

Mayor – Sandy Sanders

City Administrator – Carl Geffken

City Clerk – Sherri Gard

**Board of Directors**

Ward 1 – Keith Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Tracy Pennartz

At Large Position 6 – Kevin Settle

At Large Position 7 – Don Hutchings

# **AGENDA**

## **Fort Smith Board of Directors REGULAR MEETING**

**October 4, 2016 ~ 6:00 p.m.**

**Fort Smith Public Schools Service Center  
3205 Jenny Lind Road**

**THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214 AND  
ONLINE AT <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>**

### **INVOCATION & PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

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

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

### **APPROVE MINUTES OF THE SEPTEMBER 20, 2016 REGULAR MEETING**

### **ITEMS OF BUSINESS:**

1. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned (NZ) to a Planned Zoning District (PZD) by classification at 6901 Wells Lake Road)*
2. Ordinance rezoning identified property and amending the zoning map *(from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by extension located at 2200 - 2230 South “X” Street; 2117 - 2230 South “Y” Street; 2115, 2119, 2209, 2213, 2219, 2223 & 2229 South “Z” Street; 2500 – 2620 South 22<sup>nd</sup> Street; and, 2621 & 2601 South 21<sup>st</sup> Street)*
3. Presentation of 2015 Audit *(Comprehensive Annual Financial Report - CAFR)*

4. Ordinance amending Appendix A, Section XVI of the Fort Smith Municipal Code regarding the City of Fort Smith Education Reimbursement Policy ~ *Pennartz/Lorenz placed on agenda at the September 27, 2016 study session ~*
5. Capital Improvement Programs (2017-2021)
  - A. Resolution approving and authorizing implementation of the Five Year (2017-2021) Sales Tax Program for streets, bridges and related drainage improvements ~ *Lorenz/Pennartz placed on agenda at the September 27, 2016 study session ~*
  - B. Resolution approving and authorizing implementation of the Five Year (2017-2021) Capital Improvement Program for the 1/8% Sales and Use Tax (*Parks & Recreation Department*) ~ *Lorenz/Pennartz placed on agenda at the September 27, 2016 study session ~*
  - C. Resolution approving and authorizing implementation of the Five Year (2017-2021) Capital Improvement Program for Water & Wastewater Systems and Maintenance & Improvement ~ *Lorenz/Pennartz placed on agenda at the September 27, 2016 study session ~*
6. Millage Ordinances
  - A. Ordinance fixing the rate of and levying five (5.0) mills upon all taxable real and personal property in the city of Fort Smith, Arkansas for the year 2016 for general purposes
  - B. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property to be used for maintenance of a public-city library pursuant to the provisions of Amendment No. 30 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
  - C. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Police Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
  - D. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Fire Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes

7. Resolution accepting the project as complete and authorizing final payment to Norman Company, Inc. for the renovation and furnishings of the Library Annex Building for use as office space (*\$430.71 / Utility Department / Budgeted – 2015 Revenue Bonds*) •
8. Consent Agenda
  - A. Resolution adopting annual audit requirements and retaining BKD, LLP as external auditors
  - B. Resolution authorizing partial payment to S.J. Louis Construction of Texas, LTD for the construction of the Lake Fort Smith Water Transmission Line – Phase I (*\$1,333,170.92 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*) ♦
  - C. Resolution setting public hearing date on petition to vacate a portion of Kinkead Avenue, North 51<sup>st</sup> Street and North 53rd Street located in the City of Fort Smith, Arkansas

**OFFICIALS FORUM ~ presentation of information requiring no official action**

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

- Mayor
- Directors
- City Administrator

**ADJOURN**

**ORDINANCE NO. \_\_\_\_\_**

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

**WHEREAS**, the City Planning Commission has heretofore held a public hearing upon request No.20-9-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on September 13, 2016, that said change be made;

