Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith D. Lau
Ward 2 – Andre' Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Tracy Pennartz
At Large Position 6 – Kevin Settle
At Large Position 7 – Don Hutchings

AGENDA

Fort Smith Board of Directors
STUDY SESSION
January 13, 2015 ~ 12:00 Noon
Fort Smith Public Library Community Room
3201 Rogers Avenue

CALL TO ORDER

1. Review Trails and Bikeways Master Plan

2. Discuss allocation of proceeds from the sales tax for streets, bridges and associated drainage

3. Discuss Zero Tolerance for Domestic Violence and Employment of Family Members Policies *~ Requested at the October 27, 2014 brainstorming meeting ~*

4. Review funding request for the upcoming Steel Horse Rally *(May 1 & 2, 2015)*

5. Review preliminary agenda for the January 20, 2015 regular meeting

ADJOURN

PARKS RECREATION
FORT SMITH

Memo:

January 9, 2015

To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator – jwd
Re: Trails and Bikeways Master Plan

Trails and bikeways are an important aspect of transportation in any city. They also provide opportunities for recreation and exercise. The Comprehensive Plan recognizes this and notes throughout the plan the need for safe and attractive pedestrian and bicycle connections throughout the city. It states that we desire to promote walkable, pedestrian friendly development and encourage physical activity. With these factors in mind the Parks and Recreation Commission voted unanimously at their August meeting to re-enact the Trails and Greenways Steering Committee and appointed two liaisons from the Commission to serve on the Committee.

The Trails and Greenways Steering Committee have met four times and have aggressively taken on the challenge of updating the Trails and Greenways Master Plan that includes bikeways allowing for the connectivity to be continuous and contiguous. Drew Linder, chairman of the Committee presented a report to the Parks and Recreation Commission at their December meeting. The report consisted of an updated map that included trails, bikeways and sharrows that connects the city. It allows for a continuous loop around the city and connectivity throughout the city. The University of Arkansas Fort Smith Student Government Association has been very active in this process serving on the committee and attending the meetings.

The Parks and Recreation Commission supports the updated map. We have had the first of three public forums and have begun taking surveys to allow the citizens involvement in prioritizing these trails. The report from the Trails and Greenways Steering Committee along with the updated maps are attached for your review. There are two maps attached. The second map includes the original class II and III bikeway routes. If you should have any questions regarding the update please call me.

attachment

Report of Trails and Greenways Committee
December 10, 2014

Objectives

- Review and revise the 2004 Trails and Greenways Master Plan based on citizen input, including UAFS students.
- Facilitate a variety of uses – recreation, health and wellness, economic development and basic transportation. It should be noted that these uses are not mutually exclusive.
- Accommodate a variety of users – cyclist, runners and walkers.
- Utilize (as needed) a variety of forms – multi-use trails, bike lanes, and sharrows (shared marked lanes).
- Have the routes, no matter what the form, be continuous and connected.

Other Factors Considered

- Multi-use trails are dependent on having easements and many parts of Fort Smith do not have potential easements. Ideal placement will have little intersections with streets and roads. Typically, this would be along rivers, streams, or abandoned railroad lines.
- Bike lanes on existing roads are a function of road width and basic mathematics – typical vehicular lane widths of 10-12 feet and bike lane widths of 4-5 feet.

Proposed Route Summary

- Trails (35.0 miles) – the proposed trails would create a loop around the city, with gaps filled in by use of sharrows on existing streets. Of particular note are the Riverfront and Mill Creek trails, which would provide 16.7 continuous miles and would be accessible to many parts of the city.
- Bike Lanes (2.1 miles) - proposed bike lanes on Jenny Lind and Geren Road projects. Bik lanes are recommended here because of the cross streets and driveways in both these areas. Bike lanes are also recommended for when the AHTD widens Arkansas 45 south of Zero and reroutes Arkansas 255 (Zero) through Chaffee Crossing.
- Sharrows (75.3 miles) - these were designed to provide a variety of corridors across the city and to connect to one another and to the proposed trail system. Many of the proposed sharrow routes follow the existing Fort Smith Bikeway Plan adopted by the Board of Directors in 2000. The "Blue Lion Trail" would connect the UAFS campus to downtown, which was a key destination identified by the UAFS Student Government Association. The UAFS campus would also be connected to Chaffee Crossing, the other key destination, by a combination of sharrows and trails.
- Some areas designated for sharrows may instead be suitable for bike lanes, depending on street width. Two examples are Park Ave. between Greenwood and Albert Pike and Burrough Road.

Cost Estimate

- Attached is an analysis of the estimated costs. There can be wide variation in costs, based on materials used, cost of right-of-way, and other factors, so a range of costs is shown.

Drew Linder, Chair
Trails and Greenways Committee

Total Projected Cost

	BOD	Median	Mean
Trails	$10,500,000	$9,135,000	$16,839,900
Bike Lanes	556,500	187,887	279,657
Shared Marked Lane (Sharrow)	376,500	254,439	286,291
Total Projected Cost	**$11,433,000**	**$9,577,326**	**$17,405,848**

Cost Assumptions

	BOD	Median	Mean
Trails cost per mile	$300,000	$261,000	$481,140
Bikeway (Bike Lane) cost per mile	$265,000	$89,470	$133,170
Shared Marked Lane (Sharrow) cost per mile	$5,000	$3,379	$3,802

BOD = Board of Directors October Study Session packet (Trails = $300,000/mile, Bike Lanes = $190,000-$340,000/mile)

Costs for Pedestrian and Bicyclist Infrastructure Improvements
Authors: Max A. Bushell, Bryan W. Poole, Charles V. Zegeer, Daniel A. Rodriguez
UNC Highway Safety Research Center, prepared for the Federal Highway Administration, October, 2013

	Median	Mean	Low	High	Unit
Paved Trail	$261,000	$481,140	$64,710	$4,288,520	Mile
Bike Lane	$89,470	$133,170	$5,360	$38,680	Mile
Shared Marked Lane (Sharrow)	$160	$180	$22	$600	Each
Sharrows using 1 every 250 feet	$3,379	$3,802	$465	$12,672	Mile

Trails

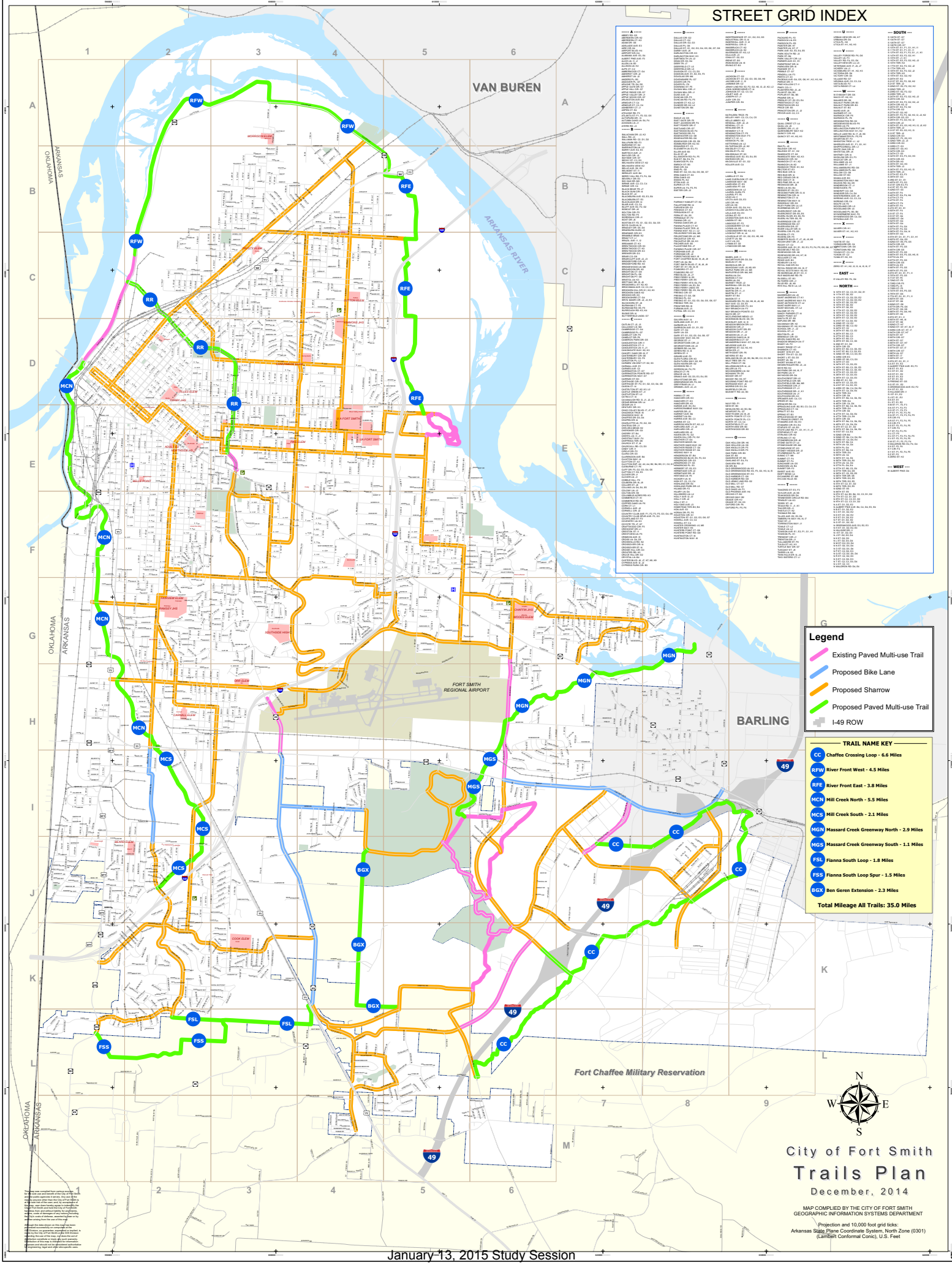
Trail Name	Length	BOD	Median	Mean	Comments
Riverfront East	3.80	$1,140,000	$991,800	$1,828,332	FS Park to Grand Ave/Sunnymede Trail
Riverfront West	4.50	1,350,000	1,174,500	2,165,130	Pave Rice-Carden & extend to FS Park
Mill Creek North	5.50	1,650,000	1,435,500	2,646,270	Downtown to Zero
Mill Creek South	2.10	630,000	548,100	1,010,394	Zero to Jenny Lind
Massard Greenway North	2.90	870,000	756,900	1,395,306	Connect existing Massard to Springhill Park
Massard Greenway South	1.10	330,000	287,100	529,254	Connect existing Massard to Ben Geren
Fianna South Loop	1.80	540,000	469,800	866,052	Jenny Lind to US 71
Fianna South Loop Spur	1.50	450,000	391,500	721,710	To Ark 253
Chaffee Crossing Loop	6.60	1,980,000	1,722,600	3,175,524	Chaffee Crossing Master Plan
Ben Geren/Rye Hill	2.30	690,000	600,300	1,106,622	
Old Railroad Trail	2.90	870,000	756,900	1,395,306	Delayed due to Maybranch Drainage Project
TOTAL	**35.00**	**$10,500,000**	**$9,135,000**	**$16,839,900**	

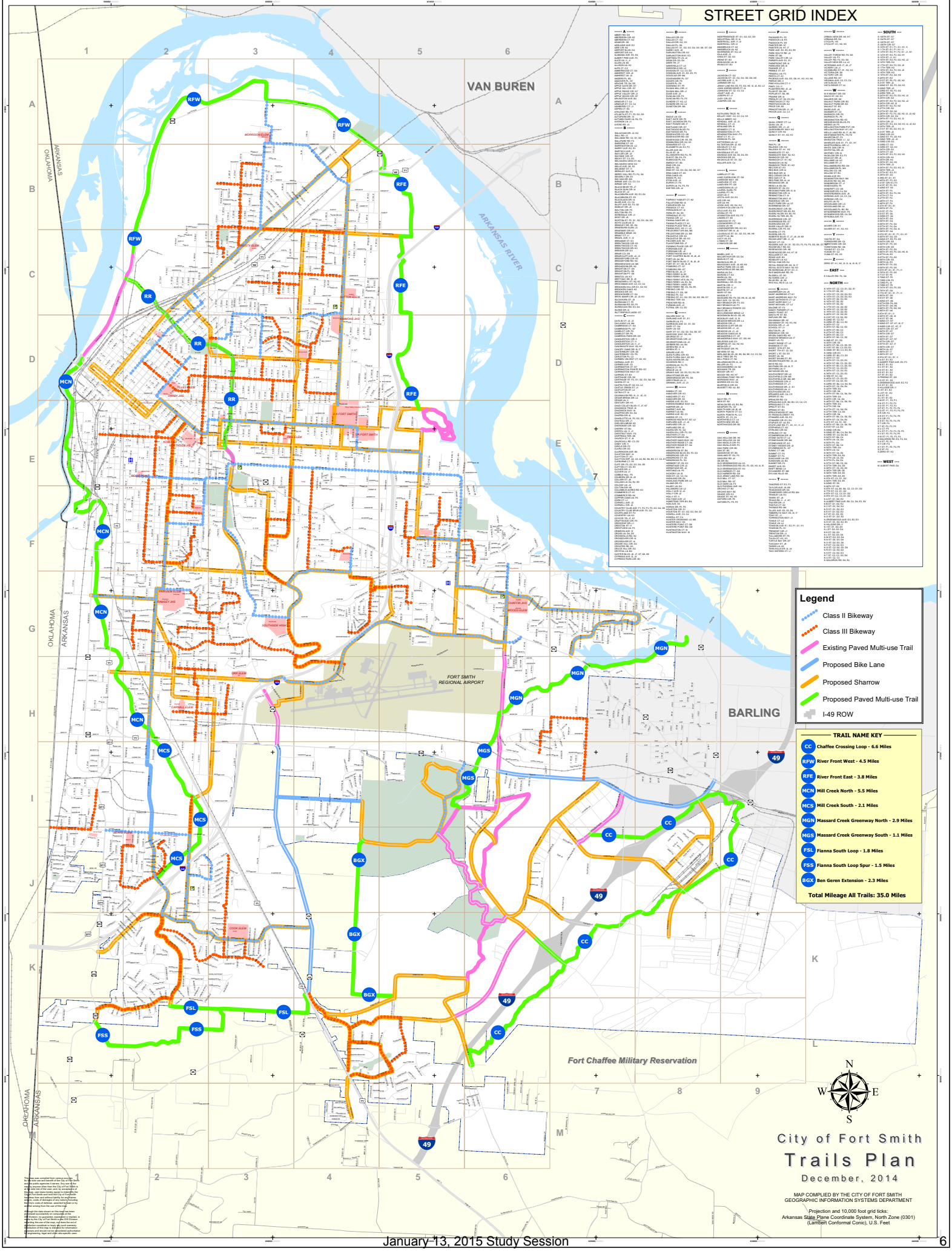
Bike Lanes

Name	Length	BOD	Median	Mean	Comments
Geren Road	1.00	$265,000	$89,470	$133,170	Connect Ben Geren Park to Hwy 45
Jenny Lind	1.10	291,500	98,417	146,487	Zero to Cavanaugh
TOTAL	**2.10**	**$556,500**	**$187,887**	**$279,657**	

Sharrows

Name	Length	BOD	Median	Mean	Comments
UAFS - Downtown "Blue Lion Trail"	4.60	$23,000	$15,543	$17,489	Connect UAFS to Blue Lion
UAFS - Sunnymeade Trail Loop	2.60	13,000	8,785	9,885	Park, 66th, Grand
Kinkead - UAFS to Lecta	1.50	7,500	5,069	5,703	
Phoenix East - Savannah	3.30	16,500	11,151	12,547	Connect from Massard to Hwy 45 South
Phoenix West - Mill Creek	2.20	11,000	7,434	8,364	Connect to Mill Creek Trail
Burrough Rd./Brooken Hill	2.90	14,500	9,799	11,026	Hwy 45 to Hwy 253
Dallas/Meandering Way	3.30	16,500	11,151	12,547	74th to Rogers
Massard North to Phoenix	0.60	3,000	2,027	2,281	Dallas to Phoenix
Jenny Lind North - 21st Street	3.90	19,500	13,178	14,828	Mill Creek to Dallas then 21st St. to N. "E"
Albert Pike	2.50	12,500	8,448	9,505	Hendricks to Spradling
Spradling	3.80	19,000	12,840	14,448	North 6th to East Riverfront Trail
North 6th Street	4.10	20,500	13,854	15,588	FS River Park to Downtown (North "B")
74th/Euper/66th	3.40	17,000	11,489	12,927	From Dallas to Park using 74th/Euper/66th
Jenny Lind South	3.10	15,500	10,475	11,786	
S 28th/S 31st/Old Jenny Lind	4.20	21,000	14,192	15,968	
Rye Hill/Steep Hill	6.30	31,500	21,288	23,953	
Old Greenwood	1.30	6,500	4,393	4,943	Rogers to Country Club
Country Club/East Valley	3.70	18,500	12,502	14,067	
Hendricks/Wicklow/S M	1.40	7,000	4,731	5,323	
Leigh/Cliff/Valley	2.10	10,500	7,096	7,984	
N 50th	2.90	14,500	9,799	11,026	UAFS to N 6th
N O	2.30	11,500	7,772	8,745	N 50th to N 6th
Ben Geren Loop	3.10	15,500	10,475	11,786	
Chaffee Crossing	6.20	31,000	20,950	23,572	
TOTAL	**75.30**	**$376,500**	**$254,439**	**$286,291**	


STREET GRID INDEX
VAN BUREN
ARKANSAS RIVER
FORT SMITH REGIONAL AIRPORT
BARLING
Fort Chaffee Military Reservation
ARKANSAS
OKLAHOMA
Legend
Existing Paved Multi-use Trail
Proposed Bike Lane
Proposed Sharrow
Proposed Paved Multi-use Trail
I-49 ROW
TRAIL NAME KEY
CC Chaffee Crossing Loop - 6.6 Miles
RFW River Front West - 4.5 Miles
RFE River Front East - 3.8 Miles
MCN Mill Creek North - 5.5 Miles
MCS Mill Creek South - 2.1 Miles
MGN Massard Creek Greenway North - 2.9 Miles
MGS Massard Creek Greenway South - 1.1 Miles
FSL Fianna South Loop - 1.8 Miles
FSS Fianna South Loop Spur - 1.5 Miles
BGX Ben Geren Extension - 2.3 Miles
Total Mileage All Trails: 35.0 Miles
City of Fort Smith
Trails Plan
December, 2014
MAP COMPILED BY THE CITY OF FORT SMITH
GEOGRAPHIC INFORMATION SYSTEMS DEPARTMENT
Projection and 10,000 foot grid ticks:
Arkansas State Plane Coordinate System, North Zone (0301)
(Lambert Conformal Conic), U.S. Feet


STREET GRID INDEX
VAN BUREN
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FORT SMITH REGIONAL AIRPORT
BARLING
Fort Chaffee Military Reservation
OKLAHOMA
ARKANSAS
Legend
Class II Bikeway
Class III Bikeway
Existing Paved Multi-use Trail
Proposed Bike Lane
Proposed Sharrow
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I-49 ROW
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Arkansas State Plane Coordinate System, North Zone (0301)
(Lambert Conformal Conic), U.S. Feet

2

MEMORANDUM

December 30, 2014

TO: Mayor and Board of Directors

FROM : Ray Gosack, City Administrator

SUBJECT: Street Sales Tax

At the October 28th study session, the board discussed renewal of the street sales tax. The staff report from that study session is attached.

During the discussion, the board determined to ask voters to renew the tax. The board also discussed asking voters if 2 additional uses could be added to the currently-authorized uses of streets, bridges, and associated drainage. The 2 additional uses are:

1) *10% of the revenue for trails and bikeways.*

2) *10% of the revenue for police and fire pension funding obligations.*

The trails and bikeways uses would support several comprehensive plan goals listed on the attached page.

Currently, 100% of the revenue is used for streets, bridges, and associated drainage. The engineering dept. staff has prepared an updated worksheet which shows the effect on street and drainage projects if additional uses of the revenue are approved. The revenue re-allocation would impact street overlays and reconstruction, major street improvements, major drainage basin improvements, and projects that support economic development. The reduction in projects affects the pace at which the city addresses comprehensive plan goals pertaining to roadway transportation and stormwater management.

