

Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

AGENDA
Fort Smith Board of Directors
Regular Meeting
February 5, 2013 ~ 6:00 P.M.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 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 JANUARY 15, 2013 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentation: Proclamation declaring February 8, 2013 as General Darby Day
2. Ordinance amending Section 14-27 and adding Section 14-33 to the Fort Smith Municipal Code to authorize urban deer hunts within the city limits under specified conditions ~ *Settle/Lau placed on agenda at the January 8, 2013 study session / 1st reading – January 15, 2013 regular meeting ~ ** Second Reading ***
3. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan - Extraterritorial Jurisdiction Neighborhood Commercial to Extraterritorial Jurisdiction Light Commercial Office; Rezoning - Extraterritorial Jurisdiction Open-1 to Extraterritorial Jurisdiction Commercial-3 by classification located at 12901-13035 Highway 71 South*)

4. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (*Umarex USA, Inc.*)
5. Resolution approving an additional priority for the 2013 session of the Arkansas General Assembly
6. Consent Agenda
 - A. Resolution accepting the project as complete and authorizing final payment to T-G Excavating, Inc. for construction of the 2011 Sanitary Sewer Improvements, Phase 1 (*\$206,611.27 / Utility Department / Budgeted – 2012 Sales Tax Bonds*)
 - B. Resolution authorizing acquisition of an easement in connection with the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Line Project (*\$20,790.00 / Utility Department / Budgeted – 2012 Sales Tax Bonds*)
 - C. Resolution authorizing Change Order No. 1 with T-G Excavating, Inc. for the Basin 11-1 Collection System Improvements (MC02) (*\$59,385.00 / 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

ADJOURN

ORDINANCE NO _____

AN ORDINANCE AMENDING SECTION 14-27 AND ADDING SECTION 14-33 TO THE FORT SMITH MUNICIPAL CODE TO AUTHORIZE URBAN DEER HUNTS WITHIN THE CITY LIMITS UNDER SPECIFIED CONDITIONS.

WHEREAS, the Board of Directors of the City of Fort Smith, Arkansas, has determined that, with the continued growth of the City in and around Chaffee Crossing, an increased deer population has created problems 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 allowing the hunting of deer within the City’s corporate limits, at specified times, by use of specified archery, will 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 1: Section 14-27(a) of the Fort Smith Municipal Code shall be amended as set forth below: additionally, subsection (e) shall be added as provided below:

- (a) It shall be unlawful to discharge any firearm in the city limits, except as provided in subsections (b), (c), (d), and (e).
- (e) The chief of police shall have authority to authorize the City’s participation in Urban Deer Hunts in partnership with the Arkansas Game and Fish Commission and the Arkansas Bowhunters Association under the Arkansas Game and Fish Commission’s protocols as provided in Section 14-33 of the Fort Smith Municipal Code.

SECTION 2: The Fort Smith Municipal Code shall be amended to add Section 14-33 which shall read as follows:

The hunting of deer with longbows, recurve bows, or compound bows inside corporate limits of the City shall be allowed during that period of time authorized by the Arkansas Game and Fish Commission for an archery season, subject to the following conditions and restrictions:

- (a) Each hunter must be at least sixteen (16) years of age and possess a valid Arkansas big game license.
- (b) Each hunter must possess a valid Urban Bowhunting Permit issued by Arkansas Game and Fish Commission.

(c) No hunting inside the city's corporate limits will be allowed or authorized within fifty (50) yards of any residences, houses, public trails, golf courses, parks, utility installations or paved roads.

(d) The City of Fort Smith may identify areas on a map of the city where it is permissible to bow hunt with written permission of the private property owner. If the City identifies such areas, these will be for informational purposes only and the hunter must actually have written permission from the owner of the applicable land that the hunter designates as the area of the intended hunt. Such written permission must be in the hunter's possession at all times while hunting inside the City's corporate limits.

(e) Only longbows, recurve bows or compound bows of at least forty (40) pounds draw weight may be used to hunt deer inside the city's corporate limits. Broadheads must be used and must be at least 7/8ths of an inch in size. Special consideration for the use of crossbows by hunters with disabilities may be approved by the chief of police.

(f) Hunters may hunt only from stands elevated at least ten (10) feet off the ground. Hunting while walking, stalking or from ground blinds is absolutely prohibited. Hunting with dogs is also prohibited.

(g) Except as modified by this ordinance, all Arkansas Game and Fish Commission rules and regulations, including bag limits, will apply.

(h) The first deer harvested by each permitted hunter during the authorized archery season must be a doe.

(i) Permitted hunters are encouraged to donate some of the deer harvested to Arkansas Hunters Feeding the Hungry or other charitable non-profit organizations that assist the hungry or homeless.

(j) If it is reasonable to do so, all harvested deer should be removed during daylight hours.

(k) Each violation of any condition contained in this ordinance shall be deemed a misdemeanor, and upon conviction thereof, punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Any archery equipment or other hunting equipment in possession of the hunter when cited or arrested for a violation of any condition contained in this ordinance shall be seized by law enforcement as evidence and upon conviction shall be subject to forfeiture by the court as contraband.

SECTION 3: All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

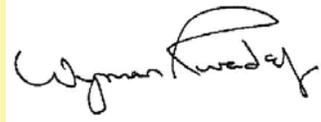
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



City Attorney
Publish One Time

Sec. 14-27. Discharging firearms.

(a) It shall be unlawful to discharge any firearm in the city limits, except as provided in subsections (b), (c), ~~and (d)~~, and (e).

(b) The chief of police shall have authority to issue permits to individuals, entities, or groups for the discharging of firearms within the city limits for properly supervised public or civic functions. The permit shall contain the following:

- (1) Limitation on the hours of the day during which the discharge of the firearm(s) may take place;
- (2) Specific expiration date; and
- (3) Event location.

(c) The chief of police may issue a special permit to the state game and fish commission for the purpose of conducting an Arkansas Youth Shooting Sports Program (AYSSP) in a specific zone and restricted area or for an event sponsored by the state game and fish commission at the Janet Huckabee River Valley Nature Center. These events may include shooting of shotgun, archery or air rifle only. The permit issued shall contain the following:

- (1) Name of the event;
- (2) Limitation on the hours of the day during which the shooting may take place; and
- (3) Specific expiration date.

(d) The chief of police shall have authority to issue permits for the discharge of firearms, archery equipment, air rifles, air pistols, or paintball guns in an indoor shooting gallery ("shooting gallery" means and includes any place or premises where facilities or devices for target shooting for practice or amusement with any firearm, archery equipment, air rifle, air pistol or paintball gun are provided for the use of any person for a fee, pay or compensation of any kind to be paid, directly or indirectly, by such person) as provided in section 14-30.

(e) The chief of police shall have authority to authorize the City's participation in Urban Deer Hunts in partnership with the Arkansas Game and Fish Commission and the Arkansas Bowhunters Association under the Arkansas Game and Fish Commission's protocols as provided in Section 14-33 of the Fort Smith Municipal Code.

This section shall not apply to active law enforcement officers or active military in the execution of their official duties.

(Code 1976, § 19-21; Ord. No. 62-07, 9-4-07; Ord. No. 21-10, 5-4-10)

Section 14-33. Urban deer hunts.

The hunting of deer with longbows, recurve bows, or compound bows inside corporate limits of the City shall be allowed during that period of time authorized by the Arkansas Game and Fish Commission for an archery season, subject to the following conditions and restrictions:

- (a) Each hunter must be at least sixteen (16) years of age and possess a valid Arkansas big game license.
- (b) Each hunter must possess a valid Urban Bowhunting Permit issued by Arkansas Game and Fish Commission.
- (c) No hunting inside the city's corporate limits will be allowed or authorized within fifty (50) yards of any residences, houses, public trails, golf courses, parks, utility installations or paved roads.
- (d) The City of Fort Smith may identify areas on a map of the city where it is permissible to bow hunt with written permission of the private property owner. If the City identifies such areas, these will be for informational purposes only and the hunter must actually have written permission from the owner of the applicable land that the hunter designates as the area of the intended hunt. Such written permission must be in the hunter's possession at all times while hunting inside the City's corporate limits.
- (e) Only longbows, recurve bows or compound bows of at least forty (40) pounds draw weight may be used to hunt deer inside the city's corporate limits. Broadheads must be used and must be at least 7/8ths of an inch in size. Special consideration for the use of crossbows by hunters with disabilities may be approved by the chief of police.
- (f) Hunters may hunt only from stands elevated at least ten (10) feet off the ground. Hunting while walking, stalking or from ground blinds is absolutely prohibited. Hunting with dogs is also prohibited.
- (g) Except as modified by this ordinance, all Arkansas Game and Fish Commission rules and regulations, including bag limits, will apply.
- (h) The first deer harvested by each permitted hunter during the authorized archery season must be a doe.
- (i) Permitted hunters are encouraged to donate some of the deer harvested to Arkansas Hunters Feeding the Hungry or other charitable non-profit organizations that assist the hungry or homeless.
- (j) If it is reasonable to do so, all harvested deer should be removed during daylight hours.
- (k) Each violation of any condition contained in this ordinance shall be deemed a misdemeanor, and upon conviction thereof, punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Any archery equipment or other hunting equipment in possession of the hunter when cited or arrested for a violation of any condition contained in this ordinance shall be seized by law enforcement as evidence and upon conviction shall be subject to forfeiture by the court as contraband.