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

**SECTION 1:** That the following properties to-wit:

Part of the Northeast Quarter (NE/4) of the Southwest Quarter (SW/4), Part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) and Part of Government Lot 1 of the Northwest Quarter (Govt Lot 1 NW/4), All in Section 5, Township 7 North, Range 31 West, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southwest Corner of said Section 5 being marked with an existing 1/2" rebar with cap stamped PLS 1272; thence N 02°38'35" E, 1619.04 feet along the West line of said Section 5; thence N 90°00'00" E, 1693.52 feet to the Point of Beginning being a 1/2" rebar with cap stamped MWC 1369 on the Northerly right of way line of Roberts Boulevard; thence along said Northerly right of way line N 39°34'01" W, 754.40 feet to a 1/2" rebar with cap stamped MWC 1369; thence 47.11 feet along the Arc of a curve to the right having a chord bearing N 05°25'09" E, 42.42 feet and a radius of 30.00 feet to a 1/2" rebar with cap stamped MWC 1369 on the Easterly right of way line of Wells Lake Road; thence along said Easterly right of way line N 50°24'17" E, 619.39 feet to a 1/2" rebar with cap stamped MWC 1369; thence 100.22 feet along the Arc of a curve to the right having a chord bearing N 53°06'47" E, 100.18 feet and a radius of 1060.00 to a 1/2" rebar with cap stamped MWC 1369; thence leaving said Easterly right of way line S 39°33'58" E, 809.78 feet to a 1/2" rebar with cap stamped MWC 1369 on the Westerly right of way line of Veterans Avenue; thence along said Westerly right of way line S 50°24'51" W, 719.43 feet to a 1/2" rebar with cap stamped MWC 1369; thence 47.13 feet along the Arc of a curve to the right having a chord bearing N 84°34'34" W, 42.43 feet and a radius of 30.00 feet to the point of beginning, containing 14.00 Acres, more or less and being subject to

public road rights of way and any easements of record, according to a survey by Mickle, Wagner, Coleman job Number POW11919, Dated: 12/2014.

more commonly known as 6901 Wells Lake Road, should be, and is hereby rezoned from Not Zoned (NZ) to a Planned Zoning District (PZD) by Classification. The approved change in zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zone Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk. In accordance with the project booklet, a development plan for the 18-unit apartment complex, the office/clubhouse and the future commercial development shall be submitted for planning commission review and approval prior to the issuance of any building permit.

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**

**Approved as to form:**



\_\_\_\_\_  
**Publish One Time**



# Memorandum

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**To:** Carl Geffken, City Administrator  
**Cc:** Jeff Dingman, Deputy City Administrator  
**From:** Wally Bailey, Director of Development Services  
**Date:** September 29, 2016  
**Subject:** A zoning request by Ron Brixey, agent for Johnny N. T. Nguyen & Chao M. Do, for a zone change from Not Zoned (NZ) to a Planned Zoning District (PZD) by Classification located at 6901 Wells Lake Road.

On September 13, 2016, the City Planning Commission held a public hearing to consider the subject zoning request.

The purpose of this rezoning request is to place a planned zoning district on 14 acres allowing for the construction of a multifamily residential development consisting of 50 duplexes and a proposed 18-unit apartment building. The development also includes a proposed office/clubhouse building and an area of approximately 0.8 acres for future commercial development. The duplex housing portion of the site will be promoted as a retirement village with the intent of attracting residents over the age of 55. The potential commercial land uses for the 0.8 acres are indicated in the land use matrix.

A map showing the site of the proposed PZD and the surrounding zoning and development is attached. A copy of the proposed development plan is enclosed that shows the proposed duplex development. The project booklet indicates a request to defer the development plans for the office/clubhouse building, apartment building and the commercial building(s).

The development has access and egress on Veterans Avenue and Wells Lake Road. A traffic statement is included with the development plan.

City departments have reviewed this application and met with Mr. Brixey concerning the details of the proposed development.

The Chaffee Crossing master land use plan designation for this property is Mixed Use: Residential/Commercial/Office. A copy of the MLUP map is enclosed.

