal and the harness; and
3. Shall not be so tight as to cause discomfort or so loose that it can slide over the animal's head.

Run at large shall mean the state of freedom of any dog not confined on the premises of the owner within a secure enclosure, house or other building, or not restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restricting it to the premises, or not confined by a leash or confined within an automobile when away from the premises of the owner.

Secure enclosure shall mean a fenced area of structure that:

1. Is locked or has a self-locking gate(s) that is engaged at all times,
2. Is completely surrounded by a substantial fence or enclosure of sufficient strength, height, construction, materials, and design that is capable of preventing an animal from climbing, digging, jumping or otherwise escaping of its own volition,
3. Has all gates and the height of the fence and the size of openings in the fence appropriate for the type of dog confined within the fence,
4. Is appropriately maintained to prevent a dog from getting can get through, over, or under the fence, and
5. Is capable of preventing the unauthorized entry of the general public, including children.

Vaccination shall mean the injection, subcutaneously or otherwise, of antirabic vaccine, as approved by the United States Department of Agriculture or the state veterinarian and administered by a licensed veterinarian.

Vaccination certificate shall mean a written or printed certificate showing that the animal described thereon has received an inoculation of antirabic vaccine in an amount sufficient to produce immunity and bearing the signature of a licensed veterinarian.

Vicious animal shall, unless otherwise stated in Sec 4-7, mean any animal which:

1. Without provocation, bites or attacks a human being or domestic animal on public or private property,
2. Causes a life-threatening injury, broken bone, multiple sutures, or any injury requiring medical attention to a person or domestic animal, without provocation, on a public or private property,
3. Kills a domestic animal, without provocation, on public or private property,
4. Is owned or harbored primarily or in part for the purpose of fighting or is trained for fighting.

Sec. 4-2 – Interference with enforcement

It shall be unlawful for any person to interfere with or attempt to prevent the animal control officer or other authorized persons from seizing and impounding any animal which is authorized to be impounded under the provisions of this chapter. It shall be unlawful for any person to refuse to deliver any unlicensed or unvaccinated animal observed by an animal control officer to

be running at large to the animal control officer or other authorized person upon demand for impounding.

Sec. 4-3 – Livestock at large

Any horses, cattle, mules, goats, asses or other animals of like kind shall not be suffered or permitted to run at large or to be pastured or staked out, except in a securely fenced enclosure, within the limits of the city. It shall be unlawful to herd or drive the animals above enumerated, on the streets within the city limits, except those designated by the chief of police, unless such animals are on a lead.

Sec. 4-7 – Aggressive or vicious animals

A. The following procedure shall be followed for classifying an animal as vicious or aggressive.

1. The animal control officer shall be authorized initially to classify an animal as aggressive or vicious. The animal control officer may find and declare an animal to be vicious or aggressive if the officer has probable cause to believe that the animal falls within the definition set forth in section 4-1. The finding must be based upon:
 - a. The sworn written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of section 4-1; or
 - b. A report establishing probable cause filed with the animal control officer or any law enforcement officer; or
 - c. Actions of the animal witnessed by the animal control officer or by any law enforcement officer.
2. The classifying of an animal as vicious or aggressive shall be in writing and shall be served on the owner by one of the following methods:
 - a. Certified mail to the owner's last known address; or
 - b. Personally.

B. Appeal of determination. Any person who has received notice that his or her animal has been deemed a vicious or aggressive animal may appeal such decision to the Fort Smith Police Department's animal control unit supervisor. The appeal must be in writing and made within five (5) business days of the day the notice was provided in accordance with this section.

1. The supervisor shall schedule and hold a hearing, within five (5) business days after receiving the written appeal, to review the initial classification. The supervisor's decision shall be considered the final decision of the city as to whether the animal is a vicious or aggressive animal.
 2. If the initial classification is not appealed or if the right to appeal is waived, the initial classification shall be considered the final decision of the city as to whether the animal is a vicious or aggressive animal.
 3. An appeal from the decision of the supervisor may only be made to a court of competent jurisdiction.
- C. During the entire appeal process, it shall be unlawful for the owner appealing the classification of vicious or aggressive animal to allow or permit the animal to :
1. Be unconfined on the premises of the owner; or
 2. Go beyond the premises of the owner unless such animal is securely leashed and humanely muzzled or otherwise securely restrained.
- D. The animal control officer or supervisor of the animal control unit may require temporary confinement of the animal pending the determination required in this section. If the owner does not comply immediately with the temporary confinement requirements, the animal shall be impounded as provided in section 4-32 of this Code.
- E. No person shall own, possess or cause to be in the city any animal which has been determined to be an aggressive or vicious animal, unless it is restrained, confined or muzzled so that it cannot charge, attack, bite or cause injury to any person or domestic animal, and unless it is maintained at all times in compliance with any order of compliance issued under this article.
- F. Upon determination that an animal is aggressive or vicious, the animal control officer shall issue an order of compliance requiring the owner immediately to confine, muzzle or restrain the animal sufficiently to protect all persons and domestic animals, and otherwise to comply completely with the terms of this article. Coming into full compliance with this article shall not exceed forty-five (45) business days from the date of issuance of the order of compliance.
- G. The order of compliance may, in the reasonable discretion of the animal control officer, require that:

1. When outside of the walls of the owner's home, the dog shall be confined in a pen as set forth in the definition of "pen" in this section except when entering or exiting the pen.
 2. It shall be unlawful for a vicious animal to be outside of a dwelling or enclosure unless it is necessary for the owner thereof to obtain veterinary care for the vicious animal or to sell or give away the vicious animal or to comply with commands or directions of the animal control officer with respect to the vicious animal. In such event, the vicious animal shall be securely muzzled and restrained with a chain leash not exceeding four (4) feet in length, and shall be under the direct control and supervision of an individual capable of restraining and controlling the vicious animal.
 3. The owner's home and the animal's pen shall be posted with firmly attached and prominently displayed signs warning the public that the dog is aggressive or vicious. These signs shall be furnished by the city and will be distributed upon payment of any license fee required to be paid pursuant to this section.
 4. The owner of a vicious animal shall provide proof upon request by an animal control officer or law enforcement officer of liability insurance in the amount of one million dollars (\$1,000,000.00) covering harm done by the dog.
 5. The owner of a vicious animal shall provide proof upon request by an animal control officer or law enforcement officer that the animal has been spayed or neutered.
- H. Upon a determination that an animal:
1. Is an aggressive animal, the owner shall present the animal for photographing by the animal control officer sufficient to identify the animal for city records and have a microchip identification implanted by a licensed veterinarian.
 2. Is a vicious animal, the owner shall present the animal for photographing by the animal control officer sufficient to identify the animal, for city records, and have a microchip identification implanted by a licensed veterinarian.
- I. By continuing to be an owner of an animal within the city, which has been determined to be aggressive or vicious, the owner shall be deemed to have given implied consent to reasonable inspections by the animal control officer of the animal, of the premises where it is kept, and of documents evidencing any required liability insurance.

- J. If the owner fails to meet fully the animal control unit's requirements for temporary confinement and restraint, including any schedule of construction of pen or restraints, or fails to maintain full compliance with the order of compliance, the animal control officer may seize and impound the dog, and may after five (5) business days have it humanely euthanized; if, however, the owner has demonstrated full compliance with the requirements for temporary confinement and the order of compliance, then the animal may be returned to the owner after payment of all impoundment costs and fees.
- K. A determination that an animal is aggressive or vicious shall stand until the Fort Smith Police Department's animal control unit determines otherwise by written finding.
- L. No person shall be an owner of or cause to be in the city:
1. Any animal determined to be an aggressive animal by the animal control officer unless an annual special license fee of two hundred fifty dollars (\$250.00) shall have been paid to the city, and the animal has been microchipped; or
 2. Any animal classified vicious by the animal control officer unless an annual special license fee of one thousand dollars (\$1,000.00) shall have been paid to the city. No such license shall be issued except upon proof of paid annual liability insurance in the amount of one million dollars (\$1,000,000.00) as required by this section.
 3. Any cat deemed vicious must also be confined to the home to maintain compliance; if the owner fails to maintain compliance, an animal control officer may seize and impound the cat and after five (5) business days have it humanely euthanized.
- M. The owner of an animal in violation of any provision of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by the assessment of a fine as specified in section 1-9 of this Code.
- N. If a complaint has been filed in the municipal district court against the owner of an impounded animal for violation of this section, the animal shall not be released except on the order of the court, which order may also direct the owner to pay a fine and all impoundment fees. Upon finding that the animal is vicious, the court may order it to be euthanized in a humane manner. Surrender of an animal by the owner thereof to an animal control officer shall not render the owner exempt from the fines and fees of this article.

- O. An owner of an aggressive or vicious animal, who desires to transfer possession of the animal shall, at least three (3) days prior to the transfer, complete and return to the animal control unit a notarized transfer form provided by the animal control unit.
- P. Any notice required under this article shall be deemed delivered:
1. Five (5) business days after being mailed, first class postage prepaid, to the residential or business address of the owner;
 2. Twenty-four (24) hours after being posted at the location where the animal is held, unless it is impounded by the city; or
 3. Upon hand delivery to the owner.
- Q. It shall be an affirmative defense to prosecution under this article that the animal:
1. Is owned by a law enforcement agency and used for law enforcement purposes; or
 2. Directed its behavior at a person who was committing a willful trespass or other tort upon the property of the owner; or
 3. Directed its behavior at a person who was committing a violent offense to the owner or animal when off the owner's property, but under restraint; or
 4. At the time of its behavior was in custody of a veterinarian or an animal shelter.

Sec. 4-8 – Fowl and rabbits

- A. It shall be unlawful to keep on any residentially zoned real property of less than one-half ($\frac{1}{2}$) acre or twenty-one thousand seven hundred eighty (21,780) square feet within the city any fowl or more than two (2) rabbits. If two (2) rabbits are kept, both rabbits shall be of the same sex or at least one of the rabbits shall be incapable of reproduction. School children actively enrolled in a 4-H, FFA or school-related projects involving the raising of fowl or rabbits shall be exempt from this section. Any person possessing a valid state or federal permit or license to possess wildlife shall also be exempt from this section.
- B. Any person convicted of violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to punishment as set forth in section 1-9 of this Code.

Sec. 4-31 - Generally

The animal control unit may maintain a suitable building and kennels for the confinement of all animals impounded under the provisions of this chapter. Such buildings and kennels shall be kept in a sanitary condition and all animals taken up and impounded therein shall be properly

watered and fed while confined in such buildings and kennels. Male animals shall be kept separated from female animals, and quarantined animals shall be kept separated from other impounded animals.

Sec. 4-32 - Authority—Generally

It shall be the duty of an animal control officer to seize and impound, subject to the provisions of this article, all animals, whether domesticated or undomesticated, found in violation of the provisions of this chapter within this city, whether such animal shall be in the immediate presence of its owner or custodian or otherwise.

Sec. 4-33 - Same— City-approved animal impoundment facility

The city-approved animal impoundment facility is hereby authorized to receive and become a guardian of any and all animals found running at large in the city.

Sec. 4-34 - Right of citizens

Any person may take up and deliver to an animal control officer any animal which the animal control unit is, under the provisions of this chapter, authorized to impound.

Sec. 4-35 - Register

Upon impounding any animal, the animal control officer shall make a complete registry, identifying the breed, color and sex of the impounded animal and whether the owner of such animal can be identified. If the owner of the animal has been identified, the animal control officer shall enter the name and address of the owner.

Sec. 4-36 - Notice; redemption period; disposition

The city-approved animal impoundment facility shall keep all impounded animals, except feral felines, for a period of five (5) days from the date of impounding; the maximum hold period for feral felines will be three (3) calendar days. During the five (5) day holding period, the animal control officer or impoundment facility shall notify or make a diligent effort to notify the owner of such impounding, and of the proposed disposition of the animal. When an animal carries the owner's address, the notice shall also be by certified letter, return receipt requested. In all other

cases, the animal control officer shall make a diligent effort to notify the owner. If, at the expiration of the five (5) days from notice, such impounded animal has not been redeemed by the owner, it shall become the property of the city-approved animal impoundment facility. Injured animals will be examined by the director of the impoundment facility (currently the Sebastian County Humane Society (SCHS) shelter management and head technician) as to the extent of injuries. Injured animals capable of being held in reasonable comfort will be held the complete five-day stray holding period. Severely injured animals may be subject to euthanasia prior to the completion of the five-day stray holding period when necessary to prevent animal suffering. Diseased or vicious animals will not be subject to euthanasia prior to the expiration of the five-day stray holding period. The director of the impoundment facility (currently SCHS) will document the holding period and basis for euthanasia of all animals.

Sec. 4-38 - Fees for animal control services

Should a local veterinary clinic request disposal of an animal carcass, the following fee schedule shall apply: Twenty dollars (\$20.00) for disposal of any animal carcass that weighs fifty (50) pounds or less; forty dollars (\$40.00) for disposal of any animal carcass weighing in excess of fifty (50) pounds; and, if two (2) or more carcasses are picked up during a service call to a veterinary clinic, the foregoing fee shall apply to the first animal carcass and a fee of ten dollars (\$10.00) shall be assessed for each and every additional carcass beyond the first carcass taken into custody and disposed.

Sec. 4-39 - Redemption of unvaccinated animal

In addition to the provisions of section 4-38, the owner of any impounded domesticated animal which has not been vaccinated as required by this chapter, upon satisfactory proof of ownership, may redeem his /her animal by making a deposit* in the amount established by the board of directors with the Fort Smith police animal control unit and be allowed three (3) business days to get such animal vaccinated by a licensed veterinarian. If such owner fails to procure a vaccination certificate within such three (3) business days, the deposit shall be forfeited and the animal shall be impounded again. Upon presentation within such period of time of a certificate of vaccination issued under this chapter, the deposit shall be refunded.

*ASAB recommendation to BoD: the deposit fee be set at \$50

Sec. 4-61 - Quarantine—Generally

- A. Upon the request of any person who has been bitten by a dog or other animal within the corporate limits of the city (or by a parent or legal guardian of any person so bitten who is under a disability), the animal control officer shall take such dog or animal, or a plurality of same if they are reasonably suspected of the biting, into custody and confine it in quarantine under the supervision of a licensed veterinarian.
- B. Any dog or animal having rabies, or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall be immediately released by the owner or custodian of such dog or animal to the animal control officer, and the animal control officer shall confine such dog or animal in quarantine.

Sec. 4-62 - Same—Release

- A. Any veterinarian who is given custody of an animal under the provisions of this article shall keep such animal in quarantine until he/she shall issue a certificate that:
 - 1. He/she has complied with the observation provisions of A.C.A. § 20-19-307; and
 - 2. The animal appears to be free of infection of rabies (hydrophobia).
- B. When the licensed veterinarian supervising the quarantine of any animal quarantined under this article shall issue the certificate provided for in subsection (a), the owner of such animal may retake custody of it upon tender to such veterinarian and/or the city animal control unit of their customary and reasonable fees and charges for impounding, boarding and lodging, observing and testing. Provided, if a person who has been bitten by an animal (or the parent or legal guardian of such person) requests the confinement of the animal which has a current rabies vaccination and which, at the time of the biting incident, was in compliance with the running at large provisions of this chapter, and which the animal is subsequently found to be without rabies infection, the customary and reasonable fees and charges for impounding, boarding and lodging, observing and testing by the veterinarian and/or animal control unit shall be paid by the person who has been bitten (or by either parent or a legal guardian of such person) and the animal shall be released to the custody of the owner of such animal upon issuance of the certificate provided for in subsection (a).

Sec. 4-63 - Vaccination

It shall be unlawful for any dog or cat owner to knowingly keep, harbor or maintain any dog or cat four (4) months of age or more within the corporate limits of the city, unless the dog or cat owner shall have caused such dog or cat to be given a one (1) year or three (3) year vaccination against rabies by a licensed veterinarian. The veterinarian giving such vaccination shall issue to the owner of such vaccinated dog or cat a vaccination certificate describing such dog or cat, giving the date of vaccination and the name and address of the owner. The vaccination certificate shall be signed by the licensed veterinarian.

Sec. 4-86 - Definition

As used in this article, the term "pet shop" or "kennel" shall be construed to include any person engaged in the raising, boarding, training, breeding, grooming, riding for hire, impoundment, showing to the public or selling of any and all types of animals.

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 4-89 - Minimum age for sale

It shall be unlawful for any person or pet shop or kennel to sell any mammal which is less than six (6) weeks of age.

State law reference— Municipal authority to prevent cruelty to animals, A.C.A. § 14-54-103(7).

Sec. 4-90 - Sale to minors

It shall be unlawful for any person or pet shop or kennel to sell any animal to any person who is less than eighteen (18) years of age without proof of age with government issued picture identification.

Sec. 4-93 - Isolation of diseased animals

The owner of any animal or any pet shop or kennel shall properly isolate and seek treatment for any animal having a disease contagious to animal or human life; provided, any animal which is diseased and past the state of recovery shall be humanely euthanized.

Sec. 4-116 - Running at large (Leash Law)

It shall be unlawful for any dog owner to allow his/her dog to run at large within the corporate city limits. A dog is considered running at large when it is off the owner's property unless under leash restraint. It is the owner's responsibility to reasonably secure confinement to prevent the dog from running at large. The following shall be the procedure in the event of a dog found in violation of this section:

- A. In the case of the first offense, the animal control officer will make an attempt as set forth in section 4-36 to identify and return the dog; if this attempt fails, the dog is to be impounded. When the owner comes to claim the dog:
 1. The owner will pay a ten dollar (\$10.00) fee plus a fifteen dollar (\$15.00) per day fee to the city-approved animal impoundment facility.
 2. The dog and owner will be photographed, and
 3. The owner will be issued a citation for violation of the running at large ordinance; the owner will receive a pamphlet as to the city's animal ordinances.
 - a. The city of Fort Smith will hold the citation for fifteen (15) days to allow an inspection of the owner's property by an animal control officer, and
 - b. If the owner is found to have an unsecure enclosure, he/she will be given thirty (30) days to make the enclosure secure.
- B. If upon subsequent impoundment, it is established that this is a second offense of running at large, the owner's dog shall be impounded until an animal control officer conducts an inspection of the owner's property. Upon assurance of future control:
 1. The dog is to be released after the owner pays a ten dollar (\$10.00) fee plus a fifteen dollar (\$15.00) per day fee to the city-approved animal impoundment facility.
 2. The owner is issued a citation for violation of this section. If the owner is found guilty:
 - a. The owner shall be encouraged to spay or neuter an intact dog, and
 - b. A fine, set forth in the table below, will be assessed.
 - c. If proof of spay or neuter is provided within thirty (30) days, the fine may be reduced to that fine applicable for an altered dog.

C. If upon subsequent impoundment, it is established that this is a third offense of running at large, the dog will be impounded until an animal control officer conducts an inspection.

Upon assurance of future control:

1. The dog shall be released after the owner pays the ten dollar (\$10.00) fee plus a fifteen dollar (\$15.00) per day fee to the city-approved animal impoundment facility.
2. A citation will be issued for violation of this section. If found guilty:
 - a. The owner will be assessed a fine, and
 - b. The court may mandate that the dog will be spayed or neutered.
 - c. If proof of spay or neuter is provided within thirty (30) days, the fine may be reduced to that fine applicable for an altered dog.

D. If upon subsequent impoundment, it is established that this is a fourth offense of running at large, the dog will be impounded until an animal control officer conducts an inspection. Upon assurance of future control:

1. The dog shall be released and the owner pays a ten dollar (\$10.00) fee plus a fifteen dollar (\$15.00) per day fee to the city-approved animal impoundment facility.
2. A citation will be issued for violation of this section. If the owner is found guilty:
 - a. A fine will be assessed.
 - b. The city prosecutor will ask the judge to consider mandating the permanent surrender of the dog.

The fines will be assessed as follows:

Number of offense	Intact dog	Spayed or neutered (altered) dog
First	Warning	Warning
Second	\$100.00	\$50.00
Third	\$200.00	\$100.00
Fourth	\$400.00	\$200.00

All other provisions of this article notwithstanding, any previously declared vicious dog, for which an order of compliance has been issued, but which is thereafter found outside the confines

of the owner's property, shall be humanely euthanized five (5) days from the time of notification of the owner as set forth in section 4-7 of the Fort Smith Municipal Code.

Sec. 4-117 – Barking and howling dogs

It shall be unlawful for any person to keep on his premises or under his/her control any dog which by loud and frequent barking or howling shall disturb the peace and quiet of any two (2) or more non-related persons or businesses in separate dwellings or locations who may reside within reasonable proximity of a place where such dog is kept. When the keeper of such a dog is convicted of violating the provisions of this section, such dog may be seized and impounded under the provisions of this chapter.

Sec. 4-119 - Kennels

Any person owning, keeping or harboring within the corporate limits of the city seven (7) or more dogs five (5) months of age or over (regardless of the spaying or neutering of the dogs) shall be prima facie evidence that such owner is operating a dog kennel. The burden of proof shall be on the owner to establish the age of dogs contended to be less than five (5) months of age. Dog kennels may be operated only within the zones permitted by the zoning code of the city, section 27-119 of the Code of Ordinances. The owner of any such dog kennel shall pay an annual license fee of thirty-five dollars (\$35.00).

A person owning, keeping or harboring more than seven (7) dogs regardless of age, spayed or neutered, shall not be considered operating a kennel if it can be proven that the additional dogs are being temporarily maintained while a permanent home for the dog(s) is being sought (commonly referred to as "fostering"). Prima facie evidence of fostering can be proven by documentation inclusion of the animal(s) at an established physical animal adoption facility.

Sec. 4-120 - Regulations for tethering dogs

A. No person shall tether, fasten, chain, tie, or restrain a dog, or cause any dog to be tethered, fastened, chained, tied, or restrained to a dog house, tree, fence, or any other stationary object with the intent that the tethering will be the animal's primary means of permanent containment.

- B. Notwithstanding subsection (a), a person may do any of the following:
1. Attach a dog to a trolley system as long as the trolley system is not intended as a means of permanent containment; or
 2. Tether, fasten, or tie a dog to a stationary object no longer than is necessary for the person responsible for the dog to complete a temporary task (e.g., cutting the grass, washing a car, gardening). In such temporary event, the dog must have convenient access to a sheltered area and containers of food and water.
- C. An acceptable trolley system is subject to the following requirements:
1. The trolley system must be at least five (5) times the length of the dog's body, as measured from the tip of the nose to the base of the tail; it must terminate at both ends with a swivel; it must not weigh more than one-eighth ($\frac{1}{8}$) of the dog's weight; it must be free of tangles; and, it must be attached at two (2) permanent points elevated four (4) to seven (7) feet off the ground in a manner that allows the tether to move freely along the length of the cable; and
 2. The tether must be connected to the dog by a properly fitted, buckle-type collar or body harness of a size appropriate for the animal. A tether shall not be connected by means of a choke-type, pinch-type or prong type collar; and
 3. The dog must be tethered to a trolley system in such a manner as to prevent injury, strangulation, or entanglement; and
 4. The dog shall not be outside tethered to a trolley system during a period of extreme weather, including but not limited to, extreme heat or near-freezing temperatures, thunderstorms, or tornadoes; and
 5. The dog must have access to food, water, shade and shelter or dry ground; and
 6. Except as indicated hereafter, no person shall tether any dog outside to a trolley system unless the animal has been spayed/neutered. However, it is permissible to tether an intact dog when under the direct visual observation of the owner at all times the dog is tethered; it is also permissible to tether an intact dog if it is inside a completely fenced area that will prevent other dogs from coming into contact with the tethered intact dog; and
 7. No more than one (1) dog at a time may be attached to the same trolley system.
- D. An acceptable tether system for temporary purposes is subject to these requirements:

1. When tethered, fastened, chained, tied, or restrained to stationary object, the tether must allow the free and untangled movement of the dog.
2. The tether must be connected to the dog by a properly fitted harness (recommended) or collar appropriate for the dog. The harness or collar must fit in such a manner as to prevent injury, harm, and strangulation to the dog or allow the contained dot to escape,
3. The minimum length of a tether is ten (10) feet.
4. Except as indicated hereafter, no person shall tether any dog outside unless the animal has been spayed or neutered. However, it is permissible to tether an intact dog when under the direct visual observation of the owner at all times the dog is tethered; it is also permissible to tether an intact dog if it is inside a completely secured enclosure that will prevent other dogs from coming into contact with the tethered intact dog; and
5. The dog is to be monitored periodically.

Sec. 4-131 - Damaging shrubbery, plants, etc.; impoundment

It is hereby determined to be unlawful for any owner, possessor or person who harbors any cat to permit such animal, whether or not running at large, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence, vehicle or anything whatsoever upon any public or private property owned or occupied by a person other than the owner, possessor or keeper of such animal, and the same is hereby declared to be a public nuisance and prohibited. Any cat found to be violating this section is subject to impoundment.

Sec. 4-132 - County Humane Society designated impoundment facility

The facilities of the Sebastian County Humane Society (SCHS) are hereby designated as the city-approved animal impoundment facility for stray/feral cats which are impounded pursuant to the provisions of this article. The designation of the facilities of the SCHS as an animal impoundment facility shall continue during the term of the contractual agreement entered into by the city with the SCHS, which agreement has been approved initially on the date of adoption of

the ordinance from which this article derives. The designation shall cease upon termination of such contractual agreement.

Sec. 4-133 - Redemption; disposal if not redeemed

Pursuant to the designation contained in section 4-131 above, the SCHS is authorized to receive the impoundment from members of the public any stray/feral cat trapped (utilizing humane traps provided by the SCHS) on the property of the providing member of the public. Upon impoundment, the SCHS shall follow the registration, notice and right to redeem provisions of sections 4-35, 4-36 and 4-37 of this Code. Any impounded stray/feral cat not redeemed pursuant to those provisions shall, upon the expiration of the time provided for in the provisions, become the absolute property of the SCHS.

Sec. 4-134 - Euthanasia policy for cats injured, diseased, etc.

Notwithstanding any provision of this article to the contrary, the Sebastian County Humane Society may follow the society's euthanasia policy regarding any cat impounded when the SCHS reasonably determines the cat has sustained an injury or disease which will likely result in maiming, prolonged and severe suffering or death.

Sec. 4-135 - City-approved animal impoundment facility responsible for impounding cats showing signs of rabies, other contagious disease

Notwithstanding any provision of this article or this Code to the contrary, the city-approved animal impoundment facility will continue to be responsible for impounding any cat which shows signs of rabies or other contagious disease or is impounded for use as evidence in a criminal prosecution.

SECTION II: THE FOLLOWING SECTIONS OF THE FORT SMITH MUNICIPAL CODE ARE HEREBY REPEALED:

Sec. 4-40 and 4-41.

SECTION III: THE FOLLOWING SECTIONS ARE HEREBY ADDED TO THE FORT SMITH MUNICIPAL CODE:

Sec. 4-11 – Licensing of venomous reptiles

It shall be unlawful to keep any venomous reptiles within the corporate city limits without proper licensing; licensing will be free of charge. Licenses must be kept up-to-date and must contain:

1. A list of what species are owned,
2. How many of each species are owned,
3. Owner name and address, and
4. A valid address which must be updated within ten (10) business days of any change in dwelling.

Sec. 4-64 – Visiting dogs and cats

Every person visiting the city for a period of thirty (30) days or less shall be deemed in compliance with Sec. 4-63, providing that a current and valid certificate of antirabic vaccination is furnished upon request by an animal control officer or law enforcement officer; otherwise, the animal must receive an inoculation by a licensed veterinarian.

Every animal within the city limits for more than thirty (30) days is considered relocated to the city and its owners must comply with all animal care and control ordinances of the city of Fort Smith.

Sec. 4-97 – Animals as prizes

It shall be unlawful for any person or organization, whether for profit, nonprofit, charity or any other purpose to offer any animal, except fish, that is physically present as a prize in response to participation in a game, contest, drawing of chance, auction or raffle.

Sec. 4-115 – Secure enclosure

A. It shall be unlawful for any person owning dog(s) to fail to provide a secure and appropriate enclosure on their property as a primary means of confinement to prevent the escape or

release of the dog(s). Confinement must be humane for the animal as well as secure and safe.

All secure enclosures must meet the following guidelines:

1. Any and all gate(s) must be self-locking or have a lock that is engaged at all times; and
2. The property or area must be completely surrounded by a substantial fence or enclosure of sufficient strength, height, construction, materials, and design capable of preventing a dog from climbing, digging, jumping or otherwise escaping of its own volition; and
3. All gates and the height of the enclosure and the size of openings in the enclosure must be appropriate for the type of dog within the enclosure; and
4. All enclosures must be maintained to prevent a dog from getting through, over or under the enclosure; and
5. All enclosures must be secure in order to prevent the unauthorized entry of other animals and the general public, including children.

B. If an animal control officer picks up a dog running at large and the dog is found to be microchipped:

1. The dog will be taken to its owner.
2. An animal control officer will inspect the dog enclosure for compliance with this section.
3. If the owner is found to have an unsecure enclosure, he/she will be given thirty (30) days to make the enclosure secure.
4. If at the end of the thirty (30) days, the enclosure is still unsecure, a citation shall be issued to the owner of the dog.

C. If an animal control officer picks up a dog running at large and no microchip is found:

1. The dog shall be taken to the city-approved animal impoundment facility until the owner picks up the dog.
2. Once ownership is established, an animal control officer will go to the property where the animal is kept to inspect the enclosure for compliance.
3. If the owner is found to have an unsecure enclosure, he/she will be given thirty (30) days to make the enclosure secure.

4. If at the end of the thirty (30) days, the enclosure is still unsecure, a citation will be issued to the owner of the dog.

Sec. 4-121 – Identification

It shall be unlawful for any dog owner to possess a dog without some form of identification.

Identification by collar, tag, or microchip must provide the following information:

1. The owner's name,
2. The owner's address,
3. The owner's phone number, and
4. The dog's name.

If a dog owner is cited for running at large as set forth in section 4-116 and the dog has no form of identification, a citation will be issued for lack of identification. If the owner receives citations for running at large and lack of identification simultaneously, it shall be mandated that the dog be microchipped. The city will hold the citation for fifteen (15) days; upon proof of microchipping, the city prosecutor may choose not to pursue charges for lack of identification.

Sec. 4-122 – Animals riding in cars and pickup trucks

When transporting an animal in an open air vehicle or truck bed, the animal must be secured in a container suitable to safely contain the animal to minimize harm in the event of an accident and prevent its escape when stopped or moving. The container must be securely fastened within the vehicle to prevent its movement. If a person is found in violation, the person shall receive a citation with the possibility to be granted nolle prosequere of charges for purposes of maintaining a log of infractions to prevent the continual endangerment to the animal and persons in the vicinity and may be fined in accordance with other not in control provisions.

Sec. 4-130 – Animal Waste

It shall be unlawful for any person who owns, keeps, maintains, harbors or walks an animal to cause or permit such animal to be on any property, public or private, not owned or possessed by such person unless such animal is accompanied by a person who has in his/her possession a device for the removal of excrement and a depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.

It shall be unlawful for any person who owns, keeps, maintains, harbors or walks an animal to fail to immediately remove excrement left by such animal on property, public or private, not owned or possessed by such person. The excrement shall be removed to a proper receptacle. No person shall allow animal excreta to accumulate in any yard, pen or premises in or upon which an animal shall be confined or kept to the extent that the stench becomes offensive to those residing in the vicinity or results in a health hazard or nuisance.

Sec. 4-136 – Cat identification

It shall be unlawful for any cat owner to possess a cat without some form of identification by collar, tag, or microchip which must provide the following information:

1. The owner's name,
2. The owner's address,
3. The owner's phone number, and
4. The cat's name.

If a cat is received into the city-approved animal impoundment facility and has no form of identification, a citation will be issued for lack of identification and it will be mandated to be microchipped and spayed or neutered. Upon proof of microchipping and spaying or neutering, the city prosecutor may nolle prosequere charges.

Sec. 4-137 – Condition of premises

It shall be unlawful for any person keeping or harboring cats to fail to keep the premises where such cats are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the said premises; further, it shall be unlawful to allow such premises where cats are kept to become unclean and a threat to public health by failing to diligently and systematically remove all animal waste from the premises.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

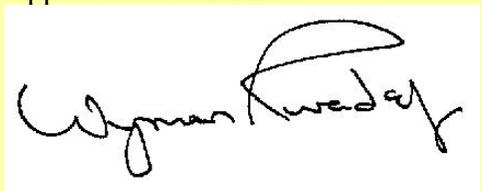
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



City Attorney
Publish One Time



Fort Smith Police Department
Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: Ray Gosack, City Administrator
From: Kevin Lindsey, Chief of Police
Subject: Animal Services Advisory Board Review of Ordinance Recommendations
Date: December 13, 2012
Attachment: Fort Smith Municipal Code, Chapter 4, Animals (strikethrough)

At the December 11, 2012, Study Session, Directors approved placing changes to the existing Animal ordinances, as presented by the Animal Services Advisory Board, on the December 18, 2012 regular meeting Agenda. The eight Animal Services Advisory Board members recommended several changes to Chapter 4 of the Fort Smith Municipal Code, including sections dealing with definitions, aggressive/vicious animals, enclosures, running at large, kennels, and redemption of animals. The Advisory Board also recommended additional ordinance sections addressing licensing of venomous reptiles, temporary animals, animals as prizes, animal waste, and animal identification.

Budget Impact

It is unknown whether proposed changes to the animal ordinances will adversely affect staffing in the Animal Control Unit. It is possible that the change to Section 4-116, Running At Large, would result in staffing issues due to conducting inspections of property required by the revised ordinance. The Animal Control Unit supervisor will monitor any increases in activity, analyze staffing needs, and communicate those needs in an appropriate manner. However, there will be a budgetary impact by changing the number of days cats can be held from three (3) to five (5) for domestic cats and from one (1) to three (3) for feral cats. **Based upon the 1,704 cats brought into the Humane Society shelter in the first ten months of 2012, we estimate the cost will require an additional \$83,048 to be added to the current budgeted amount of \$250,000 for fiscal year 2013.** Depending upon the result of contract negotiations with the Humane Society, this figure may increase.

Fort Smith Municipal Code

Chapter 4 – Animals

⁽¹⁹⁾ **Cross reference**— Health and human services, Ch. 12; use of animal traps, § 14-26; nuisances, Ch. 16; animals in parks, § 18-60.

⁽¹⁹⁾ **State Law reference**— Authority to legislate on matters pertaining to municipal affairs, A.C.A. § 14-63-601 et seq.; general authority to regulate animals, A.C.A. §§ 14-54-103(7), (11), 14-54-1101 et seq.; cruelty to animals, A.C.A. § 5-62-101 et seq.

DIVISION 1 – GENERALLY

Sec. 4-1 – Definitions

The following words and phrases shall, for the purpose of this chapter, have the following meanings:

~~Dangerous dog~~ **Aggressive animal** shall mean any ~~dog animal~~ which displays or has a tendency, disposition or propensity to:

1. Bare its teeth or approach in a menacing manner a person or domestic animal that is not provoking the ~~dog animal~~; or
2. Attack, chase, charge or bite a person or domestic animal (~~not needing medical attention~~ under circumstances not requiring medical attention to a person or domestic animal) in a menacing manner, or attempt to do so; or
3. ~~When unprovoked, approach in a manner of a~~ Attack any person upon the streets, sidewalks, or any other public ground or place; or
4. ~~Has known propensity, tendency or disposition to a~~ Attack, without provocation, human beings or domestic animals.

~~Animal warden~~ **control officer** shall mean the person who shall be, ~~from time to time~~, duly authorized by the board of directors as the agent of the city for the purpose of providing the services and fulfilling the responsibilities of the animal ~~warden~~ control officer as herein set out.

~~City pound~~ **approved/contracted impoundment facility** shall mean the place provided ~~and operated by~~ for animal warden control for the impounding of dogs and other animals.

Collar shall mean any collar constructed of nylon, leather, or similar material specifically designed to be used for the animal ~~in~~ for which it is intended.

Feral cat shall mean the offspring of lost or abandoned pet cats or other feral cats ~~who~~ that are not spayed or neutered. They are not accustomed to contact with people and are typically too fearful and wild to be handled. Feral cats do not easily or may never adapt to living as pets in close contact with people. Their kittens, if they survive, will become feral without early contact with people.

Harness shall mean a restraint which encircles the neck and the torso of an animal with connecting straps between them for reinforcement.

Licensed veterinarian shall mean a practitioner of veterinary medicine who holds a valid license to practice his/her profession in any part of the United States.