Fort Smith Police Department
Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: Ray Gosack City Administrator

From: Kevin Lindsey, Chief of Police *Kevin Lindsey*

Subject: Ordinance Authorizing Urban Deer Hunts within the City Limits Utilizing Arkansas Game and Fish Commission Protocols

Date: January 31, 2013

Second Reading

At the Study Session held on January 8, 2013, the Board of Directors voted to place an Ordinance on the Agenda authorizing urban deer hunts on the Fort Chaffee Redevelopment Authority Chaffee Crossing property and possibly private property provided hunters utilize only selected archery equipment and obtain a special permit through the Arkansas Game and Fish Commission. The proposed ordinance changes received a 4-3 vote at the January 15, 2013 regular Board meeting. The second reading is scheduled for the February 5, 2013 regular Board meeting.

Proposed Amendment

Based upon discussion among the Board of Directors in the January 15, 2013 meeting, City Attorney Jerry Canfield and Rick Wade have proposed two additional changes to the ordinance. The first change specifically identifies schools and day care centers as being on the list of additional places where no hunting would occur within fifty yards. The second change requires the chief of police to identify areas of private property to be included in the authorized urban deer area, so long as written permission is still obtained from the property owner by the hunter. The letter from Daily & Woods suggesting these changes is attached. A strikethrough version of the proposed amendments is attached.

Staff supports amending the ordinance language as described above on the second and subsequent readings.

Background

The Fort Chaffee Redevelopment Authority continues to be productive and growth in the region is exceeding expectations. Commercial and housing development and the I-49 corridor projects underway have created an influx of citizens. With the growth at Chaffee Crossing within the city limits of Fort Smith the method to effectively manage the health of the deer population will need to change. The deer's habitat is shrinking in size, thus creating more deer interaction with the general public and lesser areas to sustain the deer population. A practical and economical way to reduce the deer herd within urban areas and housing developments is by allowing hunting to occur within certain areas of the City of Fort Smith, specifically, by enacting an amended ordinance authorizing Archery Urban Deer Hunts.

In the past the Fort Chaffee Redevelopment Authority in conjunction with Arkansas Game and Fish Commission has sponsored successful Urban Deer Hunts. The Arkansas Game and Fish Commission has established Urban Deer Hunt Protocols and will work with the City of Fort Smith and the Fort Chaffee Redevelopment Authority in implementing such a hunt. Although hunting is usually ruled out as a deer management option within an incorporated city, an Urban Deer Hunt permitted by the City of Fort Smith and regulated by the Arkansas Game and Fish Commission would restrict the weapon type and provide other restrictions to customize the hunt and maintain an acceptable margin of safety.

Staff encourages Board approval of the Ordinance authorizing Archery Urban Deer Hunts as submitted. This will help improve the overall well-being of the deer population and the safety of our citizens. I have attached a strikethrough version of the ordinance amendment and new ordinance addressing urban deer hunts, and information on urban deer hunts from the Arkansas Game and Fish Commission protocols for your review.

Please contact me if you have questions or need additional information.

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

KMW BUILDING
58 SOUTH SIXTH STREET
P.O. BOX 1446
FORT SMITH, AR 72902
TELEPHONE (479) 782-0361
FAX (479) 782-6160

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

JAMES E. WEST
PHILLIP E. NORVELL †

OF COUNSEL

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

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. † ●
COLBY T. ROE, P.A.

† Also Licensed in Oklahoma

● Also Licensed in Wyoming & North Dakota

January 17, 2013

Kevin Lindsey
Fort Smith Chief of Police
Fort Smith Police Department
Kevin.Lindsey@fortsmithpd.org

Re: Urban Deer Hunt Ordinance

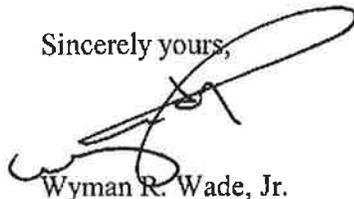
Dear Chief Lindsey:

Based on Board comments and my subsequent discussion with Jerry Canfield, you may wish to consider adding the following language to the ordinance under consideration:

1. In Section 2(c), schools and day care centers might be identified as additional places where no hunting would occur within fifty yards.
2. In Section 2(d), we propose that the following be added to the first sentence: "Each year in which an urban deer hunt is authorized, the Chief of Police shall identify areas on a map of the city where it is permissible to bow hunt with written permission of the owner of any private property designated as an authorized hunt area."

Thank you for your attention to this matter.

Sincerely yours,



Wyman R. Wade, Jr.
WRW/cmm

ORDINANCE NO _____

AN ORDINANCE AMENDING SECTION 14-27 AND ADDING SECTION 14-33 TO THE FORT SMITH MUNICIPAL CODE TO AUTHORIZE URBAN DEER HUNTS WITHIN THE CITY LIMITS UNDER SPECIFIED CONDITIONS.

WHEREAS, the Board of Directors of the City of Fort Smith, Arkansas, has determined that, with the continued growth of the City in and around Chaffee Crossing, an increased deer population has created problems 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 allowing the hunting of deer within the City’s corporate limits, at specified times, by use of specified archery, will 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 1: Section 14-27(a) of the Fort Smith Municipal Code shall be amended as set forth below: additionally, subsection (e) shall be added as provided below:

(a) It shall be unlawful to discharge any firearm in the city limits, except as provided in subsections (b), (c), (d), and (e).

(e) The chief of police shall have authority to authorize the City’s participation in Urban Deer Hunts in partnership with the Arkansas Game and Fish Commission and the Arkansas Bowhunters Association under the Arkansas Game and Fish Commission’s protocols as provided in Section 14-33 of the Fort Smith Municipal Code.

SECTION 2: The Fort Smith Municipal Code shall be amended to add Section 14-33 which shall read as follows:

The hunting of deer with longbows, recurve bows, or compound bows inside corporate limits of the City shall be allowed during that period of time authorized by the Arkansas Game and Fish Commission for an archery season, subject to the following conditions and restrictions:

(a) Each hunter must be at least sixteen (16) years of age and possess a valid Arkansas big game license.

(b) Each hunter must possess a valid Urban Bowhunting Permit issued by Arkansas Game and Fish Commission.

(c) No hunting inside the city's corporate limits will be allowed or authorized within fifty (50) yards of any residences, houses, schools, day care centers, public trails, golf courses, parks, utility installations or paved roads.

(d) ~~The City of Fort Smith may~~ Each year in which an urban deer hunt is authorized, the chief of police shall identify areas on a map of the city where it is permissible to bow hunt with written permission of the owner of any private property ~~owner~~ designated as an authorized hunt area. If the City identifies such areas, these will be for informational purposes only and the hunter must actually have written permission from the owner of the applicable land that the hunter designates as the area of the intended hunt. Such written permission must be in the hunter's possession at all times while hunting inside the City's corporate limits.

(e) Only longbows, recurve bows or compound bows of at least forty (40) pounds draw weight may be used to hunt deer inside the city's corporate limits. Broadheads must be used and must be at least 7/8ths of an inch in size. Special consideration for the use of crossbows by hunters with disabilities may be approved by the chief of police.

(f) Hunters may hunt only from stands elevated at least ten (10) feet off the ground. Hunting while walking, stalking or from ground blinds is absolutely prohibited. Hunting with dogs is also prohibited.

(g) Except as modified by this ordinance, all Arkansas Game and Fish Commission rules and regulations, including bag limits, will apply.

(h) The first deer harvested by each permitted hunter during the authorized archery season must be a doe.

(i) Permitted hunters are encouraged to donate some of the deer harvested to Arkansas Hunters Feeding the Hungry or other charitable non-profit organizations that assist the hungry or homeless.

(j) If it is reasonable to do so, all harvested deer should be removed during daylight hours.

(k) Each violation of any condition contained in this ordinance shall be deemed a misdemeanor, and upon conviction thereof, punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Any archery equipment or other hunting equipment in possession of the hunter when cited or arrested for a violation of any condition contained in this ordinance shall be seized by law enforcement as evidence and upon conviction shall be subject to forfeiture by the court as contraband.

SECTION 3: All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:

City Attorney
Publish One Time

Sec. 14-27. Discharging firearms.

(a) It shall be unlawful to discharge any firearm in the city limits, except as provided in subsections (b), (c) ~~and (d)~~, (d) and (e).

(b) The chief of police shall have authority to issue permits to individuals, entities, or groups for the discharging of firearms within the city limits for properly supervised public or civic functions. The permit shall contain the following:

- (1) Limitation on the hours of the day during which the discharge of the firearm(s) may take place;
- (2) Specific expiration date; and
- (3) Event location.

(c) The chief of police may issue a special permit to the state game and fish commission for the purpose of conducting an Arkansas Youth Shooting Sports Program (AYSSP) in a specific zone and restricted area or for an event sponsored by the state game and fish commission at the Janet Huckabee River Valley Nature Center. These events may include shooting of shotgun, archery or air rifle only. The permit issued shall contain the following:

- (1) Name of the event;
- (2) Limitation on the hours of the day during which the shooting may take place; and
- (3) Specific expiration date.

