

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
November 18, 2014 ~ 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 214 AND ONLINE AT <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

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 NOVEMBER 4, 2014 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentations
 - Claudia Vaughn Award presentation by Mike Bock, Sebastian County Girls Softball League
 - Recognize Mike Alsup, Director of Parks and Recreation
2. Public hearing and ordinance certifying to the Sebastian County Tax Collector delinquent property cleanup liens
3. Ordinance amending Article III of Chapter 6 of the Fort Smith Municipal Code to adopt the 2014 Edition of the National Electrical Code, as adopted by the Arkansas Board of Electrical Examiners, and for other purposes

4. Ordinance amending Article IV of Chapter 6 of the Fort Smith Municipal Code to adopt the 2014 Arkansas Energy Code for new building construction supplements and amendments, and for other purposes
5. Resolution of intent of the Board of Directors of the City of Fort Smith, Arkansas regarding the issuance of bonds for the purpose of assisting in the financing of an industrial facility expansion to be located within the city (*Dixie Consumer Products, LLC*)
6. Ordinance amending Section 2-26 of the Fort Smith Municipal Code setting the date, time and location for regular meetings of the Board of Directors for the year 2015 ~ *Settle/Merry placed on agenda at the November 10, 2014 study session ~*
7. Consent Agenda
 - A. Ordinance declaring exceptional circumstance and authorizing continuation of agreement with ArcBest Technologies
 - B. Resolution accepting completion of and authorize final payment for the removal of buildings and foundations associated with Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A. (*\$2,210.88 / Engineering Department / Budgeted – Sales Tax Program Fund*)
 - C. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing payment to Goodwin & Goodwin, Inc. for the Division Street Emergency Sanitary Sewer Repair (*\$72,038.05 / Utility Department / Not Budgeted – 2014 Sales Tax and Use Tax Bonds*)
 - D. Resolution authorizing Change Order No. 1 with Preload, Inc. for the Chaffee Crossing Water Supply Improvements – 2.5 MG Reservoir (*\$7,425.00 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bonds*)
 - E. Resolution accepting Change Order No. 1 with LJB Construction Inc. for the construction of the Ben Geren Softball Field Addition (*\$5,857.00 / Parks Department / Budgeted – 1/8% Sales and Use Tax*)
 - F. Resolution accepting completion of and authorizing final payment to LJB Construction Inc. for the construction of the Ben Geren Softball Field Addition (*\$11,268.00 / Parks Department / Budgeted – 1/8% Sales and Use Tax*)
 - G. Resolution approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatic facility at Ben Geren Regional Park (*\$275,894.00 / Parks Department / Budgeted – 2012 Sales Tax Bonds and Resolution No. R-186-13*)

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

Appointments: Advertising and Promotion Commission (4), Building Board of Adjustment and Appeals (2) and Fire Code Board of Appeals and Adjustments (1)

Performance evaluation – City Administrator ~ *Lau/Catsavis at the November 13, 2014 budget hearing ~*

ADJOURN

ORDINANCE NO. _____

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

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

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

PROPERTY OWNER	PROPERTY CLEANED	LIEN	LIEN + 10%
355 Jericho Corp.	3629 Towson	\$397.10	\$436.81
355 Jericho Corp.	3629 Towson	\$249.61	\$274.57
616 North 19th, LLC	616 North 19	\$232.11	\$255.32
616 North 19th, LLC	616 North 19	\$224.11	\$246.52
616 North 19th, LLC	616 North 19	\$224.11	\$246.52
Akasyvonh, Mikki	2219 North 28	\$240.11	\$264.12
Alto Partners 4, LLC	3619 Ridgeway Drive	\$277.13	\$304.84
Alto Partners 4, LLC	3619 Ridgeway Drive	\$317.61	\$349.37
Ames, Thomas Dewayne	3400 Johnson	\$248.36	\$273.20
Ames, Thomas Dewayne	3400 Johnson	\$222.11	\$244.32
Ames, Thomas Dewayne	3400 Johnson	\$218.11	\$239.92
Anderson Dynasty Wealth Investment	3418 South 28	\$230.81	\$253.89
AVS Properties	1924 Birnie	\$243.72	\$268.09
AVS Properties	2109 Wirsing	\$239.61	\$263.57
AVS Properties	2109 Wirsing	\$244.36	\$268.80
AVS Properties	2109 Wirsing	\$239.61	\$263.57
AVS Properties	3101 Russell	\$302.11	\$332.32
AVS Properties	3101 Russell	\$241.61	\$265.77
AVS Properties	3101 Russell	\$276.61	\$304.27
AVS Properties	3101 Russell	\$284.61	\$313.07
AVS Properties	2023 North 12	\$290.21	\$319.23
AVS Properties	2023 North 12	\$250.36	\$275.40

AVS Properties	2023 North 12	\$233.61	\$256.97
AVS Properties	2023 North 12	\$233.61	\$256.97
AVS Properties	2023 North 12	\$233.61	\$256.97
AVS Properties	Eller & Mussett, lot north east corner of	\$235.61	\$259.17
AVS Properties	1417 Lyman	\$360.13	\$396.14
AZ Paving Company, Inc.	1001 North 37	\$220.11	\$242.12
Bandy, Hilde	922 North 6	\$253.61	\$278.97
Bandy, Hilde	922 North 6	\$228.11	\$250.92
Bandy, Hilde	922 North 6	\$228.11	\$250.92
Bandy, Hilde	922 North 6	\$210.61	\$231.67
Bank of America, N.A.	3622 Macarthur Drive	\$221.85	\$244.04
Bank of New York	1901 North 71	\$408.37	\$449.21
Barsh, J. H.	1701 North 9	\$309.61	\$340.57
Barsh, J. H.	1701 North 9	\$278.61	\$306.47
Barsh, J. H.	1701 North 9	\$313.61	\$344.97
Bayview Financial Property Trust	1922 Utica	\$245.06	\$269.57
Bayview Financial Property Trust	1922 Utica	\$283.58	\$311.94
Beckwith, Richard	1121 North 9	\$243.61	\$267.97
Beckwith, Richard	1121 North 9	\$222.11	\$244.32
Beckwith, Richard	1121 North 9	\$222.11	\$244.32
Bollman, Wayne E.	2201 North 28	\$247.61	\$272.37
Bollman, Wayne E.	2201 North 28	\$244.36	\$268.80
Bollman, Wayne E.	2201 North 28	\$239.61	\$263.57
Bollman, Wayne E.	2201 North 28	\$274.85	\$302.34
Bollman, Wayne E.	2201 North 28	\$290.54	\$319.59
Brannon, Floyd K. & Mildred L.	1410 North 5	\$325.61	\$358.17
Brannon, Floyd K. & Mildred L.	1410 North 5	\$299.61	\$329.57
Brannon, Floyd K. & Mildred L.	1410 North 5	\$347.11	\$381.82
Brannon, Floyd K. & Mildred L.	1410 North 5	\$282.61	\$310.87
Brannon, Floyd K. & Mildred L.	1410 North 5	\$255.57	\$281.13
Brant, Frank W.	1915 North 6	\$267.72	\$294.49
Brant, Frank W.	1915 North 6	\$256.47	\$282.12
Brant, Frank W.	1915 North 6	\$230.22	\$253.24
Calhoun, Ronald W.	1800 Utica	\$192.61	\$211.87
Campbell, Vera	3608 Fischer	\$447.98	\$492.78
Campbell, Vera	3608 Fischer	\$308.11	\$338.92
Carney, Cecil	3212 Emrich	\$345.54	\$380.09
Carney, Cecil	3212 Emrich	\$251.61	\$276.77
Carney, Cecil	3212 Emrich	\$243.61	\$267.97
Christian Investments, Etc.	2109 Birnie	\$239.61	\$263.57
Christian Investments, Etc.	2109 Birnie	\$222.86	\$245.15
Christian Investments, Etc.	2109 Birnie	\$214.11	\$235.52
Christian Investments, Etc.	3316 Irving	\$216.11	\$237.72

Christian Investments, Etc.	3316 Irving	\$237.61	\$261.37
Christian Investments, Etc.	3316 Irving	\$336.88	\$370.57
Christian Investments, Etc.	2212 North 31	\$359.36	\$395.30
Christian Investments, Etc.	2212 North 31	\$280.61	\$308.67
Christian Investments, Etc.	2212 North 31	\$276.61	\$304.27
Christian Investments, Etc.	2212 North 31	\$315.61	\$347.17
Christiana Bank & Trust Co.	1107 North 16	\$350.10	\$385.11
Cluck, Alan	622 North 17	\$236.86	\$260.55
Cluck, Alan	622 North 17	\$236.86	\$260.55
Cluck, Alan	1301 North 5	\$279.11	\$307.02
Cluck, Alan	1301 North 5	\$286.61	\$315.27
Cluck, Alan	1301 North 5	\$357.07	\$392.78
Cluck, Alan	1301 North 5	\$287.86	\$316.65
Collins, Vern	716 North "R"	\$296.74	\$326.41
Collins, Vern	716 North "R"	\$283.99	\$312.39
Collins, Vern	716 North "R"	\$263.25	\$289.58
Columbia Entertainment, Inc.	6108 South 31, lot north of	\$331.86	\$365.05
Columbia Entertainment, Inc.	6108 South 31, lot north of	\$262.61	\$288.87
Columbia Entertainment, Inc.	6108 South 31, lot north of	\$240.36	\$264.40
Conley, Joseph B.	4017 Brockman	\$297.55	\$327.31
Cook, Keith C.	2318 North 29	\$470.89	\$517.98
Cook, Keith C.	2318 North 29	\$222.11	\$244.32
Cook, Keith C.	2318 North 29	\$252.60	\$277.86
Cook, Keith C.	2318 North 29	\$251.00	\$276.10
Coons, Richard K.	2125 North 14, 4th lot north of	\$262.50	\$288.75
Corley, Katie L. & Jerry M.	9500 Belhaven View	\$185.61	\$204.17
Corley, Kaite L & Jerry M.	9500 Belhaven View	\$659.72	\$725.69
Corley, Kaite L & Jerry M.	9500 Belhaven View	\$268.66	\$295.53
Cox Revocable Trust, Nita Kay	2804 Irving	\$298.74	\$328.61
Cunneen, Mark	2710 South 16	\$797.50	\$877.25
Delgado, Humberto & Teresa & Piaz Ca	3713 Morris Drive	\$903.61	\$993.97
Dobbins Family Trust, Joe & Mary	3000 Howell	\$270.35	\$297.39
Dunn, Tim & Trixie	1301 North 39	\$192.94	\$212.23
Dunn, Tim & Trixie	1301 North 39	\$166.72	\$183.39
Dunn, Tim & Trixie	1301 North 39	\$178.72	\$196.59
Edwards, Stephen & Huong	1507 South 17	\$259.22	\$285.14
Evans, Elmo	1728 North Short 7, lot north of	\$255.11	\$280.62
Evans, Elmo	1728 North Short 7, lot north of	\$241.61	\$265.77
F. Schuman R. Kay Company	2030 North 14, lot south of	\$245.49	\$270.04
F. Schuman R. Kay Company	2030 North 14, lot south of	\$196.61	\$216.27
F. Schuman R. Kay Company	2030 North 14, lot south of	\$196.61	\$216.27
Farmer, Charles	1444 North 21	\$514.44	\$565.88
Farmer, Charles	1444 North 21	\$486.50	\$535.15

Farmer, Charles	1444 North 21	\$267.61	\$294.37
Federal National Mortgage	2101 North "I"	\$290.61	\$319.67
Fraternal Order of Eagles # 4416	1416 North 5	\$250.36	\$275.40
Fraternal Order of Eagles # 4416	1416 North 5	\$218.78	\$240.66
Fraternal Order of Eagles # 4416	1416 North 5	\$249.61	\$274.57
Fraternal Order of Eagles # 4416	1416 North 5	\$228.11	\$250.92
Smith Family Trust, Fred E.	2121 North 30	\$243.61	\$267.97
Fry, Michael O.	101 Fordham Circle	\$266.75	\$293.43
Gallagher, Charles & Nancy	2405 North 31	\$450.31	\$495.34
Gallagher, Charles & Nancy	2405 North 31	\$326.93	\$359.62
Garner, Jamie L. Fleming	2101 Atlanta	\$247.72	\$272.49
Garner, Jamie L. Fleming	2101 Atlanta	\$403.37	\$443.71
Garner, Jamie L. Fleming	2101 Atlanta	\$269.97	\$296.97
Glover, H.J.	2110 North 14, lot behind	\$243.72	\$268.09
Glover, H.J.	2110 North 14, lot behind	\$218.22	\$240.04
Glover, H.J.	2110 North 14, lot behind	\$222.22	\$244.44
Glover, H.J.	2110 North 14, lot behind	\$226.97	\$249.67
Glover, H.J.	2110 North 14, lot behind	\$222.22	\$244.44
Habalow, Kai Rippy	609-611 South 17	\$273.58	\$300.94
Habalow, Kai Rippy	609-611 South 17	\$214.11	\$235.52
Habalow, Kai Rippy	609-611 South 17	\$210.11	\$231.12
Habalow, Kai Rippy	609-611 South 17	\$295.61	\$325.17
Habalow, Kai Rippy	609-611 South 17	\$188.61	\$207.47
Habalow, Kai Rippy	609-611 South 17	\$210.07	\$231.08
Hamilton, Brandon R.	1520 Boston St	\$198.72	\$218.59
Hamilton, Brandon R.	1520 Boston St	\$246.71	\$271.38
Hands of Love, Inc.	4500 Berkley	\$247.61	\$272.37
Hands of Love, Inc.	4500 Berkley	\$370.49	\$407.54
Hands of Love, Inc.	4500 Berkley	\$407.61	\$448.37
Hands of Love, Inc.	4500 Berkley	\$255.61	\$281.17
Hands of Love, Inc.	1517 North 34	\$258.36	\$284.20
Hands of Love, Inc.	5214 Plum	\$1,307.61	\$1,438.37
Harris, Bransen	5009-5011 South 30	\$243.72	\$268.09
Harris, Bransen	5009-5011 South 30	\$239.72	\$263.69
Harris, Bransen	5009-5011 South 30	\$239.72	\$263.69
Harris, Bransen	5013-5015 South 30	\$218.22	\$240.04
Harris, Bransen	5017-5019 South 30	\$222.22	\$244.44
Harris, Bransen	5017-5019 South 30	\$209.47	\$230.42
Harris, Bransen	5021-5023 South 30	\$218.22	\$240.04
Harris, Bransen	5021-5023 South 30	\$243.72	\$268.09
Harris, Bransen	5021-5023 South 30	\$235.72	\$259.29
Hartness, Jimmy Sr.	1619 South "Q"	\$284.54	\$312.99
Hartness, Jimmy Sr.	1619 South "Q"	\$216.11	\$237.72

Harwood, Ashley James	1906 North 6	\$245.61	\$270.17
Harwood, Ashley James	1906 North 6	\$245.61	\$270.17
Harwood, Ashley James	1906 North 6	\$224.11	\$246.52
Heffner, Billy J. & Rebecca J.	3606 Roosevelt	\$429.01	\$471.91
Hendricks, Gayela Ann Hartley	2312 North 8	\$328.44	\$361.28
Hernandez, Rosa S.	3613 Chaffee Drive	\$623.72	\$686.09
Hickey, Dorothy	3228 Neis	\$233.61	\$256.97
Hickey, Dorothy	3228 Neis	\$224.86	\$247.35
Holcombe, Chan Trust	1455 North 39	\$373.93	\$411.32
Holliman, Tony	4022 Chaffee Drive	\$341.76	\$375.94
Holliman, Tony	4022 Chaffee Drive	\$251.08	\$276.19
Hopkins, Doyle A. II	2908 North "L"	\$267.58	\$294.34
Hopkins, Melissa M.	1105 North 40	\$341.68	\$375.85
Hopkins, Melissa M.	1105 North 40	\$223.61	\$245.97
Horan, Madeline Anne	807 South 22	\$232.86	\$256.15
House, John & Robert Y. & Crystal S.	3401 Stanard Avenue	\$244.00	\$268.40
Huddleston, Charles R.	723 North 5	\$389.41	\$428.35
Hudson, Barney B.	717 North 34	\$231.61	\$254.77
Ingram, Patricia	3414 Blair	\$786.29	\$864.92
James, Ora R. & Edward	2002 North 14	\$244.36	\$268.80
James, Ora R. & Edward	2002 North 14	\$226.86	\$249.55
James, Ora R. & Edward	2002 North 14	\$231.61	\$254.77
James, Ora R. & Edward	2002 North 14	\$214.11	\$235.52
Johnson, Steve & Joni	3808 Park Avenue	\$207.60	\$228.36
Jones, Clarence Jr.	2723 Albert Pike	\$130.44	\$143.48
Jones, Clarence Jr.	2723 Albert Pike	\$77.94	\$85.73
Kamal U Properties	3008 Russell	\$284.61	\$313.07
Kamal U Properties	3008 Russell	\$254.36	\$279.80
Kamal U Properties	3008 Russell	\$237.61	\$261.37
Kamal U Properties	3008 Russell	\$237.61	\$261.37
Kamal U Properties	1809 North 14	\$241.61	\$265.77
Kamal U Properties	1809 North 14	\$255.11	\$280.62
Kamal U Properties	1809 North 14	\$272.61	\$299.87
Kamal U Properties	1809 North 14	\$237.61	\$261.37
Kamal U Properties	2213 North "R"	\$259.11	\$285.02
Kamal U Properties	2213 North "R"	\$228.86	\$251.75
Kamal U Properties	2213 North "R"	\$241.61	\$265.77
Kamal U Properties	2213 North "R"	\$228.00	\$250.80
KBS General Maintenance Group, Inc.	1834 North 13	\$249.29	\$274.22
KBS General Maintenance Group, Inc.	1700 South 11	\$222.11	\$244.32
KBS General Maintenance Group, Inc.	1700 South 11	\$223.56	\$245.92
Kirkam, Rose	3308 Irving	\$255.72	\$281.29
Kirkam, Rose	3308 Irving	\$246.97	\$271.67

Kirkam, Rose	3308 Irving	\$246.97	\$271.67
Kouri, Buddy Gene	518 South 12	\$250.36	\$275.40
Kouri, Buddy Gene	518 South 12	\$250.36	\$275.40
Kouri, Buddy Gene	518 South 12	\$228.86	\$251.75
Kouri, Buddy Gene	518 South 12	\$228.86	\$251.75
Kouri, Buddy Gene	512 South 12	\$267.86	\$294.65
Kouri, Buddy Gene	512 South 12	\$259.11	\$285.02
Kouri, Buddy Gene	512 South 12	\$284.85	\$313.34
Kouri, Buddy Gene	512 South 12	\$237.61	\$261.37
Lipscomb, James R.	2213 Savannah Street	\$358.72	\$394.59
Lipscomb, James R.	2213 Savannah Street	\$299.93	\$329.92
Loggains Properties, LLC	2915 Alabama	\$219.56	\$241.52
Lowery, Jimmie	619 North 36	\$284.35	\$312.79
Lowrey, Jimmie	619 North 36	\$651.35	\$716.49
Lyons, Joseph F.	5200 South 32	\$242.36	\$266.60
Markham, Alfred L. III	2820 Tilles	\$230.49	\$253.54
Martin, Linda C.	1515 South "S"	\$250.36	\$275.40
Martin, Linda C.	1515 South "S"	\$237.61	\$261.37
Martin, Linda C.	1515 South "S"	\$220.86	\$242.95
Martin, Linda C.	1515 South "S"	\$259.86	\$285.85
Martin, Wesley E. & Wife	1918 South "P"	\$241.61	\$265.77
Martin, Wesley E. & Wife	1918 South "P"	\$220.11	\$242.12
Martin, Wesley E. & Wife	1918 South "P"	\$232.86	\$256.15
Martin, Wesley E. & Wife	1918 South "P"	\$198.61	\$218.47
Martinez, Pantaleon & Amanda	3408 Newlon Road	\$426.65	\$469.32
Martland, Marjorie	1923 North "J"	\$326.82	\$359.50
McMasters, Jackie Lee	1312 North 45	\$668.56	\$735.42
McNeil, Betty Jo & Gina Cassidy	823 North 36	\$428.72	\$471.59
McNeil, Betty Jo & Gina Cassidy	823 North 36	\$465.61	\$512.17
McNeil, Betty Jo & Gina Cassidy	823 North 36	\$441.01	\$485.11
Miller, Thomas or Karen	9800 Mayo Drive	\$379.72	\$417.69
Mingo, Nolen & Wife	2007 North 29	\$267.11	\$293.82
Mingo, Nolen & Wife	2007 North 29	\$241.61	\$265.77
Montgomery, Eric	1310 North 38	\$243.61	\$267.97
Montgomery, Eric	1310 North 38	\$239.61	\$263.57
Moore, Carl E. Jr. & Rebecca S.	1609 South "Q"	\$353.34	\$388.67
Moore, Cynthia	2921 Albert Pike	\$361.37	\$397.51
Moore, Cynthia	2921 Albert Pike	\$281.97	\$310.17
Moore, James E. & Irma	1114 South 9	\$275.51	\$303.06
MRW Inc.	1408-1410 North 12, lot north of	\$246.89	\$271.58
Mumey, John Frasier	405 South 14	\$232.11	\$255.32
Mumey, John Frasier	405 South 14	\$220.11	\$242.12
Neal, Clyde A. & Jose Andres Cenicerros	3513 North 47	\$340.79	\$374.87