Owner shall mean every person or entity having a right of property in a dog or other animal or who keeps or harbors a dog or other animal, routinely feeds or has it in his care, or acts as its custodian, or knowingly permits a dog or other animal to remain on or about any premises occupied by him/her.

Pen shall mean an enclosure for domestic animals meeting the following requirements:

Square Feet	Weight of animal in pounds	Additional Square Feet per animal
48	1-25	24
80	26-40	40
100	41-70	50
120	71-90	60
144	91+	72

1. ~~The minimum pen size shall be four (4) feet by six (6) feet or twenty-four (24) square feet for one (1) dog under fifty (50) pounds. For dogs over fifty (50) pounds, the minimum pen size shall be five (5) feet by ten (10) feet or fifty (50) square feet.~~
2. In all pens, each dog domestic animal housed therein shall have room to stand, lie down, turn around and sit normally away from its own waste, and adequate coverage from inclement weather. ~~;~~ ~~this requires a minimum of four (4) feet by six (6) feet. A pen five (5) feet by (10) feet shall hold no more than one (1) large, or two (2) medium, or three (3) small breed dogs.~~
3. All pens shall be a minimum of six (6) feet in height.

4. All pens shall be surrounded on all sides ~~and top~~ by chainlink fencing of at least no. 9 gauge, with steel ties, maximum two and one-half (2 ½) inch mesh, with concrete or similar flooring or with side fencing buried eighteen (18) inches into the ground, and with gates padlocked.

Properly fitted shall mean:

1. With respect to a collar, to measure the circumference of an animal's neck plus at least one (1) inch additionally; and
2. With respect to a harness, to measure around the animal's chest and neck with an allowance for two (2) fingers to fit between the animal and the harness; and
3. Shall not be so tight as to cause discomfort or so loose that it can slide over the animal's head.

Run at large shall mean the state of freedom of any dog not confined on the premises of the owner within ~~an~~ a secure enclosure, house or other building, or not restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restricting it to the premises, or not confined by a leash or confined within an automobile when away from the premises of the owner. ~~In relation to unspayed female dogs while in season, "run at large" shall further be defined as the state of freedom of any such dog not confined inside an enclosure of such a substantial construction so as to prevent such dog from attracting the other dogs to the near vicinity of the confined dog.~~

Secure enclosure shall mean a fenced area of structure that is:

1. Is ~~L~~locked or has a self-locking gate(s) that are engaged at all times,
2. ~~Enclosure that is e~~Completely surrounded by a substantial fence or enclosure of sufficient strength, height, construction, materials, and design that is capable of preventing an animal from climbing, digging, jumping or otherwise escaping of its own volition,
3. Has all gates and the height of the fence and the size of openings in the fence are appropriate for the type of dog ~~one has~~ confined within the fence,
4. ~~Maintenance is required of any avenue in which a dog can get through, over, or under the fence and escape.~~ Is appropriately maintained to prevent a dog from getting through, over, or under the fence, and

5. Is Capable of preventing the unauthorized entry of the general public, including children.

Vaccination shall mean the injection, subcutaneously or otherwise, of ~~canine~~ antirabic vaccine, as approved by the United States Department of Agriculture or the state veterinarian and administered by a licensed veterinarian.

Vaccination certificate shall mean a written or printed certificate showing ~~on its face~~ that the ~~owner~~ animal described thereon has received an inoculation of antirabic vaccine in an amount sufficient to produce immunity ~~in the described animal~~ and bearing the signature of a licensed veterinarian.

Vicious animal shall, unless otherwise stated in Sec 4-7, mean any animal which:

1. Without provocation, bites or attacks a human being or domestic animal on public or private property,
2. Causes a life-threatening injury, broken bone, multiple sutures, or any injury requiring medical attention to a person or domestic animal, without provocation, on a public or private property,
3. Kills a domestic animal, without provocation, on public or private property,
4. Is owned or harbored primarily or in part for the purpose of ~~dog~~ fighting or is ~~a dog~~ trained for fighting,

(Code 1976, § 4-1; Ord. No. 16-91, § 1, 4-2-91; Ord. No. 105-06, § 1, 11-706; Ord. No. 27-11, 4-19-11)

Sec. 4-2 – Interference with enforcement

It shall be unlawful for any person to interfere with or attempt to prevent the animal ~~warden~~ control officer or other authorized persons from seizing and impounding any animal which is authorized to be impounded under the provisions of this chapter. It shall be unlawful for any person to refuse to deliver any unlicensed or unvaccinated ~~dog or any~~ animal observed by an animal ~~warden~~ control officer to be running at large to the animal ~~warden~~ control officer or other authorized person upon demand for impounding.

(Code 1976, § 4-2)

Sec. 4-3 – Livestock at large

Any horses, cattle, ~~swine~~, mules, goats, asses or other animals of like kind shall not be suffered or permitted to run at large or to be pastured or staked out, except in a securely fenced enclosure, within the limits of the city. It shall be unlawful to herd or drive the animals above enumerated, on the streets within the city limits, except those designated by the chief of police, unless such animals are on a lead.

(Code 1976, § 4-3)

State law reference – Authority to prevent animals to run at large, A.C.A. §§ 11-54-102, 14-54-1101.

Sec. 4-7 – Aggressive or vicious animals

A. The following procedure shall be followed for classifying ~~a dog~~ an animal as vicious or ~~dangerous~~ aggressive.

1. The animal ~~warden~~ control officer shall be authorized initially to classify ~~a dog~~ an animal as ~~dangerous~~ aggressive or vicious. The animal ~~warden~~ control officer may find and declare ~~a dog~~ an animal to be vicious or ~~dangerous~~ aggressive if the ~~warden~~ officer has probable cause to believe that the ~~dog~~ animal falls within the definition set forth in section 4-1. The finding must be based upon:
 - a. The sworn written complaint of a citizen who is willing to testify that the ~~dog~~ animal has acted in a manner which causes it to fall within the definition of section 4-1; or
 - b. A report establishing probable cause filed with the animal ~~warden~~ control officer or any law enforcement officer.
 - c. Actions of the ~~dog~~ animal witnessed by the animal ~~warden~~ control officer or by any law enforcement officer
2. The classifying of ~~a dog~~ an animal as vicious or ~~dangerous~~ aggressive shall be in writing and shall be served on the owner ~~or harborer~~ by one of the following methods:
 - a. Certified mail to the owner's ~~or harborer's~~ last known address; or
 - b. Personally.

B. Appeal of determination. Any person who has received notice that his or her ~~canine~~ animal has been deemed a vicious or ~~dangerous dog~~ aggressive animal may appeal such decision to

the Fort Smith Police Department's animal control unit supervisor. The appeal must be in writing and made within five (5) business days of the day the notice was provided in accordance with this section.

1. The supervisor shall schedule and hold a hearing, within five (5) business days after receiving the written appeal, to review the initial classification. The supervisor's decision shall be considered the final decision of the city as to whether the ~~canine~~ animal is a vicious or ~~dangerous dog~~ aggressive animal.
 2. If the initial classification is not appealed or if the right to appeal is waived, the initial classification shall be considered the final decision of the city as to whether the ~~canine~~ animal is a vicious or ~~dangerous dog~~ aggressive animal.
 3. An appeal from the decision of the supervisor may only be made to a court of competent jurisdiction.
- C. During the entire appeal process, it shall be unlawful for the owner ~~or harboree~~ appealing the classification of vicious or ~~dangerous dog~~ aggressive animal to allow or permit the ~~dog~~ animal to :
1. Be unconfined on the premises of the owner ~~or harboree~~; or
 2. Go beyond the premises of the owner ~~or harboree~~ unless such ~~dog~~ animal is securely leashed and humanely muzzled or otherwise securely restrained.
- D. The animal ~~warden~~ control unit officer or supervisor of the animal control unit may require temporary confinement of the ~~dog~~ animal pending the determination required in this section. If the owner ~~or harboree~~ does not comply immediately with the temporary confinement requirements, the ~~dog~~ animal shall be impounded as provided in section 4-32 of this Code.
- E. No person shall own, possess or cause to be in the city any ~~dog~~ animal which has been determined to be an aggressive or vicious animal ~~which the animal warden control unit officer has determined to be a dangerous aggressive or vicious dog animal~~, unless it is restrained, confined or muzzled so that it cannot charge, attack, bite or cause injury to any person or domestic animal, and unless it is maintained at all times in compliance with any order of compliance issued under this article.
- F. Upon determination that a ~~dog~~ an animal is ~~dangerous~~ aggressive or vicious, the animal ~~warden control officer~~ shall issue an order of compliance requiring the owner ~~or harboree~~ immediately to confine, muzzle ~~and~~ or restrain the ~~dog~~ animal sufficiently to protect all

persons and domestic animals, and otherwise to comply completely with the terms of this article. Coming into full compliance with this article shall not exceed forty-five (45) business days from the date of issuance of the order of compliance.

G. The order of compliance may, in the reasonable discretion of the animal ~~warden~~ control unit officer, require that:

1. When outside of the walls of the owner's ~~or harborer's~~ home, the dog shall be confined in pen as set forth in the definition of "pen" in this section except when entering or exiting the pen.
2. It shall be unlawful for a vicious ~~dog~~ animal to be outside of a dwelling or enclosure unless it is necessary for the owner ~~or harborer~~ thereof to obtain veterinary care for the vicious ~~dog~~ animal or to sell or give away the vicious ~~dog~~ animal or to comply with commands or directions of the animal ~~warden~~ control unit officer with respect to the vicious ~~dog~~ animal. In such event, the vicious ~~dog~~ animal shall be securely muzzled and restrained with a chain leash not exceeding four (4) feet in length, and shall be under the direct control and supervision of an individual capable of restraining and controlling the vicious ~~dog~~ animal.
3. The owner's ~~or harborer's~~ home and the ~~dog's~~ animal's pen shall be posted with firmly attached and prominently displayed signs warning the public that the ~~dog~~ animal is ~~dangerous-aggressive~~ or vicious. These signs shall be furnished by the city and will be distributed upon payment of any license fee required to be paid pursuant to this section.
4. The owner ~~or harborer~~ of a vicious ~~dog~~ animal shall provide proof upon request by an animal ~~warden~~ control officer or law enforcement officer of liability insurance in the amount of one million dollars (\$1,000,000.00) covering harm done by the dog.
5. The owner ~~or harborer~~ of a vicious ~~dog~~ animal shall provide proof upon request by an animal ~~warden~~ control officer or law enforcement officer that the ~~dog~~ animal has been spayed or neutered.

H. Upon a determination that a ~~dog~~ an animal:

1. Is a ~~dangerous dog~~ an aggressive animal, the owner ~~or harborer~~ shall present the ~~dog~~ animal for photographing by the animal ~~warden~~ control unit officer sufficient to

- identify the ~~dog~~ animal for city records and have a microchip identification implanted by a licensed veterinarian.
2. Is a vicious ~~dog~~ animal, the owner ~~or harborer~~ shall present the ~~dog~~ animal for photographing by the animal ~~warden control unit~~ officer sufficient to identify the ~~dog~~ animal, for city records, and have a microchip identification implanted by a licensed veterinarian.
- I. By continuing to be an owner ~~or harborer~~ of a ~~dog~~ an animal within the city, which has been determined to be a ~~dangerous~~ aggressive or vicious, the owner or ~~dog~~ animal harborer shall be deemed to have given implied consent to reasonable inspections by the animal ~~warden control officer~~ of the ~~dog~~ animal, of the premises where it is kept, and of documents evidencing any required liability insurance.
 - J. If the owner ~~or harborer~~ fails to meet fully the animal ~~warden's control unit's~~ requirements for temporary confinement and restraint, including any schedule of construction of pen or restraints, or fails to maintain full compliance with the order of compliance, the animal ~~warden control officer~~ may seize and impound the dog, and may after five (5) business days ~~have it~~ humanely destroy euthanized; if, however, the owner ~~or harborer~~ has demonstrated full ~~obedience to~~ compliance with the requirements for temporary confinement and the order of compliance, ~~in which case~~ then the ~~dog~~ animal may be returned to the owner after payment of all impoundment costs and fees.
 - K. A determination that a ~~dog~~ an animal is ~~dangerous~~ aggressive or vicious shall stand until the Fort Smith Police Department's animal warden control unit officer determines otherwise by written finding.
 - L. No person shall be an owner ~~or harborer~~ of or cause to be in the city:
 1. Any ~~dog~~ animal determined to be a ~~dangerous dog~~ an aggressive animal by the animal ~~warden control unit~~ officer unless an annual special license fee of two hundred fifty dollars (\$250.00) shall have been paid to the city; ~~or, and the animal must be~~ has been microchipped; or
 2. Any ~~dog~~ animal classified vicious by the animal ~~warden control unit~~ officer unless an annual special license fee of one thousand dollars (\$1,000.00) shall have been paid to the city. No such license shall be issued except upon proof of paid annual liability

insurance in the amount of one million dollars (\$1,000,000.00) as required by this section.

3. ~~Any animal determined to be aggressive must be microchipped.~~
 4. Any cat deemed vicious must also be confined to the home to maintain compliance; if the owner ~~or harboree~~ fails to maintain compliance, an animal control officer may seize and impound the cat and ~~may~~ after five (5) business days ~~humanely euthanize it~~ have it humanely euthanized.
- M. The owner ~~or harboree~~ of a ~~dog~~ an animal in violation of any provision of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by the assessment of a fine as specified in section 1-9 of this Code.
- N. If a complaint has been filed in the municipal district court against the owner ~~or harboree~~ of an impounded ~~dog~~ animal for violation of this section, it shall not be released except on the order of the court, which order may also direct the owner ~~or harboree~~ to pay a fine and all impoundment fees. Upon finding that the ~~dog~~ animal is vicious, the court may order it to be euthanized in a humane manner. Surrender of a ~~dog~~ an animal by the owner ~~or harboree~~ thereof to an animal ~~warden~~ control officer shall not render the owner ~~or harboree~~ immune from the fines and fees of this article.
- O. An owner ~~or harboree~~ of a ~~dangerous~~ an aggressive or vicious ~~dog~~ animal, who desires to transfer possession of the ~~dog~~ animal shall, at least three (3) days prior to the transfer, complete and return a notarized transfer form provided by the animal ~~warden~~ control unit.
- P. Any notice required under this article shall be deemed delivered:
1. Five (5) business days after being mailed, first class postage prepaid, to the residential or business address of the owner ~~or harboree~~;
 2. Twenty-four (24) hours after being posted at the location where the ~~dog~~ animal is held, unless it is impounded by the city; or
 3. Upon hand delivery to the owner ~~or harboree~~.
- Q. It shall be an affirmative defense to prosecution under this article that the ~~dog~~ animal:
1. Is owned by a law enforcement agency and used for law enforcement purposes; or
 2. Directed its behavior at a person who was committing a willful trespass or other tort upon the property of the owner; or

3. Directed its behavior at a person who was committing a violent offense to the owner or ~~dog~~ animal when off the owner's property, but under restraint; or
4. At the time of its behavior was in custody of a veterinarian or an animal shelter.

(Ord. No. 16-91, § 3, 4-2-91; Ord. No. 13-00, 3-7-00; Ord. No. 105-06, § 2, 11-7-06)

Sec. 4-8 – Poultry animals Fowl and rabbits

A. It shall be unlawful to keep on any residentially zoned real property of less than one-half (½) acre or twenty-one thousand seven hundred eighty (21,780) square feet within the city any ~~poultry animals~~ fowl or more than two (2) rabbits. If two (2) rabbits are kept, both rabbits shall be of the same sex or at least one of the rabbits shall be incapable of reproduction. School children actively enrolled in a 4-H, FFA or school-related projects involving the raising of ~~chickens~~ fowl or rabbits shall be exempt from this section. Any person possessing a valid state or federal permit or license to possess wildlife shall also be exempt from this section.

B. Any person convicted of violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to punishment as set forth in section 1-9 of this Code.

(Ord. No. 49-94, §§ 1, 2, 9-13-94; Ord. No. 30-00, 6-20-00)

Sec. 4-11 – Licensing of venomous reptiles

It shall be unlawful to keep any venomous reptiles within the corporate city limits without proper licensing; licensing will be free of charge. License must be kept up-to-date and contain:

1. A list of what species are owned,
2. How many of each species are owned,
3. Owner's or harborer's name and address, and
4. ~~The address~~ A valid address which must be updated within ten (10) business days of any change in dwelling.

ARTICLE II – IMPOUNDMENT ⁽²⁰⁾

⁽²⁰⁾State Law reference— Impounding of animals, A.C.A. §§ 14-54-1101, 14-54-1102.

Sec. 4-31 - Generally

The animal ~~warden shall~~ control unit may maintain a suitable building and kennels for the confinement of all animals impounded under the provisions of this chapter. Such buildings and kennels shall be kept in a sanitary condition and all ~~dogs~~ animals taken up and impounded therein shall be properly watered and fed while confined in such buildings and kennels. Male animals shall be kept separated from female animals, and quarantined animals shall be kept separated from other impounded animals.

(Code 1976, § 4-65)

Sec. 4-32 - Authority—Generally

It shall be the duty of an animal ~~warden~~ control officer to seize and impound, subject to the provisions of this article, all animals, whether domesticated or undomesticated, found in violation of the provisions of this chapter within this city, whether such animal shall be in the immediate presence of its owner or custodian or otherwise.

(Code 1976, § 4-66)

Sec. 4-33 - Same—~~Humane Society~~ City-approved animal impoundment facility

The ~~Fort Smith Humane Society~~ city-approved animal impoundment facility is hereby authorized to ~~take up~~ receive and dispose ~~become a guardian~~ of any and all animals found running at large in the city.

(Code 1976, § 4-67)

Sec. 4-34 - Right of citizens

Any person may take up and deliver to an animal ~~warden~~ control officer any animal which the animal ~~warden control unit~~ is, under the provisions of this chapter, ~~required~~ authorized to impound.

(Code 1976, § 4-68)

Sec. 4-35 - Register

Upon impounding any animal, the animal ~~warden~~ control officer shall make a complete registry, ~~entering~~ identifying the breed, color and sex of the impounded animal and whether the owner of such animal ~~be licensed or unlicensed~~ can be identified. If the animal owner has been licensed identified, the

animal ~~warden~~ control officer shall enter the name and address of the owner ~~or harborer~~ and the number of the license tag.

(Code 1976, § 4-69)

Sec. 4-36 - Notice; redemption period; disposition

The ~~animal warden~~ city-approved animal impoundment facility shall keep all impounded animals, ~~except felines, except feral felines~~, for a period of five (5) days from the date of impounding; the maximum hold period for feral felines will be three (3) calendar days. During the five (5) day holding period, the ~~animal warden control officer or impoundment facility~~ shall notify or make a diligent effort to notify the owner of such impounding, and of the proposed ~~destruction or sale~~ disposition of the animal. When an animal carries the owner's address, the notice shall also be by certified by letter, return receipt requested. In all other cases, the ~~animal warden control officer~~ shall make a diligent effort to notify the owner. If, at the expiration of the five (5) days from notice, such impounded animal has not been redeemed by the owner, it shall ~~be sold or destroyed as hereinafter provided for~~ become the property of the city-approved animal impoundment facility. Injured animals will be examined by the director of the impoundment facility (currently the Sebastian County Humane Society (SCHS) shelter management and head technician) as to the extent of injuries. Injured animals capable of being held in reasonable comfort will be held the complete five-day stray holding period. Severely injured animals may be subject to euthanasia prior to the completion of the five-day stray holding period when necessary to prevent animal suffering. Diseased or vicious animals will not be subject to euthanasia prior to the expiration of the five-day stray holding period. The director of the impoundment facility (currently SCHS) will document the holding period and basis for euthanasia of all animals.

(Code 1976, § 4-70; Ord. No. 33-98, § 2, 4-21-98; Ord. No. 32-10, 7-20-10)

Sec. 4-38 - Fees for animal control services

The ~~owner of any impounded animal may redeem such animal at any time prior to sale or destruction by payment to the animal control unit of the Fort Smith Police Department of a ten dollar (\$10.00) impounding fee plus a maintenance fee of fifteen dollars (\$15.00) per day for each day, or part thereof, that such animal shall have been impounded~~. Should a local veterinary clinic request disposal of an animal carcass, the following fee schedule shall apply: Twenty dollars (\$20.00) for disposal of any animal carcass that weighs fifty (50) pounds or less; forty dollars (\$40.00) for disposal of any animal carcass weighing in excess of fifty (50) pounds; and, if two (2) or more carcasses are picked up during a service

call to a veterinary clinic, the foregoing fee shall apply to the first animal carcass and a fee of ten dollars (\$10.00) shall be assessed for each and every additional carcass beyond the first carcass taken into custody and disposed.

(Ord. No. 8-09, § 1, 1-20-09; Ord. No. 32-10, 7-20-10)

Editor's note—

Ord. No. 8-09, § 1, adopted Jan. 20, 2009, repealed Former § 4-38, and enacted a new § 4-38 as set out herein. The former § 4-38 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Sec. 4-39 - Redemption of unvaccinated animal

In addition to the provisions of section 4-38, the owner ~~or harboree~~ of any impounded domesticated animal which has not been vaccinated as required by this chapter, upon satisfactory proof of ownership, may redeem his/her animal by making a deposit* in the amount established by the board of directors with the Fort Smith police animal warden control unit and be allowed ~~twenty-four (24) hours~~ three (3) business days to get such animal vaccinated by a licensed veterinarian. If such owner fails to procure a vaccination certificate within such ~~twenty four (24) hours~~ three (3) business days, the deposit shall be forfeited and the animal shall be impounded again. Upon presentation within such period of time of a certificate of vaccination issued under this chapter, the deposit shall be refunded.

(Code 1976, § 4-74)

**ASAB recommendation to BoD: the deposit fee be set at \$50*

~~Sec. 4-40 - Redemption by person other than owner~~

~~At any time after the expiration of the period of time for redemption of impounded animals, the animal warden may, without further notice and without advertising in any manner, sell at private sale or public auction, for cash, any animal not redeemed or reclaimed. All impounded animals not redeemed or sold under the provisions of this article may be destroyed by the animal warden.~~

~~(Code 1976, § 4-75) This is no longer lawful.~~

~~Sec. 4-41 - Redemption by owner from purchaser~~

~~The owner of any animal as of the time such animal is impounded may, within thirty (30) days after such animal is sold by the animal warden, redeem the same from such purchaser by paying to him the amount of the purchase price paid by him to the animal warden and, in addition thereto, any licensing, vaccination, impounding and daily charges paid by the person purchasing such animal from the animal~~

warden. At the end of thirty (30) days from the date that an animal is sold by the animal warden, the original owner's right to redeem shall expire.

(Code 1976, § 4-76) This is no longer lawful.

Secs. ~~4-42~~ 4-40—4-60 - Reserved

ARTICLE III – RABIES CONTROL ⁽²¹⁾

⁽²¹⁾ **Cross reference**— Health and human services, Ch. 12.

Sec. 4-61 - Quarantine—Generally

- A. Upon the request of any person who has been bitten by a dog or other animal within the corporate limits of the city (or by a parent or legal guardian of any person so bitten who is under a disability), the animal ~~warden~~ control officer shall take such dog or animal, or a plurality of same if they are reasonably suspected of the biting, into custody and confine it in quarantine under the supervision of a licensed veterinarian.
- B. Any dog or animal having rabies, or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall be immediately released by the owner or custodian of such dog or animal to the animal ~~warden~~ control officer, and the animal ~~warden~~ control officer shall confine such dog or animal in quarantine.

(Code 1976, §§ 4-111, 4-112)

Sec. 4-62 - Same—Release

- A. Any veterinarian who is given custody of an animal under the provisions of this article shall keep such animal in quarantine until he/she shall issue ~~his~~ a certificate that:
1. He/she has complied with the observation provisions of A.C.A. § 20-19-307; and
 2. The ~~dog or~~ animal appears to be free of infection of rabies (hydrophobia).
- B. When the licensed veterinarian supervising the quarantine of any ~~dog or any other~~ animal quarantined under this article shall issue the certificate provided for in subsection (a), the owner ~~or harboree~~ of such ~~dog or~~ animal may retake custody of it ~~under~~ upon tender to such veterinarian and/or the city animal ~~warden~~ control unit of their customary and reasonable fees and charges for impounding, boarding and lodging, observing and testing. Provided, if a

person who has been bitten by ~~a dog or other~~ an animal (or the parent or legal guardian of such person) requests the confinement of ~~a dog or other~~ the animal which has a current rabies vaccination and which, at the time of the biting incident, was in compliance with the running at large provisions of this chapter, and which ~~dog~~ the animal is subsequently found to be without rabies infection, the customary and reasonable fees and charges for impounding, boarding and lodging, observing and testing by the veterinarian and/or animal ~~warden~~ control unit shall be paid by the person who has been bitten (or by either parent or a legal guardian of such person) and the ~~dog or other~~ animal shall be released to the custody of the owner ~~or harborer~~ of such ~~dog~~ animal upon issuance of the certificate provided for in subsection (a).
(Code 1976, §§ 4-113, 4-114)

Sec. 4-63 - Vaccination

It shall be unlawful for any dog or cat owner ~~or harborer~~ to knowingly keep, harbor or maintain any dog or cat ~~six (6)~~ four (4) months of age or more within the corporate limits of the city, unless the dog or cat owner shall have caused such dog or cat to be given a one (1) year or three (3) year vaccination against rabies ~~at least once a year~~ by a licensed veterinarian. The veterinarian giving such vaccination shall issue to the owner of such vaccinated dog or cat a vaccination certificate describing such dog or cat, giving the date of vaccination and the name and address of the owner. The vaccination certificate shall be signed by the licensed veterinarian.
(Code 1976, § 4-35)

State law reference— Dog vaccinations, A.C.A. § 20-19-201 et seq.

Sec. 4-64 – Visiting dogs and cats

Every person visiting the city for a period of thirty (30) days or less shall be deemed in compliance with Sec. 4-63, providing that a current and valid certificate of antirabic vaccination is furnished upon request by an animal control officer or law enforcement officer; otherwise, the animal must receive an inoculation by a licensed veterinarian.

Every animal within the city limits for more than thirty (30) days is considered relocated to the city and its owners ~~or harborers~~ must comply with all animal care and control ordinances of the city of Fort Smith.

Secs. 4-64 ~~4-65~~—4-85 - Reserved

⁽²¹⁾ **State Law reference**— Rabies Control Act, A.C.A. § 20-19-301 et seq.; vaccination of dogs and cats required, A.C.A. § 20-19-201 et seq.

ARTICLE IV – PET SHOPS AND KENNELS ⁽²²⁾

⁽²²⁾ **Cross reference**— Licenses, taxation and miscellaneous business regulations, Ch. 13.

Sec. 4-86 - Definition

As used in this article, the term "pet shop" or "kennel" shall be construed to include any person engaged in the raising, boarding, training, breeding, grooming, riding for hire, impoundment, ~~treatment~~, showing to the public or selling of any and all types of animals.

(Code 1976, § 4-90)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 4-89 - Minimum age for sale

It shall be unlawful for any person or pet shop or kennel to sell any ~~animal~~ mammal which is less than six (6) weeks of age.

(Code 1976, § 4-93)

State law reference— Municipal authority to prevent cruelty to animals, A.C.A. § 14-54-103(7).

Sec. 4-90 - Sale to minors

It shall be unlawful for any person or pet shop or kennel to sell any animal to any person who is less than eighteen (18) years of age without ~~the written consent of such minor's parent or guardian~~ proof of age with government issued picture identification.

(Code 1976, § 4-94)

Sec. 4-93 - Isolation of diseased animals

The owner or ~~harborer~~ of any animal or any pet shop or kennel shall properly isolate and ~~treat~~ seek treatment for any animal having a disease contagious to animal or human life; provided, any animal which is diseased and past the state of recovery shall be humanely ~~destroyed~~ euthanized.

(Code 1976, § 4-97)

Sec. 4-97 – Animals as prizes

It shall be unlawful for any person or organization, whether for profit, nonprofit, charity or any other purpose to offer any animal, except fish, that is physically present as a prize in response to participation in a game, contest, drawing of chance, auction or raffle.

Secs. ~~4-97~~ 4-98—~~4-115~~ 4-114 - Reserved

ARTICLE V – DOGS

Sec. 4-115 – Secure enclosure

A. It shall be unlawful for any person owning dog(s) to fail to provide a secure and appropriate enclosure on their property as a primary means of confinement to prevent the escape or release of the dog(s). Confinement must be humane for the animal as well as secure and safe.

All secure enclosures must meet the following guidelines:

1. Any and all gate(s) must be self-locking or have a lock that is engaged at all times; and
 2. The property or area must be completely surrounded by a substantial fence or enclosure of sufficient strength, height, construction, materials, and design capable of preventing a dog from climbing, digging, jumping or otherwise escaping of its own volition; and
 3. All gates and the height of the enclosure and the size of openings in the enclosure must be appropriate for the type of dog ~~one has~~ within the enclosure; and
 4. ~~Maintenance is required to fix any means in which a dog can get through, over or under the enclosure and escape~~ All enclosures must be maintained to prevent a dog from getting through, over or under the enclosure; and
 5. All enclosures must be secure in order to prevent the unauthorized entry of other animals and the general public, including children.
- B. If an animal control picks up a dog running at large and the dog is found to be microchipped:
1. The dog will be taken to its owner.

2. An animal control officer will inspect the dog enclosure for compliance within this section.
3. If the owner is found to have an unsecure enclosure, he/she will be given thirty (30) days to make ~~fix~~ the enclosure secure.
4. If at the end of the thirty (30) days, the enclosure is still unsecure, a citation shall be issued to the owner of the dog.

C. If an animal control picks up a dog running at large and no microchip is found:

1. The dog shall be taken to the city-approved animal impoundment facility until the owner picks up the dog.
2. Once ownership is established, an animal control officer will go to the property where the animal is kept to inspect the enclosure for compliance.
3. If the owner is found to have an unsecure enclosure, he/she will be given thirty (30) days to make the enclosure secure.
4. If at the end of the thirty (30) days, ~~no repairs have been made, a fine will be imposed on the owner until the enclosure is secure to prevent further escape~~ the enclosure is still unsecure, a citation will be issued to the owner of the dog.

Sec. 4-116 - Running at large (Leash Law)

~~It shall be unlawful for any dog owner or harborer knowingly to allow such dog to run at large within the corporate limits of the city.~~

It shall be unlawful for any dog owner ~~or harborer~~ to allow such dog to run at large within the corporate city limits. A dog is considered running at large when it is off the owner ~~or harborer~~'s property unless under leash restraint. It is the owner ~~or harborer~~'s responsibility to reasonably secure confinement to prevent the dog from running at large. The following shall be the procedure in the event of a dog found in violation of this section ~~running at large~~:

- A. In the case of the ~~Considering this to be a first offense~~, the animal control officer will make an attempt as set forth in section 4-36 to identify and return the dog; if this attempt fails, the dog is to be impounded. When the owner ~~or harborer~~ comes to claim the dog:
 1. The owner ~~or harborer~~ will pay a ten dollar (\$10.00) fee plus a fifteen dollar (\$15.00) per day fee to the city-approved animal impoundment facility.

2. The dog and owner will be photographed, and
 3. The owner ~~or harborer~~ will be issued a citation for violation of the running at large ordinance; the owner ~~or harborer~~ will receive a pamphlet as to the city's animal ordinances.
 - a. The city of Fort Smith will hold the citation for fifteen (15) days to allow an inspection of the owner's ~~or harborer's~~ property by an animal control officer, and
 - b. If the owner is found to have an unsecure enclosure, he/she will be given thirty (30) days to ~~fix~~ make the enclosure ~~to make it~~ secure.
 - e. The city prosecutor may choose not to pursue charges with proof of said ~~inspection.~~
- B. If upon subsequent impoundment, it is established that this is a second offense of running at large, the owner's ~~or harborer's~~ dog is shall be impounded until an animal control officer conducts an inspection of the owner's ~~or harborer's~~ property. Upon assurance of future control:
1. The dog is to be released after the owner ~~or harborer~~ pays a ten dollar (\$10.00) fee plus a fifteen dollar (\$15.00) per day fee to the city-approved animal impoundment facility.
 2. The owner ~~or harborer~~ is issued a citation for violation of running at large this section. If the owner ~~or harborer~~ is found guilty:
 - a. The owner ~~or harborer~~ is encouraged to spay or neuter an intact dog, and
 - b. A fine, set forth in the table below, will be assessed.
 - c. If proof of spay or neuter is provided within thirty (30) days, the fine may be ~~reassessed to the altered dog fine~~ reduced to that fine applicable for an altered dog.
- C. If upon subsequent impoundment it is established that this is a third offense of running at large, the dog will be impounded until an animal control officer conducts an inspection. Upon assurance of future control:
1. The dog ~~is~~ shall be released after the owner ~~or harborer~~ pays the ten dollar (\$10.00) fee plus a fifteen dollar (\$15.00) per day fee to the city-approved animal impoundment facility.
 2. A citation will be issued for violation of running at large this section. If found guilty:

- a. The owner ~~or harborer~~ will be assessed a fine, and
 - b. The court may mandate that the dog will be spayed or neutered.
 - c. If proof of spay or neuter is provided within thirty (30) days, the fine may be reassessed to the altered dog fine reduced to that fine applicable for an altered dog.
- D. If upon subsequent impoundment, it is established that this is a fourth offense of running at large, the dog will be impounded until an animal control officer conducts an inspection. Upon assurance of future control:
- 1. The dog ~~is~~ shall be released and the owner pays a ten dollar (\$10.00) fee plus a fifteen dollar (\$15.00) per day fee to the city-approved animal impoundment facility.
 - 2. A citation ~~is~~ will be issued for violation of the ~~leash law~~ this section. If the owner ~~or harborer~~ is found guilty:
 - a. A fine will be assessed.
 - b. The city prosecutor will ask the judge to consider mandating the permanent surrender of the dog.

The fines will be assessed as follows and all fines will be in addition to court costs:

<u>Number of offense</u>	<u>Intact dog</u>	<u>Spayed or neutered (altered) dog</u>
<u>First</u>	<u>Warning</u>	<u>Warning</u>
<u>Second</u>	<u>\$100.00</u>	<u>\$50.00</u>
<u>Third</u>	<u>\$200.00</u>	<u>\$100.00</u>
<u>Fourth</u>	<u>\$400.00</u>	<u>\$200.00</u>

All other provisions of this article notwithstanding, any previously declared vicious dog, for which an order of compliance has been issued, but which is thereafter found outside the ~~walls~~ confines of the owner 's ~~or harborer's home or pen~~ property, shall be humanely euthanized five (5) days from the time of notification of the owner ~~or harborer~~ as set forth in section 4-7 of the Fort Smith Municipal Code.

(Code 1976, § 4-33; Ord. No. 105-06, § 3, 11-7-06)

State law reference— Authority to prevent dogs from being at large, A.C.A. § 14-54-1102.

Sec. 4-117 - Barking and howling dogs

It shall be unlawful for any person to keep on his premises or under his/her control any dog which by loud and frequent barking or howling shall disturb the peace and quiet of any ~~person~~ two (2) or more non-related persons or businesses in separate dwellings or locations who may reside within reasonable proximity of a place where such dog is kept. When the keeper of such a dog is convicted of violating the provisions of this section, such dog ~~shall~~ may be seized and impounded under the provisions of this chapter.

(Code 1976, § 4-36)

Cross reference— Noise, § 16-41 et seq.