A neighborhood meeting was held September 6, 2016. No neighboring or surrounding property owners attended the meeting.

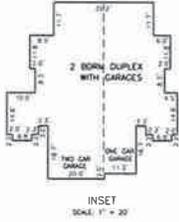
At the Planning Commission meeting Mr. Ron Brixey was present to speak on behalf of this request. No one was present to speak in opposition to the request.

The Planning Commission voted 9 in favor and 0 opposed to recommend the Board of Directors amend the zoning map to zone this property with the proposed PZD subject to the following:

- Compliance with the submitted project booklet and the development plan as approved by the planning commission.
- A development plan for the 18-unit apartment complex, the office/clubhouse, and the future commercial development shall be submitted for planning commission review and approval prior to the issuance of any building permit for these phases of the development.

Please contact me if you have any questions.

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PROPOSED ZONING: PLANNED DEVELOPMENT DISTRICT  
 AREA: 609,841.69 Sq. Ft. or 14.00 Acres  
 LOT COVERAGE: 276,391.03 Sq. Ft. = 45%  
 BUILDING COVERAGE: 141,346.43 Sq. Ft.  
 SIDEWALK COVERAGE: 4118.89 Sq. Ft.

PARKING TABLE

No. Units	Building Use Description	Spaces Required	Garage Parking	Parking Spaces
38	2 Bedroom w/2 Car Garage	76	76	76
38	2 Bedroom w/1 Car Garage	76	36	36
24	2 Bedroom Duplex Bldg.	48	0	48
18	10,350 SF Apartment Building	36	0	36
1	4,600 SF Office Building	10	0	10
<b>TOTAL SPACES</b>		<b>246</b>	<b>322 Incl. Garages</b>	

**TRASH COLLECTION**  
 ALL WASTE AND TRASH WILL BE COLLECTED AND KEPT INDOORS EXCEPT ON TRASH PICKUP DAYS

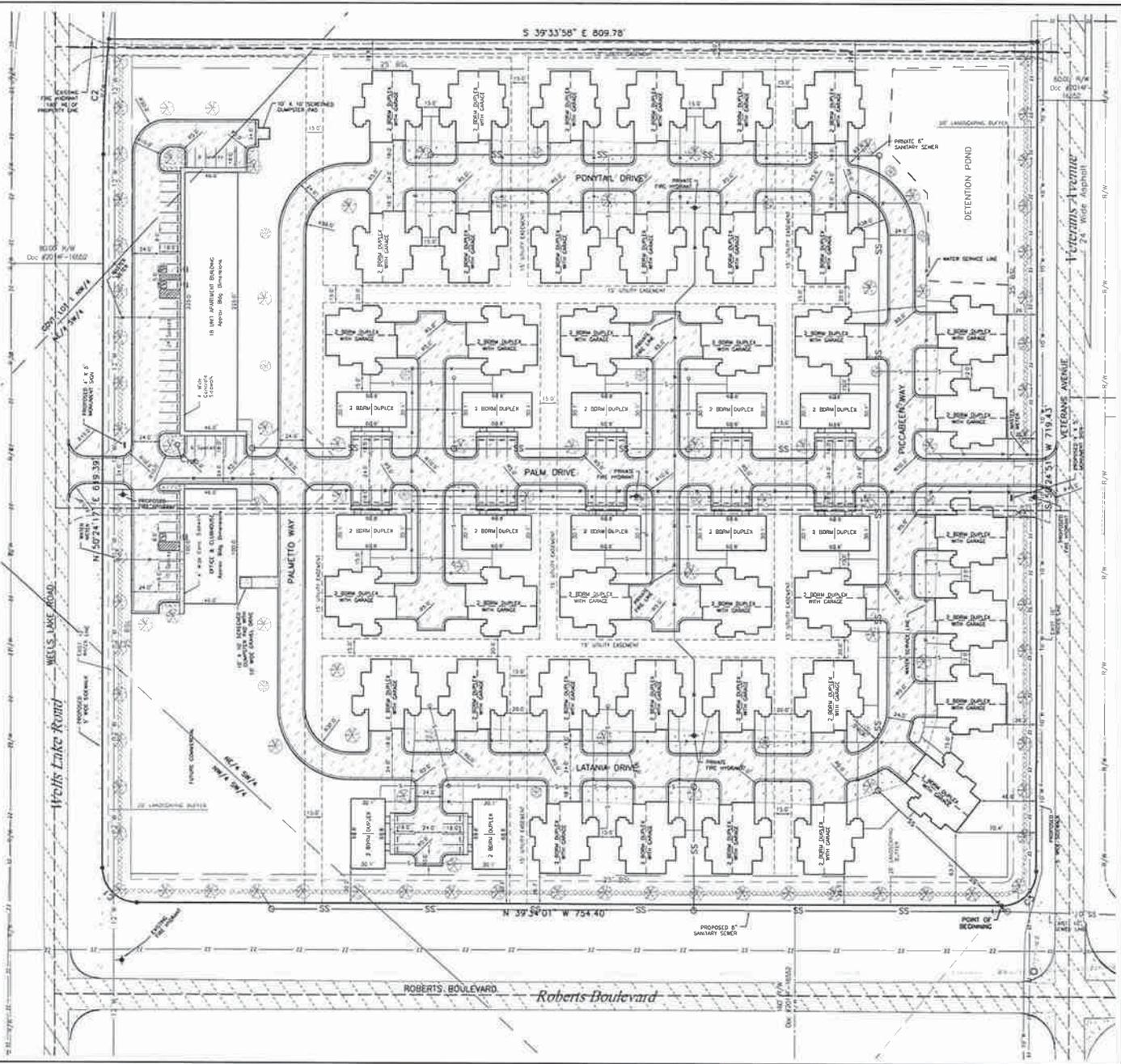
**EXTERIOR LIGHTING**  
 1. EXTERIOR LIGHTING WILL COMPLY WITH UDO SECTION 27-602-5.

