

Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

AGENDA
Fort Smith Board of Directors
Regular Meeting
August 6, 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 JULY 16, 2013 REGULAR MEETING

ITEMS OF BUSINESS:

1. Items relative to an appeal of the Planning Commission’s denial of a conditional use request for an auto and vehicle impoundment or holding yard (*Appeal of Josh Niles / 1302 South Zero Street*)
 - A. Resolution affirming the action of the Planning Commission denying the Conditional Use No. 18-7-13 for an auto and vehicle impoundment or holding yard
 - B. Resolution approving an appeal of Conditional Use No. 18-7-13 for an auto and vehicle impoundment or holding yard

2. Ordinance rezoning identified property and amending the zoning map (*from Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2) by classification located at 4101-4299 Cliff Drive*)
3. Ordinance rezoning identified property and amending the zoning map (*from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by classification located at 8201 Phoenix Avenue*)
4. Ordinance amending Sections 13-251 through 13-253 of the Fort Smith Municipal Code regulating charitable fundraising
5. Consent Agenda
 - A. Resolution accepting the bid and authorizing the Mayor to execute a contract for repairs to the city parking facility at 700 Rogers Avenue (*\$54,516.00 / Planning Department / Budgeted – Parking Authority Fund*)
 - B. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, regarding the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
 - C. Resolution authorizing execution of a utility easement to OG&E for Fort Smith Fire Station No. 11
 - D. Resolution amending the application for outside agency services funding
 - E. Resolution authorizing acquisition of real property in connection with the Mill Creek Pump Station Wet Weather Improvements (*\$57,000.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
 - F. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with RJN Group, Inc. for engineering services for the Basin 9 Collection System Improvements (*\$177,965.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
 - G. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the Basin 9 Collection System Improvements (*\$2,370,320.30 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)

- H. Resolution authorizing the Mayor to execute Amendment No. 1 to Authorization No. 1 with CDM Smith, Inc. for engineering services for the Massard Wastewater Treatment Plant Odor Control Improvements (\$40,923.00 / Utility Department / Budgeted – 2008 Revenue Bonds)
- I. Resolution authorizing acquisition of real property interests in connection with the Sunnymede Interceptor Improvements (\$2,253.25 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)
- J. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Atkins Engineering, Inc. for the Sunnymede Interceptor Improvements (\$88,230.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)
- K. Resolution accepting the bid of and authorizing a contract with Forsgren, Inc. for the Sunnymede Interceptor Improvements (\$1,526,133.50 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

ADJOURN

1A.

RESOLUTION NO. _____

**A RESOLUTION AFFIRMING THE ACTION OF THE PLANNING COMMISSION DENYING
CONDITIONAL USE #18-7-13 FOR AN AUTO AND VEHICLE IMPOUNDMENT OR HOLDING YARD**

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

The Board of Directors hereby affirms the action of the Planning Commission which denied the conditional use request for an auto and vehicle impoundment or holding yard located at 1302 South Zero Street.

THIS RESOLUTION ADOPTED THIS _____ DAY OF _____, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



No Publication Required



1B.

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN APPEAL OF CONDITIONAL USE #18-7-13
FOR AN AUTO AND VEHICLE IMPOUNDMENT OR HOLDING YARD**

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

The Board of Directors hereby approves the appeal of Conditional Use #18-7-13 for an auto and vehicle impoundment or holding yard located at 1302 South Zero Street.

THIS RESOLUTION ADOPTED THIS _____ DAY OF _____, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:

No Publication Required

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: July 25, 2013
Subject: 1302 South Zero Street
Appeal of Planning Commission decision

At the July 9, 2013, Planning Commission meeting the Planning Commission reviewed a conditional use application that would allow an auto and vehicle impounding or holding yard at 1302 South Zero Street. The Planning Commission denied the application by a vote of 4-4 stating the reason being that this use was incompatible for this location. The planning staff agrees with the decision of the Planning Commission.

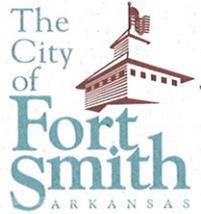
I have enclosed the summary of the meeting, a map showing the surrounding development, a copy of information regarding the appeal, and information from the planning commission packet.

This appeal will be on the Board of Directors August 6, 2013, regular meeting agenda. We will present two (2) resolutions to the Board for their consideration.

Approval of resolution A will affirm the Planning Commission's decision which denied the conditional use application.

Approval of resolution B will overturn the Planning Commission's decision and approve the conditional use application which will allow the auto and vehicle impounding or holding yard to locate at 1302 South Zero Street. Should the Board consider approval of this resolution the staff recommends the Board add all the conditions for approval that were considered by the Planning Commission. The conditions are on page 2 of the Planning Commission report which is attached.

Please contact me if you have any questions.



July 29, 2013

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

Re: Conditional Use #18-7-13; A request by Josh Niles, agent for Charles Farnam, for a conditional use for an auto and vehicle impoundment or holding yard located at 1302 South Zero Street.

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow for an auto and vehicle impoundment or holding yard to occupy the location. Mr. Bailey stated that a neighborhood meeting was held on Monday, June 17, 2013, at 1304 South Zero Street with no surrounding property owners in attendance.

Mr. Josh Niles was present to speak on behalf of this request.

Mr. John Neubauer, 1501 South 70th Street, was present to voice his opposition to this request citing his concerns relative to devaluation of property.

Commissioner Howard questioned the applicant as to providing landscaping on this site, as well as the use of barbed wire on the proposed fence. Commissioner Parks questioned the applicant as to whether he would consider removing the broken sign pieces on this site.

Mr. Niles stated that he would not be opposed to removing the broken sign pieces but did not feel landscaping should be required on this site and the barbed wire would be color coated to match the proposed 6' privacy fence. Mr. Niles also stated that he is currently located at 4617 Jenny Lind but is only leasing the property and would like to purchase this property for his business. He noted that he is a repossession business and most of the vehicles that would be in this holding yard would be late model vehicles. Mr. Niles also noted that he had looked at several other properties but that this particular property is the right location for his business.

Mr. Charles Farnam, the owner of this property, advised the Commission that there are utilities and a water meter located on this property.

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

Following a discussion by the Commission, motion was made by Commissioner Parks, seconded by Commissioner Spearman and carried with Commissioners Howard and Cooper opposing the motion to amend this request to make approval subject to the following conditions:

- All construction must be built in accordance with the submitted development plan and with any Planning Commission amendments.
- The proposed fence gate at the driveway entrance shall be offset from the street to avoid vehicles stopping/standing within the street right-of-way.
- Fences placed at or in proximity to the right-of-way line must not create a sight obstruction for vehicles exiting the site.
- The proposed fence shall be a six (6) foot privacy fence constructed out of cedar and maintained.
- All site lighting shall comply with the lighting requirements of the UDO – Section 27-602-5.
- All signage shall comply with the UDO General Sign Regulations and Permitted signs in open, commercial and industrial zones – Section 27-704-5 and Section 27-704-3.
- Landscaping shall be required and maintained in accordance with the UDO along the Zero Street frontage.
- Removal of all broken plastic sign pieces.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 4 in favor and 4 opposed (Cox, Howard, Spearman, Keese, Spearman). The conditional use request was denied based on the fact that the Commission felt this was an inappropriate use for this site.

Respectfully Submitted,

~~CITY PLANNING COMMISSION~~

Marshall S. Sharpe
Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator



(City Clerk)

REQUEST FOR APPEAL

City Clerk
FILED 7/15/13
S. Gard

On July 9th I was denied the right to do business at 1302 South Zero St without Just Cause. I wish to appeal this decision. I was asked by one member of the board to remove the plastic of a sign that was not even on the property we were even speaking about and that was one of her conditions for any type of approval.

Respectfully

A handwritten signature in black ink, appearing to be "JN", with a long horizontal line extending to the right.

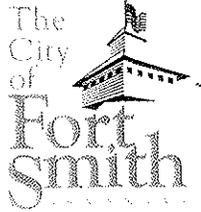
Josh Niles



Google earth

feet
meters





July 10, 2013

Mr. Josh Niles
P. O. Box 181414
Fort Smith, AR 72918

Dear Mr. Niles:

The Planning Commission denied the conditional use request for an auto and vehicle impoundment or holding yard located at 1302 South Zero Street at their July 9, 2013, meeting, due to the fact that the Commission felt this was an inappropriate use for this location.

Any appeal to the Planning Commission's decision must be filed in writing with the City Clerk's Office by 5:00 p.m. on July 19, 2013. The fee for filing an appeal is \$75.00.

If you have any questions concerning this matter, you may contact the Planning Department at 784-2216.

Sincerely,

A handwritten signature in black ink, appearing to read "Wally Bailey".

Wally Bailey
Director of Development
Services

lp

cc: Jimmie Deer
Kelly Hicks
Steve Almond

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

Memo

To: City Planning Commission

From: Planning Staff

Date: June 26th, 2013

Re: Conditional Use #18-7-13 - A request by Josh Niles, agent for Charles Farnan, for Planning Commission consideration of a Conditional Use request for an auto and vehicle impoundment or holding yard at 1302 South Zero Street

LOT LOCATION AND SIZE

The subject property is on the south side of Zero Street between Hwy 271 and Hwy 71. The tract contains an area of 0.52 acres with approximately 131 feet of street frontage along South Zero Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

9A

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 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) – 14,000 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 – 20 feet
- Rear Yard Setback - 20 feet
- Side/Rear (adjoining SF Residential District/Development) – 30 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Heavy (C-5) and are developed as a restaurant and a single family home.

The area to the east is zoned Commercial Heavy (C-5) and is developed as an office.

The areas to the south are zoned Residential Multifamily Medium Density (RM-3) and are developed as duplexes and one single family residence.

The area to the west is zoned Commercial Heavy and is developed as a call service center.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and

9B

meet the consumer needs of the community. Approval of the conditional use will not conflict with the goals and objectives of the Master Land Use Plan.

PROPOSED CONDITIONAL USE

The proposed conditional use if approved will allow for an auto and vehicle impoundment or holding yard to occupy the location.

SITE DESIGN FEATURES

Landscaping – The site is currently developed with concrete around the entire area and no new installation of landscaping is proposed.

Screening – A six foot proposed fence is located on the site plan. Planning staff required a 6' opaque screening fence for the holding yard.

Signage – No new signage is proposed at this time. If any new signage is proposed all signs must obtain the proper permits.

Lighting – No sight lighting is proposed on the location. If sight lighting is proposed it shall not produce light trespass, or unwanted skyglow

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, June 17th, 2013 at 1304 South Zero Street. No surrounding property owners attended the meeting. There were no objections to the proposed project.

Staff recommends approval of the application contingent upon the following.

1. All construction must be built in accordance with the submitted development plan and with any planning commission amendments.
2. The proposed fence gate at the driveway entrance shall be offset from the street to avoid vehicles stopping/standing within the street right-of-way.
3. Fences placed at or in proximity to the right-of-way line must not create a sight obstruction for vehicles exiting the site.
4. The proposed fence shall be a minimum six (6) to eight (8) feet, shall be completely opaque, and constructed out of wood or masonry.
5. All site lighting shall comply with the lighting requirements of the UDO – Section 27-602-5
6. All signage shall comply with the UDO General Sign Regulations and Permitted signs in open, commercial and industrial zones – Section 27-704-5 and Section -27-704-3.

9C

Neubauer Investment Properties LLC
2900 Grand Avenue
Fort Smith, AR 72901

Reith Properties, LLC
1614 Gilcrest Circle
Fort Smith, AR 72916

Newell Properties, LLC
10027 Carmen Vincent Court
Fort Smith, AR 72908

Daniel Hill
P. O. Box 5225
Fort Smith, AR 72913

Franklin & Janie Pollard
7007 Highland Park
Fort Smith, AR 72903

Robert Bateman Living Trust
P. O. Box 893
Fort Smith, AR 72902

R. Bartel, Inc.
6424 South Boston
Fort Smith, AR 72903

Jessica Neal
1207 Brazil Avenue
Fort Smith, AR 72908

Charles Farnam Revocable Living Trust
3823 Dallas Street
Fort Smith, AR 72903

Midwest Hardware & Sporting Good
1310-12 South Zero Street
Fort Smith, AR 72901

Mountain Bar Investments
1623 North "A" Street
Fort Smith, AR 72901

Gail Tompkins Revocable Trust
c/o Chuck Fawcett
4720 Rogers - #C
Fort Smith, AR 72903



**Planning Commission Meeting Minutes
July 9, 2013**

Chairman Sharpe called for the vote on the conditional use request. Motion was made by Commissioner Parks, seconded by Commissioner Cox and carried to make approval subject to the following conditions:

- All construction must be built in accordance with the submitted development plan.
- All exterior lighting shall not produce glare, light trespass (Nuisance light) and/or unnecessary sky glow. This will be verified during plan review.
- All new signs will require a separate plan review and building permit.
- The installation of the screen fence along the north property line.
- Installation of a sign advising patrons that there is no passing lane for the drive-thru window.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 5 in favor and 3 opposed (Keesee, Spearman, Howard). The conditional use request was approved.

9. Conditional Use #18-7-13; A request by Josh Niles, agent for Charles Farnam, for a conditional use for an auto and vehicle impoundment or holding yard located at 1302 South Zero Street.

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow for an auto and vehicle impoundment or holding yard to occupy the location. Mr. Bailey stated that a neighborhood meeting was held on Monday, June 17, 2013, at 1304 South Zero Street with no surrounding property owners in attendance.

Mr. Josh Niles was present to speak on behalf of this request.

Mr. John Neubauer, 1501 South 70th Street, was present to voice his opposition to this request citing his concerns relative to devaluation of property.

Commissioner Howard questioned the applicant as to providing landscaping on this site, as well as the use of barbed wire on the proposed fence.

Commissioner Parks questioned the applicant as to whether he would consider removing the broken sign pieces on this site.

Mr. Niles stated that he would not be opposed to removing the broken sign pieces, did not feel landscaping would be needed on this site and the barbed wire would be color coated to match the proposed 6' privacy fence. Mr. Niles stated that he is currently located at 4617 Jenny Lind but is only leasing the property and would like to purchase this property for his business. He noted that he is a repossession business and most of the vehicles that would be in this holding yard would be late model vehicles. Mr. Niles noted that he had looked at several other properties but this particular property is the right location for his business.

Mr. Charles Farnam, the owner of this property, advised the Commission that there are utilities located on this property and a water meter already on site.

Following a discussion by the Commission, motion was made by Commissioner Parks, seconded by Commissioner Spearman and carried with Commissioners Howard and Cooper opposing the motion to amend this request to make approval subject to the following conditions:

- All construction must be built in accordance with the submitted development plan and with any Planning Commission amendments.
- The proposed fence gate at the driveway entrance shall be offset from the street to avoid vehicles stopping/standing within the street right-of-way.
- Fences placed at or in proximity to the right-of-way line must not create a sight obstruction for vehicles exiting the site.
- The proposed fence shall be a six (6) foot privacy fence constructed out of cedar and maintained.
- All site lighting shall comply with the lighting requirements of the UDO – Section 27-602-5.
- All signage shall comply with the UDO General Sign Regulations and Permitted signs in open, commercial and industrial zones – Section 27-704-5 and Section 27-704-3.
- Landscaping shall be required and maintained in accordance with the UDO along the Zero Street frontage.
- Removal of all broken plastic sign pieces.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 4 in favor and 4 opposed (Cox, Howard, Spearman, Keesee, Spearman). The

conditional use request was denied based on the fact that the Commission felt this was an inappropriate use for this site.

10. Conditional Use #20-7-13; A request by Al Prieur, agent for John Hagen, for a conditional use for a church located at 3702 Century Drive.

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow a church to operate at the existing vacant building. Mr. Bailey stated that a neighborhood meeting was held on Friday, June 28, 2013 on location with Mr. John Parker, Fort Smith Airport Manager, in attendance. Mr. Bailey noted that Mr. Parker has indicated that this property will be subjected to high noise levels during military operations. Mr. Bailey stated that the church has been made aware of Mr. Parker's concerns and has indicated that if noise becomes a problem dampening materials will be installed as needed.

Mr. Al Prieur was present to speak on behalf of this request.

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

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

- The church's acknowledgement of the noise issues.
- All construction must be built in accordance with the submitted development plan.
- All site lighting shall comply with the lighting requirements of the UDO – Section 27-602-5.
- All new signs will require a separate plan review and building permit.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 8 in favor and 0 opposed.

11. Conditional Use #21-7-13; A request by Craig Roberts, agent for KMW Properties, for a conditional use for an outdoor advertising sign (billboard) located at 4801 South Phoenix Avenue. (4896 I-540) (companion item to item #18)

18. Variance #22-7-13; A request by Craig Roberts, agent for KMW Properties, for a variance from Section 27-704-4(D) minimum distance from residentially zoned or developed property located at 4801 South Phoenix Avenue. (4896 I-540) (companion item to item #11)

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. 7-6-13 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 9, 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: That the following properties to-wit:

Part of the SW/4, SE/4 of Section 27, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the SE of said SW/4, SE/4, Section 27, also being the NE corner of Sweetbriar Addition to the City of Fort Smith; thence N87°10'11"W along the south line of said SW/4, SE/4, 486.27' to the east right of way line of Old Greenwood Road; thence along said east right of way line of Old Greenwood Road the next (3) courses: N11°48'01"W 164.05'; along a curve to the right having a central angle of 18°26'40" and a radius of 760.00' to a point subtended by a chord bearing and distance of N02°34'42"W 243.60'; N06°38'37"E 127.98' to a Point of Beginning; thence continuing along said east right of way line of Old Greenwood Road the next (3) courses: N06°38'37"E 208.22'; along a curve to the left having a central angle of 16°49'12" and a radius of 858.56' to a point subtended by a chord bearing and distance of N01°45'59"W 251.12'; N10°10'34"W 107.47' to the southerly right of way line of Cliff Drive the next (3) courses: N72°41'20"E 22.45'; S49°13'00"E 366.11'; along a curve to the left having a central angle of 14°16'47" and a radius of 830.00' to a point subtended by a chord bearing and distance of S56°21'13"E 206.14'; thence S15°41'51"W 251.74'; thence N86°21'28"W 400.31' to the Point of Beginning, containing 170,468 square feet or 3.91 acres more or less, being subject to any rights-of-way and any easements of record.
(Proposed Lot 1, TEA- Fort Smith Subdivision)

more commonly known as 4101-4299 Cliff Drive, should be, and is hereby rezoned from

Residential Estate One (RE-1) to Residential Single Family Medium Density (RS-2) by
Classification.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

ATTEST:

APPROVED:

City Clerk

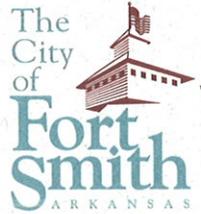
Mayor

Approved as to form:



Publish One Time

July 29, 2013



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

Re: Rezoning #7-6-13; A request by Pat Mickle, agent for RA Young Properties Limited Partners, for a zone change from Residential Estate One (RE-1) to Residential Single Family Medium Density (RS-2) by Classification located at 4101-4299 Cliff Drive. (tabled from June 2013)

On July 9, 2013, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the construction of a 24 lot single family subdivision. The preliminary layout/development plan is enclosed.