Sec. 4-119 - Kennels

~~Any person owning, keeping or harboring within the corporate limits of the city five (5) or more unspayed or unneutered dogs five (5) months of age or over shall be considered to be operating a dog kennel. Any person owning, keeping or harboring within the corporate limits of the city five (5) or six (6) dogs five (5) months of age or over, shall be considered to be operating a dog kennel, unless at least four (4) of the dogs are spayed or neutered. Any person owning, keeping or harboring within the corporate limits of the city seven (7) or more dogs five (5) months of age or over (regardless of the spaying or neutering of the dogs) shall be considered to be prima facie evidence that such owner is operating a dog kennel. The burden of proof shall be on the owner to establish the age of dogs contended to be less than five (5) months of age. Dog kennels may be operated only within the zones permitted by the zoning code of the city, section 27-119 of the Code of Ordinances. The owner of any such dog kennel shall pay an annual license fee of thirty-five dollars (\$35.00) in addition to any dog license fee provided for by the ordinances of the city, such annual kennel license fee being paid at the same time and in the same manner as the annual dog license fee. The keeping on the premises of the owner of five (5) or more dogs shall be prima facie evidence that such owner is operating a kennel, and the burden of proof shall be on the owner to establish the age of dogs contended to be less than five (5) months of age or to establish and the spaying or neutering of a dog by certificate of licensed veterinarian.~~

A person owning, keeping or harboring more than seven (7) dogs regardless of age, spayed or neutered, shall not be considered operating a kennel if it can be proven that the additional dogs are being temporarily maintained while a permanent home for the dog(s) is being sought (commonly referred to as “fostering”). Prima facie evidence of fostering can be proven by documentation inclusion of the animal(s) at an established physical animal adoption facility.
(Code 1976, § 4-53; Ord. No. 13-01, § 1, 3-20-01)

Sec. 4-120 - Regulations for tethering dogs

- A. No person shall tether, fasten, chain, tie, or restrain a dog, or cause any dog to be tethered, fastened, chained, tied, or restrained to a dog house, tree, fence, or any other stationary object with the intent that the tethering will be the animal's primary means of permanent containment.
- B. Notwithstanding subsection (a), a person may do any of the following:
1. Attach a dog to a trolley system as long as the trolley system is not intended as a means of permanent containment; or
 2. Tether, fasten, or tie a dog to a stationary object no longer than is necessary for the person responsible for the dog to complete a temporary task (e.g., cutting the grass, washing a car, gardening). In such temporary event, the dog must have convenient access to a sheltered area and containers of food and water.
- C. An acceptable trolley system is subject to the following requirements:
1. The trolley system must be at least five (5) times the length of the dog's body, as measured from the tip of the nose to the base of the tail; it must terminate at both ends with a swivel; it must not weigh more than one-eighth ($\frac{1}{8}$) of the dog's weight; it must be free of tangles; and, it must be attached at two (2) permanent points elevated four (4) to seven (7) feet off the ground in a manner that allows the tether to move freely along the length of the cable; and
 2. The tether must be connected to the dog by a properly fitted, buckle-type collar or body harness of a size appropriate for the animal. A tether shall not be connected by means of a choke-type, pinch-type or prong type collar; and
 3. The dog must be tethered to a trolley system in such a manner as to prevent injury, strangulation, or entanglement; and

4. The dog shall not be outside tethered to a trolley system during a period of extreme weather, including but not limited to, extreme heat or near-freezing temperatures, thunderstorms, or tornadoes; and
 5. The dog must have access to food, water, *shade* and shelter or dry ground; and
 6. ~~The dog must be at least six (6) months of age; and~~
 7. Except as indicated hereafter, no person shall tether any dog outside to a trolley system unless the animal has been spayed/neutered. However, it is permissible to tether an intact dog when under the direct visual observation of the owner ~~or harborer~~ at all times the dog is tethered; it is also permissible to tether an intact dog if it is inside a completely fenced area that will prevent other dogs from coming into contact with the tethered intact dog; and
 8. ~~A trolley system may only be utilized between the hours of 6:00 a.m. and 8:00 p.m.;~~
~~and~~
 9. No more than one (1) dog at a time may be attached to a the same trolley system.
- D. An acceptable tether system for temporary purposes is subject to these requirements:
1. When tethered, fastened, chained, tied, or restrained to stationary object, the tether must allow the free and untangled movement of the dog.
 2. The tether must be connected to the dog by a properly fitted harness (recommended) or collar appropriate for the dog. The harness or collar must fit in such a manner as to prevent injury, harm, and strangulation to the dog or allow the contained dot to escape.
 3. The minimum length of a tether is ten (10) feet.
 4. Except as indicated hereafter, no person shall tether any dog outside unless the animal has been spayed or neutered. However, it is permissible to tether an intact dog when under the direct visual observation of the owner ~~or harborer~~ at all times the dog is tethered; it is also permissible to tether an intact dog if it is inside a completely secured enclosure that will prevent other dogs from coming into contact with the tethered intact dog; and
 5. The dog is to be monitored periodically.

(Ord. No. 20-11, 3-15-11)

Sec. 4-121 – Identification

It shall be unlawful for any dog owner or harborer to possess a dog without some form of identification. Identification by collar, tag, or microchip must provide the following information:

1. The owner's name,
2. The owner's address,
3. The owner's phone number, and
4. The dog's name.

If a dog owner is cited for running at large as set forth in section 4-116 and the dog has no form of identification, a citation will be issued for lack of identification. If the owner receives citations for running at large and lack of identification simultaneously, it ~~said dog~~ shall be mandated that the dog ~~to~~ be microchipped. The city will hold the citation for fifteen (15) days; upon proof of microchipping, the city prosecutor may choose not to pursue charges for lack of identification.

Sec. 4-122 – Animals riding in cars and pickup trucks

When transporting an animal in an open air vehicle or truck bed, the animal must be secured in a ~~crate~~ container suitable to safely contain the animal to minimize harm in the event of an accident and prevent its escape when stopped or moving. The ~~crate~~ container must be securely fastened within the vehicle to prevent its movement. If a person is found in violation, the person shall receive citation with the possibility to be granted nolle prosequere of charges for purposes of maintaining a log of infractions to prevent the continual endangerment to the animal and persons in the vicinity and may be fined in accordance with other not in control provisions.

Secs. ~~4-121~~ 4-123—~~4-130~~ 4-129 - Reserved

ARTICLE VI. – ANIMAL WASTE

Sec. 4-130 – Animal Waste

It shall be unlawful for any person who owns, keeps, maintains, harbors or walks an animal to cause or permit such animal to be on any property, public or private, not owned or possessed by such person unless such animal is accompanied by a person who has in his/her possession a

device for the removal of excrement and a depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.

It shall be unlawful for any person who owns, keeps, maintains, harbors or walks an animal to fail to immediately remove excrement left by such animal on property, public or private, not owned or possessed by such person. The excrement shall be removed to a proper receptacle.

No person shall allow animal excreta to accumulate in any yard, pen or premises in or upon which an animal shall be confined or kept to the extent that the stench becomes offensive to those residing in the vicinity or results in a health hazard or nuisance.

ARTICLE ~~VI~~ VII – CATS

Sec. 4-131 - Damaging shrubbery, plants, etc.; impoundment

It is hereby determined to be unlawful for any owner, possessor or person who harbors any cat to permit such animal, whether or not running at large, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence, vehicle or anything whatsoever upon any public or private property owned or occupied by a person other than the owner, possessor or keeper of such animal, and the same is hereby declared to be a public nuisance and prohibited. Any cat found to be violating this section is subject to impoundment as a ~~stray/feral~~ cat.

(Ord. No. 26-96, § 1, 8-6-96)

Sec. 4-132 - County Humane Society designated impoundment facility

The facilities of the ~~county~~ Sebastian County Humane Society (SCHS) are hereby designated as the city-approved animal impoundment facility for stray/feral cats which are impounded pursuant to the provisions of this article. The designation of the facilities of the ~~county Humane Society~~ SCHS as an animal impoundment facility shall continue during the term of the contractual agreement entered into by the city with the ~~county Humane Society~~ SCHS, which agreement has been approved initially on the date of adoption of the ordinance from which this article derives. The designation shall cease upon termination of such contractual agreement.

(Ord. No. 26-96, § 2, 8-6-96)

Sec. 4-133 - Redemption; disposal if not redeemed

Pursuant to the designation contained in section 4-131 above, the ~~county Humane Society~~ SCHS is authorized to receive the impoundment from members of the public any stray/feral cat trapped (utilizing humane traps provided by the ~~county Humane Society~~ SCHS) on the property of the providing member of the public. Upon impoundment, the ~~county Humane Society~~ SCHS shall follow the registration, notice and right to redeem provisions of sections 4-35, 4-36 and 4-37 of this Code. Any impounded stray/feral cat not redeemed pursuant to those provisions shall, upon the expiration of the time provided for in the provisions, become the absolute property of the SCHS ~~county Humane Society~~ and may be disposed of according to the adoption or humane euthanasia policies of the ~~county Humane Society~~.

(Ord. No. 26-96, § 3, 8-6-96)

Sec. 4-134 - Euthanasia policy for cats injured, diseased, etc.

Notwithstanding any provision of this article to the contrary, the ~~county~~ Sebastian County Humane Society may follow the society's euthanasia policy regarding any ~~animal~~ cat impounded when the ~~county Humane Society~~ SCHS reasonably determines the cat has sustained an injury or disease which will likely result in maiming, prolonged and severe suffering or death.

(Ord. No. 26-96, § 4, 8-6-96)

Sec. 4-135 - ~~City animal control shelter~~ City-approved animal impoundment facility responsible for impounding cats showing signs of rabies, other contagious disease

Notwithstanding any provision of this article or this Code to the contrary, the ~~city animal control shelter~~ city-approved animal impoundment facility will continue to be responsible for impounding any ~~animal~~ cat which shows signs of rabies or other contagious disease or is impounded for use as evidence in a criminal prosecution.

(Ord. No. 26-96, § 5, 8-6-96)

Sec. 4-136 – Cat identification

It shall be unlawful for any cat owner to possess a cat without some form of identification by collar, tag, or microchip which must provide the following information:

1. The owner's name,
2. The owner's address,
3. The owner's phone number, and
4. The cat's name.

If ~~the~~ a cat is received into the city-approved animal impoundment facility and has no form of identification, a citation will be issued for lack of identification and it will be mandated to be microchipped and spayed or neutered. ~~The city will hold the citation for fifteen (15) days;~~ ~~u~~Upon proof of microchipping and spaying or neutering, the city prosecutor may nolle prose charges.

Sec. 4-137 – Condition of premises

It shall be unlawful for any person keeping or harboring cats to fail to keep the premises where such cats are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the said premises; further, it shall be unlawful to allow such premises where cats are kept to become unclean and a threat to public health by failing to diligently and systematically remove all animal waste from the premises.

(Code 1976, § 4-37)

RESOLUTION NO. _____

**RESOLUTION SUPPORTING THE OLD FORT HOMELESS COALITION’S
FORT SMITH RIVER VALLEY REGION’S
TEN-YEAR PLAN (2012-2022) TO END HOMELESSNESS AND
AUTHORIZING MAYOR TO EXECUTE
STATEMENT OF PRINCIPLES AND ACTIONS**

Whereas: More than 1,558,917 Americans across our country each year experience homelessness in our local communities, compromising the quality of life of the person, and the community; and

Whereas: As elected officials, we are on the front lines of homelessness and accountable to our community for the well-being of all citizens; and

Whereas: We recognize that no one level of government can remedy homelessness alone; and

Whereas: We affirm that we will work together with our partners in state and federal government as well as in the foundation community and private sector to maintain and enhance the sustainable investment of resources needed to respond; and

Whereas: The Old Fort Homeless Coalition has taken action to create jurisdictionally-led, community-based Ten-Year Plan to end chronic homelessness in our communities in partnership with the United States Interagency Council on Homelessness (USICH) ;

Whereas: The ten-year plan will support the City of Fort Smith’s Resolution No. R-91-10 adopted by the Board of Directors on May 19, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the City of Fort Smith, Arkansas, that, the Board supports the Old Fort Homeless Coalition’s “Fort Smith River Valley Region’s Ten Year Plan to End Homelessness” and authorizes the Mayor to execute, his signature being attested by the City Clerk, the Plan’s Statement of Principles and Actions.

This Resolution adopted this _____ day of December 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



NPR

Memo

To: Ray Gosack, City Administrator

From: Wally Bailey, Director of Development Services

Date: December 13, 2012

Subject: Support of the Old Fort Homeless Coalition's Ten Year Plan to End Homelessness

The Old Fort Homeless Coalition (OFHC) has recently completed their 10-year plan to end homelessness in Fort Smith and the River Valley Region. A copy of the plan is enclosed. The OFHC has requested Fort Smith's support of the plan. In addition to Fort Smith, the plan covers the cities and counties in a six-county region, including Van Buren, and the counties of Crawford, Franklin, Polk, Scott, and Sebastian. The OFHC has also requested the support of these city and county officials as well.

The plan documents that in January 2011, the Old Fort Homeless Coalition counted 235 homeless persons in Fort Smith that were living in places not meant for human habitation, such as cars, tents, or outside in the elements. Support of this plan will help end homelessness in our area by investing resources in a coordinated and sustained effort. The City's support of the plan will also further the work of the city's Homelessness Task Force and Resolution No. R-91-10 adopted by the Board of Directors on May 18, 2010, which accepted and prioritized the recommendations of the Homelessness Task Force. (Please see pages 8 and 9 of the enclosed plan.)

The plan was reviewed by the planning and community development staff, and we encourage the Board's support and execution of the plan.

Attached for the Board's consideration is a Resolution supporting the plan and authorizing Mayor Sanders to sign the plan's Statement of Principles and Actions.

If you have any questions, don't hesitate to contact me.

Enc.



***The Fort Smith River Valley Region's Plan
to End Homelessness
Ten-Year Plan
2012 -2022***

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**THE FORT SMITH RIVER VALLEY REGION
ROAD HOME STATEMENT of PRINCIPLES and ACTIONS**

Whereas: More than 1,558,917 Americans across our country each year experience homelessness in our local communities, compromising the quality of life of the person, and the community; and

Whereas: As elected Mayors, City and County officials, we are on the front lines of homelessness and accountable to our communities for the well-being of all citizens; and

Whereas: We recognize that no one level of government can remedy homelessness alone; and

Whereas: We affirm that we will work together with our partners in state and federal government as well as in the foundation community and private sector to maintain and enhance the sustainable investment of resources needed to respond; and

Whereas: We have taken action to create jurisdictionally-led, community-based Ten-Year Plans to end chronic homelessness in our communities in partnership with the United States Interagency Council on Homelessness (USICH) to end the disgrace;

Now, therefore, we resolve to work together in a national partnership of every level of government and the private sector, with our fellow cities and counties and the United States Interagency Council on Homelessness to identify, adopt and create innovative initiatives to advance the following principles and actions:

1. End the homelessness of our most vulnerable and disabled citizens who reside on our streets and in our shelters, those experiencing chronic homelessness, especially including homeless veterans.
2. With the support of our partners work to shorten the time any person is homeless.
3. Accept jurisdictional responsibility for accountability and results in the broader partnership that includes other levels of government and the private sector for an issue that is visible, expensive and unacceptable in our communities.
4. Affirm our jurisdictionally-led, community-based Ten-Year Plan as the community's primary planning strategy to effect accountability and results in ending and preventing homelessness.
5. Develop these plans to ensure that the measurable outcomes are sustainable and render lasting solutions to homelessness.
6. Endorse housing solutions as our primary investment to end homelessness, recognizing that shelter and punitive responses are often expensive and ineffective in reducing numbers and restoring lives and affirm that permanent supportive housing and rapid re-housing models offer our most disabled citizens the housing and services they need in a cost-effective response.

7. Affirm the work of faith and community based agencies for the work they have done on the frontlines for decades and partner with them to fashion innovative responses that are results-oriented.
8. Invite the business and philanthropic communities to be a partner in our efforts, especially local business associations, foundations, Business Improvement Districts, the United Way, and Chambers of Commerce.
9. Work with the United States Interagency Council on Homelessness and other partnerships to end long term homelessness to assure rapid dissemination of innovations that ensure every community will have equal access to the best ideas that create results in ending homelessness.
10. Create Project Homeless Connect events, one-day, one-stop targeted to homeless people in offering an array of housing, employment, and treatment services along with quality of life resources, as a component of our Ten-Year Plan response.
11. Support appropriate local, state, and federal legislation and resources that will offer new capabilities for investment in results.
12. Invite other communities to join us in this national effort.

We do hereby commit to this Statement of Principles and Actions, embrace its goals and announce our intention to work in partnership in bringing the homeless of our most vulnerable and disabled neighbors to an end in the Fort Smith River Valley Region and the United States.

Mayor of Fort Smith, Sandy Sanders	Date
Mayor of Van Buren, Bob Freeman	Date
President of OFHC Executive Board of Directors	Date
Sebastian County Judge, David Hudson	Date
Crawford County Judge, John Hall	Date
Franklin County Judge, Joe Powell	Date
Logan County Judge, Gus Young	Date
Polk County Judge, Brandon Ellison	Date
Scott County Judge, James Forbes	Date

Background

In an effort to end and prevent homelessness, a proactive plan of action has been established by the Old Fort Homeless Coalition along with community volunteers dedicated to this goal.

While engaging in this comprehensive study, we always bear in mind there is no such thing as a homeless person, but rather people experiencing temporary homelessness.

This plan identifies goals, strategies and outcomes that will prevent and reduce all types of homelessness over the next decade by investing our resources in a coordinated, sustained effort that addresses the underlying causes of homelessness.

This effort seeks:

- To increase the number of people placed into permanent housing—combined with a pipeline of support services;
- To decrease the length of homeless episodes; and
- To provide community-based services and support to prevent homelessness and diminish opportunities for homelessness to occur.

“Homelessness cannot be solved by a single agency or organization, by a single level of government, or by a single sector. Everyone should be reminded of the intricacies of homelessness as a policy area, and remember that preventing and ending homelessness will take real coordination, collaboration, and a constant exchange of ideas.”

HHS Secretary
Kathleen Sebelius

Stable housing is the foundation upon which people build their lives. Without a safe, decent and affordable place to live, it is next to impossible to achieve good health, positive educational outcomes or reach one’s economic potential. For many persons living in poverty, the lack of stable housing leads to costly cycling through crisis-driven systems like foster care, emergency rooms, psychiatric hospitals, domestic violence shelters, detoxification centers and jails. Stable housing clearly improves life outcomes for individuals and families.

It is estimated on any given night in the City of Fort Smith there are over 235 people experiencing homelessness, i.e., living on the streets, in parks, in their cars, in emergency shelters or in transitional housing facilities. Many more are doubled up (staying with friends or relatives) or living in substandard housing. In addition, many are families with children who are fleeing domestic violence, have lost their jobs or have been recently evicted from their housing. Still others are individuals with serious mental illness or other disabilities. In response to the growing needs of these populations, community leaders have developed a long-range plan focused on strategies to stabilize our vulnerable citizens and their housing and to prevent others from becoming homeless.

Homelessness is a major concern across the nation, as well as in the Fort Smith River Valley Region. A recent Gallup Poll of a cross-section of adults across the country found that 28% of

persons interviewed had been concerned about becoming homeless at one point in their lives. Importantly, 92% responded that “something should be done about homelessness.”

“It is simply unacceptable for individuals, children, families and our nation’s veterans to be faced with homelessness in this country.”

President Obama

The Fort Smith River Valley Region’s Plan to End Homelessness represents a series of community-based solutions that utilize effective, proven practices of communities across the nation. The original planning process took place in 2010 in response to the state’s requirement that all counties establish Ten-Year Plans to End Homelessness in their communities. We also draw from the information and strategic plans presented in *Opening Doors, Federal Strategic Plan to Prevent and End Homelessness, 2010.*

On September 1, 2009, the Fort Smith Mayor and City Board of Directors appointed a 12-member Homelessness Task Force made up of a diversified group of community leaders, homeless services providers, neighborhood representatives, downtown business owners, Fort Smith Public School homeless liaison and members of the Old Fort Homeless Coalition. The first meeting was held Friday, September 11, 2009, at which time a chairperson from the Task Force was selected to lead the study sessions. A homelessness definition was developed by the Task Force along with an in-depth study of the impact of homelessness in the downtown and historical district suggesting a need for a homeless campus. Many hours went into the study of the best location for a campus in order to better serve the homeless. After careful review, the Task Force selected a general location south of Garrison Avenue to be the most economical and advantageous location for serving the homeless.

Karen Phillips with Crawford-Sebastian Community Development Council (CSCDC) gave quantifiable information on the 2005-2007-2009 Point in Time Count (PIT). In 2009 the Homeless Management Information System (HMIS) indicated 1,200 to 1,700 persons in Fort Smith received services from one of our homeless service providers. The 2009 PIT survey also showed 35 individuals were homeless in the Fort Smith downtown area. The information and data gathered from the city and the community during these meetings showed an increase of homeless individuals in the downtown region. The Old Fort Homeless Coalition’s 2011 PIT survey counted 82 homeless individuals as unsheltered compared to the 2009 PIT survey of 35(134% increase). At the end of 19 weekly meetings collecting and studying data, the Task Force gave its recommendations to the Mayor and the City Board of Directors. These prioritized recommendations were adopted by the Mayor and the City of Fort Smith Board of Directors as a defined strategy to reduce homelessness in the downtown business and historical districts.

3.

RESOLUTION NO. R-91-10

A RESOLUTION ACCEPTING AND PRIORITIZING THE RECOMMENDATIONS OF THE HOMELESSNESS TASK FORCE

WHEREAS, the Board of Directors appointed a Homelessness Task Force to review issues related to the problem of homelessness in Fort Smith; and,

WHEREAS, the Homelessness Task Force conducted several meetings and has made recommendations to the Board of Directors which will assist the City of Fort Smith address issues related to homelessness in Fort Smith; and,

WHEREAS, the Board of Directors expresses their appreciation to the members of the Homelessness Task Force.

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

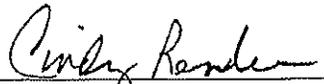
- Section 1: The Board of Directors hereby accepts the recommendations of the Homelessness Task Force.
- Section 2: The Homelessness Task Force Recommendations are hereby prioritized by the Board of Directors as shown in Exhibit A.

This Resolution adopted this 18th day of May, 2010.

APPROVED:


 Mayor

ATTEST:



 City Clerk

*Approved as to form
 JLL
 No publication required*

PRIORITIZED HOMELESSNESS TASK FORCE RECOMMENDATIONS

- #1 Strengthen the Old Fort Homeless Coalition with city involvement through a full-time paid staff person
- #2 Explore a campus site in a current industrial area south of Garrison Avenue
- #3 Old Fort Homeless Coalition conduct an analysis of homelessness services to identify any gaps in services to the homeless
- #4 Put more teeth in existing ordinances and hold property owners responsible for the maintenance of their properties, and add more staff to administer ordinances
- #5 Identify a homeless management reporting system to identify the scope of the homeless problem in our area
- #6 Establish a campus setting with a consolidation of services that will eliminate travel, duplication of services, and better represent the dignity of homeless persons (including exploring funding sources and solutions to the disposition of service providers existing facilities
- #7 Continuation of enhanced police protection in the Belle Grove and Downtown Areas
- #8 Create a job corps, through the Old Fort Homeless Coalition, and that the city give priority to the jobs corps when city services, such as lot clean-ups are contracted
- #9 Undertake a community education program to generate support (awareness) for the homeless and a homelessness campus

RESOLUTION 1020

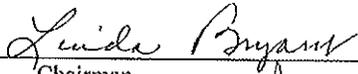
**RESOLUTION SUPPORTING THE ESTABLISHMENT
OF A HOMELESS SERVICES CAMPUS**

WHEREAS, the Board of Directors of the City of Fort Smith appointed a Homelessness Task Force to review issues related to the problem of homelessness in Fort Smith; and

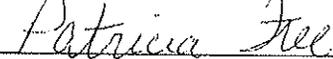
WHEREAS, the Homelessness Task Force met and made recommendations to the Board of Directors to assist the City of Fort Smith in addressing issues related to homelessness in Fort Smith; and

WHEREAS, by Resolution R-91-10 dated May 18, 2010, the Board of Directors accepted and prioritized the recommendations made by the Homelessness Task Force as set out on "Exhibit A" attached, including the establishment of a homeless campus; and

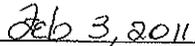
NOW, THEREFORE, BE IT RESOLVED, that Crawford-Sebastian Community Development Council, Inc. supports the efforts of the Homelessness Task Force, the Board of Directors and the Old Fort Homeless Coalition to focus energy and resources toward the goal of ending homelessness and agrees to collaboratively work with them toward the establishment of a homeless services campus as a step in reaching the goal of ending homelessness.



Chairman



Secretary-Treasurer



Date

“EXHIBIT A”

PRIORITIZED HOMELESSNESS TASK FORCE RECOMMENDATIONS

1. Strengthen the Old Fort Homeless Coalition with city involvement through a full-time paid staff person.
2. Explore a campus site in a current industrial area south of Garrison Avenue.
3. Old Fort Homeless Coalition conduct an analysis of homelessness services to identify any gaps in services to the homeless.
4. Put more teeth in existing ordinances, hold property owners responsible for the maintenance of their properties, and add more staff to administer ordinances.
5. Identify a homeless management reporting system to identify the scope of the homeless problem in our area.
6. Establish a campus setting with a consolidation of services that will eliminate travel and duplication of services and better represent the dignity of homeless persons (including exploring funding sources and solutions to the disposition of service providers' existing facilities).
7. Continuation of enhanced police protection in the Belle Grove and downtown areas.
8. Create a job corps, through the Old Fort Homeless Coalition, and the city give priority to the job corps when city services, such as lot clean-ups, are contracted.
9. Undertake a community education program to generate support (awareness) for the homeless and a homelessness campus.

Purpose of the Plan

The plan is designed to be a community roadmap for actions to guide local government, homeless service providers and concerned citizens, collaborating through the Old Fort Homeless Coalition, to aggressively pursue activities leading to the end of homelessness in the region. It is intended to integrate existing plans into a comprehensive community plan that serves as a tool for the coordination of activities meeting the needs of people experiencing homelessness in the region.

The Ten-Year Plan Council is guided by these core values:

- Homelessness is unacceptable.
- There are no “homeless people,” but rather people who have lost their homes yet deserve to be treated with dignity and respect.
- Homelessness is expensive; it is better to invest in solutions.
- Homelessness is solvable; we have learned a lot about what works.
- Homelessness can be prevented through strength in collaboration.

The Council suggests that plan development should be guided by these key principles:

- Collaborative efforts
- Solutions-driven and evidence-based research
- Cost-effective focus
- Implementable and user-friendly methods
- Lasting and scalable results
- Measurable outcomes and accountability

Guiding Principles Driving Community Efforts to End Homelessness

As mentioned in the introduction, the Homelessness Task Force was charged with establishing a set of core beliefs that will guide actions to be taken to end homelessness. The priorities of the Homelessness Task Force were endorsed by leaders in the City of Fort Smith and were utilized as a base for developing the following guiding principles:

Guiding Principles

- Our primary goal is to end homelessness for all homeless populations in our region.
- Partnerships are essential to the effort to end homelessness and include government at all levels, the business community, schools, philanthropic organizations, non-profit organizations and faith-based organizations.
- Local government accepts the responsibility of a leadership role in developing regional solutions to resolving homelessness.
- All levels of government and our system of care must work cooperatively to end homelessness in our region.
- Solutions must be outcome-based and sustainable.

Seven Core Strategies to End Homelessness

Strategies

In addition to the guiding principles, the Ten-Year Plan Committee identified key strategies proven to be effective in reducing homelessness. A set of specific action steps that support each of the strategies should be developed, tracked and adjusted as needed on an annual basis to ensure we are responsive to current community needs and are demonstrating progress toward reducing homelessness.

1. Prevention - Reduce the incidence of homelessness by providing tools to families and single persons at-risk of becoming homeless.

One of the more cost-effective ways of resolving homelessness is to focus significant resources on the prevention of the initial causes of homelessness. Studies have shown that 80% of homeless families who received housing subsidies remain stably housed compared to only 18% of those who did not receive subsidies. Programs to stabilize housing for persons at risk and to provide support for families and individuals in poverty are critical to prevent persons from becoming homeless.

- A. Establish a source of flexible funds available for the multiple and unique needs of individuals and families.

- B. Implement a coordinated and effective discharge planning process to successfully reintegrate persons leaving institutions back into the community.
 - Coordinate with key agencies, such as those operating in the criminal justice, behavioral health, public health and/or child welfare systems (related to youth aging out of foster care) to develop coordinated discharge policies and procedures aimed at avoiding discharges to the streets.
- C. Coordinate multiple organizations to expand stabilization services (such as landlord/tenant relations training, foreclosure prevention, emergency rent and utilities funding, crisis counseling and job retention skills) to strengthen persons at-risk.
 - Support and enhance efforts to assist mentally ill persons and others with disabilities and persons with poor credit history, tenant history and/or criminal backgrounds to qualify for and obtain permanent housing.
 - Strengthen local programs that expand job opportunities and assist people to retain their jobs.
- D. Develop cooperative efforts to maintain people in housing including implementation of landlord incentives programs, landlord-tenant mediation and landlord and property manager training.
- E. Build and strengthen housing locator services.

2. Reduce the period of time that families and single persons are homeless.

Studies have demonstrated that the longer a person is homeless, the longer it takes for that person's stabilization and return to self-sufficiency. Programs like Homeless Prevention Rapid Re-housing (HPRP) (which quickly places person in stable, short-term housing) have helped reduce the number of homeless persons in our community.

- A. Institute HPRP (shorter term rental housing assistance with supportive services designed to return households to self-sufficiency) as a major tool in ending homelessness.
- B. Expand efforts to reach out and engage homeless persons reluctant to access housing and services programs.

3. Increase the capacity to assist homeless families and single persons to return quickly to self-sufficiency.

Each person who has become homeless has a unique set of circumstances which caused homelessness as well as a complex set of needs that must be met and barriers which must be overcome before they can return to self-sufficiency. Homeless providers must have a broad set of flexible services and housing

resources that can be applied to meet those unique needs. Case management services following the client and readily available resources are essential to this effort.

- A. Enhance client-tailored wrap-around services with a strong and consistent case management component.
- B. Explore existing best practices of *“Housing First”* models, (moving homeless persons into stable housing first before beginning a strong set of support services around them), to design and implement effective programs to stabilize and house persons who are homeless or in emergency shelters.
- C. Improve coordination and use of the basic state and federal assistance programs, (mainstream resources), to assist the homeless.
- D. Assist homeless persons to participate in the workforce through increased skill building and education.
- E. Coordinate with other planning processes, such as Consolidated Planning, to support the implementation of anti-poverty strategies involving job and life skills development, living wage jobs expansion, providing basic benefit programs, etc.
- F. Continue to support essential emergency shelter and transitional housing programs while creating sufficient permanent housing resources in the region.
- G. Expand basic services to develop participants’ self-sufficiency skills.

4. Improve access to services and housing for families and single people experiencing homelessness.

A critical initial step in the process of assisting homeless persons in the River Valley region is the development of a centralized intake system which focuses on quickly and effectively triaging their needs so that they can be referred to and provided with the specific type of housing and services they need.

- A. Assess potential models for centralizing the system for accessing services and design and implement a centralized system meeting the needs of homeless persons in the region.
- B. Develop a system to assure that safe and accessible affordable housing is available for participants in homeless programs when they are ready to move to permanent housing.

5. End homelessness for our most vulnerable populations (including chronic homeless persons) by providing permanent supportive housing to disabled homeless persons.

Many of the disabled homeless are simply not employable and cannot complete typical tasks due to their disabilities. Permanent housing with supportive services has been found to be an effective means of ending homelessness for this group. Studies have demonstrated that 80-85% of chronic homeless persons, (disabled individuals who have been on the streets or in shelters

for the past year or have had four episodes of homelessness in the past three years), who access permanent supportive housing has remained housed.

- A. Focus on providing assistance to stabilize the most frequently used public resources, such as emergency response and public safety systems, hospitals, crisis clinics, correction facilities and treatment facilities.
- B. Support regional efforts to annually increase the number of beds available in the region for disabled homeless persons needing permanent supportive housing.

6. Develop coordinated, multi-system responses to end homelessness.

Collaboration among homeless providers is extremely important in implementing a coordinated program of change, but the agreement to commit by political leaders and the involvement of the business community are critical in successful implementation of the Plan.

- A. Study policies and laws for their potential impact on homeless persons and the community and develop recommendations for local government to improve the success of public safety and homeless assistance efforts.
- B. Review potential and existing laws, ordinances and public policies affecting the public and homeless persons, including public safety officer procedures and awareness, alternatives to incarceration, diversion to specialized courts, temporary encampments and cross-training and coordination with emergency response personnel and Downtown Ambassadors.
- C. Expand partnerships with the business community, philanthropic organizations, non-profit organizations, schools and faith-based organizations.
- D. Expand public awareness about the needs of the homeless and build support to end homelessness.
- E. Advocate for state and federal legislation that supports our ability to implement the Arkansas River Valley Region's Ten-Year Plan.
- F. Expand the cultural awareness of personnel engaged in delivery of services and housing.
- G. Create efficiency by increasing coordination among providers delivering housing and services, and increase systems integration to more unified delivery systems.

7. Enhance coordinated solutions through regional planning and expanded funding capacity

Many homeless service providers operating in the Fort Smith River Valley Region seek the same funding opportunities and duplicative services. Implementing a comprehensive and strategic plan to end homelessness will require the consolidation of duplicative and parallel processes and creation of an effective system of evaluation of progress in achieving agreed-upon outcomes.

- A. Formalize a region-wide planning structure to oversee and coordinate regional planning and funding that leverages additional funding and works toward ending homelessness and expanding affordable housing opportunities.
- B. Support and complement planning efforts to create affordable housing.
- C. Support and enhance regional data collection, analysis and sharing.
- D. Use data to evaluate effectiveness, measure outcomes and improve planning and to educate the community and partners.

ROOT CAUSES OF HOMELESSNESS

Homelessness has been a part of our society since this country was created. However, over the past two decades, three closely-linked national trends have resulted in a major increase in the number of persons falling into homelessness: the loss of affordable housing and foreclosures; wages and public assistance that have not kept pace with the cost of living, rising housing costs, job loss and underemployment, and resulting debt; and the closing of state psychiatric institutions without the concomitant/concurrent creation of community-based housing and services.

Lack of Affordable Housing

The 2010 U.S. Census reports the population of the City of Fort Smith to be 84,047. The American Community Survey statistics show that 77% of the population aged 16 and above would be eligible for the workforce. Of those eligible, 61.8% are in the workforce while 38.2% are not in the workforce. With 38.2% not in the workforce, this implies that a large number are living below the poverty level. The City of Fort Smith statistics show that 52% of renters are paying less than 30% of their gross income for rent. The Fort Smith poverty rate is at 15.1%, which is higher than the national average of 9.9%. Additionally, there are 19.7% living below the poverty level in Fort Smith, which is higher than the national average of 13.5%. In the 2009 Federal Strategic Plan to Prevent and End Homelessness, persons within HUD's Extremely Low Income (ELI) guidelines experienced a shortage of 3,077,016 affordable housing units, based on a national threshold.

Affordable Rental Housing Development

Through the use of Low Income Housing Tax Credits (LIHTC), the Fort Smith Housing Authority, through its affiliate entities, North Pointe Limited Partnership and North Pointe II Limited Partnership, has constructed a total of 115 single-family and duplex homes to partially replace the 170 units of public housing in the former Ragon Homes project. The Housing Authority plans to continue to build housing in Fort Smith with mixed-income single family and duplex developments to improve the access to quality and affordable rental housing. The market studies done to this point indicate a strong need for the housing the Housing Authority is constructing. Therefore, it will continue to do so until the need is met.

Permanent Affordable Housing

Permanent affordable housing is a critical element in the prevention of homelessness, as well as a major resource for homeless persons transitioning back into a stable housing environment. The current Worst Case Housing Needs states nationally that 33 out of every 100 individuals do not have sufficient affordable housing resources available to them.

On the north side of Fort Smith, the Fort Smith Housing Authority has developed 65 new affordable 3 and 4-bedroom units under construction for rental that became available in mid-year 2011. In the past ten years we have seen more developments open up on the north side to accommodate the lower-to middle-income families in search of affordable housing.

Fort Smith Housing Authority's plans include the building of an additional 57 single-family homes on the north side consisting of 3-and 4-bedroom units. These will be mixed-income units and handicapped accessible. Completion of these affordable housing units will be expected within the next two years.

Non-profit housing partners in the City of Fort Smith are continuing to develop affordable single family houses in the underdeveloped areas in Fort Smith.

National

There is a national crisis in the affordability of housing in all but the higher income levels. This phenomenon has its roots in the 1980s when national housing policies changed drastically and the federal government reduced its role as a major source of funding for new subsidized housing units. Federal support for low-income housing fell by 49% from 1980 to 1996.

Between 1973 and 1993, 2.2 million low-rent housing units were lost to the housing market, most of them located in medium and large cities across the nation. Many of these were converted to condominiums at almost all levels of income.

One of the most inexpensive sources of housing for lower-income singles has been the single room occupancy (SRO) apartments generally located in or near the downtown areas. This resource has been all but lost. Between 1970 and 1985 more than one million SRO units were demolished, and in cities such as Portland, Oregon, this meant that 59% of the residential hotels were lost in this span.