**GNAGE**  
 ALL PROPOSED SIGNS WILL BE PERMITTED SEPARATELY.

**PROPOSED LANDSCAPING/SCREENING**  
 Landscape Screening shall consist of shrubs of evergreen nature, providing a continuous row of vegetation that is equally effective in winter and summer and be a minimum of 24" at planting. Automatic irrigation will be provided for all landscaping.

- LANDSCAPE ISLANDS**
- >2" CALIPER SHUMARD OAK TREE    42 Interior (3 per Acre) / 54 Perimeter Buffer
  - CREPE MYRTLE TREE    18 Interior Landscaping
  - 24" BOXWOOD SHRUBS    40 Apt. & Office Parking / 510 Perimeter Buffer

**INTERIOR PARKING LANDSCAPING** - 130925.90 Sq. Ft. Vehicle Use Area  
 24,308 Sq. Ft. Interior Landscape Provided (Overall) / 6545.30 Sq. Ft. required  
 (Apartment Bldg. & Office Parking = 22,950.90 Sq. Ft. / Req. 1149 SF, Provided 1307 SF)



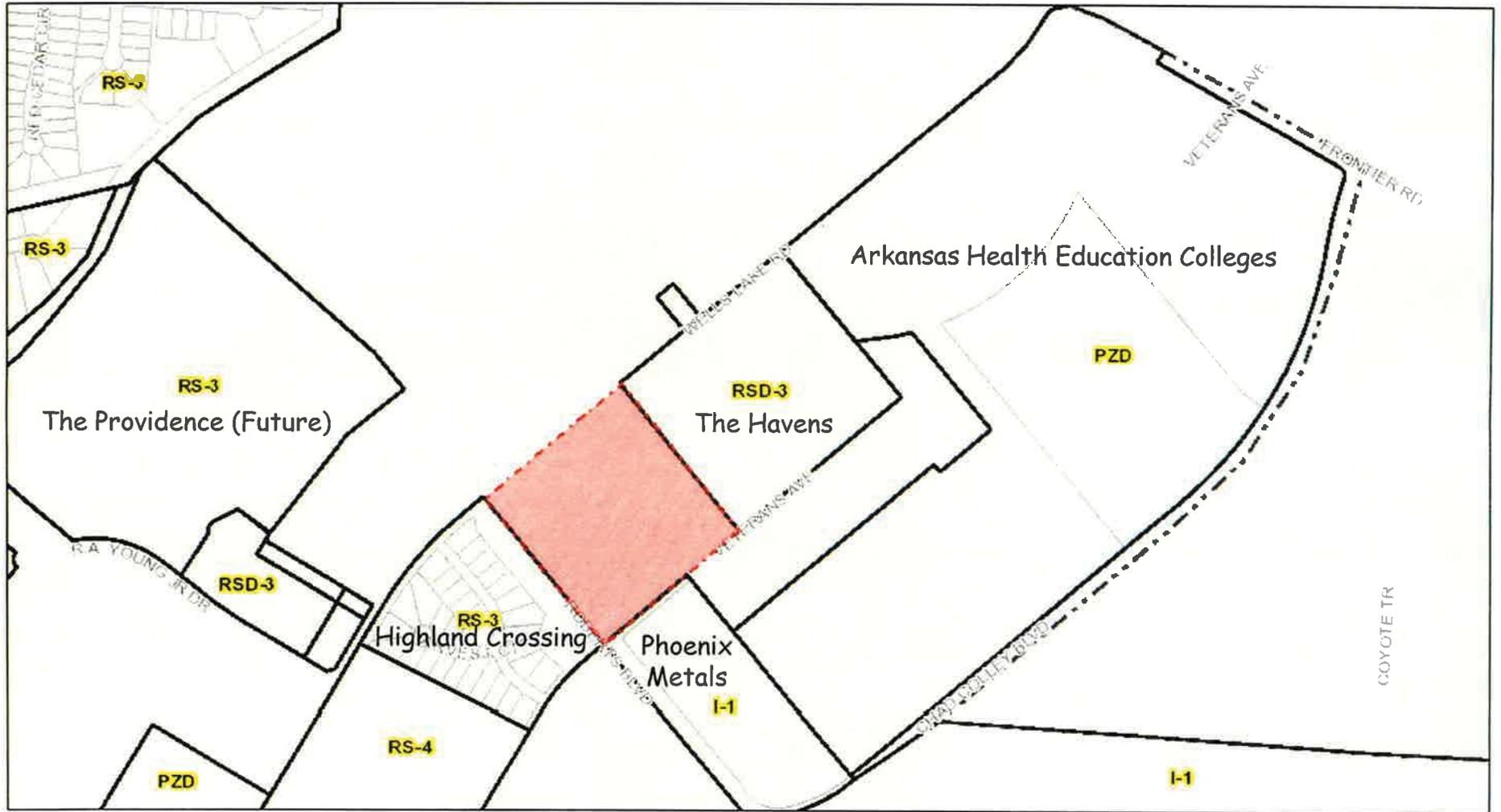
**DIMENSION & LANDSCAPE PLAN**  
 SCREENING WALL WITH  
 CITY LIGHTS  
 SEBASTIAN COUNTY, ARKANSAS  
 Prepared For: [Redacted]    Project No.: [Redacted]