(d) The chief of police shall have authority to issue permits for the discharge of firearms, archery equipment, air rifles, air pistols, or paintball guns in an indoor shooting gallery ("shooting gallery" means and includes any place or premises where facilities or devices for target shooting for practice or amusement with any firearm, archery equipment, air rifle, air pistol or paintball gun are provided for the use of any person for a fee, pay or compensation of any kind to be paid, directly or indirectly, by such person) as provided in section 14-30.

(e) The chief of police shall have authority to authorize the City's participation in Urban Deer Hunts in partnership with the Arkansas Game and Fish Commission and the Arkansas Bowhunters Association under the Arkansas Game and Fish Commission's protocols as provided in Section 14-33 of the Fort Smith Municipal Code.

This section shall not apply to active law enforcement officers or active military in the execution of their official duties.

(Code 1976, § 19-21; Ord. No. 62-07, 9-4-07; Ord. No. 21-10, 5-4-10)

Section 14-33. Urban deer hunts.

The hunting of deer with longbows, recurve bows, or compound bows inside corporate limits of the City shall be allowed during that period of time authorized by the Arkansas Game and Fish Commission for an archery season, subject to the following conditions and restrictions:

(a) Each hunter must be at least sixteen (16) years of age and possess a valid Arkansas big game license.

(b) Each hunter must possess a valid Urban Bowhunting Permit issued by Arkansas Game and Fish Commission.

(c) No hunting inside the city's corporate limits will be allowed or authorized within fifty (50) yards of any residences, houses, schools, day care centers, public trails, golf courses, parks, utility installations or paved roads.

(d) ~~The City of Fort Smith may~~ Each year in which an urban deer hunt is authorized, the chief of police shall identify areas on a map of the city where it is permissible to bow hunt with written permission of the owner of any private property ~~owner~~ designated as an authorized hunt area. If the City identifies such areas, these will be for informational purposes only and the hunter must actually have written permission from the owner of the applicable land that the hunter designates as the area of the intended hunt. Such written permission must be in the hunter's possession at all times while hunting inside the City's corporate limits.

(e) Only longbows, recurve bows or compound bows of at least forty (40) pounds draw weight may be used to hunt deer inside the city's corporate limits. Broadheads must be used and must be at least 7/8ths of an inch in size. Special consideration for the use of crossbows by hunters with disabilities may be approved by the chief of police.

(f) Hunters may hunt only from stands elevated at least ten (10) feet off the ground. Hunting while walking, stalking or from ground blinds is absolutely prohibited. Hunting with dogs is also prohibited.

(g) Except as modified by this ordinance, all Arkansas Game and Fish Commission rules and regulations, including bag limits, will apply.

(h) The first deer harvested by each permitted hunter during the authorized archery season must be a doe.

(i) Permitted hunters are encouraged to donate some of the deer harvested to Arkansas Hunters Feeding the Hungry or other charitable non-profit organizations that assist the hungry or homeless.

(j) If it is reasonable to do so, all harvested deer should be removed during daylight hours.

(k) Each violation of any condition contained in this ordinance shall be deemed a misdemeanor, and upon conviction thereof, punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Any archery equipment or other hunting equipment in possession of the hunter when cited or arrested for a violation of any condition contained in this ordinance shall be seized by law

enforcement as evidence and upon conviction shall be subject to forfeiture by the court as contraband.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MASTER LAND USE PLAN MAP AND
REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on January 8, 2013, that said change be made; and,

WHEREAS, the Planning Commission determined the change to the Master Land Use Plan Map does conform to the goals and objectives of the Comprehensive Plan.

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 1-1-13 to rezone certain properties hereinafter described, and, having considered said request, recommended on January 8, 2013, 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: The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Extraterritorial Jurisdiction Neighborhood Commercial to Extraterritorial Jurisdiction Light Commercial Office and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

Part of the East Half of the Northwest Quarter, Section 25, Township 7 North, Range 32 West, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at a point marking the Northeast Corner of the Northeast Quarter of the Northwest Quarter. Thence along the east line of the East Half of the Northwest Quarter, South 02 degrees 39 minutes 37 seconds West, 1,182.32 feet to a ½ inch set rebar with cap and the Point of Beginning. Thence continue

Along said east line, South 02 degrees 39 minutes 37 seconds West, 999.85 feet to a ½ inch set rebar with cap on the northeasterly right of way line of U.S. Highway 71. Thence along said right of way line the following bearings and distances: North 38 degrees 53 minutes 00 seconds West, 393.79 feet to a ½ inch set rebar with cap. North 31 degrees 53 minutes 00 seconds West, 391.57 feet to a right of way marker. North 34 degrees 42 minutes 10 seconds East, 121.35 feet to a right of way marker. North 06 degrees 22 minutes 38 seconds West, 50.73 feet to a right of way marker. Thence leaving said right of way line North 54 degrees 22 minutes 45 seconds East, 484.63 feet to the Point of Termination.

more commonly known as 12901-13035 U.S. Highway 71.

SECTION 2: The real property described in Section 1 above is hereby rezoned from Extraterritorial Jurisdiction Open-1 to Extraterritorial Jurisdiction Commercial Moderate (ETJ C-3) by Classification, subject to the following:

- Driveway access shall be limited to the US Highway 71 frontage.
- Approval of a development plan by the Planning Commission prior to any development.

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

PASSED AND APPROVED THIS ____ DAY OF _____, 2013.

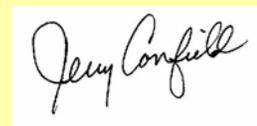
APPROVED:

Mayor

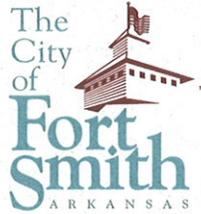
ATTEST:

City Clerk

Approved as to form:



Publish One Time



January 30, 2013

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

Re: A request by Neal Rogers, agent, for a Master Land Use Plan Amendment from ETJ Neighborhood Commercial to ETJ Light Commercial Office and a zone change from ETJ Open-1 to ETJ Commercial Moderate (ETJ C-3) by Classification located at 12901-13035 U.S. Highway 71.

On January 8, 2013, the City Planning Commission held a public hearing to consider the above requests.

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to enable the owner to sell the property to commercial buyers.

Mr. Neal Rogers and Mr. Bill Ginger, 6313 Howard Hill Road, were present to speak in support of these requests.

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

Acting Chairman Maurras called for the vote on the Master Land Use Plan Amendment. The vote was 5 in favor and 0 opposed.

Acting Chairman Maurras then called for the vote on the rezoning request. Motion was made by Commissioner Howard, seconded by Commissioner Huffman and carried unanimously to amend this request to make approval subject to the following:

- Access shall be limited to the US Highway 71 frontage and not from Howard Hill Road.
- Development plan approval by the Planning Commission prior to any development.

Acting Chairman Maurras then called for the vote on the rezoning request as amended. The vote was 5 in favor and 0 opposed.

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

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

Walton Maurras, Acting Chairman

WM/lp

cc: File
City Administrator

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: December 19, 2012

Re: Proposed Master Land Use Plan Amendment by Neal Rogers, agent, for John and Margaret Sexton, owners at 12901-13035 US Highway 71 from ETJ Neighborhood Commercial to ETJ Light Commercial Office

The Planning Department is in receipt of an application from Neal Rogers, agent to amend the *Master Land Use Plan* from ETJ Neighborhood Commercial to ETJ Light Commercial Office to accommodate a proposed rezoning to ETJ Commercial Moderate (ETJ C-3). The subject property is on the east side of US Highway 71. The tract contains an area of 6.32 acres with approximately 785 feet of street frontage along US Highway 71.

The existing zoning of the site is ETJ Open -1 (ETJ Open-1). A companion application proposes a change in the zoning classification from ETJ Open-1 (ETJ O-1) to ETJ Commercial Moderate (ETJ C-3) by classification. The *Master Land Use Plan* is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The area to the north is classified as ETJ Neighborhood Commercial and is developed as a single family residence.

The area to the east is classified as ETJ Neighborhood Commercial and is developed as a single family residence.

The area to the south is classified as ETJ Neighborhood Commercial and is undeveloped.

The area to the west is classified as ETJ Neighborhood Commercial and is undeveloped.

2A

The proposed Land Use classification of ETJ Light Commercial Office is described as follows:

This classification is established to provide locations beyond the central area of the city, primarily along arterial or major collector streets which will accommodate offices or laboratories for professional persons and other related uses.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies US Highway 71 as Boulevard.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application contingent upon approval of the companion rezoning application.

QB

1. A legal description of the subject property that is to be amended (reclassified).
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.

3. The area dimensions of the property in square feet or acres.

4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

Highway 71 to the West and Howard Hill Road to the north. No change.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

Water, gas and electric all run along Howard Hill road on the north side of the property.