Fort Smith River Valley Region

While not rising as dramatically as other parts of the country, housing costs in Sebastian County have risen radically since the turn of the century, forcing many to double up and/or live in substandard dwellings. Housing sales prices have gone up to levels that now exclude a very large segment of the population from seeking homeownership. The only option for low-and-moderate income households in the rental housing market has also experienced increased rates, although to a lesser extent.

Cost Burden

Low income families cost burdened - Approximately 39% of the City of Fort Smith's low-and moderate-income renters (below 80% of Area Median Income) are "cost burdened" (paying more than 30% of their income for housing expenses), according to the most current U.S. Department of Housing and Urban Development Comprehensive Housing Affordability Strategy (CHAS) data. The situation is even worse for the lowest income households: 52% of households with incomes below 30% of area median income are cost burdened. Larger families have even greater housing problems as a group.

Cost burden refers to the amount of income expended for housing. A household experiences a cost burden when between 30% and 50% of household income is used for housing costs, and a household experiences a severe cost burden if 50.01% or more of household income is devoted to housing costs.

For renters, this represents monthly rent and any energy costs incurred. Severely cost burdened renters are at risk of homelessness, because a single financial setback could result in a housing crisis.

According to the 2000 census data, 13.4% of non-renting households in Fort Smith experienced a cost burden and an additional 9.9% of households experienced a severe cost burden. For renters, 17.4% had a cost burden while 15.1% had severe cost burden.

Episodic Homelessness

Many are pushed out to the streets by systemic economic hardship. Others have challenges with substance abuse, have seasonal or minimum wage income or sporadic domestic situations that affect stable housing. Episodic homelessness has surged during this recession.

2012 HUD income guidelines chart by household size:

Household Size	1 person	2 person	3 person	4 person	5 person	6 person	7 person
30% of Median Income	\$10,150	\$11,600	\$13,050	\$14,500	\$15,500	\$16,650	\$17,800
Very Low Income	\$16,950	\$19,400	\$21,800	\$24,200	\$25,850	\$27,750	\$29,650
Low Income	\$27,100	\$31,000	\$34,850	\$38,700	\$41,350	\$44,400	\$47,450

Wage earning families can't afford rental housing costs - People who are in the retail and services industry are often a single paycheck away from losing their housing as wages in those industries are typically among the lowest wage scales. 2010 U. S. Census data estimated there were 14,646 rental households in the City of Fort Smith. A low-median income worker with two children earning \$7.25 per hour working approximately 32 hours per week, or \$12,064.00 a year would only afford a 2-bedroom unit at \$301.00. A person with these wages would need to work a minimum of 51 hours per week, or \$19,227.00 a year to afford a 2-bedroom unit at \$480.00. While in the state of Arkansas the current hourly minimum wage is \$7.25, it would take two wage earners earning \$7.25 per hour at 60 hours per week \$22,620.00 to be able to afford a 2-bedroom unit at \$557.00 in the Fort Smith area. (The above rents are lower than the Fair Market Rate rents for the Fort Smith area.)

Lack of Employment

The Fort Smith River Valley Region has faced many cut backs in employment, such as a loss of employment and/or a reduction in hours. Over the past two to three years the Fort Smith area was strong in factories, but that trend has decreased with the loss of many factories, small businesses and chain stores. Although we have gained some new employment, it has not kept pace with the losses of employment. Most families in the Fort Smith River Valley Region are two-person wage earners. Many have been reduced to a one-person wage earner per family. Now they struggle to hold onto their homes and health care and to provide basic essentials for their families.

Persons with disabilities are highly vulnerable - The plight of persons with disabilities is even worse: The Supplemental Security Income (SSI) benefit for disabled persons, which was originally designed to provide for housing needs and some other living necessities, is limited to \$694.00 per month. The SSI benefit provides for an "affordable" rent payment (subsidized rent) of only \$191.00 per month for a person with disabilities. In the Fort Smith area there has not been a standard rental housing unit under \$375.00 for a 1 bedroom for the past 10 years.

Loss of affordable housing - The supply of affordable housing available to very low-income individuals has been depleted over the years. Single Room Occupancy (SRO) units and hotels in downtown Fort Smith, a source of housing for very low-income singles, have fallen to the wrecking ball to make room for new development while many other buildings have either been converted or remain vacant. In addition, the current housing market is dealing with an all-time-high of housing foreclosures across our nation since the economy has seen a significant spiraling downturn in the fall of 2007. This has put some families out on the streets facing homelessness for the first time ever.

Foreclosure - Recently, foreclosures have increased the number of people who experience homelessness. The National Coalition for the Homeless released an entire report discussing the relationship between foreclosure and homelessness. The report found that there was a 32% jump in the number of foreclosures between April 2008 and April 2009. Since the start of the recession, six million jobs have been lost. In May 2009, the official unemployment rate was 9.4%. The National Low Income Housing Coalition estimates that 40% of families facing eviction due to foreclosure are renters and 7 million households living on very low income (31-50 percent of Area Median Income) are at risk for foreclosure. ** Published by the National Coalition for the Homeless, July 2009.*

Living in Poverty

Homelessness and poverty are inextricably linked. Poor people are frequently unable to pay for housing, food, childcare, medical issues and education. Difficult choices must be made when limited resources cover only some of these necessities. Often it is housing, which absorbs a high proportion of income that must be dropped. If you are poor, you are essentially an illness, an accident, or a paycheck away from living on the streets.

In 2007, 12.5% of the U. S. Population, or 37,300,000 people, lived in poverty. The official poverty rate in 2007 was not statistically different than 2006 (U.S. Bureau of the Census, 2007). Children are overrepresented, composing 35.7% of people in poverty while only being 24.8% of the total population.

Two factors help account for increasing poverty: eroding employment opportunities for large segments of the workforce, and the declining value and availability of public assistance.

Eroding Work Opportunities – Reasons why homelessness persists include stagnant or falling incomes and less secure jobs which offer fewer benefits.

Low-wage workers have been particularly left behind as the disparity between rich and poor has mushroomed. To compound the problem, the real value of the minimum wage in 2004 was \$2.65 less than in 1979 (The Economic Policy Institute, 2005). Factors contributing to wage declines include a steep drop in the number and bargaining power of unionized workers, erosion in the value of the minimum wage, a decline in manufacturing jobs and the corresponding expansion of lower-paying service-sector employment, globalization, and increased nonstandard work, such as temporary and part-time employment.

Declining wages, in turn, have put housing out of reach for many workers. A recent U.S. Conference of Mayors report stated that in every state more than the minimum-wage is required to afford a one or two-bedroom apartment at 30% of income, which is the federal definition of affordable housing.

Unfortunately, for 12 million Americans, more than 50% of their salaries go towards renting or housing costs, resulting in sacrifices in other essential areas like health care and savings.

With unemployment rates remaining high, jobs are hard to find in the current economy. Even if people can find work, this does not automatically provide an escape from poverty.

Public Assistance

While unemployment and generational factors are often the most obvious in defining poverty, there are several other reasons why poverty often leads to homelessness. While costs for essential items such as food, clothing, gasoline, health care, transportation and utilities have been increasing at a high rate, real wages have not kept up with these changes. As employment in the U.S. has shifted from a manufacturing and agricultural economy to a service-driven economy, with its much more limited pay structure, the wages of millions of workers have diminished. At the same time, both private benefit packages and public benefits have been constricted. The value of minimum wages has actually been declining: from 1979 to 2010, the real value of the national minimum wage has declined by 26%. In addition, much of our employment pool holds part-time work with its notoriously low pay scales.

Declines in public assistance and the tightening of eligibility have resulted in many households no longer receiving assistance. Welfare caseloads were reduced significantly in the mid-1990s as a result of welfare reform legislation, which limited the number of eligible households and the length of time they could receive benefits. Job programs helped improve employment opportunities for a short time. Most wages were still not sufficient to pull families out of poverty. For many households, this meant falling into homelessness. For example, 50% of recipients had their benefits eliminated or reduced in 2001. Among those who lost their benefits, 20% indicated they became homeless as a direct result.

The recent downturn in the economy, coupled with the unprecedented budget deficits in 2008 reaching one trillion dollars, and projections for the future are likely to prevent expansion of public assistance, except perhaps in health care. The new health care reform could have an adverse affect on the low-to middle-income households because of the demand for employers to offer insurance to each employee.

As a result of the downturn of the economy, households are losing their homes due to jobs moving out of the U.S. and plants downsizing and closing. The housing bubble burst in late 2007 on the housing market, resulting in bankruptcies and foreclosure numbers rising to an all-time high, even though the present administration insists the economy is turning around. Three years later, the number of households needing longer unemployment benefits, health care services and social services benefits continues to rise. The statistics are still at an all time high and families are increasingly losing their homes, resulting in homelessness.

Psychological, Mental and Physical Challenges

There are a number of other issues which lead to homelessness nationally, as well as the Fort Smith River Valley Region, which are:

Mental Illness – Nationally, 16% of the single adult population is mentally ill. In the Fort Smith region, 14% of the homeless were found to have serious mental illness. This population is particularly unable to find and maintain affordable housing for a wide range of reasons including income, unfair housing

practices, tenant and landlord conflicts and an inability to cope with the requirements of daily life without supports. Our nation's wars and conflicts have increased the number of mentally ill veterans. A recent report found that 40% of veterans of the Iraq campaign returned home suffering from either mental illness or head injuries. Many returned with diagnosed post-traumatic stress disorder (PTSD).

Substance Abuse- While many in our nation suffer from addictions, only those who are poor and addicted are likely to become homeless. Eight percent of the homeless persons encountered in the 2009 Fort Smith homeless count were found to be chronic substance abusers. Many homeless substances abusers also suffer from mental illness, making their recovery and stability extremely complicated. Mentally ill persons frequently use alcohol or drugs to self-medicate.

Domestic Violence- Nationally, approximately 50% of the women with children experiencing homelessness cite domestic violence as a factor. Children are the silent witnesses and are at risk of becoming abusers or victims themselves. In 2009, the Crisis Intervention Center opened a new facility in Fort Smith, AR. The new facility houses a DHS licensed day care and a 32-bed shelter for victims of domestic violence and/or sexual assault. Fifty-two families were counted at the Crisis Intervention Center during the 2009, PIT count. The victim's time of stay may range from 45-60 days as they work on their Action Plan. The number of victims, served at any given time varies, but the need to continue providing services to victims of domestic violence and/or sexual assault remains a high priority for the community. Eleven women and fifteen children were counted on the January 24, 2011, PIT count at the Crisis Intervention Center. The center served a total of 8, 217 bed-nights that same year, with an average of 22.26 persons a day. In 2012, the numbers seem to be slightly lower with five women and two children in the shelter during the PIT count. January 1, 2012, through May 31, 2012. The Crisis Intervention Center has served a total of 2,267 bed-nights with an average 14.91 persons per day. Statistics tell us that a domestic violence victim will leave seven times before she stays gone from the abuser. The Crisis Intervention Center offers a housing option to the victims that might not otherwise be available. This is an option that might deter the victim from returning to the abuser. The bed stays usually go up during the fall holidays versus the spring and summer holidays. So we expect those numbers to climb again in the fall.

In the Old Fort Homeless Coalition's 2009-2010 Gap Analysis, it was obvious that the mental health issues within the Fort Smith River Valley Region are underserved for homeless individuals. We are lacking an exit plan for those who need services in hospitals and treatment centers. It is the goal of the OFHC to implement an agreement between the health institutions and the Veterans Administration to allow those leaving treatment to go to a designated safe place to stay. Without policies in force a homeless individual can leave the hospital or medical facility while still recovering from mental health treatments, one of several strands of flu or many other disabling condition, and they are returned to sleeping in the streets, regardless of weather conditions, lack of sanitary conditions, lack of good nourishment or someone to help with proper medication while in recovery. We find this unacceptable to allow them to return to sleeping in the streets or other places not meant for human habitation, substandard or inadequate housing.

The 2009 Homelessness Task Force has addressed the situation with the plan of a homeless campus in the City of Fort Smith, thus having the proper beds and care for those individuals to recover. At present time an Ad Hoc Committee is exploring the options for designing, funding and building a homeless campus. This is no small task with government cutbacks in funding social programs. We believe the present administration has a strong desire to help with the homeless problems across our nation.

DEFINING NEEDS IN THE ARKANSAS RIVER VALLEY REGION

- Implement coordination of homeless service providers in a homeless campus setting
- Expand opportunities for low-demand emergency shelter with services
- Create exit plans with our local hospitals and treatment centers
- Establish individualized case management to prevent and end homelessness
- Increase number of units of permanent supportive housing
- Report 100% of clientele by homeless service providers to Homeless Management Information System (HMIS), the only recognized database for federal funding
- Develop options for psychological care and ongoing maintenance
- Create more employment opportunities
- Expand inventory of low income housing
- Provide more Section 8 vouchers

Homeless Definition

The City of Fort Smith Homelessness Task Force has adopted the definition of homelessness established by the U. S. Department of Housing and Urban Development (HUD) for purposes of implementing the Continuum of Care. NOTE: The Homelessness Task Force also recognizes the need to assist persons who are tenuously housed in a “doubled up” condition and to assist others who are at risk of becoming homeless, and it has included strategies and actions in its Plan to prevent incidents of homelessness. A person is considered to be homeless if the person is staying in places not meant for human habitation, such as cars, parks, sidewalks, and abandoned buildings, in an emergency shelter, or in transitional or supportive housing (for homeless persons who originally came from the streets or emergency shelter).

How Many Individuals Experience Homelessness?

The 2009 Annual Homeless Assessment Report (AHAR) documents that on a single night, 643,067 people were homeless. Of those, 73 % were sheltered and 27 % were unsheltered. Individuals made up 63%, and people who presented within family groups were 37%.

Over the course of the year, the AHAR reports 1,558,917 (estimated annual) people used emergency shelters or transitional housing programs. Most had relatively short lengths of stay in emergency shelters. A small number of people (about 1%) were served in shelters for both families and individuals during the same year.

Who Are the Homeless?

The homeless population in the Fort Smith River Valley Region has increased since the 2009 Point in Time count. Members of the Old Fort Homeless Coalition expected the number to be higher because of the economic climate.

According to the 2011 Point in Time count, there are 235 homeless people in Fort Smith on any given night compared to 212 in 2009, an 11% increase. Although efforts to combat the homeless issues in the

Fort Smith River Valley have increased, unemployment is at an all-time high. These staggering numbers rose from 4.7% in the City of Fort Smith as of January 2000 and increased drastically to 8.4% in November 2010. The Fort Smith River Valley has experienced higher unemployment rates as well during this same period; January 2000 unemployment was at 4.5% and increased drastically in November 2010 to 7.9%.

According to the 2011 PIT count, 63% of the people questioned said they originally became homeless due to the loss of employment or because they were unable to find a job. During the 2011 PIT, 40 individuals stated they were homeless for the first time.

Most individuals surveyed stated they felt they were only a step away from getting things back together, but they lacked things like transportation or proper identification.

The number of unsheltered individuals increased from 35 in the 2009 PIT count to 82 in the 2011 PIT count (an increase of 134%). The 82 individuals sleeping in places not meant for human habitation reflects a gap in services presently provided by the local Continuum of Care. The need for a homeless campus in the City of Fort Smith with beds and services to provide choices for individuals and families who need a safe place to stay rather than living on the streets or in river camps, cars, and tents has become a high priority for the City of Fort Smith and the Old Fort Homeless Coalition.

2011 Point-in-Time Count

- 235 - Number of homeless individuals in Fort Smith
- 89% -Percent of homeless whose last permanent address was in Oklahoma or Arkansas
- 56% -Percent who became homeless while living in Fort Smith
- 16% -Percent of homeless were veterans
- 44% -Percent of the homeless adults who were disabled
- 63% -Percent who became homeless due to loss of employment or couldn't find a job
- 26% -Percent who became homeless due to the lack of affordable housing

On January 28, 2009, homeless provider staff and volunteers from the Fort Smith region spread over the city to count those experiencing homelessness. They found 212 homeless persons within a 24-hour period: 82% were singles and 18% were in families with children. Organizers of the count believe the number of homeless found in the streets, cars, parks, emergency shelters and transitional facilities does not reflect the total number of people experiencing homelessness.

Nevertheless, far too many people in the Fort Smith area live in a state of homelessness, and, as the charts below demonstrate, the number of persons experiencing homelessness found during the 2009 count remains persistently high.

In 2007, the number of homeless counted was down. The weather is always a factor when the homeless count is done. Organizers of the counts agree that persons doubled up are greatly undercounted, especially unaccompanied youth who are “couch surfing” among friends.

Another measure of the extent of homelessness is a count of the number of unduplicated persons served by the Continuum of Care system annually based upon longitudinal data from the Homeless Management Information System (HMIS).

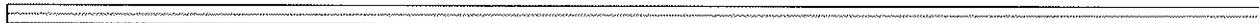
Characteristics and Condition of Individuals

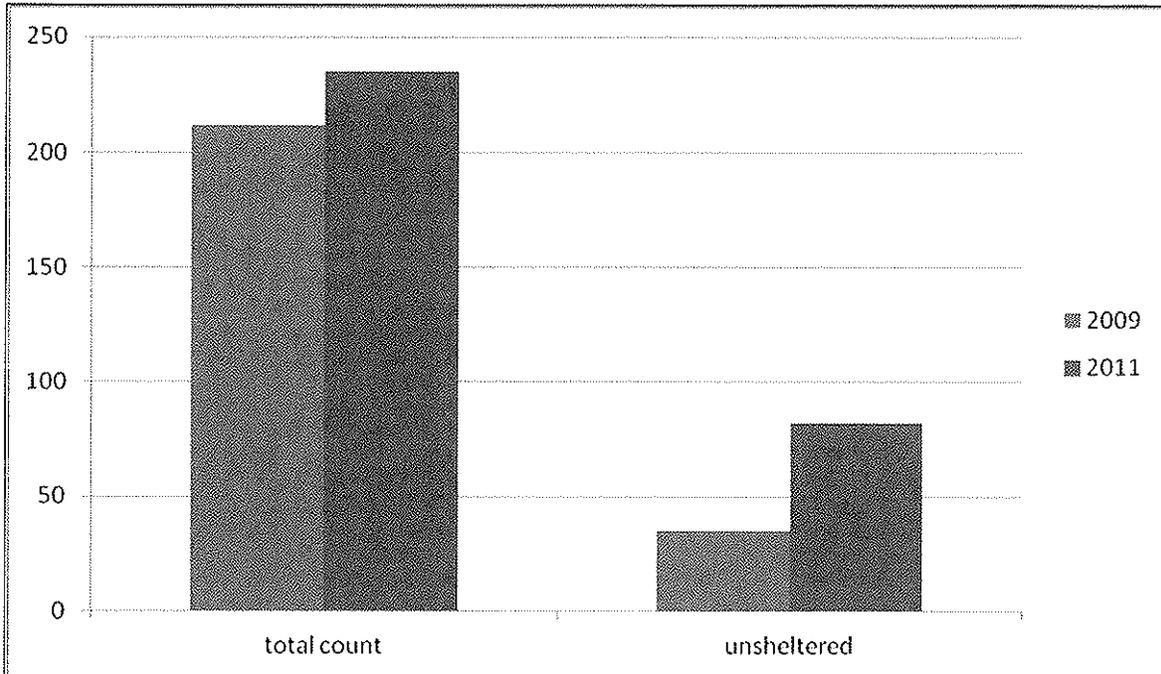
Characteristic or Condition	2009			2012		
	Sheltered	Unsheltered	Total	Sheltered	Unsheltered	Total
Chronic Homeless	162	44	206	17	45	62
Severely Mentally Ill	113	47	160	14	14	28
Chronic Substance Abuse	76	18	94	32	10	42
Veteran	60	9	69	13	17	30
Domestic Violence Victims	45	7	52	33	3	36
Unaccompanied Youth	47	9	56	26	0	26
Physical Disability	104	44	148	19	13	32

2011 OLD FORT HOMELESS COALITION HOMELESS POINT in TIME COUNT

On January 25, 2011, the Old Fort Homeless Coalition counted 235 unduplicated literally homeless persons in Fort Smith. Literally homeless means that these individuals and families were in shelters or places not meant for human habitation such as in cars, in tents, outside in the elements, etc.

To determine the actual number of people experiencing homelessness in our area, individual interviews were conducted on January 25, 2011, and only those who were deemed literally homeless were counted. Obviously, not all individuals experiencing homelessness were interviewed on that day. The OFHC understands there were many individuals who were reluctant to give personal information and others were embarrassed to expose their vulnerability; therefore, the number of homeless persons would be higher. However, the OFHC in serving those experiencing homelessness understand that this number is lower than the actual number it serves.





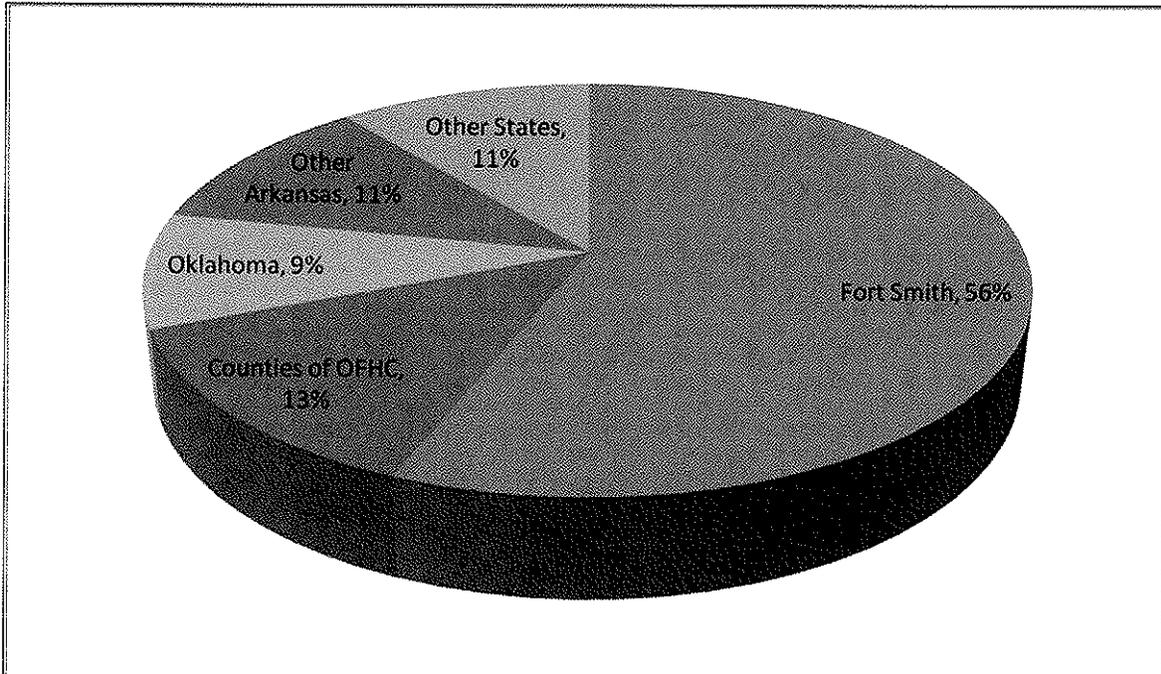
We counted 11% more homeless persons than in 2009. (235 vs. 212)

Those considered unsheltered that are living on the streets, in tents, or in their car increased substantially from 35 in 2009 to 82 in 2011 or 134% higher.

Where are the homeless in the Fort Smith area coming from?

The zip code of the last permanent address for 89% of the homeless population in our area was in Arkansas or Oklahoma.

- 56% of the homeless in our six-county area became homeless while living in Fort Smith.
- 13% are from the other counties served by OFHC (majority in Crawford County).
- 9% of the homeless in our area are from Oklahoma (majority are neighboring counties).
- 11% are from other Arkansas counties.
- 11% are from other states.



Other important factors to note:

- 16% of homeless were veterans.
- 44% of homeless adults are disabled.
- 63% said they originally became homeless because they became unemployed or because they were unable to get a job.
- 26% said they originally became homeless because they could not find somewhere to live that was affordable.

Imminent Danger of Homelessness

Another 43 persons were in imminent danger of becoming homeless. These individuals/families spent the night in a hotel/motel or at a friend’s house the night of the count, but they lack the resources or ability to stay there longer than two weeks. Within two weeks, if something does not change, they will become homeless.

At-Risk Population, Homeless Children in Our Schools

McKinney-Vento Homeless Assistance Act focuses on the education of children and youth experiencing homelessness. According to this Act, the phrase “homeless children and youth” means individuals who lack a fixed, regular and adequate nighttime residence.

This definition includes:

- (a) Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- (b) Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- (c) Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; and
- (d) Migratory children who qualify as homeless because the children are living in circumstances described in the definition of the McKinney-Vento Homeless Assistance Act.

On January 25, 2011, the Fort Smith Public Schools Homeless Education Program identified 205 students that were experiencing homelessness as defined by the McKinney-Vento Homeless Assistance Act. The numbers were calculated into four categories: 174 doubled-up, 16 in hotel/motels, 6 in shelters, and 9 in substandard housing. These 205 children represented 289 total persons in the at-risk category of becoming homeless. This is an increase compared to the 2009 Point in Time count in which 194 children were identified as homeless.

Clearly, doubled-up is the most common living arrangement for families. As families lose their housing due to economic hardship, natural disaster, or similar reasons, they are faced with the tough decision of where is the best place to lay their heads at night. Friends and family will often offer a couch, spare bed or even the floor with good intention. Frequently, it is not long before the hosting family asks the homeless family to leave. Again, they face the tough decision of where to go. Many times this leads to living in a motel, an emergency shelter or even the family automobile.

The living situations defined under McKinney-Vento Homeless Assistance Act can cause mental and physical fatigue for children who are living in these conditions. They may lack enough sleep to be able to focus on school work or cannot find an adequate place to do homework. In addition, they are consumed with the fear of not knowing where they will sleep that night or get their next meal. Under this Act, students experiencing homelessness are able to stay in their school-of-origin, which allows them stability, regular meals during the day and the consistent companionship of friends.

THE OLD FORT HOMELESS COALITION'S CONTINUUM OF CARE AND HOW IT EVOLVED

The Old Fort Homeless Coalition

The Coalition is a collaborative organization of approximately 30 agencies and individuals representing for-profit and non-profit organizations; city, county and federal departments; educational institutions; health providers; interested individuals; and the media from a six-county area. The coalition was formed in 2000 to work toward preventing and ending homelessness and improving the community's ability to respond to the needs of individuals who are without housing through education, legislative advocacy, mutual support and sharing of resources. The OFHC served as precursor to a continuum of care organization in the Fort Smith River Valley Region. The OFHC meets the third Friday of each month except December. The coalition has conducted a Point-in-Time count every two years, but starting in January 2012 the ARBoS voted to do a Point-in-Time count every year. The coalition will be counting sheltered and unsheltered individuals who are homeless in a 24-hour period. In 2003 the OFHC applied for and received a 501(c) (3) non-profit status for organizations.

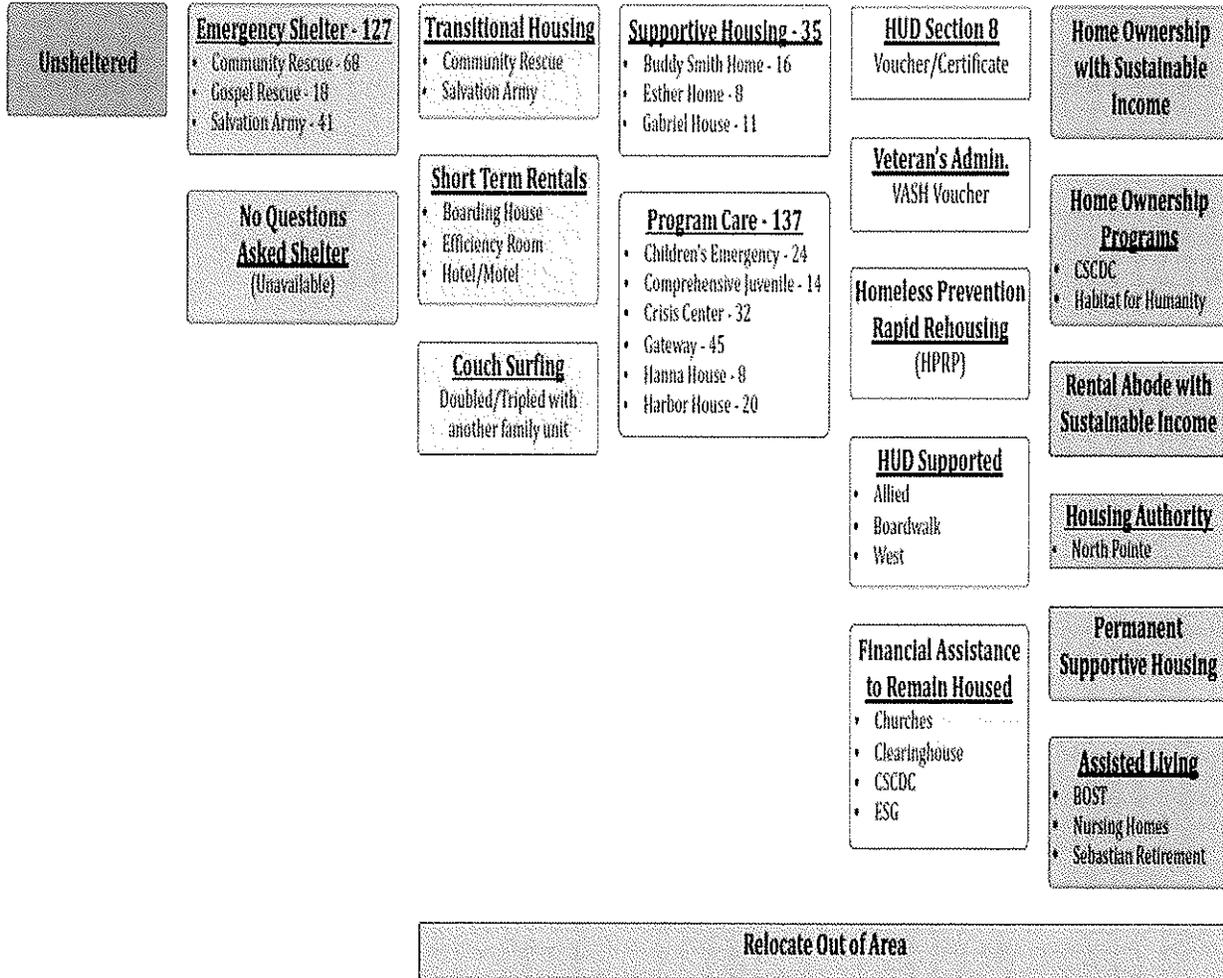
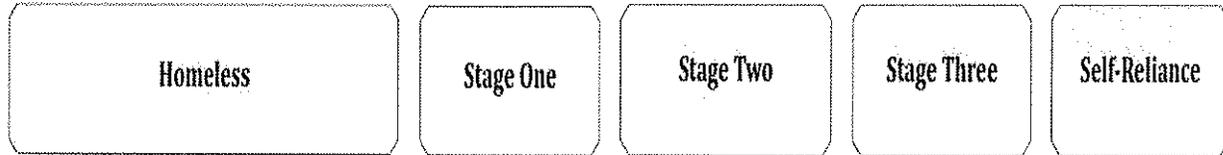
Continuum of Care in Old Fort Homeless Coalition - In 2005, 2006 and 2007 the OFHC Continuum of Care made application for HUD's Notice of Funding Available (NOFA) grant. Although those applications were not granted, some individual agencies have pooled resources within the community to build transitional housing beds to offset the growing need of additional beds in the City of Fort Smith. Sheltered beds are provided by Salvation Army, Community Rescue Mission, Crisis Intervention Center, Harbor House, Gateway House, Gabriel House, Buddy Smith Home and Esther Home. The community has also come to depend on local faith-based organizations for help housing individuals and families during extreme weather conditions.

The Old Fort Homeless Coalition joined the Arkansas Balance of State continuum in 2010 in developing a state-wide continuum for the purpose of planning a more comprehensive and competitive HUD application for the 2010 NOFA Continuum of Care Homeless grant. The OFHC Ten-Year Plan will become the guide for the Old Fort Homeless Coalition and the City of Fort Smith region to reduce homelessness and a homeless campus.

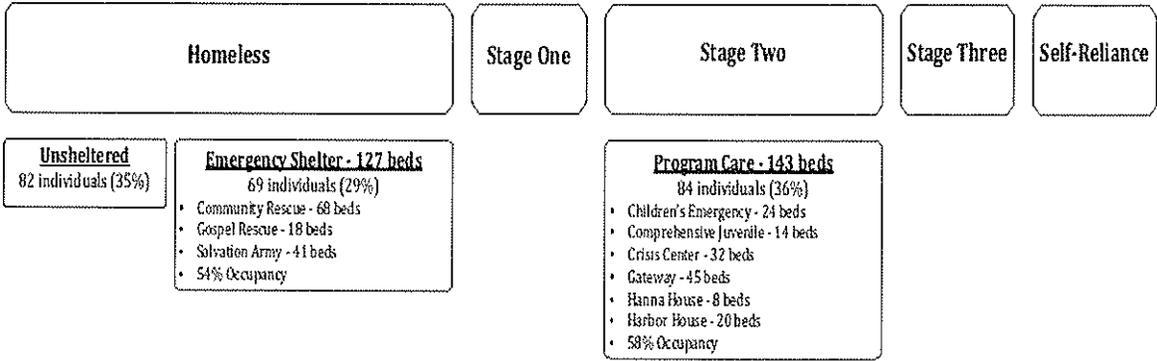
Homeless to Housing-Against a pressing demand for housing to meet the immediate needs of families and individuals experiencing homelessness, the City of Fort Smith and the Fort Smith River Valley Region are limited in the amount of existing resources. In the January 2011 PIT count, 82 individuals were identified as unsheltered. This also emphasizes the needs for low-demand emergency shelter. Presently, many who are unsheltered are challenged to meet the requirements of the existing emergency shelters.

The Next Step Day Room has recently completed construction of a 16-bed supportive housing project called the Buddy Smith Home. This home will focus primarily on military veterans experiencing homelessness. Two other supportive housing programs overseen by the Next Step Day Room are the Esther Home for women and children with 8 beds and the Gabriel House with 11 beds for single men. All three of these projects concentrate on development of skills to promote independent living, sustainable employment and secure housing options.

Homeless to Housing



Homeless to Housing - PIT Results: 235 Individuals on January 25, 2011



The figures below were derived from our local 2011 Housing Inventory Count of emergency shelters beds; Children’s Emergency Shelter, Community Rescue Mission, Comprehensive Juvenile Services, Crisis Intervention Center, Gateway House, Gospel Rescue Mission and Salvation Army.

Emergency Beds Available

In the 2011 Housing Inventory Count there were a total of 197 emergency shelter beds in the community providing short-term housing for homeless individuals. A total of 78 beds are designated for individuals without children, while the remaining 81 beds provide short-term housing for families. We also have 14 beds for youth and 24 beds for children. The programs providing emergency shelter typically provide housing and limited services to meet only the immediate stabilizing needs of the homeless. Their role is generally to provide immediate and very temporary shelter for persons in need of housing but who are without the resources to obtain their transitional housing or permanent housing. The 2011 analysis of unmet needs for the region indicated that no additional emergency housing was currently required, but still we faced an unacceptable number of 82 unsheltered individuals in our 2011 Point-in-Time Count seeking shelter in the streets, vehicles, tents, and the river camps on any given day.

Transitional Housing

In the 2011 Housing Inventory Count there was a total of 72 beds for transitional housing beds. Resources are somewhat more limited to provide longer-term transitional housing with services to individuals needing longer stays in housing so they can develop sufficient skills and income to find housing. A total of 23 beds served single females with children, with another 8 beds for single females without children. Two agencies have a combined total of 50 beds for single males without children.

Supportive Housing

For those persons who are unable to live independently without significant services to support them because of their disability, supportive housing resources can meet their individual needs. The region currently has 11 units available for disabled persons, many of whom are chronically homeless persons with disabilities such as severe mental illness or chronic substance abuse. Over 100% of the beds are designed to provide indefinite stay housing and service for individuals. To be able to service our veterans in our community, we added 16 Supportive Housing beds in May 2012.