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

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 8 in favor 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

A handwritten signature in dark ink, appearing to read "Marshall Sharpe", is written over the printed name of the Chairman.

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

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

Memo

To: City Planning Commission

From: Planning Staff

Date: June 24, 2013

Re: Rezoning #7-6-13 - A request by Pat Mickle, agent for RA Young Properties Limited Partners, for Planning Commission consideration of a zone request from Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2) by classification at 4101-4299 Cliff Drive

LOT LOCATION AND SIZE

The subject property is on the north side of Cliff Drive. The tract contains an area of 19.1 acres.

REQUESTED ZONING

The proposed zoning on this tract is Residential Single Family Medium Density (RS-2). Characteristics of this zone are as follows:

Purpose:

To provide for detached homes in low-to-medium density single family neighborhoods where adequate public services and facilities are available. The RS-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

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

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, 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.

QA

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 4 Dwelling Units/Acre	Maximum Lot Coverage - 50%
Minimum Lot Width at Building Line – 75 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 30 feet	
Side Yard on Street Side of Corner Lot - 30 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Single Family Row House and Zero Lot Line District (RS-5) and Residential Single Family Duplex Low/Medium Density (RSD-2) and are developed as zero lot line and duplex dwellings.

The areas to the west are zoned Residential Single Family Duplex High Density (RSD-4) and Residential Single Family Duplex Low/Medium Density (RSD-2) and are developed as duplexes dwellings.

The areas to the east and south are zoned Residential Estate One Acre and are undeveloped.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

PROPOSED ZONING

The proposed zoning will support a single family subdivision.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held May 28, 2013, at Creekmore Park at 3301 South M Street. Three surrounding property owners attended the meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

The preliminary plat/development plan for a 24 lot single-family subdivision received planning commission approval on June 11th. A copy of the preliminary plat/development is enclosed.

Staff recommends approval of the rezoning request.

2B

Neighborhood Meeting Minutes
Horseshoe Ridge
May 28, 2013 5:30 PM
Creekmore Park – Rose Room
3301 South M Street, Fort Smith, Arkansas

A neighborhood meeting to discuss the Horseshoe Ridge subdivision project was held Tuesday, May 28, 2013 at 5:30 p.m. at the Creekmore Park Rose Room, 3301 South M Street, Fort Smith, Arkansas. In addition to the required notification area, the entire Sebastian Hills neighborhood was also notified. Pat Mickle & Cliff Ivey were present representing the developer and land owner. Mr. Mickle conducted the meeting. There were a total of six people in attendance, three of which were area neighbors from the Sebastian Hills neighborhood.

Pat Mickle gave a presentation on the purpose of the meeting, the zoning application, and development plan. Mr. Mickle explained that the zoning designation requested was single-family residential which the attendees indicated they supported. Mr. Mickle then went over the subdivision layout, pointed out the lot sizes, the access point on Cliff Drive, and the perimeter landscaping features. The neighbors indicated they would speak with other neighbors and advise of the specifics of the project. They indicated they had no objections to the proposals.

There being no other comments, the meeting adjourned at 6:00 p.m.


Patrick J. Mickle

f:\doc\misc\Neighborhood Meeting Minutes – Horseshoe Ridge 5-28-13.doc

20

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Creekmore Park Rose Room, 3301 South M Street, Fort Smith, AR

Meeting Time & Date Tuesday May 28, 2013 @ 5:30 p.m.

Meeting Purpose To discuss Horseshoe Ridge subdivision and zoning

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. Tyler Miller	City of Fort Smith	479-784-2241
2. Pat Mickus	MKE	649-8484
3. Cliff Ivey	Ivy LLC	479-414-9432
4. Claudia Edwards	3418 Cliff Dr.	479-648-6728
5. Bernice Armes	3410 cliff Dr	479-646-2033
6. Mark Edwards	3418 Cliff Dr	479-648-6728
7.		
8.		
9.		
10.		
11.		

PETITION FOR CHANGE IN ZONING MAP

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

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

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

See Attached

- 2. Address of property: 4101-4299 Cliff Drive

- 3. The above described property is now zoned: Not Zoned

- 4. Application is hereby made to change the zoning classification of the above described property to RS-2 by Classification.
(Extension or classification)

- 5. Why is the zoning change requested?
To enable development of property into a single family detached residential
subdivision.

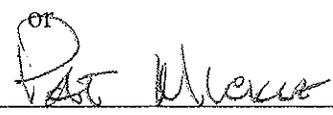
- 6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Mickle Wagner Coleman, Inc.
~~Owner or Agent Name~~
 (please print)

Owner

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

^{or}


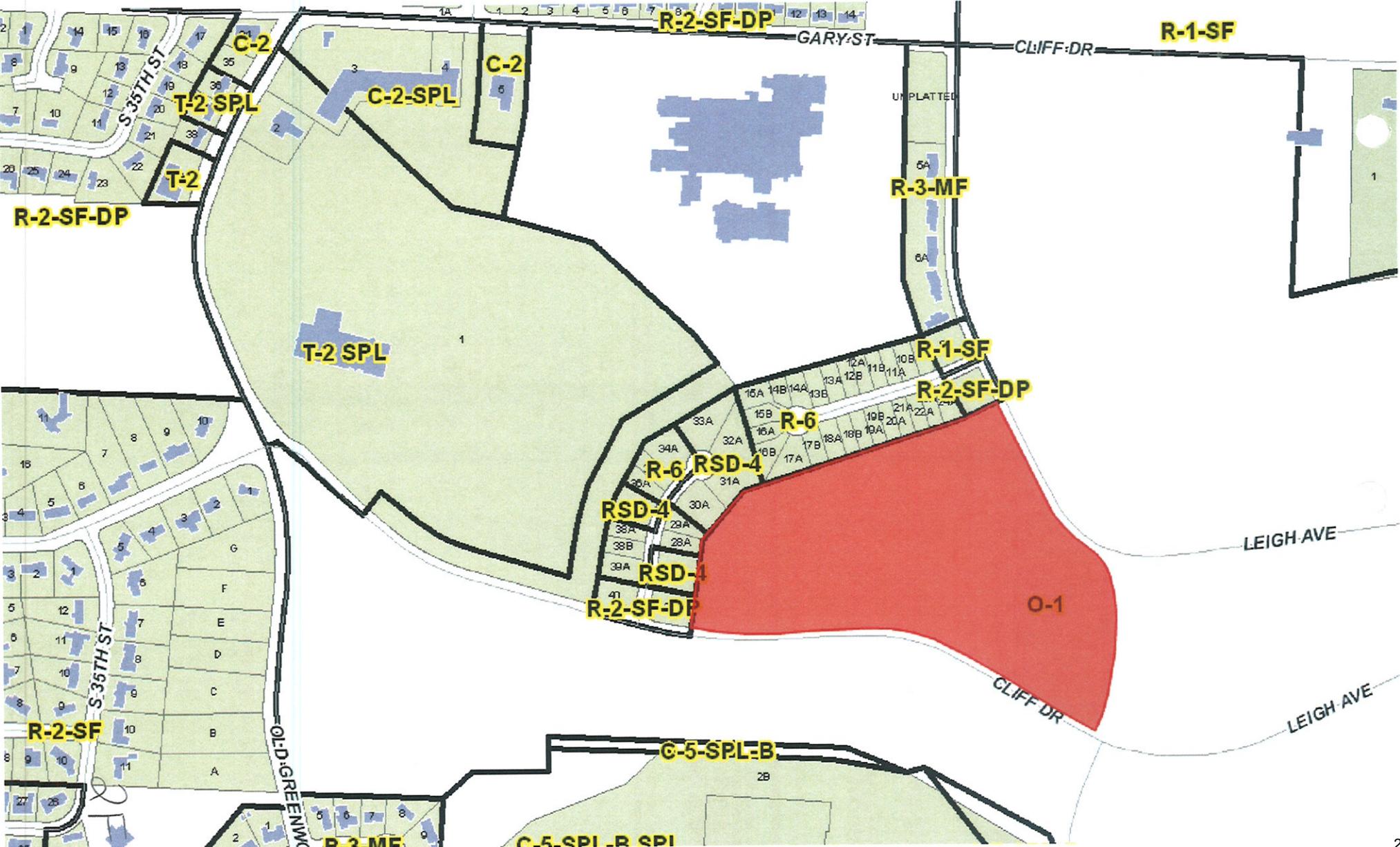
 Agent

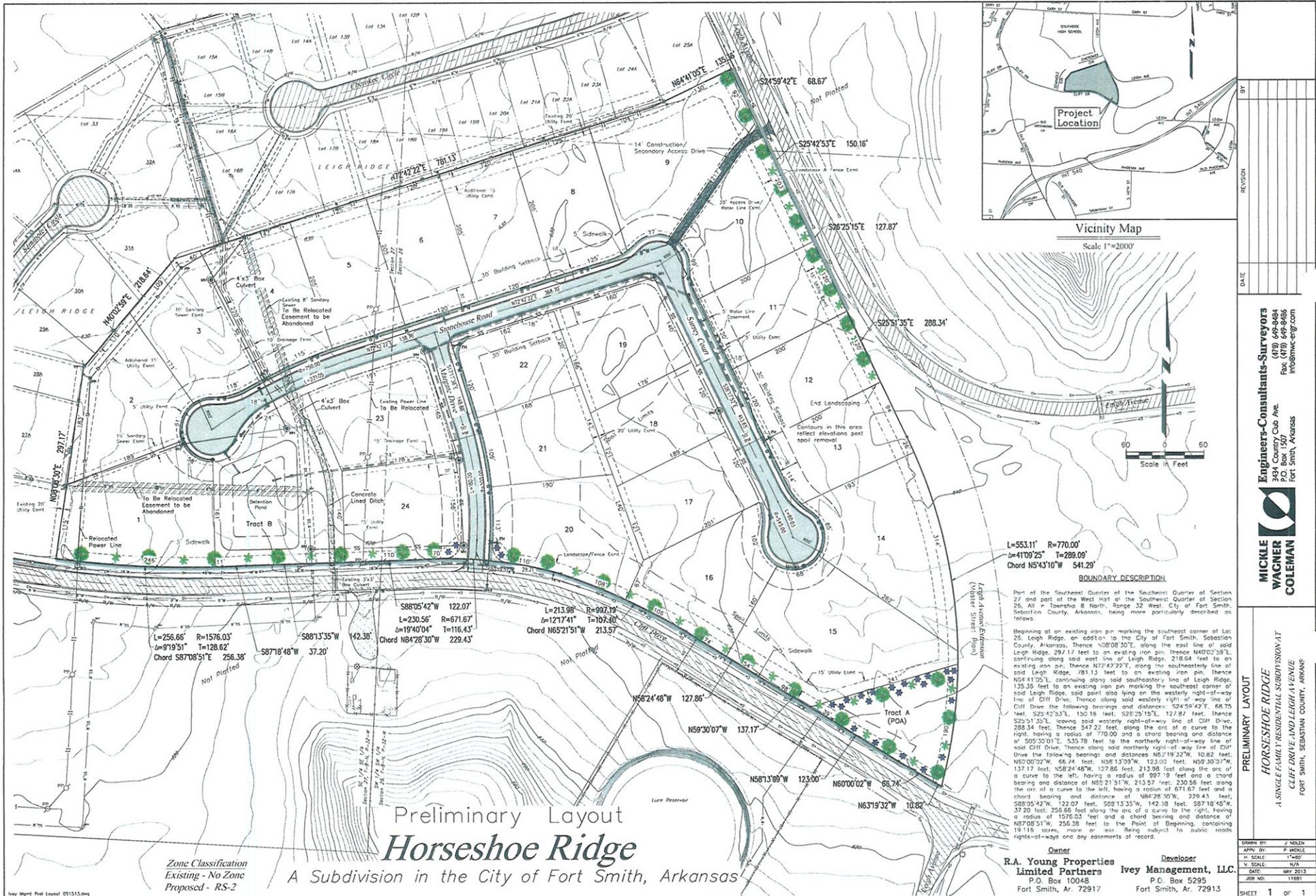
479-649-8484
~~Owner or Agent Phone Number~~

2E

Rezoning #7-6-13: From Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2)

4101-4299 Cliff Drive





Zone Classification
Existing - No Zone
Proposed - RS-2

Preliminary Layout Horseshoe Ridge

A Subdivision in the City of Fort Smith, Arkansas

Owner
R.A. Young Properties
Limited Partners

Developer
Ivey Management, LLC.

P.O. Box 10048
Fort Smith, Ar. 72917

P.O. Box 5295
Fort Smith, Ar. 72913

L=553.11' R=770.00'
Δ=4109'25" T=289.09'
Chord N5'43'10" W 541.29'

BOUNDARY DESCRIPTION

Part of the Southeast Quarter of the Southeast Quarter of Section 27 and part of the West Half of the Southwest Quarter of Section 28, All in Township 8 North, Range 32 West, City of Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Beginning at an existing iron pin marking the southeast corner of Lot 25, Leigh Ridge, on addition to the City of Fort Smith, Sebastian County, Arkansas, Thence N08°08'30"E, along the east line of said Leigh Ridge, 297.17 feet to an existing iron pin, thence N40°02'39"E, continuing along said east line of Leigh Ridge, 218.64 feet to an existing iron pin, thence N77°42'22"E, along the southeasterly line of said Leigh Ridge, 781.13 feet to an existing iron pin, thence N64°10'25"E, continuing along said southeasterly line of Leigh Ridge, 135.36 feet to an existing iron pin marking the southeast corner of said Leigh Ridge, said point also lying on the westerly right-of-way line of Cliff Drive, thence along said westerly right-of-way line of Cliff Drive the following bearings and distances: S24°59'42"E, 68.75 feet; S25°42'53"E, 150.16 feet; S26°25'15"E, 127.87 feet; thence S25°51'35"E, leaving said westerly right-of-way line of Cliff Drive, 288.34 feet; thence S47°22' feet, along the arc of a curve to the right, having a radius of 770.00 feet and a chord bearing and distance of S05°30'01"E, 535.78 feet to the northerly right-of-way line of said Cliff Drive, thence along said northerly right-of-way line of Cliff Drive the following bearings and distances: N51°19'32"W, 10.82 feet; N52°00'22"W, 66.74 feet; N58°13'09"W, 123.00 feet; N59°30'07"W, 137.17 feet; N58°24'48"W, 127.86 feet; 213.98 feet along the arc of a curve to the left, having a radius of 997.19 feet and a chord bearing and distance of N65°21'51"W, 213.57 feet; 230.56 feet along the arc of a curve to the left, having a radius of 671.67 feet and a chord bearing and distance of N46°28'10"W, 229.43 feet; S08°05'42"W, 122.07 feet; S08°13'35"W, 142.38 feet; S07°18'48"W, 37.20 feet; S56°56' feet along the arc of a curve to the right, having a radius of 1076.03 feet and a chord bearing and distance of N07°08'51"W, 256.38 feet to the Point of Beginning, containing 19.115 acres, more or less, being subject to public roads, rights-of-ways and any easements of record.

NO.	DATE	REVISION

Engineers-Consultants-Surveyors
3434 Country Club Ave.
P.O. Box 1507
Fort Smith, Arkansas

(479) 669-9484
Fax: (479) 669-9485
info@mcw-eng.com



PRELIMINARY LAYOUT
HORSESHOE RIDGE
A SINGLE FAMILY RESIDENTIAL SUBDIVISION AT
CLIFF DRIVE AND LEIGH AVENUE
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

DRAWN BY: J. MOLEN
APPROVED BY: P. MICKLE
H. SCALE: 1"=40'
V. SCALE: N/A
DATE: MAY 2013
JOB NO: 11881

SHEET 1 OF 1

P.C. Approval - June 11, 2013

98

RA Young Properties Limited Partners
P. O. Box 10048
Fort Smith, AR 72917

Special School District of Ft. Smith
ATTN: Alan Love
P. O. Box 1948
Fort Smith, AR 72902

Special School District of Fort Smith
4100 Gary
Fort Smith, AR 72903

Kelley Realty Company
P. O. Box 1551
Fort Smith, AR 72902

City of Fort Smith Utilities

Arkansas Best Corporation
P. O. Box 10048
Fort Smith, AR 72917

Cliff Drive, LLC
P. O. Box 1551
Fort Smith, AR 72902



tracing and other copies and associated documents prior to the plat being filed with the county recorder. Chairman Sharpe then called for the vote on the final plat as amended. The vote was 8 in favor and 0 opposed.

- 2. Rezoning #7-6-13; A request by Pat Mickle, agent for RA Young Properties Limited Partners, for a zone change from Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2) by Classification located at 4101-4299 Cliff Drive. (tabled from June 2013)**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the construction of a single family subdivision. Ms. Andrews stated that this item was on last month's Planning Commission agenda but due to the publication of a incorrect zoning classification it was tabled in order to be able to readvertise this request with the proper zoning classification.

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

No one was present to speak in opposition to the rezoning request.

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

- 3. Rezoning #9-7-13; A request by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Classification located at 8201 Phoenix Avenue. (companion item to item #4)**
- 4. Development Plan Approval for a bank located at 8201 Phoenix Avenue. Requested by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust. (companion item to item #3)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate the development of a bank.

Mr. Larry Hall was present to speak on behalf of these requests.

3.