ELECTION

Voters would first determine if the tax is re-authorized for its existing uses of streets, bridges, and associated drainage. If the tax is re-authorized, voters may then authorize or reject either or both of the additional uses. All three questions – renewal of the tax and the 2 additional uses – can be posed on the same election ballot.

Attached is a draft ordinance which calls for the election based on the October study session discussion. The election date would be May 12th. The draft ordinance can be modified as the board desires.

Our plan for the special election is to utilize all 21 polling locations in Fort Smith and to offer paper ballots. The estimated election cost is $35,000. We can consider less-costly election alternatives (fewer polling locations, limited use of paper ballots) if the board desires.

Please let me know if there's any questions or a need for more information.

Attachments

COMPREHENSIVE PLAN GOALS SUPPORTED BY TRAILS AND BIKEWAYS

- Encourage physical activity (FLU-1.5)
- Develop pedestrian and bicycle activities along Riverfront Dr. (FLU-2.2)
- Improve accessibility of downtown (FLU 3.2)
- Provide convenient, safe connections between neighborhoods and important destinations (HN-1.7)
- Integrate safe pedestrian and bicycle travel into the transportation network (TI-1.5)
- Improve physical connections between and within neighborhoods through bike lanes and trails (TI-1.6)
- Reduce traffic congestion by including alternate travel means (TI-1.7)
- Encourage implementation of bike plan (TI-3.1)
- Connect new development through bike and pedestrian paths (TI-3.3)
- Develop greenways and trails that serve to connect the city (NCR-1.4)
- Increase the use of parks, open space and recreational programming to improve the health of Fort Smith residents (NCR-4.1)

CITY OF FORT SMITH

Five-Year Capital Improvement Program for Streets, Bridges and Drainage (2015-2019)

12/18/14

		2014	2015	2016	2016	2016	2017	2017	2017	2018	2018	2018	2019	2019	2019
					10% reduction	20% reduction		10% reduction	20% reduction		10% reduction	20% reduction		10% reduction	20% reduction
	Beginning Balance	22,222,477	24,939,731	12,021,846	12,021,846	12,021,846	6,023,602	5,001,978	5,059,586	3,607,697	1,518,858	1,300,056	2,849,908	2,654,728	2,123,945
	Current Year Revenues														
	Sales Tax	19,744,052	19,941,493	20,190,761	18,171,685	16,152,609	20,594,576	18,535,119	16,475,661	21,006,468	18,905,821	16,805,174	21,426,597	19,283,938	17,141,278
	Grants/Other Participation	248,341	5,190,641	3,050,000	3,050,000	3,050,000	0	0	0	0	0	0	0	0	0
	Interest	82,000	79,229	37,395	34,847	34,991	24,018	16,261	15,859	16,104	10,408	8,539	7,502	7,169	6,172
	Total - Current Year Revenues	20,074,393	25,211,363	23,278,156	21,256,533	19,237,600	20,618,595	18,551,380	16,491,521	21,022,572	18,916,229	16,813,713	21,434,099	19,291,107	17,147,449
	Total Funds Available	**42,296,870**	**50,151,094**	**35,300,002**	**33,278,378**	**31,259,446**	**26,642,197**	**23,553,358**	**21,551,106**	**24,630,268**	**20,435,088**	**18,113,769**	**24,284,008**	**21,945,835**	**19,271,395**
1	Street Overlays & Reconstruction	5,051,513	11,265,534	6,000,000	5,500,000	5,000,000	6,000,000	5,500,000	5,000,000	6,000,000	5,500,000	5,000,000	5,800,000	5,300,000	4,800,000
2	Neighborhood Drainage Improvements	3,586,473	7,082,595	3,330,000	3,330,000	3,330,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
3	Town Branch / Carnall Drainage	214,331	2,300,000	0	0	0	0	0	0	0	0	0	200,000	0	0
4	May Branch Outfall Culvert Replacement	1,523,285	0	0	0	0	0	0	0	0	0	0	0	0	0
5	North B Truck Route	35,877	760,000	1,000,000	1,000,000	1,000,000	0	0	0	0	0	0	0	0	0
6	Intersection and Signal Improvements	271,729	945,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000
7	Spradling Extension at Riverfront Drive	5,000	1,700,000	0	0	0	0	0	0	0	0	0	0	0	0
8	Kelley Highway Extension to Riverfront Drive	0	490,000	500,000	0	0	500,000	0	0	4,000,000	500,000	500,000	3,000,000	1,500,000	500,000
9	Jenny Lind Road - Zero to Cavanaugh	1,132,877	3,533,119	8,000,000	8,000,000	8,000,000	9,025,000	9,025,000	9,025,000	0	0	0	0	0	0
10	Geren Road Reconstruction	79,919	1,000,000	5,000,000	5,000,000	5,000,000	0	0	0	0	0	0	0	0	0
11	Zero Street (Hwy 255)	0	0	0	0	0	800,000	800,000	800,000	0	0	0	4,000,000	4,000,000	4,000,000
12	May Branch Drainage Project	0	300,000	800,000	800,000	0	1,000,000	1,000,000	500,000	6,000,000	6,000,000	5,500,000	5,000,000	5,000,000	4,500,000
13	Railroad Crossing Panels	24,600	180,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
14	Levee Certification & Repair	1,382,736	0	6,000	6,000	6,000	0	0	0	0	0	0	0	0	0
15	Streetscape - Towson Avenue	635,000	0	0	0	0	0	0	0	0	0	0	0	0	0
16	Overlays/Drainage by Street Department	190,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
17	Aerial Mapping	182,989	0	0	0	0	0	0	0	0	0	0	0	0	0
18	Traffic Studies	9,500	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
19	Evaluation of Priorities from Board Retreat	29,200	25,000	0	0	0	0	0	0	0	0	0	0	0	0
20	FCRA Development	202,168	4,325,000	1,000,000	1,000,000	500,000	1,000,000	1,000,000	500,000	1,000,000	1,000,000	500,000	1,000,000	1,000,000	500,000
21	FSHA - Street & Drainage	0	1,100,000	0	0	0	0	0	0	0	0	0	0	0	0
22	Hwy 45 widening south of Zero	0	0	0	0	0	0	0	0	0	0	0	200,000	0	0
23	Engineering Dept. and Other Depts.	2,632,200	2,698,000	2,765,400	2,765,400	2,488,860	2,834,500	2,834,500	2,551,050	2,905,360	2,905,360	2,614,824	3,050,620	3,050,620	2,745,558
24	Contingency	167,742	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
	TOTAL	**17,357,139**	**38,129,248**	**29,276,400**	**28,276,400**	**26,199,860**	**23,034,500**	**22,034,500**	**20,251,050**	**21,780,360**	**17,780,360**	**15,989,824**	**24,125,620**	**21,725,620**	**18,920,558**
	Ending Balance	**24,939,731**	**12,021,846**	**6,023,602**	**5,001,978**	**5,059,586**	**3,607,697**	**1,518,858**	**1,300,056**	**2,849,908**	**2,654,728**	**2,123,945**	**158,388**	**220,215**	**350,837**

Grants/Other Participation

Jenny Lind Road - Zero to Cavanaugh	39,249	3,200,000	3,050,000	3,050,000	3,050,000	0	0	0	0	0	0	0	0	0
Streetscape - Towson	79,359	190,641	0	0	0	0	0	0	0	0	0	0	0	0
FCRA	129,733	1,800,000	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	**248,341**	**5,190,641**	**3,050,000**	**3,050,000**	**3,050,000**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

DRAFT

ORDINANCE NO. _____

AN ORDINANCE CALLING FOR A SPECIAL ELECTION REGARDING THE CONTINUED EFFECTIVENESS OF FORT SMITH ORDINANCE NO. 72-85, WHICH PROVIDES FOR THE LOCAL ONE PERCENT SALES TAX FOR CITY STREETS, BRIDGES AND ASSOCIATED DRAINAGE, AND, IN THE EVENT OF CONTINUATION OF SAID SALES TAX, SEEKING VOTER APPROVAL FOR THE USE OF 10% OF THE SALES TAX FUNDS FOR TRAILS AND BIKEWAYS AND FOR THE USE OF 10% OF THE SALES TAX FUNDS FOR POLICE AND FIRE PENSION OBLIGATIONS; DESIGNATING A BALLOT TITLE FOR USE AT SUCH ELECTION; AND, FOR OTHER PURPOSES

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

SECTION 1: The question of the continued effectiveness of Fort Smith Ordinance No. 72-85, which levies a local sales (gross receipts) and use tax at the rate of one percent (1%) upon the receipts from sales at retail within the City of Fort Smith, the proceeds from which tax are designated for the use of City streets, bridges and associated drainage, shall be submitted to a vote of the electorate of Fort Smith, Arkansas, at a special election to be held on the 12th day of May, 2015. In addition to the question of the continued effectiveness of Fort Smith Ordinance No. 72-85, the question shall be submitted to a vote of the electorate of Fort Smith, Arkansas, should it approve the continued effectiveness of Fort Smith Ordinance No. 72-85, whether 10% of those sales tax funds may be used for trails and bikeways and, secondly, whether an additional 10% of the sales tax funds may be used for police and fire pension funding obligations. The City Clerk is hereby authorized and directed to give all necessary notices to the County Board of Election Commissioners and to all other persons of the calling of such election.

SECTION 2: The ballot presentation of the issues to be used in such election shall be

DRAFT

substantially in the following form:

Shall the Board of Directors continue the effectiveness of Fort Smith Ordinance No. 72-85, which levies a local sales (gross receipts) and use tax at the rate of one percent (1%) upon the receipt from the sale at retail within the City of Fort Smith of all items which are subject to taxation under the Arkansas Sales Tax Act (Arkansas Gross Receipts Tax Act of 1941, Act 386 of the 1941 Acts of Arkansas), as said Act has heretofore or may hereinafter be amended, provided that the maximum local sales (gross receipts) and use tax on any single item of sale or use shall continue to be in the tax sum of $25.00 which proceeds from such tax shall, subject to voter approval otherwise, continue to be designated for City streets, bridges and associated drainage?

Vote by placing an X in the square opposite your choice.

Question 1

FOR Continuation of a One Percent (1%) local Sales and Use Tax within the City for streets, bridges, and associated drainage . . . . . ☐

AGAINST Continuation of a One Percent (1%) local Sales and Use Tax within the City for streets, bridges, and associated drainage . . . . . ☐

Question 2

If the tax in Question 1 is approved, may Ten Percent (10%) of the revenue be used for trails and bikeways?

Yes . . . . . ☐

No . . . . . ☐

DRAFT

Question 3

If the tax in Question 1 is approved, may Ten Percent (10%) of the revenue be used for police and fire pension funding obligations?:

Yes ..... ☐

No ..... ☐

SECTION 3: The provisions of this Ordinance shall not be codified by the codifier of the City's ordinances.

This Ordinance adopted this ____ day of _____, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
Publish One Time

2

MEMORANDUM

October 24, 2014

TO: Mayor and Board of Directors

FROM : Ray Gosack, City Administrator

SUBJECT: Street Sales Tax

Next year, voters will be asked to renew Fort Smith's 1% sales tax for streets, bridges and associated drainage for a fourth 10-year period. The tax was first approved in 1985 and re-approved in 1995 and 2005.

The tax currently generates nearly $20 million per year in local revenue and has generated $418 million over the last 29 years. The local revenue has allowed the city to qualify for federal funds totaling $43.6 million. Major projects financed with the tax have included:

Waldron Rd.	Grand Ave.	Kelley Hwy.
Phoenix Ave.	Massard Rd.	Old Greenwood Rd.
Jenny Lind Rd.	Chad Colley Blvd.	

Mill Creek flood control project

The projects built with this revenue have stimulated private business investment, resulting in the creation of at least 2,300 jobs by companies including ArcBest, Graphic Packaging, Umarex, Mars PetCare, Phoenix Metals, Arkansas College of Osteopathic Medicine, and Wal Mart.

Upcoming major projects include:

Zero St. Highway 45 South
Kelley Hwy. extension Geren Rd.
Lower May Branch flood control improvements

In addition to these major projects, $48 million is expected to be invested in Fort Smith's neighborhoods with street overlays and drainage projects over the next 5 years.

RENEWAL OF SALES TAX

The sales tax for streets, bridges and associated drainage is presented to voters for renewal every 10 years. The next renewal election is tentatively planned for May 2015 in advance of the current expiration in October 2015.

The board has previously discussed asking voters to consider other possible uses for this tax revenue in addition to the current uses of streets, bridges and associated drainage. Possible additional uses have included sidewalks, trails and bikeways. A table which shows the amount of work that could be accomplished with various allocation scenarios for the possible additional uses is attached.

The city recently engaged citizens to determine interest in trails and bikeways. A summary is attached.

Other possible uses could include police and fire pension funding and General Fund services. General Fund uses could provide resources for pay adjustments and for vehicle replacements, which have been deferred for a number of years due to limited resources.

If the board wants to ask voters to consider additional uses, the questions about additional uses may be posed independently of the tax re-authorization. For example, the first question on the ballot could be:

- FOR or AGAINST renewal of the 1% sales tax for streets, bridges and associated drainage.

Subsequent questions could then be asked as follows:

- If the tax in Question 1 is approved, may up to __% of the revenue be used for public recreation trails?

- If the tax in Question 1 is approved, may up to __% of the revenue be used for bikeways located on streets?

- If the tax in Question 1 is approved, may up to __% of the revenue be used for repair and construction of public sidewalks?

- If the tax in Question 1 is approved, may up to __% of the revenue be used for police and fire pension funding obligations?

With this approach, voters first determine if the tax will continue for its current uses (streets, bridges, and associated drainage). If the tax is continued, voters then determine whether or not each additional use is permitted. Each proposed additional use is decided independently of the other proposed additional uses. This approach gives voters the greatest flexibility to determine which uses are allowed.

CONCLUSION

The 1% sales tax for streets, bridges and associated drainage has helped Fort Smith prosper for the last 3 decades. Neighborhoods have been improved, jobs have been created, traffic safety and convenience have been enhanced, and flooding has been alleviated. Renewal of the tax, with possible additional uses, will be important for Fort Smith to continue meeting residents' and business' expectations for a thriving community.

Attachments

POSSIBLE ADDITIONAL USES

USE	*ALLOCATION*	*ANNUAL REVENUE*	*ANNUAL OUTCOME*
Trails	3%	$600,000	2.0 miles
	5%	$1,000,000	3.3 miles
	7%	$1,400,000	4.7 miles
	10%	$2,000,000	6.7 miles
Bikeways	3%	$600,000	1.8 - 3.1 miles
	5%	$1,000,000	2.9 - 5.3 miles
	7%	$1,400,000	4.1 - 7.4 miles
	10%	$2,000,000	5.9 - 10.5 miles
Sidewalks	3%	$600,000	2.7 miles
	5%	$1,000,000	4.5 miles
	7%	$1,400,000	6.4 miles
	10%	$2,000,000	9.1 miles

Trails	$300,000/mile
Bikeways	$190,000 - $340,000/mile
Sidewalks	$220,000/mile

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

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

DATE: October 6, 2014

SUBJECT: Bike Lane & Bikeway/Multi-Use Trail Public Meetings

Two public meetings were recently held to gather citizen input about the City's Bikeway Plan and the Trails and Greenways Plan. There were two types of input collected at these meetings. One was the public's desire for bike lanes that are constructed as part of the street. The other was the public's desire for separate bikeway/multi-use trails which are constructed away from the street. A copy of the exhibit from the meetings which shows the two different types of bicycle facilities is attached.

A public meeting notice announcing the two meetings was issued on September 19. The first meeting was held at the Elm Grove Community Center at Martin Luther King Park on Tuesday, September 25. The second meeting was held at the Creekmore Park Community Center on Thursday, September 30. Both meetings were from 4:30 p.m. to 6:30 p.m. and the format was open house allowing citizens to arrive and leave at their convenience. Thirty two people attended the first meeting and fifty nine people attended the second meeting. Sixteen people also provided comments by email.

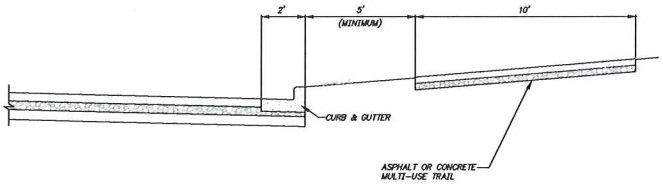
Questionnaires and comment forms were provided which asked the preferred type of bicycle facility. A summary of the total responses received at both meetings and by email is below.

Preferred Type of Bikeway	Number of Responses
Bike lanes which are constructed as part of the street	5
Separate bikeway / multi-use trails which are constructed away from the street	25
Both	51

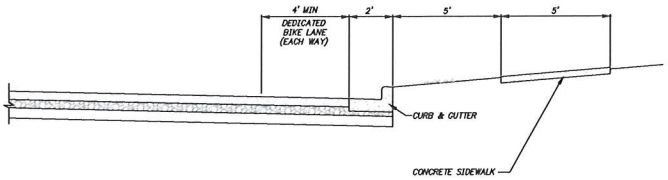
There were also two comments received by email that did not support any bikeways or lanes. Copies of the sign-in sheets and the responses/comments received at each meeting and by email are attached.

Enclosures

MULTI-USE TRAIL
CLASS I BIKEWAY
($125,000 PER MILE)



BIKE LANE
CLASS II BIKEWAY
($190,000-$340,000 PER MILE)



MULTI - USE TRAIL AND BIKE LANE OPTIONS

Public Meeting Questionnaire Responses

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014

Bike lanes which are constructed as part of the street	3
Separate bikeway / multi-use trails which are constructed away from the street	4
Both	23

Location: Creekmore Park Community Center
Date: Thursday, September 30, 2014

Bike lanes which are constructed as part of the street	1
Separate bikeway / multi-use trails which are constructed away from the street	11
Both	25

Location: Email responses
Date: Tuesday, September 23, 2014 thru October 3, 2014

Bike lanes which are constructed as part of the street	1
Separate bikeway / multi-use trails which are constructed away from the street	10
Both	3
None	2

Sign In / Comment Sheets from the Bikeway Plan and the Trails and Greenways Plan Meeting at Elm Grove Community Center Thursday, September 25, 2014

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

NAME	ADDRESS	PHONE
Jim Medley	2200 Carthage Dr Ft Smith, AR	785.4607
Rod Jones	6410 So. Q ST	461-7165
BLAKE PEACOCK	HWEI	479-474-1227
Sherry Tolliver	3201 S 93rd Cir	479-434-4854
Nancy Raney	Adam Cir 72903	479 452 5170
Daniel Maher	504 N. 19th	479 462 7872
JASON GREEN	1110 S 74TH ST	479 221 0799
TADD STEWART	3300 Fincath Cir	870-918-9298
Maggie Mahoney	3806 N. Mt. Grove Alma, AR 72921	479-629-4764
Chris Griffin	2507 Collumeh Alma, Ar 72921	479-430-8465
ADRIENNE HANNA	1800 ST. FRANCIS CREST FT. SMITH, AR 72903	479-651-3533
Mitch Minnick	10409 Jenny Lind Rd. Ft Smith, AR 72908	479-650-6704
DEBBIE SCOTT	77 GOODWIN PARIS, ARK	(479) 209-5366 452-6011

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

NAME	ADDRESS	PHONE
Russell Gibson	5921 Gordon Ln, FSM	479-926-1172
Bobby Aldridge	3004 Briar Cove Ft. Smith AR 72903	479-414-1013
Kevin Crawford	5002 E. Valley Rd. F.S. 72903	883-0863
John Hiatt	5704 S Enid 72903	001-351-7556
[illegible]	929 Armistead Rd 72916	479-648-1551
Deborah Aurelia	4702 E Hwy 45 Ft Smith 72916	479-926-7117
Carl Norris	6122 So. 66th #2 Ft Smith AR 72903	479-461-2321
Courtney Gains		479-806-2535
Jim Henry	2305 Transgate Way Ft Smith AR	479-461-3211
Cathy Henry	2305 Ransgate Way Fort Smith, AR 72908	479-461-3211
Mary D Anders	10909 Brant Court Fort Smith, AR 72908	479-648-3238
DREW LINDER		
EUGENE KERSH	9704 KINGSLEY PL. F.S. AR, 72908	479-461-7965

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

NAME	ADDRESS	PHONE
Casey Millsapugh	1307 Willow Brooke	8176264104
Bill Hanna	1800 St. Francis Cir	651-2194
Nicholas Huisman	408 Apple Valley Dr	479-461-0184
Rick Anders	10909 Brant Ct	479.648.3238
John Mondell	111 Cobb Cove	479-719-0702
David Thames	1433 N 37th 72904	479.283-9999

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☒	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☒	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

I WOULD SUPPORT SHARROWS ON THE ROAD AND I ALSO WOULD SUPPORT DEDICATING A PORTION OF THE STREET SPACE TAX. I ENVISION BEING ABLE TO CONTINUOUSLY TRAVEL ON TRAILS THAT CONNECT THE ENTIRE CITY

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	Bike lanes which are constructed as part of the street.
☒	Separate bikeway / multi-use trails which are constructed away from the street.
☐	Both.