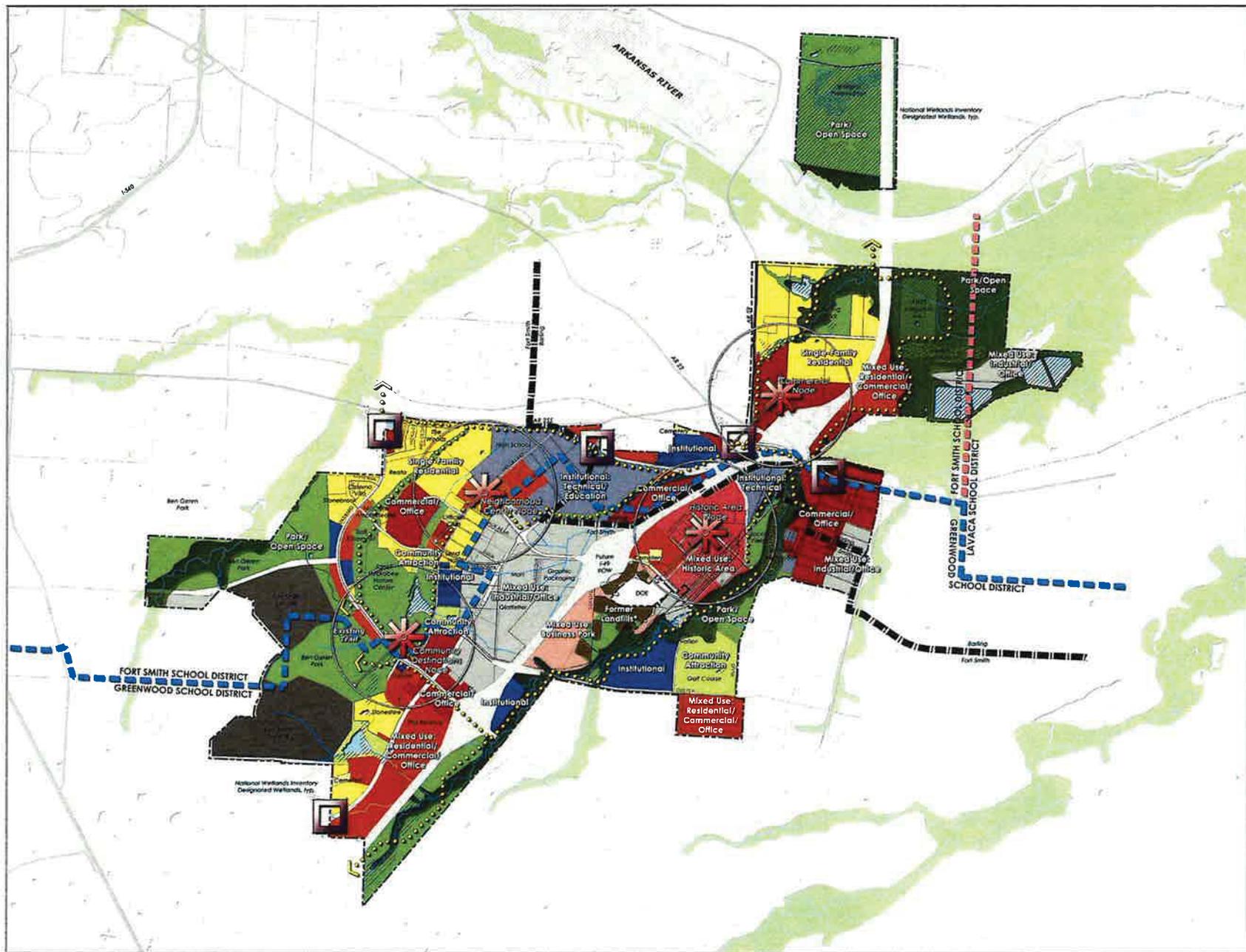



**BRIXEY ENGINEERING & LAND SURVEYING, INC.**  
 CONSULTING ENGINEERS -- LAND SURVEYORS  
 8228 East Highway 45 P.O. Box 830 Fort Smith, Arkansas 72308 (479) 546-0254

Rezoning #20-9-16: From Not Zoned (NZ) to Planned Zoning District (PZD)  
6901 Wells Lake Road