Nesbit, Grant T. & Catherine	2217 North 56	\$400.29	\$440.32
Nguyen, Tai & Nho	4821 South 28	\$273.41	\$300.75
Nguyen, Tai & Nho	4821 South 28	\$917.72	\$1,009.49
ODOG WU Ozara Investments	920 North 5	\$311.61	\$342.77
ODOG WU Ozara Investments	920 North 5	\$241.61	\$265.77
ODOG WU Ozara Investments	920 North 5	\$246.36	\$271.00
ODOG WU Ozara Investments	920 North 5	\$237.61	\$261.37
ODOG WU Ozara Investments	2012 North 15	\$268.61	\$295.47
ODOG WU Ozara Investments	2012 North 15	\$233.61	\$256.97
ODOG WU Ozara Investments	2012 North 15	\$216.11	\$237.72
ODOG WU Ozara Investments	2909 North "I"	\$231.61	\$254.77
ODOG WU Ozara Investments	2909 North "I"	\$231.61	\$254.77
ODOG WU Ozara Investments	2909 North "I"	\$240.36	\$264.40
ODOG WU Ozara Investments	2909 North "I"	\$214.11	\$235.52
ODOG WU Ozara Investments	4710 Mussett	\$255.04	\$280.54
ODOG WU Ozara Investments	4710 Mussett	\$387.22	\$425.94
ODOG WU Ozara Investments	4710 Mussett	\$202.61	\$222.87
Overturf, Ivan & Sharon & Malloy K.	2211 Savannah Street	\$471.13	\$518.24
Overturf, Ivan & Sharon & Malloy K.	2211 Savannah Street	\$251.61	\$276.77
Overturf, Ivan & Sharon & Malloy K.	2211 Savannah Street	\$245.06	\$269.57
Pamco Enterprises	916 North 11	\$6,647.50	\$7,312.25
Patterson, Terry F. Honey & Nedra L.	1810 South "T"	\$270.56	\$297.62
Patterson, Terry F. Honey & Nedra L.	1810 South "T"	\$249.06	\$273.97
Payne, W.T.	2401 North 33	\$323.61	\$355.97
Payne, W.T.	2401 North 33	\$245.61	\$270.17
Payton, Cecil R.	North 20 & Birnie, 2nd lot south west corner	\$214.11	\$235.52
Payton, Cecil R.	North 20 & Birnie, 2nd lot south west corner	\$214.11	\$235.52
Payton, Cecil R.	North 20 & Birnie, 2nd lot south west corner	\$239.61	\$263.57
Phillips, Bleeker J. & Lelia G. Muldrow	701 North "N"	\$232.97	\$256.27
Phillips, Bleeker J. & Lelia G. Muldrow	701 North "N"	\$224.22	\$246.64
Phillips, Bleeker J. & Lelia G. Muldrow	701 North "N"	\$253.86	\$279.25
Phillips, Bleeker J. & Lelia G. Muldrow	701 North "N"	\$222.86	\$245.15
Poole, Alfred & Thelma	2308 North 27	\$296.61	\$326.27
Poole, Alfred & Thelma	2308 North 27	\$304.61	\$335.07
Poole, Alfred & Thelma	2308 North 27	\$262.36	\$288.60
Poole, Alfred & Thelma	2308 North 27	\$240.86	\$264.95
Pope, Michael G. & Billy J. Washburn	3416 North 26	\$1,073.72	\$1,181.09
Price, Larry Eugene Sr. & Ardine	3600 Willow	\$284.72	\$313.19
Prody, Charlotte	3500 Coventry Lane	\$304.22	\$334.64
Ramirez, Juan & Maria D.	1322 North 36	\$270.47	\$297.52
Ramsey, Sarah J.	1458 North 35	\$257.79	\$283.57
Ramsey, Sarah J.	1458 North 35	\$294.70	\$324.17
Reese, Darrell L. & Yvonne K.	400 North "M", lot behind	\$292.11	\$321.32

Reese, Darrell L. & Yvonne K.	400 North "M", lot behind	\$256.36	\$282.00
Reese, Darrell L. & Yvonne K.	400 North "M", lot behind	\$282.61	\$310.87
Reese, Darrell L. & Yvonne K.	400 North "M", lot behind	\$239.61	\$263.57
Rein, Debra & Sonika Tinker	601 North 36	\$299.05	\$328.96
Reinschmiedt, Phillip	1020 North 46	\$229.61	\$252.57
Reinschmiedt, Phillip	1020 North 46	\$233.61	\$256.97
Rice, Phillip J. & Pamela S.	3900 Park Avenue	\$255.72	\$281.29
Richmond, Kathy & R. Ray II Fulmer Trustee	609 North 22	\$229.50	\$252.45
River Valley Primary Care Services, Inc.	4900 Kelley Highway, lot behind	\$352.72	\$387.99
River Valley Primary Care Services, Inc.	4900 Kelley Highway, lot behind	\$317.72	\$349.49
Rivera, Juan A. / Attn: Kevin Lacewell	8900 Fresno Street	\$243.61	\$267.97
Rivera, Juan A. / Attn: Kevin Lacewell	8900 Fresno Street	\$234.11	\$257.52
Rivera, Juan A. / Attn: Kevin Lacewell	8900 Fresno Street	\$243.61	\$267.97
Roberts, Roy C. & Altha	1401 North 11	\$302.72	\$332.99
Roberts, Roy C. & Altha	1401 North 11	\$8,347.50	\$9,182.25
Rodriquez, Lucy or Mario Perez	2917 North "L"	\$268.61	\$295.47
Rodriquez, Lucy or Mario Perez	2917 North "L"	\$220.86	\$242.95
Rush, Bobby & Tanya	815 North 14	\$253.17	\$278.49
Sammons, Johnathan K.	709 North 35	\$237.61	\$261.37
Sammons, Johnathan K.	709 North 35	\$233.61	\$256.97
Schluterman, Leo J. & WF.	1436 North 21	\$617.14	\$678.85
Schluterman, Leo J. & WF.	1436 North 21	\$227.83	\$250.61
Scruggs, Lance & Carla	115 Perth Court	\$251.72	\$276.89
Scruggs, Lance & Carla	115 Perth Court	\$251.48	\$276.63
Sebastian County "P" Street	2220 South "P"	\$288.31	\$317.14
Sebastian County "P" Street	2220 South "P"	\$245.61	\$270.17
Sexton, Julie & Karen ET AL	1901 South "Y"	\$265.11	\$291.62
Sexton, Julie & Karen ET AL	1901 South "Y"	\$239.61	\$263.57
Sexton, Julie & Karen ET AL	1901 South "Y"	\$312.11	\$343.32
Sexton, Julie & Karen ET AL	1901 South "Y"	\$239.61	\$263.57
Shipman, Leon J. & Susan D.	4601 South 24	\$246.47	\$271.12
Shipman, Leon J. & Susan D.	4601 South 24	\$289.71	\$318.68
Shipman, Leon J. & Susan D.	4601 South 24	\$296.41	\$326.05
Skullman, Shirley Wade	1101 North 12	\$264.47	\$290.92
Skullman, Shirley Wade	1101 North 12	\$255.72	\$281.29
Skullman, Shirley Wade	1101 North 12	\$247.72	\$272.49
Skullman, Shirley Wade	1101 North 12	\$259.72	\$285.69
Skullman, Shirley Wade	1101 North 12	\$289.50	\$318.45
Skulman, Robert & Shirley Wade	606 North 12	\$286.50	\$315.15
Skulman, Robert & Shirley Wade	606 North 12	\$422.79	\$465.07
Skulman, Robert & Shirley Wade	920 North 6	\$216.11	\$237.72
Skulman, Robert & Shirley Wade	920 North 6	\$198.61	\$218.47
Skulman, Robert & Shirley Wade	920 North 6	\$216.11	\$237.72

Skulman, Robert & Shirley Wade	920 North 6	\$198.61	\$218.47
Skulman, Shirley Wade	2229 South "X"	\$311.47	\$342.62
Skulman, Shirley Wade	2229 South "X"	\$255.72	\$281.29
Smallwood, Carl Wade	2716 Alabama	\$347.02	\$381.72
Smith, Eugene	1725 North 13	\$279.71	\$307.68
Smith Living Trust, Gladys R.	5002 Mussett	\$292.61	\$321.87
Smith, Steve	3112 North 27	\$325.61	\$358.17
South Town Holding, LLC	4919 South 34	\$418.70	\$460.57
South Town Holding, LLC	4919 South 34	\$255.83	\$281.41
South Town Holding, LLC	4919 South 34	\$287.53	\$316.28
South Town Holding, LLC	4923 South 34	\$275.33	\$302.86
South Town Holding, LLC	4923 South 34	\$371.98	\$409.18
Starling, Geneva M.	3020 Blair, lot north of	\$495.43	\$544.97
Starling, Geneva M.	3020 Blair, lot north of	\$228.86	\$251.75
Stewart, Phillip A. & Janice	3222 Blair	\$257.72	\$283.49
Stewart, Phillip A. & Janice	3222 Blair	\$257.72	\$283.49
Stewart, Phillip A. & Janice	3222 Blair	\$253.72	\$279.09
Stewart, Phillip A. & Janice	3222 Blair	\$248.97	\$273.87
Sturgeon, Stephanie	1451 North 40	\$255.61	\$281.17
Sullivan, Nathan D. & Nell R.	3501 North 27	\$551.51	\$606.66
Sullivan, Nathan D. & Nell R.	3501 North 27	\$350.05	\$385.06
Swearingen, Patricia	600 North 17	\$260.47	\$286.52
Swearingen, Patricia	600 North 17	\$363.71	\$400.08
Swearingen, Patricia	600 North 17	\$966.11	\$1,062.72
Swearingen, Patricia	600 North 17	\$238.22	\$262.04
Swearingen, Patricia	600 North 17	\$234.22	\$257.64
Swearingen, Patricia	600 North 17	\$683.49	\$751.84
Swearingen, Patricia M. & William J.	2209 South "T"	\$198.72	\$218.59
SYB, Inc.	2622 Jenny Lind	\$328.83	\$361.71
SYB, Inc.	2622 Jenny Lind	\$218.86	\$240.75
Tabarez, Mark E.	2401 Raleigh Street	\$253.72	\$279.09
Taft, Charles & Kendard E.	811 North "F"	\$348.58	\$383.44
Taft, Charles & Kendard E.	811 North "F"	\$256.86	\$282.55
Taft, Charles & Kendard E.	811 North "F"	\$314.35	\$345.79
Tanner, Minnie	2145 North 30	\$234.97	\$258.47
Tanner, Minnie	2145 North 30	\$230.97	\$254.07
Tanner, Minnie	2145 North 30	\$222.22	\$244.44
Taylor, Roberta	2310 North 31	\$270.61	\$297.67
Taylor, Roberta	2310 North 31	\$230.11	\$253.12
Thoai, Tran	1914 Rogers	\$206.72	\$227.39
Thoai, Tran	1914 Rogers	\$223.47	\$245.82
Thompson, Eric	3712 Spradling Avenue	\$247.61	\$272.37
Thompson, Eric	3712 Spradling Avenue	\$243.61	\$267.97

Toothaker, Les A.	1201 North 40	\$394.58	\$434.04
Toothaker, Les A.	1201 North 40	\$260.47	\$286.52
Toothaker, Les A.	1201 North 40	\$234.22	\$257.64
Towering Turtle Properties, LLC	1309 - 1315 South Carthage	\$239.74	\$263.71
Udoudj, Elizabeth Diane	2600 Fresno Place	\$238.55	\$262.41
Urbina, Calletano	1428 North 29	\$278.92	\$306.81
US Land & More	3226 Neis	\$237.61	\$261.37
US Land & More	3226 Neis	\$216.11	\$237.72
US Land & More	3226 Neis	\$224.86	\$247.35
US Land & More	700 North 9	\$237.61	\$261.37
US Land & More	700 North 9	\$224.86	\$247.35
US Land & More	700 North 9	\$233.61	\$256.97
US Land & More	700 North 9	\$228.51	\$251.36
US Land & More	1023 South 22	\$253.11	\$278.42
US Land & More	1023 South 22	\$231.61	\$254.77
US Land & More	1023 South 22	\$256.13	\$281.74
Vasiliki Investments, LLC	1810 North 6, 2nd lot south of	\$220.11	\$242.12
Vasiliki Investments, LLC	1810 North 6, 2nd lot south of	\$207.36	\$228.10
Vasiliki Investments, LLC	1810 North 6, 2nd lot south of	\$216.11	\$237.72
Vasiliki Investments, LLC	1810 North 6, 2nd lot south of	\$210.11	\$231.12
Vernon, Richard Z. & Thomas G.	2720 North "O"	\$309.61	\$340.57
Vernon, Richard Z. & Thomas G.	2720 North "O"	\$278.61	\$306.47
Vernon, Richard Z. & Thomas G.	2720 North "O"	\$274.61	\$302.07
Vernon, Richard Z. & Wife	3709 Park Avenue	\$410.77	\$451.85
Vernon, Richard Z. & Wife	3709 Park Avenue	\$322.35	\$354.59
Vernon, Richard Z. & Wife	3709 Park Avenue	\$368.32	\$405.15
Volavong, Boulith	3224 Oak Grove	\$346.10	\$380.71
Walters, Sandra A.	3330 North 49	\$238.49	\$262.34
Walton, Angela	1904 North 13	\$235.61	\$259.17
Walton, Pauline	1305 North "R"	\$278.61	\$306.47
Walton, Pauline	1305 North "R"	\$252.36	\$277.60
Weare, Robert H.	3015 Alabama	\$5,158.66	\$5,674.53
Webb, William & Elma	4237 Wirsing Avenue	\$295.49	\$325.04
Weindel, John L.	423 North 7	\$337.72	\$371.49
Weindel, John L.	423 North 7	\$267.72	\$294.49
Weindel, John L.	423 North 7	\$255.72	\$281.29
Wells, Nathan	424 North 35	\$245.72	\$270.29
Wells, Nathan	424 North 35	\$249.72	\$274.69
Wells, Nathan & Darien	532 North 35	\$373.05	\$410.36
Wells, Nathan & Darien	532 North 35	\$332.86	\$366.15
West, Linda J.	3925 High Street	\$630.92	\$694.01
West, Linda J.	3925 High Street	\$241.61	\$265.77
West, Linda J.	3925 High Street	\$228.86	\$251.75

Westbrook, Rena	103 North 16	\$253.61	\$278.97
Westbrook, Rena	103 North 16	\$267.11	\$293.82
Westbrook, Rena	103 North 16	\$257.67	\$283.44
Westbrook, Rena	103 North 16	\$249.61	\$274.57
Darby Ranger Memorial Foundation, William O.	410 North 7	\$312.49	\$343.74
Williams Properties Limited Partnership	715 North 12, lot north of	\$253.90	\$279.29
Williams Properties Limited Partnership	1515 North 11	\$339.72	\$373.69
Williams, John W.	711 North "N"	\$5,702.64	\$6,272.90
Wilson, Charles & Melody	1106 North 14	\$1,077.75	\$1,185.53
Woodruff, Sarah M.	8625 Southridge Drive	\$310.97	\$342.07
Woodruff, Sarah M.	8625 Southridge Drive	\$237.72	\$261.49
Woodruff, Sarah M.	8625 Southridge Drive	\$259.22	\$285.14
Woodruff, Sarah M.	8625 Southridge Drive	\$245.72	\$270.29
Woodruff, Sarah M.	8625 Southridge Drive	\$178.50	\$196.35
Wright, Leatha Jr.	2125 North 14, 2nd lot north of	\$322.00	\$354.20

\$146,764.77 \$161,441.25

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

PASSED AND APPROVED this 18th day of November, 2014.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



Publish one time

MEMORANDUM

November 14, 2014

TO: Ray Gosack, City Administrator
FROM: Sherri Gard, City Clerk
RE: Certification of Delinquent Property Cleanup Liens

The attached ordinance certifies to the Sebastian County Tax Collector a total of \$161,441.25 in delinquent property cleanup liens associated with those properties abated or structures demolished by the City of Fort Smith. Each lien includes a 10% penalty. There are 424 delinquent liens included within the ordinance involving 163 property owners and 193 properties. In 2013, there were 430 delinquent liens totaling \$155,968.33 certified to the Sebastian County Tax Collector.

PROPERTY OWNERS APPEAL BOARD HEARINGS

Hearings before the Appeal Board were held on September 22nd and 24th in the Bartlett Community Room at the Fort Smith Police Department. Notification of the hearings was by certified mail and publication in the Times Record. Nine (9) property owners presented appeals at the aforementioned public hearings and the draft minutes are attached.

The Appeal Board also considered appeals at their October 13, 2014 meeting; therefore, the minutes of said meeting are also attached.

NOVEMBER 18th BOARD OF DIRECTORS MEETING

As required by law, notice of the public hearing was provided to the property owners by certified mail and publication in the Times Record four (4) consecutive weeks prior to the meeting. As of this date, no property owners have indicated they will be in attendance. Neighborhood Services staff and several members of the Property Owners Appeal Board will be present to answer any questions.

If a property owner attends the November 18th regular meeting to appeal a delinquent lien included in the proposed ordinance and the Board wishes to refer the matter to the Property Owners Appeal Board, such will be scheduled for 11:00 a.m., Monday, December 8, 2014 in the City of Fort Smith Offices, 623 Garrison Avenue, Planning Conference Room, Room 326.

Upon approval of the ordinance, a copy will be forwarded to the tax collector, and the liens will be placed on the tax records for the year 2014 (for collection in 2015).

In the event any lien has been paid in full, the motion for approval should include a provision to allow the removal of said lien(s) from the ordinance prior to formal submission to the Sebastian County Tax Collector.

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

MINUTES OF PROPERTY OWNERS APPEAL BOARD HEARINGS

SEPTEMBER 22, 2014 AND SEPTEMBER 24, 2014 ~ 6:00 P.M.

FORT SMITH POLICE DEPARTMENT ~ BARTLETT COMMUNITY ROOM

The hearings were held to allow delinquent property owners an opportunity to be heard regarding charges by the City for abatement costs and who feel they have been wrongly charged. Notice of the hearings was published in the Times Record on Monday, August 18, 2014. Certified letters dated August 8, 2014 were also mailed to each property owner of record for each notified of the violation.

MONDAY, SEPTEMBER 22, 2014

The hearing was called to order by Karen Lewis, Chairperson, with the following members of the Property Owners Appeal Board (POAB) present: Karen Lewis, Scott Monroe, Megan Raynor and Joel Culberson; absent - Dennis Shaeffer. A quorum was declared.

City staff in attendance were City Clerk Sherri Gard, Building Official Jimmie Deer, Neighborhood Services Supervisor Rick Ruth, and Inspectors Dean Polk, Randal Hicks, Kelly Hicks, Brandon Haynes, Scott Hamilton and Brian Penix.

Chairperson Lewis stated the purpose of the hearings, and then each member of the Appeal Board introduced themselves, advising how long they have been property owners in Fort Smith. She further noted that appeal of any decision made by the Property Owners Appeal Board may be appealed to the Fort Smith Board of Directors at a public hearing to be held at 6:00 p.m., Tuesday, November 18, 2014 at the Fort Smith Public Schools Service Center, 3205 Jenny Lind Road.

The following property owners were present to address the Appeal Board:

- **Dr. Hassan Masri
Fort Smith, Arkansas**

Property 1: 1614 North 32 (2 cleanings)
August 16, 2013 \$257.11
September 25, 2013 \$239.61

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Property 2:	1620 North 32 (1 cleaning)	
	August 15, 2013	\$233.61
Property 3	1700 North 32 (2 cleanings)	
	August 10, 2013	\$257.11
	September 17, 2013	\$222.11
Property 4:	1708 North 32 (2 cleanings)	
	August 10, 2013	\$255.11
	September 17, 2013	\$220.11
Property 5:	1712 North 32 (1 cleaning)	
	August 15, 2013	\$235.61
Property 6:	1718 North 32 (2 cleanings)	
	August 7, 2013	\$279.36
	September 12, 3013	\$231.61
Property 7:	1724 North 32 (2 cleanings)	
	August 8, 2013	\$255.11
	September 17, 2013	\$220.11
Owner:	Masri Investments, LLC	
Total Due:	\$2,906.57	

Inspector Dean Polk advised the subject properties are adjoining vacant lots and reviewed the property files, presented videos of inspections and provided before and after pictures of each cleaning. The properties were first inspected on June 12, 2013 and posted for overgrowth. The properties were reinspected on June 22, 2013 and a certified letter was forwarded to the property owner and signed by H. Masri on July 8, 2013. Dr. Masri contacted Neighborhood Services on July 16, 2013 whereby an extension was granted to allow Dr. Masri to abate the violations by July 23, 2013. The property was again inspected on July 30, 2013 whereby the violations remained; therefore, the properties were assigned to the contractor with abatement accomplished on August 17, 2013.

The subject properties were reinspected every thirty (30) days thereafter whereby each property was found to be in violation again in September. Such resulted in additional cleanings in September. The City maintains a total of twelve (12) liens on the subject properties.

Dr. Masri addressed the Appeal Board advising he paid a lawncare person to maintain the properties and presented paid invoices for June, July and August 2013 to verify such. The individual he paid is no longer in his employment and the properties have been properly maintained since with no additional violations. Due to his efforts, he urged the Appeal Board to *“not penalize when he tried to comply”* and requested

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they consider waiving administrative fees as he conveyed no objection to paying the contractor fee for the work performed.

Although the vacant properties are adjoining, several of the cleanings took place on multiple dates in both August and September; therefore, Culberson expressed concern that since there are twelve (12) liens, such essentially means the owner is responsible for twelve (12) separate administrative fees. City Clerk Gard advised the average administrative fee is \$150 per lien/cleaning.

Inspector Polk noted that although the vacant properties are adjoining, there are actually seven (7) separate parcels in the subject area cleaned. Due to such, each parcel as well as each cleaning includes a separate administrative fee.

Appeal Board Action ~ 1614, 1620, 1700, 1708, 1712, 1718 and 1724 North 32nd Street

Monroe, seconded by Raynor, moved to waive one (1) administrative fee for each property/parcel (*7 properties x \$150.00 = \$1,050.00*), which brings the total due to \$1,856.57 and that same be forwarded to the Sebastian County Tax Collector for placing on the tax records. The members present all voting aye, Chairperson Lewis declared the motion carried.

■ **Lucille Wilhelm Paris, Arkansas**

Property: 2204 Savannah Street
Owners: Lawrence & Lucille Wilhelm
Cleaned: February 20, 2014 \$282.03
March 24, 2014 \$209.60
Total Due: \$491.63

Inspector Brandon Haynes reviewed the property file, presented video of inspections and provided before and after pictures of the cleaning. The property was inspected on January 29, 2014 and posted for dead limbs on the roof and in the side and back yards. A certified letter was forwarded to the property owner; however, such was returned "unclaimed". A final inspection was conducted on February 18, 2014 whereby the violations remained; therefore, the property was assigned to the contractor with abatement accomplished on February 20, 2014.