Comments:

Although an avid, competitive cyclist, the community as a whole would benefit MOST from multi-use trails where safety is maximized and all people could use without fear of danger.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

Both will be used- seperate just seams safer and will be used by more people.

multi-use works well

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments: Where land is available multi use. cycling, walking, RUNNING.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

TRAFFIC IN FS doesn't favor bike riders.
Need as many Separate bike ways as possible.

When will sidewalks be completed on Rogers Ave?
(especially at the 540 stretch.)

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☑	**Both.**

Comments:

Phoenix Ave from Old Greenwood Road to Massard.
There is an existing sidewalk on Phoenix, but it
is rough in spots and you have to cross the road
at the burned down apts. It would be ideal if
phoenix had an asphault path laid over the sidewalk
and connected to Massard. It's a main throughfare
that could link up several parts of town.

Also, hwy 45 from Zero to 71, I dont know what
can be done there, but maybe a good clear shoulder.
Thanks!

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

I would like to see the (New) bikepath from Old Greenwood Rd to Zero extend down Zero to Connect to Massard and provide safe access to the New Waterpark. It would be awsome to ride fom Downtown OR midSouth side of town to the Waterpark and Ben Geren Bike Trails. I would prefer that it were a seperate bikepath from the Traffic Road!

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	Bike lanes which are constructed as part of the street.
☐	Separate bikeway / multi-use trails which are constructed away from the street.
☑	Both.

Comments: I would just need trails for exercise but some people may seriously use their bike instead of vehicles & that's where the ones with the streets would be used most.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

Creating trails/pathways which are contiguous is important. Trails which don't connect offer limited usefulness.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

Connectivity is the most important thing to keep in mind. I want to be able to travel from one side of town to the other.

stay fit stay green

817

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments: Ft Smith has the 6th most health of any SMSA in the US. One of highest obesity rates in the US. The city has to do things to get people moving. Efforts to date have been very little. This will hold the city back in terms of attracting business professionals, etc.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
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☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

BIKE AWARENESS ~~OF~~ ON ROADWAYS.

BIKEWAY IS GREAT IF UTILIZED, BUT HAVE TO BE ON AREAS THAT ARE ACTIVE, NOT HAVING TO FIGHT TRAFFIC TO GET TO.

NEED TO UTILIZE WHAT WE HAVE, & EXPAND TO GIVE PEOPLE AN AREA TO DO LONGER/DIFFERENT TERRAIN.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

Connect S. Fort Smith to Ben Geren

To Chaffee Crossing.

Access to Creekmore

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☑	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☑	**Both.**

Comments:

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

We really need the trails to connect with each other. Thank you for what we have so far! Long, safe trails would boost our economy ~~and~~ by attracting large employers who need to keep their employees happy. Bike trails improve our city's sense of place

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	Bike lanes which are constructed as part of the street.
☐	Separate bikeway / multi-use trails which are constructed away from the street.
☒	Both.

Comments:

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☑	**Both.**

Comments:

- Mix + Match types of bikeway to maximize connections + routes
- close roads if necessary –
- I'm in favor of as much trail as possible
- Get Ride share bikes to encourage new riders

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

Any trail that is constructed for bike or walking will be used.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☑	**Both.**

Comments:

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	Bike lanes which are constructed as part of the street.
☐	Separate bikeway / multi-use trails which are constructed away from the street.
☑	Both.

Comments:

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

I understand it costs much more to widen the Roads + add bicycle lanes. However, I think we need to figure out how to make this possible.

I love the multi-use trail, its great for runners, walkers, skateboarders + family cyclists However, the avid cyclist really needs ~~paths that don't~~ paths that travel fast + are unencumbered by slow walkers + families

~~I don't think you can have just multi use~~ - They need to ~~attach~~ to keep going. Not just stop in the middle of nowhere. If there is No land Then use the street.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

It's more realistic to have both due to connectivity.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

Build whichever is most economical and less negative impact on existing structures.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

I feel a seperate bikeway is preferred for safety purposes, but it is more expensive and sometimes space limited so ~~only a seperate bikeway~~ a bike lane is better than nothing (much better)! I would like to see something done on Rogers Ave.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Elm Grove Community Center
Date: Thursday, September 25, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
Preferred ☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.** Will need these to connect trails in certain areas.

Comments:

Would love to see more Separate bikeway / multi use trails to encourage more bikers, families and walkers. Fort Smith needs to encourage more family fitness options that are inexpensive like walking & biking. Would great to connect parks.

Sign In / Comment Sheets from the Bikeway Plan and the Trails and Greenways Plan Meeting at Creekmore Community Center Tuesday, September 30, 2014

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Creekmore Park Community Center
Date: Tuesday, September 30, 2014
Time: 4:30 p.m. – 6:30 p.m.

NAME	ADDRESS	PHONE
Linda Geraghty	2700 Ramsgate Way	462-8777
Keith Geraghty	"	431-9383
Michael Johns	3 Laurel Glen	414-6132
Clarke Nalf	4510 W Hwy 10 Greenwood	AR 461 4054
Cary Burden	330 650 LOTTI.	651-7304
Bob Robinson		
Nancy Raney		
Bentley Rhodes	1500 So Albert Pike	883-1177
DREW LINDER	7100 RIVIERA DR	452-3785
Debbie Starkey	1109 Adelaide	479-462-2183
Todd Yoder	2801 Kirkead	
Jan Beauchamp	7001 Hestand	479-651-2420
Jim Medley	2200 Carthage Dr, Ft Smith AR 72901	785-4607

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Creekmore Park Community Center
Date: Tuesday, September 30, 2014
Time: 4:30 p.m. – 6:30 p.m.

NAME	ADDRESS	PHONE
Joan Ulmer	Forest Wood Way	494-8260
Donald Ulmer	Forest Wood Way	494 8260
JIM BROWN	VAN BUREN AR	479-420-3936
DUFF TAYLOR	5701 FREE FERRY #41	479-806-2827
(2) Dakie & Brenda DeMoss	1134 N. Waldron Rd	479-217-1642
Janet Gilker	9013 Canterbury Cove	
Mitch Minnick	10409 Jenny Lind Rd	479-650-6704
Terri Hargrove	8000 Cypress Ave	—
Bill Stuckey	1109 Adelaide	479-462-2182
Lynn Crawford	5202 E. Valley	479-782-5230
Diane Holwick	19 Haven Drive	479-883-3508
Matt Sobolewski	508 Aletha Dr.	479-806-1181
Jennifer Walker	2112 S. R. St. FTSm.	202-701-9236

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Creekmore Park Community Center
Date: Tuesday, September 30, 2014
Time: 4:30 p.m. – 6:30 p.m.

NAME	ADDRESS	PHONE
Casey Millspaugh	1307 Villa Brooke Cir.	870 764 1164
Ray Gosack		
Sharon Jackson		479-651-7133
Shannon Schmidt	6900 Highland Park Dr Fsm 72916	452-4000
Phil Binder	2900 Dallas Dr. Fort Smith, AR 72901	763-1183
Steve Porter	1101 North 45 FSM AR 72904	479-353-4222
Elizabeth Kimble	802 S 23	420.3250
DAVID THAMES	Fort Smith	(479) 722-9759
ROBERT SIMMONS	FORT SMITH	479 462-9157
R. J. Thornton	8111 Ave Madeline Ln. Fort Smith	479-871-6272
Steve Haney	8601 Canopy Oaks	4794617954
PAULA LINDER	7100 RIVIERA	452-3785
SUZANNE CLAYTON	3413 JOLIET	459-5527

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Creekmore Park Community Center
Date: Tuesday, September 30, 2014
Time: 4:30 p.m. – 6:30 p.m.

NAME	ADDRESS	PHONE
DAVID CROWELL	3715 DALLAS, FS	479-650-1300
Debbie Sobolewski	508 Aletha Dr. Grad	479-806-7936
Chad Hunter	TIMES RECORD	479-629-7785
Bryan Meers	2636 Enid Pl.	479-926-0423
KENNETH W. COWAN	3427 LOUISVILLE ST.	479-649-9582
Diane Morrison	901 S. 21st, FS	501-318-4446
Dave Shelly	115 N. 10th St #4 FSM	417 414 1497
[illegible]		
Madelina Marquette	7818 Valley Forge	479 414 6579
Janet Reese	1015 S 74th	479-285-0307
[illegible]	1015 South 74	479-285-0306

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

Location: Creekmore Park Community Center
Date: Tuesday, September 30, 2014
Time: 4:30 p.m. – 6:30 p.m.

NAME	ADDRESS	PHONE
Randy McIntosh	2016 S. 71st street Ft Smith 72903	479-650-BIKE
Nancy Pollan	3534 So. 34th Ft Smith	479-806-2602
Rob Pollan	" "	479-806-2617
Bob FALKNER	501 N. 5th	479-304-1104
MIKE BUSKKUHL	3201 SO 94 CIR FORT SMITH AR 72903	479-226-2334
Bob Hall	9804 Turtle Bay	479-651-4044
Christopher Greer	7 Windtraven Dr. FS	479.629.1245
Scott Fallon	38 Ferndale	479-414-3796

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Creekmore Park Community Center
Date: Tuesday, September 30, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☒	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

Bike Lanes are the most preferred form of infrastructure.

Michael Johns

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

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Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

For tourism and general family use I prefer the multi-use that has a good combination of park, open areas and retail (restaurants / coffee shops, etc).

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

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	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

The cost of bike lanes as part of the street would be great, but are to costly. The bikeway could bring in tourists from all over for triathalons and other events. This would support the existing bike shops and promote other tourism

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

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	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

POST SIGNS TO PROHIBIT MOTORCYCLES AND UNLEASHED DOGS

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Creekmore Park Community Center
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	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

CHEAPER AND SAFER

TRAILS

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Creekmore Park Community Center
Date: Tuesday, September 30, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☑	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

bike trails & sharrows most cost effective

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

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	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

Because of the cost - if the separate bikeway was of lesser $'s then yes I'm - but let's look at the economic impact if we look at this - long run - have triathlons/duathlons - support our bike shops - out of state/in state - triathlons - these bring $ & numbers for

OVER

the city - motels - restaurants etc - so that's big - beyond just a bike trail - whether separate or other wise - tri & duo - make use of our swimming pools and parks. These are important considerations.

Jackie Dennis
317 437-5018

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Creekmore Park Community Center
Date: Tuesday, September 30, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

* Connect paths to schools + other common locations that all ages would benefit.

* Lights where possible to enjoy year round + for safety.

* locations that can be viewed + patrolled for safety.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

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	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

CONCERNED THAT BIKE LANES CONSTRUCTED AS PART OF THE STREET INCREASES THE CHANCES OF BIKE/CAR COLLISIONS. CARS TURNING RIGHT ACROSS A BIKE PATH ARE VERY DANGEROUS.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Creekmore Park Community Center
Date: Tuesday, September 30, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.** — for short distances, as needed to connect the trails -

Comments:

I hope we can connect existing trails - + let some wander near restaurants, other attractions, where folks might want to stop.

The (bike trail) Signs on Leigh Ave (off Cliff Dr.) should be taken down. Very small (almost non-existent) shoulders & curves & drop off. It's embarrassing.

Excited to see Ft. Smith trying to develop more bike trails! Thanks - (we go to Fay. just to enjoy theirs)

PUBLIC MEETING

Bikeway Plan and the
Trails and Greenways Plan

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Date: Tuesday, September 30, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.** Use streets where needed to connect trails

Comments:

Fort Smith is 30 years behind other metro areas in other parts of the county. Quality of life infrastructure is important and has value. People will move here and people will stay here if we can improve in this critical quality-of-life area.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

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	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☑	**Separate bikeway / multi-use trails which are constructed away from the street.**
☐	**Both.**

Comments:

I would like to see some sidewalk bike trails alongside some major streets like Old Greenwood, Phoenix Ave, Wheeler, ect.. What bike paths you do put in need to be connected. If you want to see how do do it right - check out Lincoln, NE.

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

Location: Creekmore Park Community Center
Date: Tuesday, September 30, 2014
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	Preferred Type of Bikeway
☐ (1)	**Bike lanes which are constructed as part of the street.**
☐ (2)	**Separate bikeway / multi-use trails which are constructed away from the street.**
☑	**Both.**

Comments:

PREFER BIKE LANES WHERE APPROPRIATE.

POSSIBLY SHARRWAYS, NEED TO GET TO DIFFERENT AREAS.

→ WOULD REALLY LIKE SOMETHING TO REPLACE CHAFFEE. LIKE A 10-MILE LOOP WE COULD RIDE FAST AND REGROUP AWAY FROM TRAFFIC.

COULD ALSO HOLD RACES, BUT MOSTLY FOR RECREATIONAL RIDERS. NEW RIDERS SOMETIMES DON'T NEED TO BE ON ROAD.

PUBLIC MEETING

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	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.** + sharrows

Comments:

These should not be a ~~separate~~ seperate plans in different departments they should compliment one another. Retrofit existing streets, narrow lanes + include bike lanes, especially in neighborhoods. Bikeways should connect to trails and allow for bicycles to be used as a mode of transportation.

PUBLIC MEETING

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☐	Separate bikeway / multi-use trails which are constructed away from the street.
☒	Both.

Comments:

PUBLIC MEETING

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☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

Recreational + Commuting Cyclist will tend to use trails but are just as happy with continuous sidewalks. Rogers Ave sidewalks are ridiculous as well as phoenix Ave. No sidewalk on Zero St. Avid cyclist are going to use the road. Bike lanes would be nice but sharrows painted on road would help inform general public at a lower cost. I find it hard to believe Chaffee crossing has not

employed bike lanes, as we have been riding out there for years.

Back to Trails ..... let's use Massard Rd for e.g. you have driveways across the trail with gravel up hill of the trail, so gravel washes on trails .... poor design and renders them useless to road bikes. Forethought will help in planning trails.

I still think continuous sidewalks + shavrows are the best answer + keep us cycling all over town and let everyone know we are a cycling community, which will attract younger folks and families to Fort Smith.

Steve Yancy

479-461-7954

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

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Date: Tuesday, September 30, 2014
Time: 4:30 p.m. – 6:30 p.m.

	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.** My 1st choice
☒	**Both.**

Comments:

Connectability is vital to any plan working!

Bike paths need to be rideable for adults & children.

Sharrows are an option on current

I Live downtown and there needs to be a way to start downtown and head out to Chaffee

PUBLIC MEETING

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☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

Whichever fits the road best, but the main goal has to be bikes as a valid, usable form of transport - I want to be able to get to work, get groceries & go home. Access to common biking routes outside of town would be excellent.

PUBLIC MEETING

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	Preferred Type of Bikeway
☒ 1	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

They need to connect

PUBLIC MEETING

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☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☑	**Both.**

Comments:

SHARROWS ARE NICE TOO

LOOK AT "IDAHO STOP LAWS"
(NEED TO RECOWGNIZE BIKE NEED LAW MODIFICATION)

PUBLIC MEETING

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☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

the bike lanes constructed by the state are wide + safe looking – otherwise separate bikeways are safert multi use.

PUBLIC MEETING

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☐	Separate bikeway / multi-use trails which are constructed away from the street.
☑	Both.

Comments:

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☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

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☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☑	**Both.**

Comments:

Very Happy to see this in the works!

PUBLIC MEETING

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	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☑	**Both.** At a minimum, I think the sharrows should be done.

Comments:

PUBLIC MEETING

Bikeway Plan and the Trails and Greenways Plan

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☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☑	**Both.** I think sharrows would increase the visibility of shared auto/cycle lanes as opposed to signs only.

Comments:

PUBLIC MEETING

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	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

Our City Planning Dept. needs flexibility to construct either. Whichever is cheaper and/or feasible. It's not practical to move a lot of homes and businesses.

PUBLIC MEETING

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	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☒	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.** where possible

Comments:

There are places along State highways that will not accommodate part of street – but easements along creeks would be great –
Runners & bikers have lost all the safe places to run and bike since Chaffee went public – the city/county needs to provide a replacement through requiring developers to make trails available when developing land in Chaffee – we need ability to ride/run anywhere in city (or walk) we need friendly trails like Ben Geren and the trails East of Massard – Don't delay, we are losing young and old people to places with amenities –

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☑	**Both.**

Comments:

Fort Smith needs multi-use trails for recreationists; walking, running, cycling, and bike lanes for more serious cyclists. In my opinion, signs are not effective in any way. This should be a priority for Fort Smith to make it a more livable city.
Thanks

PUBLIC MEETING

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☒	**Both.**

Comments:

I'd like to see a portion of the 1% street tax be available to both bike lane and multi-use trails – whichever is best for a given area. I'd also like to see the trails and greenways plan updated and the proposed trails be re-prioritized.

Trails that appear most important to me are (in no particular order) 7, 16, 11, 18

7 – builds on existing Old Railroad trail and connects to the Riverfront

16 – Allows access to large amounts of residents in Fianna Hills area, which can connect to 11 and provide connection to 18 and Geren Rd that connect to Ben Geren Park and then Chaffee Crossing. Let's work on connecting our residents to the whole city!

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☑	**Both.**

Comments:

Let the situation determine which one. We just need to have them linked together to get you somewhere. You should utilize the city's volunteers

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☒	**Both.**

Comments:

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☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

SHORT TERM APPLY SHARROWS TO EXISTING ROADS

LONG TERM DEVELOP A COMPREHENSIVE PLAN

THAT INCORPORATES BOTH CLASS I + CLASS II

CONCEPTS.

PUBLIC MEETING

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☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☑	**Both.**

Comments:

I feel that a combination of the above, plus "sharrows" will be the most appropriate. In Fayetteville, "sharrows" are often used in lightly traveled areas or where not feasible to use other options. They validate a cyclist's right to be on the road and draw motorists' attention. Then, near busy intersections or on busier streets, dedicated bike lanes may be used where most necessary (this helps reduce cost). I also feel that in some areas separate bikeways are better options for the particular area. Anything is better than what we currently have. We are way behind comparable sized cities!

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☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

Bike lanes that are part of the street when new streets are constructed and Separate Bikeways along existing streets.

PUBLIC MEETING

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	Preferred Type of Bikeway
☐	**Bike lanes which are constructed as part of the street.**
☐	**Separate bikeway / multi-use trails which are constructed away from the street.**
☒	**Both.**

Comments:

Start with sharrow lanes

PUBLIC MEETING

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	Preferred Type of Bikeway
☑	**Bike lanes which are constructed as part of the street.**
☑	**Separate bikeway / multi-use trails which are constructed away from the street.**
☑	**Both.**

Comments:

WE NEED BOTH! THE CITY STREET DEPT. needs to help build it like they did in Fayetteville.

Comments received by E-Mail for the Bikeway Plan and the Trails and Greenways Plan

Elliott, Sonya BIKE LANES ONLY

From: Winchell,Tracy
Sent: Thursday, September 25, 2014 2:27 PM
To: Engineering Email
Subject: FW: Susan Smith Fiori (friends with Pam Weber) commented on City of Fort Smith, Arkansas - City Hall's s...

Tracy Winchell
Communications Manager
City of Fort Smith
479.784.1072
479.739.6990

To be **persuasive**, *we must be* ***believable****; to be* ***believable*** *we must be* ***credible****; to be* ***credible*** *we must be* ***truthful****.*

--Edward R. Murrow

From: Facebook [mailto:update+p-7dmpji@facebookmail.com]
Sent: Thursday, September 25, 2014 12:37 PM
To: Winchell,Tracy
Subject: Susan Smith Fiori (friends with Pam Weber) commented on City of Fort Smith, Arkansas - City Hall's s...

facebook

Susan Smith Fiori (friends with Pam Weber) commented on City of Fort Smith, Arkansas - City Hall's status.