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. 9-7-13 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 9, 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: That the following properties to-wit:

Part of Lot 1, Sharum Plat #2, being filed for record October 26, 1957, Greenwood District, Sebastian County and part of Government Lot 1 of the Southwest Quarter of Section 30, Township 8 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of said Southwest Quarter; thence along the east line of said Southwest Quarter, S 02°50'11"W, 602.75 feet; thence leaving said east line, N 87°15'38"W, 39.96 feet to a set ½" rebar with cap stamped MWC 1369 and the Point of Beginning, said point also being the southeast corner of Lot E, Hillsboro Estate, Lots D & E being filed for record October 20, 2008 as plat 1804a, said point also being on the west right-of-way line of Massard Road; thence along said right-of-way line, S 02°50'42"W, 174.00 feet to a set ½" rebar with cap stamped MWC 1369; thence continuing along said right-of-way line, S 47°50'42"W, 42.43 feet to a set ½" rebar on the north right-of-way line of Phoenix Avenue; thence along said right-of-way line, N 87°09'49"W, 390.96 feet to a set ½" rebar with cap stamped MWC 1369; thence along said right-of-way line and 267.77 feet along the arc of a curve to the right, said curve having a radius of 960.00 feet and being subtended by a chord having a bearing of N 79°09'52"W and a distance of 266.90 feet to a set ½" rebar with cap stamped MWC 1369; thence N 40°37'03"E, 7.07 feet to a set ½" rebar with cap stamped MWC 1369 on the south line of Lot A, Hillsboro Estate, Lots A thru C being filed for record October 13, 2008 as plat 1804b; thence continuing along said south line and 215.17 feet along the arc of a curve to the right, said curve having a radius of 300.00 feet and being subtended by a chord having a bearing of N 61°09'55"E, and a distance of 210.59 feet to set ½" rebar

with cap stamped MWC 1369; thence continuing along said south line, N 02°57'12"E, 49.85 feet to an existing ½" rebar with cap stamped MWC 1369; thence continuing along said south line of Lot A and the south line of said Lot D and said Lot E, # 87°15'38"E, 501.64 feet to the Point of Beginning, containing 2.73 acres, more or less.

more commonly known as 8201 Phoenix Avenue, should be, and is hereby rezoned from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Classification.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

ATTEST:

APPROVED:

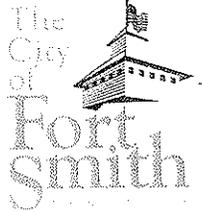
City Clerk

Mayor

Approved as to form:



Publish One Time



July 29, 2013

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

Re: Rezoning #9-7-13; A request by Larry Hall, agent for Lawrence and Mildred Sharum Living Trust, for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Classification located at 8201 Phoenix Avenue.

On July 9, 2013, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to facilitate the development of a bank.

Mr. Larry Hall was present to speak on behalf of this request.

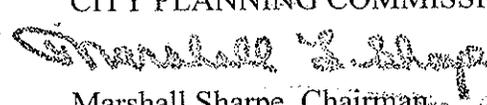
No one was present to speak in opposition to this request.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 6 in favor, 0 opposed and 2 abstentions (Keese, Cooper).

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

Respectfully Submitted,

CITY PLANNING COMMISSION


Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

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

Memo

To: City Planning Commission

From: Planning Staff

Date: June 24, 2013

Re: Rezoning #9-7-13 - A request by Larry Hall, agent, for Planning Commission consideration of a zone request from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by classification at 8201 Phoenix Avenue (Companion to item #5)

LOT LOCATION AND SIZE

The subject property is on the northwest side of the intersection of Phoenix Avenue and Massard Road. The tract contains an area of 2.73 acres with approximately 257 feet of street frontage along Phoenix Avenue and approximately 174 feet of street frontage along Massard Road.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Low/Medium Density (RSD-2). Characteristics of this zone are as follows:

Purpose:

To provide for attached and detached homes in low-to-medium density neighborhoods where adequate public services and facilities are available. The RSD-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment category 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, 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.

3A

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 4 Dwelling Units/Acre	Maximum Lot Coverage - 50%
Minimum Lot Width at Building Line – 75 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 30 feet	
Side Yard on Street Side of Corner Lot - 30 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 7,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	

3B

Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 10 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Collector or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Transitional (T) and Commercial Heavy (C-5) and developed as a restaurant and Mercy Medical Center.

The areas to the east are zoned Commercial Heavy (C-5) and developed as a dental office and pharmacy.

The areas to the south are zoned Residential Single Family Duplex Low/Medium Density (RSD-2) and developed as single family residences.

The areas to the west are zoned Transitional (T) and are developed as Mercy Medical Center.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance. (A companion item #5 is a Development Plan Review)

PROPOSED ZONING

The proposed rezoning will facilitate the development of a bank.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, July 1, 2013 at 8100 Dallas Street. Two neighboring property owners attended the meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the rezoning request contingent upon approval of the development plan.

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) SEE ATTACHED

2. Address of property: 8201 PHOENIX AVE

3. The above described property is now zoned: RSD2

4. Application is hereby made to change the zoning classification of the above described property to CR by CLASSIFICATION.
(Extension or classification)

5. Why is the zoning change requested?

PROSPECTIVE BUYER WOULD LIKE TO
DEVELOP THE PROPERTY FOR A BRANCH
BANK FACILITY.

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

BPM ARCHITECTS
LARRY R. HALL
Owner or Agent Name
(please print)

Signed: _____
Owner

306 N. GREENWOOD
Owner or Agent Mailing Address

or
Larry R. Hall
Agent

(479) 782-5049
Owner or Agent Phone Number

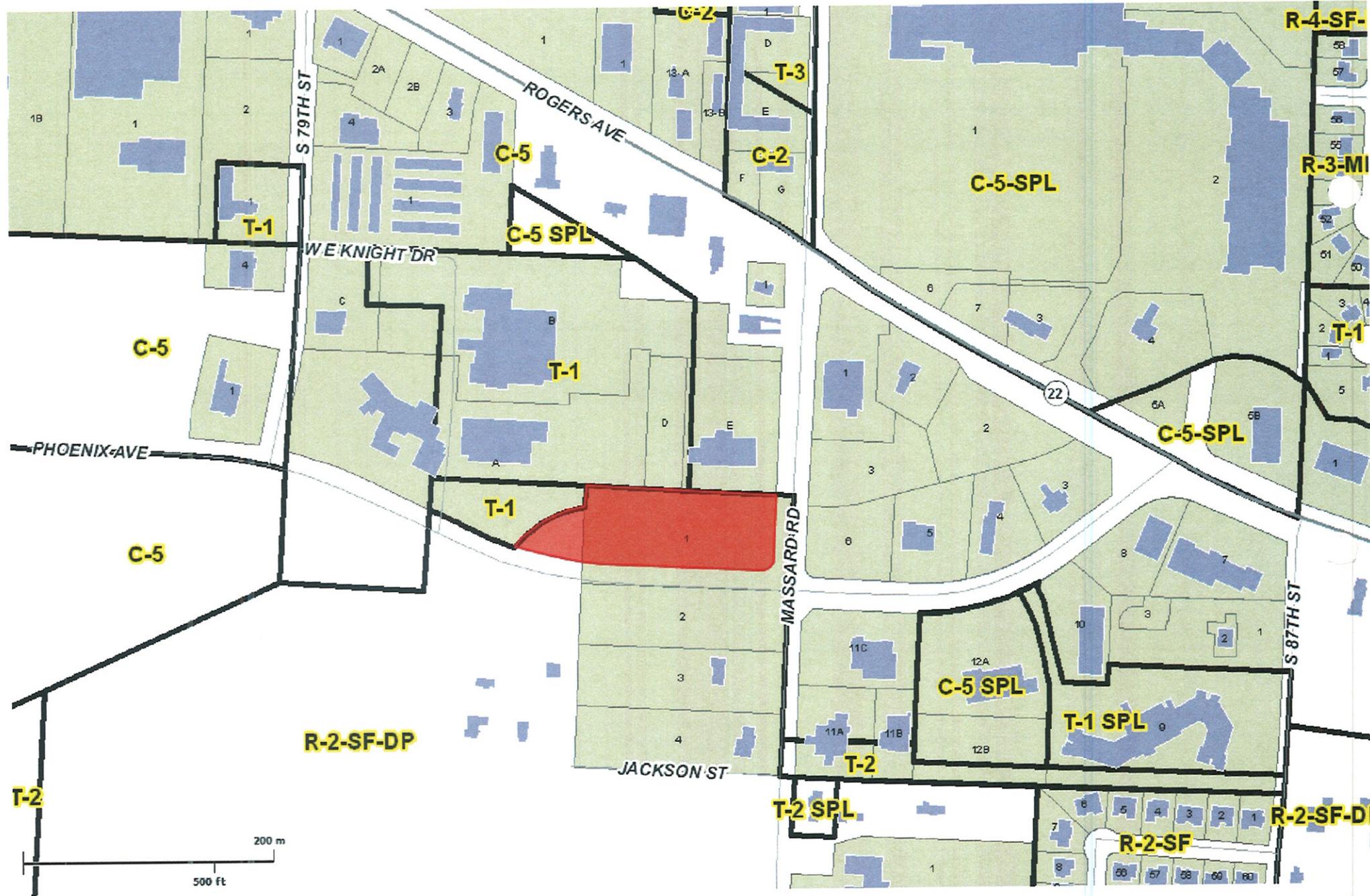
BOUNDARY DESCRIPTION

Part of Lot 1, Sharum Plat #2, being filed for record October 26, 1957, Greenwood District, Sebastian County and part of Government Lot 1 of the Southwest Quarter of Section 30, Township 8 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of said Southwest Quarter; Thence along the east line of said Southwest Quarter, S02°50'11"W, 602.75 feet; Thence leaving said east line, N87°15'38"W, 39.96 feet to a set ½" rebar with cap stamped MWC 1369 and the Point of Beginning, said point also being the southeast corner of Lot E, Hillsboro Estate, Lots D & E being filed for record October 20, 2008 as plat 1804a, said point also being on the west right-of-way line of Massard Road; Thence along said right-of-way line, S02°50'42"W, 174.00 feet to a set ½" rebar with cap stamped MWC 1369; Thence continuing along said right-of-way line, S47°50'42"W, 42.43 feet to a set ½" rebar on the north right-of-way line of Phoenix Avenue; Thence along said right-of-way line, N87°09'49"W, 390.96 feet to a set ½" rebar with cap stamped MWC 1369; Thence along said right-of-way line and 267.77 feet along the arc of a curve to the right, said curve having a radius of 960.00 feet and being subtended by a chord having a bearing of N79°09'52"W and a distance of 266.90 feet to a set ½" rebar with cap stamped MWC 1369; Thence N40°37'03"E, 7.07 feet to the a set ½" rebar with cap stamped MWC 1369 on the south line of Lot A, Hillsboro Estate, Lots A thru C being filed for record October 13, 2008 as plat 1804b; Thence continuing along said south line and 215.17 feet along the arc of a curve to the right, said curve having a radius of 300.00 feet and being subtended by a chord having a bearing of N61°09'55"E and a distance of 210.59 feet to set ½" rebar with cap stamped MWC 1369; Thence continuing along said south line, N02°57'12"E, 49.85 feet to an existing ½" rebar with cap stamped MWC 1369; Thence continuing along said south line of Lot A, and the south line of said Lot D and said Lot E, S87°15'38"E, 501.64 feet to the Point of Beginning, containing 2.73 acres, more or less.

Rezoning #9-7-13: From Residential Single Family Medium Density (RSD-2) to Commercial Light (C-2)

8201 Phoenix Avenue



ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location FT SMITH LIBRARY - DALLAS ST. BRANCH

Meeting Time & Date JULY 1, 2013 11:00 AM.

Meeting Purpose REZONING

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>LARRY B. HALL</u>	<u>305 W. GREENWOOD FS.</u>	<u>782-5049</u>
2.	<u>TOM MONACO</u>	<u>CITY</u>	<u>784-2718</u>
3.	<u>LAWRENCE SHARUM</u>	<u>3812 MASSARD RD FS.</u>	<u>452-2555</u>
4.	<u>LARRY SHARUM</u>	<u>311 SYBYL DR CENTRAL CITY</u>	<u>452-8303</u>
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____

36



**BIGGERSTAFF
MINDEN
& HALL**

Architects & Planners
Charles P. Biggerstaff
Jo Dawn Minden
Larry R. Hall

305 N. Greenwood
Fort Smith, AR 72903
(479) 782-5049 Fax 782-5040

Meeting Notes

**Date: July 1, 2013
11:00 a.m.**

Project: Summit Branch Bank-8201 Phoenix Ave.

**Present: Larry R. Hall-Architect
Don Keesee-Summit Bank
Phillip Doss-Summit Bank
Larry Sharum-present land owner
Lawrence Sharum-present land owner
Tom Monaco-City of Fort Smith-Planning Dept.**

Project No: 13-03

The purpose of the meeting was for anyone notified by mail to look over the project. The project was displayed on boards with the Site Plan/Landscape Plan and the Floor Plan/Front Elevation. All drawings were shown in color.

The Sharum's were shown the project. They seemed very happy with the layout.

No other questions or concerns were noted.

Meeting was dismissed at 11:45 a.m.

Larry R. Hall AIA
e-mail address: larry@bmhpa.com

BOUNDARY DESCRIPTION

Part of Lot 1, Sharum Plot #2, being filed for record October 26, 1957, Greenwood District, Sebastian County and part of Government Lot 1 of the Southwest Quarter of Section 30, Township 8 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

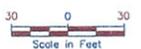
Commencing at the Northeast Corner of said Southwest Quarter; Thence along the east line of said Southwest Quarter, S02°50'11"W, 602.75 feet; Thence leaving said east line, N87°15'38"W, 39.96 feet to a set 1/2" rebar with cap stamped MWC 1369 and the Point of Beginning, said point also being the southeast corner of Lot E, Hillsboro Estate, Lots D & E being filed for record October 20, 2008 as plot 1804a, said point also being on the west right-of-way line of Massard Road; Thence along said right-of-way line, S02°50'42"W, 174.00 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence continuing along said right-of-way line, S47°50'42"W, 42.43 feet to a set 1/2" rebar on the north right-of-way line of Phoenix Avenue; Thence along said right-of-way line, N87°09'49"W, 360.96 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence along said right-of-way line and 267.77 feet along the arc of a curve to the right, said curve having a radius of 960.00 feet and being subtended by a chord having a bearing of N79°09'52"W and a distance of 266.90 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N40°37'03"E, 7.07 feet to the a set 1/2" rebar with cap stamped MWC 1369 on the south line of Lot A, Hillsboro Estate, Lots A thru C being filed for record October 13, 2008 as plot 1804b; Thence continuing along said south line and 215.17 feet along the arc of a curve to the right, said curve having a radius of 300.00 feet and being subtended by a chord having a bearing of N61°09'55"E and a distance of 210.59 feet to set 1/2" rebar with cap stamped MWC 1369; Thence continuing along said south line, N02°57'12"E, 49.88 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence continuing along said south line of Lot A, and the south line of said Lot D and said Lot E, S87°15'38"E, 501.64 feet to the Point of Beginning, containing 2.73 acres, more or less.

L=215.17' R=300.00'
Δ=41°05'42" I=112.45'
Chord N61°09'55"E 210.59'

L=267.77' R=960.00'
Δ=15°58'53" I=134.76'
Chord N79°09'52"W 266.90'

LEGEND

- SRB = SET 1/2" REBAR W/ PLASTIC CAP STAMPED MWC 1369
- PIP = EXISTING 1/2" REBAR
- CONCRETE
- FENCE
- RIGHT OF WAY
- FLOORWAY
- SANITARY SEWER LINE
- WATER LINE
- EASEMENT LINE
- FLOW LINE
- FLOODPLAIN
- SANITARY SEWER MANHOLE
- TELEPHONE PEDESTAL
- FIRE HYDRANT



Basis of Bearings:
Bearings are Grid, NAD83,
Arkansas State Plane North
Zone.

SITE PLAN

SCALE: 1:20

PARKING SPACES SHOWN: 32
REQUIRED PARKING SPACES: 14
1,450 S.F. CSA/150 = 10 SPACES
10 EMPLOYEES/3 = 4 SPACES

8201 PHOENIX AVE. ①



Branch Bank Facility
for
Summit Bank
830 Phoenix Ave.
Fort Smith, Arkansas

Summit Bank

BIGGERSTAFF MINDEN & HALL P.A.
ARCHITECTS & PLANNERS

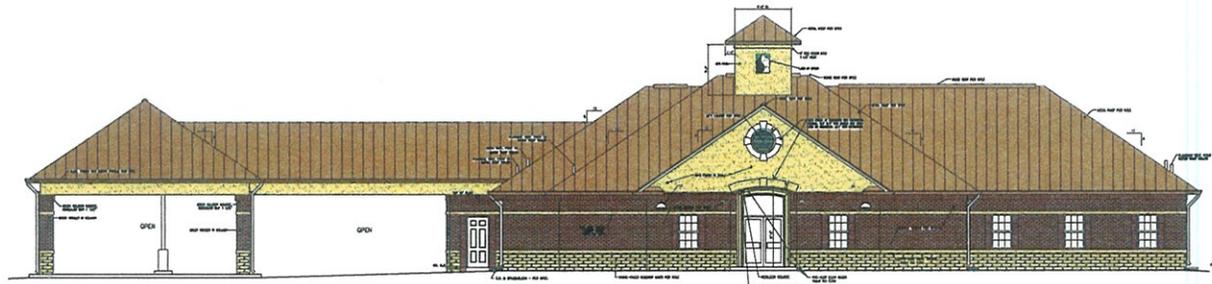
300 NORTH GREENWOOD FORT SMITH, ARKANSAS 72301 (479) 782-3946 (800) 787-3940

SITE PLAN

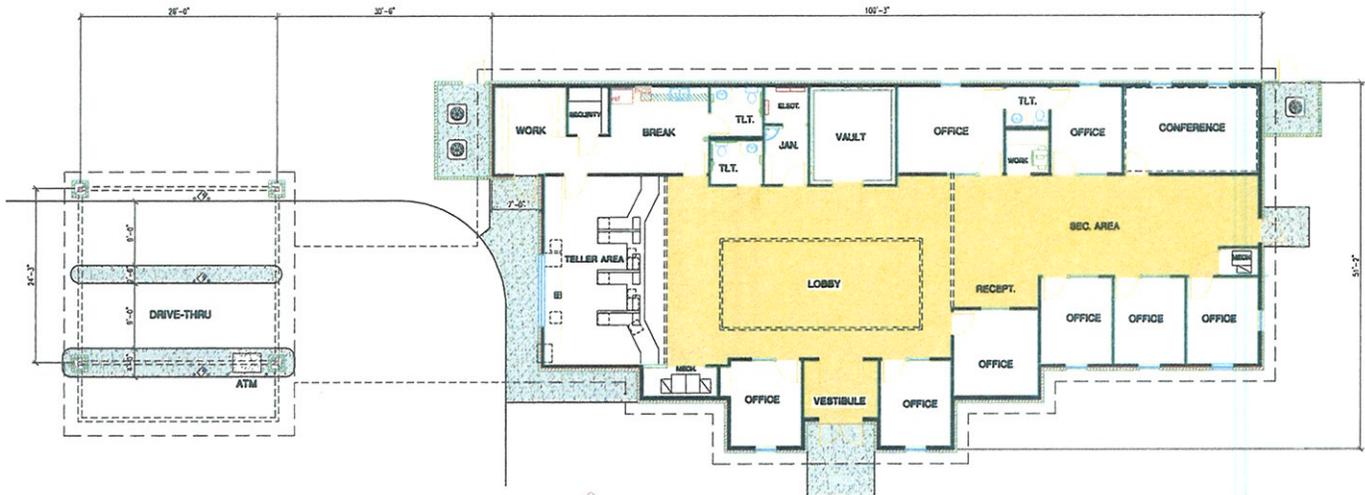
REVISIONS:

DATE: 6-14-13
PROJECT NO.: 13-03
SHEET: C1 OF C2

PRELIM



SOUTH ELEVATION
SCALE: 1/8" = 1'-0" ①



FLOOR PLAN
SCALE: 1/8" = 1'-0" 4,588 S.F. ①

Branch Bank Facility
for
Summit Bank
8201 Phoenix Ave.
Fort Smith, Arkansas

Summit Bank

BIGGERSTAFF MINDEN & HALL P.A.
ARCHITECTS & PLANNERS
300 NORTH GREENWOOD FORT SMITH, ARKANSAS 72301 (479) 781-5341 FAX 781-5840

BM & H

REVISIONS:
DATE:
PROJECT NO.:
13-03
SHEET:
A1 OF

PRELIM

Little Massard, LLC
109 North 6th Street
Fort Smith, AR 72901

Stan Yerton Bypass Trust
6700 Woodland Circle
Fort Smith, AR 72916

Chambers Bank
P. O. Box 1330
Danville, AR 72833

M BSR Ft Smith LLC
P. O. Box 575
Kansas City, MO 64083

Dougherty Family Real Estate, LLC
2300 South 46th Street
Fort Smith, AR 72903

Benefit Development Corporation
P. O. Box 10750
Fort Smith, AR 72903

St. Edward Mercy Health System, Inc.
ATTN: Nancy Bukovic
14528 S. Outer Forty-Ste 100
Chesterfield, MO 63017

CDOCG Investments, LLC
3721 Free Ferry Road
Fort Smith, AR 72903

Lawrence Sharum Living Trust
3812 Massard
Fort Smith, AR 72903

**Planning Commission Meeting Minutes
July 9, 2013**

tracing and other copies and associated documents prior to the plat being filed with the county recorder. Chairman Sharpe then called for the vote on the final plat as amended. The vote was 8 in favor and 0 opposed.