2X





**CHAFFEE CROSSING  
REDEVELOPMENT PLAN**

**FUTURE LAND USE PLAN**

**LEGEND**

**Proposed Land Use Mix**

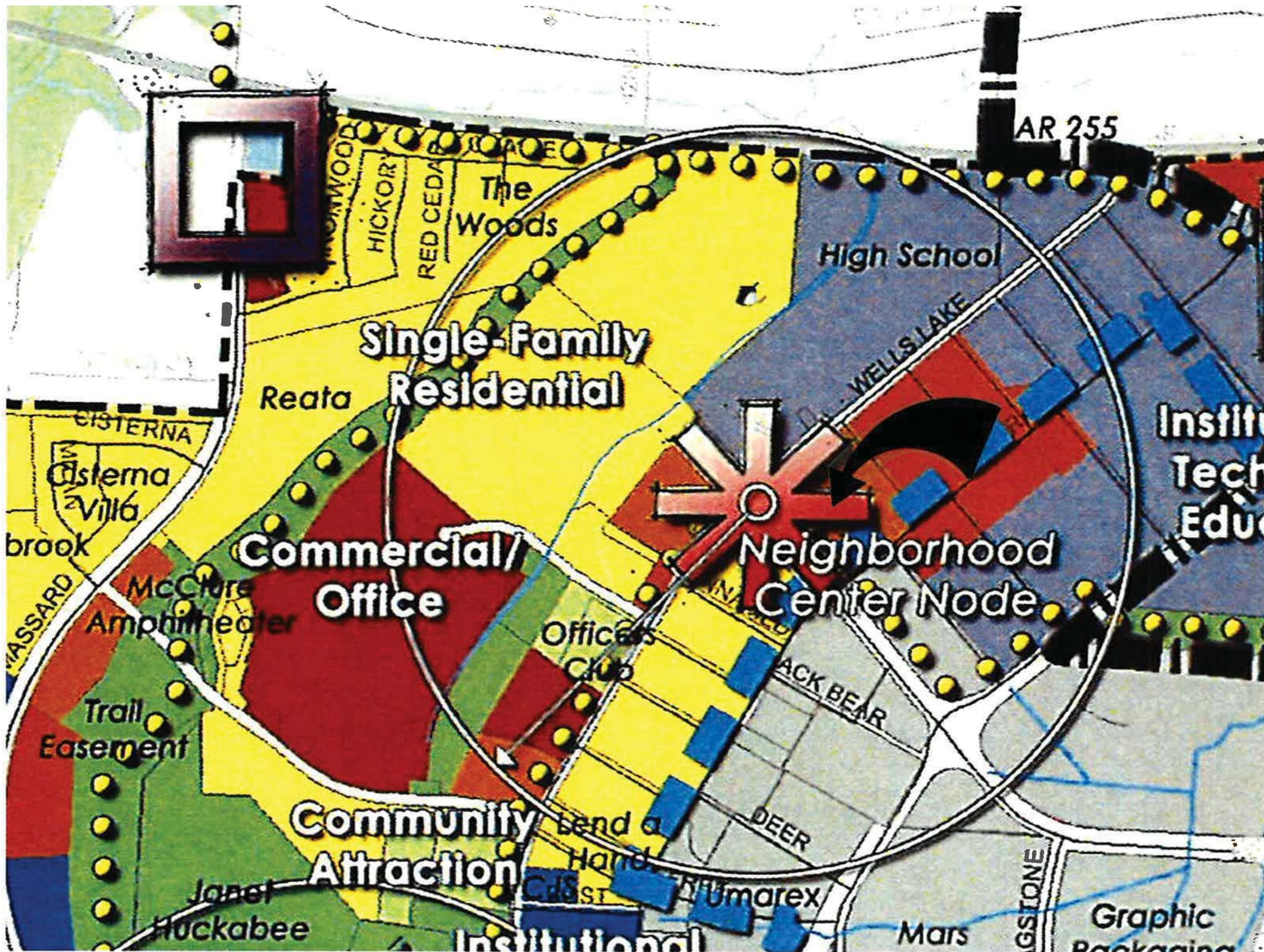
- Commercial/Office: 345 ac.  
30% Commercial: 103 ac.  
30% Office: 183 ac.  
10% Residential: 59 ac.
- Mixed Use: Residential/Commercial/Office: 318 ac.  
60% Residential: 191 ac.  
30% Office: 115 ac.  
10% Commercial: 12 ac.
- Mixed Use: Neighborhood Commercial/Office: 79 ac.  
70% Neighborhood Commercial: 55 ac.  
25% Neighborhood Office: 10 ac.  
5% Institutional (post office, library, church): 3 ac.
- Single Family Residential: 64 ac.
- Mixed Use: Business Park: 54 ac.  
10% Office: 5 ac.  
20% Light Industrial: 21 ac.
- Mixed Use: Historic Area: 31 ac.  
20% Office: 12 ac.  
20% Institutional (museum, church): 12 ac.  
30% Residential: 7 ac.
- Institutional: 223 ac.
- Institutional: Technical/Education: 205 ac.
- Mixed Use: Industrial/Office: 111 ac.  
30% Light Industrial: 33 ac.  
20% Office: 13 ac.
- Landfill: 46 ac.\*
- Power Landfill: 68 ac.\*
- Park/Open Space (Public): 2101 ac.
- Community Attraction (Private): 247 ac.
- Cemetery: 17 ac.