Veterans Housing Resources

Using the best information available, 107,000 veterans experiencing homelessness on a given night is a reasonable figure and will be used as the baseline in the 2010 Federal Strategic Plan. The Next Step Day Room has built a 16-bed Supportive Housing facility for homeless veterans. Grand opening was held on May 10, 2012. In

The average cost of health care for homeless Veterans was \$27,206, 13.3% higher than for Veterans who were not homeless

addition another organization "Camp Hope for Heroes" will be addressing housing for veterans and other veterans needs of the homeless soldiers and their families as it grows within the Fort Smith River Valley region. Both agencies will work hand in hand to assist the needs of homeless veterans in the Fort Smith River Valley region.

The U.S. Department of Veterans Affairs (VA) also collects information on veterans using its targeted programs and some limited information about veterans using programs not operated by the VA.

Camp Hope for Heroes

Camp Hope for Heroes is dedicated to servicing our transitioning and homeless veterans so they may be self-sufficient in our communities, and not forgotten Warriors, while working in a positive role with local, state and national organizations. As we begin to see our servicing members transitioning from active military duty and integrating back into their local communities they are having a difficult time making this transition, especially after being deployed many times during their military service, due to the lack of employment opportunities. Our veterans will need a transition period from "Combat" mode to "Civilian" mode. Camp Hope for Heroes plans on aiding in this transition in an effort to be proactive and not let our veterans fall into the cycle of homelessness while assisting our veterans.

Supportive Services

Agencies operating throughout the region offer a variety of services ranging from prevention to case management. While the range of service is comprehensive, there are many types of services that are not available in the quantity or depth required to be successful in ending homelessness. Among the more critical needs are: case management services (particularly case management focused on maintaining individuals and families in permanent housing); a centralized intake/referral system; incentives to landlords to provide immediate housing for homeless persons and to prevent evictions; improved discharge planning policies for institutions to prevent the release of persons without resources onto the streets; a flexible source of funds to meet the specific needs of clients in need of, or about to lose, their housing; and increased funding for eviction foreclosures and utility shutoff prevention assistance.

HOMELESS PREVENTION RAPID RE-HOUSING PROGRAM

On November 2, 2009, Crawford-Sebastian Community Development Council became the lead agency for implementing the Homeless Prevention Rapid Re-Housing Program (HPRP), and consequently reduced homelessness for 195 households and 353 family members as of April 27, 2011. The HPRP has provided short-term rental assistance and supportive services; and expansion of programs to prepare the homeless/near-homeless individual for employment and to improve their life skills. The immediate outcome was a reduction in the first year of families facing homelessness, but due to the continuing downward spiral of the economy, the unmet needs are once again increasing. The HPRP spent the allotted funds for the first two years in the

first nine months of a three-year program. The HPRP program had to reduce staff and terminate assistance to many pre-homeless families and individuals as of November 2010. We foresee the unmet needs of pre-homeless individuals/families increasing in our community as the HPRP program ends in 2012. The members of the OFHC are committed to searching for ongoing financial support of this service to those facing homelessness or near homeless.

HPRP Program Success Story

Violet came on the HPRP program from the Crisis Intervention Center with her six- and four-year-old sons, after dealing with years of violent abuse and drug addiction. Determined to have a better life for herself and her children, she attended Arkansas Tech University part-time, driving 1 ½ hours one way to college, and budgeting her money on unemployment and a small part time job. With HPRP assisting her with rent, she was able to make ends meet. The HPRP program, administered by Crawford-Sebastian Community Development Council, limits its assistance to a maximum of 18 months. Violet, the only person who was assisted for the entire 18-months, had major ups and downs during the time on the program. However she was always able to pull through and putting one step in front of the other. During March, 2011, Violet came in for her last case management appointment. In May, 2011, she graduated with her Bachelor's degree in Rehabilitation Counseling. She then received word that she had been accepted into a Master's degree program at a Southern University at Baton Rouge in Louisiana. Her scores were the highest of those who applied. She received a full-tuition scholarship, plus a housing allowance and a teaching apprenticeship. Her total stipend from the university is \$2000.00 per month. She still keeps in contact with her case worker, who is so proud of her accomplishments. Her goal is to get a Doctorate in counseling.

Homeless Initiative in Fort Smith

The Fort Smith Housing Authority is working closely with the City of Fort Smith and the Old Fort Homeless Coalition to move forward to eliminate homelessness in our community and the region. FSHA's role in this effort will be to assist in identifying federal and state grants, loans or other programs that would enable the community to build a homeless campus for the unified delivery of services and housing to the homeless. In May, 2010 the City Board of Directors accepted the prioritization of the recommendations of a city-sponsored Homelessness Task Force that presented an opportunity to bring the various homeless service providers and governmental entities together to make a major leap forward in FSHA's efforts to properly address the homelessness challenges in our city. The Fort Smith Housing Authority Board of Directors voted to implement in 2010 a local preference for homeless persons on its Housing Choice Voucher rental program. FSHA has partnered with six local agencies (Salvation Army, Next Step Day Room, Community Rescue Mission, Crisis Intervention Center, HPRP program and the Fort Smith School District) serving the direct housing needs of the homeless in providing one Housing Choice Voucher a month. The FSHA will also be considering various funding options to help in building the homeless campus.

Permanent Affordable Housing –Neighborhood Stabilization Program

FSHA is a participating member of the OFHC. FSHA's mission to develop, rehabilitate and manage decent, safe and sanitary quality affordable housing serves as a vital part of the overall plan to combat homelessness. FSHA operates affordable housing and constructs new affordable houses for sale for income-qualified individuals.

In 2009 FSHA applied for and received \$1.3 million of Neighborhood Stabilization Program-1 (NSP-1) funds, from the Arkansas Development Finance Authority (ADFA), to purchase six abandoned and blighted structures and lots for the construction of eight new houses. FSHA acted as the developer and general contractor for the project. FSHA closed on the NSP-1 loan with ADFA in April 2010. Demolition and site preparation began in April 2010 and house construction was completed in December 2010.

The NSP-1 project that was undertaken in Fort Smith combats homelessness in two ways. The first way was locating vacant blighted structures and demolishing them. The second way was replacing the previously blighted structures with new construction houses-available for purchase-for income-qualified individuals.

Sources of Data Collected and Systems Used

Data in this Ten-Year Plan are drawn predominantly from HUD'S Annual Homeless Assessment Report (AHAR) for 2011. This data predates the full impact of the current recession. The AHAR data are the most comprehensive national data that tells us something about the profile of people experiencing homelessness. AHAR uses data from two sources:

POINT-IN-TIME COUNT. The first is a Point-in-Time count conducted by the OFHC every two years during January. It only counts individuals who are unsheltered or in emergency shelters or transitional housing. Families, youth and other individuals who are doubled-up are not included in this count. In 2012 the Balance of State Continuum of Care Steering Committee voted to do a PIT count every year of sheltered and unsheltered individuals. Again, the PIT count will not count those who are considered doubled-up.

HMIS. The second is an annualized data collection of everyone reported in Homeless Management Information Systems (HMIS) over the course of a year. These annualized figures, based on a representative sample of communities and weighted to represent the entire nation, show the number of people that come into contact with a homeless residential assistance program and reveal a more accurate picture of who is experiencing homelessness than can be understood from just one night. These figures do not include people who do not use shelter or transitional housing at any point during the year. They do not include women who use domestic violence shelters, which are exempted from reporting for reasons of safety.

The OFHC member agencies in 2003 began reporting data in the Homeless Management Information System (HMIS). This was one of the first automated systems in the state and across the nation. It is a high priority of the Homelessness Task Force to achieve better reporting for homeless numbers in the Fort Smith region. A major upgrade of the system was made in 2007, increasing the capacity to obtain data needed for reporting to funders and to analyze both needs and progress. We are seeing a higher rate of accuracy by staff being trained to enter homeless data into the HMIS system.

At the present time, some agencies and overnight shelters do not use the HMIS system as supported by HUD. It is a high priority of the OFHC to encourage these agencies to use the HMIS system in order to show quantifiable needs in the homeless community. It is a valuable resource for future funding to support the homeless population.

The OFHC has developed an HMIS committee working with the state HMIS provider to bring accuracy, training and information needed to our Continuum of Care.

The Department of Education requires all state and local educational agencies to report school enrollment information in order to determine the extent to which states ensure that homeless children and youth have access to a free, appropriate public education (Title VII, Subtitle B of the McKinney-Vento Homeless Assistance Act, also authorized as Title X, Part C, of the Elementary and Secondary Education Act, as amended). The purpose of the Education for Homeless Children and Youth (EHCY) Program under the Act is to improve educational outcomes for children and youth. All of the more than 15,000 public school districts have a required designated homeless liaison. These officials conduct outreach, identification, and coordination with other agencies serving homeless children and youth.

The Homeless Management Information System (HMIS) databases are operated at the local and state level and are required by the Department of Housing and Urban Development to receive funding for HUD homeless programs.

WHY WE MUST SUCCEED IN ENDING HOMELESSNESS IN FORT SMITH AND THE ARKANSAS RIVER VALLEY REGION

Cost of Homelessness

We must reduce the cost to taxpayers by providing a homeless shelter to help offset the cost of housing individuals experiencing homelessness in our local jails and correctional facilities. The City of Fort Smith Police Department (FSPD) staff has estimated from January 1 through December 31, 2010, they arrested 160 individuals from the streets. Addresses given at the time of arrest were 83 homeless, 6 from the Salvation Army, 57 from the streets and 14 from 123 North 6th Street.

When individuals living in the street are arrested a correct address is not always given. For instance, when an individual is arrested at 1:00 a.m. and states he lives at one of our emergency shelters, most likely, he is living on the streets.

To determine the number of days the homeless stayed in a facility, the FSPD and the Sebastian County Sheriff's Department used individual arrests records and department databases. These services cost the taxpayer of Fort Smith and Sebastian County a total of \$82,041 in 2010. It was determined that 2001 days in jail during 2010 at a daily cost of \$41.00 per person is \$82,041.

As of May 31, 2011, there have been 99 individuals arrested that would be classified as "homeless" at the time of arrest based on listed addresses in the database. Based on the average number of days each homeless individual was incarcerated in 2010, the cost to our taxpayers was \$50,500. This information is based solely from searchable information located in FSPD and Sebastian County Sheriff's departments database (ICIS).

Cost per day per person nationally according to the 2010 Federal Strategic Plan

Hospital - Inpatient	\$1940
Emergency Room	\$905
Ambulance	\$527
Detoxification	\$256
Jail	\$87
Affordable & Supportive Housing	\$31
Shelter	\$28

Many of the causes of homelessness for individual adults are similar to causes of homelessness among families. People experiencing homelessness have little or no income. They cannot afford a place to live. There is insufficient subsidized housing. They may have limited access to

existing housing because of past criminal records, substance abuse or untreated mental illness. Their social support networks are frail or non-existent. Individuals experiencing homelessness have high rates of behavioral health conditions and insufficient access to care. Their behaviors can lead to eviction or alienation from friends and family, as well as periods of institutionalization or incarceration. When individuals become homeless, their health and behavioral health worsens. They are exposed to more trauma and violence. Survival seeking food and shelter becomes all consuming. It is difficult to get a job without an address or a place to store your belongings. Mental illness and substance abuse sometimes result in people being screened or expelled from shelters, transitional housing or public housing.

The literature on the cost of single adult homelessness is extensive and in agreement. Homelessness results in increased use of emergency rooms, hospitals, police and jails, in addition to costs associated with shelter and other homeless services. Health care is the largest component of costs from frequent and avoidable emergency room visits, inpatient hospitalization for medical or psychiatric care, sobering centers and nursing homes. Solutions include the basics: jobs that pay enough to afford a place to live, affordable housing, better access to income and work supports, and expanded access to health and behavioral health care, including trauma-informed care. Individuals become homeless because of a shortage of housing, support and care, but also because the services that do exist are often fragmented and difficult to access. Better coordination across programs and services is needed. Mainstream programs need to pay attention to housing stability, focus on homelessness prevention and connect people to housing resources.

For people experiencing chronic homelessness, the research is clear that permanent supportive housing using a Housing First approach is the solution. There are two models of supportive housing. Single sites are housing developments or apartment buildings in which units are designated as supportive housing. In scattered-site programs, participants use rent subsidies to obtain housing from private landlords and supportive services are provided through home visits. Service in supportive housing are flexible and primarily focused on the outcome of housing stability, and include services to address mental health, substance abuse, health and employment needs.

Successful Homeless Campus Models of Other Communities

The Riverview Hope Campus, homeless campus is being developed using successful models such as “Haven for Hope” homeless campus in San Antonio, Texas, The Bridge in Dallas, Texas, and Pinellas Safe Harbor, Pinellas County, Florida. Dr. Robert Marbut, Jr. a consultant was hired to provide a plan for the future campus for the OFHC. Below are some of his key points to follow for success in building a homeless campus.

Moving from enablement to engagement:

Homeless individuals must be engaged and no longer enabled. Everybody within the services delivery system (general public, media, elected politicians, appointed officials, monitors,

boards, staffs and volunteers of service agencies and, most importantly, the homeless themselves) must embrace a culture of transformation, a culture where, through the help of others, homeless individuals can transform and integrate themselves back into society. For moral and fiscal reasons, homelessness must become an unacceptable condition that is not tolerated in the United States of America.

Must have a Master Case Management System that is customized:

Because there are so many different services agencies helping homeless individuals (government at multi-levels, non-profits and faith-based), it is critical that one agency coordinates the services an individual receives and to do so in a customized fashion. The types of service provided are critical, but what is more important is the sequencing and frequency of customized services.

Reward positive behavior:

Positive behavior of individuals should be rewarded with increased responsibilities and additional privileges. Privileges such as higher quality of sleeping arrangements, more privacy and elective learning opportunities should be used as rewards. It is important that these rewards be used as “tools” to approximate the “real world” in order to increase sustainable reintegration into society.

External activities must be redirected or stopped:

External activities such as “street feeding” must be redirected to support the transformation process. In most cases, these activities are well-intended efforts by good folks; however, these activities are very enabling and often do little to engage homeless individuals.

Panhandling enables the homeless and must be stopped:

Unearned cash is very enabling and does not engage homeless individuals in job-and skill-training which is needed to end homelessness. Additionally, more often than not, cash is not used for food and housing but is instead used to buy drugs and alcohol, which further perpetuates the homeless cycle. Homeless individuals who are panhandling should be engaged into the transformation process. Furthermore, most panhandlers are not truly homeless but are preying on the good nature of citizens to get free tax dollars.

THE FORT SMITH RIVER VALLEY REGIONAL TEN-YEAR PLAN

Goals and Objectives of the Plan

GOAL 1: INCREASE LEADERSHIP, COLLABORATION, AND CIVIC ENGAGEMENT

Objective 1: Provide and promote collaborative leadership at all levels of government and across all sectors to inspire and energize Americans to commit to preventing and ending homelessness.

Develop coordinated, multi-system responses to end homelessness.

Collaboration among homeless providers is extremely important in implementing a coordinated program of change. In order to make implementation of the Plan successful, agreement and commitment of political leaders, agencies and the involvement of the business community, as well as a willingness to change our approach and challenge traditional means of serving the homeless, are vital and necessary.

Objective 2: Strengthen the capacity of public and private organizations by increasing knowledge about collaboration, homelessness and successful interventions that prevent and end homelessness.

GOAL 2: INCREASE ACCESS TO STABLE AND AFFORDABLE HOUSING

Objective 3: Provide affordable housing to people experiencing homelessness or who are most at risk of becoming homeless.

Objective 4: Provide permanent supportive housing to prevent and end chronic homelessness.

End homelessness for our most vulnerable populations (including chronic homeless persons) by providing permanent supportive housing to disabled homeless persons.

Many of the disabled homeless are simply not employable or cannot complete typical tasks due to their disabilities. Permanent housing with supportive services has been found to be an effective means of ending homelessness for this group. Studies have demonstrated that 80-85% of chronic homeless persons (disabled individuals that have been on the streets or in shelters for the past year or have had four episodes of homelessness in the past three years) who access permanent supportive housing have remained housed.

GOAL 3: INCREASE ECONOMIC SECURITY

Objective 5: Increase meaningful and sustainable employment for people experiencing homelessness or who are most at risk of becoming homeless.

Increase the capacity to assist homeless families and single persons to return more rapidly to self-sufficiency.

Each person who has become homeless has a unique set of circumstances which caused their homelessness, as well as a complex set of needs that must be met and barriers which must be overcome before they can return to self-sufficiency. Homeless providers must have a broad set of flexible services and housing resources that can be applied to meet those unique needs. Case management services tailored to meet the uniqueness of the individual or family as well as readily available housing resources are essential to this effort.

Objective 6: Improve access to mainstream programs and services to reduce people's financial vulnerability to homelessness.

Reduce the period of time that families and single persons are homeless.

Studies have demonstrated that the longer a person is homeless, the longer it takes for them to stabilize and return to self-sufficiency. Programs in our six-county area such as the HPRP program, which quickly places persons in stable, short-term housing, have resulted in reducing the number of persons experiencing homelessness in these communities by more than 40%.

Improve access to services and housing for families and singles persons experiencing homelessness.

A critical initial step in the process of assisting persons experiencing homelessness in the Fort Smith region is the development of a centralized intake system, which focuses on quickly and effectively triaging (or assessing) their needs in order to provide access to the specific type of housing and services they need.

GOAL 4: IMPROVE HEALTH AND STABILITY

Objective 7: Integrate physical and psychological health care services with homeless assistance programs and housing to reduce people's vulnerability to and the impacts of homelessness.

Objective 8: Advance health and housing stability for youth aging out of systems such as foster care and juvenile justice.

Objective 9: Advance health and housing stability for people experiencing homelessness who has frequent contact with hospitals and criminal justice.

Objective 10: Address all homelessness, including episodic events, through individual case management.

GOAL 5: RETOOL THE HOMELESS CRISIS RESPONSE SYSTEM

Objective 11: Transform homeless services to crisis response systems that prevent homelessness and rapidly return people who experience homelessness to stable housing.

Reduce the incidence of homelessness by providing preventive tools to families and single persons at-risk of becoming homeless.

One of the most cost-effective ways of resolving homelessness is to focus significant resources on the prevention of the initial causes of homelessness. Studies have shown that 80% of the homeless families who received housing subsidies remain stably housed compared to only 18% of those who did not receive subsidies. Programs to stabilize housing for persons at risk and programs which provide support for families and individuals in poverty are critical to preventing persons from becoming homeless.

GOAL 6: IMPLEMENT FINANCIAL PLAN

Objective 12: Enhanced coordinated solutions through regional planning and expanded funding capacity.

There are multiple homeless planning efforts operating in the Arkansas River Valley Region. The Ad Hoc Committee resulting from the Mayor’s Homeless Task Force is engaged in recommendations on funding using different criteria and priorities. To implement a comprehensive and strategic plan will require the coordination of efforts of homeless service providers to prevent and end homelessness and reduce recidivism. This will mandate an effective system of evaluation of progress in achieving agreed-upon outcomes.

HUD Program Goals

A subset of these strategies is the Ten-Year Goals for the HUD Plan. These are required by HUD as a prerequisite for annual funding of homeless housing and services grants. Following are the six HUD goals for which the region annually establishes action steps and measures progress:

1. Create new supportive housing beds for chronically homeless persons.
2. Decrease the number of chronically homeless persons.
3. Decrease the number of homeless households with children.
4. Increase the percentage of McKinney-Vento Program participants staying in permanent supportive housing for more than six months to at least 71.5%.
5. Increase the percentage of McKinney-Vento Program participant households that move from transitional housing to permanent housing to at least 63.5%.

6. Increase the percentage of McKinney-Vento Program adult participants who are employed when they exit the program to at least 19%.

IMPLEMENTATION OF THE PLAN-MANAGING THE PROCESS

The plan is intended to be a living document that should be modified as needed annually. Successful implementation of the plan will require long-term commitment from every level of government and the private sector. It is a guide for the public and local government to embrace as a road map for the next ten years that will require on-going support for funding and staff resources.

Managing the Implementation of Planned Activities

To be effective, this plan must become an integral part of the decision-making process for both local governmental jurisdictions and the homeless provider community. Successful implementation of the plan will require strategic efforts as well as targeting our resources toward proven methods of reducing homelessness.

The OFHC was awarded a grant from the Federal Home Loan Bank of Dallas in 2011. The OFHC hired Dr. Robert Marbut, Jr., a homeless consultant from San Antonio, Texas to study the OFHC needs and analysis to reduce and end homelessness in the Fort Smith region. The coalition was given several examples of governance policies already in force for homeless campuses across the nation. OFHC chose to redesign the OFHC Board of Directors to use as the governance policy. This also called for an update to the OFHC by laws in order for the Board of Directors to oversee the building of a future homeless campus and to study the needs of homeless housing.

OFHC officers will hold positions on the Board of Directors along with key stake holders locating in the homeless campus. The Board of Directors will give reports and updates on progress made on homeless issues to the OFHC members during its monthly meetings. The Board of Directors will also be responsible for public awareness and searching for funding to build and operate the campus.

FINANCING PLAN

The City of Fort Smith and the Ad Hoc Committee are currently searching for funding to build a Homeless Campus South of Garrison Avenue near South 4th and E streets.

In October, 2011, Next Step Day Room submitted a Balance of State Continuum of Care grant request for a 25-bed Safe Haven project for the chronically homeless. The grant amount requested was \$400,000.00 with a total project cost estimated at \$1,380,000.00.

In September the Old Fort Homeless Coalition was awarded a Community Partnership Grant from the Federal Home Loan Bank of Dallas, Texas. The grant was a 3-1 match with three local banks (Benefit Bank matched \$1,000, First National Bank matched \$2,000 and First Financial Bank matched \$1,000) resulting in a total grant of \$16,000. The OFHC voted to use this grant to hire Dr. Robert Marbut, Jr. a consultant who has successfully developed homeless campuses across the United States. His first visit was in October, 2011, with a second visit in mid-December and the final submission of a plan for the Fort Smith homeless campus in January, 2012. Ken Pyle, Executive Director of the Fort Smith Housing Authority, and Dr. Lance Fisher, Executive Director of the Next Step Day Room, visited several homeless campuses in order to gain an appreciation for the various homeless campus options chosen in other communities such as San Antonio and Dallas, Texas and Pinellas County, Florida. During visits to Fort Smith Dr. Marbut visited homeless services providers and city and county government agencies to assess the needs of the OFHC homeless population.

Community Development Block Grant (CDBG) funds and other local funds are being pursued, along with future applications through the FHLB in Dallas, TX to help fund a portion of the homeless campus.

The Fort Smith Housing Authority is working closely with the City of Fort Smith and the Old Fort Homeless Coalition to move forward with eliminating homelessness in our community and region. The Housing Authority's role in the effort will be to assist in identifying local, state and federal grants, loans and other private resources that would enable the community to build a homeless campus that would effectively eliminate street homelessness and provide for the unified delivery of services and housing to the homeless. The City Board of Directors formally endorsed the prioritized list of recommendations from the City-appointed Homelessness Task Force in May, 2010. Since that time the OFHC and the Ad Hoc Committee have worked diligently to bring various homeless service providers and governmental agencies together to make a major leap forward in our efforts to properly address the challenges of homelessness in our city and will continue its efforts until success is achieved.

PROTOCOLS TO PREVENT HOMELESSNESS OF PERSONS BEING DISCHARGED FROM INSTITUTIONS

Purpose: Reduce the number of persons leaving without a viable exit plan from institutions (such as jails, prisons, hospitals, mental health hospitals, foster care homes and treatment centers) who are without adequate housing and support systems needed to prevent them from going to the streets, or otherwise becoming homeless. This can be accomplished by establishing procedures to minimize the possibility that the release of persons will result in immediate homelessness onto the streets or into a shelter.

Among the areas to consider in developing protocols and procedures:

- Client care while in the institution to work on areas that might prove barriers to successful re-entry into the community (for example, mental health and substance abuse counseling or treatment)
- Connections with family, friends and support groups in preparation for release
- Early planning for release
- Pre-release screening, assessment and needs identification
- Assignment of case management prior to release
- Early identification and notification of release dates
- Identification of community housing and services assistance
- Determination of housing location prior to release
- Information and referral
- Coordination of actual release with community agencies and support systems
- McKinney-Vento, funded facilities, the housing of last resort for person discharged
- Identification of where persons are routinely housed after their release
- A system to record where persons being discharged actually go

There are two choices for approaching improvements to discharge planning procedures:

1. Establish written procedures for planning and releasing potentially homeless agreed to by the releasing institution. These procedures should outline the responsibilities and procedural steps taken for cases originating in the releasing institution.
2. Establish a Memorandum of Understanding (MOU) with institutions and coordinating homeless provider agencies. It is generally broader than the written procedures and can include those procedures as an attachment. This is a more formal agreement signed by the releasing institution and agencies providing services and/or housing. It establishes an agreed upon purpose, responsibilities of each party, timing of intervention or assistance, and coordination and links between the institution and the provider agencies.

DISCHARGE PLANNING MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding to create successful transitions to the community for persons exiting public Institutions in need of physical or mental care to prevent the release of persons from resulting in homelessness

This agreement entered into by and between the signed parties listed below establishes basic protocols in the discharge process for the purpose of providing effective transitions to the community from facilities and care systems. The procedures and agreements are established with the intent that persons being discharged from care (or corrections) facilities not be released into homelessness.

All parties understand these policies and agree to maximize their efforts to implement them by:

- 1) Providing early planning and assistance to persons, while they are in the facility, for the purpose of planning for a successful release;
- 2) Coordinating the release process to minimize potential issues that may result in homelessness;
- 3) Coordinating the release so that community supports and necessary housing resources are available at time of release so that they are not discharged to the streets or homelessness and;
- 4) Following through to assure that resources and benefits are provided to make the person's transition to the community successful.

Specifically, the parties will:

- 1) Provide early, pre-release screening and needs assessment to determine referrals to appropriate mainstream resources and supports;
- 2) Connect with family, friends and support groups in the community in preparation for the release;
- 3) Work with local service providers to obtain benefits and assistance for which the client is eligible;
- 4) Identify available housing and services needed by the person being released;
- 5) Determine a specific, suitable housing location prior to the person being released;
- 6) Routinely assist those being discharged to obtain housing.

Upon 30 days written notice to all parties, signers to this Memorandum of Understanding may amend the agreement or terminate their participation.

Signed:

Name-Title	Organization	Date
	<u>Old Fort Homeless Coalition</u>	

Name, President

Organization

Date

ADDENDUM OF DISCHARGE PLANNING MEMORANDUM OF UNDERSTANDING

The Old Fort Homeless Coalition will provide a point of contact for all medical and mental health facilities located in the region through the future proposed homeless campus. It is believed a point of contact is a gap between homeless service providers and local health and mental health facilities. This will reduce current issues of making contact upon discharging a homeless patient from local facilities and finding a bed for a discharged patient.

There will be a point of contact twenty-four hours a day and seven days a week through the homeless campus service providers. The contact with the homeless campus will be responsible to find a bed in the campus or one of the local emergency shelters when contacted by one of the local facilities.

We believe the Discharge Planning Memorandum of Understanding with local medical and mental health facilities will help reduce the incidence of homeless individuals leaving a hospital to sleep in the streets, tents, or other places not meant for human habitation.

This addendum will serve as an acknowledgement with all homeless service providers that we are committed to working with our local health and mental health facilities.

President of OFHC

Date:

OFHC Board Member

Date:

Name of Agency and Director's Signature

Date:

Name of Agency and Director's Signature

Date:

HOW DO WE KNOW WE ARE SUCCEEDING?

ACTION STEPS - 2012

On an annual basis, the community will evaluate and assess its progress and develop a set of annual steps to further the objectives of the Ten-Year Plan, including our progress in reaching the goals as mandated by state and federal funding sources. Actions will be carried out for overlapping 12-month periods to coincide with federal and state requirements.

TEN-YEAR PLAN ACTIONS (January 2012 – December 2022)

As a beginning step toward becoming intentional in our decisions on ending homelessness, the following steps will be taken by the region in 2012. Many of the actions are organized so as to strengthen our homeless response system and move toward a more coordinated, strategic and streamlined approach to reduce homelessness.

The Old Fort Homeless Coalition redeveloped the OFHC Executive Board in 2012 to blend a broader representation in this plan. Members of the Executive Board will be governed by the OFHC By-laws. The Executive Board will be represented by individuals who have a strong knowledge of homeless issues and funding criteria which will help minimize any conflict of interest when making funding recommendations. The Executive Boards' representation will consist of individuals from local businesses, the provider community, local government and other key partners. A detailed recommendation that includes roles, responsibilities and membership representation will be presented by the OFHC Executive Board to the OFHC members.

- 1. *Initiate the development of an Allocation/Financing Plan to support the Ten-Year Plan priorities.***
 - a. Form a committee to establish the parameters of the financing plan and the criteria to be used.
 - b. Draft a one-year financing plan to support the strategies and actions in the plan.
 - c. Take steps to assure that the community is prepared to take advantage of federal, state and local funding opportunities by leveraging local funds.
- 2. The Old Fort Homeless Coalition Board of Directors will coordinate regional priorities and funding recommendations for homelessness and affordable housing in our Continuum of Care. The advisory group would be responsible for the over-**

sight of the OFHC Ten-Year Plan to reduce Homelessness, to evaluate the Gaps and Needs Analysis for the OFHC and give their recommendations.

3. Expand the number of affordable housing and homeless housing beds available to homeless persons and persons at risk of homelessness and assure the continued viability of existing housing.

- a. Increase housing resources for homeless households units through new development and leasing activities.
- b. Study the status of the existing inventory of low-and moderate-income affordable housing and homeless housing to determine the need for:
 - 1) Restructuring operational budgets and;
 - 2) Rehabilitation to maintain viability and functionality
- c. Develop a list of priority needs for assistance and seek funding resources to fill the identified needs.

4. Expand cooperative efforts between service providers and landlords.

Conduct outreach to enlist the participation of landlords in stabilizing tenants in housing. Meet with local landlord associations:

- 1) Establish methods of increasing the amount of housing available to the homeless and;
- 2) Develop mechanisms to improve coordination between landlords and case managers so that a rapid community response to a tenant's rental issues can be taken to prevent eviction and the loss of housing.

5. Work with agencies and staff at all levels to reduce potential homelessness caused by institutions releasing persons without adequate services and housing.

- a. Work with state level staff to improve formal policies and protocols for releasing persons from corrections facilities, state mental health institutions and foster care.

- b. Work with local institutions such as hospitals, jails, detention, courts, detoxification facilities, crisis clinics, etc., and establish formal policies and protocols to decrease the number of persons exiting to homelessness. Establish working relationships to plan for release and re-integration into the community.
- c. Support the stabilization of homeless persons by targeting provider services for use in implementing new procedures of improved discharge planning policies.

6. Improve preventative tactics, outreach and service delivery model to homeless persons.

- a. Increase training of homeless persons on the use of computers
- b. Explore methods of increasing homeless persons' awareness of available services through methods such as websites, etc.
- c. Enhance client-centered case management, (based on needs assessment), after-care and follow-up services through increased funding and on-going provider training.

ACKNOWLEDGMENTS

The 2012 – 2022 development of the Old Fort Homeless Coalition’s Ten-Year Plan was written through dedication and diligence of the following Ten-Year Plan committee members and planning participants:

Members:

- Chair, Elaine Burton, Fort Smith Housing Authority, Balance of State CoC
- Co-Chair, Janice Justice, Comprehensive Juvenile Services, Inc.
- Marshall Sharpe, OK Foods Industries, Homelessness Task Force
- Mike Fuchtman, Housing Prevention Rapid Re-Housing Program
- Donna Hyde, Recovery Solutions, Inc.
- Becky Gentry, Salvation Army
- Jeanne Carroll, Fort Smith Public School Homeless Liaison

Planning Participants:

- Old Fort Homeless Coalition Members
- Old Fort Homeless Coalition Board of Directors
- Fort Smith City Planning & Development Staff
- Ken Pyle, Executive Director of Fort Smith Housing Authority
- Jill Hatley, Administrative Assistant, Fort Smith Housing Authority
- Steve Clark, Professional Development Group, SE Clark & Associates, Inc.
- Dr. Lance Fisher, Executive Director of Next Step Day Room, Balance of State CoC
- Rick Foti, Executive Director of Community Services Clearinghouse
- Captain Carlyle Gargis, Salvation Army
- Crawford-Sebastian Community Development Council, Inc.
- City of Fort Smith Police Department
- Sebastian County Sheriff’s Office
- Andy Halfhill, HMIS Lead Agency Coordinator
- David Kerr, Homelessness Task Force Member/Belle Grove Neighborhood Coalition
- Linda Gabriel, CSCDC
- Cindi Hernandez, Polk County Quality of Life
- Department of Health and Human Services
- HUD-McKinney Vento Grantees

APPENDIX- GLOSSARY

1. ADFA FUNDS-Arkansas Development Finance Agency (source of funding)
2. AHAR-Annual Homeless Assessment Report
3. ARKANSAS RIVER VALLEY REGION- Region includes Crawford, Franklin, Polk, Logan, Scott, and Sebastian counties which make up the six-county area of the OFHC Continuum of Care
4. BALANCE OF STATE CONTINUUM OF CARE (CoC)-Unfunded Continuums of Care in Arkansas banding together to apply for unallocated HUD Homelessness grant funds
5. CDAC-Community Development Advisory Committee, which oversees the allocation of Community Development Block Grant Funds and HOME funds for the City of Fort Smith
6. CDBG FUNDS-Community Development Block Grant funds
7. CHDO-Community Housing Development Organizations
8. CHRONIC HOMELESSNESS-Chronically Homeless Person or Family: an unaccompanied homeless individual (18 or older) with a disabling condition, or a family with at least one adult member (18 or older) with a disabling condition, who has either been continuously homeless for a year or more or has had at least four (4) episodes of homelessness in the past three (3) years.
9. CONTINUUM OF CARE (CoC)-(HUD definition) A community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.
10. CoC LEAD AGENCY- Agency or organization designated by the CoC primary decision-making body to be the entity that submits the CoC application for funding to HUD.
11. CoC NOFA EXHIBIT 1-NOFA's Continuum of Care(CoC) application
12. CoC NOFA EXHIBIT 2-Homeless service providers' grant applications
13. COMMON SPACES-Spaces shared in a homeless campus by more than one service provider
14. CON PLAN-A Consolidated Plan is a long-term housing and community development plan developed by state and local governments and approved by HUD (24 CFR Part 91).

The Consolidated Plan contains information on homeless populations and should be coordinated with the CoC plan.

15. CPD- Community Planning and Development
16. CSCDC-Crawford-Sebastian Community Development Council, Inc.
17. DATA WAREHOUSE-Information system for the storage of program and operational data
18. DHHS- Department of Health & Human Services (Federal)
19. DHS-Department of Human Services (State of Arkansas)
20. DOE- Department of Education (Federal)
21. EMERGENCY SHELTER-(HUD definition) a facility whose primary purpose is to provide temporary or transitional shelter for the homeless in general or for specific populations of homeless.
22. ESG-Emergency Shelter Grants (previous program name)

ESG-Emergency Solutions Grants (new acronym in HEARTH Act)
23. FEMA-Federal Emergency Management Agency, which coordinates the distribution of funds and resources for federal disasters.
24. FHLB-Federal Home Loan Bank of Dallas, TX (source of funding)
25. FMR- Fair Market Rent
26. FSHA-Fort Smith Housing Authority
27. HEARTH ACT-The "Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH)," H.R. 840, reauthorizes the McKinney-Vento Homeless Assistance Programs administered by the U.S. Department of Housing and Urban Development (HUD). HEARTH provides greater decision-making at the local level, more closely aligns the HUD definition of homelessness with other federal agency definitions (including the Department of Education), expands resources for emergency shelter and supportive services, provides a framework for greater homeless prevention activity, and allows communities the flexibility to implement a range of housing solutions.
28. HIC-HUD'S "Housing Inventory Count": A complete listing of the community's HUD and non-HUD funded beds

29. HOMELESS CAMPUS-A collection of supportive services and beds designed to meet the needs of homeless families in one central location. A homeless campus would be designed to reduce or eliminate duplicate services for the homeless, keep children in school, help those willing or capable of working to get back into the work force and find permanent housing.
30. HOMELESSNESS TASK FORCE- A 12-member task force organized in 2009 and appointed by the City Board of Directors to study the homeless issues in Fort Smith.
31. HMIS- Homeless Management Information System: A computerized data collection application designed to capture confidential client-level information over time on the characteristics of service needs of men, women, and children experiencing homelessness.
32. HOME FUNDS-HOME provides formula grants to States and localities that communities use, often in partnership with local nonprofit groups to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership, or provides direct rental assistance to low-income people.
33. HOMELESS PERSON- As defined by the McKinney-Vento Act of (42 U.S.C. 11302), a person sleeping in a place not meant for human habitation or in an emergency shelter; and a person in transitional housing for homeless persons who originally came from the street or an emergency shelter.
34. HOPWA-Housing Opportunities for Persons with AIDS
35. HPRP-Homelessness Prevention and Rapid Re-Housing Program
36. HRE-Homelessness Resource Exchange
37. HQS-Housing Quality Standards
38. HUD-U. S. Department of Housing & Urban Development
39. IDIS- Integrated Disbursement and Information System
40. MCKINNEY-VENTO ACT- HUD's McKinney-Vento definition of "Homeless": Basically, a homeless person is someone who is living on the street or in an emergency shelter, or who would be living on the street or in an emergency shelter without the Supportive Housing Program (SHP) assistance. A person is considered homeless only when he/she resides in one of the places described below:
 - a) In places not meant for human habitation, such as cars, parks, sidewalks, abandoned buildings (on the street).