- 2. Rezoning #7-6-13; A request by Pat Mickle, agent for RA Young Properties Limited Partners, for a zone change from Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2) by Classification located at 4101-4299 Cliff Drive. (tabled from June 2013)**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the construction of a single family subdivision. Ms. Andrews stated that this item was on last month's Planning Commission agenda but due to the publication of an incorrect zoning classification it was tabled in order to be able to readvertise this request with the proper zoning classification.

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

No one was present to speak in opposition to the rezoning request.

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

- 3. Rezoning #9-7-13; A request by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Classification located at 8201 Phoenix Avenue. (companion item to item #4)**
- 4. Development Plan Approval for a bank located at 8201 Phoenix Avenue. Requested by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust. (companion item to item #3)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate the development of a bank.

Mr. Larry Hall was present to speak on behalf of these requests.

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

Chairman Sharpe called for the vote on these requests.

3. **Rezoning #9-7-13; A request by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Classification located at 8201 Phoenix Avenue. (companion item to item #4)**

Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried by a vote of 6 in favor with Commissioners Keese and Cooper abstaining to amend this request to make approval subject to the approval of the development plan.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 6 in favor, 0 opposed and 2 abstentions (Keese, Cooper).

4. **Development Plan Approval for a bank located at 8201 Phoenix Avenue. Requested by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust. (companion item to item #)**

Motion was made by Commissioner Parks, seconded by Commissioner Spearman and carried by a vote of 6 in favor with Commissioners Keese and Cooper abstaining to amend this request to make approval subject to the following:

- All construction must be built in accordance with the submitted development plan.
- Airport approval is required due to the project being located on the edge of the Airport Approach Zone.
- Dedication of a 20' wide easement adjacent to Massard Road.
- The development shall not encroach the existing 100' drainage easement (Little Massard Creek)
- Replatting of property will be required.
- A traffic statement is required for this development.

- The Phoenix Avenue extension access ordinance limits the site to two (2) driveways. No driveway approaches are permitted on Massard Road.
- The site is within the Little Massard Creek regulatory floodplain and requires a flood plan development permit.
- Stormwater water quality treatment in accordance with the 2011 Storm Drainage Standards is required if the site improvements exceed one (1) acre.
- The Option A sign design is not approved because more than 50% of the sign is used for advertising, which does not comply with Section 27-440(B)5 of the Phoenix Avenue Overlay District sign regulations.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 6 in favor, 0 opposed and 2 abstentions (Keesee, Cooper).

- 5. Development Plan Approval for a building addition to Umarex located at 7700 Chad Colley Boulevard. Requested by Travis Brisendine, agent for John Miller. (companion item to item #17)**
- 17. Variance #21-7-13; A request by Travis Brisendine, agent for John Miller, for a variance from Section 27-602-4(E)(4) & Section 27-602-4(E)(5) Industrial Building Standards located at 7700 Chad Colley Boulevard. (companion item to item #5)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is for a proposed 60,000 square foot textured metal expansion to the existing Umarex building, as well as a parking lot expansion and a variance from the industrial design guidelines that require a 2:12 roof pitch and screening of an existing trash compactor. Ms. Andrews stated that the Planning Commission approved a similar development plan that consisted of approximately 57,000 square foot expansion with the same architect features and design during the May 14th Planning Commission meeting and staff believes that the additional 3,000 square foot expansion will not affect the original design or approval.

Mr. Travis Brisendine was present to speak on behalf of these requests.

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

Chairman Sharpe then called for the vote on these items.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 13-251 THROUGH 13-253 OF THE FORT SMITH MUNICIPAL CODE REGULATING CHARITABLE FUNDRAISING

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

SECTION I: Section 13-251 (a) & (b) of the Fort Smith Municipal Code is amended to read as follows:

(a) Subsection (a) of Section 13-251 is amended to delete reference to “the city administrator or his designated agent” and to replace that language with the “chief of police, or his or her designee.”

(b) Subsection (b) of Section 13-251 is amended to read:

Such a permit shall be issued upon application of any such person and upon proof or certification that the applicant has either complied with or is exempt from the provisions of A.C.A. tit. 4, ch. 28, subch. 4 [§ 4-28-401 *et seq.*]. Registration with the Arkansas Attorney General’s Charities Database shall be accepted as proof of such compliance with the provisions of A.C.A. tit. 4, ch. 28, subch. 4 [§§ 4-28-401 *et seq.*].

SECTION II: Section 13-252 of the Fort Smith Municipal Code is amended to reflect accurately the applicable state statutes requiring registration by professional fundraisers and/or professional solicitors; consequently, the last part of said section is amended to read: “A.C.A. §§ 4-28-401 *et seq.*”

SECTION III: Section 13-253(b) of the Fort Smith Municipal Code is amended by removing references to “city administrator and his designee” and replacing them with “chief of police or his or her designee.”

SECTION IV: Emergency Clause. In order to be in compliance with current state laws governing registration by professional fundraisers, several of whom are contemplated to be fundraising soon within the City of Fort Smith; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF AUGUST, 2013.

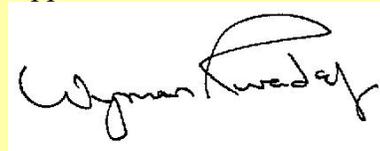
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



City Attorney
Publish One Time



Fort Smith Police Department

Kevin Lindsey, Chief of Police

Inter-Departmental Memorandum

To: Ray Gosack, City Administrator

From: Kevin Lindsey, Chief of Police

Subject: Proposed Ordinance Change Concerning Issuance of Permit to Charitable Organizations and Use of Right of Way for Solicitation Purposes

Date: July 29, 2013

Attachments: Fort Smith Municipal Code Revisions Sections 13-251 through 13-253 (final and strikethrough versions)

The attached ordinance revision proposes changes in our current ordinances concerning charitable organizations and solicitation of funds using the City's right-of-ways. The primary change is to substitute the chief of police for the city administrator as the permitting authority for the city. The police department has prepared a formal application that charitable organizations and professional fundraisers/solicitors can use to apply for a permit. The permit application requires information from the State Attorney General's Charities Database to be included on the form. Professional fundraisers/solicitors must register their organizations with the state before they can be issued a permit to conduct local fundraising or soliciting. The ordinance changes reflect this requirement.

FORT SMITH MUNICIPAL CODE

Chapter 13 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE IX. - CHARITABLE ORGANIZATIONS AND PROFESSIONAL FUNDRAISERS

Sec. 13-251. - Charitable organizations.

- (a) *Permit required.* No person, as defined by A.C.A. § 4-28-401, organized as a charitable organization, as defined by A.C.A. § 4-28-401, shall solicit any contribution, as defined by A.C.A. § 4-28-401, within the corporate limits of the city until such person shall have obtained from the ~~chief of police city administrator~~, or his design~~ated agent~~, a permit authorizing such solicitation.
- (b) *Issuance upon compliance with requirements of law.* Such a permit shall be issued upon application of any such person and upon ~~submission of~~ proof or certification ~~by such person~~ that the applicant has either complied with or is exempt from the provisions of A.C.A. tit. 4, ch. 28, subch. 4 [§ 4-28-401 et seq.]. ~~A Registration with the Arkansas Attorney General's Charities Database certified statement from the Arkansas Secretary of State certifying that the applicant is in good standing with the requirements of reporting to the office of the secretary of state,~~ shall be accepted as proof of such compliance with the provisions of A.C.A. tit. 4, ch. 28, subch. 4 [§ 4-28-401 et seq.].
- (c) *Fee.* The fee for the issuance of such permit shall be as established by the board of directors.

Sec. 13-252. - Professional fundraisers and solicitors; compliance with law required.

No professional fundraiser or professional solicitor, as such terms are defined by A.C.A. § 4-28-401, shall engage in the businesses of professional fundraising or professional solicitation for any charitable corporation, as defined by A.C.A. § 4-28-401, within the corporate limits of the city unless such professional fundraiser and/or professional solicitor shall have complied with the provisions of A.C.A. tit. 417, ch. 2834 [§ ~~4-28-401~~17-34-401 et seq.].

Sec. 13-253. - Approaching persons on public rights-of-way for the purpose of solicitation prohibited.

- (a) Except as provided in chapter 22, article II, of the Fort Smith Municipal Code, and except as is provided by the permit procedure established by subsection (b) below, no person shall walk upon, extend any device into or otherwise encroach upon any public right-of-way within the corporate limits of the city for the purpose of soliciting a contribution, offering a gift of any item or offering the sale of any item to any pedestrian or occupant of any motor vehicle being operated on such public right-of-way.
- (b) After application as described in subsection (1), and pursuant to the safety conditions established by subsection (3), the ~~chief of police city administrator~~ may issue permits for solicitation of contributions within the public right-of-ways.
 - (1) Any entity with an Internal Revenue Code Section 501(c)(3) designation may make application for a solicitation permit by submitting, in writing, at least thirty (30) days prior to the initial date proposed for solicitation, an application which identifies the applying entity, provides proof of the entity's Internal Revenue Code Section 501(c)(3) designation, identifies the intersection(s) or other right-of-way points proposed for solicitation, and identifies the hours and dates for proposed solicitation. The applicant must submit with the application a certificate of insurance verifying liability insurance protection providing to the applicant, all persons performing permitted solicitation and the city liability protection in an amount not less than two million dollars (\$2,000,000.00) with reference to any demand, claim or litigation resulting from the solicitation activities.
 - (2) Upon submission of an application as provided by subparagraph (1), the ~~chief of police city administrator~~ may issue a permit for solicitation activities to commence not earlier than thirty (30) days from the date of application, at designated street intersections or other points on public rights-of-way, on identified dates (only on Fridays, Saturdays, Sundays and holidays

FORT SMITH MUNICIPAL CODE

Chapter 13 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE IX. - CHARITABLE ORGANIZATIONS AND PROFESSIONAL FUNDRAISERS

recognized by the federal government) and only during daylight hours. No single permit shall be granted for a period of time in excess of three (3) consecutive days.

- (3) All solicitations accomplished pursuant to a permit issued by the ~~chief of police city administrator~~ shall comply with the following mandatory safety requirements:
- a. No person under the age of eighteen (18) shall be permitted to be a solicitor;
 - b. All solicitors must wear bright, reflective clothing substantially equivalent to safety vests;
 - c. The entity granted the permit shall post signs advising motorists that solicitors are present at the solicitation points at least three hundred (300) feet from the solicitation points on each public right-of-way from which the solicitation points may be approached;
 - d. All solicitors must restrict their activities to sidewalks, shoulders or raised traffic medians and no solicitor shall personally encroach into traveled lanes of traffic; and,
 - e. No solicitor shall extend a solicitation sign or device to any motorist or vehicle occupant until the vehicle has come to a complete stop, and all solicitation signs or devices shall be withdrawn from the traveled lane of traffic immediately upon movement by the stopped vehicle.

The ~~chief of police city administrator~~, or his ~~designee authorized agent~~, may immediately suspend any permit by reason of violation of the foregoing safety requirements observed by any police officer ~~or the designated agent of the city administrator~~.

FORT SMITH MUNICIPAL CODE

Chapter 13 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE IX. - CHARITABLE ORGANIZATIONS AND PROFESSIONAL FUNDRAISERS

[Sec. 13-251. - Charitable organizations.](#)

- (a) *Permit required.* No person, as defined by A.C.A. § 4-28-401, organized as a charitable organization, as defined by A.C.A. § 4-28-401, shall solicit any contribution, as defined by A.C.A. § 4-28-401, within the corporate limits of the city until such person shall have obtained from the chief of police, or his designee, a permit authorizing such solicitation.
- (b) *Issuance upon compliance with requirements of law.* Such a permit shall be issued upon application of any such person and upon proof or certification that the applicant has either complied with or is exempt from the provisions of A.C.A. tit. 4, ch. 28, subch. 4 [§ 4-28-401 et seq.]. Registration with the Arkansas Attorney General's Charities Database shall be accepted as proof of such compliance with the provisions of A.C.A. tit. 4, ch. 28, subch. 4 [§ 4-28-401 et seq.].
- (c) *Fee.* The fee for the issuance of such permit shall be as established by the board of directors.

[Sec. 13-252. - Professional fundraisers and solicitors: compliance with law required.](#)

No professional fundraiser or professional solicitor, as such terms are defined by A.C.A. § 4-28-401, shall engage in the businesses of professional fundraising or professional solicitation for any charitable corporation, as defined by A.C.A. § 4-28-401, within the corporate limits of the city unless such professional fundraiser and/or professional solicitor shall have complied with the provisions of A.C.A. tit. 4, ch. 28 [§ 4-28-401 et seq.].

[Sec. 13-253. - Approaching persons on public rights-of-way for the purpose of solicitation prohibited.](#)

- (a) Except as provided in [chapter 22](#), article II, of the Fort Smith Municipal Code, and except as is provided by the permit procedure established by subsection (b) below, no person shall walk upon, extend any device into or otherwise encroach upon any public right-of-way within the corporate limits of the city for the purpose of soliciting a contribution, offering a gift of any item or offering the sale of any item to any pedestrian or occupant of any motor vehicle being operated on such public right-of-way.
- (b) After application as described in subsection (1), and pursuant to the safety conditions established by subsection (3), the chief of police may issue permits for solicitation of contributions within the public right-of-ways.
 - (1) Any entity with an Internal Revenue Code Section 501(c)(3) designation may make application for a solicitation permit by submitting, in writing, at least thirty (30) days prior to the initial date proposed for solicitation, an application which identifies the applying entity, provides proof of the entity's Internal Revenue Code Section 501(c)(3) designation, identifies the intersection(s) or other right-of-way points proposed for solicitation, and identifies the hours and dates for proposed solicitation. The applicant must submit with the application a certificate of insurance verifying liability insurance protection providing to the applicant, all persons performing permitted solicitation and the city liability protection in an amount not less than two million dollars (\$2,000,000.00) with reference to any demand, claim or litigation resulting from the solicitation activities.
 - (2) Upon submission of an application as provided by subparagraph (1), the chief of police may issue a permit for solicitation activities to commence not earlier than thirty (30) days from the date of application, at designated street intersections or other points on public rights-of-way, on identified dates (only on Fridays, Saturdays, Sundays and holidays recognized by the federal government) and only during daylight hours. No single permit shall be granted for a period of time in excess of three (3) consecutive days.

FORT SMITH MUNICIPAL CODE

Chapter 13 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE IX. - CHARITABLE ORGANIZATIONS AND PROFESSIONAL FUNDRAISERS

- (3) All solicitations accomplished pursuant to a permit issued by the chief of police shall comply with the following mandatory safety requirements:
- a. No person under the age of eighteen (18) shall be permitted to be a solicitor;
 - b. All solicitors must wear bright, reflective clothing substantially equivalent to safety vests;
 - c. The entity granted the permit shall post signs advising motorists that solicitors are present at the solicitation points at least three hundred (300) feet from the solicitation points on each public right-of-way from which the solicitation points may be approached;
 - d. All solicitors must restrict their activities to sidewalks, shoulders or raised traffic medians and no solicitor shall personally encroach into traveled lanes of traffic; and,
 - e. No solicitor shall extend a solicitation sign or device to any motorist or vehicle occupant until the vehicle has come to a complete stop, and all solicitation signs or devices shall be withdrawn from the traveled lane of traffic immediately upon movement by the stopped vehicle.

The chief of police, or his designee, may immediately suspend any permit by reason of violation of the foregoing safety requirements observed by any police officer.

5A.

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AUTHORIZING THE MAYOR
TO EXECUTE A CONTRACT FOR REPAIRS TO THE CITY PARKING FACILITY AT
700 ROGERS AVENUE

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

SECTION 1: The bid of Restocon Corporation received July 16, 2013, for repairs to the
City Parking Facility at 700 Rogers Avenue in the amount of \$54,516.00 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Restocon Corporation
subject to the terms set forth in Section 1 above.

THIS RESOLUTION ADOPTED THIS _____ DAY OF AUGUST, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



No Publication Required

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: July 11, 2013
Subject: Parking Garage at 700 Rogers Avenue

The Parking Garage at 700 Rogers Avenue is in need of structural repairs and waterproofing. The repairs are summarized as repairing of cracking in the precast concrete double-tee members, repairs of cracks and spalling in the concrete topping slab, repairs of damaged double-tee flange connectors, replacement of deteriorated sealant at double -tee flange joints, replacement of bearing pad and tee connectors at the southwest stairs and related work.

An invitation to bids was advertised with several bidders responding. Eight contractors were represented at the mandatory pre-bid walk through on July 8, 2013. The bid opening was held on Tuesday, July 16, 2013.