Susan wrote: "Would live to see cyclists in designated lanes. So many if them don't know the rules of the road"

Reply to this email to comment on this status.

See Comment See Your Notifications

This message was sent to twinchell@fortsmithar.gov. If you don't want to receive these emails from Facebook in the future, please unsubscribe.
Facebook, Inc., Attention: Department 415, PO Box 10005, Palo Alto, CA 94303

Elliott, Sonya

MULTI-USE

From: Paula Glidewell <paula@glidewelldist.com>
Sent: Wednesday, September 24, 2014 1:35 PM
To: Engineering Email
Subject: bike lanes

Thank you for the opportunity to expound on the bike lane matter. Can we also have sidewalks added perhaps with these in areas such as along Rogers Avenue, starting at the mall and out towards Barling. As the population ages, studies support adding more sidewalks, as non- drivers will be walking. I have noted people walking on grassy pathways on more major routes such as Rogers Avenue (example; under the new I540 bridge on Rogers), Towson Avenue, and the ever busy Hwy 71 South. The south side of Fort Smith seems to have less sidewalks, Brooken Hill's do not really start till near the school nor are they on the west side after crossing Jennylind.
I wish you well with this project.

Paula J. Glidewell
Vice President
Mailing Address:
P.O. Box 180910
Fort Smith AR 72918
Shipping Address:
5705 Steep Hill Road
Fort Smith AR 72916
Phone:479-649-3999
Fax:479-649-6777
www.GlidewellDistributing.com

Elliott, Sonya

MULTI-USE

From: Mike Cartwright <mcartw3366@aol.com>
Sent: Thursday, September 25, 2014 7:00 AM
To: Engineering Email

In Response To Your Request for Comments on Bike Trails
City Engineering Office

Sir or Madam: Excellent news that more bike/walking trails are planned for the City. I visit Tulsa and Northwest Arkansas often, and enjoy their network of trails. They seem to draw crowds, and are clearly a plus for the areas.

I would suggest separate trails from the roads. I'm uncomfortable riding on roads, even if there is a marked area for bikers. Seems vehicles sometimes don't see the bikes, or don't give them the right of way. I tend to be a sidewalk rider anyway, so as to avoid slowing car traffic, and to not risk life and limb. I've noticed that the riding trails at Ben Geren sometimes exit onto sidewalks, so riding on sidewalks seems to be encouraged currently.

Maybe the City can incorporate their sidewalk program into the bike trail program, designated a portion or section of sidewalks for walkers, another portion for bikers. As was mentioned in the article, this will certainly be a less expensive project, and will give the designers more options on where to actually put the trails.

Thanks for the opportunity to comment. Good luck with the project.

Mike Cartwright
Fort Smith, Ar
479-629-1007

Elliott, Sonya MULTI-USE

From: Charles Hearn <cbhearn@earthlink.net>
Sent: Thursday, September 25, 2014 11:46 AM
To: Engineering Email
Subject: Bike Lane Plan

City Engineer, My preference for bike Lanes are to be away from any street path.
My reasoning is;1. The streets are a very dangerous place to bike, jog or walk.2. most lone bikers go single file, if there is a group, they invariably ride in tandem and sometimes three abroad. Most of them, it has been my experience, will not let you pass and just keep one poking along.

If they are on an off road lane they are almost have to ride single file and very much safer.

OK bikers, I was one for years. So don't think I'm putting anyone down.

Charles B. Hearn Cell:479-651-2950

Elliott, Sonya

MULTI-USE

From: Winchell,Tracy
Sent: Thursday, September 25, 2014 12:27 PM
To: Engineering Email
Subject: FW: Carl Hendryx (friends with Mike N Angie Vrbas) commented on City of Fort Smith, Arkansas - City Hall...

Here's a comment for the record.

Tracy Winchell
Communications Manager
City of Fort Smith
479.784.1072
479.739.6990

To be **persuasive**, *we must be* ***believable***; *to be* ***believable*** *we must be* ***credible***; *to be* ***credible*** *we must be* ***truthful***.

--Edward R. Murrow

From: Facebook [mailto:update+p-7dmpji@facebookmail.com]
Sent: Thursday, September 25, 2014 12:22 PM
To: Winchell,Tracy
Subject: Carl Hendryx (friends with Mike N Angie Vrbas) commented on City of Fort Smith, Arkansas - City Hall...

facebook

Carl Hendryx (friends with Mike N Angie Vrbas) commented on City of Fort Smith, Arkansas - City Hall's status.

Carl wrote: "Would love to have a thorough bike way through all parts of town, and not just on the surface streets....been to other cities that have that type of trail system, and it's quite a unique experience...."

Reply to this email to comment on this status.

See Comment See Your Notifications

This message was sent to twinchell@fortsmithar.gov. If you don't want to receive these emails from Facebook in the future, please unsubscribe.
Facebook, Inc., Attention: Department 415, PO Box 10005, Palo Alto, CA 94303

Smithson, Jennifer MULTI-USE

From: Josh Adams [jadams@fortsmithschools.org]
Sent: Friday, September 26, 2014 8:34 AM
To: Engineering Email
Subject: Trail System Comment

Hello,

My name is Josh Adams and I am a Fort Smith resident living in Village Harbor.

First, I would like to express my joy that the city is taking the improvement and expansion of a hike/bike trail system in Fort Smith seriously. I am glad to see that Fort Smith is interested in improving the city beyond the two areas that always garners the media attention, Downtown and Chaffee Crossing.

I am not a biker, but a walker/runner. So for me, having all of the trails be bike lines as part of existing roads would not be beneficial. One of my favorite trails that I love to go on is the loop starting from Ben Geren park at the disc golf course, down to the Huckabee Center, up to the amphitheater, and back to the disc golf parking lot. It's a great trail, wide enough for people to pass by others if need be, and can easily accommodate two way traffic. Trails like this would be beneficial to a larger population than just bike lanes in the roads, and also, as you have reported a few times, much cheaper. While I can see that in some roads, it would be easy enough to add those bike lanes, I would prefer to see a majority of the new and expanded trail system be multi use.

The one thing that I would love to add to the discussion is connectivity to already completed pieces of trails in the city. As you know, there is a master plan document that shows many connections to trails that already exist. I'd actually like to see the feeder connections expanded. For example, Village Harbor has a trail that runs through its utility corridor in between houses. That trail connects to nothing. In fact, at both ends of it, and at least one place in the middle, the trail empties into the side of the road, and you have to cross the road without benefit of a crosswalk or a sidewalk. I would love to be able to get on the Village Harbor trail and be able to walk to the major trail/sidewalk system without having to walk in the road as there are not sidewalks or marked regions for hikers to walk.

I saw that you had a great turnout for the first meeting, and unfortunately I won't be able to make the second, but I hope that my suggestion is incorporated into the improvements to the trail system.

Thank You,
Josh Adams
Southside High School

Smithson, Jennifer

MULTI-USE

From: Anne Thomas [lockawoo@yahoo.com]
Sent: Friday, September 26, 2014 9:32 AM
To: Engineering Email
Subject: Trails and greenways

I was not able to attend last night's meeting, and will be out of town for the Tuesday meeting, but I want to voice my support for a trail system in Fort Smith. I would love to see a trail system that allows people to bike to work, connects them around town, provides leisure activities, and promotes economic development (restaurants along the bike trails, etc.). I am an avid cyclist and would love to see more bike friendly options in Fort Smith. Right now, Massard has become a popular path for a lot of us because it allows us to get several miles in safely, compared to on some of the city streets. I would love to see more areas connected by trails. Fayetteville has a wonderful trail system! I know so many people who travel up there just to spend a day on the trails to bike, and stop to enjoy the sights/refreshments along the way.

I also work at the University, and would love to see a progressive trail system that encourages attracts new students, engages current students, and retains our graduates to stay in the area. It would be wonderful to connect the University with the trail system -- especially with the new Windgate Visual Arts Building!

I am also a parent to two young children -- a 3 and 20 month old. We have a double bike stroller attachment and would love to have safe places to take our family out on bike rides. Right now -- the paved trails at Ben Geren are the only safe option. As our boys get older, I would very much like to have options to bike around town -- how fun would it be to bike to the Nature Center, the Farmer's Market, the History Museum, etc., and maybe stop for lunch at a restaurant along the way??

If there is anything further I can do to support the effort to add trails/pathways to Fort Smith, please do not hesitate to contact me.

Anne Thomas
479-883-3809

Elliott, Sonya

MULT-USE

From: BARRY TAKEI <barry.takei@sbcglobal.net>
Sent: Wednesday, October 01, 2014 6:38 AM
To: Engineering Email
Subject: Bike Lanes

It is my opinion that we should not spend money for street bike lanes, since the current city bike paths are not used. I live in Chaffee Crossing and I walk Massard Road from Roger Ave to Zero, and Zero to Janet Huckabee Nature Center. The black top bike path, parallel to Massard has NEVER been used by bikers. In the 3 years I have walk this path, EVERY biker has used the road and NOT the path. Single riders to four abreast team riders ride in the street. From Zero to the nature center, bike riders ALWAYS ride in the road.

Unless the plan is, to put in a four lane bike lane parallel to the road, bikers will still ride in the road. If the City installs bike lanes, bike riders should be ticketed if a bike lane is available and they are riding in the street. My point is, why should we spend money on something that will not be used.

The off road bike paths and trails are wonderful for bike riding and walking. I have encountered many bike riders on these paths, but these are off road bikers and not street riders.

Barry Takei
479-452-3721
barry.takei@sbcglobal.net

Elliott, Sonya

MULTI-USE

From: papchito <papchito@gmail.com>
Sent: Wednesday, October 01, 2014 7:51 AM
To: Engineering Email
Subject: Bike ways

YES YES AND YES. I am in favor of a progressive & timely bike path program. I am 65 years old and will support and pay my share to see a forward thinking bike paths program. Many motorists are ignorant of traffic laws regarding bicycles and there right to be on public streets. Many bicyclists have had close calls at the hand of inattentive motorist some injured and sadly some killed. Lets be healthy, safe and bike friendly in Fort Smith. Billy D. Coleman

Sent via the Samsung Galaxy S™ III, an AT&T 4G LTE smartphone

Elliott, Sonya

MULTI-USE

From: Dillon, Jack
Sent: Wednesday, October 01, 2014 9:44 AM
To: Engineering Email
Subject: Biking Trails

I was unable to attend the hearing on the type of biking trails favored for Fort Smith but want to add my comments. I favor combination biking/walking/jogging trails separate from the roadway. A system similar to what has been built in Fayetteville would be great. I regularly bike the paved, looped trail constructed by Sebastian County between Ben Geren Park and McClure Theater and always surprised by the number of people walking, jogging or biking. Paved trails separated from traffic are much safer and can be utilized by walkers and joggers. Bikes and cars are not a safe mix and a bad idea in my opinion. With the amount of texting and cell phone use going on these days with drivers it would only be a matter of time before a biker would be injured or killed. It also increases the difficulty of a driver making a right turn with bikers using an on-road bike lane. Just another opportunity for a biker to be struck. Also, as has been noted in the newspaper articles, the cost difference is enormous. I appreciate the opportunity to express my opinion.

Jack L. Dillon, Jr.
2800 Pendell Lane
Fort Smith, AR

Elliott, Sonya

MULTI-USE

From: Bryant Patterson <bryantpatterson18@gmail.com>
Sent: Thursday, October 02, 2014 12:28 PM
To: Engineering Email
Subject: Bike trails

I am sending this email in reguard to an article in the swtr. I highly support off road biking and hiking trails. My opinion about bike paths included into the roadway is a little less enthusiastic. Ok a lot less.

In my version of the perfect setup biking and hiking trails that connected the city parks all over town would be awesome. Thanks for your time and service to our city.

Sent from my iPhone

Elliott, Sonya

BOTH

From: Goines, Eddie <EGOINES@TRANE.COM>
Sent: Tuesday, September 23, 2014 8:58 AM
To: Engineering Email
Subject: Bikeway Public Meeting

To whom it my concern:

My name is Eddie Goines I live in the Fort Smith area and have most of my life. I am unable to attend the Bikeway Public Meetings. But I want to go on record as supporting all new Bike lanes / Biking & walking paths for the River Valley area. I have been to the Little Rock area many times and have saw their wonderful bike paths all up and down and even across the Arkansas river. This is a beautiful layout and I would love to see something like this in our wonderful and beautiful area here in the River Valley. Health is a big subject to a lot of people in today's world and I would like to see more biking and walking trails throughout the River Valley area for kids and adults alike. I personally loved to ride bikes as a kid. I am now 48 years old and started riding bikes again for and health about 5 years ago. I feel if we had more lanes and paths that a lot more of the River Valley area would join in and become more health. I know it has really grown in other communities that have developed their areas. Thanks for all your work in the important community project.

Thanks Again,
Eddie Goines
10222 Gap Rd
Hackett, AR 72937
479-414-1965

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Both

Elliott, Sonya

From: Bruce King <BDKING@wacotitle.com>
Sent: Wednesday, September 24, 2014 2:57 PM
To: Engineering Email
Subject: Bike Trails and Greenways Input

As an avid cyclist since the 80's here and a member of the City of Fort Smith Comprehensive Plan Steering Committee I am passionate about real bike lanes AND bike trails in the City of Fort Smith. There are many areas in the newly developing Chaffee Crossing area that are ripe for ACTUAL bicycle lanes as the developments happen. Other areas would be better suited with bicycle trails like from Chaffee to Ben Geren. With the coming of the Medical School at Chaffee Crossing I see an perfect opportunity to get the students an avenue of bicycle lanes to reach adequately prepared bicycle trails to reach Ben Geren park and hopefully other areas of town as the lanes and trails expand. We are sitting on a gold mine of opportunity to make our city more bicycle friendly and I sincerely hope we don't "screw the pooch" and miss it. Our current bicycle route signs around town are not utilized by cyclists to get around town as the routes are frankly not well planned or thought out. Some are down right unsafe. I appreciate the opportunity to provide input and want to be kept apprised of all upcoming public meetings. Thank you !

Bruce D. King
Title Agent/Business Development

WACO TITLE
THE LAND TITLE PROFESSIONALS SINCE 1885

479-573-2809 direct
479-806-5386 cell
479-782-3054 fax
7300 Cameron Park Drive
Fort Smith, AR 72903
P.O. Box 10468
Fort Smith, AR 72917
bdking@wacotitle.com

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Elliott, Sonya BOTH

From: stacy hess <hessmini07@gmail.com>
Sent: Wednesday, September 24, 2014 5:13 PM
To: Engineering Email
Subject: Bike paths

It would be great if we could get bike paths in Fort Smith. We travel to Fayetteville/Rogers/Bentionville to ride bikes on their trails and streets. I am in hopes that we could get some trails as nice as what they have in NWA.
Loving to ride my bike!

Stacy

Elliott, Sonya NONE

From: Jim Cotton <jim@cotton-inc.com>
Sent: Tuesday, September 23, 2014 5:46 PM
To: Engineering Email
Subject: Bike Ways

Thank you for asking, I do have an opinion.
I live in Cisterna Villas at Chaffee Crossing, one of the areas that have the nicest paved bike trails by the streets in Fort Smith. What I see every day, as a motorist, is by far and large the cyclist using the streets instead of the nice paved bike paths 20 ft. away.
Yes, of course, I completely understand the cyclist has as much right to the paved street as I do, that is the law. What I do not understand is why the public has paid for the wonderful paved bike paths 20 feet away and they / most cyclist choose not us use them.....going the same place and direction?
I hope this issue will be a public vote, because, what I see in the Chaffee Crossing area, it has been (in my personal opinion) a waste of tax payer money! Hopefully in other parts of Fort Smith it is working much better for the community, cyclist and motorist!
My personal opinion is my own, but shared by many, when I have asked the question WHY.....yes the right is there.....but the intelligence of using the streets when the paved bike paths are just as nice??? I cannot and will not vote for additional bike paths for MY tax payer money.
Respectfully,
Jim Cotton

Elliott, Sonya

None

From: Dell L Nelson <dellnelson1032@att.net>
Sent: Wednesday, September 24, 2014 4:08 PM
To: Engineering Email
Subject: Bike Trails

I am OPPOSED to spending any tax money, especially from the already-approved street tax (which I do support) -- for Bike Trails -- anywhere.
I have never been in favor of such expenditures for a select group who pay nothing at all for their private lanes.
And, as to bikers using public streets, I again oppose any special privileges. Bicyclists generally do not obey traffic signals.
I can recall when cities imposed a bicycle tax. At least, the cyclist paid a little bit toward their keep.
Automobiles, trucks, motorcycles all pay license fees to use public roads. Bicyclists pay nothing and act like they own the entire road.

Hundreds of thousands of dollars per mile for a bike path? I will never agree with that expense to benefit so few people!

This email is free from viruses and malware because avast! Antivirus protection is active.

Memo

To: Ray Gosack, City Administrator

From: Jeff Dingman, Deputy City Administrator - jwd

Date: 1/9/2015

Re: 1% Street Sales Tax Election Ordinances: 1985, 1995, and 2005

Director Settle asked that the ordinances calling for the 1% Sales and Use Tax for streets, bridges, and associated drainage in 1985, 1995, and 2005 be included in the Board materials for the January 13 study session discussion for the Board's reference.

Please find the relevant ordinances attached for your information.

ORDINANCE NO. 72-85

AN ORDINANCE PROVIDING FOR THE LEVY OF A LOCAL SALES (GROSS RECEIPTS) AND USE TAX FOR THE DESIGNATED USES OF CITY ROADS, STREETS AND BRIDGES, AND ASSOCIATED DRAINAGE; CALLING A SPECIAL ELECTION ON THE QUESTION OF LEVYING SUCH TAX; DESIGNATING A BALLOT TITLE FOR USE AT SUCH ELECTION AND FOR OTHER PURPOSES

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

SECTION 1: As authorized by Act 25 of the First Extraordinary Session of 1981, as amended, there is hereby levied a sales and use tax at the rate of one percent (1%) on the receipts from the sale at retail within the City of Fort Smith, Arkansas, on all such items which are subject to taxation under the Arkansas Gross Receipts Act, Act 386 of 1941 of the Acts of Arkansas, as amended. The proceeds from such tax are hereby designated for the uses of City roads, streets and bridges, and associated drainage.

SECTION 2: The maximum local sales (gross receipts) and use tax on any single transaction shall be in the sum of $25.00 and shall be determined and collected in accordance with the provisions of Act 802 of the 1983 Acts of Arkansas.

SECTION 3: The question of the levy of a sales and use tax as provided in Section 1 hereof shall be submitted to a vote of the electorate of Fort Smith, Arkansas, by special election to be held on the 17 day of September, 1985. The City Clerk is hereby authorized and directed by the governing body of the City to give all necessary notices to the County Board of Election Commissioners and to all other persons of the calling of such election.

SECTION 4: The ballot presentation of the issue to be used in such election shall be substantially in the following form:

> Shall there be levied a local sales (gross receipts) and use tax at the rate of 1% upon the receipt from the sale at retail within the City of Fort Smith of all items which are subject to taxation under the

Approved As To Form
City Attorney
By: JSC
Publish 1 Times

Arkansas Sales Tax Act (Arkansas Gross Receipts Tax Act of 1941, Act 386 of the 1941 Acts of Arkansas), as said Act as heretofore or may hereinafter be amended, and under the Arkansas Use Tax Act (Arkansas Compensating Tax Act of 1949, Act 487 of the 1949 Acts of Arkansas), as said Act as heretofore or may be hereinafter amended, provided that the maximum local sales (gross receipts) and use tax on any single item of sale or use shall be in the tax sum of $25.00 and provided that the proceeds from such tax be designated for the use of City roads, streets and bridges, and associated drainage?

FOR adoption of a 1% local sales and use tax within the City.

AGAINST adoption of a 1% local sales and use tax within the City.

SECTION 5: The effective dates of the various provisions of this Ordinance shall be those effective dates established in Section 2, Act 25 of the First Extraordinary Session of 1981, codified as Ark. Stat. Ann. § 19-4524 (1983 Supp.).