The subject property was reinspected every thirty (30) days thereafter whereby the property was found to be in violation again due to additional dead limbs and carpet in the yard. Such resulted in an additional cleaning in March.

Ms. Wilhelm, along with her daughter Libby Kimes, addressed the Appeal Board advising she's owned the property since February 1967;

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however, she now resides in Paris, Arkansas. The structure has been vacant for approximately a year. A neighbor has previously maintained it for her; however, they have since moved. The limbs are from the ice storm and she was snowed-in in Paris; therefore, she could not get to Fort Smith to abate the violations, which she was unaware of such because the City forwarded the notice to the Fort Smith address. With regard to the second cleaning, she insisted the carpet was placed on her property by a neighbor; however, if she had known about the second violation, Ms. Wilhelm insisted she would have abated the violation.

Mr. Deer advised the initial notice was mailed to the Fort Smith address (2204 Savannah) because such is the address of record at the Sebastian County Tax Assessor’s Office. He urged Ms. Wilhelm to contact the Assessor’s Office and update her mailing address.

Regarding the second cleaning, there was concern expressed with the amount of limbs removed since several limbs were removed at the first cleaning.

Appeal Board Action ~ 2204 Savannah

Monroe, seconded by Culberson, moved that the lien for the first cleaning in February remain due in full (\$282.03) and that same be forwarded to the Sebastian County Tax Collector for placing on the tax records. The motion included that the lien and amount due for the second cleaning (\$209.60) in March be waived in its entirety. The members present all voting aye, Chairperson Lewis declared the motion carried.

At this point, approximately 7:19 p.m., the Appeal Board took a brief recess and reconvened at approximately 7:27 p.m.

■ **Patrick Perez
Fort Smith, Arkansas**

Property:	1st lot south of 1810 North 6th Street	
Owner:	Shon Davidsson	
Cleaned:	June 24, 2013	\$220.11
	September 16, 2013	\$216.11
	October 24, 2013	\$216.11
Total Due:	\$652.33	

Inspector Dean Polk reviewed the property file, presented video of inspections and provided before and after pictures of the cleanings. The property was first inspected on April 29, 2013 and posted for overgrowth. A certified letter was forwarded to the property owner and returned “unclaimed.” The property was reinspected on June 12, 2013 whereby the violation remained; therefore, such was assigned to a contractor and the violation abated on June 24, 2013.

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The subject property was reinspected every thirty (30) days thereafter whereby the property was found to be in violation multiple times for overgrowth. Such resulted in the additional cleanings in July, September and October.

Mr. Perez addressed the Appeal Board advising he purchased the property in May 2014. He was unaware of the existing liens on the property citing he mostly likely would not have purchased had he known about the liens.

There was concern expressed that the list of delinquent liens did not identify a cleaning in July; however, the Neighborhood Services file indicated such was cleaned on July 30, 2013. It was determined that the July cleaning could have been inadvertently entered as the 2nd lot south of 1810 North 6th Street, which the delinquent list indicated said property was cleaned twice on said date. The City Clerk will confirm and address.

Appeal Board Action ~ 1st lot south of 1810 North 6th Street

Raynor, seconded by Monroe, moved that the liens remain due in full (\$652.33) and that same be forwarded to the Sebastian County Tax Collector for placing on the tax records. The members present all voting aye, Chairperson Lewis declared the motion carried.

■ **Jose Uribe
Fort Smith, Arkansas**

**Property: 4301 Wirsing
Owner: Samniang Somphit
Demolition: September 26, 2013 \$2,142.50**

Mr. Deer reviewed the property file and presented pictures of the structure prior to demolition. The structure was determined to be unsafe and “red tagged” on May 15, 2013. Notice was forwarded to the owner via certified mail; however, such was returned “unclaimed.” The matter was presented to the City of Fort Smith Board of Directors at their July 9, 2013 regular meeting whereby Ordinance No. 28-13 was adopted ordering the order to demolish the structure within thirty (30) days. Such was not accomplished; therefore, the City advertised and obtained bids for the demolition whereby the structure was demolished on September 26, 2013.

Mr. Uribe advised his father purchased the property in June 2013 (deed filed on July 8, 2013) and was unaware of the aforementioned proceedings. Due to such, he urged the Board to consider waiving the lien.

There was brief discussion whereby it was confirmed that the structure was posted or “red tagged”; therefore, since Mr. Uribe indicated he visited the property prior to his purchase, he should’ve been aware of the

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impending demolition. It was determined, however, that the posting was in English and Mr. Uribe can only read Spanish.

Appeal Board Action ~ 4301 Wirsing

Culberson, seconded by Raynor, moved that the amount due for demolition of the structure remain due in full (\$2,142.50) and that same be forwarded to the Sebastian County Tax Collector for placing on the tax records. The members all voting aye, Chairperson Lewis declared the motion carried.

There being no further business to come before the Appeal Board, Raynor moved that the hearing adjourn. The motion was seconded by Monroe and the members present all voting aye, Chairperson Lewis declared the motion carried and the hearing stood adjourned at 8:04 p.m.

WEDNESDAY ~ SEPTEMBER 24, 2014

The hearing was called to order by Karen Lewis, Chairperson, with the following members present: Karen Lewis, Scott Monroe, Megan Raynor, Joel Culberson and Dennis Shaeffer. A quorum was declared.

City staff in attendance were City Clerk Sherri Gard, Building Official Jimmie Deer, Neighborhood Services Supervisor Rick Ruth, and Inspectors Dean Polk, Randal Hicks, Kelly Hicks, Brandon Haynes, Scott Hamilton and Brian Penix.

Chairperson Lewis stated the purpose of the hearings, and then each member of the Appeal Board introduced themselves, advising how long they have been property owners in Fort Smith. She further noted that appeal of any decision made by the Property Owners Appeal Board may be appealed to the Fort Smith Board of Directors at a public hearing to be held at 6:00 p.m., Tuesday, November 18, 2014 at the Fort Smith Public Schools Service Center, 3205 Jenny Lind Road.

The following property owners were present:

- **Maria Parga**
Fort Smith, Arkansas

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Property: 1821 North 14th Street
Owner: Merri Grimes
Cleaned: April 26, 2013 \$1,510.22

Inspector Dean Polk reviewed the property file and provided before and after pictures of the cleaning. No video was provided due to technical difficulties. The property was inspected on February 1, 2013 for a dead tree and limbs. A certified letter was forwarded to the owner whereby such was signed for by Merri; however, the last name (different than Grimes) was not readable. The property was reinspected on February 25, 2013 and contact was made with Ms. Grimes whereby the City tried to work with her on the tree removal; however, Mr. Grimes was unable to abate the violation. Due to such, bids were obtained for the dead tree and limb removal with the lowest bid being \$1,400. Abatement was accomplished on April 26, 2013.

Ms. Parga advised she purchased the property on May 8, 2013 and was unaware of the tree removal or lien filed on the property; therefore, requested the Appeal Board consider waiving the lien.

There was brief discussion regarding the date of the cleaning, the date the lien was filed and the date of purchase.

City Clerk Gard advised that if the lien was not filed prior to the purchase, the new property owner is not responsible for the amount due. Such is because even if the potential buyer does his/her due diligence and obtains title insurance, if the lien was not filed, there would be no way the potential buyer could be aware of the lien; therefore, they cannot be held liable for reimbursement to the City of Fort Smith.

Appeal Board Action ~ 1821 North 14th Street

Monroe, seconded by Raynor, moved that the lien remain due in full (\$1,510.22) and that same be forwarded to the Sebastian County Tax Collector for placing on the tax records. The motion included a provision that nullifies the proposed action if the lien file date is after the date of purchase. The members all voting aye, Chairperson Lewis declared the motion carried.

(Note: The lien for work performed on April 26, 2013 was filed with the Sebastian County Clerk's Office on June 18, 2013. Because the lien was filed after the property was purchased on May 8, 2013, the lien is not enforceable; therefore, such was released by the City Clerk.)

- **Andy Knox**
Fort Smith, Arkansas

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Property 1: 3400 North 46th Street
Owner: ASAP Investment Properties, LLC
Cleaned: November 13, 2013 \$528.35

Property 2: 519 South 17th Street
Owner: ASAP Investment Properties, LLC
Cleaned: November 19, 2013 \$302.50

Regarding property at 3400 North 46th Street, Inspector Randal Hicks reviewed the property file, presented video of inspections and provided before and after pictures of the cleaning. The property was inspected on October 4, 2013 and determined to be violation for overgrowth. A certified letter was forwarded to Mr. Knox with ASAP Investment Properties; however, no receipt was returned. Due to such, staff contacted the United States Post Office to track the letter whereby they confirmed the letter had been delivered. The property was again inspected on November 4, 2013 whereby the violation remained; therefore, such was assigned to a contractor and the violation was abated on November 13, 2013.

Mr. Knox addressed the Appeal Board advising he owns 130 properties in Fort Smith and Van Buren, and usually has no difficulty with proper maintenance; however, at the time of the violation, he father was terminally ill and he was *“out of pocket.”* He conveyed no objection to the work performed and was very apologetic for the lack of maintenance; therefore, he merely requested leniency due to the situation.

With regard to 519 South 17th Street, Inspector Brandon Haynes reviewed the property file, presented video of inspections and provided before and after pictures of the abatement. The property was inspected on October 25, 2013 and determined to be in violation for open storage, indoor furniture, dead limbs and trash & debris in the front and back of the property, as well as the alley. A first-class letter was forwarded to the owner and reinspected on November 4, 2013 whereby a certified letter was forwarded to ASAP Investment Properties and signed for by Mr. Knox on November 7, 2013. The final inspection occurred on November 14, 2014 whereby the violation remained; therefore, the matter was assigned to a contractor with abatement accomplished on November 19, 2013.

Mr. Knox addressed the Appeal Board advising the day of cleaning was the day of his father’s funeral; therefore, he again offered an apology for the violation. The tenant, who is still there, is disabled and unable to properly maintain the property; therefore, he expressed concern that the City does not require the tenants to be liable for violations rather than the property owner.

September 22 & 24, 2014 ~ Property Owners Appeal Board Public Hearings

There was brief discussion regarding the matter whereby Mr. Deer advised that a landlord association was recently been created, who he understands now provides "member beware list" of problem tenants to all its members.

Appeal Board Action ~ 3400 North 46th Street & 519 South 17th Street

Shaeffer, seconded by Raynor, moved that the lien on each property be reduced by \$80.00 (2 properties x \$80.00 = \$160.00), which adjusted the total due to \$670.85, and that same be forwarded to the Sebastian County Tax Collector for placing on the tax records. The members all voting aye, Chairperson Lewis declared the motion carried.

■ **Mohammad Raache Fort Smith, Arkansas**

Property: 916 North 11th Street
Owners: Pamco Enterprises
Demolition: December 12, 2013 \$6,647.50

Mr. Deer reviewed the property file and provided pictures of the structure prior to demolition. The structure burned on July 16, 2013 whereby a letter of unsafeness was forwarded to the owner on August 21, 2013; however, such was returned "unclaimed." The City of Fort Smith filed a Certificate of Unsafeness on September 6, 2013. Staff talked with the owner, Mr. Raache, on October 9, 2013 whereby he advised of his wife's terminal illness and he simply could not presently address the matter. The City of Fort Smith Board of Directors adopted Ordinance No. 54-13 at their October 15, 2013 whereby such ordered the owner to demolish the structure within thirty (30) days. The City proceeded with obtaining bids for the demolition whereby the lowest bid was \$6,500. Staff talked with Mr. Raache on October 13, 2013 whereby he directed the City to proceed with the demolition. The permit to demolish the structure was issued on November 21, 2013 and the structure was demolished on December 12, 2013.

Mr. Raache indicated he had nothing to add to the information already provided citing his wife passed away in December 2013. He conceded that many things were simply placed on the back burner due to his wife's illness advising such has created a financial hardship on him. Although he's trying to get back on his feet financially, he requested leniency and conveyed any reduction in the total amount due would be greatly appreciated.

There was brief discussion with several Appeal Board members expressing sympathy with Mr. Raache's situation; however, it was determined that the City abided by all legal requirements and Mr. Raache was aware of the impending demolition.

September 22 & 24, 2014 ~ Property Owners Appeal Board Public Hearings

Appeal Board Action ~ 916 North 11th Street

Raynor, seconded by Monroe, moved that the lien remain due in full (\$6,647.50) and that same be forwarded to the Sebastian County Tax Collector for placing on the tax records. The members all voting aye, Chairperson Lewis declared the motion carried.

■ **Thoai “Tommy” Tran
Fort Smith, Arkansas**

Property:	1914 Rogers Avenue	
Owner:	Thoai Tran	
Cleaning:	September 10, 2013	\$206.72
	October 31, 2013	\$223.47
Total Due:	\$430.19	

Inspector Brandon Haynes reviewed the property file, presented video of inspections and provided before and after pictures of the cleaning. The property was inspected on August 8, 2013 whereby such was found to be in violation for overgrowth. A letter of warning was forwarded to the owner via first-class mail. The property was reinspected on August 16, 2013 whereby the property remained in violation. A certified letter was forwarded to the owner, which was returned “*unclaimed*” on August 22, 2013. A final inspection was performed on September 6, 2013 whereby the property remained in violation; therefore, the matter was assigned to a contractor with abatement accomplished on September 18, 2013.

The subject property was reinspected every thirty (30) days thereafter whereby the property was found to be in violation and resulted in the additional cleaning in October, 2013.

Mr. Tran addressed the Appeal Board alleging he did not receive proper notification of the impending cleaning. He noted that he is very busy with running a small business and raising two (2) children; therefore, he simply did not have time to pick up the certified letter. He further alleged that he mowed the property, but the City contractor “*came and cleaned it again*”. Mr. Tran expressed much discontent with the amount due citing he could pay to have it done for \$25 citing had he known the cost charged by the City, he would’ve put more pressure on the tenant to maintain the property. He further noted that he was made aware of the issue only because he received invoices for both cleanings only after the second cleaning was performed.

There was lengthy discussion whereby it was determined that proper notification was attempted as required. With regard to Mr. Tran receiving an invoice only after the second cleaning, Mr. Deer clarified that such is overseen by the Finance Department of which is not in the purview of the Neighborhood Services Division.

September 22 & 24, 2014 ~ Property Owners Appeal Board Public Hearings

Appeal Board Action ~ 1914 Rogers Avenue

Monroe, seconded by Raynor, moved that both liens remain due in full (\$430.19) and that same be forwarded to the Sebastian County Tax Collector for placing on the tax records. The members all voting aye, Chairperson Lewis declared the motion carried.

Mr. Tran urged the Appeal Board to reconsider.

Chairperson Lewis advised a determination has been made, but advised Mr. Tran that he may appeal their decision to the Fort Smith Board of Directors at their regular meeting scheduled for Tuesday, November 18, 2014 whereby Mr. Tran advised he will be in attendance at said meeting.

- **Leotha Wright, Jr.** (*Not in attendance - written appeal only*)
Lynnwood, Washington

Property: 2nd lot north of 2125 North 14th Street
Owner: Leotha Wright, Jr.
Cleaning: March 18, 2014 \$644.63

Inspector Dean Polk reviewed the property file, presented video of inspections and provided before and after pictures of the cleaning. The vacant property was inspected on February 7, 2014 and found to be in violation for dead limbs, trash and indoor furniture. A courtesy letter was forwarded to the owner via first-class mail. The property was reinspected on February 17, 2014 whereby a warning letter was forwarded via certified mail; however, such was returned "*unclaimed*" on March 5, 2014. The property was reinspected on March 12, 2014 whereby the violation remained; therefore, such was assigned to a contractor with abatement accomplished on March 18, 2014.

Mr. Wright resides in Washington; therefore, City Clerk Gard read the written appeal submitted via email dated September 23, 2014. Such is provided below:

Attention Sherri Gard,

This is regarding property at 2125 North 14th, 2nd lot north of. I am not able at this time to make a trip to Fort Smith as my wife is going through cancer treatment and I will not leave her. I had someone looking after the property but not being there I do not know what has or has not been done. There is another lot between mine and Lawrence Woods lot we do not know who owns it but I do believe I am being charged for both lots that lot has been allowed to overgrow you can not tell mine from it. I have found out there has been someone dumping tree limbs and trash on the lot. It is my intention to sell the property and until then I will

September 22 & 24, 2014 ~ Property Owners Appeal Board Public Hearings

keep it clean. I am enclosing my phone number in case there may be questions.

There was lengthy discussion regarding the dimension of the subject area cleaned, which was approximately a fifty (50) feet section of vacant property, as well as the dimension of adjoining properties. Per the Sebastian County Assessor, Mr. Wright's property is approximately seventy-four (74) feet in width; therefore, in order to try and determine the property line, the Appeal Board requested to again review the video. After thorough review and due to the County Assessor's records, it was determined that the entire fifty (50) feet section cleaned is actually owned by Mr. Wright; however, Mr. Polk advised he will double-check the county records and advise.

City Director Andre' Good was in attendance and advised he knows who cleans the Wright property; therefore, conveyed much assurance that the property was properly maintained.

Appeal Board Action ~ 2nd lot north of 2125 North 14th Street

Shaeffer, seconded by Raynor, moved that the lien remain due in full (\$644.63) and that same be forwarded to the Sebastian County Tax Collector for placing on the tax records. The members all voting aye, Chairperson Lewis declared the motion carried.

Chairperson Lewis, with concurrence of the remaining members of the Appeal Board, noted City Staff is doing a "*fantastic job*" and expressed much appreciation for their obvious efforts to work with residents when their properties are found to be in violation of the Fort Smith Municipal Code.

There being no further business to come before the Property Owners Appeal Board, Raynor moved that the hearing adjourn. The motion was seconded by Culberson and the members all voting aye, Chairperson Lewis declared the motion carried and the hearing stood adjourned at 7:55 p.m.

APPROVED:

CHAIRPERSON

ATTEST:

CITY CLERK

MINUTES OF THE PROPERTY OWNERS APPEAL BOARD

MONDAY ~ OCTOBER 13, 2014 ~ 11:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

The meeting was called to order by Chairperson Karen Lewis, presiding. On roll call, the following members of the Property Owners Appeal Board (POAB) were also present: Megan Raynor, Scott Monroe and Joel Culberson; absent - Dennis Shaeffer. Chairperson Lewis declared a quorum present.

The following City of Fort Smith staff were also in attendance:

- ▶ Jimmie Deer, Building Official
- ▶ Rick Ruth, Neighborhood Services Supervisor
- ▶ Dean Polk, Neighborhood Services Inspector
- ▶ Susan Sharp, Neighborhood Services Senior Clerk
- ▶ Maggie Rice, Senior Planner
- ▶ Sherri Gard, City Clerk

The minutes of the July 14, 2014 meeting was presented for approval. Raynor, seconded by Monroe, moved approval of the minutes as written. The members present all voting aye, Chairperson Lewis declared the motion carried.

Item No. 1 was consideration of a variance per the request of Burel P. Schaberg, owner of 8807 South Fresno Street. Such request is to allow a boat and trailer to remain parked in the front yard of his property.

Neighborhood Services Supervisor Rick Ruth briefed the POAB advising the boat and trailer are currently parked adjacent to the driveway in the front setback area, which is a violation of the Fort Smith Municipal Code. The violation was not submitted via complaint, but discovered during a canvas of the neighborhood. The subject property

Property Owners Appeal Board - October 13, 2014

maintains no rear access. The only entrance to the backyard is via a small gate on the east side of the residence. There is no gate on the west side of the structure. The only option is for the owner to park the boat and trailer either beside the house or in the garage.

Mr. Schaberg, owner, addressed the POAB advising the option to park the boat and trailer beside the house is not feasible because the distance between his residence and the adjoining property (both fenced) to the east is only seven and one-half (7 ½) feet. The boat and trailer is seven (7) feet wide; therefore, such would be a very tight fit and the area directly adjacent to the east side of his home is landscaped, with a storage building located directly to the north. If the boat is parked there, the landscaping and storage building would have to be removed and such would essentially close off all access to his backyard; therefore, he would have to literally move the boat to get his lawnmower to the front in order to maintain his front yard. There is no gate on the west side of the residence; however, such would not work either because the distance between the house and the adjoining property is exactly seven (7) feet, which will not accommodate the boat and trailer. He presented pictures and a property survey to confirm the aforementioned comments. With regard to parking the boat and trailer in the garage, he would have to park it catty-cornered in order to get it to fit, which would disallow him to park his truck in the garage. He also presented letters from two (2) neighbors indicating they have no objection to the boat and trailer being parked at its present location, beside the driveway.

There was brief discussion among the POAB with much concern expressed that

Property Owners Appeal Board - October 13, 2014

a request for Mr. Schaberg to remove landscaping, relocate a storage building and cutoff access to his front yard would be *“too much to require.”* It was determined the only other option is offsite storage; however, Mr. Schaeberg advised he has contacted three (3) storage facilities, but no slots are currently available. Although sympathetic to the situation, the POAB determined the boat and trailer parked at its present location is a violation of the Fort Smith Municipal Code; therefore, another location for the boat and trailer must be considered

Culberson, seconded by Raynor, moved to deny the variance. The motion included a provision to allow the boat and trailer to remain parked at its present location for a period of six (6) months to allow Mr. Schaberg time to consider options for compliance with the Fort Smith Municipal Code. The members present all voting aye, Chairperson Lewis declared the motion carried.

Item No. 2 was consideration of a variance requested by James D. Cox, owner of 8815 South Fresno Street. Such request is to allow a boat and trailer to remain parked in the front yard of his property.

Neither the owner, Mr. Cox, nor a representative was present; therefore, due to such, the POAB briefly reviewed the provided information with minimal discussion.

Monroe, seconded by Culberson, moved to deny the variance request. The members present all voting aye, Chairperson Lewis declared the motion carried.

Item No. 3 was consideration of an appeal for a delinquent property cleanup lien for work performed on the second lot north of 2125 North 14th Street (*cleaned March 18, 2014 / \$644.63*).