Three bidders submitted bids and all three were in attendance at the mandatory pre-bid meeting. A summary of the bids submitted at the bid opening is as follows:

Restocon Corporation	\$54,516.00	45 days
Steve Beam Construction, Inc.	\$143,500.00	120 days
Roberts-McNutt, Inc.	\$213,675.00	150 days

Restocon Corporation's bid was significantly lower than the other bids. Because of that, the structural engineering firm of H.J. Engstrom & Associates and myself have spent considerable time interviewing and researching Restocon. We checked references and also conferred with Restocon to see if perhaps they had made any mistakes with their bid and to be sure that they fully understood the project. All references we received were good with comments that they are very knowledgeable, have a high level of expertise and would hire them again.

We also discussed the scheduling issues with the parking deck. Restocon submitted a schedule which I have shared and conferred with Chuck Guillory, Claude Legris and Tim Seeberg. We can work with the proposed work schedule.

Based on research and discussions with Restocon, they indicate they have submitted a good bid and we have found no reason to disqualify Restocon. I have included in the packet information from both Restocon and H.J. Engstrom & Associates.

We recommend the Board of Directors approve the attached Resolution that accepts the bid of Restocon Corporation for the amount of \$54,516.00. Please contact me if you have any questions.



08/01/2013

Wally Bailey
Director of Development Services
P.O. Box 1908 (02)
623 Garrison Avenue (01)
Fort Smith, AR 72901
479-784-2216

Re: Fort Smith Garage Repairs

Subject: Letter Of Intent

Dear Mr. Bailey,

Restocon Corporation has reviewed the contract documents that include the drawings and specifications written by the Engineer and City. We have also performed a bid review and analysis with the Engineer of record and internally for this project and have determined we bid the project as it was intended in the bidding documents.

We are fully prepared to execute the contract and perform the work as it is outlined in the specifications and drawings.

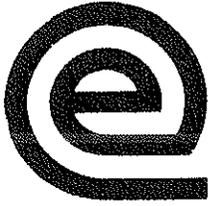
Restocon has provided a scheduling and phasing plan to the Engineer and Owner and attended a telephone conference to discuss the project and its impact on the use of garage. This conversation included work dates that are possible for work to be performed assuming weather and other acts outside the contractors control do not prohibit the work from happening.

Please feel free to contact me with any further questions or concerns you may have.

Sincerely,

Michael Long

Michael Long
President
Restocon Corporation



h. james engstrom & associates, inc. / engineers

August 1, 2013

Mr. Wally Bailey
Director of Development Services
P.O. Box 1908
Fort Smith, AR 72902

RE: Project: Repairs to the City of Fort Smith
Parking Facility; 700 Rogers Avenue
Fort Smith, Arkansas
Comments on Low Bidder:

Dear Sir:

As you are aware, on 7/16/13, you received the following three bids and estimated completion days for the abovementioned project:

	<u>CONTRACTOR</u>	<u>BID AMOUNT</u>	<u>CALENDAR DAYS</u>
1.	Restocon Corporation	\$ 54,516.00	45
2.	Steve Beam Construction, Inc.	\$143,500.00	120
3.	Roberts-McNutt, Inc.	\$213,675.00	150

We voiced our concern regarding the large differences in Bid Amounts and calendar days between the low bid and the next highest bidder. You shared the same concern.

In order to assist you in making your decision whether or not to accept the low bid, we have made several phone calls to Mr. Mike Long, President of Restocon Corporation to get his response as to these concerns. We understand you have done the same thing as well as checking with several of his references he submitted to you with his bid.

In this effort, it was offered to Mr. Long that the City of Fort Smith would most likely be willing to allow him to withdraw from his bid without forfeiting his Bid Bond if he wished to do so.

We requested that he revisit his Bid calculations, and he informed us that he did this himself along with another estimator in his company.

Mr. Long responded that he still believes his Bid amount is good and that his calendar days estimate is still good (see discussion below).

We also contacted Mr. Chris Chambliss, a representative of Sika Corporation who is responsible for some of the important special materials and applications required of this job. We asked his opinion of Restocon Corporation as a contractor, and he gave them a positive recommendation.

We requested that Mr. Long submit his specific staging plan (schedule) with times and dates of requested closures (or partial closures) to us and for your review at this time. This is not required by the Project Manual until after the Contract is signed and work is about to begin, but we thought it would help you in making this decision. Mr. Long submitted this, and then resubmitted it after we requested some clarification.

After you had reviewed it, we had a conference call today to allow both Mr. Long and you to go over the details of both parties' concerns. It was our understanding that the contractor's response was that he believed he could work within these constraints with the understanding that if weather delays required that he extend his last weekend or two into October, you would probably be able to allow the limited partial third level weekend closures required at that time. Please be sure you understand and agree with this interpretation.

We do still have concerns regarding the low bid amount and short number of calendar days and believe these concerns will require us to budget more time in our During Construction Services to monitor his work more closely and possibly address any problems that arise. However, the efforts described above did not detect any obvious things that would give strong reasons for recommending disqualification of this low bidder.

Please understand that these opinions are mostly based upon the contractor's own statements. This would be the first project of ours he has bid. We have not had any direct experience with this contractor.

If you have any questions, please call.

Respectfully Submitted,

H. JAMES ENGSTROM & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "H. James Engstrom", written over a horizontal line.

H. James Engstrom, P.E.
President

HJE/mkc

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND SEBASTIAN COUNTY, ARKANSAS, REGARDING THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

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

Section 1. The Memorandum of Understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual understandings concerning the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program between the two parties.

Section 2. The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute this Memorandum of Understanding to which the City of Fort Smith is a party.

THIS RESOLUTION ADOPTED THIS _____ DAY OF _____, 2013.

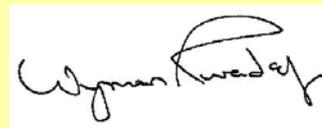
APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



City Attorney npr

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH,
ARKANSAS AND SEBASTIAN COUNTY, ARKANSAS CONCERNING THE 2013
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**

This agreement is made and entered into this _____ day of _____, 2013, by and between the County of Sebastian, acting by and through its governing body, the Quorum Court, hereinafter referred to as "COUNTY", and the City of Fort Smith, acting by and through its governing body, the Board of Directors, hereinafter referred to as "CITY", both of Sebastian County, State of Arkansas, witnesseth:

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement; and,

WHEREAS, this Agreement is made necessary to comply with applicable grant requirements; and,

WHEREAS, the CITY will be designated as the fiscal agent for the program and as such will be responsible for required financial and program reporting; and,

WHEREAS, the COUNTY shall receive \$44,348 and the CITY shall receive \$14,783 of the awarded 2013 JAG Fund,

NOW, THEREFORE, the CITY and COUNTY agree as follows:

Section 1

COUNTY agrees the CITY shall receive \$14,783 and the CITY agrees the COUNTY shall receive \$44,348 of the awarded 2013 JAG funds, anticipated to be \$59,131.

Section 2

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from furnishing of the services by the other party.

Section 3

The parties to this Agreement do not intend for any third party to obtain any right by virtue of this Agreement.

Section 4

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY of Fort Smith, Arkansas

COUNTY of Sebastian, Arkansas

Sandy Sanders
Mayor

David Hudson
County Judge



Fort Smith Police Department
Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: Ray Gosack City Administrator

From: Kevin Lindsey, Chief of Police

Subject: FY 2013 Edward Byrne Memorial Justice Assistance Grant Program

Date: August 6, 2013

The Fort Smith Police Department has been invited to apply for the 2013 JAG Grant in the amount of \$59,131.00. This is the regular solicitation of this annual grant. With this current grant the City of Fort Smith and Sebastian County are considered disparate agencies and thus must execute a Memorandum of Understanding (MoU). The primary purpose of this document is to delineate the amount that each government agency will receive.

After meeting with officials for the Sebastian County Sheriff's Office, it was determined that their portion of the 2013 JAG Grant will be in the amount of \$44,348. The Sebastian County Sheriff's Office will use their portion of this grant to purchase automatic vehicle locators (AVL's) and Samsung Galaxy electronic tablets as well as protective covers for the electronic tablets and keyboards.

The Fort Smith Police Department anticipates using our portion of 2013 JAG funds, in the amount of \$14,783 for a portion of the cost for a replacement patrol vehicle.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING EXECUTION OF UTILITY EASEMENT
GRANTED TO OKLAHOMA GAS AND ELECTRIC COMPANY FOR
FORT SMITH FIRE STATION FIRE NO. 11 PROJECT

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

The Mayor is hereby authorized to execute, his signature being attested by the City Clerk,
the attached easement granting to Oklahoma Gas and Electric Company the right and privilege to
erect and maintain a system of underground and above ground electrical facilities providing
electrical service and communication service to the facilities being constructed as a part of the
Fort Smith Fire Station No. 11 Project.

This Resolution adopted this _____ day of August, 2013.

APPROVED:

Mayor

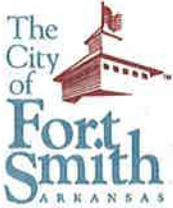
ATTEST:

City Clerk

APPROVED AS TO FORM:



No publication required



FORT SMITH FIRE DEPARTMENT

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



Mike Richards
Fire Chief

Memo

To: Ray Gosack, City Administrator
From: Mike Richards, Fire Chief
Date: July 29, 2013
Re: Easement for Underground Electric Service for Fire Station 11

The Fort Smith Board of Directors approved Resolution R-110-13 at the July 16, 2013, Board meeting authorizing the execution of an agreement between the City of Fort Smith, Oklahoma Gas and Electric (OG&E), and the Fort Chaffee Redevelopment Authority (FCRA) for underground electric service to Fire Station 11. With the approval of the agreement, OG&E is ready to proceed with the design and construction of the underground electric service.

OG&E has asked the City to provide an easement allowing for "the right, privilege and authority to enter upon and install, erect, operate, maintain and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current..." to the City's property. According to Reta Gilbreath, with the Right Away/Land Management Services Division of OG&E, this is a standard easement for underground electric service.

Staff recommends approval of the Resolution authorizing the Mayor to execute the easement, OG&E work order # 7333958rr, as it is necessary for them to move forward with the project. A copy of the easement and a map marking the approximate location of the electric service is attached. Please contact me if you have any questions.

THIS INSTRUMENT WAS PREPARED BY
LAND MANAGEMENT
AFTER RECORDING RETURN TO SAME @:
OG&E ELECTRIC SERVICES
ATTN: RIGHT OF WAY DEPT. - M/C AF90
7200 HIGHWAY 45
FORT SMITH, ARKANSAS 72916

EASEMENT

Work Order # 7333958rr

KNOW ALL MEN BY THESE PRESENTS:

THAT **THE CITY OF FORT SMITH**, Grantor, in consideration of the sum of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY**, an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Sebastian (Fort Smith District) County, State of Arkansas, to wit:

A ten (10) foot wide easement being five (5) feet each side of the centerline lying in the **Southwest Quarter of the Southeast Quarter of Section 7, Township 7 North, Range 31 West**, being more particularly described as follows: Commencing at the Southeast corner of said Section 7; thence along the South line of said Southeast Quarter North 87 deg. 12' 44" West 1326.59 feet; thence leaving said South line North 02 deg. 35' 13" East 1050.88 feet to a point on the Southerly right of way line of Massard Road; thence along said right of way North 59 deg. 58' 39" West 76.86 feet to an existing 1/2" rebar with cap stamped "MWC 1369"; thence continue North 59 deg. 58' 39" West 5 feet to the **point of beginning**; thence South 30 deg. 01' 21" West 116 feet; thence North 59 deg. West 65 feet to the **point of terminus**.

The centerline of this easement shall be along the actual route of the line as installed.

Grantor further covenants and agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of Ark. Code 14-271-101 et seq. (One-call statute).

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee

remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

Signed and delivered this _____ day of _____, 2013

THE CITY OF FORT SMITH

By: _____

STATE OF _____ }

COUNTY OF _____ }

}§ **ACKNOWLEDGMENT**

Before me, the undersigned, a Notary Public, in and for Said County and State, on this _____ day of _____, 2013, personally appeared Sandy Sanders, to me known to be the identical person who subscribed the name of the maker **THE CITY OF FORT SMITH**, thereof to the foregoing instrument as its Mayor, and acknowledged to me that he executed the same as his free and voluntary act and deed of same for the uses and purposes therein set forth.

My Commission Expires:

Notary Public

(Draft No. _____) R/W File No. 7333958rr
Form 468 (Rev 7/2003) ARK_OH-C2.DOT Atlas Sheet No. RG

RESOLUTION NO.

A RESOLUTION AMENDING THE APPLICATION FOR OUTSIDE AGENCY SERVICES FUNDING

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

The form of the application for outside agency services funding to be utilized by the City of Fort Smith is hereby amended as follows:

(1) Page 1 of the application shall be amended to include the following language:

Absolutely no extension or exception will be made for applicants who do not meet the submission deadline stated above.

(2) Page 2 of the application shall be amended to include the following language:

If awarded funds from any city department 100% funded by the General Fund, agency is eligible to receive funds from that department budget or from this funding program. Agency will be given the option to choose which award to accept after funding recommendations are made to enable agency to select the greater award.

(3) The point values assigned to each section during initial development of the current application are hereby removed.

THIS RESOLUTION ADOPTED THIS _____ DAY OF AUGUST, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



NPR

OUTSIDE AGENCY SERVICES CONTRACT APPLICATION CITY OF FORT SMITH 2014 BUDGET

For service providers seeking City of Fort Smith General Fund dollars in exchange for services, the following form and required attachments must be completed and submitted to the City Finance Department no later than 4:30p.m. Thursday, September 6th, 2013. **Requests received after this date and time will not be reviewed nor submitted for consideration by the Awards Committee.**

Absolutely no extensions or exceptions will be made for applicants who do not meet the submission deadline stated above.

ORGANIZATION: _____

CONTACT PERSON: (ALL QUESTIONS AND NOTICES WILL BE DIRECTED TO THIS PERSON AT THE ADDRESS LISTED BELOW DURING THE APPLICATION PROCESS AND REVIEW):

NAME: _____

ADDRESS: _____

PHONE: _____

*E-MAIL ADDRESS: _____

*Please use an address where e-mail is checked frequently

NUMBER OF YEARS SERVICE TO COMMUNITY: _____

AWARD CATEGORY: (Refer to Overall Program Purpose & Goals for Description of Category Parameters)

_____ ARTS AND HUMANITIES

_____ RECREATION

_____ SOCIAL & COMMUNITY SERVICES

SECTION 1 – STOP HERE!

APPLICANT MUST MEET ALL OF THE FOLLOWING REQUIREMENTS FOR PARTICIPATION IN THE SERVICE PROGRAM! (Yes or No Y/N)

- Located in the city limits of the City of Fort Smith, Arkansas
- Registered with the State of Arkansas Secretary of State’s office
- Registered through the City of Fort Smith as a business and/or non-profit
- Received an independent audit in the past 12 months
- Filed IRS form 990 in the past 12 months
- Have regular board meetings
(monthly, quarterly, semi-annually, or annually)

Exclusion from awarding public funds: faith-based organizations when the program will only benefit the organization and its members.

If you are awarded funds from any city department 100% allocated to the General Fund, you are only eligible to receive funds from that budget or from this program. You will be able to choose which award to accept after funding recommendations are made so that you are able to accept the largest award.

If the applicant meets all of these minimum requirements, the organization may be eligible to participate in the City of Fort Smith’s partnership with local service agencies that provide specialized services to citizens.

TERMS AND CONDITIONS:

By applying for funds within the scope of this program, I acknowledge the following:

1. The agency I represent may be subject to an unannounced site visit by citizen review panelists during normal business hours.
2. The city’s internal auditor may choose to randomly select applications each year for internal review at the close of the year for which the funds are awarded. Funds may be forfeited or must be returned if the auditor determines that a deliberate misrepresentation has been made on the application.
3. If the organization I represent is requesting assistance for utilities, and the panel awards a specific sum, my organization will be required to submit bills to Finance for monthly reimbursements. If the award amount is more than the annual expenses, my organization is not entitled to the additional funds.

Signature of applicant

Date

PURPOSE OF THIS PROGRAM

The purpose of partnering with local service agencies is to enable and assist non-profit organizations providing specialized services to citizens.

These services are deemed by the City of Fort Smith Board of Directors to be either necessary or beneficial to the economic, social or cultural well-being of Fort Smith, its citizens and guests of the community.

Contracts should allow the agency to accomplish at least one of these objectives:

- 1. Improving, expanding, or enhancing citizen services**
- 2. Achieving an important step in the organization's business model**
- 3. Meeting an unexpected demand for services or facilities construction or repair**

SECTION 2

Section 2 is divided into three sections. Please complete ONLY the section corresponding with the category in which your organization is applying. These questions must be answered "yes" or "no" as designated by a "Y" or an "N." ~~The section is worth a maximum of 70 points. A minimum of 55 points is required to proceed to Section 3.~~ The questions are designed so that it is difficult, if not impossible, for any one organization to achieve a perfect score on this section. You will have an opportunity to address exceptions and other qualities unique to your organization in Section 3.

Arts & Humanities

ARTS & HUMANITIES PURPOSE AND GOALS

Contracts should encompass at least one of the following objectives:

1. Recruitment and retention of knowledge-based workers
2. Recruitment and retention of health care professionals
3. Increasing accessibility of arts & humanities programs to the entire community, including non-traditional populations

If applicant seeks a partnership contract as an arts & humanities organization, answer these questions as Yes or No Y/N:

- Charges a fixed admission fee?
- Offers free admission and/or accepts donations for admission?
- Discounted or free admission to senior citizens or students?
- Belongs to or participates in a state, regional or national professional association?
- Accepts private donations?
- Applies for outside grants (this funding not included)?
- Engages in at least one annual fund raising campaign activity – for capital or operating expenses?
- Will the requested funds through the City of Fort Smith be depleted before the end of the year or project for which they are requested?
- Is one person responsible for continuity in decision-making and/or fiduciary responsibilities?
- Does this organization use volunteers?
- Does this organization have facilities for corporate and community meetings?
Circle best response: 50 or fewer – 50 or more
- Does this organization offer any programs designed for school presentations?
- Does this organization offer an attraction to entice companies or industry to our area?
- Is your facility – or are your services - available more than 5 days per week or evenings, either regular hours or by special request?

SECTION 2 *continued*

Section 2 is divided into three sections. Please complete **ONLY** the section corresponding with the category in which your organization is applying. These questions must be answered “yes” or “no” as designated by a “Y” or an “N.” ~~The section is worth a maximum of 70 points. A minimum of 55 points is required to proceed to Section 3.~~ The questions are designed so that it is difficult, if not impossible, for any one organization to achieve a perfect score on this section. You will have an opportunity to address exceptions and other qualities unique to your organization in Section 3.