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

7. Identify any known or anticipated environmental concerns:

None

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

20

a. Describe potential changes to development patterns in terms of local and regional impacts:

none

b. Describe the consistency in zoning between existing and planned uses:

no apply

c. Provide explanation of the need for and demand in the proposed uses:

no apply

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

QE

Master Land Use: From ETJ Neighborhood Commercial to ETJ Light Commercial Office

12901-13035 US Highway 71





2
9
Master Land Use Plan Amendment
& Rezoning #1-1-13
Proximity of property to the
proposed I-49 interchange

Memo

To: City Planning Commission

From: Planning Staff

Date: December 19, 2012

Re: Rezoning #1-1-13 - A request by Neal Rogers, agent, for John and Margaret Sexton, owners for Planning Commission consideration of a zoning request from ETJ Open-1 to ETJ Commercial Moderate (ETJ C-3) by classification 12901-13035 US Highway 71

LOT LOCATION AND SIZE

The subject property is on the east side of US Highway 71. The tract contains an area of 6.32 acres with approximately 785 feet of street frontage along US Highway 71.

EXISTING ZONING

The existing zoning on this tract is Extraterritorial Jurisdiction Open-1 (ETJ Open-1). Characteristics of this zone are as follows:

Purpose:

A zone to protect the undeveloped areas within the city's extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to the health, safety, or general welfare of the jurisdiction's population.

Permitted Uses:

Single family homes, duplexes, nurseries and greenhouses, truck farms, golf courses, fire and police station, utility substations and parks, playgrounds and other open spaces.

Conditional Uses:

Agricultural uses (limited), churches, country clubs more than ten (10) acres, boarding schools, nursing homes, orphanages, educational services and public buildings.

REQUESTED ZONING

The existing zoning on this tract is Extraterritorial Jurisdiction Commercial Moderate (ETJ C-3). Characteristics of this zone are as follows:

3A

Purpose:

To provide for general commercial activities, offices, and services to serve the community. This district promotes a broad range of activities, commercial operations, and services that are dispersed throughout the city and designed at a smaller scale than a regional center. C-3 zoning is appropriate in the light commercial office classification of the ETJ land use map.

Permitted Uses:

Townhouse, multifamily, neighborhood group home II, community residential facility, bed and breakfast inn, rooming and boarding, auto detail, auto parts, accessories, convenience store with gas sales, clothing and personal item repair, new furniture or home furnishings, hardware, home centers, lawn and garden, department store, clothing, jewelry, luggage, shoes, florist, tobacco, restaurant, flea market (indoor only), grocery store, pharmacy and financial institutions are examples of permitted uses.

Conditional Uses:

Orphanage, homeless shelter, dormitory, sorority, fraternity, medical laboratory, bar, utilities and utility services, museum, country club, athletic/health club, community center, day camp, natural and other recreational parks, educational services (limited), police, fire, emergency response, child day care (up to 12 children), day care center and religious institutions are examples of uses permitted as conditional uses..

Area and Bulk Regulations:

- Minimum Lot Size – 12,000 square feet
- Maximum Building Size – 60,000 square feet
- Minimum Lot Width at Setback Line – 75 feet
- Minimum parcel/lot size for rezoning – New District (By Classification) – 2 acres
- Minimum parcel/lot size for rezoning – Existing District (By Extension) – 20,000 square feet
- Minimum Street Frontage – N/A
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Side/Rear Setback abutting RS – 30 feet
- Required street access: Major Collector or higher
- Maximum Height - 35 feet
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned ETJ Open-1 and is developed as a single family residence.

The areas to the east are zoned ETJ Open-1 and is developed as single family residence.

The areas to the south are zoned ETJ Open-1 and is undeveloped.

The areas to the west are zoned ETJ Open-1 and is undeveloped.

3B

LAND USE PLAN COMPLIANCE

The ETJ Master Land Use Plan currently classifies the site as ETJ Neighborhood Commercial. A companion Master Land Use Plan application proposes to change the classification to ETJ Light Commercial Office to accommodate the proposed ETJ C-3 zoning district.

PROPOSED ZONING

The rezoning request will enable the owner to sell the property to commercial buyers.

STAFF COMMENTS AND RECOMMENDATIONS

At this time, Mr. Rogers wishes to obtain a commercial zoning district to make the property more marketable.

Staff recommends approval of the application with the following comments:

1. Access is limited to the US Highway 71 frontage and not from Howard Hill Road.
2. Development Plan approval by the Planning Commission prior to any development.

30

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)
2. Address of property: _____
3. The above described property is now zoned: ETS Open 1
4. Application is hereby made to change the zoning classification of the above described property to ETS C-3 by classification.
(Extension or classification)
5. Why is the zoning change requested?
To enable the owner to sell the property to commercial buyers as the land is not suited for residential.
6. Submit any proposed development plans that might help explain the reason for the request.

J. Neal Rogers
Owner or Agent Name
(Please print)

J. Neal Rogers
Owner or Agent
(Please sign)

208 W. Wheeler Sallisaw OK
Owner or Agent Mailing Address 74955

12-5-2012
Date

918-776-4700
Owner or Agent Phone Number

jnealrogers@yahoo.com
Email

30

Rezoning #1-1-13: From ETJ Open-1 to ETJ Commercial Moderate (ETJ C-3)

12901-13035 US Highway 71



Ed & Vicky Huie
12626 Windy Acres Lane
Fort Smith, AR 72916

John Henry Enterprises LLC
505 W. 21st Street
Georgetown, TX 78626

Bobby & Esmenia Moore
12642 Windy Acres Lane
Fort Smith, AR 72916

Jerry Lynn Hampton
1324 Dallas
Fort Smith, AR 72901

Billy & Reva Tyler
P. O. Box 711
Wilburton, OK 74578

William & Sharon Ginger
6313 Howard Hill Road
Fort Smith, AR 72916

John & Margaret Sexton
2803 S. College Drive
Fayetteville, AR 72701

Greenwood School Board
ATTN: Dr. Kay Johnson
420 North Main
Greenwood, AR 72936

White Bluff – Rye Hill VFD
12504 White Bluff Road
Fort Smith, AR 72916

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JANUARY 8, 2013**

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

Motion was made by Commissioner Maurras, seconded by Commissioner Howard and carried unanimously to approve the minutes as written.

Ms. Brenda Andrews read the staff procedures.

1. Nomination and Election of Vice-Chairperson

Motion was made by Commissioner Howard, seconded by Commissioner Huffman and carried unanimously to nominate Walton Maurras as Vice-Chairman. Due to the fact that Chairman Griffin was absent, Vice-Chairman Maurras would be acting as Chairman for this meeting.

**2. Master Land Use Plan Amendment from Extraterritorial Jurisdiction
Neighborhood Commercial to Extraterritorial Jurisdiction Light Commercial
Office located at 12901-13035 Highway 71 South. (companion item to item #3)**

**3. Rezoning #1-1-13; A request by Neal Rogers, agent for John P. Sexton and
Margaret L. Sexton, for a zone change from Extraterritorial Jurisdiction Open-1 to
Extraterritorial Jurisdiction Commercial-3 by Classification located at 12901-13035
Highway 71 South. (companion item to item #2)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to enable the owner to sell the property to commercial buyers.

Mr. Neal Rogers was present to speak on behalf of these requests.

Mr. Bill Ginger, 6313 Howard Hill Road, was also present to speak in support of these requests.

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

Acting Chairman Maurras then called for the vote on these requests.

2. Master Land Use Plan Amendment from Extraterritorial Jurisdiction Neighborhood Commercial to Extraterritorial Jurisdiction Light Commercial Office located at 12901-13035 Highway 71 South. (companion item to item #3)

Acting Chairman Maurras called for the vote on the Master Land Use Plan Amendment. The vote was 5 in favor and 0 opposed.

3. Rezoning #1-1-13; A request by Neal Rogers, agent for John P. Sexon and Margaret L. Sexton, for a zone change from Extraterritorial Jurisdiction Open-1 to Extraterritorial Jurisdiction Commercial-3 by Classification located at 12901-13035 Highway 71 South. (companion item to item #2)

Acting Chairman Maurras called for the vote on the rezoning request. Motion was made by Commissioner Howard, seconded by Commissioner Huffman and carried unanimously to amend this request to make approval subject to the following:

- Access shall be limited to the US Highway 71 frontage and not from Howard Hill Road.
- Development plan approval by the Planning Commission prior to any development.

Acting Chairman Maurras then called for the vote on the rezoning request as amended. The vote was 5 in favor and 0 opposed.

4. A request by Morrison-Shipley, agent for Zaki Adib Samman, Kefah F. Daas and Larry & Sandra Roper, for development plan approval for a convenience store with gasoline sales located at 9102 Rogers Avenue. (companion item to item #10)

10. Variance #3-1-13; A request by Morrison-Shipley Engineers, agent, for Zaki Adib Samman, Kefah F. Daas, and Larry & Sandra Roper, for Board consideration of the following variances: 1) from thirty (30) feet to ten (10) feet rear yard setback; 2) from 200 feet to 68.66 feet minimum separation between adjacent driveways; 3) from 200 feet to 143 feet minimum separation between adjacent driveways; and 4) from 250 feet to 66.78 feet minimum separation between driveway and street intersection located at 9102 Rogers Avenue. (companion item to item #4)

Acting Chairman Maurras stated that the applicant has requested these items be tabled until the February Planning Commission meeting due to the limited number of Commissioners in attendance at this meeting.

Mr. Greg Shipley was present to formally request these items be tabled until the February Planning Commission meeting.

Mr. Doug Schwartz was present to speak in opposition to these requests. Mr. Schwartz stated, however, that he had no problem with these items being tabled until February.