SECTION 6: After approval of the tax levied by Section 1 of this Ordinance by the electors of the City, Sections 1 and 2 of this Ordinance shall be codified in the Code of Ordinances of the City under a designation determined at the discretion of the editors of the Code. The other provisions of this Ordinance shall not be codified.

PASSED AND APPROVED this 13 day of August, 1985.

APPROVED:

Mayor

ATTEST:

Cindy Kemler
City Clerk

4.

ORDINANCE NO. 58-95

AN ORDINANCE CALLING A SPECIAL ELECTION REGARDING THE CONTINUED EFFECTIVENESS OF FORT SMITH ORDINANCE NO. 72-85, WHICH PROVIDES FOR THE LOCAL ONE PERCENT SALES TAX FOR CITY STREETS, BRIDGES AND ASSOCIATED DRAINAGE, DESIGNATING A BALLOT TITLE FOR USE AT SUCH ELECTION AND FOR OTHER PURPOSES

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

SECTION 1: The question of the continued effectiveness of Fort Smith Ordinance 72-85, which levies a local sales (gross receipts) and use tax at the rate of one percent (1%) upon the receipts from sales at retail within the City of Fort Smith, the proceeds from which tax are designated for the use of City streets, bridges and associated drainage, shall be submitted to a vote of the electorate of Fort Smith, Arkansas, at a special election to be held on the 10th day of October, 1995. The City Clerk is hereby authorized and directed to give all necessary notices to the County Board of Election Commissioners and to all other persons of the calling of such election.

SECTION 2: The ballot presentation of the issue to be used in such election shall be substantially in the following form:

> Shall the Board of Directors continue the effectiveness of Fort Smith Ordinance 72-85, which levies a local sales (gross receipts) and use tax at the rate of one percent (1%) upon the receipt from the sale at retail within the City of Fort Smith of all items which are subject to taxation under the Arkansas Sales Tax Act (Arkansas Gross Receipts Tax Act of 1941, Act 386 of the 1941 Acts of Arkansas), as said Act has heretofore or may hereinafter be amended, and under the Arkansas Use Tax Act (Arkansas Compensating Tax Act of 1949, Act 487 of the 1949 Acts of Arkansas), as said Act has heretofore or may hereinafter be amended, provided that the maximum local sales (gross receipts) and use tax on any single item of sale or use shall continue be in the tax sum of $25.00 and provided that the proceeds from such tax shall continue to be designated for City streets, bridges and associated drainage?
>
> ---
>
> Vote by placing an X in the square opposite your choice.
>
> ---

Approved as to form & effectiveness
JSC
Publish 1 time

(Vote for one)

FOR Continuation of a One Percent (1.0%) local Sales and Use Tax within the City for streets, bridges and associated drainage... ☐

AGAINST Continuation of a One Percent (1.0%) local Sales and Use Tax within the City for streets, bridges and associated drainage... ☐

SECTION 3: The provisions of this Ordinance shall not be codified by the codifier of the City's Ordinances.

THIS ORDINANCE ADOPTED THIS 15 DAY OF AUGUST, 1995.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 19-05

3

AN ORDINANCE CALLING A SPECIAL ELECTION REGARDING THE CONTINUED EFFECTIVENESS OF FORT SMITH ORDINANCE NO. 72-85, WHICH PROVIDES FOR THE LOCAL ONE PERCENT SALES TAX FOR CITY STREETS, BRIDGES AND ASSOCIATED DRAINAGE, DESIGNATING A BALLOT TITLE FOR USE AT SUCH ELECTION AND FOR OTHER PURPOSES

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

SECTION 1: The question of the continued effectiveness of Fort Smith Ordinance 72-85, which levies a local sales (gross receipts) and use tax at the rate of one percent (1%) upon the receipts from sales at retail within the City of Fort Smith, the proceeds from which tax are designated for the use of City streets, bridges and associated drainage, shall be submitted to a vote of the electorate of Fort Smith, Arkansas, at a special election to be held on the 10th day of May, 2005. The City Clerk is hereby authorized and directed to give all necessary notices to the County Board of Election Commissioners and to all other persons of the calling of such election.

SECTION 2: The ballot presentation of the issue to be used in such election shall be substantially in the following form:

> Shall the Board of Directors continue the effectiveness of Fort Smith Ordinance 72-85, which levies a local sales (gross receipts) and use tax at the rate of one percent (1%) upon the receipt from the sale at retail within the City of Fort Smith of all items which are subject to taxation under the Arkansas Sales Tax Act (Arkansas Gross Receipts Tax Act of 1941, Act 386 of the 1941 Acts of Arkansas), as said Act has heretofore or may hereinafter be amended, and under the Arkansas Use Tax Act (Arkansas Compensating Tax Act of 1949, Act 487 of the 1949 Acts of Arkansas), as said Act has heretofore or may hereinafter be amended, provided that the maximum local sales (gross receipts) and use tax on any single item of sale or use shall continue to be in the tax sum of $25.00 and provided that the proceeds from such tax shall continue to be designated for City streets, bridges and associated drainage?

Approved as to form
JSC
Publish / time

Vote by placing an X in the square opposite your choice.

(Vote for one)

FOR Continuation of a One Percent (1%) local Sales and Use Tax within the City for streets, bridges, and associated drainage . . . ☐

AGAINST Continuation of a One Percent (1%) local Sales and Use Tax within the City for streets, bridges, and associated drainage . . . ☐

SECTION 3: The provisions of this Ordinance shall not be codified by the codifier of the City's Ordinances.

THIS ORDINANCE ADOPTED THIS 15th DAY OF MARCH, 2005.

APPROVED:

Mayor

ATTEST:

City Clerk

3

MEMORANDUM

TO: Ray Gosack, City Administrator

FROM: Richard B. Jones, Director of Human Resources

DATE January 9, 2015

SUBJECT: Zero Tolerance for Domestic Violence
Employment of Family Members

On October 27, 2014 during a "brainstorming" session the matter of a "domestic violence" arrest involving a city employee was discussed. Attached to this memorandum are the current policies that apply to city employees involved in domestic violence. The City's policies are written in such a manner that they allow the city to address domestic violence as well as other off duty behavior that may affect an employee's ability to perform their duties with the city.

Attachment "A" are those policies that are related to non-uniformed employees:

- **Fort Smith Human Resources Policies:** Section I.A.5, I.D, I.E, III.H.21

Attachment "B" are those policies that are related to the fire department:

- **Civil Service Rules & Regulations (January 22, 2014):** Section 3:02
- **FSFD Operations Manual 2014 Edition,** Section 1.5, 1.6, 25.15, 25.16 & 25.17

Attachment "C" are those policies that are related to the police department:

- **Civil Service Rules & Regulations (January 22, 2014):** Section 3:02
- **FSPD Rules and Regulations:** 301.08; 306; 505; 602
- **Policies and Procedures:**
- 1101-21 – Use of Discretion: Section III.A.d. (Page 1); III.G.3. (Page 3)
- 1102-12 – Field Training Program: Section IV.A.2.15. (Page 7)
- 1103-02 – Selection Process – Police Officer: IV.A.4. (Page 5); IV.A.5. (Page 5); IV.A.7.k. (Page 5)
- 1103-04 – Selection Process – Non-Sworn: VIII.A.4. (Page 5); VIII.A.5. (Page 5); VIII.A.7.k. (Page 6)
- 1104-07A – Disciplinary Matrix: Rule 202 (page 1); Workplace Violence (page 5)
- 1104-08 – Workplace Violence: (all)

Attachment "D" is an opinion and narrative by the city attorney on the matter of domestic violence as it relates to employees as the accused and as the victim. The narrative also touches on contractors who do business with the city. There are two suggested additions to our current employment policies. First, is to add some words for the protection of employees who are domestic violence victims and second, is to add a similar wording in the non-uniformed hand book that relates to "conduct unbecoming or dereliction of duty" which already exists in the fire and police policies.

The current policies for police, fire and non-uniformed employees have served the city very well allowing us to hold those employees who have violated one or more of the rules accountable. Since no two circumstances are the same, the application of the policies are handled specific to each situation. Then where applicable disciplinary action is taken that is fair and equitable for the policy violation.

The current practice for police and the written policy for fire and non-uniformed that address the employment of family members is stated in Fort Smith Human Resources Policies: Section II.H and Fort Smith Fire Department 2014 Rules, Section 2.21 Employment of Relatives and reads:

> Relatives of employees may be hired under certain circumstances directly associated with hiring the most qualified applicant for any available job vacancy. However, no employee shall hold a direct supervisory position over his/her relative, regardless of degree of relationship and regardless of by consanguinity or operation of law, unless specifically approved by the City Administrator.

The current policy stated above complies with the current laws related to employment. If the city were to be more restrictive than stated in the policy, we may prohibit sons and daughters from following in their parents' footsteps and siblings from pursuing the same careers. Please see attached memos from the Police Chief and Fire Chief on this matter. Also, we run the risk of having a disparate impact on certain protected classes of people and possible violating Title VII of the Civil Rights Act similar to that described in attachment "D" on the matter of domestic violence.

My recommendation for "domestic violence" would be to add the policies and rules suggested by the city attorney and provide updated training for all employees on what is expected from them both at and away from the work place.

My recommendation for the employment of "family Members" would be to leave the policy as stated and have the police add it to their written policies.

The City of Fort Smith ARKANSAS

FORT SMITH FIRE DEPARTMENT

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

Mike Richards
Fire Chief

Memo

To: Ray Gosack, City Administrator
Richard Jones, Human Resources Director
From: Mike Richards, Fire Chief MR
Date: January 5, 2015
Re: Additional Nepotism Restrictions Impact to the Fire Department

Placing additional nepotism restrictions on the employment practices of the Fort Smith Fire Department (FSFD) would have an adverse effect on our ability to hire the best qualified person for a firefighter position for the City of Fort Smith. The reasons for this are complex and require a thorough understanding of the history and culture of firefighting, not just in Fort Smith, but in all of the United States. However, to simplify some of the local specific reasons, here are some examples of why implementing additions to the city's nepotism hiring policy would not be in the best interest of the City of Fort Smith.

The City of Fort Smith's hiring and promotion polices for all fire and police department positions are governed by Arkansas and local Civil Service laws. Section 1:01 of the Rules and Regulations of the Civil Service Commission for the City of Fort Smith, Arkansas states "All examinations and interviews referred to in these rules shall be open and competitive, and shall be designed to test the qualifications of applicants for employment and candidates for promotion." This process alone is unbiased and designed to hire or promote the ***best qualified candidate*** for any open position within the FSFD.

The process used by the Fort Smith Civil Service Commission to develop a hiring eligibility list has four (4) testing and scoring areas to measure all the critical skills needed by a firefighter candidate. Being a relative of someone who is already a member of the FSFD has ***zero*** effect nor provides any inside advantage in the Civil Service application or testing process. The tested skills include, in this order:

1. A written examination. The written examination is developed and validated by a reputable human resources firm and administered by the City's Human Resources Department under the supervision of the Civil Service Commission. Failure to complete successfully (70%) this examination will disqualify the applicant from further consideration for employment.
2. Successfully completing the Fort Smith Fire Department's physical agility examination. This examination replicates tasks and activities typically required to be performed by a firefighter. Failure to complete the physical agility examination in the allotted time will disqualify the applicant from further consideration for employment.

3. An oral interview conducted by the Fire Chief, or by a panel of representatives designated by the Fire Chief. The purpose of the oral interview is to determine such things as the applicant's motivation, appearance, demeanor, attitude, ability to communicate, and suitability for the rigors demanded of a firefighter. Failure to achieve a score of 70% during the oral interview will disqualify the applicant from further consideration of employment.
4. An oral interview conducted by the members of the Fort Smith Civil Service Commission. The purpose of this oral interview is to assess the applicant's fitness, reputation, and character. Failure to achieve a score of at least 70% on the oral interview will disqualify the applicant from further consideration of employment.

Once an applicant has successfully completed all four (4) phases of the testing process, their overall score will rank them in order, from highest score to lowest score, on an eligibility list to be considered for employment when a position becomes vacant and subject to filling. Even after that, all candidates that are being considered for employment must successfully complete a thorough background check and polygraph.

Another critical factor to the hiring process for a career firefighter in Fort Smith is the minimum hiring age as required by Arkansas state law. Section 14-51-301 (b)(1)(B)(i) states "No person shall be eligible for appointment to any position on the fire department who has not arrived at twenty-one (21) years of age or who, except as provided in subdivision (b)(1)(C) of this section, has arrived at thirty-five years of age."

What we have experienced with this requirement is that in general, when someone graduates from high school and doesn't attend college, they tend to lose some of their testing skills before they reach the age to be eligible for appointment. Therefore, many of those who don't go to college may not score as well on the written test when they become eligible. And the vast majority that go on to college and normally score better, are not interested in taking a $10.31 per hour job that is extremely difficult and dangerous, while working an average of 56 hours per week, including 24 hours shifts, weekends, holidays, etc.

That brings us back to many of the candidates that an expanded nepotism policy would eliminate. There are those who understand the entire culture of being a firefighter because they have experienced it through a relative and are willing to begin a career as a firefighter for what it represents – and not necessarily what the beginning pay is (even though beginning pay is still important). These individuals tend to work harder over a longer period of time to achieve what in many cases, is a lifelong goal to become a career firefighter. Employees like this more often make excellent firefighters because of their individual desire to be part of something that they have lived and experienced, directly or indirectly, for much of their lives. Our research has shown that over the last 30+ years the FSFD has employed more than 30 sets of family members which would have been precluded with an expanded nepotism policy. These personnel have carried on a family tradition and many have become high ranking officers within the department.

As far as the issues that can develop with family members after they are employed with the FSFD, we feel as though our current policies more than adequately cover any situation that may

arise due to issues regarding family members. In my almost 32 years of service to the FSFD and City of Fort Smith, I cannot recall an incident where being a member of the FSFD and a relative of another member of the FSFD, caused any problems that were handled inappropriately within the department or City. Furthermore, and this is something not well understood by those outside of the firefighting community, is the fact that firefighters work together for nearly one-third of their lives under all types of dangerous conditions. Because of this, a unique bond develops between all firefighters that is as close to, and in some cases exceeds, blood relationships.

Therefore, we strongly and respectively disagree with any additional nepotism language or policy that would further limit our potential to recruit and hire the best qualified candidate, regardless of who they are, to become members of the Fort Smith Fire Department.

Fort Smith Police Department

Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: **Ray Gosack, City Administrator**

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

Subject: **Nepotism Restrictions' Effect on the Police Department**

Date: **January 6, 2015**

On behalf of the police department, I would like to echo my support for Fire Chief Mike Richards' comments and concerns described in his January 5, 2015 memoranum about the adoption of restrictive employment practices within the City. The police department's hiring practices are delineated by A.C.A. §§ 14-51-301 *et seq.* and in the rules adopted by Civil Service Commission Rules.

The elaborate hiring process utilized by the police department provides for a fair, unbiased, and thorough review of an applicant's history, qualifications, and suitability for service as a probationary police officer. If an applicant can pass all of the requirements of the initial hiring process, mandatory attendance and passing of a comprehensive 13-week basic training course is the next step, followed by successful completion of a 16-week field training course. Once hired, a police department probationary police officer is scrutinized over the course of a full calendar year to determine if s/he is suitable to retain as a full time sworn officer on the police department. It is my sincere belief that this comprehensive process removes most, if not all, of any concerns about hiring an existing employee's relative and their qualifications. Further, the department already has a practice and policy that insures one relative does not exercise immediate supervisory authority over another relative.

Over the course of time, we have had a number of instances of "family tradition" bringing in generations of people following in the footsteps of a parent or sibling. By and large, this has resulted in good, dedicated employees who truly believe in fulfilling the mission of the Fort Smith Police Department. As previously articulated by Chief Richards' reference to the fire department "family", we at the police department consider ourselves to be part of a law enforcement "family. Thus, the police department strongly and respectfully disagrees with any nepotism policy that would further limit our potential to recruit and hire the best and most qualified candidate for consideration to be hired as a City of Fort Smith Police Officer.

A

HUMAN RESOURCES POLICIES

2011 Edition

SECTION I: Human Resources Policy.

A. The following Human Resources' principles and policies are established

5. **Continuity of employment covered by this Ordinance will be subject to good behavior, satisfactory work performance and the availability of funds. Neither this Ordinance nor the contents of any personnel policy and procedure handbook that may be used by the City, nor any oral promise, will constitute or imply an employment contract. Rather, employment with the City of Fort Smith is at-will and for an indefinite period of time, capable of being terminated at any time by the employee or by the City.**

D The City of Fort Smith will have a "zero tolerance" policy for workplace violence. Zero tolerance means that threats, intimidation, harassment, or acts of violence (particularly employee against employee assaults) will not be tolerated. If any employee displays or threatens any violent activity in the workplace, he or she will be subject to immediate disciplinary action up to and including termination of employment.

1. Definitions and clarifications of terms are as follows:

   a. Workplace violence: An implied or actual act or threat made directly or indirectly that creates, or could create, physical harm to employees, their families, friends or property that takes place at the workplace or because of performing work duties associated with employment by the City of Fort Smith.
   b. Long gun: Any firearm with a barrel length of more than twelve (12) inches designed, made, or adapted to be fired with two hands.
   c. Handgun: Any firearm with a barrel length of less than twelve (12) inches designed, made, or adapted to be fired with one hand.
   d. Knife: Any bladed (a blade of three and one-half inches or longer) hand instrument that is capable of inflicting serious physical injury or death by cutting or stabbing. It includes a dirk, sword or spear in a cane, razor, ice pick, throwing star, switchblade, or butterfly knife.
   e. Club: Any instrument that is specially designed, made or adapted for inflicting serious physical injury or death by striking, including a blackjack, Billie, and sap.
   f. Course of conduct: A pattern of conduct composed of two or more acts separated by at least 36 hours but occurring within one year. Constitutionally protected activity is not included within the meaning of course of conduct.
   g. Stalking: A person commits stalking if he or she purposely engages in a course of conduct that harasses another person and makes a terroristic threat with the intent of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family.
   h. Harassment: A person commits harassment if, with intent to harass or threaten another person, the person:
      i. Communicates or causes a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a way that harasses or threatens.

ii. Continues to follow another person in or about a public place for no legitimate purpose after being asked to desist.
iii. Engages in a course of conduct or repeatedly commits an act that harasses or threatens another person.

2. It is prohibited for any employee, while on City property or while conducting City business, to carry (or possess), maintain in a vehicle, or maintain in a desk, locker, a personal item or otherwise have readily available for use as a potential weapon, any loaded or unloaded long gun or handgun, knife, club, ammunition or item that clearly is intended as a weapon. For the purpose of this prohibition, a City tool is not considered to be a prohibited weapon.

3. The following actions are prohibited:
    a. While on City property or while conducting City business, any person's involvement in workplace violence including, but not limited to, any act of violence (including pushing and shoving) or threats of violence (including "joking" or intimidation of others).
    b. Any course of conduct by a City employee that may or may not occur on City property or while conducting City business, and involved another City employee(s), their families, friends, or property that includes stalking or harassment as defined above and by the laws of the State of Arkansas.
4. Searches inspection:
    a. A department head, or his designated representative, has the right to search and inspect all City work areas and equipment, including but not limited to buildings, vehicles, desks, lockers, computers, and storage areas.
    b. A department head may also conduct a reasonable search of an employee's personal property, if presently situated on City property, provided the employee consents to the search in writing. If a department head has a reasonable suspicion, as validated by objective facts and observations, that an employee may be concealing a prohibited weapon in an article of personal property, the department head will contact the Human Resources Director who may involve the Chief of Police.
5. Duty to Report:
    a. All City employees have a duty to contribute to workplace safety. This duty includes reporting information about perceived, potential, or real problems that may involve workplace violence. Employees are encouraged to report their concerns to their supervisor, department head, or the Human Resources Director. If appropriate, an investigation will be under taken and specific action will be pursued.