Property Owners Appeal Board - October 13, 2014

Mr. Ruth and Mr. Deer briefed the Board on the item advising the lien had been appealed to the POAB on September 24, 2014 at their annual public hearing regarding delinquent property cleanup liens. The area cleaned is vacant property and approximately fifty (50) feet in width. The owner, Mr. Leotha Wright, Jr., was unable to attend said public hearing in September; however, he submitted a written appeal alleging he is being charged for the cleaning of a twenty-five (25) feet lot next to his property. Due to the allegation presented at the public hearing, the POAB inquired about the matter with the Neighborhood Services Inspector and viewed the video and pictures of the cleaning multiple times in an attempt to determine the property line. The Sebastian County Tax Assessor records indicate the Wright property is seventy-four (74) feet wide; therefore, because the area cleaned was approximately fifty (50) feet in width, the POAB determined the delinquent lien should remain due in full and if not paid, be certified to the Sebastian County Tax Collector. Following the public hearing in September, Director Andre' Good, a family friend of the Wright's, requested Neighborhood Services staff again review the property line issue. Upon a more thorough investigation of all adjoining lot sizes and property lines, it was discovered that the Assessor's records were incorrect whereby the Wright property is, in fact, only fifty (50) feet wide, and an approximate twenty-five (25) feet of the area cleaned is actually owned by another individual. Because the Assessor's records were incorrect, the City only provided notice to Mr. Wright; therefore, the owner of the adjoining lot, which was also cleaned, was not notified. Due to such, staff requested the POAB consider the matter because only twenty-five (25) feet of the Wright property was included within the cleaning.

Property Owners Appeal Board - October 13, 2014

There was somewhat lengthy discussion among the POAB whereby additional video was presented to better convey the property lines of the subject lots cleaned. It was determined that approximately half of the total cleaning was performed on the Wright property.

Monroe, seconded by Raynor, moved to adjust the total delinquent lien amount of \$644.63 to \$322.00 and that such amount, plus a 10% penalty, be certified to the Sebastian County Tax Collector. The members present all voting aye, Chairperson Lewis declared the motion carried.

In other business, Mr. Tim Dunn was present to address the POAB regarding other delinquent property cleanup liens at 1301 North 39th Street, which are specifically described as follows:

Previous Owner	Cleaned	Amount
Trista Holland	June 13, 2013	\$267.94
Trista Holland	July 22, 2013	\$241.72
Trista Holland	September 9, 2013	<u>\$253.72</u>
Total Due		\$763.38

Mr. Dunn advised he recently purchased the property from the Commissioner of State Lands and was unaware of the existing liens on the property. Although he did not request the liens be waived in their entirety, Mr. Dunn requested the POAB consider a reduction in the amounts due citing he has maintained the property and kept such in compliance since his ownership.

Mr. Ruth conveyed no objection to a reduction in the amounts due; however, he requested the POAB consider only a reduction in administrative fees ensuring the total contractor fees remain in tact.

Property Owners Appeal Board - October 13, 2014

At the inquiry of the POAB, City Clerk Sherri Gard advised the average administrative fee is \$150.00 per cleaning.

Mr. Monroe conceded the property was cleaned by the City of Fort Smith with proper notification to the property owner; therefore, expressed concern with a waiver of fees.

Chairperson Lewis noted the property was certified to the Commissioner of State Lands citing the previous owner has evidently not paid the property taxes thereby relinquishing all responsibility for the property. Since the new owner, Mr. Dunn, has properly maintained the property since his ownership, she conveyed no objection to a reduction in the amounts due.

Culberson, seconded by Raynor, moved to reduce the administrative fee for each cleaning to \$75.00 resulting in a total reduction of \$225.00 ($\$763.38 - \$225.00 = \538.38). The members present all voting aye, Chairperson Lewis declared the motion carried.

Chairperson Lewis extended much appreciation to Mr. Dunn for properly maintaining and improving the subject property.

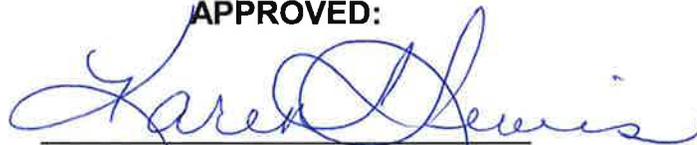
Mr. Dunn conveyed much gratitude to the POAB for the reduction in fees. He further advised he owns multiple properties in Fort Smith and noted Neighborhood Services staff and inspectors have always been very courteous and worked with him whenever an issue arises regarding one of his properties. Due to such, he extended a heartfelt *"thank you"* to Neighborhood Services staff for their efforts to work with property owners.

Property Owners Appeal Board - October 13, 2014

Chairperson Lewis noted the meeting started just a few minutes late due to a couple members of the POAB arriving after 11:00 a.m.; therefore, for future meetings, she encouraged members to arrive approximately five (5) minutes early.

There being no further business to come before the Property Owners Appeal Board, Monroe moved that the meeting adjourn. The motion was seconded by Raynor and the members present all voting aye, Chairperson Lewis declared the motion carried and the meeting stood adjourned at 12:12 p.m.

APPROVED:



CHAIRPERSON

ATTEST:



CITY CLERK

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 6 OF THE
FORT SMITH MUNICIPAL CODE TO ADOPT THE 2014 EDITION OF
THE NATIONAL ELECTRICAL CODE, AS ADOPTED BY THE ARKANSAS
BOARD OF ELECTRICAL EXAMINERS, AND FOR OTHER PURPOSES**

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

Section 1: Section 6-151 of the Fort Smith Municipal Code is amended to read as follows:

- (a) For the purpose of establishing rules and regulations for the construction, installation, repair, alteration and maintenance related to electric wiring apparatus and fixtures, the certain electrical code known as the National Electrical Code, 2014 Edition of the National Fire Protection Association, as adopted by the Arkansas Board of Electrical Examiners, save and except portions as are hereinafter modified or amended, of which not less than three (3) copies have been and now are filed in the office of the City Clerk, is hereby adopted as fully as if set out verbatim herein; and the provisions thereof shall be controlling within the City. Notwithstanding the provisions of the 2014 National Electrical Code, arc fault circuit interrupters shall not be required in kitchens and laundry rooms.
- (b) The Code adopted in subsection (a) is hereby amended by the adoption of the 2014 edition of that separate code referred to as the City Electrical Code of which not less than three (3) copies have been and now are filed in the office of the City Clerk.

Section 2: Section 6-153 of the Fort Smith Municipal Code is amended as follows:

- (a) Subsections numbered (1), (2), (7), (8), (9), (12), (17), (18), and (19) are repealed and the codifier shall renumber the remaining subsections accordingly within Section 6-153.
- (b) Subsection (4)a. is amended to delete “single-family dwellings” and to replace it with “One and Two Family dwellings and their attached or detached garages, and their storage buildings.”
- (c) Subsection (4)b. is amended to read: “Multi-family dwellings of three (3) stories or less, unless the multifamily or one and two family dwelling is located in the Fort Smith Fire District in which case metallic sheathed cable or conduit shall be used.”
- (d) The second paragraph of number (10), beginning with “Where home runs” and ending with “the total length of runs” is repealed in its entirety.
- (e) The first sentence of number (11) of Section 6-153 shall be amended to read “No aluminum wiring of less than 100 amperes capacity shall be used.”

(f) In number (13) of Section 6-153, the words “washing machines” and “garbage disposal” are repealed.

Section 3: Sections 6-156, 6-158, and 6-159 are repealed.

Section 4: The last sentence of Section 6-161, i.e., “It is highly recommended that existing swimming pool underwater lighting be converted to this low voltage system,” is repealed.

Section 5: The codifier shall codify the amendments made by this Ordinance in the identified sections of the Fort Smith Municipal Code.

Section 6: Emergency Clause. It is hereby found and determined that an emergency exists in the need to establish current rules and regulations relating to electric wiring apparatus and fixtures, namely, the National Electric Code, 2014 Edition of the National Fire Protection Association, as adopted by the Arkansas Board of Electrical Examiners, and the adoption and immediate effectiveness of same is necessary for the health, safety and welfare of the inhabitants of the City of Fort Smith. Therefore, this Ordinance shall be effective on November 21, 2014.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



City Attorney
Publish 1 Time

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: November 10, 2014
Subject: 2014 National Electrical Code

The Arkansas Board of Electrical Examiners has recently completed the process of adopting 2014 National Electrical Code. I received an email from Denise Oxley, General Counsel for the Arkansas Department of Labor on October 22, 2014 notifying me of the new regulation.

The process of updating to the 2014 National Electrical Code included compliance with the administrative procedures act. The process also included a discussion with many stakeholders including the Arkansas Homebuilders Association. Following discussions with the AHBA and the legislative committee, the Arkansas Board of Electrical Examiners approved new regulations that require the 2014 National Electrical Code to be the standard for construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work. The code was amended with the requirement that arc fault circuit interrupters in kitchens and laundry rooms are not required.

Following notification by the Department of Labor, we convened the Electrical Code Board of Appeals. The Board of Appeals met on October 29, 2014. We asked the Board of Appeals to review existing city amendments and wiring standards. The Board agreed with staff that several city electrical code amendments are now covered by the National Electrical Code or are no longer relevant. Some language was added in Section 6-153(4) for clarification. No new city amendments or code requirements are being added to the National Electrical Code.

I have enclosed a copy of the current city electrical code in legislative format to illustrate the recommended changes. A strike through indicates deleted text. An underline indicates new text. I have also enclosed a copy of the email from the Arkansas Department of Labor.

An ordinance has been prepared that updates the city ordinances to reflect the 2014 National Electrical Code as adopted by the Arkansas Board of Electrical Examiners and the amendments to the City Electrical Code.

Please contact me if you have any questions.

- **Sec. 6-153. - Wiring methods.**

All electric wiring hereafter installed in or on any building, structure or premises located within the city shall be installed in accordance with the following:

- (1) ~~Flexible metal conduit can only be used in concealed spaces enclosed by the structure or finish or in spaces readily accessible when installed per manufactures' recommendation.~~
- (2) ~~In new residential construction the service panelboard shall have two (2) or more spare circuits for future additions or alterations, with adequate provisions made to use them and twenty five (25) percent spare for all commercial and industrial panels or the largest standard panel.~~
- (3) Circuits installed under the floors of buildings where no basement exists shall be installed in conduit or electric-metallic tubing.
- (4) Only the following types of buildings may be wired using nonmetallic sheathed cable:
 - a. ~~Single family dwellings~~ One and Two Family dwellings and their attached or detached garages, and their storage buildings;
 - b. Multi-family dwellings of three (3) stories or less, unless the multifamily or one and two family dwelling is located in the Fort Smith Fire District in which case metallic sheathed cable or conduit shall must be used; and,
 - c. Existing residential structures being converted to a business or mercantile occupancy use as defined by the fire codes may maintain the existing nonmetallic sheathed cable (romex) wiring system with a written certification by an state professional engineer stating the existing (romex) wiring system has been inspected and determined to be safe for the expected occupancy.
- (5) Service entrance conductors shall be carried in raceways specifically approved for the conditions of installation and use.
- (6) Overhead services to or between school buildings shall be prohibited, including new services provided for nursery schools, child care centers etc., where the playground is located under the overhead lines subject to storm damage.
- (7) ~~No ENT allowed except for telephone or computer cables.~~
- (8) ~~All outside disconnects subject to access by children shall be dead front type or be locked. This shall include residential property, temporary service poles, and mobile home parks.~~
- (9) ~~Service entrance and feeder conductors on all main distribution switches and load centers, shall have a calculated final ampacity no less than the full ampacity of the main switch or full rating of the enclosure containing two to six disconnects.~~
- (10)

All wiring must be done neat and in a workmanship like manner. Nonmetallic sheathed cable, known as romex, used in family dwellings shall be run straight and square and shall not be less than #12 wiring.

~~Where home runs to the electrical panel are installed through drilled holes in framing members the cables shall be installed through individual drilled holes for each cable except as permitted through one (1) drilled hole for the circuits supplying general purpose outlets only. Home runs shall not be bundled or associated closely together for over twenty-four (24) inches in the total length of runs.~~

(11)

~~No aluminum wiring of less than 100 amperes capacity will shall be used. in the city limits. Aluminum wiring shall be permitted only where maintenance programs are established as part of a normal operation inherent to the occupancy of the building (e.g. factory/industrial occupancies) and where factory produced triplex and underground residential distribution is used on the outside of a building (but cannot enter a building).~~

(12)

~~All whirlpool tubs shall be protected by ground fault breakers, and shall have an accessible door adjacent to the motor.~~

(13)

~~All special appliances of 120 volts shall be on a separate circuit to include the refrigerators, washing machines, microwave oven, garbage disposal, dishwasher, and the heating unit.~~

(14)

~~Residential wiring: The 20-ampere circuits shall have a maximum of 10 openings, (lights and receptacles).~~

(15)

~~Commercial wiring: The 20-ampere circuits shall have a maximum of eight (8) openings for receptacles and the lights per calculated load.~~

(16)

~~All conduit systems shall have an equipment grounding conductor, size as to table 250-122.~~

(17)

~~All conduits stub up through the slab shall be rigid or IMC with rigid nipples through the slab where exposed.~~

(18)

~~All overhead risers to be E.M.T., IMC or rigid steel, and rigid steel of not less than two-inch diameter for the roof mast. No PVC on the overhead riser allowed.~~

(19)

~~Doorbell transformers shall not be installed in attic and clothes closets.~~

(20)

~~No rigid non-metallic conduit (PVC) shall be run exposed outside of a structure, except for service down risers, without special permission from the city electrical inspector.~~

(Code 1976, § 11-105; Ord. No. 33-99, § 9, 5-18-99; Ord. No. 56-02, § 8, 9-17-02; Ord. No. 8-07, § 2, 1-16-07)

• **Sec. 6-156. – Service.**

(a)

Except as herein modified, electric service connections, installation of meters and associated equipment and all electric wiring shall conform to the minimum standards set forth in the National Electrical Code.

(b)

When new buildings are being wired, or the wiring changed in old buildings in the underground network area, the service entrances and building distribution system shall be designed and installed to conform to the type of underground service available in such areas.

(c)

All commercial and industrial installations with a 225 amp total service load or less shall be equipped with copper bus. All commercial and industrial installations greater than 225 amp total service load shall be equipped with panel boards with bolt in breakers.

(Code 1976, § 11-108; Ord. No. 33-99, § 10, 5-18-99; Ord. No. 56-02, § 9, 9-17-02)

• **Sec. 6-158. – Remodeling installations.**

On any proposed remodeling where more than fifty (50) percent of the electrical wiring in any structure is to be altered the electrical wiring throughout the structure must be made to comply with the requirements of the currently adopted National Electrical Code.

(Code 1976, § 11-110; Ord. No. 33-99, § 11, 5-18-99; Ord. No. 56-02, § 10, 9-17-02)

• **Sec. 6-159. – Motors.**

An application for a permit to install a motor of five (5) hp or more must be accompanied by a statement from the electric service company that the proper voltage and phase is available at the proposed location.

(Code 1976, § 11-111)

• **Sec. 6-161. – Swimming pool wiring.**

New swimming pool wiring shall conform to the provisions of Article 680 of the National Electrical Code (NFPA 70). Only low voltage wiring of thirty (30) volts or less from an U.L. approved isolating transformer shall be used on underwater lighting. It is highly recommended that existing swimming pool underwater lighting be converted to this low voltage system.

(Code 1976, § 11-113)

Bailey, Wally

From: Denise Oxley (ADL) [Denise.Oxley@arkansas.gov]
Sent: Wednesday, October 22, 2014 3:50 PM
To: Bailey, Wally
Subject: The National Electrical Code as adopted by the Ark. Board of Electrical Examiners
Attachments: FINAL RULE NEC UPDATE 102114.pdf

Per your request, attached is the amendment adopted by the Board of Electrical Examiners yesterday. If you have any questions, please let me know.

Denise P. Oxley
General Counsel
Arkansas Department of Labor
10421 West Markham
Little Rock, AR 72205
(501) 682-4502
www.labor.ar.gov

**ADMINISTRATIVE REGULATIONS OF
THE BOARD OF ELECTRICAL EXAMINERS,
STATE OF ARKANSAS**

**010.13 Administrative Regulations of the Board of Electrical Examiners of the State of
Arkansas**

Amendment 1. Amend Rule 010.13-008 (A) and (B), dealing with the National Electrical Code, to read as follows:

010.13-008 The National Electrical Code

A. The Board hereby adopts and incorporates herein the National Electrical Code, 2014 edition of the National Fire Protection Association.

B. The National Electrical Code, 2014, shall be the standard for the construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work.

1. Notwithstanding the provisions of the 2014 National Electrical Code, arc fault circuit interrupters shall not be required in kitchens and laundry rooms.

Amendment 2. Amend Rule 010.13-022 to read as follows:

010.13-022 Effective Date, Repealer and History.

A. Effective June 1, 2008 all previous regulations promulgated by the Board are hereby repealed.

B. The effective date of these regulations is June 1, 2008.

C. History

1. The Board of Electrical Examiners first promulgated regulations effective September 12, 1979. These regulations were amended effective October 15, 1987.

2. All previous rules and regulations of the Board were repealed and new rules and regulations were adopted effective January 1, 1992. These regulations were amended effective January 19, 1993; September 29, 1993; January 15, 1996; June 1, 1999; and July 1, 1999

3. All previous rules and regulations of the Board were repealed and new rules and regulations were adopted effective September 1, 1999. These regulations were amended effective August 20, 2001; January 1, 2002; April 1, 2002; April 1, 2004; November 1, 2004; October 1, 2005; and June 1, 2006.

4. All previous rules and regulations of the Board of Electrical Examiners were repealed and new rules and regulations were adopted effective June 1, 2008. [Note: Rule 010.13-019 was amended effective September 1, 2008 by adding subsection (E)].

5. Regulations 010.13-009, 010.13-011, and 010.13-012 pertaining to Specialist Sign Electricians and examination fees were amended by emergency regulation effective July 31, 2009. These changes were adopted as permanent regulations effective February 1, 2010. Regulation 010.13-012(H)(5) was also added by the permanent regulation.

6. Effective September 15, 2011 the following Rules were amended: Rule 010.13-008(B)(to update the National Electrical Code to the 2011 edition).

7. Regulation 010.13-021 pertaining to the licensure of electrical inspectors, was adopted with an effective date of February 10, 2014.

8. Effective November 21, 2014, Rule 010.13-008 was amended to update the National Electrical Code to the 2014 edition, with certain exceptions (dealing with arc fault circuit interrupters in kitchens and laundry rooms).

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 6 OF THE
FORT SMITH MUNICIPAL CODE TO ADOPT THE 2014 ARKANSAS ENERGY
CODE FOR NEW BUILDING CONSTRUCTION SUPPLEMENTS AND
AMENDMENTS AND FOR OTHER PURPOSES**

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

- Section 1:** Section 6-181 of the Fort Smith Municipal Code is amended to read:
- There is hereby adopted, for the purpose of prescribing regulations governing the minimal standards to significantly enhance conservation of energy in building construction, that certain code known as the 2014 Arkansas Energy Code for New Building Construction Supplements and Amendments, as adopted by the Arkansas Energy Office, and the whole thereof, of which code not less than three (3) copies are filed in the office of the city clerk; and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the limits of the city.
- Section 2:** The first sentence of Section 6-182 of the Fort Smith Municipal Code is amended to reflect that appeals from the decision of the building official are to be done “within fifteen (15) calendar days from the date of the decision of the building official” rather than ninety (90) calendar days as presently stated in the section. Additionally the second sentence of that section is amended to replace “Standard Building Code” with “Arkansas Fire Prevention Codes.”
- Section 3:** The codifier shall codify the amendments made by this Ordinance in the identified sections of the Fort Smith Municipal Code.
- Section 4:** Emergency Clause. It is hereby found and determined that an emergency exists in the need to establish current rules and regulations relating to energy conservation in building construction, namely, the 2014 Arkansas Energy Code for New Building Construction Supplements and Amendments, as adopted by the Arkansas Energy Office, and the adoption and immediate effectiveness of same is necessary for the health, safety and

welfare of the inhabitants of the City of Fort Smith. Therefore, this Ordinance shall be effective on January 1, 2015.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



City Attorney
Publish 1 Time

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: November 10, 2014
Subject: Arkansas Energy Code

The Arkansas Energy Office has completed a process of updating the existing Arkansas Energy Code. The updated code is known as the 2014 Arkansas Energy Code for New Building Construction Supplements and Amendments.

The process of updating the Arkansas Energy Code has been going on for a couple of years. The process has included many construction and real estate organizations and individuals. The new Energy Code and its supplements and amendments are in adherence with the Administrative Procedures Act.

A memorandum from the Arkansas Energy Office states the following about the new code:

It is important to note that many changes simplify code requirements around the state and are meant to make it easier for builders and code officials to understand what is necessary for code compliance. This includes a label that must be signed by builders that lists features in the home that demonstrates compliance, the compliance pathway chosen and will be signed by the builder to verify that the house is in compliance with the code. This label will be available by January 1, 2015.

Note that ONLY THE RESIDENTIAL STANDARD in the code was changed. It was updated from the 2003 International Energy Conservation Code (IECC) to the 2009 IECC. The commercial standard is also the 2009 IECC and is unchanged from the 2011 version of the Arkansas Energy Code.

Any city or county which issues building permits for new building construction must adopt the Arkansas Energy Code by December 31, 2014.

An ordinance has been prepared for the purpose of adopting the 2014 Arkansas Energy Code for new building construction supplements and amendments.

Please contact me if you have any questions.

November 1, 2014

To: Arkansas Municipalities

RE: 2014 Arkansas Energy Code

This memo is to inform you that the 2014 Arkansas Energy Code has been formally promulgated by the Arkansas Energy Office and approved by the appropriate legislative committees of the 89th General Assembly. The Arkansas General Assembly authorized the Arkansas Economic Development Commission - Energy Office to promulgate these regulations in Section 3(B)(2)(c) of Act 7 of 1981. These rules and regulations are in adherence with the Administrative Procedures Act. The 2014 Arkansas Energy Code for New Building Construction establishes minimum energy requirements for new construction residential and commercial buildings in the State of Arkansas.