- b) In an emergency shelter
- c) In transitional or supportive housing for homeless persons who originally came from the streets or emergency shelters.
- d) In any of the above places but is spending a short time (up to 30 consecutive days) in a hospital or other institution.
- e) Is being evicted within a week from a private dwelling unit and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.
- f) Is being discharged within a week from an institution, such as a mental health or substance abuse treatment facility or a jail/prison, in which the person has been a resident for more than 30 consecutive days and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.
- g) Is fleeing a domestic violence housing situation and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.

- 41. MASTER PLAN-A written plan to develop a homeless campus and services.
- 42. MOA-Memorandum of Agreement: general agreement that, once signed by agencies involved in the support and planning of a Homeless Campus, would be the community commitment the Ad Hoc Committee needs in order to apply for funds.
- 43. NEEDS ANALYSIS-Studying the unmet needs of homeless persons to determine which programs need to be offered to help the homeless person or families get into stable housing.
- 44. NOFA- Notice of Funding Availability: HUDs consolidated approach to publishing new or continuing funding opportunities
- 45. NSDR-Next Step Day Room
- 46. OFHC-Old Fort Homeless Coalition
- 47. OMB- Office of Management and Budget
- 48. PBRA- Project Based Rental Assistance
- 49. PERMANENT HOUSING (PH)-One structure or several structures at one site or in multiple structures at scattered sites.
- 50. PERMANENT SUPPORTIVE HOUSING- (HUD definition) Long-term, community-based housing that has supportive services for homeless individuals with disabilities. This type of supportive housing enables special-needs populations to live as independently

as possible in a permanent setting. The supportive services may be provided by the organization managing the housing or coordinated by the applicant and provided by other public or private services agencies.

51. PIT-Every year communities are asked to do a “Point in Time” count of homeless people on a designated day which is used to track the number of homeless persons in each Continuum of Care.
52. PRN-Pro Rata Need
53. RESOLUTION R-91-10 was adopted May 18, 2010 by the City of Fort Smith’s Board of Directors to work toward the common goal of creating a homeless campus.
54. RHSP- Rural Housing Stability Program
55. SAFE HAVEN (SH)-A form of supportive housing funded and administered under the Supportive Housing Program serving hard-to-reach homeless persons with severe mental illness who are on the streets and have been unwilling to participate in supportive services.
56. Section 8 SRO-(HUD definition) Residential property that includes multiple single room dwelling units. Each unit is for occupancy by a single eligible individual. The unit need not, but may, contain food preparation or sanitary facilities, or both.
57. SHELTER PLUS CARE(S+C)-A program designed to provide housing and supportive services on a long-term basis for homeless persons with disabilities (primarily those with serious mental illness, chronic problems with alcohol and/or drugs, and acquired immunodeficiency syndrome (AIDS) or related diseases) and their families who are living in places not intended for human habitation (e.g., streets).
58. SOCIAL SERVICES-Agencies that meet the needs of low- to moderate-income persons and the homeless population.
59. SHP- Supportive Housing Program - 42 USC 11384 defines supportive housing as: (a) In general housing providing supportive services for homeless individuals shall be considered supportive housing for purposes of this part if –
 - 1) The housing is safe and sanitary and meets any applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located; and
 - 2) The housing – (A) is (TR) transitional housing; (B) is (PH) permanent housing for homeless persons with disabilities; or (C) is, or is part of, a particularly innovative project for, or alternative methods of, meeting the immediate and long term needs of homeless individuals and families. (b) Transitional housing for purposes of this

project for, or alternative methods of, meeting the immediate and long term needs of homeless individuals and families. (b) Transitional housing for purposes of this section, the term “transitional housing” means housing, the purpose of which is to facilitate the movement of homeless individuals and families to permanent housing within 24 months or such longer period as the Secretary determines necessary.

60. SUPPORTIVE SERVICES (SSO)-(HUD definition) Services that assist homeless participants in the transition from the streets or shelters into permanent or permanent supportive housing and may also assist eligible persons living successfully in housing.
61. SRA- Sponsor-Based Rental Assistance
62. TBRA OR TRA-Tenant Based Rental Assistance
63. TRANSITIONAL HOUSING (TH)-(HUD definition) A project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months).
64. USICH-United States Interagency Council on Homelessness (great wealth of information)
65. VA-Department of Veterans Affairs
66. 501 (C) (3) - Classification as a public charity, an organization exempt from federal income tax under Section 501 (C) (3) of the Code.

6.B

RESOLUTION NO. ____

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS IN CONNECTION WITH THE 2011 DRAINAGE IMPROVEMENTS PROJECT NO. 11-06-A

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

SECTION 1: The following values for the acquisition of temporary construction easements and drainage easements purposes for the 2011 Drainage Improvements Project, Project Number 11-06-A are approved, and acquisition of the easements for the amounts listed are hereby authorized:

Tract B	Marguerite B. Carney, et al.	\$100.00
Lot 11	C & M Rentals, LLC	\$100.00

SECTION 2: The City Administrator, or his designated agent, and the City Attorney are hereby authorized to acquire the easements for the above listed amounts.

SECTION 3: In the event the easements described herein cannot be acquired by negotiation, the City Administrator and the City Attorney are hereby authorized to commence eminent domain proceedings to obtain the necessary easements herein described and make deposits of just compensation of the values of the easements listed herein. All such actions previously taken for this project are hereby confirmed.

This Resolution adopted this ____ day of December, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



City Attorney
No Publication Required

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

JERRY L. CANFIELD, P.A.
THOMAS A. DAILY, P.A.
WYMAN R. WADE, JR., P.A.
DOUGLAS M. CARSON, P.A.
ROBERT R. BRIGGS, P.A. †
C. MICHAEL DAILY, P.A. † ●
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COLBY T. ROE

KMW BUILDING
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P.O. BOX 1446
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OF COUNSEL

HARRY P. DAILY (1886-1965)
JOHN P. WOODS (1886-1976)
JOHN S. DAILY (1912-1987)
BEN CORE (1924-2007)

WRITER'S E-MAIL ADDRESS
RBriggs@DailyWoods.com

† Also Licensed in Oklahoma

● Also Licensed in Wyoming & North Dakota

December 13, 2012

Mr. Stan Snodgrass
Director of Engineering
City of Fort Smith

Via E-Mail Only snodgrass@fortsmithar.gov

Re: 2011 Drainage Improvements Project No. 11-06-A

Dear Mr. Snodgrass:

As you know, the above referenced project includes drainage improvements in five different locations within the City. One location includes improvements to an existing drainage channel between Utica Street and Tulsa Street. The earthen channel runs approximately 1,000 feet from just West of Savannah Drive discharging into Mill Creek. Fences and structures along the channel are starting to fall into the channel due to severe erosion, and this project will replace the badly eroded channel with a concrete line channel. A location map is attached hereto and incorporated herein as Exhibit "1".

The Project requires acquisition of drainage easements and temporary construction easements from twelve property owners. Donations of the necessary easements have been received by ten out of the twelve tracts. However, easements from two owners have not been obtained.

The first one identified as Lot 11 is owned by C & M Rentals, LLC. The City has obtained an appraisal of the proposed drainage easements from Calmo Realty Services, Inc. The appraiser has indicated that the proposed improvements would enhance the value of the property by approximately \$533.00. We understand that representatives of your office, Calmo Realty Services, Inc. and our office have discussed this matter with the owner of C & M Rentals, LLC and advised him of the real estate appraisal and requested the donation of the necessary easement. Notwithstanding, the owner has refused to donate the necessary easement, even though the appraised value indicates an enhanced value to the property. The City has offered the property owner \$100.00 as a nuisance value to acquire the necessary easements. That offer has been rejected. Accordingly, it will likely be necessary to commence eminent domain proceedings in order to acquire the necessary easements. For purposes of estimating just compensation, we recommend the value of \$100.00 be approved by the Board of Directors, which would eventually be tendered to the Registry of the Court upon the receipt of an Order of Possession granting the necessary easement interest to the City.

The second tract identified as Tract B is owned by Marguerite B. Carney and several others. The ownership of this tract is complicated. At this point, we are unable to determine precisely who would be able to execute the necessary easement documents to legally vest title of the same to the City. We understand that the proposed improvements would also enhance the value of this property once those improvements are completed. Based on the timing of the Project, it is likely that an eminent domain proceeding would also need to be commenced in order to timely acquire the necessary easements. We recommend the value of \$100.00 be approved by the Board of Directors for the acquisition of the necessary easements. That sum would eventually be tendered to the Registry of the Court, upon the receipt of an Order of Possession vesting the necessary easement interest to the City.

I have enclosed a Resolution which, if meets with your approval, we recommend be presented to the City's Board of Directors at its next scheduled meeting.

If you have any additional questions, please do not hesitate to call. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert R. Briggs". The signature is fluid and cursive, with a prominent initial "R".

Robert R. Briggs
tdp

Enclosures

- EASEMENTS AQUIRED
- EASEMENTS REMAINING

C:\City of Ft. Smith\Engineering\Snodgrass\Nica_Drnq.dwg 12/13/12-13:00 RBR Layout1

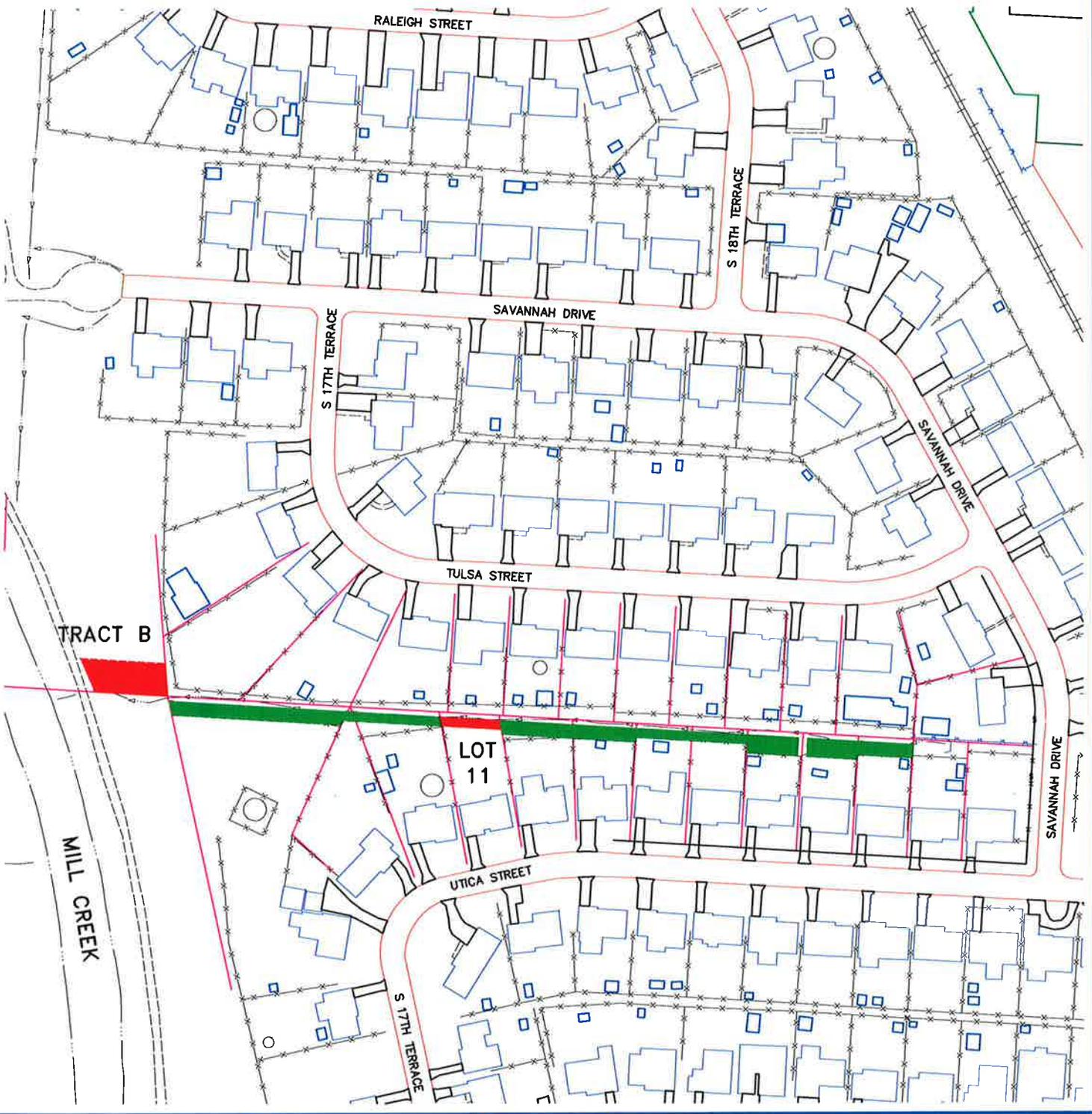


EXHIBIT 1
PROPERTY LOCATION MAP
UTICA STREET DRAINAGE
FORT SMITH, ARKANSAS



Project:	11-06-A
Date:	DEC. 2012
Scale:	NONE
Drawn By:	RBR

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH JACOBS ENGINEERING GROUP, INC. FOR THE BEN GEREN PARK SOFTBALL ADDITION

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

The Mayor is hereby authorized to execute an agreement for professional services with Jacobs Engineering Group, Inc. for the Ben Geren Park Softball Addition Project No.

12-01-PR for an amount not to exceed \$108,700.00.

This Resolution adopted this _____ day of December, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



npr



Memo:

December 14, 2012

To: Ray Gosack, City Administrator
From: Mike Alsup, Director of Parks and Recreation
Re: Contract with Jacobs Engineering to design the ball field addition at Ben Geren Park

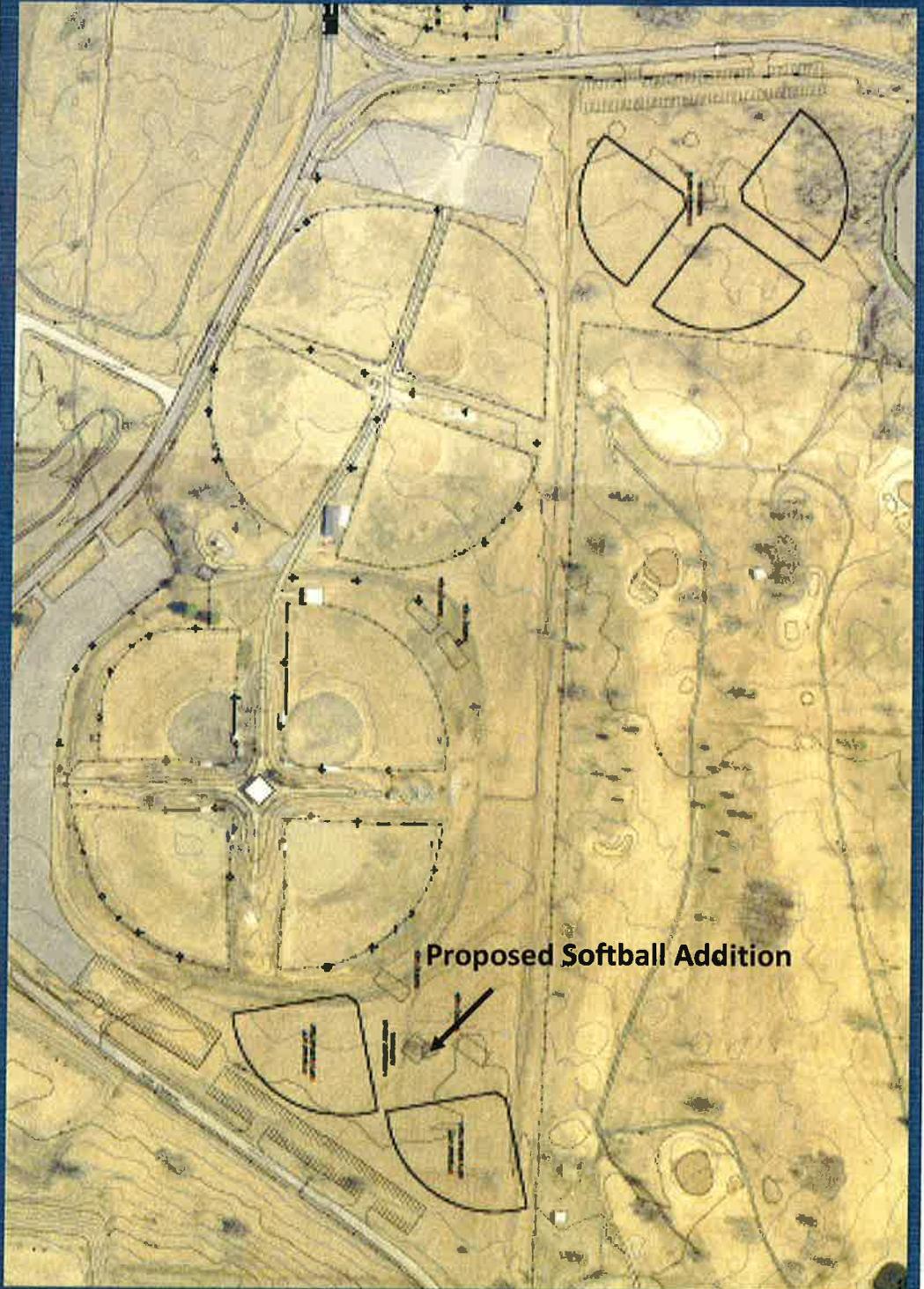
The Sebastian County Girls Softball League played at Andrews Field for many years. Through a collaborative agreement between the City, League, and Veterans Association the Andrews Field property was donated for expansion of the National Cemetery. Since that time the League has played at Ben Geren Park where they have two fields dedicated for their use. In order to operate efficiently, the League needs two additional fields; the League utilized four (4) fields at Andrews Field.

The softball field addition at Ben Geren Park is the first project that will be accomplished through the 1/8% sales and use tax. The addition will include two (2) softball fields with outfield distance of 225', a concession stand and restroom building, and parking. The location is adjacent to and west of the existing softball complex. The League and Sebastian County will be involved in the planning of this facility.

Jacobs Engineering has been selected for this project due to their design through construction experience of sports complexes including softball fields. Recently Jacobs worked with the City of Conway to build softball and baseball complexes. These facilities are tournament quality facilities. These facilities are some of the best I have seen. Jacobs has the resources to accomplish the softball field addition; they will be using MAHG Architecture to design the concession stand restroom building.

The estimated schedule for the project is to survey the property and have a kick off meeting in early January to begin the planning process, bid the project in mid to late April, and begin construction in late May with completion by the end of the year.

Softball Fields Proposed Fields



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CERTAIN CHANGES TO THE FORT SMITH POLICE DEPARTMENT RULES AND REGULATIONS REGARDING OFFICERS' RULES OF CONDUCT

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

Changes to the Fort Smith Police Department Rules and Regulations, which shall be substantially in the form attached hereto, are hereby adopted.

THIS RESOLUTION ADOPTED THIS _____ DAY OF _____, 2012

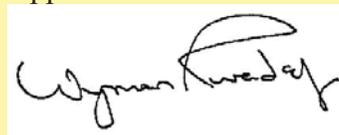
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form



City Attorney npr



Fort Smith Police Department
Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: Ray Gosack City Administrator

From: Kevin Lindsey, Chief of Police

Subject: Recommended changes to Fort Smith Police Department Rules and Regulations.

Date: December 12, 2012

The Fort Smith Police Department's Rules and Regulations comprise a portion of our formal written directive system. The Department's Rules and Regulations reflect the department's legal authority, core values, and mission statement. Rules and Regulations specifically address police officers' behavior so all sworn personnel have a clear understanding of constraints and expectations relating to the performance of their duties, including off-duty behavior. The Rules and Regulations are complemented by Department policies and procedures, operational memorandums, and other documents.

In 2009, the Department adopted a disciplinary matrix established by staff that affects all sworn police department employees. The matrix fulfills two roles: first, it assists supervisors in reviewing disciplinary actions and provides a basis from which to recommend disciplinary action if warranted, and two, it communicates to officers what they can expect if they violate the departments written directives. At the request of the chief of police, a committee was formed involving a cross section of divisional personnel to discuss revisions for the disciplinary matrix system and to recommend changes. During this process, which has been completed, staff reviewed the current Fort Smith Police Department's Rules and Regulations to insure its content was consistent with other written directives and reflected contemporary best practices. Several areas of the current Rules and Regulations were repetitive in nature and others were changed to address certain outdated concepts. The authority to change the Department's Rules and Regulations is found in A.C.A. §14-51-302, which states that

All employees in any fire or police department affected by this chapter shall be governed by rules and regulations set out by the chief of their respective police or fire departments after rules and regulations have been adopted by the governing bodies of their respective municipalities.

These changes are submitted for your consideration, and approval is requested. Please contact me if you have questions or need additional information.

Fort Smith Police Department Rules and Regulations Table of Contents

Title	Section	Page #
Authority and Purpose	100	1
Scope	200	2-3
Professional Conduct and Personal Bearing	300	4-6
Responsibilities and General Conduct on Duty	400	7-10
Public Activities	500	11-12
Protection of Prisoners, Their Rights, & Their Property	600	13
Civil, Criminal, Judicial and Investigative Actions	700	14-16
Uniforms, Equipment and Appearance	800	17-19

SECTION 300 [LE 26.1.1]

PROFESSIONAL CONDUCT AND PERSONAL BEARING

301.09 (Section Deleted – December 5, 2012)

308. Officers shall not engage in any form of gambling in or upon any police facility. This does not include the purchase of “raffle” style tickets for non-profit fund raisers.

SECTION 400

RESPONSIBILITIES AND GENERAL CONDUCT ON DUTY

411. It shall be the responsibility of officers who cannot report for duty due to illness (personal or family) to notify their immediate supervisor at least 15 minutes before the start of their shift.

420.05 Gambling (except in the performance of a police duty and then only with the specific prior written consent of a Division Commander and never in uniform.)

423. Regarding the consumption of intoxicating beverages, the following rules apply: [LE 26.1.1]

423.01 Officers in uniform shall not drink intoxicants while on or off duty.

423.02 Drinking intoxicated beverages while on duty is prohibited (except in the performance of a police duty and then only with the specific prior written consent of a Division Commander).

423.03 Officers shall not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when he/she reports for duty or to the extent his/her job performance is impaired.

423.04 Officers shall not be intoxicated while on duty. They shall not, at any time, be intoxicated in public view.

424. (Section deleted – December 5, 2012)

425. (Section deleted – December 5, 2012)

SECTION 500

PUBLIC ACTIVITIES

507. Except for official police duties, no officer shall knowingly align or associate themselves with persons whose criminal convictions or activities create a potential damage to the officer's credibility. This does not exclude an officer from associating with immediate members of his/her family if they fall within the aforementioned category.

SECTION 700

CIVIL, CRIMINAL, JUDICIAL AND INVESTIGATIVE ACTIONS

706. Officers shall not knowingly falsify or alter any report, document or record or cause to be entered any inaccurate, false or improper information on records, documents or reports of the Department or of any court. [Portion of this section moved to 710.07]

710.07 No officer shall remove or destroy or cause the removal or destruction of any report, document or record without prior written authorization from the Chief of Police.

Fort Smith Police Department Rules and Regulations Table of Contents

Title	Section	Page #
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Civil, Criminal, Judicial and Investigative Actions	700	14-16
Uniforms, Equipment and Appearance	800	17-19

SECTION 300 [LE 26.1.1]

PROFESSIONAL CONDUCT AND PERSONAL BEARING

301.09 ~~Disrespect shown towards any supervisory officer, any civilian supervisor or subordinate. (Section Deleted – December 5, 2012)~~

308. Officers shall not engage in any form of gambling in or upon any police facility. This does not include the purchase of “raffle” style tickets for non-profit fund raisers.

SECTION 400

RESPONSIBILITIES AND GENERAL CONDUCT ON DUTY

411. It shall be the responsibility of officers who cannot report for duty due to illness (personal or family) to notify an on-duty supervisor, within their division, at least one (1) hour prior to their scheduled reporting time. ~~It will be the supervisor's responsibility, who receives the sick leave~~

~~call, to relay the information to the first relieving supervisor on whose shift the officer is assigned. That supervisor shall contact the officer to confirm the nature of the illness and approve the type of leave for payroll purposes~~ their immediate supervisor at least 15 minutes before the start of their shift.

420.05 Drinking intoxicating beverages or gGambling (except in the performance of a police duty and then only with the specific prior written consent of a Division Commander and never in uniform.)

~~423. Officers shall not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when he/she reports for duty or to the extent his/her job performance is impaired. [LE 26.1.1]~~

423 Regarding the consumption of intoxicating beverages, the following rules apply: [LE 26.1.1]

423.01 Officers in uniform shall not drink intoxicants while on or off duty.

423.02 Drinking intoxicated beverages while on duty is prohibited (except in the performance of a police duty and then only with the specific prior written consent of a Division Commander).

423.03 Officers shall not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when he/she reports for duty or to the extent his/her job performance is impaired.

423.04 Officers shall not be intoxicated while on duty. They shall not, at any time, be intoxicated in public view.

~~424. Officers in uniform shall not drink intoxicants while on or off duty. [LE 26.1.1](Section Deleted – December 5, 2012)~~

~~425. Officers shall not be intoxicated while on duty. They shall not, at any time, be intoxicated in public view. [LE 26.1.1] (Section Deleted – December 5, 2012)~~

SECTION 500

PUBLIC ACTIVITIES

507. Except for official police duties, no officer shall knowingly ~~associate with persons of immoral character, convicted felons, gamblers or other persons who habitually commit violations of the law.~~ align or associate themselves with persons whose criminal convictions or activities create a potential damage to the officer's credibility. This does not exclude an officer from associating with immediate members of his/her family if they fall within the aforementioned category.

SECTION 700**CIVIL, CRIMINAL, JUDICIAL AND INVESTIGATIVE ACTIONS**

706. Officers shall not knowingly falsify or alter any report, document or record or cause to be entered any inaccurate, false or improper information on records, documents or reports of the Department or of any court. ~~No officer shall remove or destroy or cause the removal or destruction of any report, document or record without prior written authorization from the Chief of Police.~~ [Portion of this section moved to 710.07]

710.07 No officer shall remove or destroy or cause the removal or destruction of any report, document or record without prior written authorization from the Chief of Police.

RESOLUTION NO. _____

6 E

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING
FINAL PAYMENT TO FORSGREN, INC., FOR THE NEIGHBORHOOD WATER
SYSTEM IMPROVEMENTS - JACK FREEZE SERVICE AREA

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

SECTION 1: The construction of Neighborhood Water System Improvements - Jack
Freeze Service Area, Project Number 10-02-C1, is accepted as complete.

SECTION 2: Final payment to Forsgren, Inc., in the amount of \$69,989.83, is
hereby approved.

This Resolution adopted this _____ day of December 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: December 11, 2012

FROM: Steve Parke, Director of Utilities

SUBJECT: Neighborhood Water System Improvements - Jack Freeze Service Area
Project Number 10-02-C1

This project consisted of installing approximately 9,850 feet of new 6-inch water mains to replace old 2-inch galvanized water lines for improved service, water quality and fire protection in the Jack Freeze service area. The replacement of 900 feet of 12-inch water line along Newlon Road was added by change order to the project to avoid conflicts with a street overlay project due to a high incidence of leak repairs. Exhibits for the combined project areas are attached.

Forsgren, Inc. has completed the project and a Resolution is attached accepting the project as complete and authorizing final payment in the amount of \$69,989.83. It is my recommendation that the project be accepted as complete.

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

attachment

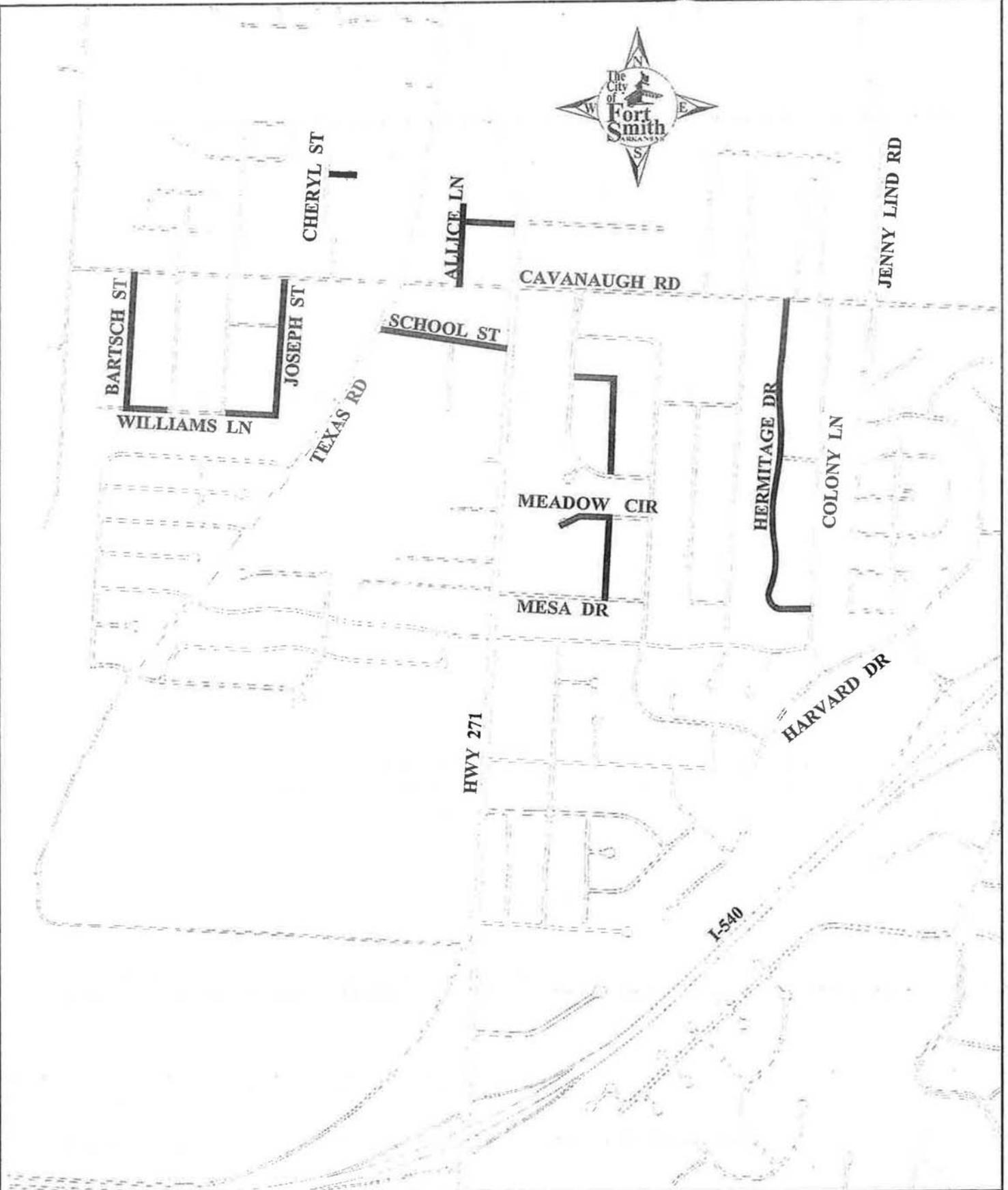
pc: Jeff Dingman

Project Summary

Project status: Complete	Project name: Neighborhood Water System Improvements - Jack Freeze Service Area
Today's date: December 11, 2012	Project number: 10-02-C1
Staff contact name: Steve Parke	Project engineer: Brixey Engineering
Staff contact phone: 784-2231	Project contractor: Forsgren, Inc.
Notice to proceed issued: May 29, 2012	
Completion date: November 15, 2012	

	Dollar Amount	Contract Time (Days)
Original contract	\$1,040,933.31	140
Change orders: Number One	\$115,254.57	30
Total change orders	\$115,254.57	<u>30</u>
Adjusted contract	<u>\$1,156,187.88</u>	<u>170</u>
Payments to date (as negative):	\$-1,005,493.62	87.0%
Amount of this payment (as negative)	\$-69,989.83	6.1%
Retainage held	\$0.00	
Contract balance remaining (underrun)	\$80,704.43	7.0%
Amount over (under) as a percentage	3.3%	

Final comments:

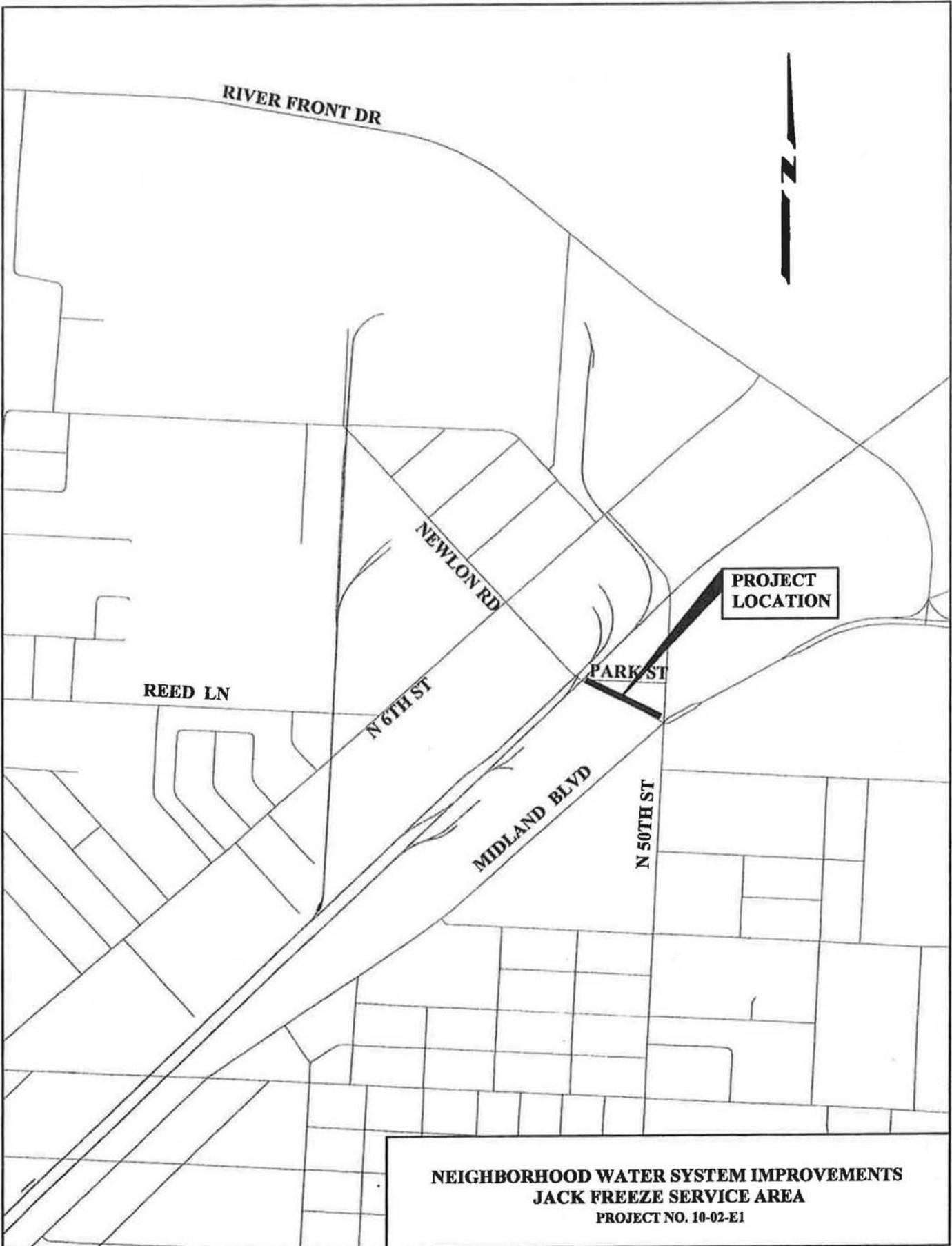


Legend

— Proposed Water Line

**NEIGHBORHOOD WATER IMPROVEMENTS
JACK FREEZE SERVICE AREA**

**PROJECT NO. 10-02-C1
PROJECT VICINITY MAP**



NEIGHBORHOOD WATER SYSTEM IMPROVEMENTS
JACK FREEZE SERVICE AREA
PROJECT NO. 10-02-E1

RESOLUTION NO. _____

6 F

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SHANNON & WILSON, INC., FOR PROVIDING ENGINEERING SERVICES ASSOCIATED WITH YEAR 2013 POST CONSTRUCTION MONITORING AND INSPECTION OF THE LAKE FORT SMITH DAM AND RESERVOIR

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

SECTION 1: An agreement with Shannon & Wilson, Inc, for providing engineering services associated with Year 2013 Post Construction Monitoring and Inspection of the Lake Fort Smith Dam and Reservoir, Project Number 13-01-E1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement for an amount of \$73,442.00, for performance of said services.