E This Code of Business Conduct

This Code of Business Conduct sets out basic principles and standards of conduct to guide all elected officials, appointed officials, employees and volunteers who represent the city in any capacity. The Code is to promote public confidence in the integrity of city government and its effective and fair operation. This Code is a means to employ independent, objective judgment in the performance of municipal duties. Municipal matters are to be based on merit, free from avoidable conflicts whether real or apparent. The city is committed to treating public services as a public trust. The city desires to use the power and resources of public service to advance the public trust and not for the purposes of attaining personal or private benefit. The city does not want this

policy to discourage anyone from serving the city in any appointed, elected or volunteer position. Some municipal representatives, such as independent contractors, vendors and volunteers, may conduct business with the city in their capacity as business persons. However, under this policy, those same municipal representatives would be required to abstain or recuse themselves when a decision they influence may provide personal benefit or gain to them. The Code of Business Conduct addresses standards for ethical behavior by municipal representatives. As with any policy, it is not possible to provide guidance for all improper business practices. If a situation arises which is ambiguous or is not specifically addressed by this Code, municipal representatives should avoid the conflict of interest or compromising action. If a municipal representative has questions or concerns, he or she may contact the city's internal auditor for guidance.

I. Definitions.

A. Appointed officials. Persons appointed to serve on any municipal board, commission or committee as authorized in the City of Fort Smith Code of Ordinances and Arkansas state law.

B. Arkansas Ethics Commission. The commission established by A.C.A. § 7-6-217 to review reported violations of conduct by elected and appointed officials.

C. Business entity. Any of the following entities whether or not carried on for the purpose of profit: business, sole proprietorship, firm, partnership, unincorporated association, venture, trust, or corporation.

D. Contract. Any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished for a valuable consideration or is to be sold or transferred. For purposes of this Code, "contract" does not include:

   i. Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;

   ii. Merchandise sold to the highest bidder at public auctions;

   iii. Investments or deposits in financial institutions which are in the business of loaning or receiving monies;

   iv. Contracts with a corporation in which a municipal representative exercising an official action holds a de minimis interest, i.e., five (5) percent or less.

E. Employee. Any person holding any paid position of employment with the city.

F. Fiduciary duty. A responsibility of, relating to, or involving a confidence or public trust.

G. Gift. Any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefore. Per state law, an allowable gift to public officials is anything which is fifty dollars ($50.00) or less in value.

H. Independent contractor. A person or entity other than an officer or employee who is paid for services rendered to the city pursuant to a contract for services and any officer, employee, agent, volunteer or subcontractor of such people or entity.

I. Interest. A substantial interest held by an individual that is:

   i. An ownership in a business;

   ii. A creditor interest in an insolvent business;

   iii. An employment or a prospective employment for which negotiations have begun;

   iv. An ownership interest in real or personal property;

   v. A loan or any other debtor interest; or

   vi. A directorship or officership in a business.

   The term "interest" is intended to reflect a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance

of economic loss, but does not include any matter in which a similar benefit is conferred to all persons or property similarly situated. An interest of the following persons and entities will be deemed to constitute an interest of a municipal representative:

a. Any relative of a municipal representative; or
b. Any business entity in which the municipal representative is an officer, director, employee, partner or owner; or
c. Any business entity in which the municipal representative owns or controls shares of stock, the aggregate of which constitutes more than one (1) percent of the shares of the business entity then outstanding. Participation in a stock mutual fund shall not be considered an interest in a business entity of which the mutual fund owns or controls shares of stock.

J. Municipal representative. An officer, elected official, appointed official, employee, independent contractor, or volunteer of the city, including candidates for elected positions.

K. Officer. All elected or appointed officials including but not limited to:

1. Mayor;
2. Director;
3. District judge;
4. City administrator;
5. Treasurer;
6. Attorney;
7. City clerk;
8. Police chief; and
9. Fire chief.

L. Relative. Any person related to a municipal representative by blood or marriage, in any of the following degrees: parents, spouse, children, stepchildren, brothers, sisters, parents-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren and children-in-law. A separation between spouses shall not be deemed to terminate relationships described herein.

M. Verified complaint. A written complaint containing a statement signed by a person indicating he or she has personal knowledge of the allegations of the complaint and knows them to be true.

N. Volunteer. Any person who is appointed or authorized to act on behalf of the city in any manner without compensation.

II. Code of Business Conduct.

A. Conflicts of interest. Municipal representatives must avoid conflicts of interest involving the city or its business. A conflict of interest occurs when an individual's private interest interferes in any way, or even appears to interfere, with the interests of the city as a whole. A conflict situation can arise when a municipal representative takes actions or has interests that may make it difficult to perform his or her work for the city objectively and effectively. Conflicts of interest also arise when a municipal representative or their relatives receive improper personal benefits with the city. In accordance with state laws, officers will disclose financial interests and they will abstain from participating in deliberations and decision-making where conflicts may exist.

In the event that a municipal representative considers that a personal association may cause or appear to cause a potential conflict of interest, he or she may declare such in writing and request that the declaration be kept on file. Page 188 of 210

B. Impartiality in the performance of duties. Municipal representatives will perform their duties without regard for personal benefit.

C. Financial interests. A municipal representative is prohibited from engaging in a financial transaction for his or her private business purposes as it relates to city business. Furthermore, a municipal representative will not perform an official act, to its economic benefit, a business or other undertaking in which he or she either has an interest or is engaged as counsel, consultant, representative or agent.

D. Representation before boards, committees or commissions. A municipal representative will not appear before the city board or any commission or committee on matters for which or over which he or she sits or has supervisory or advisory responsibilities, except in the official representation of the city.

E. Political activities. Officers are nonpartisan. There will be no partisan references or campaigning for political office at meetings of the board or any city commission or committee. Partisanship will not be a factor in any official action of any municipal representative.

   Laws governing employee involvement in political activities shall be adhered in accordance with federal and state laws. Specifically, A.C.A. § 21-1-501 through § 21-1-503 will be followed.

F. Misuse of position. All municipal representatives have a fiduciary duty to refrain from using their positions in any manner for personal or private gain or which is detrimental to the public good. Municipal representatives must be mindful that the appearance of impropriety can be as corrosive as an actual impropriety, and must strive to avoid situations which may create an appearance of impropriety.

G. Misuse of city assets. Municipal representatives must not request, direct or permit for personal use the use of any city vehicle, equipment, or facilities not available to the general public. City funds and resources shall not be directed for personal use or gain by municipal representatives.

H. Confidential information. Municipal representatives shall respect the confidentiality of information concerning city property, personnel or proceedings of the city. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal interests.

I. Nepotism.

   1. Employment procedures. It shall be a violation of the Code to engage, hire or appoint a relative of a municipal representative unless the city's personnel policies applicable to such employment appointment have been followed.
   2. Terms of engagement. Municipal representatives are prohibited from influencing or attempting to influence the compensation, benefits, or other terms and conditions or engagement by or service to the city applicable to any relative of a municipal representative. Page 189 of 210

J. Gifts. Gifts in value greater than fifty ($50.00) shall not be accepted by municipal representatives for services or official actions while performing official duties of his or her position. The acceptance of cash or the equivalent is never permitted. Municipal representatives shall not solicit gifts. The city follows state law regarding the definition of gifts in A.C.A. § 21-8-401 through § 21-8-804.

K. Outside employment or service. Municipal representatives shall not engage in or accept any employment or service, other than employment by the city, if such employment or service reasonably would tend to impair the municipal representative's independence of judgment in the performance of his or her duties. Outside employment by employees must follow applicable city personnel policies.

L. Fund-raising activities. Political fund-raising is prohibited by municipal representatives on city time, in a city uniform, and in a city workplace. Charitable fund-raising by employees in a city workplace and on city time must be approved by the city administrator.

M. Contracts with the city. Municipal representatives shall not be engaged as a vendor or independent contractor with the city when their city position is a factor in the decision-making process and the relationship would create a conflict of interest.

N. Crimes. Municipal representatives may be removed from their position if convicted of a felony or a misdemeanor which relates directly to their official duties.

O. Discrimination. Municipal representatives shall not violate any federal, state or city laws prohibiting discrimination.

P. Sexual harassment. Municipal representatives shall not violate any federal, state or city laws prohibiting sexual harassment.

Q. Retaliation. Municipal representatives shall not violate any federal, state or city laws prohibiting retaliation, including retaliation against whistle blowers or those filing claims against the city. Specifically, A.C.A. § 21-1-601 through § 21-1-609 will be enforced.

R. Similar conduct. Other similar conduct which threatens the public confidence in the integrity of government including but not limited to illegal conduct, conduct which puts self-interest before public interest, or conduct involving dereliction of duties is prohibited

S. Other policies or rules of conduct. A municipal representative may be required to follow more stringent policies or rules of conduct, such as departmental personnel policies. The more stringent policies or rules must be followed.

III. Enforcement.

A. Complaints. A verified complaint in writing, signed by someone with personal knowledge of the facts giving rise to the complaint, which states the name of any person alleged to have committed a violation of the Code and which sets forth the particulars thereof shall be reported to:

1. State ethics commission for violations involving elected officials;
2. City board of directors for violations involving appointed officials and volunteers; and
3. Director of human resources for violations involving employees.

The filing of a frivolous complaint by a municipal representative shall be a violation of this code.

B. Investigation. Following receipt of an internal or external verified complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis to believe that a violation of the Code has been committed or that an investigation of a possible violation is warranted, the city internal auditor will provide a written report within five business days of receiving the complaint. If evidence exists that a violation has occurred, the violator shall be notified and the report shall be presented to the appropriate level of authority.

C. Corrective action and sanctions. If a violation has been determined, the state ethics commission, board of directors or director of human resources shall recommend an appropriate penalty or corrective action in accordance with applicable laws and/or city personnel policies.

SECTION III: Disciplinary Action & Personal Conduct

H. The following are some, but not all, of serious infractions of personal conduct standards that will call for disciplinary action ranging from a verbal warning or reprimand to discharge/termination of employment:

21. Violation of the City's Code of Business Conduct

B

FSFD Operations Manual

2014 Edition

RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION FOR THE CITY OF FORT SMITH, ARKANSAS FIRE DEPARTMENT January 22, 2014

Section 3: Probationary Appointment Policy - Background Investigation

3:02 No person shall be considered for appointment to the Fort Smith Fire Department who has been convicted of a misdemeanor that involves a crime of theft, of violence (including domestic violence), or of drug usage.

Fort Smith Fire Department Operations Manual

Section 1.5 Scope

1.5.1 The provisions of the Operations Manual of the Fort Smith Fire Department shall be observed by all uniform members of the Fire Department in order to maintain the confidence, respect and support of the community.

1.5.2 Violation of the Operations Manual of the Fort Smith Fire Department, the Civil Service Commission's Rules and Regulations, the ordinances of the City of Fort Smith, laws of the State of Arkansas or the United States, departmental orders, policies and directives shall subject the offender to disciplinary action which may take the form of a verbal or written reprimand, reduction in rank, suspension without pay, suspension with pay or discharge from employment. Action taken will depend upon the severity of the offense, the record of the offender and the seriousness of the consequences of the violation.

1.5.3 Disciplinary action under these Rules and Regulations shall be in accordance with the Civil Service Commission's Rules and Regulations.

1.5.4 It shall be the duty of all members to take corrective action and submit in written report to an immediate supervisor whenever they learn through personal observation or a report of any violation of the Operations Manual, the Ordinances of the City of Fort Smith, and/or the laws of the State of Arkansas or the United States by any uniform member of the Department.

1.5.5 Should the violation involve an incident of serious nature, the Chief or the on duty Chief Officer detecting the violation shall relieve the offender from duty. Should the observing uniform member be of lesser rank than the offender, he/she shall notify their supervisor immediately. The offender shall be instructed to keep himself/herself available to the Office of the Fire Chief.

1.5.6 When a violation does not involve gross misconduct, but could cause discredit to the Department or any member thereof, an initial investigation and report shall be made in writing setting out the known facts of the case by the department member that has knowledge of the incident and that report shall follow the chain of command to the Office of the Fire Chief. An investigation then will be initiated to determine the nature and degree of the violation.

1.5.7 Minor violations, which do not involve gross misconduct and which will not reflect discredit upon the Department, but which indicate a need for some form of discipline and/or training, may be handled by the offender's Chief Officer or Superior.

1.5.8 No member of the department shall procure appointment in the department by means of willful misrepresentation or omission any material facts concerning his/her personal history, qualifications for employment, or physical condition. Any willful misrepresentation or omission of material fact, whenever discovered, shall be basis for termination from employment with the department.

1.5.9 If any section, sentence, clause or phrase of the Operations Manual of the Fort Smith Fire Department is for any reason held invalid, such decision shall not affect the remaining portions.

Section 1.6 Professional Conduct and Personal Bearing

1.6.1 Dereliction of duty on the part of any uniform member of this Department that is detrimental to the proper performance of the functions of the Department is cause for disciplinary action. The offender shall be punished according to the severity of the violation, the results brought by the dereliction, and the effect it has upon the discipline, good order and the best interest of the Department. Although not on an exhaustive list, the following described sections constitute dereliction of duty.

1.6.1.1 Failure of a supervisor or a chief officer to take immediate action when a violation of these Rules and Regulations come to his/her attention, regardless of the supervisor's or violator's assignment or rank within the Department.

1.6.1.2 Failure to observe and adhere to the Operations Manual of the Department.

1.6.1.3 Failure to give name, rank or duty assignment to any person upon request.

1.6.1.4 Failure to observe and adhere to the Operations Manual of the Department. Failure to give name, rank or duty assignment to any person upon request. To be under the influence of a controlled substance; to be a user of a controlled substance; to take medication in a manner not prescribed by a physician, dentist, podiatrist, veterinarian, mid-level practitioner, or other practitioner who is 1) authorized to prescribe controlled substances by the jurisdiction in which the practitioner is licensed to practice, 2) Registered with the DEA or exempted from registration, or 3) an agent or employee of a hospital or other institution acting in the normal course of business or employment under the registration of the hospital.

1.6.1.5 To be under the influence of any prescription drug not previously reported to the Department.

1.6.1.6 Unnecessary violence toward any person.

1.6.1.7 Disrespect shown toward any supervisory officer, any civilian supervisor or subordinate or any other member equal in rank.

1.6.1.8 Use of unnecessarily loud, indecent, profane, or rude language in the performance of official duties or in the presence of the public or during the presence of any other member of the Department.

1.6.1.9 To accept, agree to accept, or solicit a bribe. [A bribe shall be defined as a gift, money, thing of value, testimonial, appointment or personal advantage, or the promise or solicitation of same for the purpose of obtaining special privileges or personal gain by the donor or the person.]

1.6.1.10Cowardice or failure to perform firefighting duties because of danger.

1.6.2 No member of this Fire Department shall engage in any conduct which constitutes conduct unbecoming a uniform member of this department or neglect of duty.

1.6.3 No member of this Fire Department shall engage in any personal act or conduct which, if brought to the attention of the public, could result in justified criticism of that member or the Department.

1.6.4 All members of this Fire Department shall treat supervisors, subordinates and associates with respect. Employees shall be courteous and civil at all times in their relationships with one another. When on duty, in the presence of the public or other employees, members shall be referred to by rank and proper surname.

1.6.5 Members shall not publicly criticize or ridicule the Department, its policies or other employees by speaking, writing or expressing any manner which is defamatory, obscene, and unlawful or tends to impair the operation of the Department by interfering with its efficiency, with the ability of supervisors to maintain discipline or by a reckless disregard for the truth.

1.6.6 Members shall not ridicule, mock, taunt or belittle any person at any time. Neither shall he/she willfully embarrass, humiliate, nor shame any person, nor do anything that might incite any person to violence.

1.6.7 Members shall not conduct themselves in the offices and buildings of the Department in a manner which would discredit any member of the Department.

1.6.8 Members shall not engage in any form of gambling while on duty.

1.6.9 Members shall not engage in "horseplay" or the playing of pranks while on duty.

1.6.10 Members shall not solicit any funds for the purpose of buying a gift for any member of the Department without permission of the Office of the Fire Chief.

1.6.11 Members shall not receive any money or gift from any type of solicitation for special circumstances not previously approved by the Fire Chief.

1.6.12 Members shall not accept, either directly or indirectly, any gift, gratuity, reward, loan, fee, discount, rebate or special consideration arising from or offered that might reasonably tend to influence him/her in the discharge of his/her duties.

Section 25.15 Workplace Violence

25.15.1 The Fort Smith Fire Department has a zero tolerance policy for workplace violence. Zero tolerance means that threats, intimidation, harassment, or acts of violence (particularly employee against employee assaults) shall not be tolerated. If any employee displays or threatens any violent activity in the workplace, he or she shall be subject to immediate disciplinary action up to and including termination of employment.

25.15.2 Definitions and Clarifications

25.15.2.1 Workplace violence: An implied or actual act or threat made directly or indirectly that creates, or could create, physical harm to employees, their families, friends or property that takes place at the workplace or because of performing work duties associated with employment by the City of Fort Smith.

25.15.2.2 Long gun: Any firearm with a barrel length of more than twelve (12) inches designed, made, or adapted to be fired with two hands.

25.15.2.3 Handgun: Any firearm with a barrel length of less than twelve (12) inches designed, made or adapted to be fired with one hand.

25.15.2.4 Knife: Any bladed (a blade of three and one-half inches or longer) hand instrument that is capable of inflicting serious physical injury or death by cutting or stabbing. It includes a dirk, sword or spear in a cane, razor, ice pick, throwing star, switchblade, and butterfly knife.

25.15.2.5 Club: Any instrument that is specially designed, made, or adapted for inflecting serious physical injury or death by striking, including a blackjack, Billie, and sap.

25.15.2.6 Course of conduct: A pattern of conduct composed of two or more acts separated by at least 36 hours but occurring within one year. Constitutionally protected activity is not included within the meaning of course of conduct.

25.15.2.7 Stalking: A person commits stalking if he or she purposely engages in a course of conduct that harasses another person and makes a terroristic threat with the intent of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family.

25.15.2.8 Harassment: A person commits harassment if, with intent to harass or threaten another person, the person:

- Communicates or causes a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a way that harasses or threatens.
- Continues to follow another person in or about a public place for no legitimate purpose after being asked to desist.
- Engages in a course of conduct or repeatedly commits an act that harasses or threatens another person.

Section 25.16 Prohibited Possession of Weapons

25.16.1 It is prohibited for any employee, while on City property or while conducting City business, to carry (or possess), maintain in a vehicle, or maintain in a desk, locker, a personal item or otherwise have readily available for use as a potential weapon, any loaded or unloaded long gun or handgun, knife, club, bow and arrow/crossbow, ammunition or item that clearly is intended as a weapon. For the purpose of this prohibition, a City tool is not considered to be a prohibited weapon.

Section 25.17 Prohibited Activities

25.17.1 While on City property or while conducting City business, any persons involvement in workplace violence including, but not limited to, any act of violence (including pushing and shoving) or threats of violence (including "joking" or intimidation of others).

25.17.2 Any course of conduct by a City employee, that may or may not occur on City property or while conducting City business, and involves another City employee(s), their families, friends, or property that includes stalking or harassment as defined above and by the laws of the State of Arkansas.

c

Fort Smith Police Department

Policies and Procedures
"…Pride and Progress…"

RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION FOR THE CITY OF FORT SMITH, ARKANSAS POLICE DEPARTMENT January 22, 2014

Section 3: Probationary Appointment Policy - Background Investigation

3:02 No person shall be considered for appointment to the Fort Smith Police Department who has been convicted of a misdemeanor that involves a crime of theft, of violence (including domestic violence), or of drug usage.

Fort Smith Police Department Rules and Regulations

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Professional Conduct and Personal Bearing Section 300

Public Activities Section 500

Protection of Prisoners, Their Rights, & Their Property Section 600

SECTION 300 [LE 26.1.1]

PROFESSIONAL CONDUCT AND PERSONAL BEARING

301.08 Unnecessary violence toward any person.

306. Officers shall not ridicule, mock, taunt, or belittle any person at any time. Neither shall he/she willfully embarrass, humiliate, nor shame any person nor do anything that might incite any person to violence.

SECTION 500

PUBLIC ACTIVITIES

505. Officers shall not become a member of any organization, association, movement or group that commits or advocates acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unconstitutional means.

SECTION 600

PROTECTION OF PRISONERS, THEIR RIGHTS AND THEIR PROPERTY

602. All officers shall protect the rights of any person held in custody and no officers shall verbally abuse or use any unnecessary violence against any person.