The new code can be found here at: <http://arkansasenergy.org/residential/builders/energy-code.aspx>. Attached is a summary of the changes. Please note that this affects the residential standard only, the commercial standard remains the same.

Cities or counties that issue building permits for new building construction are required to record that the builder has certified that the proposed building will comply with the Arkansas Energy Code.

Any city or county which issues building permits for new building construction must adopt the Arkansas Energy Code by December 31, 2014. A sample ordinance can be found in Appendix A of the 2014 Arkansas Energy Code for New Building Construction.

Upon adoption of the Arkansas Energy Code, applicable cities or counties are required to submit a copy of the adoption ordinance to the Arkansas Energy Office. If a city or county has not adopted the Arkansas Energy code by December 31, 2014, the mayor and/or county judge is required to submit a letter to the Arkansas Energy Office, no later than 60 days after this deadline, describing why the city or county is not in compliance with Arkansas Code §15-10-205(b)(3)(B). Regardless, the rule remains a building requirement for the State of Arkansas

As there are many out there discussing the changes in the code, I would appreciate that you direct any questions regarding its requirements to our office to reduce confusion and allow us to all move forward as seamlessly as possible.

Sincerely,



JD Lowery
Director
Arkansas Energy Office

Bailey, Wally

From: Gard, Sherri
Sent: Wednesday, October 29, 2014 4:08 PM
To: Bailey, Wally; Deer, Jimmie
Subject: FW: 2014 Arkansas Energy Code is official---from the Arkansas Energy Office.
Attachments: 2014 Arkansas Energy Summary.pdf

From: Whitnee Bullerwell [mailto:wbullerw@arml.org]
Sent: Wednesday, October 29, 2014 3:12 PM
To: crt_list
Subject: 2014 Arkansas Energy Code is official---from the Arkansas Energy Office.

Please distribute to appropriate personnel. For questions or further information, please contact J.D. Lowery of the Arkansas Energy Office at 501-682-7678 or e-mail jlowery@arkansasedc.com.

This message is to inform you that the 2014 Arkansas Energy Code has been formally adopted by the Arkansas Energy Office. The Arkansas General Assembly authorized the Arkansas Economic Development Commission - Energy Office to promulgate these regulations in Section 3(B)(2)(c) of Act 7 of 1981. These rules and regulations are in adherence with the Administrative Procedures Act. The 2014 Arkansas Energy Code for New Building Construction establishes minimum energy requirements for new construction residential and commercial buildings in the State of Arkansas.

The new code can be found here at: <http://arkansasenergy.org/residential/builders/energy-code.aspx>. Attached is a summary of the changes.

It is important to note that many changes simplify code requirements around the state and are meant to make it easier for builders and code officials to understand what is necessary for code compliance. This includes a label that must be signed by builders that lists features in the home that demonstrates compliance, the compliance pathway chosen and will be signed by the builder to verify that the house is in compliance with the code. This label will be available by January 1, 2015.

AEO is in the process of developing separate training books for both builders and code officials that provide instructions that includes photos and checklists to assist with these efforts. Additionally, AEO will develop and make available training for both builders and code officials in the near future and will follow up accordingly.

Note that ONLY THE RESIDENTIAL STANDARD in the code was changed. It was updated from the 2003 International Energy Conservation Code (IECC) to the 2009 IECC. The commercial standard is also the 2009 IECC and is unchanged from the 2011 version of the Arkansas Energy Code.

As this conversation has been going on for a couple years and included discussions about the inclusion of Home Energy Rating System (HERS) rating and testing, I want to be clear that duct and building pressure testing are NOT required in this code. However, they can use an OPTIONAL compliance mechanism. Also, the label will not be required to display the annual energy consumption/savings. Only features of the home will be included.

IMPORTANT FOR MUNICIPALITIES THAT ISSUE BUILDING PERMITS

Cities or counties that issue building permits for new building construction are required to record that the builder has certified that the proposed building will comply with the Arkansas Energy Code.

Any city or county which issues building permits for new building construction must adopt the Arkansas Energy Code by December 31, 2014. A sample ordinance can be found in Appendix A of the 2014 Arkansas Energy Code for New Building Construction.

Upon adoption of the Arkansas Energy Code, applicable cities or counties are required to submit a copy of the adoption ordinance to the Arkansas Energy Office. If a city or county has not adopted the Arkansas Energy code by December 31, 2014, the mayor and/or county judge is required to submit a letter to the Arkansas Energy Office, no later than 60 days after this deadline, describing why the city or county is not in compliance with Arkansas Code §15-10-205(b)(3)(B).

As there are many out there discussing the changes in the code, I would appreciate that you direct any questions regarding its requirements to our office to reduce confusion and allow us to all move forward as seamlessly as possible.

Sincerely,

J.D. Lowery, LEED AP BD+C

Director

o: 501.682.7678 c: 501.944.7951

900 West Capitol Avenue, Suite 400 | Little Rock, Arkansas 72201

jlowery@arkansasedc.com | www.arkansasenergy.org



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--- To post a message to this list, send mail to: crt_list@lists.arml.org You are currently subscribed as: sgard@fortsmithar.gov Change your list settings at: http://lists.arml.org/read/?forum=crt_list To unsubscribe send a blank email to: leave-7256728-301714.657eabfd4116a698dale08073d22627a@talk.netatlantic.com

RESOLUTION NO. _____

A RESOLUTION OF INTENT OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS REGARDING THE ISSUANCE OF BONDS FOR THE PURPOSE OF ASSISTING IN THE FINANCING OF AN INDUSTRIAL FACILITY EXPANSION TO BE LOCATED WITHIN THE CITY

WHEREAS, the City of Fort Smith, Arkansas (the “City”) has been informed by officials of Dixie Consumer Products LLC, a Delaware limited liability company, together with any of its designated subsidiaries or affiliates (the “Company”), that the Company proposes the acquisition, construction and installation of property and equipment required for the expansion of the Company’s facility in Fort Smith, Arkansas, including the acquisition and installation of a new printing press, plate presses, packaging and handling equipment, associated machinery and equipment, and infrastructure improvements all located at 4411 Midland Boulevard in Fort Smith, Arkansas (the “Project”), and that the availability of revenue bond financing is an important factor under consideration by the Company in determining the feasibility of the proposed Project from a financial standpoint; and

WHEREAS, it is estimated by the Company that the planning, design, acquisition, construction, installation and carrying out of the proposed Project will require expenditures currently estimated at not to exceed \$55,000,000; and

WHEREAS, after careful study and investigation of the nature of the proposed Project, the City has determined that it is authorized under the provisions of Act No. 9 of the First Extraordinary Session of the General Assembly of the State of Arkansas for the year 1960, as amended, to own, acquire construct, reconstruct, improve, equip and lease facilities to secure and develop industry and to assist in the financing thereof by the issuance of bonds payable from the revenues derived from such facilities; and

WHEREAS, the most feasible method of financing the proposed Project is for the City to issue its revenue bonds for that purpose and for it (1) to plan, design, acquire, construct and carry out the proposed Project and to lease or sell the proposed Project to the Company, or to a wholly-owned subsidiary or affiliate thereof or to a designee thereof satisfactory to the City, for specified periodic rental or purchase price payments sufficient to pay the principal of, and the redemption premium (if any) and the interest on, said revenue bonds as the same become due and payable or (2) to lend the proceeds from the sale of said revenue bonds to the Company, or to a wholly-owned subsidiary or affiliate thereof or to a designee thereof satisfactory to the City, to enable it to plan, design, acquire, construct and carry out the proposed Project and to repay the loan in installments which will be sufficient and timely to pay the principal of, and the redemption premium (if any) and the interest on, said revenue bonds; and

WHEREAS, the Company has requested that the City indicate its willingness to issue revenue bonds to finance all or a portion of the proposed Project, and its official intent to

reimburse expenditures heretofore or hereafter made by or on behalf of the Company in connection with the Project (within the meaning of and to the extent permitted or required by Section 1.150-2 of the Income Tax Regulations) so that said planning, design, acquisition, construction and carrying out of the proposed Project may move forward; and

WHEREAS, the City acknowledges that the Company retains the right to proceed with the acquisition, construction and installation of the Project at the time of its choosing or to abandon the Project as it determines in its sole discretion without any obligation to the City; and

WHEREAS, the City will have no financial responsibility for the Project, the bonds or the costs thereto, and the bonds will constitute special obligations of the City and shall never constitute a general obligation, indebtedness, or pledge of the credit of the City within the meaning of any constitutional or statutory provision and shall not be paid out of any funds raised or to be raised by taxation or any other revenues or funds of the City except those derived from or in connection with the sale or lease of the Project, or from the loan of the bond proceeds to the Company; and

WHEREAS, the City has determined that it is in the best interest of the inhabitants of the area served by the City that the planning, design, acquisition, construction and carrying out of the proposed Project move forward without delay;

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

SECTION 1: It is the City's present intention to assist the Company in the financing of the proposed Project through the issuance of industrial development revenue bonds under the authority of the Act. It is presently estimated by the Company that bonds in the aggregate principal amount of approximately \$55,000,000 would be required for this purpose. However, the City's intent is to issue the bonds from time to time, pursuant to the terms of the Act, in such amount as shall be requested by the Company for accomplishing all or any part of the Project, whether or not such amount is more or less than the above estimate and whether or not the facilities and improvements finally acquired, constructed and equipped are identical to or different from the facilities presently expected to constitute the Project. Based upon representations of the Company to the effect that the Company presently intends to proceed with the Project, and if it does proceed, intends to apply all or a portion of the proceeds of said proposed revenue Bonds to reimburse itself for all or a portion of the costs of the Project paid prior to the date of issuance of said revenue bonds, the City hereby declares its official intent to apply all or a portion of the proceeds of said proposed revenue bonds to reimburse such expenditures within the meaning of and to the extent permitted or required by Section 1.150-2 of the Income Tax Regulations.

SECTION 2: In conjunction with any issuance of bonds to assist in the financing of the Project, the City states its intention to enter into an agreement with the Company providing for annual payments by the Company in lieu of ad valorem taxes in an amount equal to fifty percent (50%) of the aggregate amount of ad valorem taxes that would otherwise be due with respect to

the Project facilities but for the City's issuance of the bonds. It is the City's present intention that the bond financing and the agreement for payments in lieu of ad valorem taxes would have a term of approximately fifteen (15) years. Any payment made in lieu of ad valorem taxes would be distributed to the political subdivisions which would have received ad valorem tax payments with respect to the Project facilities in the proportion that the millage levied by each affected political subdivision bears to the total millage levied by all affected political subdivisions.

SECTION 3: This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this ___ day of November, 2014.

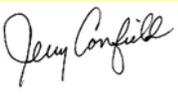
By: _____
Mayor

Attest:

City Clerk

[Official Seal]

Approved as to form:



Memo



To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 11/14/2014
Re: Dixie Consumer Products, LLC

Dixie Consumer Products, LLC is expanding their facility at 4411 Midland Boulevard. The company proposes that the expansion will house a new printing press, plate presses, packaging and handling equipment, associated machinery and equipment, and infrastructure improvements at the site requiring expenditures estimated at not to exceed \$55,000,000. In addition to the significant physical expansion, the company will be adding 15 new jobs at approximately \$19/hour.

Attached for consideration by the Board of Directors is a resolution of intent to issue industrial revenue bonds for this project. The principal advantage of industrial revenue bonds is the reduction of property taxes. Upon completion of the process, the company and the city will enter into a Payment in Lieu of Taxes agreement whereby the company will pay an amount equal to 50% of the normal property taxes for a period of 15 years.

Issuance of the bonds will require approval of an ordinance by the board at the time the bond issuance is ready to proceed. Dixie Consumer Products, LLC will be solely responsible for the debt service payments on the bonds. The city has no obligation to make the bond payments.

The staff recommends approval of the attached resolution. This action and the accompanying investment will support one of the board's top goals: economic development and job retention/creation.

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 2-26 OF THE
FORT SMITH MUNICIPAL CODE SETTING THE DATES, TIME AND
LOCATION FOR REGULAR MEETINGS OF THE BOARD OF DIRECTORS
FOR THE YEAR 2015**

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

SECTION 1: Section 2-26 of the Fort Smith Municipal Code is hereby amended
to read as follows:

In 2015, all regular meetings of the Fort Smith Board of Directors shall
be held at 6:00 p.m. at the Fort Smith Public Schools Service Center,
Building B, 3205 Jenny Lind Road, on the first and third Tuesday
evenings of each month.

THIS ORDINANCE ADOPTED this 18th day of November, 2014.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



Publish one time

MEMORANDUM

To: Ray Gosack, City Administrator
From: Sherri Gard, City Clerk
Date: November 14, 2014
Re: 2015 Regular Meetings of the Board of Directors

At the November 10, 2014 study session, the Board concurred to retain the first and third Tuesday of each month for all regular meetings in 2015. There are no holidays in 2015 that conflict any scheduled regular meeting dates.

As required by law, the attached ordinance accomplishes the aforementioned and formally sets the dates, time and location for all regular meetings in 2015. No formal action is required with regard to study session dates.

In order to allow members of the Board to plan vacations without having to be absent from a scheduled meeting, the Board also concurred to forego holding study sessions on the following dates:

- ▶ Tuesday, March 24 and 31
- ▶ Tuesday, June 30
- ▶ Tuesday, September 29
- ▶ Tuesday, November 24
- ▶ Tuesday, December 22 and 31

At the November 10, 2014 study session, the Board also scheduled the following:

2015 Brainstorming Meetings

Monday, February 23
Monday, May 18
Monday, August 31
Monday, October 26

2014 Budget Hearings

Thursday, November 12
Monday, November 16

The 2015 Board Meeting Calendar has been updated with all of the above and is attached for your review.

2015 BOARD MEETING CALENDAR

Determined at the November 10, 2014 Study Session

~ January 2015 ~						
SUN	MON	TUES	WED	THUR	FRI	SAT
Notes: WARD 1 NEIGHBORHOOD MEETING				1 ~ CLOSED ~ NEW YEAR'S DAY	2	3
4	5	6 REGULAR MEETING	7	8	9	10
11	12	13 STUDY SESSION	14	15	16	17
18	19 ~ CLOSED ~ MARTIN L. KING, JR. DAY	20 REGULAR MEETING	21	22	23	24
25	26	27 STUDY SESSION	28	29	30	31

~ February 2015 ~						
SUN	MON	TUES	WED	THUR	FRI	SAT
1	2	3 REGULAR MEETING	4	5	6	7
8	9	10 STUDY SESSION	11	12	13	14
15	16	17 REGULAR MEETING	18	19	20	21
22	23 BRAINSTORM MEETING	24 STUDY SESSION	25	26	27	28
Notes:						

~ March 2015 ~							
SUN	MON	TUES	WED	THUR	FRI	SAT	
1	2	3 REGULAR MEETING	4	5	6	7	
8	9	10 STUDY SESSION	11	12	13	14	
15	16	17 REGULAR MEETING	18	19	20	21	
22	23	24 NO STUDY SESSION	25	26	27	28	
29	30	~ SPRING BREAK ~			31 NO STUDY SESSION	Notes:	

~ April 2015 ~						
SUN	MON	TUES	WED	THUR	FRI	SAT
Notes: WARD 2 NEIGHBORHOOD MEETING				1	2	3 ~ CLOSED ~ GOOD FRIDAY
4	5	6	7 REGULAR MEETING	8	9	10
11	12	13	14 STUDY SESSION	15	16	17
18	19	20	21 REGULAR MEETING	22	23	24
25	26	27	28 STUDY SESSION	29	30	

~ May 2015 ~						
SUN	MON	TUES	WED	THUR	FRI	SAT
				1	2	
3	4	5 REGULAR MEETING	6	7	8	9
10	11	12 STUDY SESSION	13	14	15	16
17	18 BRAINSTORM MEETING	19 REGULAR MEETING	20	21	22	23
24	25 ~ CLOSED ~ MEMORIAL DAY	26 NO STUDY SESSION	27	28	29	30
31	Notes:					

~ June 2015 ~						
SUN	MON	TUES	WED	THUR	FRI	SAT
1	2	3 REGULAR MEETING	4	5	6	
7	8	9 STUDY SESSION	10	11	12	13
14	15	16 REGULAR MEETING	17	18	19	20
21	22	23 STUDY SESSION	24	25	26	27
28	29	30 NO STUDY SESSION	Notes:			

~ July 2015 ~						
SUN	MON	TUES	WED	THUR	FRI	SAT
Notes: WARD 3 NEIGHBORHOOD MEETING				1	2	3 ~ CLOSED ~ INDEPENDENCE DAY
4	5	6	7 REGULAR MEETING	8	9	10
11	12	13	14 STUDY SESSION	15	16	17
18	19	20	21 REGULAR MEETING	22	23	24
25	26	27	28 STUDY SESSION	29	30	31

~ August 2015 ~						
SUN	MON	TUES	WED	THUR	FRI	SAT
				1	2	3
4	5	6 REGULAR MEETING	7	8	9	10
11	12	13 STUDY SESSION	14	15	16	17
18	19	20 REGULAR MEETING	21	22	23	24
25	26	27 STUDY SESSION	28	29	30	31
Notes: BRAINSTORM MEETING						

~ September 2015 ~						
SUN	MON	TUES	WED	THUR	FRI	SAT
		1 REGULAR MEETING	2	3	4	5
6	7 ~ CLOSED ~ LABOR DAY	8 STUDY SESSION	9	10	11	12
13	14	15 REGULAR MEETING	16	17	18	19
20	21	22 STUDY SESSION	23	24	25	26
27	28	29 NO STUDY SESSION	30	Notes:		

~ October 2015 ~						
SUN	MON	TUES	WED	THUR	FRI	SAT
Notes: WARD 4 NEIGHBORHOOD MEETING				1	2	3
4	5	6 REGULAR MEETING	7	8	9	10
11	12	13 STUDY SESSION	14	15	16	17
18	19	20 REGULAR MEETING	21	22	23	24
25	26 BRAINSTORM MEETING	27 STUDY SESSION	28	29	30	31

~ November 2015 ~						
SUN	MON	TUES	WED	THUR	FRI	SAT
1	2	3 REGULAR MEETING	4	5	6	7
8	9	10 STUDY SESSION	11 ~ CLOSED ~ VETERANS DAY	12 BUDGET HEARING	13	14
15	16 BUDGET HEARING	17 REGULAR MEETING	18	19	20	21
22	23	24 NO STUDY SESSION	25	26 ~ CLOSED ~ THANKSGIVING	27 ~ CLOSED ~ THANKSGIVING	28
29	30	Notes: BUDGET HEARINGS				

~ December 2015 ~						
SUN	MON	TUES	WED	THUR	FRI	SAT
		1 REGULAR MEETING	2	3	4	5
6	7	8 STUDY SESSION	9	10	11	12
13	14	15 REGULAR MEETING	16	17	18	19
20	21	22 NO STUDY SESSION	23	24 ~ CLOSED ~ CHRISTMAS	25 ~ CLOSED ~ CHRISTMAS	26
27	28	29 NO STUDY SESSION	30	31	Notes:	

7A.

ORDINANCE NO. _____

AN ORDINANCE DECLARING EXCEPTIONAL CIRCUMSTANCE
AND AUTHORIZING CONTINUATION OF AGREEMENT WITH
ARCBEST TECHNOLOGIES

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

SECTION 1: The City Administrator is hereby authorized to continue the agreement between the City of Fort Smith and ArcBest Technologies for the period January 1, 2015 through December 31, 2015 which agreement authorizes ArcBest Technologies to provide data processing services to the City at the rates indicated in the Data Processing Service Schedule attached hereto.

SECTION 2: It is determined that an exceptional circumstance exists with reference to the City's data processing services arrangement with ArcBest Technologies. The exceptional circumstances relate to the continuous nature of the services provided, the confidentiality involved in the handling of the data being processed and the availability of sources for the services as indicated by former evaluations. By reason of said exceptional circumstances, it is determined that competitive bidding is not feasible and the contract should be continued.

THIS ORDINANCE ADOPTED THIS 18th DAY OF NOVEMBER 2014.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



No Publication Required

Data Processing Service Schedule

This Schedule constitutes part of the Agreement between ArcBest Technologies and the City of Fort Smith, dated September 8, 1980, and replaces the Data Processing Service Schedule with the effective date of January 1, 2014, and Contract Supplements thereto. These rates become effective January 1, 2015.

Item 1. Term will be changed as follows:

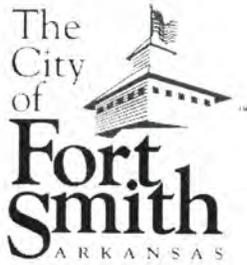
"1. Term. The initial term of this Agreement is three years, commencing on January 1, 1981. After the initial term, the Agreement will continue from year to year until terminated. Either party may terminate the Agreement at the end of the initial three year term or at the end of any annual term thereafter by giving twenty-four months' prior written notice to the other party. Client shall not effect termination by ceasing to process on a regular basis."