Recreation

RECREATION PURPOSE AND GOALS

Contracts should encompass at least one of the following objectives:

1. Enhancing an organization’s ability to serve youth recreation leagues for current and future generations
2. Expanding a facility to accommodate larger regional events
3. Providing permanent facilities enhancements for recreational programs for all ages

If applicant seeks a partnership contract as a recreation organization, answer these questions as Yes or No Y/N:

___ Offers free admission and/or accepts donations for admission?

___ Does this organization have permanent facilities for recreational programs for all ages?

___ Does this organization provide recreational activities to youth, senior citizens and/or special needs clients?

___ Accepts private donations?

___ Applies for outside grants (this funding not included)?

___ Engages in at least one annual fund raising campaign activity – for capital or operating expenses?

___ Will the requested funds through the City of Fort Smith be depleted before the end of the year or project for which they are requested?

___ Is one person responsible for continuity in decision-making and/or fiduciary responsibilities?

___ Does this organization use volunteers?

___ Does this organization have facilities for corporate and community meetings?

Circle best response: 50 or fewer – 50 or more

___ Does this organization offer any programs designed for presentations to schools?

___ Does this organization offer recreation events that entice companies or industry to our area?

___ Is your facility – or are your services - available more than 5 days per week or evenings, either regular hours or by special request?

___ Are you expanding a facility or facilities to accommodate larger regional events?

SECTION 2 *continued*

Section 2 is divided into three sections. Please complete ONLY the section corresponding with the category in which your organization is applying. These questions must be answered “yes” or “no” as designated by a “Y” or an “N.” ~~The section is worth a maximum of 70 points. A minimum of 55 points is required to proceed to Section 3.~~ The questions are designed so that it is difficult, if not impossible, for any one organization to achieve a perfect score on this section. You will have an opportunity to address exceptions and other qualities unique to your organization in Section 3.

Social & Community Services

SOCIAL & COMMUNITY SERVICES PURPOSE AND GOALS

Contracts should encompass at least one of the following objectives:

1. Improving an organization’s ability to provide niche services for citizens with special needs
2. Expanding an organization’s ability to train local service agency employees, volunteers, and board members to better fulfill service and self-sustainability objectives

If applicant seeks a partnership contract as a social & community services organization, answer these questions as Yes or No Y/N:

- Accepts private donations?
- Applies for outside grants (this funding not included)?
- Engages in at least one annual fund raising campaign activity – for capital or operating expenses?
- Is one person responsible for continuity in decision-making and/or fiduciary responsibilities?
- Does this organization use volunteers?
- Serves, specifically, the senior or frail population?
- Serves, specifically, persons with special needs?
- Is your facility accessible to persons with disabilities?
- Will the requested funds through the City of Fort Smith be depleted before the end of the year or project for which they are requested?
- Is the program being applied for unique in Fort Smith?
- Does the program have a measurable impact on children and families with special needs?
- Does the program make a significant and sustainable change?
- Does the agency work in partnership with communities, governments, businesses and other non-profits?
- Does the organization train its board members, volunteers, advisory council and/or auxiliary?

3. Number of persons served by your organization – RECREATION OR SOCIAL/COMMUNITY SERVICES APPLICANTS, THIS NUMBER MUST REPRESENT FORT SMITH RESIDENTS ONLY. ARTS AND HUMANITIES APPLICANTS PLEASE PROVIDE TOTAL NUMBER OF PERSONS SERVED:

Cost/Benefit Ratio: *Divide the money requested by number of persons served annually*

TOTAL REQUEST FROM 2014 BUDGET:

\$ _____ money requested divided by
_____ persons served annually =
_____ cost/benefit ratio

(PLEASE INCLUDE EXPLANATION IF NECESSARY)

*** Purpose of request must directly relate to the overall purpose and goals and at least one objective in the selected funding category**

PURPOSE OF REQUEST:

OUTSIDE AGENCY CONTRACT PROPOSAL

Page 9 of 9

Please list all funding your agency receives in addition to funding from the City and the % with respect to your agency's annual budget (If you receive United Way funding, you may attach that funding sheet)

RECEIVED FROM:

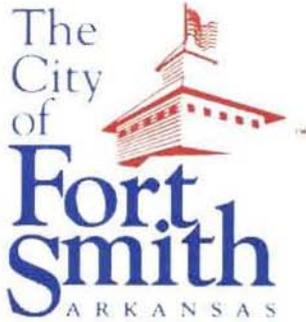
AMOUNT OF AWARD:

* If your agency received funds from the 2013 City of Fort Smith budget and this request exceeds the 2013 allocation, please explain the reason for the increase below:

I, _____ (print name), hereby certify that to the best of my knowledge the above information is correct.

Signature

Date



MEMORANDUM

July 23, 2013

TO: Ray Gosack, City Administrator

FROM : Christy Deuster, Administrative Coordinator-Finance 

SUBJECT: Proposed Amendments-Outside Agency Services Contract Application

On May 2, 2013, members of the outside agency awards panel met to discuss amendments to the contract for services application. Since the new programs 2009 inception, processes and procedures continue to be revised and updated as concerns and new ideas present.

The panel has recommended the following amendments to the application:

- A. Page 1: Add language "Absolutely no extensions or exceptions will be made for applicants who do not meet the deadline stated above"

The panel wanted to establish a formal policy on extensions/exceptions as none is currently in place.

- B. Page 2: Add language "If awarded funds from any city department that is 100% funded by the General Fund, agency is eligible to receive funds from that department budget **or** from this funding program. Agency will be given the option to choose which award to accept after funding recommendations are made to enable agency to select the greater award"

The panel is very mindful of the state of the General Fund balance as it affects this program directly. In the panels opinion agencies should not receive funds from multiple departments within the city that are 100% allocated to the General Fund.

Ray Gosack
July 23, 2013
Proposed Amendments-Outside Agency Services Contract Application
Page 2

C. Point values assigned to each section during initial development of the current application are hereby removed.

The Board established goals for this program are stated on the application, and the panel feels this is sufficient information for agencies to see the importance and purpose for the program, making the points values insignificant. During the application review process, panel members have not used the category points when weighing an applications merit.

I have attached a copy of the application when the amendments highlighted in red. I have also attached a copy of the Resolution to adopt the changes for your consideration.

If you need more information, please let me know.

pc: Kara Bushkuhl
Outside Agency Awards Panel Members

RESOLUTION AUTHORIZING ACQUISITION OF REAL PROPERTY IN CONNECTION
WITH THE MILL CREEK PUMP STATION WET WEATHER IMPROVEMENTS

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 3.59 acres on Navy Road for the Mill Creek
Pump Station Wet Weather Improvements, Project Number 10-01-P is approved, and acquisition of the real
property is hereby authorized:

<u>Tract No.</u>	<u>Owner</u>	<u>Appraised Value</u>
1	B & B Properties, LLC	\$ 57,000.00

The City Administrator, or his designated agent, and the City Attorney are hereby authorized to acquire
the real property for the above listed appraisal amount.

SECTION 2: In the event the property 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 property herein described and make deposits of just compensation of the values of the property
listed herein. All such actions previously taken for this project are hereby confirmed.

This Resolution adopted this ____ day of August 2013.

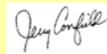
APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: July 23, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Mill Creek Pump Station Wet Weather Improvements
Project Number 10-01

The City of Fort Smith is planning to construct a 115 foot diameter, 3.5 million gallon flow equalization (EQ) tank in conjunction with planned improvements to the Mill Creek wastewater pump station. This project is a part of the city's overall strategy to address wet weather sanitary sewer overflows that occur throughout the system during periods of heavy rainfall.

The equalization tank is proposed to be constructed on a 3.59 acre tract of land owned by B & B Properties, LLC. The owner is utilizing the property on Navy Road as a storage yard for construction materials. An exhibit copy of the property and tank site location is attached for your review.

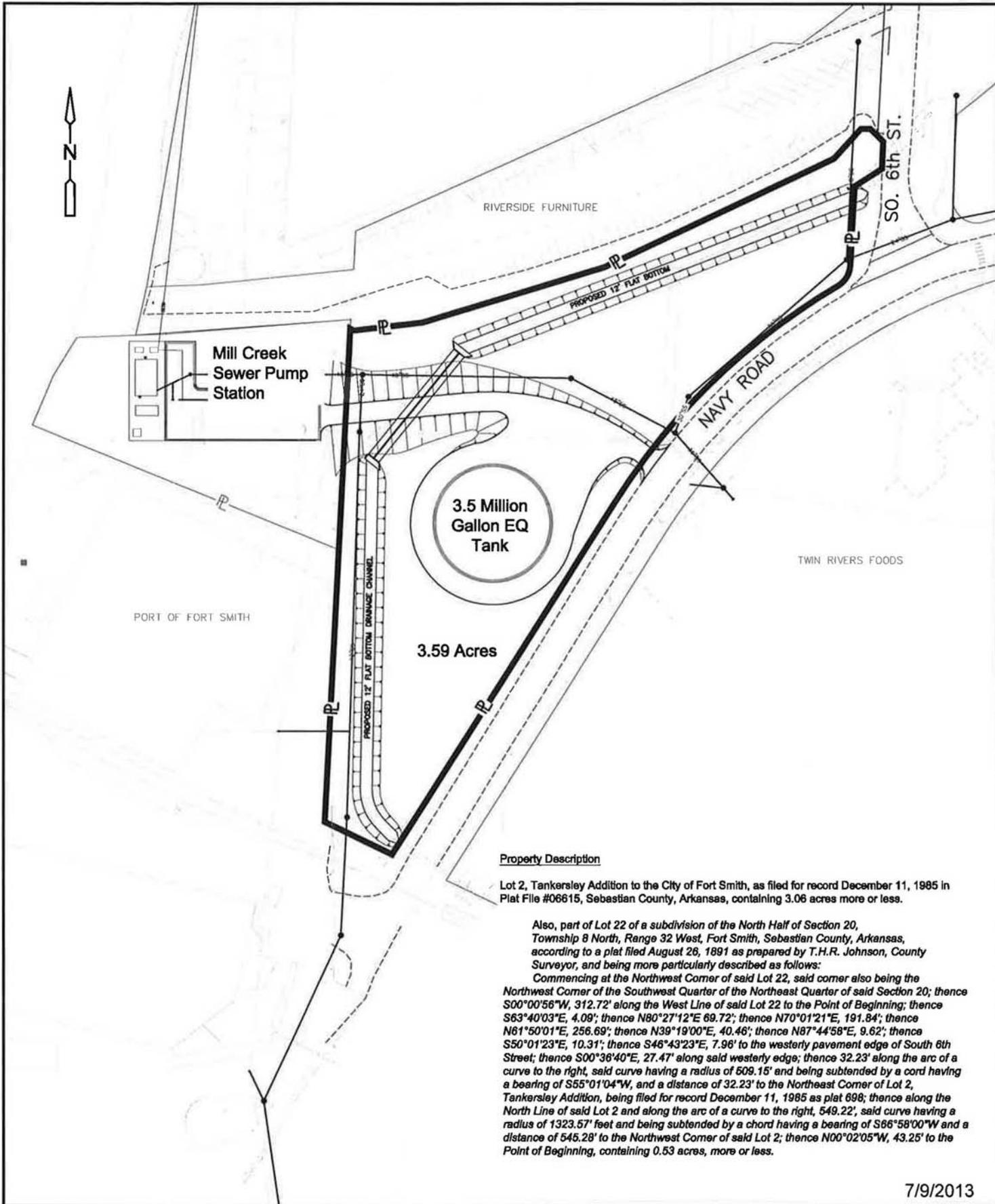
The project and proposed site were discussed in a Board information memo dated February 6, 2013. The owner is fully aware of the city's interest in acquiring the site and has given the city permission to conduct several surveys and studies. As part of the design and cost study, the city obtained an appraisal report showing the value of the property at \$57,000.00. The owner has reviewed the appraisal and stated that he would not sell the property in this price range. He has tendered a counter offer of \$300,000.00 which exceeds the city's appraisal by \$243,000.00.

Because of the project's scheduling, staff recommends that this Resolution, which includes authorizing the city attorney to commence with eminent domain proceedings to acquire the needed property if the land owner declines to accept the city's offer, be submitted to the Board for their approval at its next scheduled meeting. As always, representatives of the city will continue to negotiate with the property owners in an effort to reach a settlement. Funding for this project is established as part of the 2012 sales tax bonds issued for the continuation of wet weather sewer improvements.

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

attachment

pc: Jeff Dingman



MILL CREEK PUMP STATION AND EQUALIZATION TANK
PROJECT NO. 10-01-E1
B & B PROPERTIES, LLC
PROPERTY EXHIBIT

RESOLUTION NO. _____

5 F

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER TWO TO THE AGREEMENT WITH RJN GROUP, INC., FOR THE ENGINEERING SERVICES FOR THE BASIN 9 COLLECTION SYSTEM IMPROVEMENTS

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

SECTION 1: Authorization Number Two with RJN Group, Inc., for engineering construction phase services associated with the Basin 9 Collection System Improvements, Project Number 12-08-EC1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Authorization Number Two in the amount of \$177,965.00, for performance of said services.

This Resolution adopted this _____ day of August 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION NO. _____

5 G

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE
MAYOR TO EXECUTE A CONTRACT WITH FORSGREN, INC.,
FOR THE BASIN 9 COLLECTION SYSTEM IMPROVEMENTS

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

SECTION 1: The bid of Forsgren, Inc., for the construction of Basin 9 Collection System
Improvements, Project Number 12-08-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Forsgren, Inc.,
for an amount of \$2,370,320.30, for performing said construction.

This Resolution adopted this _____ day of August 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: July 22, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Basin 9 Collection System Improvements
Project Number 12-08-C1

This project replaces approximately 11,350 linear feet of sanitary sewer main and replaces or rehabilitates 300 associated manholes. These line segments have had recurring problems with blockages and lack of capacity which causes sewer overflows.

The lowest bid for the project was submitted by Forsgren, Inc., in the amount of \$2,370,320.30. A bid tabulation showing the bidders and their bid amounts is attached along with a Resolution accepting the bid of and authorizing a contract with Forsgren, Inc.

A Resolution approving Authorization Number Two to the Agreement with RJN Group, Inc., in the amount of \$177,965.00 for providing construction phase services is also attached. Funds for this project are available from the 2012 sales and use tax bonds issued for continuation of wet weather sewer improvements.

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

attachment

pc: Jeff Dingman

Bid Tabulation Sheet

Project Name

Basin 9 Collection System Improvements

Project Number 12-08-C1

Bid Opening

July 11, 2013

10:00 P.M.

Bids Received

Forsgren, Inc.

Fort Smith, AR

\$2,370,320.30

Arkansas Cleaning & Televising

Little Rock, AR

\$2,478,245.00

Goodwin & Goodwin,

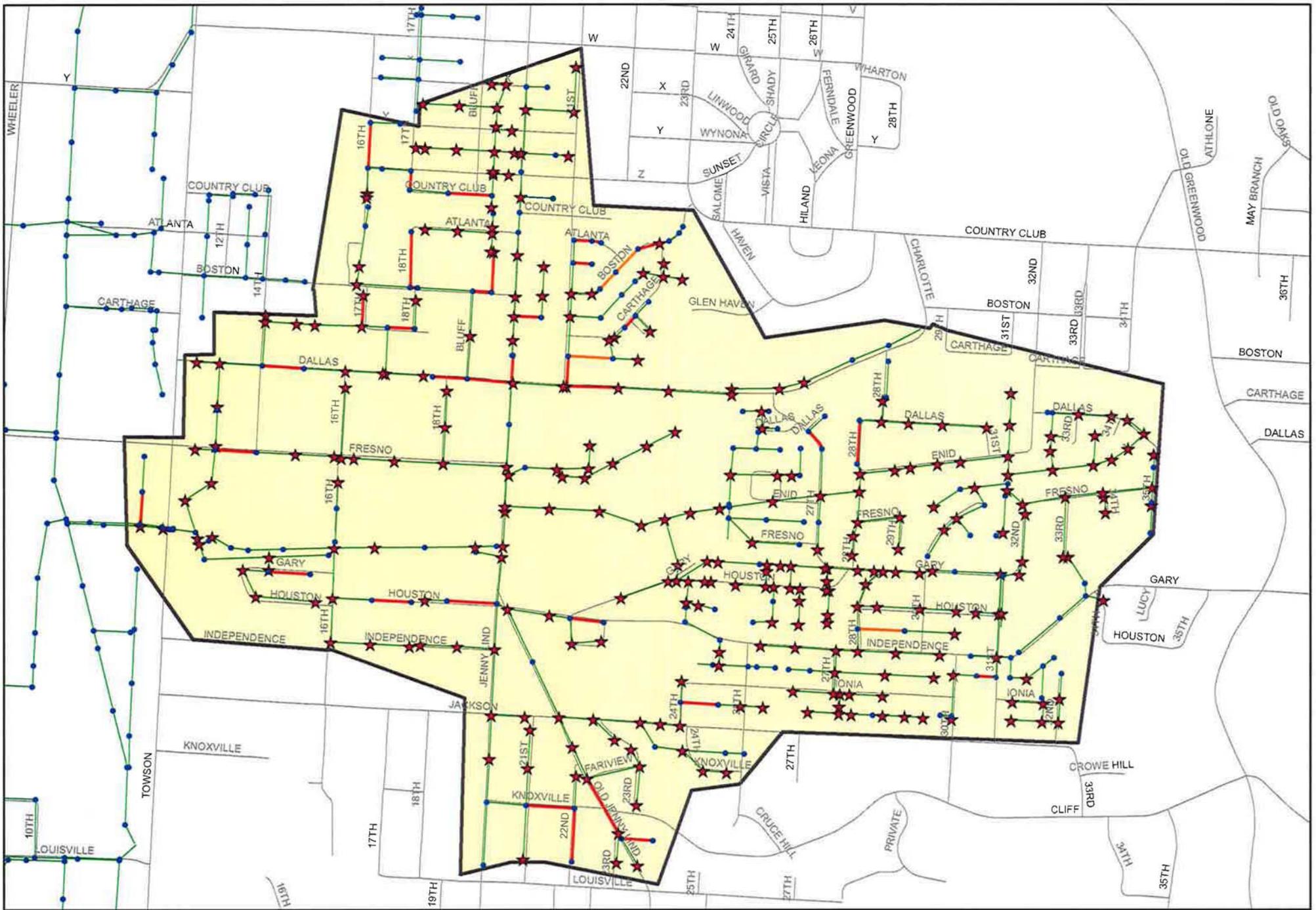
Fort Smith, AR

\$2,595,710.00

T-G Excavating

Catoosa, OK

\$3,111,111.00



rjngroup

The Choice for Collection System Solutions



**BASIN 9 COLLECTION
SYSTEM IMPROVEMENTS
PROJECT #12-08-ED1
CITY OF FT SMITH, AR**

RESOLUTION NO. _____

5 H

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER ONE TO AUTHORIZATION NUMBER ONE WITH CDM SMITH, INC., FOR 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: Amendment Number One to Authorization Number One to the engineering Agreement dated December 18, 2012, with CDM Smith, Inc., providing additional engineering services associated with the Massard Wastewater Treatment Plant Odor Control Improvements, Project 13-02-ED1 and adding three additional months to the project completion date, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number One in the amount of \$40,923.00.