Policies and Procedures:

1101-21 – Use of Discretion

III. Arrest Procedures [LE 1.2.5.a]

Authority to Arrest Without a Warrant

D. Acts which constitute a crime under the laws of this state and which constitute domestic abuse as defined by law against a family or household member and which

occurred within twelve (12) hours of the arrest. (Arkansas Rules of Criminal Procedure Rule 4.1)

G. Authority to Issue Citations to Appear [LE 1.2.6] [LE 1.2.7]

3. Any suspect arrested for an offense related to Domestic Abuse will not be issued a Citation to Appear.

1102-12 - Police Training Program:

IV. Core Program Elements, Evaluations, and Documentation

A. The PTO Program, based on the national model developed by the Department of Justice in conjunction with the Community Oriented Policing Services division, has several key elements which are essential to the success of the training methodology. These elements are utilized in concert to help guide and measure the success of the applicants in achieving the course objectives, and to document their progress in training. Each element is described below: [LE 33.4.2.b][LE 33.4.3.g] [LE 33.4.3.h]

2. Learning Activity Packets (LAPs) – Learning Activity Packets will serve as a supplement to day to day training with PROs. LAPs will cover topics and specific tasks that are not covered in policy or Operational Memorandums. PROs will be given a set of LAPs during each phase of training. The PROs will be given a practice quiz at the Mid-Term and Final Evaluation phases that cover the topics in the LAPs. These quizzes are not pass or fail however if the PRO performs poorly on the practice they will be issued the LAP again until competency is demonstrated. LAPs may also be produced in an "as needed" basis to a PRO that needs remedial. This will be done at the discretion of the PTO Chain of Command. The initial list of topics are below;

15. Domestic violence procedures

1103-02 – Selection Process - Police Officer:

IV. Grounds for Rejection

4. Any domestic abuse conviction regardless of the date committed.

5. Any misdemeanor conviction of a crime of theft, violence or drug usage.

7. Persons charged with a criminal offense that was dismissed through deferred adjudication may be considered for employment except when the charge was for:

k. Domestic abuse

1103-04 – Selection Process - Non-Sworn

IV. Grounds for Rejection

4. Any domestic abuse conviction regardless of the date committed.

5. Any misdemeanor conviction of a crime of theft, violence or drug usage.

7. Persons charged with a criminal offense that was dismissed through deferred adjudication may be considered for employment except when the charge was for:

   k. Domestic abuse

1104-07A – Disciplinary Matrix: Rule 202 (page 1); Workplace Violence (page 5)

Allegation	Class Type	Rule	Policy	1st Offense	2nd	3rd Offense
Listed criminal offense : Any Felony Offense/Any Drug offense/Any Domestic Violence offense/ Any DWI Related offense/ Any Theft offense	Class A	202	varies	Termination		
Workplace Violence	Class A	301.08 / 301.09 / 303 / 306 / 307	1104.08	up to 30 calendar day suspension or termination	up to 30 calendar day suspension or termination	Termination

1104-08 – Workplace Violence: (all)

I. Purpose and Scope

   A. The purpose of this policy is to establish policies regarding behavior in the workplace by members of the Fort Smith Police Department. This policy shall apply to all members of the Fort Smith Police Department.

II. Policy

   A. It shall be the policy of the Fort Smith Police Department to make reasonable efforts to ensure that all members work in an environment free of all forms of workplace violence. The Fort Smith Police Department considers workplace violence a form of serious employee misconduct. Therefore, the Police Department shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of workplace violence.
   B. It is the policy of the Fort Smith Police Department that workplace violence and/or conduct that interferes with the Department's operations, which discredits the Police Department, or that which is offensive to visitors or co-workers will not be tolerated, regardless of whether that conduct is that of a member, associate of a member, or a visitor.

III. Definition

   A. Workplace Violence – Any act of aggression or any statement which could be perceived as an intent to cause harm to the Fort Smith Police Department or to an

individual, whether personal, such as physical or emotional; or impersonal, such as property damage or theft.

IV. Procedure

A. Every member of the Fort Smith Police Department shall be mindful of their actions to ensure that his conduct does not include or imply a breach of this policy.

B. Prevention of violence in the workplaces of the Fort Smith Police Department cannot solely be an effort of management. Every member of the Department must share in this effort. Therefore, it shall be the responsibility of each member of the Police Department to report violence or suspected violence, whether by a member or non-member, to their supervisors.

C. If any form of workplace violence to a person or property has taken place or is taking place, the following procedures shall apply:

1. The member should immediately report the violence or his suspicions of violence to his supervisor. If the violence involves that supervisor, then the violence should be reported to the Chief of Police.

2. Any supervisor who receives a report of, or has knowledge of, or suspects the occurrence of workplace violence should promptly assess the situation and ensure the direct safety of any and all personnel or property involved. The supervisor shall notify the Chief of Police and the Office of Professional Standards as soon as prudent and possible.

3. At the direction of the Chief of Police, the Office of Professional Standards shall conduct an investigation of the incident and report the findings to the Chief of Police.

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December 18, 2014

Mr. Richard Jones
Director of Human Resources
623 Garrison Avenue, 3rd Floor
Fort Smith, AR 72901

Re: Domestic Violence Policy

Dear Mr. Jones:

You asked for our input on the possibility of the City of Fort Smith adopting a zero tolerance policy as it relates to domestic violence. Accompanying this letter is a lengthy memo that outlines some of the primary issues and concerns vis-à-vis domestic violence both in the workplace and out of the workplace.

The City, of course, currently has a policy in place that addresses workplace violence whether employee to employee or employee to those with whom the employee might come into contact in the course of performing their duties. As noted in the memo, all non-uniformed employees of the City have no contract (with the exception of the City Administrator), and, therefore, are employees at-will and, unless part of a protected group as referenced in the memo, may quit employment with the City or be terminated at any time, with or without cause.

As it relates to domestic violence allegations for conduct off-duty, not involving other City employees or members of the public with whom the City employee comes in contact as part of their duties, a proposed zero tolerance policy becomes more complicated. Because of the potential that allegations of domestic violence might be unfounded, the issue of whether an employee should be terminated simply because they have been arrested raises both practical and legal concerns. That is, as a practical matter, if the employee is a good employee, should they be terminated merely because of the arrest, especially, with the possibility of a criminal proceeding that ultimately turns out in favor of the accused? Legally speaking, the accompanying memo points out that, when it comes to termination decisions based solely on arrest, the Equal Employment Opportunity Commission has taken the position that, in many instances, it could have a disparate impact on certain races and thus could result in litigation alleging violation of Title VII of the Civil Rights Act.

While the genesis of the local discussion about potential zero tolerance for domestic violence

perhaps focused on the alleged perpetrator, the memo suggests that any discussion also include the City employee who might be a domestic violence victim. For that circumstance, the memo identifies possible language that has been used by other entities in framing their policy for alleged domestic violence victims.

While lengthy, the memo does not discuss whether any proposed zero tolerance policy ought to extend to those that might do business with the City. Should that also become part of the discussion, it is conceivable that a "morals" clause or a good behavior clause could be inserted into the City's contracts. As an example, existing contracts may already have provisions relating to the use of undocumented workers. Similarly, a contract could include a clause relating to certain types of "bad" conduct. However, in contemplating the inclusion of such a contractual clause, the question then becomes who is to be included, i.e., is it only principals or does it extend to all of the employees – which could be a significant number. Would such a clause be part of all contracts including those with out-of-state providers? Again, how extensive is the application of the clause particularly as it relates to a large business? Furthermore, if such clause were to be included in the contracts, would the "off-duty" conduct include things other than alleged domestic violence, e.g., arrest for driving while intoxicated, shoplifting, assault/battery, public sexual indecency, etc.? Would the fact that a contractual partner (or any of its employees) of the City had been arrested have any relationship to the services or product being provided to the City or necessarily reflect unfavorably on the City itself? Lastly, as with off-duty conduct of the City's own employees, how would the City investigate and then enforce the provision?

After reviewing the accompanying memo, please let us know if you have additional questions or comments.

Sincerely yours,

Wyman R. Wade, Jr.
WRW/cmm

Enclosure

Domestic Violence

According to a 2011 report from the Center for Disease Control, an estimated 420,000 women and 375,000 men in Arkansas have been victims of physical abuse, rape, and/or stalking by an intimate partner at some point in their lives. This means that 36% of the adults (18 years and older) in Arkansas have been victims of intimate partner violence during their lifetimes. See Center for Disease Control, National Intimate Partner and Sexual Violence Survey, 2010 summary report; https://courts.arkansas.gov/administration/domestic-violence/statistics.

At page 1 of the City of Fort Smith's Human Resources Policies handbook, it is noted that:

> Continuity of employment covered by this policy will be subject to good behavior, satisfactory work performance and the availability of funds. Neither this policy nor the contents of any other human resources policy and procedure handbook that may be used by the City, nor any oral promise, would constitute or imply an employment contract. Rather, employment with the City of Fort Smith is at-will and for an indefinite period of time, capable of being terminated at any time by the employee or by the City.

This employment-at-will doctrine has, however, been modified by the Arkansas Supreme Court. For example, the Arkansas Supreme Court, in Sterling Drug, Inc. v. Oxford, 294 Ark. 239, 743 S.W.2d 380 (1988), cited with approval a United States District Court opinion which outlined four exceptions to the employment-at-will doctrine:

> Arkansas law would recognize at least four exceptions to the at-will doctrine, excluding implied contracts and estoppel. These are (1) cases in which the employee is discharged for refusing to violate a criminal statute (2) cases in which the employee is discharged for exercising a statutory right; (3) cases in which the employee is discharged for complying with a statutory duty; and (4) cases in which employees are discharged in violation of the general public policy of the state.

Sterling Drug, 294 Ark. at 245, 743 S.W.2d at 383, quoting Scholtes v. Signal Delivery Serv., Inc., 548 F.Supp. 487, 494 (W.D. Ark. 1982). Additionally, there are numerous state and federal laws that prohibit employers from firing employees for certain reasons, e.g., racial discrimination, religious discrimination, gender or pregnancy discrimination, disability discrimination, retaliation, union affiliation or activities, National Guard or Reserve duties, or on the job injuries.

As it relates to domestic violence, vis-à-vis the workplace, Section I, subsection D, at page 5 of the City of Fort Smith's Human Resources Policies handbook, provides:

> The City will have a "zero tolerance" for workplace violence. Zero tolerance

means that threats, intimidation, harassment, or acts of violence (particularly employee against employee assaults) will not be tolerated. If any employee displays or threatens any violent activity in the workplace, he or she will be subject to immediate disciplinary action up to and including termination of employment.

Section I, subsection D.3, at page 7 of the Human Resources Policies handbook, goes on to state that the following actions are prohibited:

a. While on City property or while conducting City business any person's involvement in workplace violence including, but not limited to, any act of violence (including pushing and shoving) or threats of violence (including "joking" or intimidation or others).
b. Any course of conduct by a City employee that may or may not occur on City property but while conducting City business, and involves another City employee(s), their families, friends, or property that includes stalking or harassment as defined . . . [in the City's Human Resources Policies handbook] and by the laws of the State of Arkansas.

Accordingly, as it relates to violence, or threatened violence, in the workplace, or on City property, or while conducting City business, and which involves other City employees, their families, friends, or property, there is in place an existing City policy the violation of which could result in discipline up to and including termination.

Additionally, in Section I, subsection E.2., the following provisions are currently in effect:

n. Crimes – Municipal representatives may be terminated or removed from their position if convicted of a felony or a misdemeanor which relates directly to their official duties.

. . .

r. Similar Conduct – Other similar conduct which threatens the public confidence in the integrity of government, including but not limited to, illegal conduct . . .

Inasmuch as the City already has a workplace violence policy, and other existing policies which, arguably, could be implicated in a domestic violence situation, the question, especially, in light of recent well-publicized events involving professional athletes and allegations of domestic violence, is what is an employer to do about off-duty domestic violence? As is pointed out below, there are no easy answers, but there are a few ideas and observations.

While the City's existing policy would permit termination of an employee who is convicted of a felony or is convicted of a misdemeanor that relates directly to their official duties, there

currently is no policy that would specifically allow termination for conviction of a charge of domestic violence unrelated to their official duties. Accordingly, the City might consider amending its policies handbook to include a potential basis of discipline for "conduct unbecoming a public employee." Such conduct might include, but not be limited to, arrest or conviction of domestic violence. This would be based on the position that taxpayer dollars should not be spent on an employee who commits abusive acts or that the commission of those acts renders the employee unfit for public service.

If the alleged domestic violence occurs off-duty, not on City property, does not involve other City employees, and is completely unrelated to the workplace, then the matter is a bit more complicated. That is, it is possible that the employee is the victim. In such instances, the employee might be distracted, scared, upset, or frequently absent because of physical injury or psychological trauma, or court appearances. The employee might spend too much time commiserating with coworkers and not working. Additionally, there is the possibility that the abuser could show up, causing the "private matter" to impact the workplace. In such instances, and, because of these risks, some employers have been known to terminate the victim because the off-duty situation has now created too much disruption in the workplace or has put the employees or others at risk.

On the other hand, it is possible that the employee is the perpetrator. While the perpetrator may be doing a great job, should an employer fire the employee for off-duty conduct that has no noticeable impact on the workplace, it raises the specter of a claim for discrimination or some other type of wrongful termination.

Employee as Victim

In the event an employee is the victim, the City might consider having a policy that includes one or more of the following:

(1) All employees should be sensitive and non judgmental when supporting victims of domestic violence,
(2) An employee shall not be disciplined or penalized in the workplace for being a victim of domestic violence,
(3) When an employee subject to discipline confides that the job performance or conduct problem is caused by domestic violence, that information will be kept confidential and the employee shall be referred to the City's Employee Assistance Program,
(4) The employee's participation in the Employee Assistance Program shall be voluntary,
(5) An employee might be allowed accrued paid or unpaid sick time, vacation time, personal time, or disability leave to address the effect of violence on their life, and,
(6) Employees who are victims of domestic violence shall work with their supervisor to ensure that adequate safety measures are in place in the workplace.

Employee as Alleged Perpetrator

Often, when employers learn that an employee has been accused of domestic violence, the instant reaction is disgust and concern about implications for the business, including a negative impact on reputation and potential liability if the employee has extensive contact with the public. Accordingly, a first reaction might be to terminate the employee. However, of particular legal concern is whether an employee should be terminated simply because they have been arrested, but not yet convicted. It is conceivable that the allegations are false and thus a zero tolerance policy based solely on an arrest could result in a good employee being fired prematurely.

Importantly, under the Equal Employment Opportunity Commission's (EEOC) interpretation of Title VII of the Civil Rights Act, employers who routinely take adverse action against employees or applicants on the basis of their arrest or conviction records alone are deemed vulnerable to adverse impact-related discrimination charges. The EEOC has taken this position because members of certain minority groups are arrested at disproportionately higher rates than whites, and thus the potential exists for disproportionately higher adverse employment outcomes if an employer bases its employment decision solely on criminal charges.

The EEOC, when considering arrest records, suggests that employers take action only if the conduct was job-related and relatively recent. The EEOC further suggests that employers "examine the surrounding circumstances, offer the applicant or employee an opportunity to explain and, if he or she denies engaging in the conduct, make the follow-up inquiries necessary to evaluate his/her credibility." The EEOC goes on to note that "a blanket exclusion of people with arrest records will almost never withstand scrutiny." See "Domestic Violence: Can You Fire the Perpetrator?" by Maurine Minehan.

As Ms. Minehan points out in her article, "Domestic Violence: Can You Fire the Perpetrator?", the better way to avoid litigation related to termination of employees accused of domestic violence is to make the business case for their dismissal. For example, business reasons for termination might include: damage to the employer's reputation; extensive contact between the employee and the public for which the employer could be held liable should a similar instance occur; or the potential for harm to other employees.

Other legal analysts suggest that an employer should assess the risk to their business before drafting a policy that would allow termination of an employee for off-duty conduct. If there is little threat to the employer or to the employer's employees from the accused employee's actions, the suggestion is to "await the results of the criminal proceeding" before taking action. Consequently, fundamental fairness might dictate not terminating an employee until there is a final disposition of the matter.

In addition, the practical question arises as to what, if any, other off-duty conduct ought to be considered when discussing a policy potentially applying disciplinary measures to off-duty conduct. For example, should an arrest for DWI, Public Sexual Indecency, Battery (not Domestic Violence), Public Intoxication, or other alleged criminal conduct that might, if

publicized, bring discredit to the employer, be part of the discussion?

Uniformed v. Non-Uniformed Personnel

Should the City of Fort Smith add to its current policy regarding workplace violence and/or add additional policies governing off-duty domestic violence, it should be remembered that uniformed personnel, i.e., police officers and firefighters, are governed differently from non-uniformed personnel with the City of Fort Smith. That is, both police officers and firefighters are subject to rules and regulations, as well as policies and procedures, of their respective departments and, ultimately, in many instances, have the right of a grievance hearing or trial before the Civil Service Commission in the event of disciplinary action. Accordingly, any changes to the Human Resources Policies handbook of the City should be done with the realization that those policies by themselves will not affect police officers or firefighters.

While I believe that our police department and/or fire department may already have similar rules governing "unbecoming conduct," I have not specifically reviewed for that. However, below is a copy of a rule utilized by the Olympia,Washington Police Department that is applicable to this current conversation:

> Unbecoming conduct - A police officer is the most conspicuous representative of government, and to the majority of the people is a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when an officer's actions are found to be excessive, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of officers, on or off-duty, may reflect directly upon the Department, officers must at all times behave in a manner which does not bring discredit to themselves, the Department or the City.

Additionally, attached as a possible policy model is a copy of the Olympia,Washington policy on employee-involved domestic violence, whether those employees are full-time, part-time, commissioned or civilian.

26.1.2 Harassment

It is the policy of the Department to provide a work environment for its members which is free from harassment, in accordance with City regulations. [see City Administrative Guideline 3]

26.1.3 Employee-involved domestic violence

I. Policy

Public confidence and trust are critical to police agencies' ability to maintain public safety. Police employees - sworn officers in particular - have authority and training that, used improperly, can harm or intimidate others and destroy the foundation of trust on which the profession depends. When police officers or employees perpetrate domestic violence, the victims of that violence are rendered especially vulnerable. Therefore, the Department follows a "zero tolerance" policy with regard to acts of domestic violence committed by its own employees - sworn or civilian. Likewise, the Department does not condone domestic violence perpetrated by any member of the policing profession, regardless of where he/she may work.

The Department does not hire new employees whose histories include a conviction for domestic violence or child abuse, or whose background investigations indicate an elevated risk for domestic violence behavior. Department employees who are convicted of a domestic violence offense are subject to disciplinary action, up to and including dismissal.

To prevent domestic violence, the Department seeks first to educate employees at all phases of their careers and then to interdict potential domestic violence situations as early as possible to reduce victimization and increase the chances of career stability.

The Department expects its employees to recognize potentially volatile domestic issues in their own lives and to seek timely assistance in resolving those issues before they become violent. The Department expects employees who become aware of incidents of domestic violence involving Department co-workers to report such occurrences to an appropriate supervisor or manager in a timely manner. The Department expects its officers who respond to calls involving domestic violence in which one or more parties are police personnel - sworn or civilian - to report that fact to their supervisor in a timely manner and to comply with the reporting provisions of this General Order.

When incidents of domestic violence involving Department employees do occur, the Department assures that, first and foremost, victims are provided with reasonable protection and access to appropriate services. The Department further assures that prompt action is taken to expeditiously investigate the allegations and enforce the law, while preserving and protecting the rights of employees established by law and by the terms of applicable collective bargaining agreements.

II. Definitions

A. *Domestic violence* as defined in RCW 10.99 includes two elements: 1) a relationship between the perpetrator and the victim, as defined in RCW 10.99.020 (3) and, 2) the presence of a criminal act, as defined in RCW 10.99.020 (5).

B. *Officer or sworn employee* means a general authority Washington peace officer as defined in RCW 10.93.020; any person appointed under RCW 35.21.333; and any person appointed or elected to carry out the duties of a sheriff under chapter 36.28 RCW. It may also mean any person with similar powers and authority in another state.

C. *Employee* means any person employed by the Department in any capacity, including part-time, temporary and contract employees.

D. *Member* means any person who is affiliated with the Department as an employee - sworn or civilian - or unpaid volunteer.