I. APPLICATION PROCESSING			
A.	Municipal Utility Billing		2015
	I. Normal Processing		Rates
	A. Base Processing Charge	\$14,718.73	Per Month
	B. Active Service Agreements	\$0.1321	Per Account
	C. Service Points with Meter	\$0.0881	Per Meter
	D. Account Transactions	\$0.0352	Per Trans
B.	General Ledger		
	I. Normal Processing		
	A. Online Processing	\$1,391.31	Per Month
	B. Online Transactions	\$0.0444	Per Trans
	C. Standard Reporting	\$1,172.35	Per Month
C.	Accounts Payable		
	I. Normal Processing		
	A. Online Base Charge	\$724.43	Per Month
	B. Regular Batch Processing	\$307.36	Per Month
	C. Online Transactions	\$0.1738	Per Trans
	D. Checks	\$0.6393	Per Check
D.	Payroll		
	I. Normal Processing		
	A. Online Base Charge	\$819.43	Per Month
	B. Standard Monthly Reporting	\$1,266.39	Per Month
	C. Payroll Checks	\$0.6423	Per Check
	D. Quarterly Reporting	\$148.98	Per Quarter
	E. Annual Reporting	\$893.92	Per Year
E.	Miscellaneous Accounts Receivable		
	I. Normal Processing		
	A. Online Base Charge	\$487.00	Per Month
	B. Online Transactions	\$0.0500	Per Trans
	C. Statements	\$0.4746	Per Stmt
	D. A/R Online Landfill Transactions	\$0.0481	Per Trans

F.	Miscellaneous Receipts and Privilege License (Collections) System		
1.	Normal Processing		
	A. Online Base Charge	\$496.58	Per Month
	B. Online Transactions	\$0.0531	Per Trans
	C. Standard Batch Reporting	\$845.30	Per Month
	D. Statements	\$0.5028	Per Stmt
2.	On Request		
	A. Business Registration Forms	\$0.0442	Per Form
G.	Sanitation Accounts Receivable		
1.	Normal Processing		
	A. Online Base Charge	\$429.64	Per Month
	B. Regular Batch Processing	\$343.69	Per Month
	C. Online Transactions	\$0.0498	Per Trans
2.	Annual Processing		
	A. Annual Origin Location Report	\$126.98	Per Run
3.	On Request		
	A. List of Sanitation Customers by Route	\$39.96	Per Run
II.	MAILING LABELS		
A.	Mailing Labels	\$0.0486	Per Label
III.	NETWORK		
A.	Internet System Support	\$515.00	Per Month
B.	Service Provider License Agreement	\$412.00	Per Month
C.	Annual P-Synch License Maintenance Fee	\$308.88	Per Year

ATTEST: _____ By: _____
 Title: _____
 Date: _____

ATTEST: _____ By: _____
 Title: _____
 Date: _____



MEMORANDUM

November 18, 2014

TO: Ray Gosack, City Administrator,

FROM : Kara Bushkuhl, Director of Finance *Kara*

SUBJECT: Annual ArcBest Technologies Contract Renewal

Attached is correspondence from Ms. Cindy House of ArcBest Technologies regarding the renewal of the contract between the City and ArcBest Technologies for providing data processing services. ArcBest has indicated that there will be no increase for 2015.

I recommend the continuation of the contract with ArcBest Technologies and respectfully request that the attached ordinance be approved. If you have any questions, please let me know.

November 10, 2014

Ms. Kara Bushkuhl
Director of Finance
City of Fort Smith
P. O. Box 1908
Fort Smith, AR 72902

Dear Kara:

As specified under the "Term" of the contract between ArcBest Technologies (formerly Data-Tronics Corp.) and the City of Fort Smith, the Data Processing agreement will automatically renew on January 1, 2015, unless either party has previously provided the other with an eighteen month advance notice in writing of canceling the agreement.

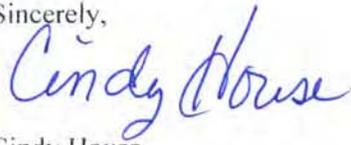
Each year at this time we review our contract with the City of Fort Smith. This year we will be not be taking a rate increase.

At your request we are changing the phrasing of "Item 1. Term." of the contract. The attached supplement includes phrasing to change the notice requirement to the twenty-four months instead of eighteen months on terminating the contract. Please let me know if you have any questions about that change.

I have enclosed two copies of the 2015 Data Processing Service Schedule. Please sign both copies and return them to me for ArcBest Technologies to sign. I will return a signed copy of the schedule for your files.

As always, we appreciate your business. The City of Fort Smith is one of our most valued customers, and we are always willing to assist you in any way possible. Please feel free to call me if you have any questions.

Sincerely,



Cindy House
Manager, Information Services

encl

RESOLUTION _____

**A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE REMOVAL OF BUILDINGS AND
FOUNDATIONS ASSOCIATED WITH THE JENNY LIND ROAD
AND INGERSOLL AVENUE WIDENING
PROJECT NO. 07-01-A**

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

SECTION 1: The City of Fort Smith hereby accepts the removal of buildings and foundations associated with the Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A, as complete.

SECTION 2: Final Payment is hereby authorized in the amount of \$2,210.88 to the contractor, Forsgren Inc., for the removal of buildings and foundations associated with the Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A.

This resolution adopted this _____ day of November, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



 No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

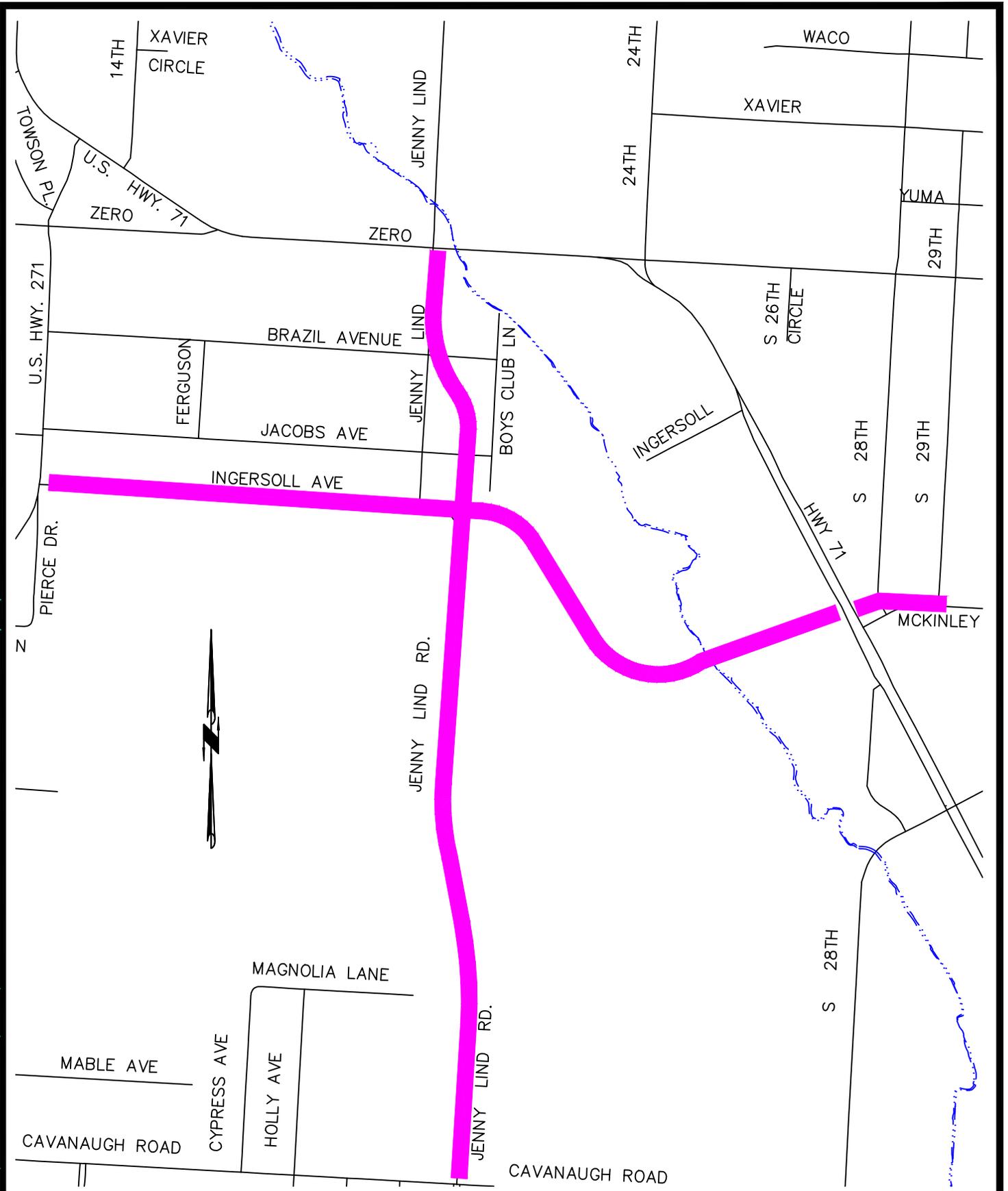
FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: November 13, 2014

SUBJECT: Jenny Lind Road Building and Foundation Removal
Project No. 07-01-A

This project is part of the Jenny Lind Road & Ingersoll Avenue Widening project. It included the removal of twelve structures which were obtained to accommodate the new street alignment. The locations of the structures that were removed are shown on the attached exhibits. A project summary sheet is also attached.

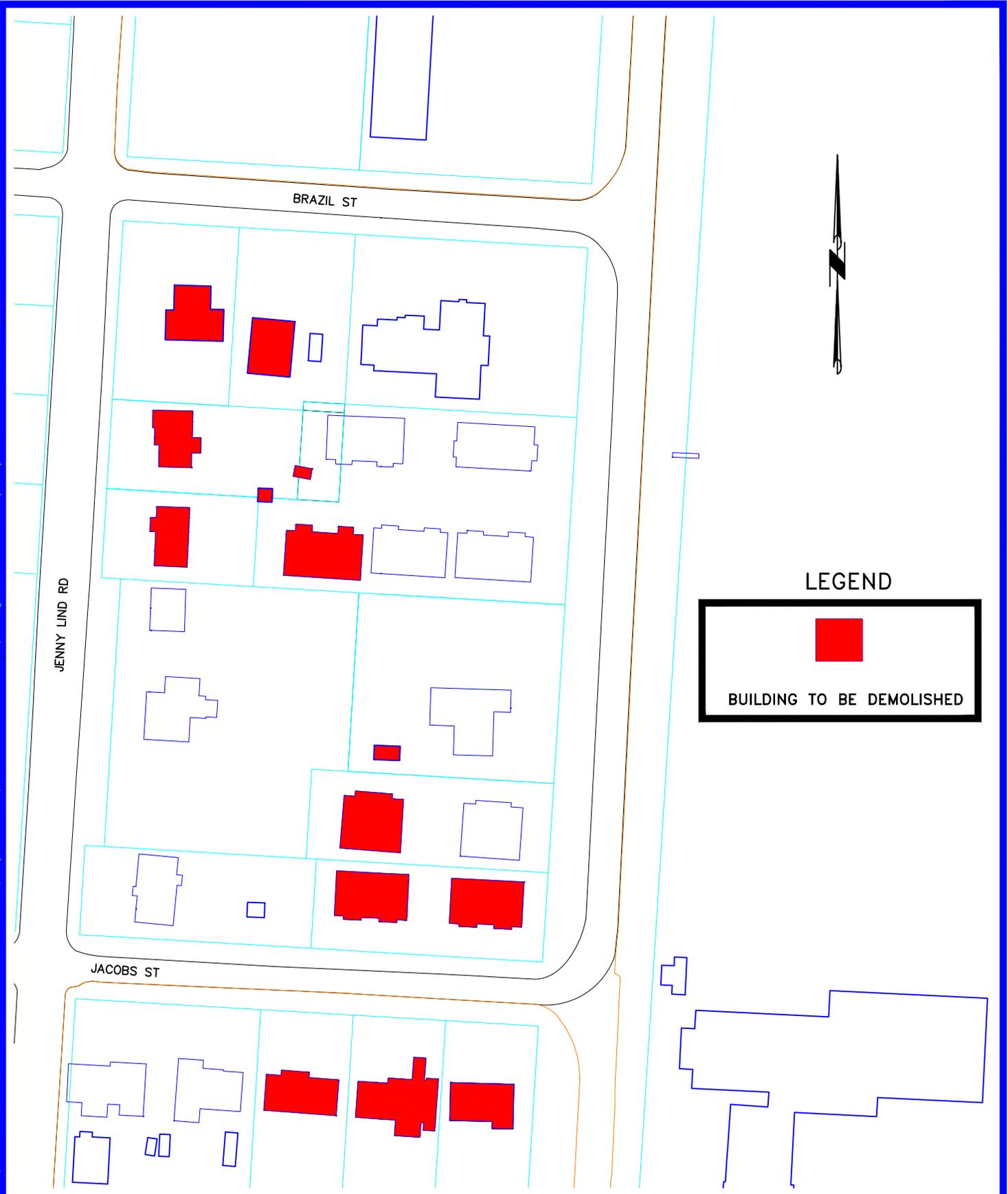
Attached is a Resolution to accept the project as complete and authorize final payment to the contractor. I recommend that the Resolution be accepted by the Board at the next regular meeting.



2014 CAPITAL IMPROVEMENTS PROGRAM
 JENNY LIND
 ZERO STREET TO CAVANAUGH ROAD



Project:	
Date:	SEPT. 2013
Scale:	NONE
Drawn By:	RBR



BUILDING REMOVAL MAP
JENNY LIND DEMOLITION

FORT SMITH, ARKANSAS

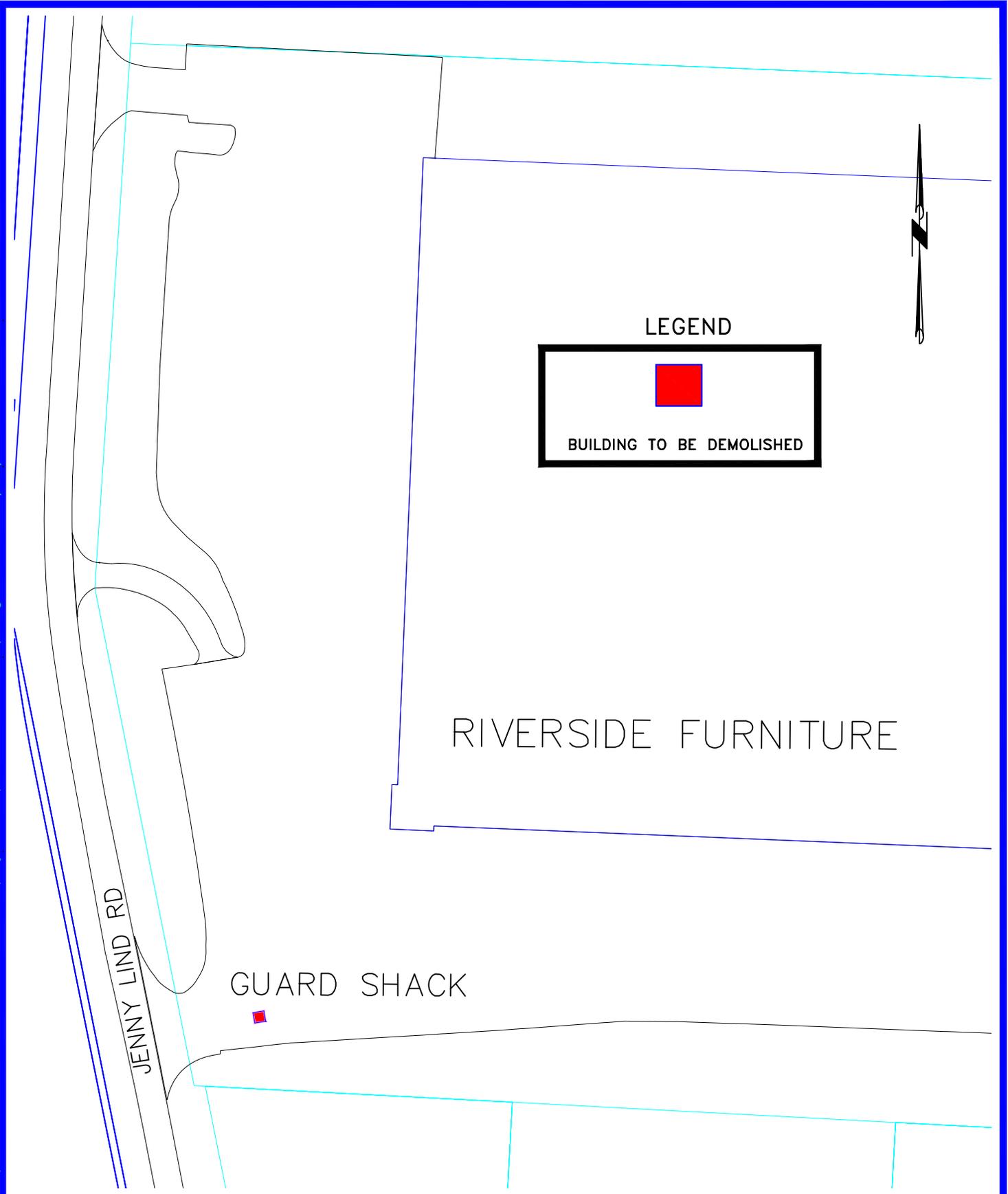


Project: 07-01-A

Date: APRIL 2014

Scale: NONE

Drawn By: JRC



BUILDING REMOVAL MAP
JENNY LIND DEMOLITION

FORT SMITH, ARKANSAS



Project: 07-01-A

Date: APRIL 2014

Scale: NONE

Drawn By: JRC

SUMMARY SHEET

City of Fort Smith
 Project Status: Complete
 Today's Date: 11/13/2014
 Staff contact name: Stan Snodgrass
 Staff contact phone: 784-2225
 Contract time (no of days): 60
 Notice to proceed issued: 5/12/2014

Project Name: Building and Foundation Removal
 Project Number: 07-01-A
 Consultant Engineer: City of Fort Smith
 Project Contractor: Forsgren, Inc.

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$198,211.50	4/1/2014	7/10/2014
Contract Revisions:			
1			
2			
3			
Adjusted contract amount	\$198,211.50		
Payments to date (as negative):	\$178,287.02		
Amount of this payment	\$2,210.88		
Contract balance remaining	\$17,713.60		
Retainage held	0%		
Final payment	\$2,210.88		
Amount under original as a percentage	8.9%		

Final Comments:

The project was substantially complete on July 7, 2014.

ORDINANCE DECLARING AN EXCEPTIONAL SITUATION WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING AND AUTHORIZING PAYMENT TO GOODWIN & GOODWIN, INC., FOR THE DIVISION STREET EMERGENCY SANITARY SEWER REPAIR

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

WHEREAS, the City was required to make an emergency repair to the sanitary sewer main located underneath the pavement of Division Street and required immediate repair to prevent the possibility of health hazards to the residents of the City of Fort Smith; and,

WHEREAS, it is necessary to contract for the emergency repair of the Division Street pavement and sanitary sewer main due to the sewer collapse:

NOW THEREFORE, in order to eliminate the possibility of health hazards to the residents of the City of Fort Smith and to make necessary sanitary sewer main and street repair, an exceptional situation exists requiring the waving of competitive bidding, and competitive bidding requirements for the sanitary sewer main and street repair are hereby waived. Funds for this project are available from the 2014 sales tax and use tax bond fund. Payment for said emergency repair of the Division Street and sanitary sewer main is hereby authorized, and payment to the contractor, Goodwin & Goodwin, Inc., in the amount of \$72,038.05 is hereby approved.

PASSED AND APPROVED this _____ day of November 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: November 7, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Division Street Emergency Sanitary Sewer Repair
Project 14-14-C1

Utility department crew discovered surcharging of a manhole during a routine maintenance check on a sanitary sewer main crossing Division Street. Subsequent efforts to televise revealed the main had collapsed near a manhole at the intersection of Division and Edwards Street.

The repair work required closing the intersection and detouring traffic while the road was cut and the main exposed. Fifteen days of time and effort were required to make the necessary repair. Complicating the effort was the close proximity of a large storm drain structure that crosses above the sewer main as well as gas, water and telecommunication cables. The vitrified clay sewer main was found to be collapsed under the storm drain structure. Approximately 50 feet of the sewer main was replaced by ductile iron pipe, which extended the replacement beyond the Division Street pavement.

Unit cost proposals were solicited for labor, equipment and materials from two utility contractors and evaluated by staff. The proposal submitted by Goodwin and Goodwin, Inc., provided the lowest unit cost option. The cost for the fifteen-day effort is \$72,038.05.

An Ordinance declaring an exceptional situation waiving the competitive bidding and authorizing payment to Goodwin and Goodwin is attached. Funding of the repair work is available from 2014 sales tax and use tax bonds funds.

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

attachment

pc: Jeff Dingman

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE
WITH PRELOAD, INC., FOR THE CHAFFEE CROSSING
WATER SUPPLY IMPROVEMENTS - 2.5 MG RESERVOIR

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

Change Order Number One in the amount of \$7,425.00 to the contract with Preload, Inc.,
for construction of the Chaffee Crossing Water Supply Improvements - 2.5 MG Reservoir,
Project 12-04-C4, adjusting the contract amount to \$2,041,425.00, and adding five calendar days
to the contract completion time, is hereby approved.

This Resolution adopted this _____ day of November 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: November 10, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Chaffee Crossing Water Supply Improvements
2.5 MG Reservoir, Project Number 12-04-C4

On March 18 the Board authorized a contract with Preload, Inc., in the amount of \$2,034,000.00, for construction of the Chaffee Crossing Water Supply Improvements - 2.5 MG Reservoir. This project is one of four improvement projects designed by Mickle Wagner Coleman, Inc., for the purpose of providing water system improvements needed to support growth in the Chaffee Crossing and southeast Fort Smith area.

Change Order Number One covering the following four items of additional work has been submitted:

- When the contractor began preparatory work to install 18" RCP drainage culvert beneath the access drive, it was determined that the native material was unsuitable for use as backfill. That material was removed from the site and replaced with 67 CY of imported select material at an additional cost of \$1,105.50.
- The plans proposed to obtain fill for construction of the access drive from the material excavated from the reservoir foundation. Due to significant unsuitable large rock pieces and clay material in the excavated soils, the contractor had to import 150 CY of select material for construction of the drive at an additional cost of \$1,320.00.
- Approximately 350 LF of the driveway subgrade on the south side of the reservoir was very soft requiring the installation of geofabric at an additional cost of \$2,640.00.
- Approximately 52 CY of unsuitable subgrade material was encountered under a portion of the reservoir footprint requiring the removal and replacement with a crushed stone leveling course at an additional cost of \$2,359.50.

A Resolution approving Change Order Number One in the amount of \$7,425.00 plus five additional contract days and adjusting the contract amount to \$2,041,425.00 is attached. A project summary sheet is also attached for you to review. Funds for this change order are available from the 2012 sales tax and use tax bonds issued for water transmission system improvements.

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

attachment

pc: Jeff Dingman

Project Summary

Project Status: Under construction

Project name: Chaffee Crossing Water Supply
Improvements - 2.5 MG Reservoir

Today's date: November 10, 2014

Project number: 12-04-C4

Staff contact name: Steve Parke

Project engineer: Mickle Wagner Coleman, Inc.