Tax Back

Resolution



RESOLUTION No. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

WHEREAS, Umarex USA, Inc., located at 7700 Chad Colley Boulevard, Fort Smith, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from construction and/or expansion of the specific facility; and

WHEREAS, Umarex USA, Inc. has agreed to furnish the local government all necessary information for compliance.

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

1. Umarex USA, Inc. be endorsed by the Board of Directors of the City of Fort Smith for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.
2. **The Department of Finance and Administration is authorized to refund local sales and use taxes to Umarex USA, Inc.**
3. This resolution shall take effect immediately.

Mayor

Date Passed: _____

Attest: _____
City Clerk

Approved as to form:

NPR

Memo



To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 2/1/2013
Re: Tax Back Endorsement: Umarex USA, Inc.

The City has received a request from the Arkansas Economic Development Commission and the Fort Smith Regional Chamber of Commerce for participation in the state "Tax Back" program authorized by the Consolidated Incentive Act of 2003 on behalf of Umarex USA, Inc. This program allows for new or expanding businesses to request refunds of sales taxes paid on building materials, new equipment and other eligible expenses incurred due to construction and/or expansion.

The current request is on behalf of Umarex USA, Inc., who plans to expand its facility located at 7700 Chad Colley Boulevard in Fort Smith by investing over \$7.8 million and adding 127 new jobs in order to accommodate Walther Arms, Inc. production at the facility.

The Tax Back program is a state and local sales tax refund incentive to attract business growth or expansion to Arkansas. The incentive applies to capital purchases associated with construction of new facilities or expansion of existing facilities (such as equipment or building materials) and does not apply to ongoing purchases. The majority of the incentive will be derived from the state sales tax rate. However, in order to participate in the program, the local governments must also agree to the sales tax refund.

Attached is a resolution supporting the participation of Umarex USA, Inc. in the "Tax Back" program, and the staff recommends approval. This action will support the board's stated goal of pursuing economic development and job creation.

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

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN ADDITIONAL PRIORITY
FOR THE 2013 SESSION OF THE
ARKANSAS GENERAL ASSEMBLY**

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

The City of Fort Smith's priorities for the 2013 session of the Arkansas General Assembly are hereby amended to include adding a definition for "meeting" to the public meetings requirement of the Arkansas Freedom of Information Act. The City Administrator is hereby directed to forward this Resolution to the Arkansas Municipal League.

This Resolution passed this _____ day of February, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



No Publication Required



MEMORANDUM

February 1, 2013

TO: Mayor and Board of Directors

FROM: Ray Gosack, City Administrator

SUBJECT: Legislative Priorities

Last year, the board approved legislative priorities for the 2013 session of the Arkansas General Assembly (copy attached). The priorities were provided to the Arkansas Municipal League, who made one of Fort Smith's priorities a part of the league's legislative package. Having the league's support increases the likelihood of success in getting a bill passed.

Several months after our priorities were established, the city argued the McCutchen Freedom of Information Act case at the Arkansas Supreme Court. One of the points of contention in the McCutchen case was the absence of a definition of "meeting" in the public meetings sections of the FOIA. During the oral arguments, supreme court justices inquired as to whether the legislature had been asked to amend the FOIA to include a definition for a meeting. The legislature hasn't been asked to pass such a bill.

It's unusual that a key word in a piece of legislation isn't defined in the legislation. The open meetings laws of every state surrounding Arkansas include a definition for a meeting. The absence of a definition in Arkansas' law leads to ambiguity, uncertainty for the public and public officials, and litigation.

The Arkansas Municipal League is willing to consider creating a definition for a public meeting as a legislative priority. However, they're asking that a city initiate the process by making a request to the league. Attached for the board's consideration is a resolution adding this as a legislative priority. If passed, the resolution will be presented to the league's executive committee who will decide whether or not the league includes this in its legislative package. If that happens, our plan is to ask for a meeting with

the Arkansas Press Assn. to discuss the topic before proposing legislation.

The staff recommends approval of the attached resolution. If there's any questions or a need for more information, please let me know.

A handwritten signature in black ink on a white rectangular background. The signature consists of a short horizontal line followed by the name "Ray" written in a cursive, slightly slanted font.

Attachments

RESOLUTION NO. _____

6 A

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING
FINAL PAYMENT TO T-G EXCAVATING, INC., FOR CONSTRUCTION OF
THE 2011 SANITARY SEWER IMPROVEMENTS, PHASE 1

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

SECTION 1: The construction of the 2011 Sanitary Sewer Improvements, Phase 1,
Project Number 11-12-C1, is accepted as complete.

SECTION 2: Final payment to T-G Excavating, Inc., in the amount of \$206,611.27, is
hereby approved.

This Resolution adopted this _____ day of February 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: January 30, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: 2011 Sanitary Sewer Improvements, Phase 1
Project Number 11-12-C1

This project performed rehabilitation of approximately 11,000 feet of sanitary sewer main and associated manholes located at 31 separate sites North of Rogers Avenue. The contract was awarded to T-G Excavating, Inc., for a bid amount of \$1,977,777.00. The attached exhibit shows the locations of the improvements.

The Contractor completed the project under the contract amount by \$299,953.97, or 15.2-percent. This cost savings was achieved by reducing the amount of line replacement using pipe bursting to replacement by open cut as the contractor had priced that method of work at a lesser cost. Further cost reduction was found by eliminating the proposed concrete ditch paving along an area of Russell Street and installing concrete pipe at a lesser cost. A project summary sheet is attached.

T-G Excavating Inc., has completed the project and the attached Resolution accepts the project as complete and authorizes final payment in the amount of \$206,611.27. It is my recommendation that the project be accepted as complete and final payment be approved.

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

attachment

Project Summary

Project status: Complete

Today's date: January 25, 2013

Staff contact name: Steve Parke

Staff contact phone: 784-2231

Notice to proceed issued: June 25, 2012

Project name: 2011 Sanitary Sewer Improvements, Phase 1

Project number: **11-12-C1**

Project engineer: Hawkins-Weir Engineers, Inc.

Project contractor: T-G Excavating, Inc.

	Dollar Amount	Contract Time (Days)
Original contract	\$1,977,777.00	300
Change orders:		
Change Order No. 1		
Change Order No. 2		
Change Order No. 3		
Total change orders	<u>\$0.00</u>	<u>0</u>
Adjusted contract	\$1,977,777.00	300
Payments to date (as negative):	-\$1,471,211.76	
Amount of this payment	\$206,611.27	
Retainage held	\$0.00	
Contract balance remaining	\$299,953.97	
Amount under as a percentage	-15.2%	

Final comments:

RESOLUTION AUTHORIZING ACQUISITION OF AN EASEMENT IN CONNECTION WITH THE CHAFFEE CROSSING WATER SUPPLY IMPROVEMENTS - GEREN ROAD AND MASSARD ROAD WATER LINE PROJECT

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

SECTION 1: The following value for the acquisition of a water line and temporary construction easement for the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Line, Project Number 12-04-P is approved, and acquisition of the easement for the amount listed is hereby authorized:

<u>Tract No.</u>	<u>Owner</u>	<u>Appraised Value</u>
3	Robert A. Young III, 2008 Trust	\$ 20,790.00

SECTION 2: The City Administrator, or his designated agent, and the City Attorney are hereby authorized to acquire the easement for the above listed appraisal amount. All such actions previously taken for this project are hereby confirmed.

This Resolution adopted this ____ day of February 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: January 25, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Chaffee Crossing Water Supply Improvements -
Geren Road and Massard Road Water Line
Project No. 12-04-P

A portion of the water improvements project to Chaffee Crossing includes a 24-inch water transmission line from the Brooks Stephins water pump station on Highway 45 south of Rheem, to a new water pump station to be built along Massard Road at Cisterna Villa. A vicinity map showing the pipeline route is attached.