This Resolution adopted this _____ day of December 2012

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: December 11, 2011

FROM: Steve Parke, Director of Utilities

SUBJECT: Lake Fort Smith Dam and Reservoir
Year 2013 Post Construction Monitoring

For the past four years the city has contracted with Shannon & Wilson, Inc., to provide post construction monitoring of the Lake Fort Smith dam and reservoir. Post construction monitoring provides insight about the embankments's movement due to internal stress, verifies that the structure is performing as anticipated by its designers, and that desired factors of safety are met for the protection of downstream life and property. To date, the monitoring and inspection reports show that the embankment and structures are performing well.

Shannon & Wilson, Inc., have submitted a proposal for providing post construction monitoring services and a comprehensive on-site inspection of the dam and reservoir for Year 2013. Under this proposal, Mickle Wagner Coleman will provide quarterly instrumentation readings and surveys which will be analyzed by Shannon & Wilson and documented in quarterly reports. In early 2014, Shannon & Wilson will provide an annual summary report of all data gathered in 2013. In addition, with assistance from Burns & McDonnell, Shannon & Wilson will perform a comprehensive inspection of the dam and reservoir and prepare a report documenting the condition of the structure. As in past years, these reports will be submitted to the Arkansas Natural Resources Commission. The total fee for providing the year 2013 services includes the sub-consultant services of Mickle Wagner Coleman and Burns & McDonnell for an amount of \$73,422.00.

A Resolution authorizing an agreement with Shannon & Wilson for providing post construction monitoring and the comprehensive on-site inspection for year 2013 is attached. Funds for this service are available from the Water & Sewer Capital Improvement Project Fund.

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

attachment

pc: Jeff Dingman

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AN OFFER MADE BY PROPERTY OWNER FOR THE ACQUISITION OF EASEMENTS IN CONNECTION WITH THE LAKE FORT SMITH 48-INCH WATER TRANSMISSION LINE PROJECT

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

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

Tract 11-30-10-05 Cynthia Rothlishberger \$ 10,750.00

and to make payment for same in connection with the acquisition of a water transmission line easement for the Lake Fort Smith 48-Inch Water Transmission Line, Project Number 08-07-P, said property being located at 629 Highway 71 North, Mountainburg, Crawford County, Arkansas.

This Resolution adopted this _____ day of December 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



_____ npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: December 14, 2012

FROM: Steve Parke, Director of Utilities

SUBJECT: Lake Fort Smith 48 Inch Water Transmission Line Project
Project Number 08-07-P

The City of Fort Smith is planning to construct the first 6.5 miles of new 48-inch water transmission line from the Lake Fort Smith water treatment plant. This segment of the line will extend from the water treatment plant in Mountainburg to the Grotto community near Highway 282. A location map is attached.

The easement area across Mrs. Rothlishberger's property is the site of her commercial blackberry plant operation. The easement area where the water line will be constructed will destroy approximately 1,920 plants and her two equipment storage sheds. The appraiser valued the easement at \$2,400.00, but did not take into consideration the loss of the plants and replacement cost of the buildings. A copy of the easement area is attached for your review.

After several weeks of extensive negotiations, an agreement was reached to settle for an amount of \$10,750.00. The settlement offer addresses the loss of an estimated 1,920 thornless blackberry plants at \$2.50 each or \$ 4,800.00; combines the loss of the two smaller storage sheds for replacement by one larger shed at a cost of \$4,950.00; and value of 60 foot wide permanent easement and 25 foot wide temporary easement at \$1,000.00.

Staff believes that the owner's counter offer is reasonable compared to other easements purchased by the city and that the administrative costs associated with acquiring the needed easement through other means is not the best alternative. Therefore, staff recommends that the Board approve the attached Resolution accepting the owners counter offer at its next regular scheduled meeting.

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

attachment

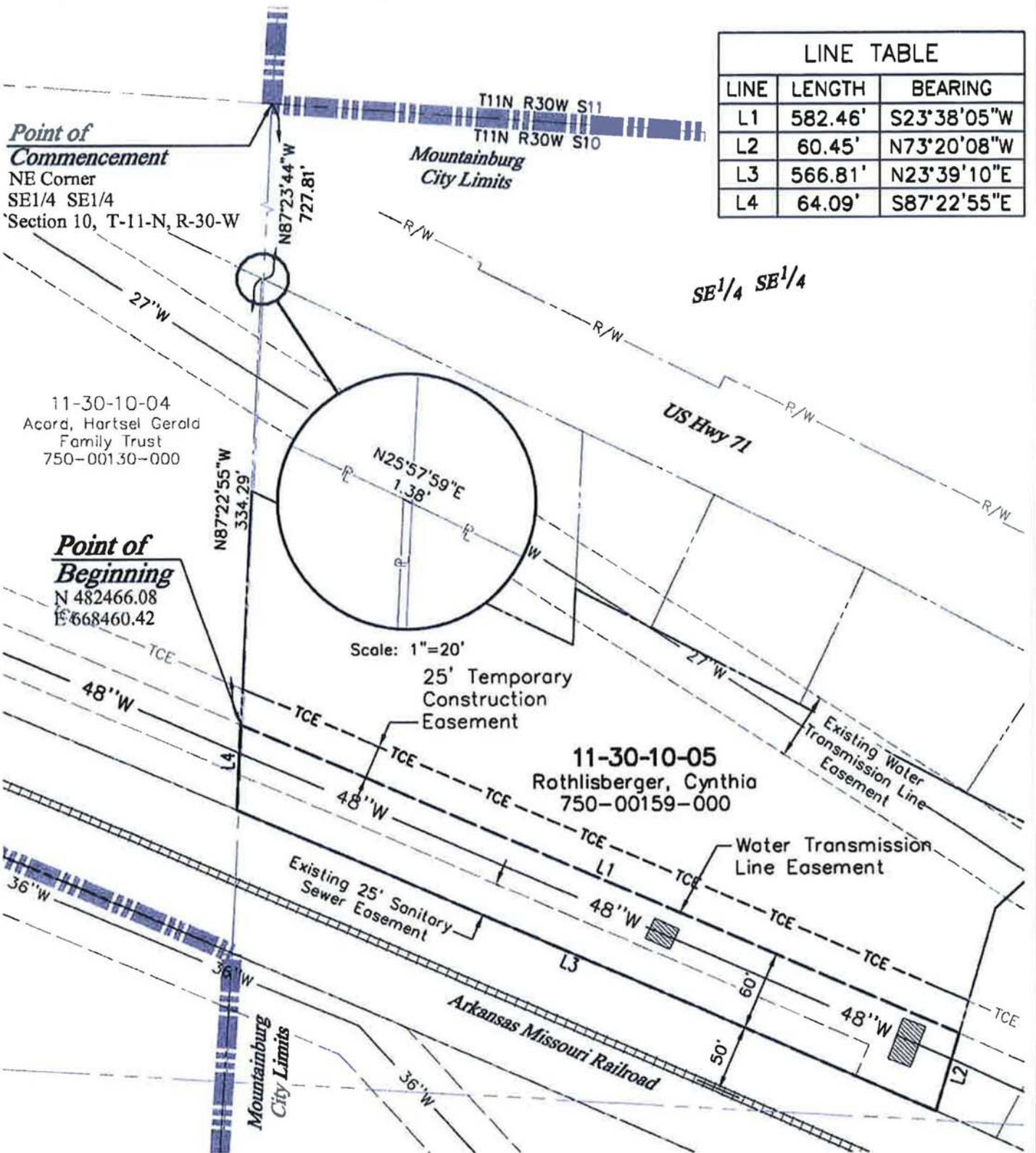
pc: Jeff Dingman

MICKLE-WAGNER-COLEMAN, INC.
Engineers Consultants Surveyors

3434 Country Club Avenue
 P.O. Box 1507
 Fort Smith, Arkansas 72902



LINE TABLE		
LINE	LENGTH	BEARING
L1	582.46'	S23°38'05"W
L2	60.45'	N73°20'08"W
L3	566.81'	N23°39'10"E
L4	64.09'	S87°22'55"E



TRACT 11-30-10-05

Scale 1"=100'



LAKE FORT SMITH WATER TRANSMISSION LINE - EASEMENTS

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND AUTHORIZATION NUMBER ONE WITH CDM SMITH, INC., FOR PROVIDING ENGINEERING SERVICES FOR THE MASSARD WASTEWATER TREATMENT PLANT ODOR CONTROL IMPROVEMENTS

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

SECTION 1: An Agreement with CDM Smith, Inc., for providing engineering services associated with the Massard Wastewater Treatment Plant Odor Control Improvements, is hereby approved.

SECTION 2: Authorization Number One to the Agreement providing study phase services, said services identified as Project Number 13-02-ED1, is hereby approved.

SECTION 3: The Mayor is hereby authorized to execute an Agreement for professional engineering services and Authorization Number One for an amount of \$78,864.00.

This Resolution adopted this _____ day of December 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



_____ npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: December 11, 2012

FROM: Steve Parke, Director of Utilities

SUBJECT: Massard Wastewater Treatment Plant Odor Control Improvements
Project Number 13-02-ED1

Odors originating from the Massard wastewater treatment plant during the warmer seasons have become a problem for surrounding neighborhood areas. In order to design an effective solution it is necessary to collect data to characterize and quantify all plant odor sources and to identify any operational changes and/or additional treatment options available for control of these odor sources. CDM Smith has been requested to provide engineering services to prepare a report summarizing recommended actions and providing capital, operational and life cycle costs. It is anticipated that the study phase will be completed within nine months of authorization. A subsequent authorization for the design of any improvements identified will be presented to the Board at a later date.

I have attached a Resolution authorizing the Mayor to execute an Agreement and Authorization Number One with CDM Smith, Inc., for providing engineering services associated with an odor control improvements project for the Massard Wastewater Treatment Plant. Authorization Number One covers the study phase of the project and will not exceed \$78,864.00 without subsequent Board authorization. Funds for the study phase of the project are available from the 2008 Revenue Bonds.

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

attachment

pc: Jeff Dingman

RESOLUTION NO. _____

6 I

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE WITH
AXIOO CONSTRUCTION, INC., FOR THE ZERO STREET PUMP STATION
WET WEATHER IMPROVEMENTS - SITE REMEDIATION

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

Change Order Number One to the contract with Axioo Construction, Inc., for the Zero
Street Pump Station Wet Weather Improvements - Site Remediation, Project Number 09-17-C1,
for \$168,065.97 and adjusting the contract amount to \$803,473.97, is hereby approved.

This Resolution adopted this ____ day of December 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: December 12, 2012

FROM: Steve Parke, Director of Utilities

SUBJECT: Zero Street Pump Station Wet Weather Improvements
Site Remediation - Project Number 09-17-C1

The Zero Street Pump Station Wet Weather Improvements - Site Remediation, project number 09-17-C1, is to remediate the old zinc smelter site at 5100 Jenny Lind Road. The work is to remove the slag and ash deposits left by the former smelter operation so that the 14.6 acre site may be returned to a productive use for the upcoming construction of a wet weather pump station and equalization storage improvements along with other possible future recreation uses. The site is registered under the Arkansas Brownsfield Program with the Arkansas Department of Environmental Quality (ADEQ). In order to obtain liability protection and immunity from potential future actions related to the earlier site contamination, all of the slag and ash from the smelter operation had to be removed and disposed of in a proper landfill. An exhibit showing the first contract site remediation area and second contract improvements is attached.

Two separate, comprehensive environmental assessments had been conducted which attempted to quantify the area limits and depth of the slag and ash deposits and were used to develop the site remediation contract. The first assessment was performed in 1997 by a private party to determine if the property was suitable for their planned commercial redevelopment. The second assessment was contracted by ADEQ for the city's Brownsfield program application. Using the soils borings from those two comprehensive assessment reports, the volume of the slag and ash deposits were estimated at 45,360 tons.

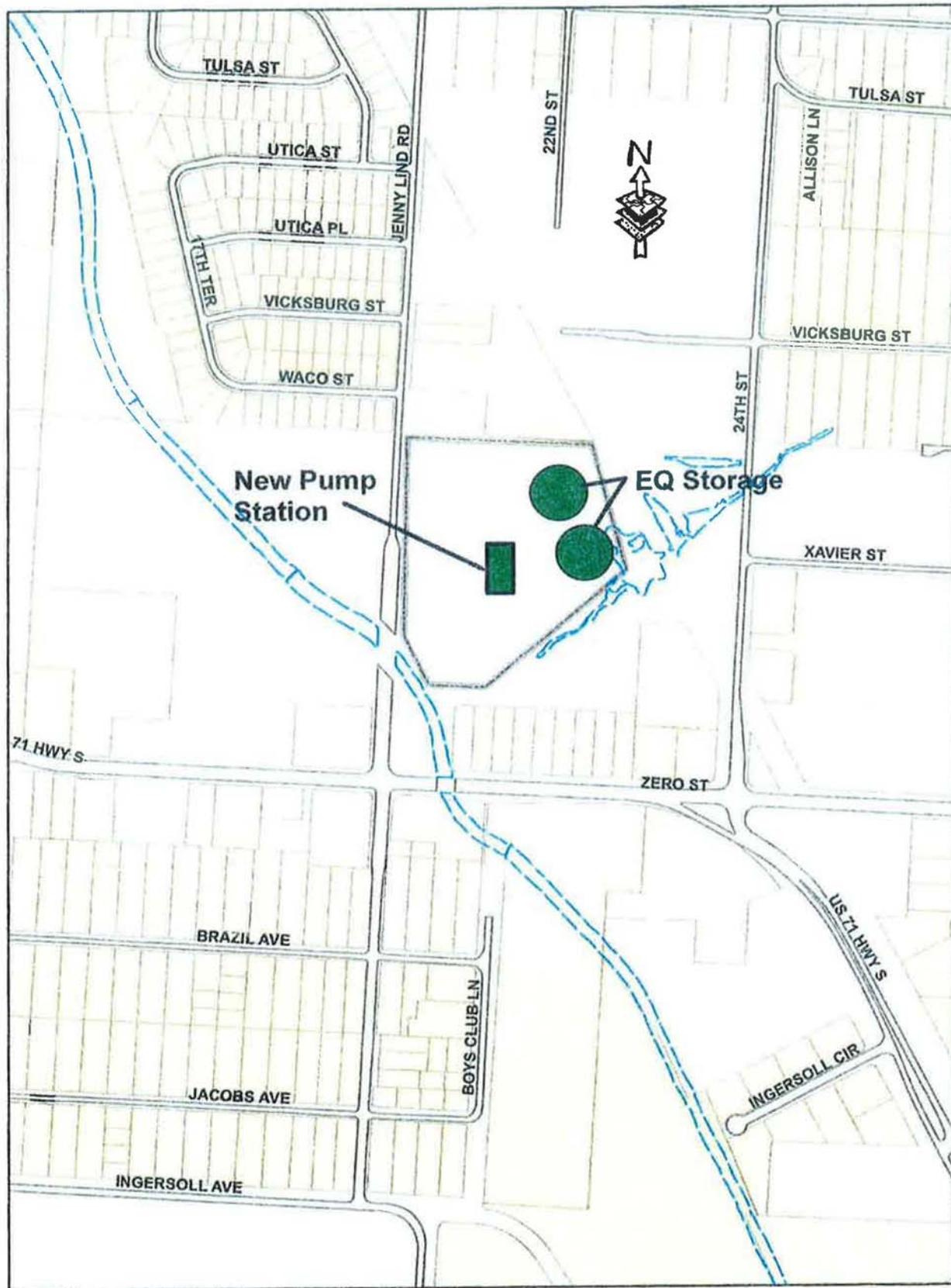
The site remediation project to remove the contaminated material and establish the initial site grading was awarded to Axioo Construction in the amount of \$635,408.00. Their bid identified the cost to haul the estimated 45,360 tons of contaminated material to the landfill at \$5.30 per ton, or \$240,408.00. The actual slag and ash deposits were more extensive than identified by the two assessment reports. The required removal is now complete and produced 77,070.56 tons of material to be disposed of in the landfill. This increased the hauling costs by \$168,065.97 and adjusted the contract amount to \$803,473.97.

Funding for the project and required change order is available from the 2012 sales tax and use tax bonds issued for continuation of wet weather sewer improvements. A Resolution authorizing Change Order Number One with Axioo Construction in the amount of \$168,065.97 will be presented for the Board's consideration at the upcoming meeting.

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

attachment

pc: Jeff Dingman



**Zero Street Pump Station Wet Weather Improvements
Site Remediation
Project No. 09-17-C1**



MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: December 13, 2012

SUBJECT: A & P Commission

The term of Debra Presson of the A & P Commission will expire December 31, 2012. The A & P Commission unanimously reappointed Ms. Presson to the A & P Commission for another term.

Appointments are **by the A & P Commission confirmed by the Board of Directors.** One appointment is needed; the term will expire December 31, 2016.

ADVERTISING & PROMOTION COMMISSION

The Advertising and Promotion Commission is authorized to administer and oversee funds received from the three percent Fort Smith lodging tax and is comprised of seven (7) members as follows according to Ark. Code Ann 26-75-605:

Four members of the commission shall be owners or managers of businesses in the tourism industry and shall reside in either Fort Smith or within Sebastian County. At least three (3) of these four (4) members shall be owners or managers of hotels, motels or restaurants and all of them shall staggered terms of four (4) years. Two (2) members of the commission shall be members of the governing body of the City of Fort Smith and selected by the governing body and shall serve at the will of the governing body. One (1) member of the Commission shall be from the public at large who shall reside within Fort Smith or Sebastian County and shall serve for a term of four (4) years. Any vacancy in the four (4) tourism industry positions or the one (1) at large position shall be filled by appointment made by the remaining members of the commission, with the approval of the **Fort Smith Board of Directors**. Meetings are monthly as called and are held at the Fort Smith Visitor Center, 2 North B Street, unless otherwise stated in meeting announcements.

	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Debra Presson Golden Corral 2422 South N Street 484-1040 debo-goldencorral@sbcglobal.net	09/15/09	12/31/12
Nora Bowman General Manager, Courtyard By Marriott 900 Rogers Avenue (01) 841-9358 nora.bowman@jqh.com	12/20/11	12/31/13
Tom J. Caldarera, Jr. Taliano's Italian Restaurant 211 North 14 Street (01) 785-2292 (w) www.linguinet@aol.com	8/15/95	12/31/14

Ronnie Townsend Manager, MovieLounge 7601 Rogers Ave. (03) (479) 226-3595 (w)	06/19/12	12/31/14
Don Hutchings, City Director 1300 Clover Lane (08) 782-9121 (w)	10/19/10	Indefinite
Mayor Sandy Sanders 1800 Queensbury Way (03) 784-2437 (w)	01/04/11	Indefinite
Robert McCaslin G. M. Candlewood Suites 7501 Madison Avenue (04) 424-3800 (w) Remccaslin.cws@gmail.com	02/03/09	12/31/15

Minutes
Fort Smith A & P Commission Meeting
November 27, 2012

The November 27, 2012, A & P Commission meeting was called to order by Mayor Sandy Sanders. Commissioners present: Tom Calderera, Robert McCaslin, Don Hutchings, Nora Bowman, and Debra Presson. Commissioners absent: Ronnie Townsend.

A & P Staff Present: Claude Legris, Carolyn Joyce, Debra Cossey, Sherry Scorby and Kellie Gutierrez. Absent: None.

Fort Smith Convention Center Staff Present: Tim Seeberg, Pat Geels and Jeremy Richey. Absent: Karin Hobbs.

Don Hutchings made a motion to accept the minutes of the October 18, 2012, Budget Study Session and the October 23, 2012 Commission Meeting with a second from Nora Bowman. The Commission passed the motion unanimously.

Financial Report

- The monthly revenue for September, 2012, was \$63,914.00 with an increase of \$3,283.00 compared to the same month in 2011. The total was under monthly budget by \$1,995.00 at 97%. The YTD revenue for September, 2012, was \$577,124.00 over budget by \$34,318.00 at 102.3%.
- The monthly expense for September, 2012, was \$86,811.00 over budget by \$32,799.00 at 160%. YTD expenses through September, 2012, were \$556,568.00, under budget by \$31,929.00 at 94.5%.
- The A & P Fund Balance as of September 30, 2012, is \$111,128.00. Variance item for September, 2012, was the transfer for three CCJW events budgeted in August, made in September.
- Convention Center monthly revenue for October, 2012, was \$47,303.00 a decrease of \$2,361.00, compared to same month in 2011 or 4.7%. YTD revenue for October, 2012 was \$517,494.00 an increase of \$142,726.00 over the same 2011 period, or 38.1%. This is \$107,000.00 ahead of last years YTD total.
- Convention Center monthly expenses for October, 2012, were \$100,526.00 which is an increase of \$28,408.00, or 39.4%. YTD expenses through October, 2012 were \$1,062,082.00 which is over budget by \$75,374.00 at 76.5%.
- Convention Center Fund balance through October, 2012, is \$436,045.00.

Don Hutchings made a motion to accept the financial report with a second from Tom Calderera. The Commission passed the motion unanimously.

Director's Report

Claude Legris reported on the following:

Meetings /Conventions

- Entered 3rd quarter events to Event Impact Calculator in order to determine financial impact through three quarters of "non local" events for Convention Center.
- Reviewed status of FSCC internal audit findings with staff.
- Took part in planning meetings and various forms of publicity for Clint Hill lecture in conjunction with Christmas Honors, and Christmas Honors reservation alterations and logistics.

Destination Development

- Took receipt of new "Downtown Historic Plaque" program brochures and distributed to various attractions, plus submitted and received approval from State Parks & Tourism to feature the brochures at I-40 Welcome Center. The brochures were supplied by Richard Griffin.
- Attended annual meeting of Arkansas Association of Convention & Visitors Bureaus (AACVB) and was elected Treasurer of the organization of which he is a charter member.

- Presented a program at AACVB regarding A & P's communication with legislators for lobbying efforts.
- Appeared on the KFSM "City Wire" show regarding Christmas Honors and FSCC 3rd quarter performance.

Administration

- Submitted various nominations for Henry Awards to AR Department of Parks and Tourism for consideration of recognition at the 2013 AR Governor's Conference on Tourism.

Tim Seeberg reported on the following

Sales & Marketing

- Assisted Karin Hobbs and Jeremy Richey interviewing marketing/graphic design internship candidates from UAFA. Once hired, the intern will help us maintain social media presence, assist in developing marketing materials, process website information updates and update our exterior marquee signs and interior event listing monitors.
- Developed a one page customer survey to send our clients following events. Feedback collected on the surveys will help us determine how well we are meeting client expectations. Eventually we plan to send most surveys out electronically which will make the process more cost effective and will likely raise participation rates.
- Met with Director Philip Merry, Todd McCorkle, Claude Legris, and Convention Center staff to finalize logistics plans for the upcoming Clint Hill/Lisa McCubbin speaking event and national Cemetery Christmas honors Wreaths event in early December.

Operations/Administration

- Established new Convention Center bank account to be used to pay alcohol vendors and help us settle show events with promoters.

Carolyn Joyce reported on the following:

Activity Report

- Total YTD inquiries through October, 2012, were 5,797 up by about 200 compared to 5,512 in 2011. The majority of inquiries were from Travel 50 & Beyond at 239 and the National Spring Insert at 189.
- WAMF YTD responses through October, 2012, were almost the same at 5,654 compared to 5,663 through October, 2011.
- Miss Laura's visitors for October, 2012, were 1,478 down 250 compared to October, 2011.
- Video Globtrotters October YTD was up at 49,948 compared to 45,483 in October, 2011.
- National Historic Site visitors for October, 2012, was about the same as October, 2011. The YTD total was up in 2012, compared to 2011.
- Packets and brochures provided to groups totaled 2,805 for the month of October, 2012.

Visitor Center & Leisure Travel

- Ordered new signs at Miss Laura's and they have been installed.
- Scheduled repairs on perimeter lights at Miss Laura's – Lights will be on each evening until midnight through December.
- Finalized arrangements for Christmas Luncheon/Awards Ceremony for the Starrs of Miss Laura's to be held December 12, 2012, at 12:00 Noon at Courtyard by Marriott. Commissioners are invited to attend.
- Calculated all hours for the Starrs and ordered awards.
- Submitted information on Christmas lighting displays in Fort Smith to Arkansas Parks & Tourism for inclusion in Arkansas Holiday of Lights brochure.
- Article posted on www.stripedpot.com, written by Fran Severn, Travel Writer we hosted earlier this year.
- Assisted with editing article written by Diana Meyer, Travel Writer, we hosted last month. Article will be in AAA Southern Traveler, January/February issue.
- Attended the Dallas Progressive International Motorcycle Show – Worked in the Arkansas Parks & Tourism

booth, promoted our area and handed out our brochure. Approximately 20,000 in attendance.

Group Travel

- Did photo shoot for Cranford Johnson Robinson Woods for both photos and video to be used in advertising by Group Travel Department of Arkansas Parks and Tourism.
- Researched tour companies and their profiles in preparation of requesting appointments for American Bus Association's annual convention to be held in January, 2013.
- Assisted with planning 7 itineraries including Cherokee Friends from Park Hill, OK, which is a Christmas LightTour.

Sherry Scorby reported on the following:

Convention / Event Sales and Marketing Report

- Attended Rejuvenate Marketplace. Completed 26 appointments with meeting planners in Columbus, OH. Began the process of follow up contacts with each person I met with. Created 27 letters and extensive follow up emails.
- Began to develop a parking map for the CCJW parking needs in November as the Fort Smith Convention Center is housing multiple events. Worked with Kellie and Wayne Hyman with the Christian Congregation of Jehovah's Witnesses to create Parking Maps and Passes in Spanish for their November circuit conventions.

Marketing Decisions

- Arkansas Sheriff's Association will be here June 18-21, 2013.
- Christian Congregation of Jehovah's Witnesses will be here July 4-7 & July 11-14, 2013.

Marketing Activity

- The YTD total through November, 2012 is up over 4,000 more than last year's final YTD number.

Jeremy Richey reported for Karin Hobbs (sick leave) on the following for the Convention Center:

Convention/Association Business

- Met with Arkansas Sheriff's Association, along with an area hotelier & representative of the Fort Smith CVB.
- Proposal completed for the 12th Episcopal District AME Church Youth Conference in July, 2013.

SMERF/Local Business (Social, Military, Educational, Religious, Fraternal)

- Met with representatives with Christmas Honors & Fort Smith Convention Center staff regarding the Clint Hill/Lisa McCubbin Lecture for December, 2012.

Entertainment/Performances

- Proposal completed for Toys for Tots Benefit in December, 2012.

Additional Activity

- Meetings with media regarding the upcoming New Year's Eve Family event planning & press release dates.

Pat Geels reported on the following:

Convention Center Operations

October, 2011

- 27 events with 29 event days

October, 2012

- 32 events with 50 event days

Scheduled Maintenance

- Continued restriping parking lot.
- Continued repainting walls in prefunction areas and started painting in meeting rooms.
- Repaired sheetrock in restrooms, theatre & annex. Fixed heavily damaged areas as well as nicks and scratches.
- Started erecting Christmas Trees in lobby areas and repairing damaged light strings.
- Completed annual maintenance on main Chillers.

Unscheduled Maintenance

- Replaced burned out bulbs in theatre orchestra ceiling.
- Replaced brushes and squeegees on exhibition hall floor scrubber.
- Repaired can light assembly in hall B ceiling fixture.

Kellie Gutierrez reported on the following:

Publicity, Promotion & Marketing

- Designed and placed ads for Entertainment Fort Smith Magazine, Group Tour Magazine, Arkansas Hospitality Association Magazine and True West Magazine.
- Completed design and map for the Convention & Visitors Bureau's Historic Downtown Plaques brochure. Sent out RFQ's to print and evaluated three bids received. Uploaded finished artwork to printer.
- Revised parking map and pass for the Christian Congregation of Jehovah's Witnesses. Worked with Wayne Hyman to create the parking pass and map in Spanish for upcoming conventions.

Continuing Education, Regional Support & Networking Events

- Attended the Western Arkansas Mountain Frontier luncheon in Van Buren.
- Monitored the Christian Congregation of Jehovah Witness (CCJW) convention on the weekend of Nov. 16th-18th.
- Attended the October Public Relations Society of America chapter meeting at the World Trade Center in Bentonville.

Social Networking

- Fans on Facebook, Twitter, and Pinterest continue to climb up.

Website Statistics

- Total web hits up 30%, Unique Visitors up 28%, Total Page views up 31%.

Tom Calderera made a motion to accept the Director's Report with a second from Debra Presson. The Commission passed the motion unanimously.

New Business

5A. 2013 Convention Center Budget

Discussed the Convention Center budget for 2013.

Old Business

6A. Establishment of Convention Center Checking Account

Tim Seeburg updated commission on where the checking account stands.

Community Comment

None

Executive Session

Debra Presson made a motion to go into Executive Session at 4:10 with a second from Tom Calderera. The Commission passed the motion unanimously and returned at 4:18. Tom Calderera made a motion to reappoint Debra Presson to another term on Board of Commissioners with a second from Robert McCaslin. The commission passed the motion unanimously.

Robert McCaslin made a motion with a second from Nora Bowman to adjourn at 4:50pm. The Commission passed the motion unanimously.

The next Commission Meeting will be January 22, 2013, at 4:00pm.

Respectfully Submitted

Debra I. Cossey



MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: December 11, 2012

SUBJECT: Library Board of Trustees

The terms of Robert Kelly, Tracy Long, and Chris Benjamin of the Library Board of Trustees will expire December 31, 2012. Mr. Kelly wishes to be reappointed at this time. Mr. Benjamin does not want to be reappointed and Ms. Long lives outside of the city limits in Sebastian County.

The applicants available at this time are:

Ben Carroll	3105 South 105 Street
Coby W. Logan	P.O. Box 10475
Chris Durkin	1240 North Albert Pk #A
Anita Paddock	2606 Dyllan Ct.
Cathy Williams	3201 South O Street

Appointments are **by the Mayor**. Three appointment are needed; the terms will expire December 31, 2017.

LIBRARY BOARD OF TRUSTEES

The Library Board of Trustees is responsible for the management and control of the Fort Smith Public Library.

The Trustees are citizens of Fort Smith appointed by the Mayor, with the approval of the Board of Directors, for five-year terms. Beginning January 1, 1998 regardless of the term length, no person, whether a current trustee or being considered for appointment as a trustee, who has served two (2) or more consecutive terms shall be eligible for appointment or reappointment to serve until at least one (1) year shall have passed since they last served on the board.

The Library Board meets at 4:30 p.m. on the third Tuesday of each month at the Library.

	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Robert D. Kelly Attorney 9904 Glen Flora Circle (08) 648-6755 (h) 782-8813 (w) rkelly@prbsklaw.com	12/18/07	12/31/12
Tracy Long Vice President Investor Relations, Baldor 12500 Moonlight Dr. (16) 462-7264 (h) 648-5769 (w) tlong@baldor.com	12/18/07	12/31/12
Chris Benjamin Minister 2922 Ionia Street (01) 414-1643 (h) 452-1240 (w) email@chrisbenjamin.com	12/18/07	12/31/12

Brian DeLung
Wealth Management Advisor
7800 Westminister (03)
452-4573 (h)
441-2132 (w)
bdelung@arvest.com

12/16/03

12/31/13

Kevin S. Lacewell
Trust Officer
7717 South 24 Street (08)
649-9387 (h)
785-4331 (w)
kevin.lacewell@Simmonsfirst.com

11/18/08

12/31/13

Bettye J. Baker
Retired
3304 North 48 Street (04)
783-1903 (h)
tcb30@cox.net

03/18/08

12/31/15

Ben Shipley
Attorney
3216 Cliff Drive (03)
646-7853 (h)
783-8200 (w)
bshipley@cgwg.com

12/21/10

12/31/15

Jennifer Goodson, Library Director
1212 North 52 Street (04)
783-0229 (w)
jgoodson@fortsmithlibrary.org

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Name: Robert Kelly Date: 12/7/2012
 Home Telephone: 479-242-1190
 Home Address: 9904 Glenview Cir. Work Telephone: 479-242-1190
 Zip: 72908 Email: robert@robertkellylawfirm.com
 Occupation: Attorney
 (If retired, please indicate former occupation or profession)
 Education: Jun's Doctrate
 Professional and/or Community Activities: Fort Smith Public Library Board of Trustees; President - Fort Smith Appraisal Team - Chamber of Commerce
 Additional Pertinent Information/References: _____

Are you a registered voter in the City of Fort Smith? Yes No _____
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
 Yes _____ NO
 If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License _____ Date _____
 information will be use to conduct a criminal back ground check of all e _____

I am interested in serving on the (please check):

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input checked="" type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Housing Assistance Board | |
| <input type="checkbox"/> Housing Authority | |

Library

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 3/20/12
Name: Ben Carroll Home Telephone: (479) 462-2575
Home Address: 3105 S 105th St Work Telephone: (479) 471-6536
Zip: 72903 Email: bcarroll34@yahoo.com
Occupation: Human Resources Manager, USA Truck, Inc.
(If retired, please indicate former occupation or profession)

Education: MBA - University of Arkansas at Fayetteville; BBA University of Central Arkansas

Professional and/or Community Activities: Memberships: Western Arkansas Human Resource Association; Society of Human Resource Management; First Baptist Church Fort Smith - Personnel Committee

Additional Pertinent Information/References: Professional in Human Resources (PHR) certification

References: Burton Weis - VP Human Resources, USA Truck

Are you a registered voter in the City of Fort Smith? Yes No
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License Information: [Redacted] Date of Expiration: [Redacted]
check of all applicable information: [Redacted]

I am interested in serving on the (please check):

- Audit Committee
- Advertising & Promoting Commission
- Airport Commission
- Arkansas Fair & Exhibition Facilities Bd
- Benevolent Fund Board
- Bldg. Bd. Of Adjustment and Appeals
- Central Business Improvement District
- Convention Center Commission
- Civil Service Commission
- Community Development Advisory Com.
- County Equalization Board
- Electric Code Board of Appeals & Appeals
- Fire Code Board of Appeals & Adjustments
- Historic District Commission
- Housing Assistance Board
- Housing Authority
- Library Bd of Trustees
- Mechanical Bd of Adjustments and Appeals
- Oak Cemetery Commission
- Outside Agency Review Panel
- Parking Authority
- Parks & Recreation Commission
- Planning Commission
- Plumbing Advisory Board
- Port Authority
- Property Owners Appeals Board
- Sebastian County Reg. Solid Waste Mgmt. Bd.
- Sister Cities Committee
- Transit Advisory Commission
- Residential Housing Facilities Board

Library Bd.

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 4/4/12

Name: Coby W. Logan

Home Telephone:

Home Address: PO Box 10475

Work Telephone: (479) 782-8813

Zip: 72917

Email: clogan@rbsclaw.com

Occupation: Attorney
(If retired, please indicate former occupation or profession)

Education: Univ. of Ark. School of Law, Fayetteville

Professional and/or Community Activities:

Additional Pertinent Information/References:

Are you a registered voter in the City of Fort Smith? Yes X No
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?