Staff contact phone: 784-2231

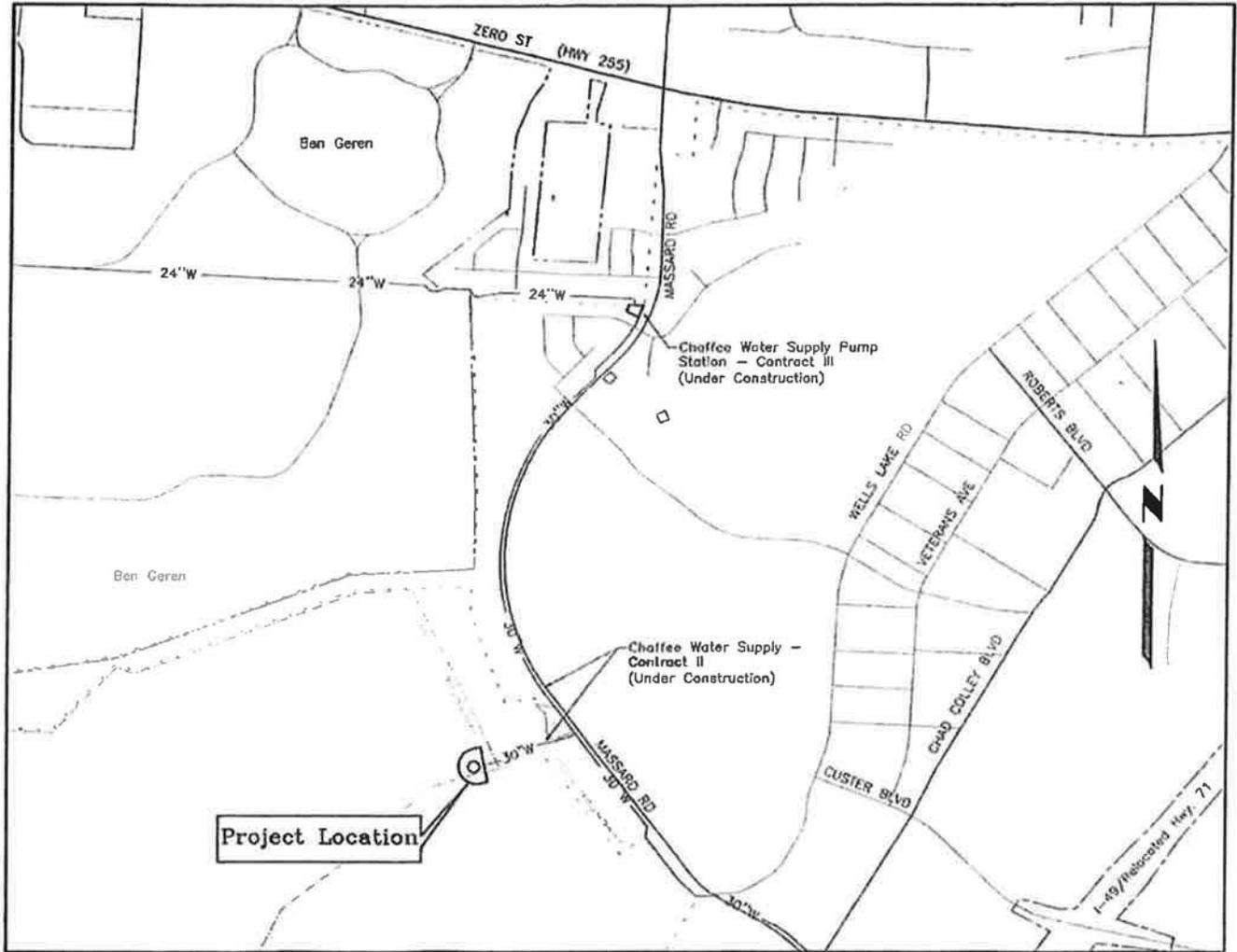
Project contractor: Preload, Inc.

Notice to proceed issued: June 2, 2014

Contract completion date: December 26, 2014

	Dollar Amount	Contract Time (Days)
Original contract	\$2,034,000.00	200
Change orders:		
Change Order #1 (pending)	\$7,425.00	5
Total change orders	<u>\$7,425.00</u>	<u>5</u>
Adjusted contract	\$2,041,425.00	205
Payments to date (as negative)	\$-1,420,604.30	
(as percentage)	70%	
Amount of this payment (as negative)	N/A	
Retainage held	\$68,210.00	
Contract balance remaining	\$620,820.70	
(as percentage)	30%	
Amount over as a percentage	0.4%	

Final comments:



Vicinity Map

Project 12-04-C4

RESOLUTION NO. _____

A RESOLUTION ACCEPTING CHANGE ORDER NUMBER
ONE WITH LJB CONSTRUCTION INC. FOR THE
CONSTRUCTION OF THE BEN GEREN SOFTBALL ADDITION

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

The mayor is hereby authorized to execute Change Order No. 1 with LJB
Construction Inc. increasing the contract amount by \$5,857.00.

This Resolution adopted this _____ day of November, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



_____npr



Memo:

November 14, 2014

To: Ray Gosack, City Administrator
From: Mike Alsup, Director of Parks and Recreation *Mike Alsup*
Re: Ben Geren Softball Field Addition Change Order No. 1,
accepting completion and authorizing final payment

The Ben Geren Softball Field Addition consists of two (2) lighted and irrigated softball fields, bleachers and a concession stand and restroom building with storage facilities. Jacobs Engineering was selected to design and oversee construction. LJB Construction Inc., Fort Smith, was the low bidder of the project. The amount awarded to LJB Construction Inc. for construction of the project was \$1,231,845.00.

A change order in the amount of \$5,857.00 is needed. Subsurface under the concession building was found to be unsuitable material and required additional undercut and fill, mow strips were removed, a pump was needed to boost water pressure for irrigation among other minor changes. The change order is attached and showing the details all of the changes needed. The change order is less than 1% of the total project.

The project is complete and the Sebastian County Girls Softball Association has begun using the facility. A "First Pitch Ceremony" was held October 18 with several teams in attendance. The construction of these fields satisfies the City's obligation to the league for replacement fields because of their relocation from Andrews Field. Those fields were donated to the National Cemetery for expansion.

The final pay for this project is \$11,268.00. I recommend approval of the change order, accepting the project as complete and authorizing final pay. Please call if you have any questions.

attachment

**CITY OF FORT SMITH
Parks and Recreation Department
CHANGE ORDER**

Project Name	Ben Geren Softball Addition	Contractor	LJB Construction, Inc.
Date	November 12, 2104	Change Order No.	1

To Contractor listed above, you are hereby directed to make the changes described below from the plans and specifications, or do the following described work not included in the plans and specifications on this contract.

Description of change: 1. Mow strips are concrete strips under the fence to reduce maintenance. No other fields at B.G. have this feature and there was not a strong desire to have them. 2. The subsurface under the building was found to have unsuitable material requiring additional undercut and fill. 3 & 4. Drainage was added to aid in drying the ball fields. 5. The main drainage ditch was improved to relieve standing water in the ditches and on the fields. 6. A smaller pad was used in front of the dugouts. 7. The first base side of the southerly facing field was extremely wet; piers were built to hold the sidewalks. A different ceiling tile in the kitchen was used that is less expensive. 8. A pump was necessary to boost water pressure for irrigation to place sod on the fields. Sod could not be placed till adequate irrigation was in place. 9 & 10. A sewer lift station is necessary; the correct breaker was not scheduled. 11. The location of the transformer was moved to meet OG&E requirements. Additional wire was required to access the

Item No.	Description of Item/Cost	(+) or (-)	Amount
1	Deduct Mow Strip per V.E.	(-)	17,600.00
2	Undercut under building	(+)	2,985.00
3	Rock at ditch line	(+)	2,200.00
4	Area inlets to drain existing field	(+)	2,400.00
5	Ditch work with seed and mulch	(+)	7,600.00
6	Deduct concrete in front of dugouts	(-)	241.00
7	Piers and beams under sidewalks in exchanging Gridstone Cleanroom ceiling tiles to USDA approved ceiling tiles	(-)	0.00
8	Irrigation pump ½ costs by LJB to expedite project	(+)	1,247.00
9	Additional circuit for lift station not shown on plans	(+)	1,136.00
10	Buck busters for lift station	(+)	1,344.00
11	Additional wire for relocating the transformer from original location to outside fenced area per City and OG&E	(+)	683.00
12	Additional circuit for outlets not shown on electrical plans for RPZ 120V outlets	(+)	1,463.00
13	Temporary Water Line	(+)	2,640.00

Total increase/decrease of \$5,857.00 or approximately .48% of the original contract amount.

TOTAL COST ANALYSIS/SUMMARY

() See continuation on supplemental sheets

1. Original Contract Amount.....	\$1,231,845.00
2. Changes by Previously Authorized Change Order(s) & Field Change Orders.....	\$0.00
3. Total Contract Amount to Date (1 + 2)	\$1,231,845.00
4. Total Cost of the Change Order (increase/decrease)	\$5,857.00
5. New Contract Amount (3 +/- 4)	\$1,237,702.00

Contract Time: Current 270 Calendar Days; This Change: 0 Calendar Days; Revised: 270 Calendar Days

It is understood and agreed that the above change in the contract price will compensate the Contractor for all direct and indirect costs which will be incurred in performing the change work and for all direct and indirect costs which will be incurred as a result of the impact or effect of the changed work on the unchanged works. It is further understood and agreed that performance of the changed work will not delay completion of the project, nor cause the Contractor to accelerate performance, and that therefore the contract time remains unchanged, except as duly modified by this and previous change orders, if any, and Contractor agrees to waive damages due to delay of completion. By reason of this proposed change - ____ - Days extension or decrease of time will be allowed.

Recommended _____
by: DIRECTOR OF PARKS & RECREATION DATE

Contractor's Signature: _____ Date

Title: _____

Approved by: _____
MAYOR DATE

RESOLUTION NO. _____

A RESOLUTION ACCEPTING COMPLETION OF AND AUTHORIZING
FINAL PAYMENT TO LJB CONSTRUCTION INC. FOR THE
CONSTRUCTION OF THE BEN GEREN SOFTBALL FIELD ADDITION

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

SECTION 1: The City of Fort Smith hereby accepts construction of the above
captioned project as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$11,268.00 to
the contractor, LJB Construction Inc., for the above captioned project.

This Resolution adopted this _____ day of November, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



_____npr



Memo:

November 14, 2014

To: Ray Gosack, City Administrator
From: Mike Alsup, Director of Parks and Recreation *Mike Alsup*
Re: Ben Geren Softball Field Addition Change Order No. 1,
accepting completion and authorizing final payment

The Ben Geren Softball Field Addition consists of two (2) lighted and irrigated softball fields, bleachers and a concession stand and restroom building with storage facilities. Jacobs Engineering was selected to design and oversee construction. LJB Construction Inc., Fort Smith, was the low bidder of the project. The amount awarded to LJB Construction Inc. for construction of the project was \$1,231,845.00.

A change order in the amount of \$5,857.00 is needed. Subsurface under the concession building was found to be unsuitable material and required additional undercut and fill, mow strips were removed, a pump was needed to boost water pressure for irrigation among other minor changes. The change order is attached and showing the details all of the changes needed. The change order is less than 1% of the total project.

The project is complete and the Sebastian County Girls Softball Association has begun using the facility. A "First Pitch Ceremony" was held October 18 with several teams in attendance. The construction of these fields satisfies the City's obligation to the league for replacement fields because of their relocation from Andrews Field. Those fields were donated to the National Cemetery for expansion.

The final pay for this project is \$11,268.00. I recommend approval of the change order, accepting the project as complete and authorizing final pay. Please call if you have any questions.

attachment

RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE TRADE CONTRACTS FOR MATERIALS AND SERVICES RELATED TO THE CONSTRUCTION OF AN AQUATICS FACILITY AT BEN GEREN REGIONAL PARK

WHEREAS, Sebastian County and the City of Fort Smith, as owners, jointly are constructing a recreational aquatics park at Ben Geren Regional Park; and

WHEREAS, Sebastian County and the City of Fort Smith have contracted with Flintco, LLC ("Flintco") to serve as Construction Manager for the construction of the recreational aquatics park; and

WHEREAS, sealed bids were solicited for the various trade contracts for materials and services related to the construction of the recreational aquatics park, and the bids were opened and read aloud in public on August 13 at 2:00 p.m. in the Sebastian County Courthouse located in Fort Smith; and

WHEREAS, Flintco has vetted all bids opened at the public bid opening and has recommended to Sebastian County and the City of Fort Smith a lowest responsible bidder for each of the trade contracts.

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

Section 1: The City of Fort Smith hereby approves the following identified trade contracts in the designated amounts for the designated materials and services. The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, trade contracts:

for Audio Systems materials and services with Matlock Electric Co. Inc. of Fort Smith, Arkansas in the amount of \$91,394.00;

for Shade Structures materials and services with Play by Design of Tulsa, Oklahoma in the amount of \$184,500.

Section 2. The City of Fort Smith, acting jointly with Sebastian County, hereby assigns for management, implementation and enforcement purposes the trade contracts approve by Section 1 above to Flintco pursuant to the provisions of Section 2.3.2.1 of the contract of Sebastian County and the City of Fort Smith with Flintco.

This Resolution adopted this _____ day of November, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



npr



Memo:

November 14, 2014

To: Ray Gosack, City Administrator
From: Mike Alsup, Director of Parks and Recreation *Mike Alsup*
Re: Trade contracts for the construction of Ben Geren Aquatic Park

The resolution addresses approval of trade contracts for the Ben Geren Aquatic Park audio system and shade structures.

Matlock Electric, Fort Smith, will provide the public audio system for \$91,394. Matlock is the electrical contractor providing for the buildings and electricity throughout the park. The sound system will be used for announcements and music.

Play by Design, Tulsa, OK will provide the shade structures for the park for \$184,500. The use of shade throughout the park was expanded from the original plan to cover more areas around the pools.

Additional trade contracts will be bid later this year.

Please contact me if you have any questions about this item.



MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Mathis, Administrative Assistant

DATE: November 13, 2014

SUBJECT: Advertising and Promotion Commission

The Advertising and Promotion Commissioners reappointed Mr. Tom Caladera and Mr. Calvin Remy to the Advertising and Promotion Commission.

Mr. Storm Nolan was appointed to fill the term previously occupied by Mr. Henry Perez through December 31, 2015 and Ms. Sandi Snead was appointed to fill the term of Ms. Nora Bowman through December 31, 2017.

Appointments are **by the Advertising and Promotion Commission and confirmed by the Board of Directors**, four appointments are needed. The terms will expire December 31, 2015, December 31, 2017, and two at December 31, 2018.

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

ADVERTISING & PROMOTION COMMISSION

The Advertising and Promotion Commission is authorized to administer and oversee funds received from the three percent Fort Smith lodging tax and is comprised of seven (7) members as follows according to Ark. Code Ann 26-75-605:

Four members of the commission shall be owners or managers of businesses in the tourism industry and shall reside in either Fort Smith or within Sebastian County. At least three (3) of these four (4) members shall be owners or managers of hotels, motels or restaurants and all of them shall staggered terms of four (4) years. Two (2) members of the commission shall be members of the governing body of the City of Fort Smith and selected by the governing body and shall serve at the will of the governing body. One (1) member of the Commission shall be from the public at large who shall reside within Fort Smith or Sebastian County and shall serve for a term of four (4) years. Any vacancy in the four (4) tourism industry positions or the one (1) at large position shall be filled by appointment made by the remaining members of the commission, with the approval of the **Fort Smith Board of Directors**. Meetings are monthly as called and are held at the Fort Smith Visitor Center, 2 North B Street, unless otherwise stated in meeting announcements.

	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Nora Bowman General Manager, Courtyard By Marriott 900 Rogers Avenue (01) 841-9358 nora.bowman@jqh.com	12/20/11	12/31/13
Tom J. Caldarera, Jr. Taliano's Italian Restaurant 211 North 14 Street (01) 785-2292 (w) www.linguinet@aol.com	8/15/95	12/31/14
Calvin Remy Owner/Manager Holiday Inn Express P.O. Box 11343 (17) 452-7500 (w) hiexpressfsark@yahoo.com	03/27/13	12/31/14

Henry Perez General Manager 3907 Bradley Drive (04) 651-7351 (h) 452-2000 (w) henry.perez2@hilton.com	05/20/14	12/31/15
Debra Presson Golden Corral 2422 South N Street 484-1040 debo-goldencorral@sbcglobal.net	09/15/09	12/31/16
Andre Good, City Director 4716 Pond Court (04) 782-9448	01/03/13	Indefinite
Mayor Sandy Sanders 1800 Queensbury Way (03) 784-2437 (w)	01/04/11	Indefinite



**TO: Wendy Beshears
Administration**

**FROM: Claude Legris, Executive Director
Advertising and Promotion (A & P) Commission**

**COPY: Sandy Sanders, Chairman
A & P Commission**

DATE: October 31, 2014

REGARDING: Advertising & Promotion Commission Appointments

Per the attached minutes of the October 29, 2014 monthly meeting of the A & P Commission, I am submitting the names of the following as Commission members:

Mr. Storm Nolan, Partner
CKS Properties
Fort Smith Hampton Inn
6201-D Rogers
Fort Smith, AR 72903
479-649-6909
snolan@CKShotels.com

Mr. Nolan will fill the unexpired term for the position previously occupied by Mr. Henry Perez.
The appointment lasts through December, 2015

Ms. Sandi Snead
General Manager
Courtyard by Marriott
900 Rogers Avenue
Fort Smith, AR 72901
479-783-2100
Sandi.snead@jqh.com

Ms. Snead will fill the unexpired term for the position previously occupied by Ms. Nora Bowman.
The appointment lasts through December, 2017.

Fort Smith Convention & Visitors Bureau

2 North B Street • Fort Smith, Arkansas 72901
479-783-8888 • 1-800-637-1477 • Fax 479-784-2421
E-Mail: tourism@fortsmith.org • URL: <http://www.fortsmith.org>

A & P Appointments
October 31, 2014
Page Two

Two terms to expire December 31, 2014 are currently occupied by Mr. Thomas Caldaria (at large) and Mr. Calvin Ramey, Owner, Holiday Inn Express. Both have been approved by the Commission for reappointment to terms that would run through December, 2018.

Let me know if you have any questions.

Attachment

Education

Columbia University, Columbia Business School, New York, NY
MBA, 2008 Concentration: **Real Estate**

Cornell University, School of Hotel Administration, Ithaca, NY
BS, 2002 Concentration: **Real Estate Finance and Development**
Cumulative GPA: 3.85, Dean's List (Graduated with Distinction), Ranked 5 of 201

Experience

2002 - Present **CSK hotels**, Fort Smith, AR

Partner/Co-Founder

- Responsible for development of fifteen hotels (200+ employees in our company)
 - One-third partner with step-father and brother
 - Most hotels outperform their competitive set
 - Our hotels have won many awards including Inn of the Year and Platinum Awards
 - Guest satisfaction scores among the best in their respective states
- Responsible for management and operations at all of the hotels
- Implemented scorecard approach for revenue, labor, guest satisfaction, and profit targets
- Responsible for myCSK.com development - our internal operations and accounting portal
- Transitioned hotel-level sales staff from salary to incentive compensation system
- Assembled ten financing packages for bank approval; hotels and self storages
- Personally manage 72,000 sf retail shopping center; half-owner with brother

2010 - Present **CanvasHQ.com - Create canvas art with your photos.**, Fort Smith, AR

Founder

- Hotel spinoff company, created a company that ships custom canvases all over the U.S.
- Designed and executed the creation of our custom e-commerce fulfillment platform
- Continue to rapidly grow the company - 2012 revenues increased by 120% over 2011

1999 - 2000 **PromotionShop.com, Inc.**, Fort Smith, AR

Founder

- Created a company to allow for online design and ordering of promotional business products
- Supervised, hired, and trained a group of seven technical workers
- Created a comprehensive investor prospectus for the company
- Coordinated our efforts with a hired programming group
- Generated pro-formas, feasibility studies, and financial statements for prospective investors

Activities

- Past Chairman, Value Place Hotels Franchisee Advisory Council
- Executive Committee, **Libertarian Party** of Arkansas
- Past Board of Directors, Arkansas Self Storage Association
- Board of Directors, **Leadership** Fort Smith Alumni Association
- Participant in Inaugural Class, **Leadership** Arkansas
- Past Executive Board Member, **Cornell Entrepreneur Organization (CEO)** - 2000
- Licensed Instrument **Pilot**
- Certified Rescue Diver



MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Mathis, Administrative Assistant

DATE: November 13, 2014

SUBJECT: Building Board of Adjustment and Appeals

The terms of David Edwards and Evan Fleming of the Building Board of Adjustment and Appeals will expire November 30th, 2014. Mr. Edwards and Mr. Fleming wishes to be reappointed to this board.

There are no other applicants available at this time.

Appointments are **by the Board of Directors**, two appointments are needed. The terms will expire November 30th, 2018.

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

Building Board of Adjustment and Appeals

The Building Board of Adjustments and Appeals was established by the 1979 Standard Building Code which the City has adopted. The Board has the authority to hear appeals from any aggrieved person or the head of any agency of the City which takes an appeal from any decision of the building official authorized to enforce the Standard Building Code. The Board of Adjustments and Appeals may vary the application of any provision of the code to any particular case when, in its opinion, the interpretation of the building official should be modified or reversed.

Members of the Building Board of Adjustments and Appeals are appointed by the Board of Directors for four-year terms. The Board shall consist of one architect, one general contractor or engineer, and three members at large from the building industry. The Board meets on call.