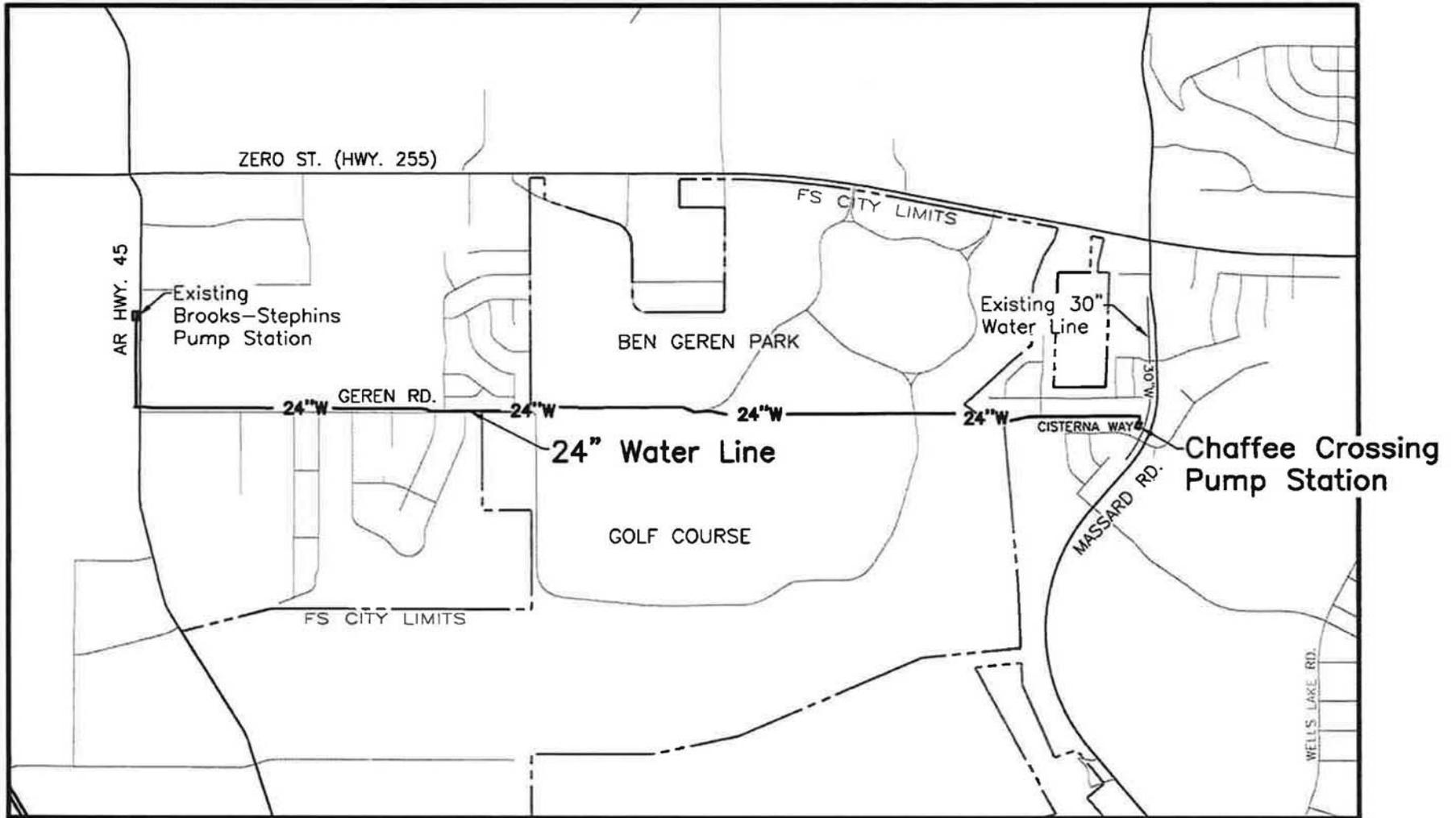
The project requires the acquisition of eight water line easements. Staff is acquiring seven of the eight easements under the guidelines of the city's property acquisition policy. The appraised value of the easement across the property owned by Robert Young III 2008 Trust is \$20,790.00. This amount exceeds staff's authority to purchase the easement without the prior approval of the Board of Directors. An exhibit drawing showing the easement area is attached.

Staff recommends that the Board approve this Resolution authorizing the City Administrator to acquire the easement for the appraised value of \$20,790.00. Funding for this project is available from the issuance of the 2012 sales and use tax bonds issued for water transmission improvements.

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

pc: Jeff Dingman

attachment



Vicinity Map

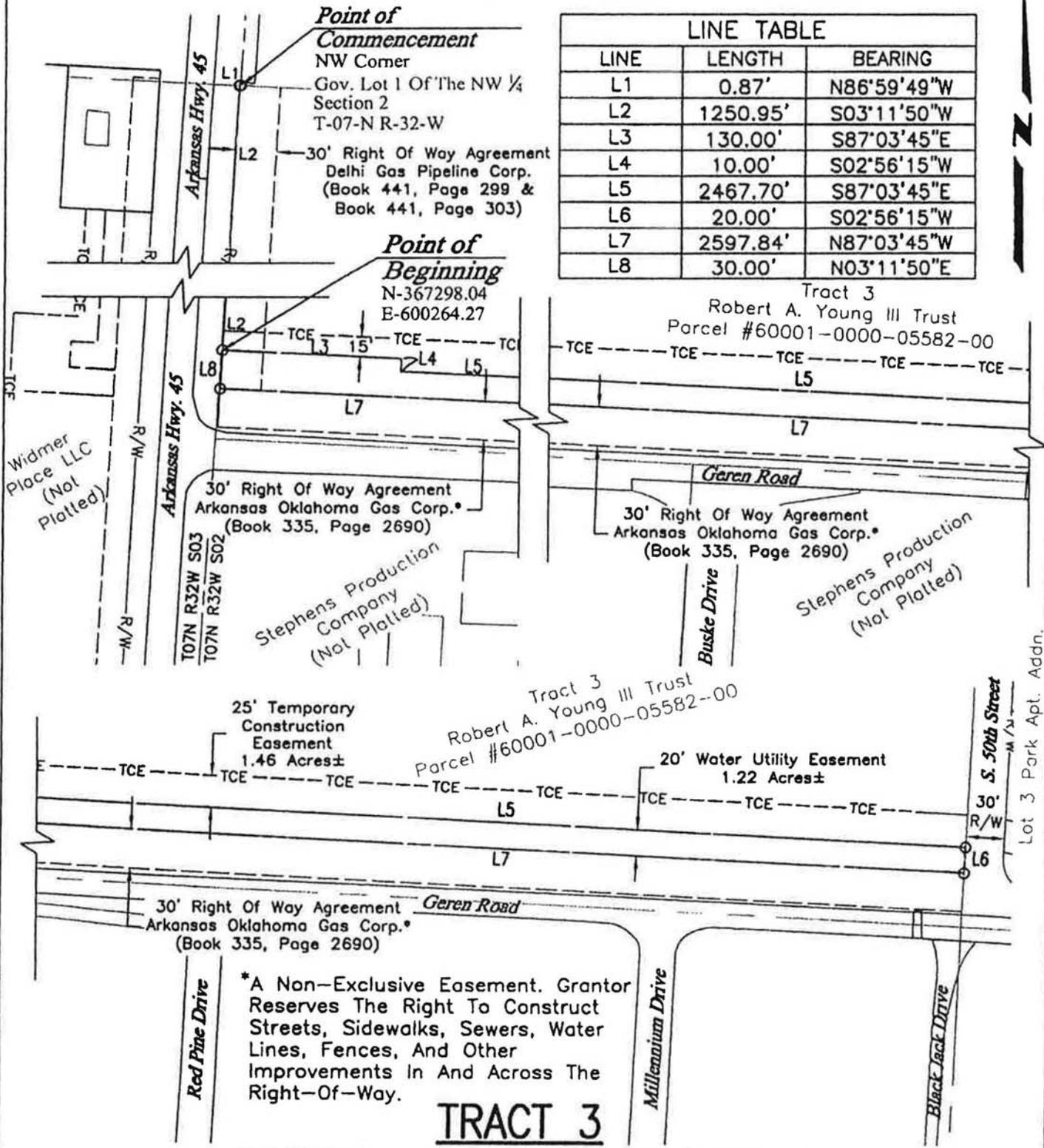
Scale 1" = 2000'

MICKLE-WAGNER-COLEMAN, INC.
Engineers Consultants Surveyors

Exhibit "A"

3434 Country Club Avenue
 P.O. Box 1507
 Fort Smith, Arkansas 72902

LINE TABLE		
LINE	LENGTH	BEARING
L1	0.87'	N86°59'49"W
L2	1250.95'	S03°11'50"W
L3	130.00'	S87°03'45"E
L4	10.00'	S02°56'15"W
L5	2467.70'	S87°03'45"E
L6	20.00'	S02°56'15"W
L7	2597.84'	N87°03'45"W
L8	30.00'	N03°11'50"E



TRACT 3
ROBERT A. YOUNG III TRUST

Scale 1" = 100'
CHAFFEE CROSSING WATER LINE IMPROVEMENTS



9/6/12

supply/000-116vbgE.mbsch/Chaffee Waterline Easements.dwg Robert Young III Trust 01302012 7:54:18 AM, Lener

RESOLUTION NO. _____

6 C

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE
WITH T-G EXCAVATING, INC., FOR THE BASIN 11-1
COLLECTION SYSTEM IMPROVEMENTS (MCO2)

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

Change Order Number One in the amount of \$59,385.00 to the contract with T-G
Excavating, Inc., for the construction of the Basin 11-1 Collection System Improvements
(MCO2), Project Number 11-09-C1, adjusting the contract amount to \$2,103,829.00, is hereby
approved.

This Resolution adopted this _____ day of February 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: January 29, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Basin 11-1 Collection System Improvements (MCO2)
Project Number 11-09-C1

The Basin 11-1 Collection System Improvements (MC02) rehabilitation project provides for both the replacement and rehabilitation of the sewer lines indicated on the attached exhibit. Once completed, the work will reduce inflow and infiltration entering into the sewer system during wet weather and restore the capacity of the sewer system in the project area. The low bid for the project was submitted by T-G Excavating, Inc., in the amount of \$2,044,444.00 and was awarded by the Board on August 23, 2012.

The planned rehabilitation of Basin 11-1 sewer collection system began in 2009 by conducting a comprehensive sewer system evaluation survey (SSES) of the lines and manholes within the basin. The SSES documented the condition of the sewer collection system in the basin for the engineering design of the rehabilitation work. The SSES showed that a number of the sewer lines in the project area were suited for rehabilitation using the process of cured-in-place pipe (CIPP). CIPP provides a trenchless, no surface disturbance technique and is suitable for rehabilitating sewer mains that do not need to be enlarged or have only minor cracking and joint defects.