Yes NO X

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from

consider

Drivers
informati

[Redacted signature and date of birth area]

I am interested in serving on the (please check):

- (X) Audit Committee
() Advertising & Promoting Commission
(X) Airport Commission
() Arkansas Fair & Exhibition Facilities Bd
() Benevolent Fund Board
() Bldg. Bd. Of Adjustment and Appeals
(X) Central Business Improvement District
() Convention Center Commission
(X) Civil Service Commission
() Community Development Advisory Com.
() County Equalization Board
() Electric Code Board of Appeals & Appeals
() Fire Code Board of Appeals & Adjustments
() Historic District Commission
() Housing Assistance Board
() Housing Authority

- (X) Library Bd of Trustees
() Mechanical Bd of Adjustments and Appeals
() Oak Cemetery Commission
() Outside Agency Review Panel
() Parking Authority
() Parks & Recreation Commission
() Planning Commission
() Plumbing Advisory Board
(X) Port Authority
() Property Owners Appeals Board
(X) Sebastian County Reg. Solid Waste Mgmt. Bd.
() Sister Cities Committee
() Transit Advisory Commission
() Residential Housing Facilities Board

Library Bd

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 10/27/2012

Name: Chris Durkin Home Telephone: (479) 420-6129

Home Address: 1240 No. Albert Pike Apt A Work Telephone: (479) 441-3536

Zip: 72904 Email: _____

Occupation: Environmental Services
(If retired, please indicate former occupation or profession)

Education: High School Education - Northside High '07

Professional and/or Community Activities: band "EARSHOT"

Additional Pertinent Information/References: Mack Simons, Clifford Allan. (479) 441-3536 or 441-3537

Are you a registered voter in the City of Fort Smith? Yes No
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense? Yes NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from

Drivers License XXXXXXXXXX back ground check of all XXXXXXXXXX information

I am interested in serving on the (please check):

- Audit Committee
- Advertising & Promoting Commission
- Airport Commission
- Animal Services Advisory Board
- Arkansas Fair & Exhibition Facilities Bd
- Benevolent Fund Board
- Bldg. Bd. Of Adjustment and Appeals
- Central Business Improvement District
- Convention Center Commission
- Civil Service Commission
- Community Development Advisory Com.
- County Equalization Board
- Electric Code Board of Appeals & Appeals
- Fire Code Board of Appeals & Adjustments
- Historic District Commission
- Housing Assistance Board
- Housing Authority
- Library Bd of Trustees
- Mechanical Bd of Adjustments and Appeals
- Oak Cemetery Commission
- Outside Agency Review Panel
- Parking Authority
- Parks & Recreation Commission
- Planning Commission
- Plumbing Advisory Board
- Port Authority
- Property Owners Appeals Board
- Sebastian County Reg. Solid Waste Mgmt. Bd.
- Sister Cities Committee
- Transit Advisory Commission
- Residential Housing Facilities Board

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: Oct 22, 2012
 Name: ANITA Paddock Home Telephone: 649-7367
 Home Address: 2606 Dyllan Ct. Work Telephone: _____
 Zip: 72908 Email: apaddock12@cox.net
 Occupation: retired as manager of Miller Branch Library
 (If retired, please indicate former occupation or profession)
 Education: BA U of A taught American History
 Professional and/or Community Activities: Volunteer Creative Writing at Libraries, Board member Fort Smith Museum of History
 Additional Pertinent Information/References: writer for Urban magazine, member First Methodist Church

Are you a registered voter in the City of Fort Smith? Yes No
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
 Yes NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [Signature] Date of Birth [Signature]
 information will be [redacted] back ground check of all applica [redacted]

I am interested in serving on the (please check):

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input checked="" type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Housing Assistance Board | |
| <input type="checkbox"/> Housing Authority | |

CITY OF FORT SMITH Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 12-11-12

Name: Cathy Williams Home Telephone: 785-2686

Home Address: 3201 So Ost #5 ^{CELL} Work Telephone: 420-4439

Zip: 72903 Email: CATWILL@COX.NET

Occupation: EDUCATION - FORT SMITH PUBLIC SCHOOLS, RET.
(If retired, please indicate former occupation or profession)

Education: MSE +

Professional and/or Community Activities: BOARD MEMBER & GIRLS INC.,
CLEARING HOUSE, FSPS FOUNDATION, MERCY ADVISORS

Additional Pertinent Information/References: RESIDENT, 28 YEARS; 2
GROWN DAUGHTERS, EXCHANGE & ZONTA CLUBS

Are you a registered voter in the City of Fort Smith? Yes No

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [REDACTED] Date of Birth [REDACTED]
information will be [REDACTED] background check of all applicants).

I am interested in serving on the (please check):

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input checked="" type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Housing Assistance Board | |
| <input type="checkbox"/> Housing Authority | |



MEMORANDUM

TO: Mayor and Board of Directors
FROM: Wendy Beshears, Administrative Assistant
DATE: December 12, 2012
SUBJECT: Planning Commission

Mr. Mike Lorenz of the Planning Commission will be resigning his term in December, 2012. This position will need to be filled, the term will expire April 30, 2014.

The applicants available at this time are:

Robert P. Cooper, Jr.	4800 Chestnut Way
John Huffman	8301 Clover Drive

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

PLANNING COMMISSION

The purpose of the Planning Commission is to prepare a development plan for the City, to receive and make recommendations on public and private proposals for the development and to prepare and administer planning regulations. The Planning Commission is authorized to prepare and adopt a land use plan, a community facilities plan, a master street plan, and such other plans affecting the general welfare of the City.

The Planning Commission, acting as Board of Zoning Adjustment, hears appeals from the decision of the administrative officers regarding enforcement and application of the zoning ordinances and hears requests for variances from the provisions of the zoning ordinance.

The Planning Commission consists of nine members, appointed by the Board of Directors for a three-year term. Members of the Planning Commission must be owners of or tenants in real property in the City of Fort Smith and be qualified electors of the City. The Planning Commission meets the second Tuesday of each month at 5:30 p.m. in the Rose Room of the Creekmore Community Center.

	<u>DATE APPOINT</u>	<u>TERM EXPIRES</u>
Steve Griffin Arvest Bank P.O. Box 11110 (17) 709-8811 sgriffin@arvest.com	12/16/03	04/30/13
S. Walton Maurras 2801 Charlotte Ln (01) 646-1073 (h) wmaurras@mac.com	03/16/10	04/30/13
Marshall L. Sharpe 2912 South 34 Street (03) 649-7459 (h) 494-6305 (w) Msharpe@okfoods.com	08/17/10	04/30/13
Mike J. Lorenz CEO JML Promotions 4100 Cherokee Circle (03) 648-1696 (h) 651-7001 (w) Mike@rfgp.com	11/18/08	04/30/14

<p>Vicki Newton 2725 Reeder Street (01) 709-9946 (h) 782-4001 (213) Salthefan@gmail.com</p>	03/15/11	04/30/14
<p>Thomas E. Howard Jr. 3121 Jackson (03) 648-9226 (h) 452-2636 (w) r.howard@risley-associates.com</p>	03/15/11	04/30/14
<p>Jennifer Parks Insurance Agent 3412 Coventry Ln (08) 649-8036 (h) 651-6503 (c) jenniferparksfsm@yahoo.com</p>	04/18/06	04/30/15
<p>Richard Spearman 10716 Hunters Point Road (03) 785-6204 (w) 452-0029 (h) rspearman@arkbest.com</p>	06/19/12	04/30/15
<p>Brandon Cox 7305 Ellsworth Road (03) 649-8142 (h) 478-7864 (w) bcox@propak.com</p>	03/20/12	04/30/15

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

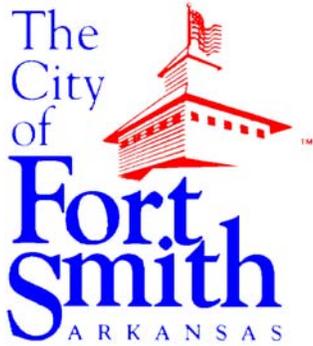
Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 2-17-12
Name: JOHN HUFEMAN
Home Telephone: 479-646-4271
Home Address: 8301 CLOVER DRIVE
Work Telephone:
Zip: 72908
Email: JACKETHELHUR@SBCGLODAG.NET
Occupation: RETIRED - INDUSTRIAL ENGINEER
Education: BS AUBURN UNIVERSITY
Professional and/or Community Activities: SERVED AS DISASTER CHAIRMAN FOR RED CROSS, SERVED ON SEBASTIAN DISASTER TEAM
Additional Pertinent Information/References:

Are you a registered voter in the City of Fort Smith? Yes [X] No
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense? Yes NO [X]
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.
Drivers License information will [redacted] Date of Birth [redacted]
[redacted] back ground check of all applicants

I am interested in serving on the (please check):

- () Audit Committee
() Advertising & Promoting Commission
(x) Airport Commission
() Animal Services Advisory Board
() Arkansas Fair & Exhibition Facilities Bd
() Benevolent Fund Board
() Bldg. Bd. Of Adjustment and Appeals
() Central Business Improvement District
() Convention Center Commission
() Civil Service Commission
(x) Community Development Advisory Com.
() County Equalization Board
() Electric Code Board of Appeals & Appeals
() Fire Code Board of Appeals & Adjustments
(x) Historic District Commission
() Housing Assistance Board
(x) Housing Authority
() Library Bd of Trustees
() Mechanical Bd of Adjustments and Appeals
() Oak Cemetery Commission
() Outside Agency Review Panel
() Parking Authority
(x) Parks & Recreation Commission
(x) Planning Commission
() Plumbing Advisory Board
() Port Authority
() Property Owners Appeals Board
() Sebastian County Reg. Solid Waste Mgmt. Bd.
() Sister Cities Committee
() Transit Advisory Commission



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
Regular Meeting
December 18, 2012 ~ 6:00 P.M.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

5:30 p.m. - Reception for out-going elected officials

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 6

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

All present

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING

(Section 2-37 of Ordinance No. 24-10)

Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

APPROVE MINUTES OF THE DECEMBER 4, 2012 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Presentation:
 - Recognition to outgoing elected officials
Presentation only
2. Ordinance rezoning identified property and amending the zoning map *(from Industrial Light (I-1) to Residential Single-Family Duplex High Density (RSD-4) by classification located at 2910-3026 North 6th Street and 2718-2722 North 27th Street) ~ Tabled at the December 4, 2012 regular meeting ~*

Approved 7 favor, 0 opposed as revised (2910-3026 North 6th Street to 2910-3020 North 6th Street) / Ordinance No. 97-12

3. Ordinance directing a study of regulations of outdoor advertising signs in the city of Fort Smith and its extraterritorial jurisdiction and declaring a moratorium on the receipt and consideration of application for new or modified outdoor advertising signs

Approved 7 favor, 0 opposed / Ordinance No. 98-12

4. Ordinance certifying to the Sebastian County Tax Collector delinquent property cleanup liens

Approved 7 favor, 0 opposed as revised (removal of 3 liens which were paid and the addition of 1 lien) / Ordinance No. 99-12

5. Ordinance amending Sections 4-1 through 4-3; 4-7 through 4-8; 4-31 through 4-36; 4-38 through 4-39; 4-61 through 4-63; 4-86; 4-89 through 4-90; 4-93; 4-116 through 4-117; 4-119 through 4-120; 4-131 through 4-135; repealing Sections 4-40 and 4-41; and adding Sections 4-11; 4-64; 4-97; 4-115; 4-121 through 4-122; 4-130; 4-136 through 4-137; to the Fort Smith Municipal Code to authorize certain changes and additional regulations pertaining to domestic animals

~ Merry/Catsavis placed on agenda at the December 11, 2012 study session ~

Approved 4 favor, 3 opposed (Good, Hutchings & Settle) as amended (amend and remove certain sections) / This ordinance did not receive 5 affirmative votes for passage on its first reading; therefore, Directors Merry, Weber, Tyler and Catsavis called special meetings to accommodate the second reading on Thursday, December 21, 2012 and the third reading on Thursday, December 27, 2012

6. Consent Agenda

- A. Resolution supporting the Old Fort Homeless Coalition's Fort Smith River Valley Region's Ten-Year Plan (2012-2022) to end homelessness and authorizing the Mayor to execute statement of principles and actions

Approved 7 favor, 0 opposed / Resolution No. R-260-12

- B. Resolution authorizing the acquisition of real property interests in connection with the 2011 Drainage Improvements Project 11-06-A (\$200.00 / Engineering Department / Budgeted – Sales Tax Program Fund)

Approved 7 favor, 0 opposed / Resolution No. R-261-12

- C. Resolution authoring the Mayor to execute an agreement for professional services with Jacobs Engineering Group Inc. for the Ben Geren Park Softball Addition (\$108,700.00 / Parks Department / Budgeted – Sales Tax Program Fund)

Approved 7 favor, 0 opposed / Resolution No. R-262-12

- D. Resolution authorizing certain changes to the Fort Smith Police Department Rules and Regulations regarding officers' Rules of Conduct
Approved 7 favor, 0 opposed / Resolution No. R-263-12
- E. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Neighborhood Water System Improvements – Jack Freeze Service Area (\$69,989.83 / *Utility Department / Budgeted – 2008 Revenue Bonds*)
Approved 7 favor, 0 opposed / Resolution No. R-264-12
- F. Resolution authorizing the Mayor to execute an agreement with Shannon & Wilson, Inc. for providing engineering services associated with year 2013 post construction monitoring and inspection of the Lake Fort Smith dam and reservoir (\$73,442.00 / *Utility Department / Budgeted – 2008 Water & Sewer Capital Improvement Fund*)
Approved 7 favor, 0 opposed / Resolution No. R-265-12
- G. Resolution authorizing the City Administrator to accept an offer made by property owner for the acquisition of easements in connection with the Lake Fort Smith 48-Inch Water Transmission Line Project (\$10,750.00 / *Utility Department / Budgeted – 2008 Revenue Bonds*)
Approved 7 favor, 0 opposed / Resolution No. R-266-12
- H. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for providing engineering services for the Massard Wastewater Treatment Plant Odor Control Improvements (\$78,864.00 / *Utility Department / Budgeted – 2008 Revenue Bonds*)
Approved 7 favor, 0 opposed / Resolution No. R-267-12
- I. Resolution authorizing Change Order No. 1 with Axioo Construction, Inc. for the Zero Street Pump Station Wet Weather Improvements – Site Remediation (\$168,065.97 / *Utility Department / Budgeted – 2012 Sales Tax Bonds*)
Approved 7 favor, 0 opposed / Resolution No. R-268-12

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

EXECUTIVE SESSION

- Appointments: **A & P COMMISSION**
Debra Presson (reappointed)
Term expires December 31, 2016

LIBRARY BOARD OF TRUSTEES
Robert Kelly (reappointed)
Ben Carroll
Anita Paddock
Terms expire December 31, 2017

PLANNING COMMISSION
John Huffman
Term expires April 30, 2014
- Performance evaluation – Internal Auditor
Board approved 3% merit increase retroactive to March 1, 2012

ADJOURN

8:41 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ DECEMBER 18, 2012 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Director Don Hutchings, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, George Catsavis, Pam Weber, Kevin Settle and Phillip H. Merry, Jr. The Mayor declared a quorum present.

The Mayor inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

The minutes of the December 4, 2012 regular meeting were presented for approval. Settle, seconded by Weber, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Mayor Sanders, along with the Board, recognized out-going Directors Steve Tyler and Director Don Hutchings, and presented each with a Plaque of Appreciation for their dedicated service to the city of Fort Smith (Item No. 1).

Mayor Sanders recognized Beck Williams from Boy Scout Troop 3, who was in attendance to earn his Communication Merit Badge.

With regard to the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side, and two (2) minutes for comments only.

Item No. 2 was an ordinance rezoning identified property and amending the zoning

December 18, 2012 Regular Meeting

map (from Industrial Light (I-1) to Residential Single-Family Duplex High Density (RSD-4) by classification located at 2910-3020 North 6th Street and 2718-2722 North 27th Street). Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Kenneth Pyle & Mitch Minnick, agents for WEL, LLC and Carco Rentals. The purpose of the request is to allow for the development of a single-family and duplex residential subdivision. The Planning Commission held a public hearing on November 5, 2012 with one (1) surrounding property owner in attendance, who had no objection to the proposed project. At the time of said meeting, Mr. Daniel Manjarrez, owner of Diaz Body Shop located at 3000 North 6th Street, had not authorized the Housing Authority to purchase his property. The Planning Commission approved the rezoning request by vote of eight (8) in favor and zero (0) opposed. Subsequent to the said meeting an agreement between the Fort Smith Housing Authority and Mr. Manjarrez was reached. The agreement includes a land swap of four (4) lots within the original property boundary that will remain Industrial Light (I-1). This agreement allows Diaz Body Shop to conform with zoning regulations and continue operation. Due to such, the legal description within the proposed ordinance has been revised to reflect the changes included within the agreement. Director Weber inquired if Diaz Body Shop would be required to comply with the same design requirements for new structures whereby Mr. Bailey responded "yes."

Weber, seconded by Hutchings, moved adoption of the ordinance as revised. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the

December 18, 2012 Regular Meeting

ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 97-12.

Item No. 3 was an ordinance directing a study of regulations of outdoor advertising signs in the city of Fort Smith and its extraterritorial jurisdiction and declaring a moratorium on the receipt and consideration of application for new or modified outdoor advertising signs.

Mr. Bailey briefed the Board on the item advising staff has researched different regulations regarding outdoor advertising signs (billboards). Such was prompted due to discussion earlier in the year regarding billboards in the extraterritorial jurisdiction area. Because of several variance requests in 2012 for said signs, all which were approved by the Board of Zoning Adjustment, staff research indicated significant issues need to be addressed in the current ordinance. Such issues are the number of billboards in the city and ETJ area, permitted locations of signs near residential development, height and size of signs, and issues relative to digital billboards. The proposed ordinance directs staff to conduct a thorough study of said regulations and authorizes a four-month moratorium on any new sign applications/permits pending completion of recommended amendments.

The following individuals were present to address the Board:

- Loyd Childree
Clear Channel Outdoor
Fort Smith, AR

Re: Requested the advertising industry, as well as businesses utilizing said advertising, be advised of and included in regulation amendment discussions.

December 18, 2012 Regular Meeting

- David Harris
Fort Smith, AR

Re: Upon approval, he requested sales tax revenue be tracked after the moratorium to determine if billboard advertising is beneficial to tax revenue.

- Craig Roberts
Fort Smith, AR

Re: Spoke in opposition to the proposed ordinance advising he recently submitted applications for placement of billboards in several locations in the city. Due to such, he conveyed discontent with the matter citing the proposed moratorium will greatly affect his business, employees and advertising clients.

Director Catsavis inquired if the study could be completed and ordinance presented for consideration sooner than four (4) months.

Mr. Bailey conveyed confidence that such can be completed in three (3) months; however, the additional month is to allow adequate time for thorough review and approval by the Planning Commission before presentation of an ordinance to the Board of Directors.

Director Settle spoke in favor of the proposed ordinance, but urged the four-month moratorium not be extended. He further encouraged staff to ensure advertising businesses are involved in discussions so they may provide input regarding recommended revisions.

Director Good expressed appreciation to Clear Channel Outdoors for the services provided to their clients, as well as the city of Fort Smith.

Settle, seconded by Good, moved adoption of the ordinance. The motion included

December 18, 2012 Regular Meeting

suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Catsavis, seconded by Weber, moved adoption of Section 4 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 98-12.

Item No. 4 was an ordinance certifying to the Sebastian County Tax Collector delinquent property cleanup liens.

City Clerk Sherri Gard briefed the Board on the item advising at the November 20, 2012 regular meeting, an ordinance was presented for consideration to certify delinquent property cleanup liens to the Sebastian County Tax Collector. Mr. Brian Todd Lovell was in attendance to appeal four (4) cleanup liens included within the ordinance regarding his property at 4314 North 54th Street. Mr. Lovell did not attend the appeal hearings before the Property Owners Appeal Board (POAB) held in September; therefore, the Board of Directors removed the subject liens from the presented ordinance and referred the matter back to the Property Owners Appeal Board. The POAB held a special appeal hearing on December 12, 2012 to hear Mr. Lovell's appeal. They waived one (1) lien in its entirety and recommended the three (3) remaining liens be certified to the Sebastian County Tax Collector. The proposed ordinance was prepared to accomplish such; however, the three (3) remaining liens were paid by Mr. Lovell on December 18, 2012 so no action is necessary.

It was recently discovered, however, that one (1) lien was inadvertently omitted

December 18, 2012 Regular Meeting

from the ordinance originally presented at the November 20, 2012 regular meeting. The subject lien was included within the grand total amount of liens to be certified to the Sebastian County Tax Collector, but was inadvertently omitted from the body of the ordinance. Due to such, the proposed ordinance has been revised to remove the liens paid by Mr. Lovell and now includes the one (1) lien inadvertently omitted from the original ordinance.

Several members of the Property Owners Appeal Board were in attendance; therefore, Director Good expressed much appreciation for their service.

Hutchings, seconded by Good moved adoption of the ordinance as revised. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Weber, seconded by Tyler moved adoption of Section 2 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 99-12.

Item No. 5 was an ordinance amending Sections 4-1 through 4-3; 4-7 through 4-8; 4-31 through 4-36; 4-38 through 4-39; 4-61 through 4-63; 4-86; 4-89 through 4-90; 4-93; 4-116 through 4-117; 4-119 through 4-120; 4-131 through 4-135; repealing Sections 4-40 and 4-41; and adding Sections 4-11; 4-64; 4-97; 4-115; 4-121 through 4-122; 4-130; 4-136 through 4-137; to the Fort Smith Municipal Code to authorize certain changes and additional regulations pertaining to domestic animals.

Police Chief Kevin Lindsey briefed the Board on the item as discussed at the

December 18, 2012 Regular Meeting

December 11, 2012 study session. The proposed ordinance includes Animal Services Advisory Board (ASAB) recommendations, which include several changes to the existing code regarding aggressive/vicious animals, enclosures, running at large, kennels, redemption of animals, licensing of venomous reptiles, temporary animals, animals as prizes, animal waste, and animal identification. Some of the proposed changes will have a significant impact on the budget. Staffing issues in the Animal Control Unit could arise due to Section 4-116 requiring inspections of property and the additional days that cats must be held at the impoundment facility (Sebastian County Humane Society) creates an additional expense of approximately \$83,048.00 annually.

The following individuals were present to address the Board.

- Nichole Morgan, Chairperson
Animal Services Advisory Board
Fort Smith, AR

Re: Advised the Animal Services Advisory Board supports the proposed ordinance, but understands the financial implications of the increase in number of day's cats can be held. In order to ensure adoption of the recommendations, she conveyed no opposition to the removal of certain sections that cause concern. The ASAB is a nine (9) member board, but maintains one (1) vacant position; therefore, she urged solicitation of applications to fill the vacant position.

- Jon C Remer DVM, Member
Animal Services Advisory Board
Fort Smith, AR

Re: In order to address budgetary concerns relative to several of the ASAB recommendations, he suggested a special election be held to levy a tax to ensure funds are available to address animal control services.

December 18, 2012 Regular Meeting

Mayor Sanders conveyed much appreciation to the Animal Services Advisory Board for their hard work, as well as to Ms. Morgan for her time and devotion.

The following individuals were also present to address the Board with each speaking in opposition to Section 4-97 regarding the live auction of animals citing such is a valued fundraiser for non-profit organizations; therefore, recommended its removal or inclusion of an exception to allow for fundraising purposes:

- Jim Simmons (Fort Smith Board of Realtors)
Fort Smith, AR
- Glee Cosner
Fort Smith, AR
- Chuck Fawcett
Fort Smith, AR

Settle, seconded by Catsavis, moved to table consideration of Sections 4-36, 4-116(a)(2) and 4-97, and that said sections be removed from the ordinance and referred back to the Animal Services Advisory Board for additional review.

Prior to the vote, there was lengthy discussion regarding the sections included within the motion, as well as publication costs of the ordinance.

Director Weber requested Ms. Morgan provide a brief explanation why the ASAB included Section 4-97 (animals as prizes / live auction) and also requested Ms. Joanne Barton, Executive Director of the Sebastian County Humane Society, address the Board regarding Section 4-36 (feral cats).

Regarding Section 4-97, Ms. Morgan indicated the ASAB's purpose was to eliminate the issue of an "impulse purchase" citing someone's good intention to help an

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organization could be temporarily distorted thereby resulting in an individual not thoroughly considering the responsibility of pet ownership.

Regarding Section 4-36, Ms. Barton merely confirmed the proposed ordinance increases the maximum hold period for feral cats from one (1) calendar day to three (3) calendar days. Although she did not speak in favor or against inclusion of the section, she clarified that it doesn't take long to determine if a cat is feral.

Director Merry spoke in opposition to the fine scale as presented in Section 4-116 of the proposed ordinance regarding running at large violations and conveyed the importance of spay/neuter to address overpopulation. He read a prepared statement, which included an amended fine scale, which was presented in written form to each member of the Board and is attached as Exhibit A. Such provides incentives for pet owners to reduce their fine by getting their pet spayed or neutered.

Merry offered a motion to amend the ordinance as aforementioned. Prior to obtaining a second, Mayor Sanders advised Director Settle's motion to amend remained on the floor; therefore, requested direction from the city attorney regarding proper procedure.

City Attorney Jerry Canfield clarified the Board should first vote on the original motion to amend.

The original motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance stood amended (*Sections 4-36, 4-116(a)(2) and 4-97 tabled and removed from the ordinance, and referred back to the Animal Services Advisory Board for further review*).

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Merry, seconded by Weber, restated his previous motion to amend Section 4-116 of the ordinance as aforementioned and attached as Exhibit A.

Prior to the vote, there was lengthy discussion with Directors Settle, Hutchings and Good each speaking in opposition to the proposed amendment alleging the fine scale criminalizes a citizen for a first offence of a dog running at large citing the first offense should remain a warning.

Director Hutchings called the question, which required all debate to cease and an immediate vote on the motion be taken.

The members voted as follows: ayes - Tyler, Catsavis, Weber and Merry; nays - Good, Hutchings and Settle. The Mayor declared the motion carried.

Due to adoption of amendment, Director Settle conveyed his intent to vote against the ordinance.

Weber, seconded by Merry, moved adoption of the ordinance as amended. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members voted as follows: ayes - Tyler, Catsavis, Weber and Merry; nays - Good, Hutchings and Settle. The Mayor announced the motion did not obtain the five (5) affirmative votes required for passage on its first reading; therefore, the City Clerk read the ordinance in its entirety for its first reading. The second reading will be placed on the next regular meeting agenda, scheduled for January 3, 2013.

The Consent Agenda (Item No. 6) was introduced for consideration, the items being as follows:

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- A. Resolution supporting the Old Fort Homeless Coalition's Fort Smith River Valley Region's Ten-Year Plan (2012-2022) to end homelessness and authorizing the Mayor to execute statement of principles and actions
- B. Resolution authorizing the acquisition of real property interests in connection with the 2011 Drainage Improvements Project 11-06-A (\$200.00 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
- C. Resolution authoring the Mayor to execute an agreement for professional services with Jacobs Engineering Group Inc. for the Ben Geren Park Softball Addition (\$108,700.00 / *Parks Department / Budgeted - Sales Tax Program Fund*)
- D. Resolution authorizing certain changes to the Fort Smith Police Department Rules and Regulations regarding officers' Rules of Conduct
- E. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Neighborhood Water System Improvements - Jack Freeze Service Area (\$69,989.83 / *Utility Department / Budgeted - 2008 Revenue Bonds*)
- F. Resolution authorizing the Mayor to execute an agreement with Shannon & Wilson, Inc. for providing engineering services associated with year 2013 post construction monitoring and inspection of the Lake Fort Smith dam and reservoir (\$73,442.00 / *Utility Department / Budgeted - 2008 Water & Sewer Capital Improvement Fund*)
- G. Resolution authorizing the City Administrator to accept an offer made by property owner for the acquisition of easements in connection with the Lake Fort Smith 48-Inch Water Transmission Line Project (\$10,750.00 / *Utility Department / Budgeted - 2008 Revenue Bonds*)
- H. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for providing engineering services for the Massard Wastewater Treatment Plant Odor Control Improvements (\$78,864.00 / *Utility Department / Budgeted - 2008 Revenue Bonds*)

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- I. Resolution authorizing Change Order No. 1 with Axioo Construction, Inc. for the Zero Street Pump Station Wet Weather Improvements - Site Remediation (\$168,065.97 / Utility Department / Budgeted - 2012 Sales Tax Bonds)

Regarding Item No. 6D, Director Catsavis questioned if the proposed changes to the Fort Smith Police Department Rules and Regulations are being presented as a result of a pending lawsuit whereby Police Chief Lindsey responded "no".

Regarding Item No. 6I, the following individual was present to address the Board:

- David Harris
Fort Smith, AR

Re: Questioned if landfill disposal fees would be higher because more material was removed than originally expected.

Director of Utilities Steve Parke merely advised landfill operation fees increased by \$861,575.00.

Hutchings, seconded by Settle, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-260-12 through R-268-12 respectively.

Mayor Sanders opened the Officials Forum with the following comments offered:

- ▶ Mayor Sanders

Re: 1. The City of Fort Smith recently received high rankings in several categories for web based municipal service delivery by Rutgers School of Public Affairs and Administration's National Center for Public Performance. Due to such, he extended congratulations to Director of Information Technology Russell Gipson and IT staff for their work.

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2. Advised Smart Growth America, an organization advocating great neighborhoods across the United States, ranked Fort Smith third on a top-10 list of small metro areas attracting new residents.
3. Fort Smith was recently named as the No. 1 True Western Town for 2013 by True West Magazine. Such was due to many efforts put forth by the Advertising and Promotion Commission; therefore, he extended much appreciation for their work.
4. Announced the first ward meeting of the new year will be held for Ward 1 residents at 6:00 p.m., Thursday, January 10, 2013 and will be held at the Creekmore Park Community Center.
5. Extended much appreciation and gratitude to outgoing Directors Hutching and Tyler for their dedication service on the Board of Directors.

► **Director Merry**

Re: Regarding their recent visit to Fort Smith, he advised Clint Hill and Lisa McClubbin, writers of the book 'Mrs. Kennedy and Me', were very impressed with Fort Smith.

Merry offered a motion to call for two (2) special meetings to accommodate the second and third readings of Item No. 5. The motion included that the second reading be held at 12:00 Noon, Friday, December 21, 2012 (location to be determined), and the third and final reading be held on Thursday, December 27, 2012 (time and location to be determined). Director Weber seconded the motion. The members voted as follows: ayes - Tyler, Catsavis, Weber and Merry; nays - Good, Hutchings and Settle. The Mayor declared the motion carried and announced the time and place for the meetings will be determined and announced when confirmed.

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Tyler, seconded by Catsavis, moved to place an item on a upcoming study session agenda to review the proposal regarding relocating city offices to the Garrison Building. Such requires only two (2) directors for placement; therefore, Mayor Sanders announced the item will be scheduled accordingly.

▶ Administrator Gosack

- Re:
1. Announced the Holiday Express at Creekmore Park will be in operation from 5:30 - 8:00 p.m., Monday through Saturday, December 3 - 22 and December 26 - 29.
 2. 2012 Key Accomplishments will be forwarded next week.

The Board convened into executive session and after reconvening, Mayor Sanders announced the following appointment nominations:

ADVERTISING AND PROMOTION COMMISSION

Debra Presson (reappointed)
Term expires December 31, 2016

LIBRARY BOARD OF TRUSTEES

Robert Kelly (reappointed)
Ben Carroll
Anita Paddock
Terms expire December 31, 2017

PLANNING COMMISSION

John Huffman
Term expires April 30, 2014

Settle, seconded by Weber, moved adoption of all appointment nominations. The members all voting aye, the Mayor declared the motion carried.

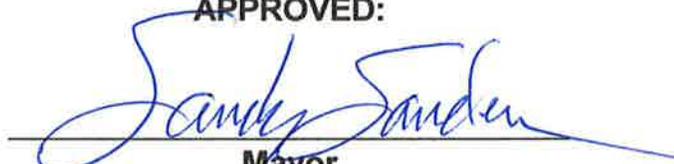
Regarding the performance evaluation of the Internal Auditor, Mayor Sanders announced the Board recommends a three percent (3%) merit increase retroactive to March 1, 2012.

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Hutchings, seconded by Merry, moved acceptance of the aforementioned recommendation. The members all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Hutchings moved that the meeting adjourn. The motion was seconded by Weber, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 8:41 p.m.

APPROVED:



Mayor

ATTEST:



City Clerk

Exhibit A
Presented @ Dec 18, 2012
Regular meetings by
Director Merry regarding
Item No 5.

Philip Merry

From: Philip Merry
Sent: Tuesday, December 18, 2012 7:47 AM
To: Philip Merry
Subject: FW: s & n pre emble

Ladies & Gentlemen:

As we vote on this measure, we must remember that in 2011 tax payers spent over \$605,000 on animal control. I would imagine the # will be higher in 2012 and in 2013.

Euthanasia procedures are rising at a pace that is effecting the community negatively.

The animal overpopulation issues effect all of us with road hazard safety concern, rising taxpayer costs, community image concerns for lack of addressing the overpopulation issue and more.

Our area's Humane Society is a clear victim in all of this and we owe it to them to put measures in place to address the overpopulation crisis that exists in our community.

The animal advisory panel has done really good work and I most appreciate their steadfast effort in all of the various subjects covered in this ordinance before us. Our town will be better off for the work they have put forth for this community.

I am asking all to remember that these items now before the board involves input from the community as well as the recommendations before us from the Advisory Panel. I have received on going input for two years on the need to encourage intensively for the need of spay and neuter of our area's loose running pets. I therefore am asking that there be an amendment voted upon by this board tonight that will have a slightly different leash law violation fines chart. That chart is as follows: (SEE ATTACHED. . .)

Pro active toward spay and neuter is managed for in this initiative. Penalty for not securing one's animal is clearly in place. Economic incentive for one to spay and neuter will exist. The amount of the fines are reduced from the present levels in the leash laws so as to make them realistic and doable in the courtroom. In today's economic times certainly relief from the present higher levels will be helpful. And if one cannot pay the fines, and they choose not to spay or neuter then they can be allowed to work off the fines in an area shelter in hopes that education will ensue. In all cases CHOICE is evident and nothing is mandatory.

The amendment will agree with a mere warning on offense #1 if the animal is already altered. The fines begin with offense #1 if they are not altered. The city has a first offense expense of animal control officers, vehicles, SCHS lodging expenses, etc. in the first apprehension and as such, should be availed to a chance for expense offset or advancement in the pursuit of animal overpopulation reduction.

The fines can be totally removed if the spay or neuter procedure is done within 30 days. We must all remember that court costs are not to be waived so if one pays the court costs and pays for the spay or neuter they CLEARLY have skin in the game to rectify for the leash law violation which clearly addresses the "secure your animal or else" message. On offenses 1,2,3,4 the fines portion is to be fully waived if proof of spay and neuter is done within 30 days of leash law infraction. This is necessary so as to make the spay or neuter investment worth their while.

I hope that the board will vote to support this amendment and the ordinance overall thereafter and that they will do so with "suspension of the rules"....so that this subject matter can be dealt with once and for all and so that we can all move forward.

I thank you for your interest in this matter of economics and community image and more.

phmjr

phmjr./Position #7 At large

12-18-12

Philip Merry

From: Philip Merry
Sent: Tuesday, December 18, 2012 7:51 AM
To: Philip Merry
Subject: FW: leash law violation fines amendment to the Animal Advisory Panel's series of recommendations for Tuesday night the 18th

Subject: leash law violation fines amendment to the Animal Advisory Panel's series of recommendations for tuesday night the 18th

I am asking for your support on an amended "chart" for leash law offenses as referenced in Section 4-116 in our packet of information for 12-18th's 6 pm meeting

chart in 4-116 Amended:

Number of Offense dog)	Intact Dog	Spayed or neutered (altered
First	100 + court costs	waived fine/warning
Second	200 + court costs	\$50 + court costs
Third	300 + court costs	\$100 + court costs
Fourth	400 + court costs	\$200 + court costs

****IF THE INTACT DOG ABOVE ON OFFENSES 1-4 HAS A SPAY OR NEUTER PROCEDURE WITHIN 30 DAYS OF THE DATE OF OFFENSE THEN THE FINE PORTION (not the court costs) IS FULLY WAIVED****

****PAYMENT OF FINES (and court costs as approved by the judge) CAN BE REPLACED BY WORKING AT A LOCAL ANIMAL SHELTER IN HOPES THAT EDUCATION ON THE SPAY AND NEUTER NEED TO CURB AREA ANIMAL OVERPOPULATION WILL OCCUR.

philip