This Resolution adopted this _____ day of August 2013.

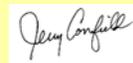
APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: July 22, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Massard Wastewater Treatment Plant Odor Control Improvements
Project Number 13-02-ED1

On December 18, 2012, the Board approved an engineering Agreement and Authorization Number One with CDM Smith, Inc., to investigate odor sources at the Massard wastewater treatment plant and to identify any operational changes or additional treatment options available for control of odor sources. The initial results of that work identified the need to expand upon the original study to provide additional sampling points and incorporating additional process units. Although the main focus continues to be on hydrogen sulfide as the most likely source of odors, the expanded sampling and testing will also focus on reduced sulfur compounds which may be present in the exhaust from solids processing units. The additional work will also ensure that odor control measures for the plant reflect future improvements at the Massard plant influent pump station as identified in the updated wastewater management plan.

A Resolution authorizing the Mayor to execute Amendment Number One to Authorization Number One in the amount of \$40,923.00, and adding three months to the project schedule is attached. Funds for these additional services 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 AUTHORIZING ACQUISITION OF REAL PROPERTY INTERESTS IN
CONNECTION WITH THE SUNNYMEDE INTERCEPTOR IMPROVEMENTS

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

The City Administrator and the City Attorney are hereby authorized to acquire by the exercise of
the City's power of eminent domain, if necessary, a sewer utility easement across the following properties
in connection with the Sunnymede Interceptor Improvements, Project Number 12-13-P:

<u>Tract No.</u>	<u>Owner</u>	<u>Appraised Value</u>
A-1	Heirs & Devisees of Frank Roberts, deceased and Jerileen Roberts	\$ 42.85
A-4	Cynde Cheryl McAlister	\$ 2,210.40

Until acquisition by the City, authorization set forth in Property Acquisition Policy Resolution
R-40-05 of May 17, 2005 is continued in effect in the event the property owner desires to agree to
acquisition at the appraised value set forth in the Resolution.

This Resolution adopted this _____ day of August 2013 .

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: July 23, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Sunnymede Interceptor Improvements
Project Number 12-13

As part of the Sunnymede interceptor sewer improvements project, the city is planning to construct a new 12-inch sewer line to replace the existing sewer line which has been in service for many years. This new line will be part of the collection system upgrades which will provide greater flow capacity to the recently constructed Sunnymede pump station and flow equalization facility.

The project required the acquisition of 15 sewer line easements. All of the easements have been acquired with the exception of the two properties listed on the Resolution. Staff has been negotiating with the property owners and to date the two property owners have not executed the needed easements. A copy of the easement areas is attached for your review.

Because of the project's scheduling, staff recommends that the attached Resolution authorizing the city attorney to commence with eminent domain proceedings, be submitted to the Board for approval. As always, representatives of the city will continue to negotiate with the property owner in an effort to reach a settlement.

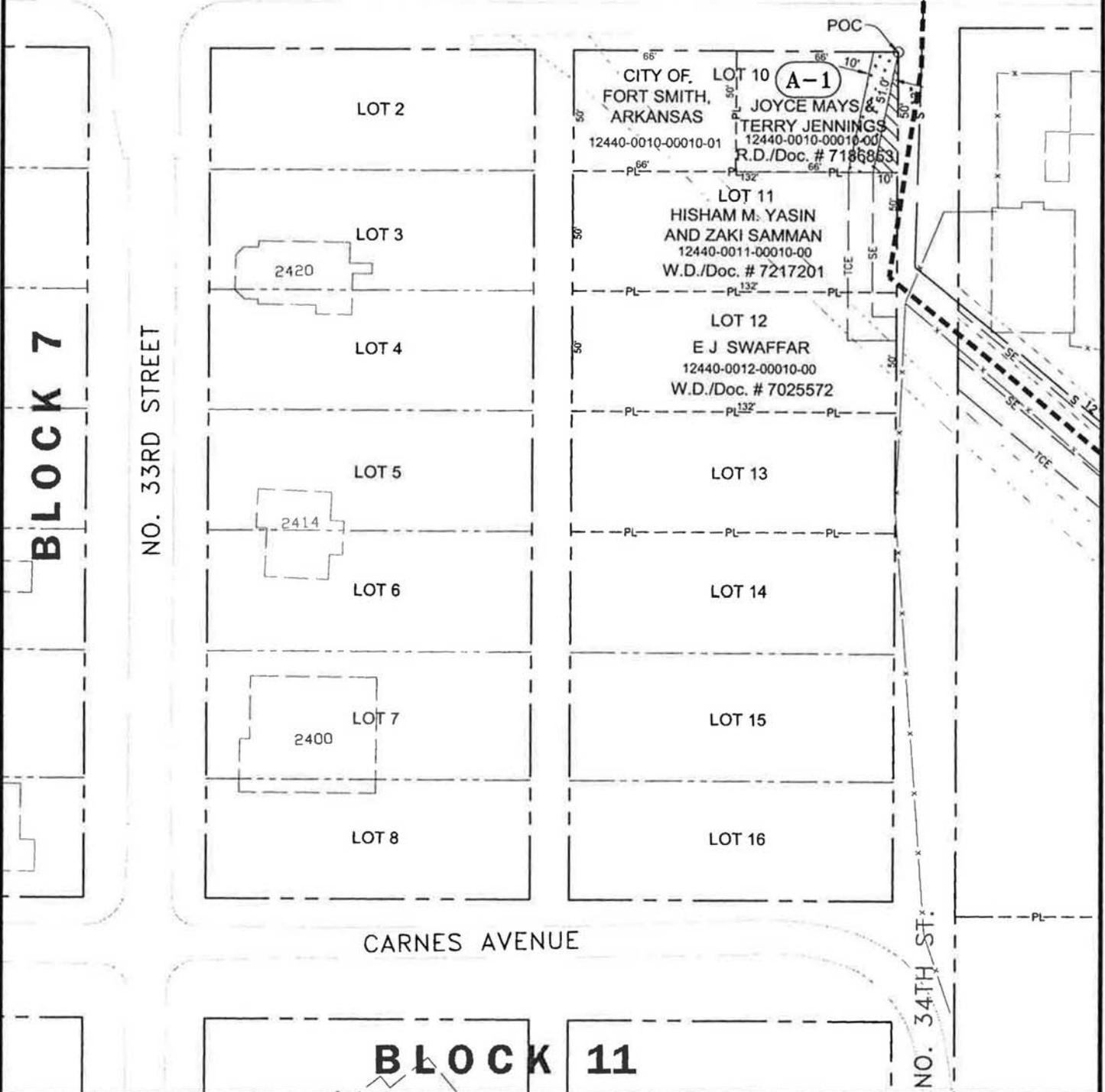
Should you or the Board have any questions or desire additional information, please let me know.

pc: Jeff Dingman

attachment

FAIR GROUND ADDITION - BLOCK 10

KELLEY HIGHWAY



TRACT (A-1)



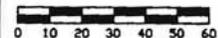
ADDITIONAL DRAINAGE
EASEMENT
250 SF 0.006 Ac

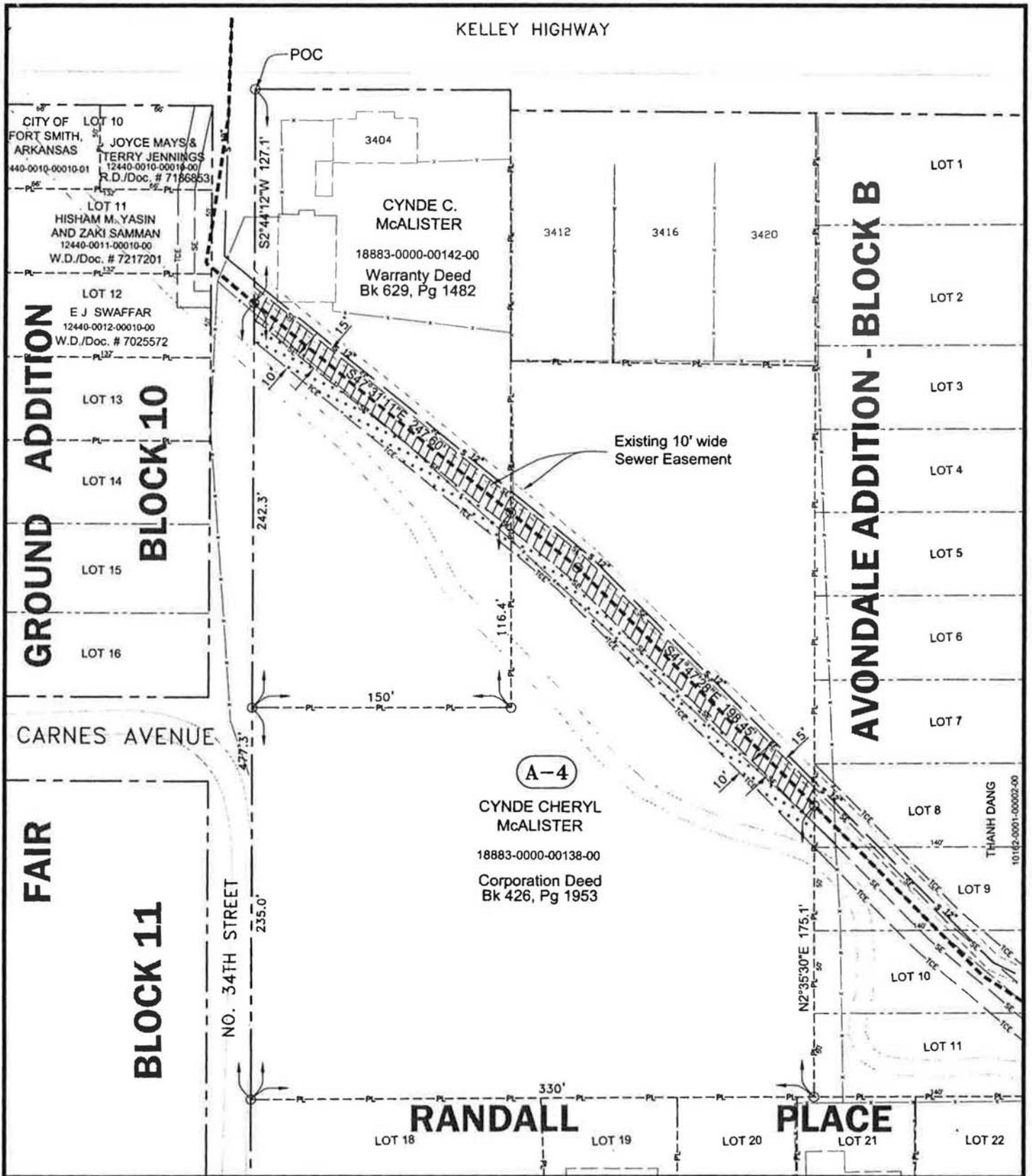


TEMPORARY CONSTRUCTION EASEMENT
510 SF 0.012 Ac

EASEMENT ACQUISITION MAP
SEWER IMPROVEMENTS PROJECT 12-13-E1
CITY OF FORT SMITH, ARKANSAS

SCALE: 1"=60'





TRACT (A-4)  ADDITIONAL SEWER EASEMENT 6,690 SF 0.154 Ac  TEMPORARY CONSTRUCTION EASEMENT 4,470 SF 0.103 Ac

EASEMENT ACQUISITION MAP
SEWER IMPROVEMENTS PROJECT 12-13-E1
CITY OF FORT SMITH, ARKANSAS

SCALE: 1"=80'



RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER TWO TO THE AGREEMENT WITH ATKINS ENGINEERING, INC., FOR THE SUNNYMEDE INTERCEPTOR IMPROVEMENTS (S008, S009)

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

SECTION 1: Authorization Number Two with Atkins Engineering, Inc., for engineering construction phase services associated with the Sunnymede Interceptor Improvements (S008, S009), Project Number 12-13-EC1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Authorization Number Two in the amount of \$88,230.00, for performance of said services.

This Resolution adopted this _____ day of August 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING A
CONTRACT WITH FORSGREN, INC., FOR THE SUNNYMEDE
INTERCEPTOR IMPROVEMENTS (S008, S009)

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

SECTION 1: The bid of Forsgren, Inc., for the construction of the Sunnymede
Interceptor Improvements (S008, S009), Project Number 12-13-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Forsgren, Inc.,
in the amount of \$1,526,133.50, for performing said construction.

This Resolution adopted this _____ day of August 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: July 22, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Sunnymede Interceptor Improvements
Project Number 12-13-C1

This project consists of replacement of approximately 6,248 feet of 10 to 12-inch diameter sewer lines located in Sunnymede sub-basins S008, and S009. These lines were identified as needing increased capacities to prevent sanitary sewer overflows in the wastewater collection system. See attached exhibit for the location of these improvements.

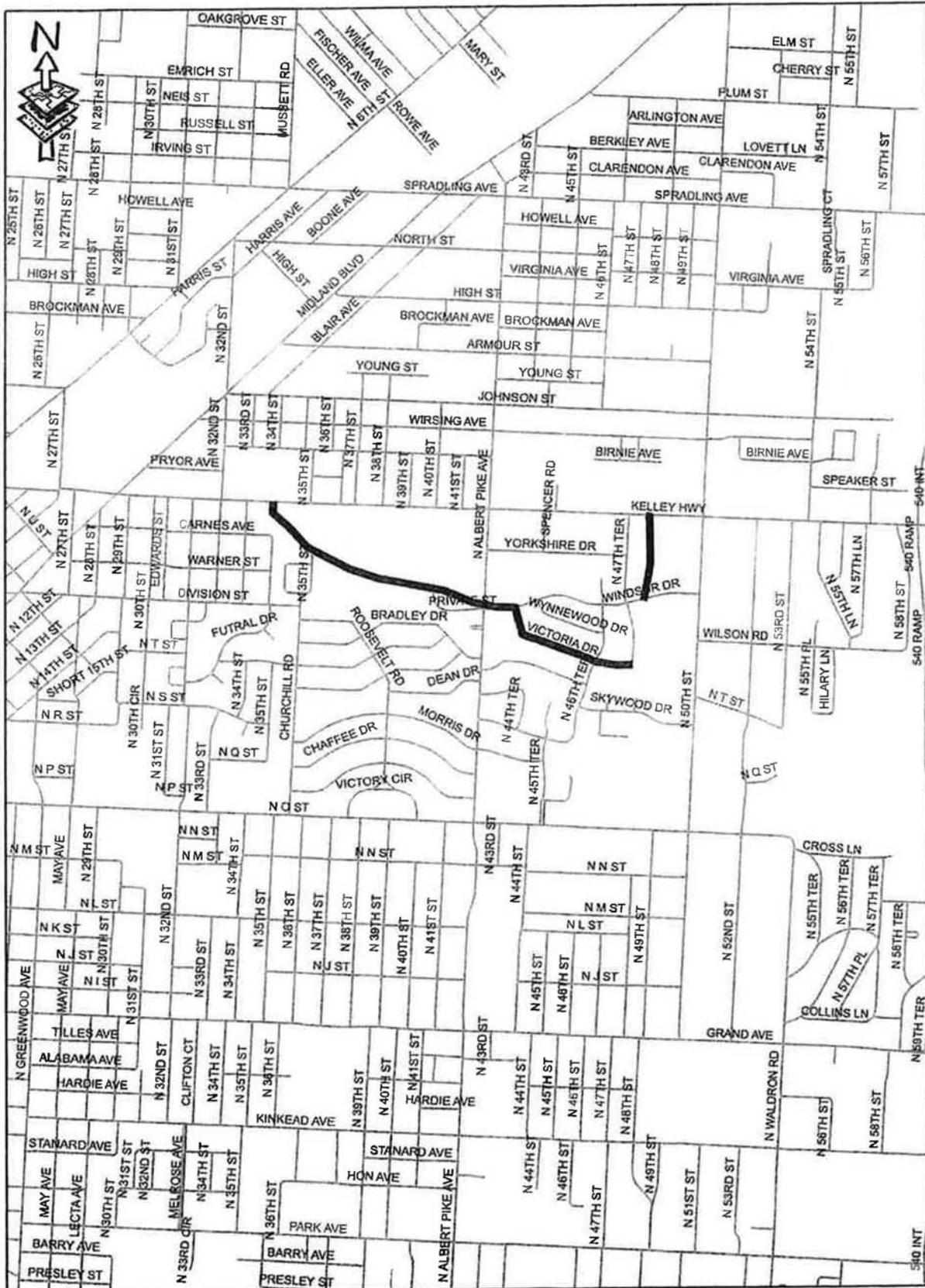
The lowest bid for the project was submitted by Forsgren, Inc., in the amount of \$1,526,133.50. A bid tabulation showing the bidders and bid amounts is attached along with a Resolution accepting the bid of and authorizing a contract with Forsgren, Inc.

A Resolution approving Authorization Number Two to the Agreement with Atkins Engineering, Inc., in the amount of \$88,230.00, for providing construction phase services is also attached. Funds for this project are available from the 2012 sales and use tax bonds issued for continuation of wet weather improvements.

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

attachment

pc: Jeff Dingman



Suncyme Interceptor Improvements S008 & S009
 Project Number 12-13-ED1

Bid Tabulation Sheet

Project Name

Sunnymede Interceptor Improvements
Project Number 12-13-C1

Bid Opening

July 23, 2013
2:00 P.M.

Bids Received

Forsgren, Inc.
Fort Smith, AR \$ 1,526,133.50

Goodwin & Goodwin, Inc.
Fort Smith, AR \$ 1,934,648.00



July 22, 2013

TO: Members of the Board of Directors
Members of the Central Business Improvement District

RE: Appointments:

The terms of Mr. Bill Hanna and Mr. Jeff Pryor of the Central Business Improvement District will expire September 30, 2013. In accordance with Ordinance No. 2926 applications for these prospective vacancies are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on August 14th, 2013. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

A handwritten signature in blue ink that reads "Ray Gosack".

Ray Gosack
City Administrator

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



July 19, 2013

TO: Members of the Board of Directors
Members of the Western Arkansas Planning & Development District
Board of Directors

RE: Appointments:

Mr. Ken Pyle of the Western Arkansas Planning & Development District Board has resigned effective July 18, 2013. In accordance with Ordinance No. 2926 applications for this prospective vacancy are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on August 14th, 2013. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

A handwritten signature in blue ink that reads "Ray Gosack".