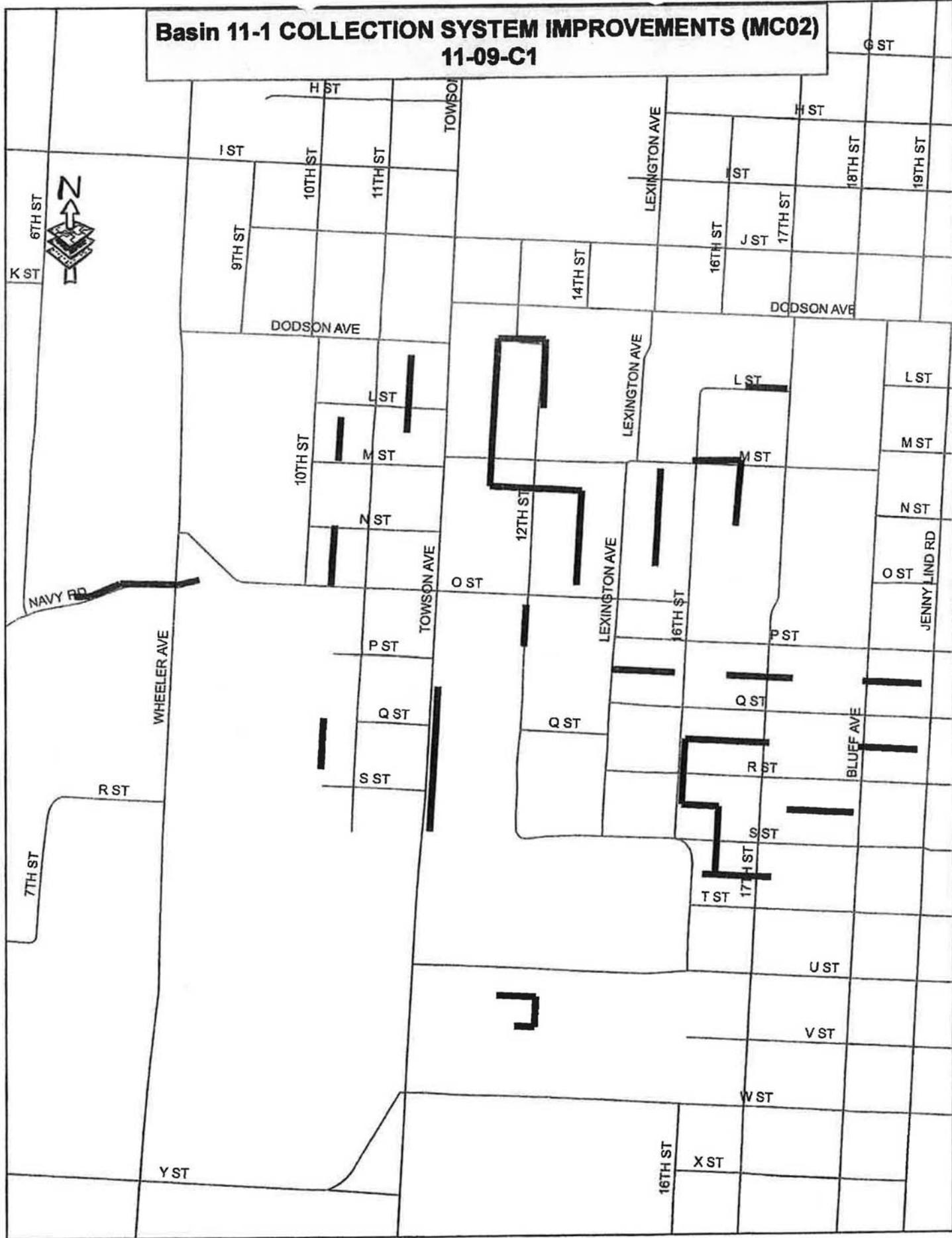
As the contractor began the line cleaning and internal televised inspection steps as part of preparing for CIPP lining, it was found that a number of the lines had suffered additional deterioration during the passage of the three-year period from SSES field work, project design and award of the construction contract. Some of the lines now require point repairs to be made before the CIPP process can be used and other lines are no longer suitable for CIPP lining. A change order has been prepared for the contractor to make an additional 10 point repairs in advance of CIPP lining and to change the rehabilitation method of about 480 feet of sewer line from CIPP lining to pipe bursting. A change order for the additional work has been established for an amount of \$59,385.00 adjusting the contract amount to \$2,103,829.00. No additional contract time is required due to these changes. The additional funding is available from the 2012 sales tax bonds issued for the continuation of sewer system improvements.

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

attachment

pc: Jeff Dingman

Basin 11-1 COLLECTION SYSTEM IMPROVEMENTS (MC02) 11-09-C1



Project Summary

Project status: Under construction

Project name: Basin 11-1 Collection System Improvements (MCO2)

Today's date: January 25, 2013

Project number: **11-09-C1**

Staff contact name: Steve Parke

Project engineer: RJN Group, Inc.

Staff contact phone: 748-2231

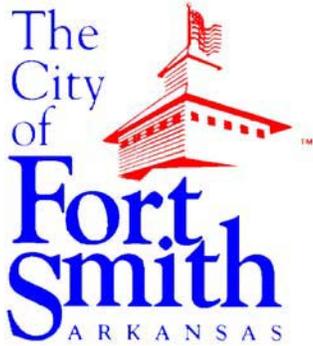
Project contractor: T-G Excavating, Inc.

Notice to proceed issued: September 24, 2012

Completion date: November 15, 2012

	Dollar Amount	Contract Time Days	Estimated Completion Date
Original contract	2,044,444.00	200	4/18/2013
Change orders:			
Number One (pending approval)	59,385.00	0	
Total change orders	59,385.00	0	
Adjusted contract	2,103,829.00	200	4/18/2013
Payments to date (as negative):	-692,739.62		
Amount of this payment (as a negative)	0.00		
Retainage held	36,459.98		
Contract balance remaining	1,411,089.38		
Amount over as a percentage	2.90%		

Final comments:



Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

AGENDA ~ Summary
Fort Smith Board of Directors
Regular Meeting
February 5, 2013 ~ 6:00 P.M.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 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 JANUARY 15, 2013 REGULAR MEETING

Unanimously approved as revised (Page 2: “Upon approval, the proposed ordinance authorizes ~~urban deer hunts in the Chaffee Cross area provided all regulatory requirements are met.~~ Archery Urban Deer Hunts in certain areas of the city of Fort Smith.”)

ITEMS OF BUSINESS:

1. Presentation: Proclamation declaring February 8, 2013 as General Darby Day Presented to Liz Armstrong and Bryan Merry, representing the General Darby Legacy Project

2. Ordinance amending Section 14-27 and adding Section 14-33 to the Fort Smith Municipal Code to authorize urban deer hunts within the city limits under specified conditions ~ *Settle/Lau placed on agenda at the January 8, 2013 study session / 1st reading – January 15, 2013 regular meeting ~ ** Second Reading ***
Approved 4 in favor, 3 opposed (Catsavis, Weber & Merry) as amended include language to prohibit hunting within 50 yards of schools and day care centers; and, that the Chief of Police shall specifically identify areas in which hunting is permitted. This ordinance did not receive 5 affirmative votes for passage on its second reading; therefore, the ordinance as amended will be placed on the February 19, 2013 regular meeting for its third and final reading.
3. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan - Extraterritorial Jurisdiction Neighborhood Commercial to Extraterritorial Jurisdiction Light Commercial Office; Rezoning - Extraterritorial Jurisdiction Open-1 to Extraterritorial Jurisdiction Commercial-3 by classification located at 12901-13035 Highway 71 South*)
Approved 7 in favor, 0 opposed / Ordinance No. 7-13
4. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (*Umarex USA, Inc.*)
Approved 7 in favor, 0 opposed / Resolution No. R-17-13
5. Resolution approving an additional priority for the 2013 session of the Arkansas General Assembly
Approved 7 in favor, 0 opposed / Resolution No. R-18-13
6. Consent Agenda
 - A. Resolution accepting the project as complete and authorizing final payment to T-G Excavating, Inc. for construction of the 2011 Sanitary Sewer Improvements, Phase 1 (\$206,611.27 / *Utility Department / Budgeted – 2012 Sales Tax Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-19-13
 - B. Resolution authorizing acquisition of an easement in connection with the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Line Project (\$20,790.00 / *Utility Department / Budgeted – 2012 Sales Tax Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-20-13

- C. Resolution authorizing Change Order No. 1 with T-G Excavating, Inc. for the Basin 11-1 Collection System Improvements (MC02) (\$59,385.00 / *Utility Department / Budgeted – 2012 Sales Tax Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-21-13

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

ADJOURN

6:34 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ FEBRUARY 5, 2013 ~ 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 Pastor Tim Sullivan of North Side Pentecostal Church, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Pam Weber, Kevin Settle and Phillip H. Merry, Jr. The Mayor declared a quorum present.

Mayor Sanders 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 January 19, 2013 regular meeting were presented for approval, with page 2 revised as follows:

"Upon approval, the proposed ordinance authorizes ~~urban deer hunts in the Chaffee Crossing area provided all regulatory requirements are met.~~ archery urban deer hunts in certain areas of the city of Fort Smith."