	<u>Date Appointed</u>	<u>Term Expires</u>
David Edwards 5414 South 31 Street (01) 646-2600 (h) 646-2221 (w)	11/19/02	11/30/14
Evan Fleming Design Builders 6900 Hestand Lane (03) 651-7391 (w) 452-9067 (h)	01/03/94	11/30/14
Chip Johnson Architect 602 Garrison Avenue, No. 800 (02) 782-4085 (w) 484-7280 (h)	12/05/95	11/30/15
Mark Koch Engineer 10512 Inverness (08) 649-0699 (h) 782-0474 (w) mkoch@edmconsultants.com	12/17/13	11/30/17

Brett Abbott
Architect
3019 Independence (01)
459-2838 (h)
452-2636 (w)

12/17/13

11/30/17

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Name: David Edwards Date: 10/6/14
 Home Telephone: 479-646-2600
 Home Address: 11700 Maple Park Work Telephone: 479-646-2221
 Zip: 72908 Email: David.L.Edwards@ATT.net
 Occupation: Contractor (General & Homebuilding & Remodeling)
 (If retired, please indicate former occupation or profession)
 Education: College Degree
 Professional and/or Community Activities: FSHBA

Additional Pertinent Information/References: Jimmy Deere

Are you a registered voter in the City of Fort Smith? Yes No
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
 Yes NO
 If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.
 Drivers License 0000000000 Date of Birth 000000
 information will be use to conduct a criminal back ground check of all applicants.

I am interested in serving on the (please check):

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input checked="" type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Housing Assistance Board | <input type="checkbox"/> Comprehensive Plan Steering Committee |
| <input type="checkbox"/> Housing Authority | |

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 10/01/14
 Name: EVAN FLEMING Home Telephone: 452-9067
 Home Address: 6900 HESTAND LN Work Telephone: 651-7391
 Zip: 72903 Email: ELF106@SBCGLOBAL.NET
 Occupation: BUILDER
 (If retired, please indicate former occupation or profession)
 Education: MASTERS +
 Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Are you a registered voter in the City of Fort Smith? Yes No
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
 Yes NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License _____ Date of _____ This information will _____ back ground check of all applicants.

I am interested in serving on the (please check):

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input checked="" type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Housing Assistance Board | <input type="checkbox"/> Comprehensive Plan Steering Committee |
| <input type="checkbox"/> Housing Authority | |



MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Mathis, Administrative Assistant

DATE: November 12th, 2014

SUBJECT: Fire Code Board of Appeals and Adjustments

The term of Gene Nelson of the Fire Code Board of Appeals and Adjustments has expired October 31st, 2014. Mr. Nelson wants to be reappointed to this commission.

There are no other applicants available at this time.

Appointments are **by the Board of Directors**, one appointment is needed. The term will expire October 31st, 2018.

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

Fire Code Board of Appeals and Adjustments

The Fire Code Board of Appeals and Adjustments hears appeals of fire codes. The appeals shall be made in writing to the Fire Chief, who will forward them to the chairman. The chairman will notify board members and set up an appeals hearing. Every decision the Board makes shall be final, in writing, and indicate the vote.

The Board is composed of five members appointed by the Board of Directors. After initial staggered terms, the Board members will serve four-year terms. The Fire Chief is an ex-officio member and acts as secretary (he has no vote). The Board meets on call at Fire Station 1.

	<u>Date Appointed</u>	<u>Term Expires</u>
Gene Nelson Nelson Insurance Agency P O Box 2270 (02) 782-8718 782-3861 (f) gene@nelsonins.com	10/01/85	10/31/14
Karl Lee Sutherland 2700 South 87 Dr (03) 452-0084 (h) 788-6461 (w) 459-1702 (c) lsutherland@wingfootct.com	10/19/99	10/31/15
James M. Reddick 602 Garrison Avenue Suite 800 (01) 782-4085 (w) jreddick@guestreddick.com	10/20/87	10/31/15
C. Leo Patterson Retired 4300 South 89 Street (03) 883-9923 (h) caliban@cox.net	10/18/11	10/31/15
Mike Schluterman 2411 South Waldron Rd (04) 452-8539 (h) 484-7211 (w) cpamike@sbcglobal.net	11/19/96	10/31/17

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 11-4-14

Name: Gene Nelson III Home Telephone: 452-6119

Home Address: 2301 So. 105th St. Work Telephone: 782-8718

Zip: 72903 Email: Nelson Ins I @ aol.com

Occupation: Insurance Agent
 (If retired, please indicate former occupation or profession)

Education: University of AR '76

Professional and/or Community Activities: Numerous boards & organizations served and offices held

Additional Pertinent Information/References: Nelson Insurance Agency, Inc. president (since 1977); Inter Agency Insurance, Inc. President, since 1998.

Are you a registered voter in the City of Fort Smith? Yes No

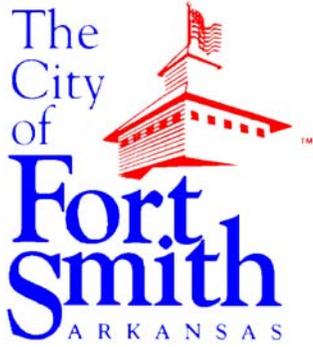
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense? Yes NO

If yes, please identify the offense and the approximate date. A "yes" answer will legally preclude you from consideration.

Drivers License 9 AR Date of Birth [redacted]
 information will be used for a background check of all applicants)

I am interested in serving on the following (please check):

- | | |
|--|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Housing Authority |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Animal Services Advisory Board | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Comprehensive Plan Steering Committee | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Electric Code Board of Appeals | <input type="checkbox"/> Transit Advisory Commission |
| <input checked="" type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Historic District Commission | |
| <input type="checkbox"/> Housing Assistance Board | |



Mayor – Sandy Sanders
City Administrator – Ray Gosack
City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau
Ward 2 – Andre’ Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Pam Weber
At Large Position 6 – Kevin Settle
At Large Position 7 – Philip H. Merry Jr.

AGENDA ~ Summary

Fort Smith Board of Directors REGULAR MEETING November 18, 2014 ~ 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 214
AND ONLINE AT <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>***

INVOCATION & PLEDGE OF ALLEGIANCE

Chaplain Shirley Harrod, ICU/Sparks Regional Medical Center

ROLL CALL

- All present, except Good (*Director Andre’ Good arrived during Item No. 1*)
- Mayor Sandy Sanders presiding

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 214, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

APPROVE MINUTES OF THE NOVEMBER 4, 2014 REGULAR MEETING

Approved as written

ITEMS OF BUSINESS:

1. Presentations
 - Claudia Vaughn Award presentation by Mike Bock, Sebastian County Girls Softball League
 - Recognize Mike Alsup, Director of Parks and Recreation

2. Public hearing and ordinance certifying to the Sebastian County Tax Collector delinquent property cleanup liens
Approved 7 in favor, 0 opposed / Ordinance No. 62-14
3. Ordinance amending Article III of Chapter 6 of the Fort Smith Municipal Code to adopt the 2014 Edition of the National Electrical Code, as adopted by the Arkansas Board of Electrical Examiners, and for other purposes
Approved 7 in favor, 0 opposed / Ordinance No. 63-14
4. Ordinance amending Article IV of Chapter 6 of the Fort Smith Municipal Code to adopt the 2014 Arkansas Energy Code for new building construction supplements and amendments, and for other purposes
Approved 7 in favor, 0 opposed / Ordinance No. 64-14
5. Resolution of intent of the Board of Directors of the City of Fort Smith, Arkansas regarding the issuance of bonds for the purpose of assisting in the financing of an industrial facility expansion to be located within the city (*Dixie Consumer Products, LLC*)
Approved 7 in favor, 0 opposed / Resolution No. R-156-14
6. Ordinance amending Section 2-26 of the Fort Smith Municipal Code setting the date, time and location for regular meetings of the Board of Directors for the year 2015 ~ *Settle/Merry placed on agenda at the November 10, 2014 study session ~*
Approved 7 in favor, 0 opposed / Ordinance No. 65-14
7. Consent Agenda
 - A. Ordinance declaring exceptional circumstance and authorizing continuation of agreement with ArcBest Technologies
Approved 7 in favor, 0 opposed / Ordinance No. 66-14
 - B. Resolution accepting completion of and authorize final payment for the removal of buildings and foundations associated with Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A. (\$2,210.88 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
Approved 7 in favor, 0 opposed / Resolution No. R-157-14
 - C. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing payment to Goodwin & Goodwin, Inc. for the Division Street Emergency Sanitary Sewer Repair (\$72,038.05 / *Utility Department / Not Budgeted – 2014 Sales Tax and Use Tax Bonds*)
Approved 7 in favor, 0 opposed / Ordinance No. 67-14

- D. Resolution authorizing Change Order No. 1 with Preload, Inc. for the Chaffee Crossing Water Supply Improvements – 2.5 MG Reservoir (\$7,425.00 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bonds)
Approved 7 in favor, 0 opposed / Resolution No. R-158-14
- E. Resolution accepting Change Order No. 1 with LJB Construction Inc. for the construction of the Ben Geren Softball Field Addition (\$5,857.00 / Parks Department / Budgeted – 1/8% Sales and Use Tax)
Approved 7 in favor, 0 opposed / Resolution No. R-159-14
- F. Resolution accepting completion of and authorizing final payment to LJB Construction Inc. for the construction of the Ben Geren Softball Field Addition (\$11,268.00 / Parks Department / Budgeted – 1/8% Sales and Use Tax)
Approved 7 in favor, 0 opposed / Resolution No. R-160-14
- G. Resolution approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatic facility at Ben Geren Regional Park (\$275,894.00 / Parks Department / Budgeted – 2012 Sales Tax Bonds and Resolution No. R-186-13)
Approved 7 in favor, 0 opposed / Resolution No. R-161-14

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 214, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

EXECUTIVE SESSION (Approximately 6:26 p.m.)

Appointments: **ADVERTISING AND PROMOTION COMMISSION**

Tom Calderera (reappointment)

Calvin Remy (reappointment)

Terms expire December 31, 2018

Storm Nolan (to fill the unexpired term of Henry Perez who resigned)

Term expires December 31, 2015

Sandi Snead (to fill the unexpired term of Nora Bowman who resigned)

Term expires December 31, 2017

BUILDING BOARD OF ADJUSTMENT AND APPEALS

David Edwards *(reappointment)*

Evan Fleming *(reappointment)*

Terms expire November 30, 2018

FIRE CODE BOARD OF APPEALS AND ADJUSTMENTS

Gene Nelson *(reappointment)*

Term expires October 31, 2018

Performance evaluation - City Administrator ~ *Lau/Catsavis at the November 13, 2014 budget hearing* ~

No formal was action taken; however, Mayor Sanders merely announced the Board relayed performance recommendations to Administrator Gosack.

ADJOURN

7:55 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ NOVEMBER 18, 2014 ~ 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 Chaplain Shirley Harrod of ICU / Sparks Regional Medical Center, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Mike Lorenz, George Catsavis, Pam Weber, Kevin Settle and Philip H. Merry, Jr. Director Andre' Good arrived during Item No. 1. The Mayor declared a quorum present.

Mayor Sanders inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

The minutes of the November 4, 2014 regular meeting was presented for approval. Settle, seconded by Lorenz, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side, and two (2) minutes for comments only.

Item No. 1 consisted of the following presentations:

- ▶ Mr. Mike Bock, Director of the Sebastian County Girls Softball League, presented the Claudia Vaughn Award to the Mayor and Board of Directors. Such was in recognition of the City's efforts to construct the softball fields at Ben Geren Regional Park.
- ▶ The Mayor and Board recognized Director of Parks and Recreation Mike Alsup for his dedicated service to the City of Fort Smith Parks Department citing his many accomplishments during his tenure with the City. Mr. Alsup is relocating to Shelbyville, Tennessee to be closer to his family.

November 18, 2014 Regular Meeting

Mayor Sanders announced this was the time and place set for a public hearing regarding certification of delinquent property cleanup liens to the Sebastian County Tax Collector. Notice of the public hearing has been duly published as required by law. Following the public hearing, an ordinance authorizing same will be presented for consideration (Item No. 2).

City Clerk Sherri Gard briefed the Board on the item advising the ordinance certifies such to the Sebastian County Tax Collector a total of \$161,441.25 in delinquent property cleanup liens associated with those properties abated or structures demolished by the City of Fort Smith. Each lien includes a 10% penalty. There are 424 delinquent liens included within the ordinance involving 163 property owners and 193 properties. In 2013, there were 430 delinquent liens totaling \$155,968.33 certified to the Sebastian County Tax Collector. Public hearings were held before the Property Owners Appeal Board on September 22 and 24, 2014 in the Bartlett Community Room with nine (9) property owners presenting appeals. The Property Owners Appeal Board also considered appeals at their October 13, 2014 meeting. In the event any lien has been paid in full, it was recommended that the motion for approval include a provision to allow the removal of said lien(s) from the ordinance prior to formal submission to the Sebastian County Tax Collector.

There being no individual present to address the Board, the Mayor closed the public hearing.

Good, 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 motion also provided for the removal of any liens paid in full prior to formal submission to the Sebastian County Tax Collector.

November 18, 2014 Regular Meeting

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 Ordinance No. 62-14.

Item No. 3 was an ordinance amending Article III of Chapter 6 of the Fort Smith Municipal Code to adopt the 2014 Edition of the National Electrical Code, as adopted by the Arkansas Board of Electrical Examiners, and for other purposes.

Director of Development Wally Bailey briefed the Board on the item advising the Arkansas Board of Electrical Examiners recently completed the process of adopting 2014 National Electrical Code. Said process included compliance with the administrative procedures act. The process also included a discussion with many stakeholders including the Arkansas Homebuilders Association (AHBA). Following discussions with the AHBA and the legislative committee, the Arkansas Board of Electrical Examiners approved new regulations that require the 2014 National Electrical Code to be the standard for construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work. The code was amended with the requirement that arc fault circuit interrupters in kitchens and laundry rooms are not required. The Electrical Code Board of Appeals reviewed the new regulations on October 29, 2014 whereby they agreed that several city electrical code amendments are now covered by the National Electrical Code or are no longer relevant. Some language was added in Section 6-153(4) for clarification. No new city amendments or code requirements are being added to the National Electrical Code.

Settle, seconded by Merry, 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

November 18, 2014 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. Catsavis, seconded by Lorenz, moved adoption of Section 6 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given Ordinance No. 63-14.

Item No. 4 was an ordinance amending Article IV of Chapter 6 of the Fort Smith Municipal Code to adopt the 2014 Arkansas Energy Code for new building construction supplements and amendments, and for other purposes.

Mr. Bailey briefed the Board on the item advising the Arkansas Energy Office has completed a process of updating the existing Arkansas Energy Code. The updated code is known as the 2014 Arkansas Energy Code for New Building Construction Supplements and Amendments. The process of updating the Arkansas Energy Code has been going on for a couple of years. The process has included many construction and real estate organizations and individuals. The new Energy Code and its supplements and amendments are in adherence with the Administrative Procedures Act. A memorandum from the Arkansas Energy Office states the following about the new code:

It is important to note that many changes simplify code requirements around the state and are meant to make it easier for builders and code officials to understand what is necessary for code compliance. This includes a label that must be signed by builders that lists features in the home that demonstrates compliance, the compliance pathway chosen and will be signed by the builder to verify that the house is in compliance with the code. This label will be available by January 1, 2015.

Note that ONLY THE RESIDENTIAL STANDARD in the code was changed. It was updated from the 2003 International Energy Conservation Code (IECC) to the 2009 IECC. The commercial standard is also the 2009 IECC and is unchanged from the 2011 version of the Arkansas Energy Code.

November 18, 2014 Regular Meeting

Any city or county which issues building permits for new building construction must adopt the Arkansas Energy Code by December 31, 2014.

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 Lorenz, moved adoption of Section 4 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given Ordinance No. 64-14.

Item No. 5 was a resolution of intent of the Board of Directors of the City of Fort Smith, Arkansas regarding the issuance of bonds for the purpose of assisting in the financing of an industrial facility expansion to be located within the city (*Dixie Consumer Products, LLC*).

Deputy City Administrator Jeff Dingman briefed the Board on the item advising Dixie Consumer Products, LLC is expanding their facility at 4411 Midland Boulevard. The company proposes that the expansion will house a new printing press, plate presses, packaging and handling equipment, associated machinery and equipment, and infrastructure improvements at the site requiring expenditures estimated at not to exceed \$55,000,000. In addition to the significant physical expansion, the company will be adding 15 new jobs at approximately \$19/hour. The principal advantage of industrial revenue bonds is the reduction of property taxes. Upon completion of the process, the company and the city will enter into a Payment in Lieu of Taxes agreement whereby the company will pay an amount equal to 50% of the normal property taxes for a period of 15 years.

November 18, 2014 Regular Meeting

Dixie Consumer Products, LLC will be solely responsible for the debt service payments on the bonds. The City has no obligation to make the bond payments. The proposed investment will support one of the board's top goals: economic development and job retention/creation.

Merry, seconded by Good, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Merry, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the resolution and emergency clause were adopted and given Resolution No. R-156-14

Item No. 6 was an ordinance amending Section 2-26 of the Fort Smith Municipal Code setting the date, time and location for regular meetings of the Board of Directors for the year 2015 ~ *Settle/Merry placed on agenda at the November 10, 2014 study session* ~

Administrator Gosack briefed the Board on the item as discussed at the November 10, 2014 study session whereby the Board concurred to retain the first and third Tuesday of each month for all regular meetings in 2015. There are no holidays in 2015 that conflict with any scheduled regular meeting dates.

Catsavis, 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 Ordinance No. 65-14.

The Consent Agenda (Item No. 4) was introduced for consideration, the items being as follows:

November 18, 2014 Regular Meeting

- A. Ordinance declaring exceptional circumstance and authorizing continuation of agreement with ArcBest Technologies
- B. Resolution accepting completion of and authorize final payment for the removal of buildings and foundations associated with Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A (\$2,210.88 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
- C. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing payment to Goodwin & Goodwin, Inc. for the Division Street Emergency Sanitary Sewer Repair (\$72,038.05 / *Utility Department / Not Budgeted - 2014 Sales Tax and Use Tax Bonds*)
- D. Resolution authorizing Change Order No. 1 with Preload, Inc. for the Chaffee Crossing Water Supply Improvements - 2.5 MG Reservoir (\$7,425.00 / *Utility Department / Budgeted - 2012 Sales Tax and Use Tax Bonds*)
- E. Resolution accepting Change Order No. 1 with LJB Construction Inc. for the construction of the Ben Geren Softball Field Addition (\$5,857.00 / *Parks Department / Budgeted - 1/8% Sales and Use Tax*)
- F. Resolution accepting completion of and authorizing final payment to LJB Construction Inc. for the construction of the Ben Geren Softball Field Addition (\$11,268.00 / *Parks Department / Budgeted - 1/8% Sales and Use Tax*)
- G. Resolution approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatic facility at Ben Geren Regional Park (\$275,894.00 / *Parks Department / Budgeted - 2012 Sales Tax Bonds and Resolution No. R-186-13*)

Settle, seconded by Catsavis, moved adoption of all consent agenda items. The members all voting affirmatively the Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinances given Ordinance No. 66-14 through 67-14 respectively, and the resolutions given Resolution No. R-157-14 through R-161-14 respectively.

November 18, 2014 Regular Meeting

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

▶ Mayor Sanders

- Re:
1. Announced Saturday, November 29 is Small Business Saturday; therefore, he encouraged all to shop local at a small business!
 2. Reminded all that the 74th Annual Fort Smith Christmas Parade is set for 1:00 p.m., Saturday, December 13 on Garrison Avenue.

▶ Director Merry

Re: Announced Christmas Honors is fast approaching and provided the following:

1. Wreath Workshop
Fort Smith Convention Center, Hall C
Friday, December 12, 9:00 a.m.
2. Distribution of Wreaths
Fort Smith National Cemetery
Saturday, December 13
10:15 a.m. Service Branch Salute (*Bell Tower*)
10:30 a.m. Family Distribution (*Reserved for families to lay wreaths*)
11:00 a.m. Nationwide Heroes Tribute Ceremony (*Pavilion*)

The public distribution of wreaths will follow the 11:00 a.m. ceremony

3. Wreath Pick-up and Storage
Fort Smith National Cemetery and Fort Smith Convention Center
Saturday, January 3, 2015, 8:30 a.m.

▶ Director Lorenz

Re: Announced the 20th Annual RiverFront Grand Prix is set for November 29 & 30 citing current registrants include riders from eight (8) states, as well as some international riders. He encouraged all to come to the event.

November 18, 2014 Regular Meeting

▶ Director Settle

Re: Extended much congratulations to the following University of Arkansas Fort Smith (UAFS) sports teams for representing Fort Smith regarding the below noted accomplishments:

1. UAFS Womens Volleyball
Recently won the Heartland Conference Tournament with a five (5) set victory over St. Edwards University. They will play in the NCAA Division II national tournament on Thursday, November 20. The first game is set for 3:30 p.m. against Colorado School of Mines at Grand Junction, Colorado.
2. UAFS Mens Basketball
Recent trip to Utah where they played Division I teams, Utah State and Southern Utah. The team lost to Utah State by seven (7) points and beat Southern Utah by one (1) point.

The Board entered into executive session at approximately 6:26 p.m. and after reconvening, the Mayor announced the following appointment nominations:

ADVERTISING AND PROMOTION COMMISSION

Tom Caldarera (reappointment)
Calvin Remy (reappointment)
Terms expire December 31, 2018

Storm Nolan
(to fill the unexpired term of Henry Perez who resigned)
Term expires December 31, 2015

Sandi Snead
(to fill the unexpired term of Nora Bowman who resigned)
Term expires December 31, 2017

BUILDING BOARD OF ADJUSTMENT AND APPEALS

David Edwards (reappointment)
Evan Fleming (reappointment)
Terms expire November 30, 2018

November 18, 2014 Regular Meeting

FIRE CODE BOARD OF APPEALS AND ADJUSTMENTS

Gene Nelson (reappointment)

Term expires October 31, 2018

Settle, seconded by Lau, moved acceptance of the above named nominations. The members all voting aye, the Mayor declared the motion carried.

Regarding the performance evaluation of the City Administrator (*Lau/Catsavis placed on agenda at the November 13, 2014 budget hearing*), no formal was action taken; however, Mayor Sanders announced the Board relayed performance recommendations to Administrator Gosack.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Catsavis, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:55 p.m.

APPROVED:



MAYOR

ATTEST:



CITY CLERK