Ray Gosack
City Administrator

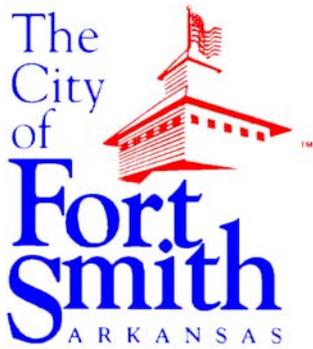
623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430

August 2013

August 2013						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2013						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

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



Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

AGENDA

Fort Smith Board of Directors Regular Meeting

August 6, 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 JULY 16, 2013 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Items relative to an appeal of the Planning Commission’s denial of a conditional use request for an auto and vehicle impoundment or holding yard (*Appeal of Josh Niles / 1302 South Zero Street*)
 - A. Resolution affirming the action of the Planning Commission denying the Conditional Use No. 18-7-13 for an auto and vehicle impoundment or holding yard
Approved 6 in favor, 1 opposed (Merry) / Resolution No. R-111-13

- B. Resolution approving an appeal of Conditional Use No. 18-7-13 for an auto and vehicle impoundment or holding yard
No action due to adoption of Item No. 1A
2. Ordinance rezoning identified property and amending the zoning map (*from Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2) by classification located at 4101-4299 Cliff Drive*)
Approved 7 in favor, 0 opposed / Ordinance No. 31-13
3. Ordinance rezoning identified property and amending the zoning map (*from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by classification located at 8201 Phoenix Avenue*)
Approved 7 in favor, 0 opposed / Ordinance No. 32-13
4. Ordinance amending Sections 13-251 through 13-253 of the Fort Smith Municipal Code regulating charitable fundraising
Approved 7 in favor, 0 opposed / Ordinance No. 33-13
5. Consent Agenda
- A. Resolution accepting the bid and authorizing the Mayor to execute a contract for repairs to the city parking facility at 700 Rogers Avenue (\$54,516.00 / *Planning Department / Budgeted – Parking Authority Fund*)
Approved 7 in favor, 0 opposed / Resolution No. R-112-13
- B. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, regarding the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
Approved 7 in favor, 0 opposed / Resolution No. R-113-13
- C. Resolution authorizing execution of a utility easement to OG&E for Fort Smith Fire Station No. 11
Approved 7 in favor, 0 opposed / Resolution No. R-114-13
- D. Resolution amending the application for outside agency services funding
Approved 7 in favor, 0 opposed / Resolution No. R-115-13
- E. Resolution authorizing acquisition of real property in connection with the Mill Creek Pump Station Wet Weather Improvements (\$57,000.00 / *Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
Approved 7 in favor, 0 opposed to table consideration for 30 days

- F. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with RJN Group, Inc. for engineering services for the Basin 9 Collection System Improvements (\$177,965.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)
Approved 7 in favor, 0 opposed / Resolution No. R-116-13
- G. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the Basin 9 Collection System Improvements (\$2,370,320.30 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds)
Approved 7 in favor, 0 opposed / Resolution No. R-117-13
- H. Resolution authorizing the Mayor to execute Amendment No. 1 to Authorization No. 1 with CDM Smith, Inc. for engineering services for the Massard Wastewater Treatment Plant Odor Control Improvements (\$40,923.00 / Utility Department / Budgeted – 2008 Revenue Bonds)
Approved 7 in favor, 0 opposed / Resolution No. R-118-13
- I. Resolution authorizing acquisition of real property interests in connection with the Sunnymede Interceptor Improvements (\$2,253.25 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)
Approved 7 in favor, 0 opposed / Resolution No. R-119-13
- J. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Atkins Engineering, Inc. for the Sunnymede Interceptor Improvements (\$88,230.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)
Approved 7 in favor, 0 opposed / Resolution No. R-120-13
- K. Resolution accepting the bid of and authorizing a contract with Forsgren, Inc. for the Sunnymede Interceptor Improvements (\$1,526,133.50 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)
Approved 7 in favor, 0 opposed / Resolution No. R-121-13

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

7:33 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ AUGUST 6, 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 Father Mike Lager of St. John's Episcopal 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 Philip H. Merry, Jr. The Mayor declared a quorum present.

The Mayor recognized Nicholas Crowell and Casey Robbins of Boy Scout Troop 2, who were in attendance to earn their Citizenship and Community Badge. He also noted attendance of Troop 2 Scoutmaster David Crowell.

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 July 16, 2013 regular meeting were presented for approval. Settle, seconded by Lorenz, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 consisted of the following items relative to an appeal of the Planning Commission's denial of a conditional use request for an auto and vehicle impoundment or holding yard (*Appeal of Josh Niles / 1302 South Zero Street*)

- A. Resolution affirming the action of the Planning Commission denying the Conditional Use No. 18-7-13 for an auto and vehicle impoundment or holding yard
- B. Resolution approving an appeal of Conditional Use No. 18-7-13 for an auto and vehicle impoundment or holding yard

Director of Development Services Wally Bailey briefed the Board on the item

August 6, 2013 Regular Meeting

advising such is per the appeal of Planning Commission denial of a conditional use application to allow an auto and vehicle impounding or holding yard at the subject location. The Planning Commission reviewed the application at its July 9, 2013 meeting whereby such was amended by a vote of six (6) in favor and two (2) opposed to make approval subject to the following conditions:

- ▶ All construction must be built in accordance with the submitted development plan and with any Planning Commission amendments.
- ▶ The proposed fence gate at the driveway entrance shall be offset from the street to avoid vehicles stopping/standing within the street right-of-way.
- ▶ Fences placed at or in proximity to the right-of-way line must not create a sight obstruction for vehicles exiting the site.
- ▶ The proposed fence shall be a six(6) foot privacy fence constructed out of cedar and maintained.
- ▶ All site lighting shall comply with the lighting requirement of the UDO, Section 27-602-5.
- ▶ All signage shall comply with the UDO General Sign Regulations and Permitted signs in open, commercial and industrial zones, Section 27-704-5 and Section 27-704-3.
- ▶ Landscaping shall be required and maintained in accordance with the UDO along the Zero Street frontage.
- ▶ Removal of all broken plastic sign pieces.

Although the above conditions were approved, the Planning Commission ultimately denied the conditional use application as amended by a vote of four (4) in favor and four (4) opposed citing the use was incompatible with the location. Planning staff concurs with the determination. Mr. John Niles filed an appeal with the City Clerk's Office on July 15, 2013. Item No. 1A affirms the action of the Planning Commission denying the conditional

August 6, 2013 Regular Meeting

use request. Item No. 1B overturns the Planning Commission denial and approves the conditional use request. If the Board so desires to adopt Item No. 1B, staff recommends the motion include all the above noted conditions.

The following individuals were present to address the Board:

- Josh Niles, applicant

Re: Spoke in favor of Item No. 1B and clarified the intended use is not for a salvage yard, but as a holding yard for repossessed vehicles. Although he stated the above noted conditions were not necessary at Planning Commission consideration, he conveyed no objection to their inclusion if such is necessary for Board approval. He further alleged similar conditional use requests have been approved in the past; therefore, he stated that he's, *"not asking the Board to bend the rules"*, but merely that his request be considered *"the same as others."*

- Charles Farnam

Re: Advised he has owned the property for approximately ten (10) years and has tried to rent such for approximately six (6) years, but to no avail. Due to such, he stated, *"any use is better than no use"* and recommended approval of Item No. 1B. He further noted that his wife is currently undergoing multiple treatments for cancer; therefore, approval of the item would ensure income for his family to accommodate their financial needs related to her medical treatment.

- DeWayne Hicks

Re: Noted he's the pastor of the church located near Mr. Niles' current location citing he's a *"very good neighbor."* Approval of the conditional permit (Item No. 1B) would create much needed jobs within the city; therefore, he noted denial of the proposed conditional use *"would be a shame."*

There was much discussion among the Board with concern that the intended use

August 6, 2013 Regular Meeting

does not fit the area, location of fencing being too close to the street, and overturning a decision of the Planning Commission.

Mr. Bailey noted that although the Planning Commission amended the request to include the above noted conditions, there was concern expressed among the Planning Commission with Mr. Nile's intended or unintended unwillingness to comply with the conditions required for issuance of the conditional use permit.

After inquiries of what Mr. Niles can do to accommodate issuance of the conditional use permit, Mr. Bailey advised the Board may either approve Item No. 1B with inclusion of the above noted amendments or Mr. Niles may reapply to the Planning Commission with another plan for development.

Several members of the Board spoke in favor of referring the matter back to the Planning Commission; however, Mr. Niles spoke in opposition and conveyed much certainty his application would again be denied. Due to such, he urged the Board to consider the resolutions presented for consideration.

Weber, seconded by Good, moved adoption of Item No. 1A affirming the Planning Commission denial of the conditional use permit. The members all voted affirmatively, with the exception of Director Merry who voted "no". The Mayor declared the motion carried and the resolution was adopted and given No. R-111-13.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*from Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2) by classification located at 4101-4299 Cliff Drive*).

Mr. Bailey briefed the Board on the item advising such is per the request of Pat Mickle, agent for RA Young Properties Limited Partners. The purpose of the rezoning

August 6, 2013 Regular Meeting

request is to allow the construction of a 24 lot single-family subdivision. The Planning Commission held a public hearing on July 9, 2013 with no individual present to speak in opposition. The Planning Commission approved the rezoning by a vote of eight (8) in favor and zero (0) opposed.

Director Settle extended much appreciation to Planning staff citing such is a great plan. He further requested the City Administrator include the extension of Leigh Avenue in the Capital Improvements Program to alleviate traffic concerns.

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. 31-13.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map (*from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by classification located at 8201 Phoenix Avenue*).

Mr. Bailey briefed the Board on the item advising such is per the request of Larry Hall, agent for Lawrence and Mildred Sharum Living Trust. The purpose of the rezoning request is to facilitate the development of a bank. The Planning Commission held a public hearing on July 9, 2013 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of six (6) in favor, zero (0) opposed and two (2) abstentions (Keesee & Cooper).

Lorenz, seconded by Settle, 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

August 6, 2013 Regular Meeting

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. 32-13.

Item No. 4 was an ordinance amending Sections 13-251 through 13-253 of the Fort Smith Municipal Code regulating charitable fundraising.

Police Chief Kevin Lindsey briefed the Board on the item advising such proposes amendments concerning charitable organizations and solicitation of funds using the City's rights-of-way. The primary change is to substitute the chief of police for the city administrator as the permitting authority for the City. The Police Department has prepared a formal application and such requires the inclusion of information from the State Attorney General's Charities Database. Professional fundraisers/solicitors must register their organization with the State before they can be issued a permit to conduct local fundraising or soliciting.

Director Settle questioned if those conducting door-to-door solicitation require a permit to do so, and Director Merry inquired if permits would be required for the Boys and Girls Scouts organizations as well whereby Chief Lindsey responded "yes" to each.

Weber, 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. Settle, seconded by Good, moved adoption of Section IV the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 33-13.

August 6, 2013 Regular Meeting

The Consent Agenda (Item No. 5) was introduced for consideration, the items being as follows:

- A. Resolution accepting the bid and authorizing the Mayor to execute a contract for repairs to the city parking facility at 700 Rogers Avenue (\$54,516.00 / *Planning Department / Budgeted - Parking Authority Fund*)
- B. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, regarding the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
- C. Resolution authorizing execution of a utility easement to OG&E for Fort Smith Fire Station No. 11
- D. Resolution amending the application for outside agency services funding
- E. Resolution authorizing acquisition of real property in connection with the Mill Creek Pump Station Wet Weather Improvements (\$57,000.00 / *Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)
- F. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with RJN Group, Inc. for engineering services for the Basin 9 Collection System Improvements (\$177,965.00 / *Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)
- G. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the Basin 9 Collection System Improvements (\$2,370,320.30 / *Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)
- H. Resolution authorizing the Mayor to execute Amendment No. 1 to Authorization No. 1 with CDM Smith, Inc. for engineering services for the Massard Wastewater Treatment Plant Odor Control Improvements (\$40,923.00 / *Utility Department / Budgeted - 2008 Revenue Bonds*)
- I. Resolution authorizing acquisition of real property interests in connection with the Sunnymede Interceptor Improvements (\$2,253.25 / *Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)

August 6, 2013 Regular Meeting

- J. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Atkins Engineering, Inc. for the Sunnymede Interceptor Improvements (*\$88,230.00 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)
- K. Resolution accepting the bid of and authorizing a contract with Forsgren, Inc. for the Sunnymede Interceptor Improvements (*\$1,526,133.50 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)

Director Settle requested 5E, 5F and 5G be removed from the consent agenda and voted on separately.

Lorenz, seconded by Settle, moved to remove Items 5E, 5F and 5G from the consent agenda to be voted on separately. The members all voting aye, the Mayor declared the motion carried.

Weber, seconded by Merry, moved adoption of all consent agenda items, with the exception of Item No. 5E, 5F and 5G, which were removed to be voted on separately. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-112-13 through R-115-13, and R-118-13 through R-121-13 respectively.

Regarding Item No. 5E, the following individual was present to address the Board:

- Steve Beam, property owner
B & B Properties, LLC

Re: 1. Requested additional time, beyond the two (2) minute time limit, to make his presentation.

The Mayor referred the matter to the Board whereby no Board member conveyed objection to the request.

2. Presented information to the Board indicating improvements he's made to the property since he obtained ownership in 2005. He alleged the Sebastian County Tax Assessor maintained a

August 6, 2013 Regular Meeting

property value of \$3,300 prior to his ownership; however and due to all the improvements made, the tax assessor now maintains an appraised value of \$220,000 for the property. He alleged expenditures of approximately \$240,000 for the property, which includes the purchase price, improvements, attorney fees to acquire railroad right-of-way, etc. Mickle Wagner Coleman has indicated an estimated cost of improvements to be \$206,000 and an independent appraisal has resulted in a value of \$200,000. The matter has been discussed with City of Fort Smith Property Manager Larry Guthrie on multiple occasions; however, he alleged Mr. Guthrie maintains the appraised value of \$57,000 is the City's initial offer to acquire the property. Although no objection was conveyed with regard to acquisition of the property, he expressed disagreement with the proposed offer and requested the Board consider the above information before authorizing the \$57,000 offer and commencement of eminent domain proceedings.

At the request of Mayor Sanders, Director of Utilities Steve Parke briefed the Board on the item. The City of Fort Smith plans to construct a 115 foot diameter, 3.5 million gallon flow equalization (EQ) tank in conjunction with planned improvement to the Mill Creek wastewater pump station. The subject project is part of the city's overall strategy to address wet weather sanitary sewer overflows that occur throughout the system during periods of heavy rainfall. The EQ tank is proposed to be constructed on a 3.59 acre tract of land owned by B & B Properties, LLC and is currently being utilized as a storage yard for construction materials. As part of the project design and cost study, the City obtained an appraisal report, which indicated a property value of \$57,000. The owner reviewed the appraisal and stated he would not sell the property for the noted amount; therefore, tendered a counter offer of \$300,000. The proposed resolution authorizes acquisition of

August 6, 2013 Regular Meeting

the property; however, in order to ensure the property is acquired in a timely manner to coincide with the project's scheduling, such also authorizes the city attorney to commence with eminent domain proceedings to ensure acquisition of the property should the land owner declines to accept the City's offer of \$57,000. Although the proposed resolution authorizes commencement of eminent domain proceedings, he clarified such does not cease negotiations for acquisition of the property and reiterated initiation of eminent domain proceedings merely ensures the property will be acquired in adequate time to coincide with the project's scheduling.

There was very lengthy discussion with several directors expressing concern with the substantial appraisal differences, initiating eminent domain proceedings to acquire any property citing such is a very serious matter, and that the Board has not been provided a copy of the City's appraisal to review. Concern was also conveyed that, upon approval, all negotiation with the property owner will cease.

Administrator Gosack clarified that although eminent domain proceedings are initiated, such does not negate the ability of the City to continue negotiations with the property owner. Many times, a settlement is reached before many. If a settlement is not reached during eminent domain proceedings, many times the judge will require mediation between the City and property owner.

Upon request, City Attorney Jerry Canfield addressed the Board and provided a brief explanation of eminent domain proceedings. The City has been very successful with negotiations and reaching settlements for acquisition of properties in which eminent domain proceedings have been initiated. He further conveyed much concern and "*finds it dangerous*" for the Board to discuss property values with property owners.

August 6, 2013 Regular Meeting

Settle, seconded by Catsavis, moved to table consideration of Item No. 5E for thirty (30) days to allow the City and property owner to discuss the matter. Prior to the motion, Director Merry spoke in favor of tabling consideration citing such will convey the City's willingness to work with the property owner.

Director Weber questioned if mediation can be accomplished in thirty (30) days whereby Administrator Gosack conveyed doubt that a new appraisal could be accomplished and dates for mediation to be scheduled in said timeframe.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried.

Director Catsavis questioned the estimated cost if eminent domain proceedings are eventually initiated.

Mr. Canfield advised the cost varies and is solely dependent upon the time required to prepare and present the case before the court. With smaller properties of lesser value that typically result in a one (1) day trial, the cost could range from \$4,000 to \$6,000; however, with \$200,000 properties with extensive differences in appraisal amounts as the proposed matter, such could require much time thereby increasing the potential for greater expense.

Settle, seconded by Lorenz, moved adoption of Items No. 5F & 5G. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-116-13 and R-117-13, respectively.

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

◆ Mayor Sanders

Re: 1. Announced the following, recent events held in the city:

August 6, 2013 Regular Meeting

- ▶ July 25 - Groundbreaking for the Landfill Scale House Project.
 - ▶ August 2 - Groundbreaking for the girls softball field addition at Ben Geren Regional Park.
 - ▶ July 30 - Public input meeting held regarding the update to the Fort Smith Comprehensive Plan.
2. Extended congratulations to the Young Actors Guild upon winning five (5) National Youth Arts Awards for the 2012 production of Les Miserables.
- ▶ Director Settle

- Re:
1. Extended "*Happy Birthday*" to his wife, Teri.
 2. Regarding the groundwater contamination at the Whirlpool, he conveyed the importance of public input; therefore, when the plan for removal of said contamination is finalized, he requested public hearings be scheduled to allow for such.

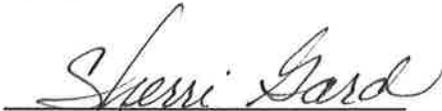
Administrator Gosack announced a briefing from Whirlpool Corporation regarding the matter has been tentatively scheduled for the September 10, 2012 study session.

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Lorenz and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:33 p.m.

APPROVED:

MAYOR

ATTEST:


CITY CLERK