III. Pre-employment screening

A. Pre-employment screening procedures include the requirement that candidates disclose prior domestic violence or child abuse convictions or allegations and disclose having been the subject of a protective order, as defined in RCW 10.99.090 .3(a)(iii), from any state, any tribal court or the military.

B. Questions relating to domestic violence and child abuse are included in pre-employment interviews with parties having current or past relationships with candidates that are defined in RCW 10.99.020 (3).

C. One or more prior convictions for domestic violence offenses, as described in RCW 10.99.020 (5), automatically disqualify a candidate for employment with the Department.

D. An allegation of domestic violence or child abuse (including those that did not result in a conviction); being the subject of a protection order; or being identified through background investigation as having an elevated risk for domestic violence or child abuse behavior all may be disqualifiers in hiring decisions related to new employees.

IV. Domestic violence prevention and intervention

A. The Department provides information and training on this policy to all members during new member orientation and/or the field training program. [see 33.4.3]

B. The Department maintains current information on mediation, counseling, respite/safe haven and other services available in the community to assist members, their families and the public with personal relationship and domestic violence issues. Members who are experiencing difficulties with personal relationships or parenting are encouraged to seek assistance from the employee assistance program or a professional therapist. In situations where family violence is an issue, assistance from a State certified domestic violence specialist or treatment provider is recommended.

V. Reporting requirements

A. A member who becomes aware of an act of domestic violence committed by another member shall report that allegation to his/her supervisor without delay.

B. A member who becomes the subject of a criminal investigation or who has a protective or restraining order issued against him/her related to domestic violence or child abuse - regardless of jurisdiction - shall immediately report that fact to his/her direct supervisor or the on-duty patrol supervisor. In addition, employees shall provide their direct supervisors with relevant court dates, results of proceedings and copies of issued orders in a timely manner.

C. A sworn employee who has previously been investigated for founded allegations of child abuse or neglect, or who is currently or has previously been subject to any order under RCW 26.44.063 , 10.14 or 26.50 , or any equivalent order issued by another state or tribal court, shall report that fact to his/her supervisor forthwith.

D. A supervisor receiving information from a member about an alleged act of domestic violence committed by another member, or any other information that is subject to mandatory reporting under this policy, shall deliver that information through his/her chain of command to the Chief of Police.

E. A sworn employee taking a report where a sworn officer of another police agency is alleged to have committed an act of domestic violence shall notify his/her supervisor of the details of the incident without delay.

F. A supervisor who is notified by a subordinate about a report being taken that alleges a domestic violence offense being committed by a sworn officer of another police agency shall notify an appropriate supervisor in the employing agency of the circumstances of those allegations as soon as possible after receiving the notification.

G. A member who becomes aware of any incident of domestic violence involving the Chief of Police, shall report the allegation to his/her supervisor, division commander/manager or to the City Manager.

H. A supervisor receiving information alleging the involvement of the Chief of Police in an act of domestic violence shall immediately notify his/her division commander or manager of the allegation.

I. A division commander/manager who receives information from an employee or supervisor alleging involvement of the Chief of Police in an act of domestic violence shall notify the City Manager of the facts in a timely manner.

J. Failure to comply with the reporting requirements specified in 26.1.3.V(A-I) may result in disciplinary action.

K. Any member who is the victim of domestic violence perpetrated either by a sworn officer (from any jurisdiction) or by any other person, is strongly encouraged to report the incident to his/her supervisor without delay. Members who have concern about reporting directly to a Department supervisor are encouraged to do so through the Victim Assistance Coordinator or another source of advocacy.

VI. Investigation of employee-perpetrated domestic violence

A. The Department provides victims of employee-perpetrated domestic violence with a Department point of contact to assist them through the investigative process. The assigned point of contact is a supervisor other than the case investigator, at least one rank higher than the alleged perpetrator, and who is trained in internal investigation procedures.

B. The assigned point of contact is responsible for providing a victim of employee-perpetrated domestic violence with the following:

1. A review of safety concerns and assistance with securing a safe haven during the investigative process, if needed;

2. Contact information about public and private non-profit domestic violence services;

3. Information regarding victim's rights, including relevant confidentiality policies related to a victim's personal information;

4. Information about both criminal investigative processes and Department internal investigation processes;

5. Assistance in tracking the status of both criminal and internal investigations, as needed, throughout the investigative process.

C. The Department shall conduct a complete and thorough criminal investigation of any allegation of member-perpetrated domestic violence committed within its jurisdiction.

D. The Department shall conduct a complete and thorough internal investigation of any allegation of employee-perpetrated domestic violence, regardless of where the incident is alleged to have occurred.

E. The same quality standards that apply to the investigation of all criminal cases and internal investigations shall apply to cases involving employee-perpetrated domestic violence.

F. When an employee is the subject of an investigation alleging an act of domestic violence, the Department will consider whether to relieve the employee of Department-issued equipment and identification; as well as suspending his/her law enforcement powers (if applicable) pending resolution of the investigation.

VII. Prohibited actions

A. No member shall engage in behavior which he/she knows, or reasonably should know, serves to retaliate against, harass, intimidate or coerce a victim, witness or reporting party who is or has been involved in an member-involved domestic violence incident.

B. A member who is a victim, witness or reporting party in a current or past investigation of member-involved domestic violence shall report any attempt by any employee to retaliate against, harass, intimidate or coerce them based on his/her involvement in that investigation to his/her division commander or manager, the Professional Standards Lieutenant or the Chief of Police in a timely manner.

VIII. Coordination of employee-involved domestic violence issues and investigations

All member-involved domestic violence issues and investigations are coordinated through the Chief of Police.

26.1.4 Rules of conduct - dissemination

I. Every employee has access to the rules of conduct in the General Orders Manual on the Department intranet. It is each employee's responsibility to read, understand and comply with the rules of conduct.

II. A copy of the rules of conduct is issued to each volunteer during initial training.

26.1.5 Employee recognition and discipline system

I. Policy

A police agency that is well-disciplined and focused is able to respond effectively and efficiently to both the routine and emergency needs of the community it serves. Without a disciplined work force, there is substantial risk that the safety and security of the community and/or Department members may be compromised, and risk that the public financial support for Department operations may not be used in the wisest manner.

Maintaining good discipline is a basic expectation of all Department members. The rules of

4

To: Sandy Sanders; Mayor of Fort Smith
Ray Gosack; City Administrator
Members of the Fort Smith Board of Directors

Dec. 17, 2014

I would appreciate a time slot at your next Study Session on Tuesday, Dec. 23, 2014 to present a resolution to request funding for the upcoming Steel Horse Rally on May 1 and 2, 2015. My presentation will not require much of the board's time. I will also have the proposed resolution requesting funding for the charity motorcycle rally written in detail for each board member in attendance to review.

I appreciate your time and attention to this matter.

Respectfully Submitted,

Dennis Snow
President | The Steel Horse Rally, Inc.
9200 Rogers Ave.
Fort Smith, AR 72903
www.TheSteelHorseRally.com
Snowmanrocks@live.com
(479) 221-3633

The Steel Horse Rally Inc.

Request for Funding from the Fort Smith City Board of Directors

Tuesday, Jan. 6, 2015

The Steel Horse Rally is a premier motorcycle event that will have activities centered in downtown Fort Smith, Arkansas. The inaugural Steel Horse Rally is slated for Friday, May 1st and Saturday, May 2nd, 2015 and will become an annual event that will take place the first weekend of May each year. The Steel Horse Rally will be dedicated to military, veterans and law enforcement.

The Steel Horse Rally (which will be referred to as "SHR") will feature entertainment for the entire family. The Steel Horse Rally Inc. is a 501 (c) 3 non-profit charity. Money raised by the charity will be disseminated to local and regional charities that specialize in helping children, veterans and the betterment of the downtown Fort Smith area.

The Steel Horse Rally Inc., its officers, and board of directors respectfully request funds in the amount of $84,000. This money will ensure that the SHR will become a premier event. Your investment in the SHR will have an annual return on investment in the form of new tax dollars generated by the event. A conservative estimate is that each tax dollar that is generated will be reinvested in our community 3 to 5 times.

Your investment will also show how you support restoring civic pride to the community. Your support will generate a positive image for the Fort Smith Board of Directors and the City of Fort Smith by showing that your are proactive in creating an event that all of our citizens can be proud of and take part in.

These are some of the projected costs of The Steel Horse Rally:

1. **Advertising**

Because this is the inaugural year of the SHR, it is imperative that we advertise throughout the state of Arkansas and in all contiguous states. This will be accomplished through intensive advertising on radio, television, and print publications.

Here is an example of the advertising strategy that will be implemented:

A) The Director of the SHR will personally travel to Little Rock, Ark. to do live interviews and feature stories on radio, TV and in newspapers.
B) Because the entertainment will be nationally-known country music and rock music, in each market we will target a country radio station, a rock radio station and two of the dominant television stations. We will also place a small buy in the area's largest daily newspaper.
C) The director of the SHR will place SHR posters in all motorcycle-related businesses, travel agencies, Chamber of Commerce, etc.

A breakdown for the Little Rock market would look like this:

A) KSSN – (Country Radio station): Schedule interviews on morning show; Place buy to run the 6 weeks leading up to the SHR. Cost: $1,000 - $1,500
B) The Point 94.1 – (Classic Rock Station): Schedule interviews on afternoon show; Place buy to run the 6 weeks leading up to the SHR. Cost: $1,000 - $1,500
C) Interview with the *Arkansas Democrat-Gazette* and place buy for a print ad to run weekly for the month leading up to the SHR. Cost: $1,000 - $2,000
D) Channel 7 – Schedule interview on morning show and during community calendar slot. Schedule an ad to run the month leading up to the SHR. Cost: $2,000 - $3,000
E) Arkansas Times – Schedule Interview with their statewide publication. Place an ad in the 2 months leading up to the SHR. Cost: $2,000

Estimated Cost for Media Saturation in the Little Rock marketplace: $7,000 - $10,000

This same marketing strategy will be implemented the first year in the following markets:

City/Regional Area	*Estimated Cost*
Fort Smith, AR	$3,000 - $5,000
Fayetteville, AR (Radio only)	$2,000 - $3,000
Little Rock, AR	$7,000 - $10,000
Hot Springs, AR	$5,000 - $8,000
Texarkana, AR	$5,000 - $8,000
Shreveport, LA	$7,000 - $10,000
Dallas, TX	$10,000 - $15,000
Tulsa, OK	$10,000 - $15,000
Oklahoma City, OK	$10,000 - $15,000
Springfield, MO	$5,000 - $8,000
Memphis, TN	$10,000 - $15,000
Jackson, MS	$5,000 - $8,000
Wichita, KS	$5,000 - $8,000

Total Estimated Media Budget for AR and contiguous states: $84,000 - $128,000

Although the main media message will be about the SHR, we will also be advertising the city of Fort Smith. The advertising schedules will be implemented around March, 20th, 2015, the first Day of Spring.

2) **Production Costs**

30-second Television Spot – (5-Star Productions, Fort Smith, Ark.) – Cost: $5,000

Radio Spots – Cost: No Charge; Will be handled by Director of SHR

Print Layout (Newspaper, posters, etc.) – Cost: No Charge; Will be handled by Sec/Treasurer of SHR
Total Estimated Production Cost: $5,000

3) **Motorcycle-Oriented Entertainment**

Motorcycle-entertainment showcasing incredible riding talents and tricks of some of the nation's top rider's is a fun event that riders and non-riders can appreciate. It is also a fun event for the whole family.

A) Bubba Blackwell – This Harley-Davidson-riding daredevil has broken all of Evel Knievel's records and is currently working on a new reality show. He does a stunt show and then attempts a motorcycle ramp-to-ramp jump. Cost: 1-Day Show: $15,000

2-Day Show: $20,000

B) MX Motorcycle Show – Sport bike riders who have toured all over the world; they do a show showcasing their riding skills and then have an autograph and picture session:

Cost: 2-Day Event: $16,000 - $20,000

Total Estimated Motorcycle-Oriented Entertainment: $31,000 - $40,000

4) **Musical Entertainment**

This will be a huge draw for not only the motorcycle community, but for the local population as well. There will be two full days of musical entertainment each day!

A) Each night will culminate with a national-level opening act and headliner. Additionally, the music will be supplemented with local and regional entertainment on the Harry E. Kelley Stage. We will feature "country formatted" music on Friday and "rock formatted" music on Saturday. We have talked with several headlining and opening acts to date and want to bring the very best music to the stage.

Friday Night (Opening Act + Headliner) Music: $75,000

Saturday Night (Opening Act + Headliner) Music: $75,000

Night Musical Entertainment Total: $150,000

B) Sound, Security and Lighting:
A premier sound system will have to be brought in to be used at Harry E. Kelley Stage. We have secured JT Audio out of Fayetteville at this time. We will also need to secure an adequate sound engineer. Additionally, we will need to provide security, especially overnight both nights at the back stage area.

Sound	$30,000
Lights	$5,000-$10,000
Paid Security	$2,500

Sound, Lighting & Security Total: $37,500-$42,000

5. **Construction/Rentals/Clean-up**

There will be various construction costs accrued before the rally to build T-shirt and merchandise stands, some barricades for backstage areas, etc. Plus rentals of porta potties, tent, other staging materials and clean-up.

Construction/ Rentals/ Cleanup Total: $10,000

6. **Merchandise**

Cost to locally produce T-shirts, hats, patches, koozies, magnets, etc.:

T-Shirts (3,000 men's @ $10)	$30,000
T-Shirts (1,500 women's @ $10)	$15,000
Hats (500 @ $10)	$5,000
Patches (550 @ $3)	$1,500
Keychains (100 @ 4)	$400
Magnets (1,000 @ 3)	$3,000
Total Cost for Merchandise:	**$54,900**

7. **Beer and Wine Coolers**

Beer ($19.25 Case – Burford Distrib./500 Cases)	$9,625
Beer ($21.25 Case- Belle Point Distrib./400 Cases	$8,500
Mike's Hard Lemonade ($27.25 per Case/50 Cases)	$1,362.50
Water (@ $3 per Case/500 Cases)	$1,500
Refrigeration Truck (rented from Carco)	$500
Ice	$2,000
Total Cost for Beer & Wine:	**$23,487.50**

8. **Travel, Travel Expenses, Operating Costs, Mileage, etc.**

The media strategy will involve extensive travel throughout several states. Costs will include hotel, food, mileage, etc. There are also operational costs that include ticket printing, armbands, signage, maps, etc. Additionally, to protect your interest and to ensure the continued growth and success of the Steel Horse Rally, it is imperative to pay the director a salary. In this case, you are receiving a director and assistant whose talents and abilities will save the rally money.

Travel Expenses, Operating Costs, Mileage: $90,000

Plus, the director, Dennis Snow, will be available to the board of directors and city agencies to consult, offer advice and suggestions to help future events become successful. Dennis Snow will help the board and the CBID improve the Harry E. Kelly facility through consulting.

Estimated Total Costs

Total Estimated Media Budget:	$84,000 - $128,000
Total Estimated Production Cost:	$5,000
Total Motorcycle Entertainment:	$31,000 - $40,000
Night Musical Entertainment Total:	$150,000
Sound, Lighting & Security Total:	$37,500-$42,000

Construction/Rentals Total:	$10,000
Total Cost for Merchandise:	$54,900
Total Cost for Beer & Wine:	$23,487.50
Travel Expenses, Operating Costs, Mileage:	$90,000
Total	**$476,887.50 - $543,387.50**

The Steel Horse Rally: Making a Positive Impact

· Your Investment of $84,000 will ensure that the inaugural Steel Horse Rally will be a premier event that is geared toward the entire family. This money will ensure that the event is advertised in all contiguous states.

· Your Investment will have a strong return on investment of 3 to 5 times on the first rally alone. The tax dollars will grow exponentially in the coming years.

· Dennis Snow, the director of the SHR, will offer his expertise and consultations on upcoming events like the Blues Festival to help them to continue to reach maximum potential. He will also help the board to make the Harry E. Kelley Park Stage become a viable venue that can be used more effectively and create more tax revenue.

· The director and members of the board have already donated time, effort and personal money including 501(c) 3 application cost, website costs, online/social media promotion, printing costs, application filing fees and more. The Steel Horse Rally director, board members and volunteers are already committed to making the inaugural Steel Horse Rally a success.

· Products and services from the rally will be purchased from locally-owned businesses, helping to stimulate the local economy. Proceeds from the rally stay in the area to help local charities and our city.

· Your Investment and the City of Fort Smith will be acknowledged in all advertising efforts.

· Your Investment in the Steel Horse Rally will show your commitment to doing positive things that will improve our city. You are helping create a unique, premier event that will generate tourism and tax dollars and reinvigorating civic pride in Fort Smith.

The Steel Horse Rally 2015

Projected Income

The most important revenue total generated by the Steel Horse Rally for the City of Fort Smith is the tax revenue that is generated from hotels, bars, restaurants, motorcycle dealerships, T-shirts, etc. The exciting news about this number is that it will grow each year after 2015. The estimated tax revenue that will be generated by the SHR is based on a conservative estimate of 5,000 attendees, each spending the industry average of $300 per attendee. This will generate $1.5 million in taxable revenue in the city of Fort Smith. This revenue will recirculate through the community 3 to 5 times in the form of tax dollars. A conservative estimate of $450,000 to $750,000 in newly-generated tax dollars is also based on

the conservative estimate of only 5,000 attendees. This is a low estimate based on an averaged 10% sales tax. This is a conservative estimate based on motorcycle rallies throughout the United States over the last ten years.

The projected numbers to be generated at the SHR are as follows:

Concert Entertainment Tickets:

Friday: 6,000 people for concert @ $20/ticket	$120,000
Saturday: 7,000 people for concert @ $20/ticket	$140,000
Entertainment Total:	$260,000

Total Income projections:

Concert Entertainment Total	$260,000
Sponsorships of the rally from local, regional & national sponsors	$50,000
T-Shirt & Merchandise Sales	$60,000
Beer and Wine Cooler Sales	$80,000
Vendor Fees	$15,000
Poker Runs, VIP Packages, Fundraising Events	$25,000
Rally Program Sales	$20,000
Total SHR Project Revenue	**$510,000**

From these projected numbers it is apparent that the City of Fort Smith's investment in this rally is imperative to ensure the success of the Steel Horse Rally. All of these numbers are just projections because we do not know what the first rally will be. However, to ensure a premier event, the city's funding is necessary in order to pay advance deposits and reserve premier entertainment for the rally. If these numbers hold true, it will allow the Steel Horse Rally to apply money towards next year's rally as well as disseminating donations to local charities for children, veterans and downtown Fort Smith.

Again, the most significantly number from the Steel Horse Rally will be the tax dollars generated that will turn over three to five times for Fort Smith. The bottom line is that the Steel Horse Rally will stimulate growth, increase morale, and reawaken civic pride in city of Fort Smith.

Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith D. Lau
Ward 2 – Andre' Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Tracy Pennartz
At Large Position 6 – Kevin Settle
At Large Position 7 – Don Hutchings

AGENDA ~ Summary

Fort Smith Board of Directors
STUDY SESSION
January 13, 2015 ~ 12:00 Noon
Fort Smith Public Library Community Room
3201 Rogers Avenue

CALL TO ORDER

- All present
- Mayor Sandy Sanders presiding

1. Review Trails and Bikeways Master Plan
   Presentation by Drew Linder, Chair of the Trails and Greenways Committee. The proposed Trails and Bikeways Master Plan is estimated to be presented to the Board of Directors for consideration in the spring.

2. Discuss allocation of proceeds from the sales tax for streets, bridges and associated drainage
   Lorenz/Pennartz placed items on the January 20, 2015 regular meeting agenda calling for a special election on May 12, 2015 to consider continuation of the existing 1% sales tax with the inclusion that an option be on the ballot to allow 5% of subject proceeds to be utilized for trails and bikeways.

3. Discuss Zero Tolerance for Domestic Violence and Employment of Family Members Policies *~ Requested at the October 27, 2014 brainstorming meeting ~*
   The Board concurred to defer the item to the January 27, 2015 study session.

4. Review funding request for the upcoming Steel Horse Rally *(May 1 & 2, 2015)*
   Settle/Catsavis placed an ordinance on the January 20, 2015 regular meeting agenda for appropriation of $84,000 for said event.

5. Review preliminary agenda for the January 20, 2015 regular meeting

ADJOURN

1:15 p.m.