Settle, seconded by Lorenz, moved approval of the minutes as revised. The members all voting aye, the Mayor declared the motion carried.

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.

The Mayor, along with Board and Administration, presented a proclamation declaring February 8, 2013 as General William O. Darby Day to Mrs. Liz Armstrong and Bryan Merry, representatives of the General Darby Legacy Project (Item No. 1).

Item No. 2 was an ordinance amending Section 14-27 and adding Section 14-33 to

February 5, 2013 Regular Meeting

the Fort Smith Municipal Code to authorize urban deer hunts within the city limits under specified conditions ~ *Settle/Lau placed on agenda at the January 8, 2013 study session / 1st reading - January 15, 2013 regular meeting ~ ** Second Reading ***

Police Chief Kevin Lindsey briefed the Board on the item advising such is to accomplish the second reading of the ordinance; however, based upon Board discussion at the January 15, 2013 regular meeting, the following two (2) amendments are recommended:

1. Specifically include schools and day care centers to the list in which hunting may not occur within fifty (50) yards.
2. Requires the chief of police to identify areas of private property to be included in the authorized urban deer hunt area, provided written permission from the property owner is obtained by the hunter.

Director Merry provided a scenario of a deer being shot within an authorized hunting area and the animal runs onto private property; therefore, he questioned how the matter would be addressed.

Chief Lindsey clarified that such is not a violation and noted that the permit requires hunters to track and locate the animal to ensure proper disposal of the carcass.

Director Weber spoke in opposition to the item and conveyed statistical information advising only one-percent (1%) of vehicle crashes are due to deer/vehicle collisions. She expressed safety concerns citing a deer stand could be located 150 feet from a residence. Many of the areas that the urban deer hunt would be allowed, but noted that the areas should be marketed to homebuyers for recreational opportunities such as trails and hiking.

Settle, seconded by Good, moved to amend the ordinance to include the recommended amendments. The motion also included suspending the rule to allow the second and third readings to be by caption and for the readings to occur on the same date.

February 5, 2013 Regular Meeting

The City Clerk read the ordinance for its readings and the members voted as follows: ayes - Lau, Good, Lorenz and Settle; nays - Catsavis, Weber and Merry. The Mayor declared the motion carried and the ordinance stood amended; however, the motion did not obtain five (5) affirmative votes required for passage on its second reading. Due to such, the City Clerk read the ordinance, as amended, in its entirety for its second reading.

Director Merry spoke in favor of allowing the urban deer hunt to occur in only the Fort Chaffee and airport areas, and urged Police Chief Lindsey to consider such when reviewing permit requests.

Mayor Sanders announced the ordinance will be placed on the February 19, 2013 regular meeting agenda for its third and final reading.

Item No. 3 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan - Extraterritorial Jurisdiction Neighborhood Commercial to Extraterritorial Jurisdiction Light Commercial Office; Rezoning - Extraterritorial Jurisdiction Open-1 to Extraterritorial Jurisdiction Commercial-3 by classification located at 12901-13035 Highway 71 South*)

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the application of Neal Rogers, agent for John and Margaret Sexton. The purpose of the requests is to enable the owner to sell the property to commercial buyers for construction of an office building. The Planning Commission held a public hearing on January 8, 2013 with no individual present to speak in opposition. The Planning Commission approved the Master Land Use Plan amendment by a vote of five (5) in favor and zero (0) opposed. The Planning Commission also approved the rezoning request by a vote of five (5) in favor and zero (0) opposed subject to the following:

February 5, 2013 Regular Meeting

- ▶ Access shall be limited to the U.S. Highway 71 frontage and not from Howard Hill Road.
- ▶ Development plan approval by the Planning commission prior to any development.

Director Settle questioned if Planning Commission approval is required prior to initiation of any development on the subject property whereby Mr. Bailey responded "yes."

Mr. Bailey further advised the subject area is located within the extraterritorial jurisdiction and is not eligible for annexation because the location is not contiguous to the corporate limits of the city.

Settle, seconded by Lorenz, moved adoption of the ordinance. 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 and the ordinance was adopted and given No. 7-13.

Item No. 4 was a resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (Umarex USA, Inc.)

Deputy City Administrator Jeff Dingman briefed the Board on the item advising such is per the request from the Arkansas Economic Development Commission and the Fort Smith Regional Chamber of Commerce on behalf of Umarex USA, Inc. Participation in the Tax Back Program allows for new or expanding businesses to request refunds of sales taxes paid on building materials, new equipment and other eligible expenses incurred due to construction and/or expansion, and requires governmental endorsement. Umarex USA, Inc.

February 5, 2013 Regular Meeting

plans to expand its facility located at 7700 Chad Colley Boulevard by investing over \$7.8 million and adding 127 new jobs in order to accommodate Walther Arms, Inc. production at the facility.

Director Settle spoke in favor of the item and commented that many citizens inquire about what the City can do to bring jobs to Fort Smith; therefore, he noted the proposed resolution is one of the avenues to accomplish such and encourage job growth and creation.

Lau, seconded by Settle, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried. Merry, seconded by Lorenz, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the resolution and emergency clause were adopted and given No. R-17-13.

Item No. 5 was a resolution approving an additional priority for the 2013 session of the Arkansas General Assembly.

Administrator Gosack briefed the Board on the item advising such is per the request of the Arkansas Municipal League (AML). In 2012, the Board approved legislative priorities for the 2013 session of the Arkansas General Assembly. Several months thereafter, the city argued the McCutchen Freedom of Information Act (FOIA) case at the Arkansas Supreme Court. One of the points of contention in the case was the absence of a definition of "meeting" in the public meetings section of the FOIA. Open meeting laws in all surrounding states include a definition for a meeting; however, Arkansas does not. During the aforementioned court case, it was questioned if anyone within the state had requested the legislature to address the matter. The Arkansas Municipal League is willing to consider creating a definition and has requested the City initiate the process by naming such as a

February 5, 2013 Regular Meeting

legislative priority. Upon approval, the resolution will be presented to the AML Executive Committee for consideration of inclusion in its legislative package.

The following individual was present to address the Board:

- David Harris

Re: Alleged the current FOIA law is "*fine as is*", but recommended the following definition of a meeting:

"A meeting shall be considered to be any communication by any manner between elected officials of the governing body in which matters which may be voted by the governing body are discussed."

Settle, seconded by Weber, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-18-13.

The Consent Agenda (Item No. 6) was introduced for consideration, the items being as follows:

- A. Resolution accepting the project as complete and authorizing final payment to T-G Excavating, Inc. for construction of the 2011 Sanitary Sewer Improvements, Phase 1 (\$206,611.27 / Utility Department / Budgeted - 2012 Sales Tax Bonds)
- B. Resolution authorizing acquisition of an easement in connection with the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Line Project (\$20,790.00 / Utility Department / Budgeted - 2012 Sales Tax Bonds)
- C. Resolution authorizing Change Order No. 1 with T-G Excavating, Inc. for the Basin 11-1 Collection System Improvements (MC02) (\$59,385.00 / Utility Department / Budgeted - 2012 Sales Tax Bonds)

Weber, seconded by Lau, 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-19-13 through R-21-13 respectively.

February 5, 2013 Regular Meeting

Mayor Sanders opened the Officials Forum with the following comments offered:

▶ **Mayor Sanders**

- Re:
1. Announced the City of Fort Smith was recently recognized as a "Volunteer Community of the Year" by the Arkansas Municipal League.
 2. Reminded all that the Southside High School Shanty Town fundraiser will be held February 9th at the SHS campus to benefit Habitat for Humanity.
 3. Extended appreciation to the Arkansas congressional delegation and staff members for their support of the 188th Fighter Wing to ensure jobs remain in Fort Smith. He also extended much gratitude to all those who lined the streets to welcome the United States Air Force Chief of Staff General Mark Welsh.
 4. Recognized the City of Fort Smith Finance Department upon receiving the "*Certificate of Achievement for Financial Reporting*" for the 27th consecutive year.
 5. Announced the monthly town hall meeting will take place immediately following adjournment; therefore, he requested those wishing to address the Board in the town hall meeting to sign in at the City Clerk's desk.

▶ **Director Settle**

Re: Liquor sales was approved by voters in the city of Barling at the 2012 general election; however, such was recently overturned and disallowed. The matter was proposed to increase revenue for the City of Barling. In order to help Barling increase their revenue, he recommended the City of Fort Smith contact the City of Barling to discuss possible annexation of property near the Interstate 49 corridor. Settle, seconded by Lau, offered a motion to direct Administrator Gosack to initiate discussion of the matter.

February 5, 2013 Regular Meeting

▶ Director Weber

- Re: 1. Announced Beautify Fort Smith will participate in the upcoming City of Fort Smith Spring Cleanup event scheduled for April 20th. She encouraged residents and groups interested in participating to contact her.
2. Advised a Tree Conference was recently held at Creekmore Park; therefore, she extended much appreciation to residents who attended, the City of Fort Smith Parks Department and Tree Commission for their service and participation.

There being no further business to come before the Board, Weber moved that the meeting adjourn. The motion was seconded by Merry, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:34 p.m.

APPROVED:



VICE - MAYOR

ATTEST:



CITY CLERK