- Priority Entry Gateway
- Development Node
- 10-Minute Walk Routes (1/2 mile)
- Proposed Trail Connection
- Water
- 100-Year Floodplain
- National Wetlands Inventory Designated Wetlands
- Wetland Preservation
- Wetland Restoration
- FCA Boundary
- Future I-49 Right of Way
- City Limits: Fort Smith & Surfing shared boundary

\* Restricted Area: see EDCR, recorded in Sebastian County. All as document #711781B.

May 16, 2016

**Crafton Tull**



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 30, 2016

**Re:** Rezoning #20-9-16 - A request by Ron Brixey, agent, for Planning Commission consideration of a zone request from Not Zoned (NZ) to Planned Zoning District by classification at 6901 Wells Lake Road

## PROPOSED ZONING

The approval of this rezoning will allow for the construction of multi-family residential consisting of 50 duplexes and an 18-unit apartment complex. The development will also include an office/clubhouse building and an area of approximately 0.8 acres for future commercial use.

## LOT LOCATION AND SIZE

The subject property is on the east side of Roberts Boulevard and the north side of Veterans Avenue and the south side of Wells Lake Road. The tract contains an area of 14 acres with approximately 754 feet of street frontage along Roberts Boulevard and approximately 719 feet of street frontage along Veterans Avenue and approximately 619 feet of street frontage along Wells Lake Road.

## REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.

2A

- Developments that utilize design standards greater than the minimum required by the UDO.

### EXISTING ZONING

The property current has no zoning.

### SURROUNDING ZONING AND LAND USE

The area to the north is Not Zoned and undeveloped.

The area to the east is zoned Single Family Duplex Medium/High Density (RSD-3) and undeveloped.

The area to the south is zoned Industrial Light (I-1) and developed as Phoenix Metals along with a PZD for the college.

The area to the west is zoned Residential Single Family Medium/High Density (RS-3) and developed as single family residences.

### MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Roberts Boulevard as a Boulevard, Wells Lake Road as a Future Major Collector and Veterans Avenue as a Local Road.

### MASTER LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* classifies this site as Mixed Use: Neighborhood Commercial/Office. The proposed PZD will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

### PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **YES, the site plan details the building locations along with proposed parking lots. Driveways are also defined on the site plan.**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **YES, all traffic will enter and exit the site from both Wells Lake Road and Veterans Avenue.**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **YES**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **YES, the PZD booklet outlines that the architectural design standards will comply with the requirements of the UDO and FCRA design guidelines.**

2B

- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **YES, the overall plan will be consistent with the design patterns for the Master Street Plan, the Comprehensive Plan and the Master Land Use Plan.**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **YES, the right of way dedication, if any, will be acquired during the platting process.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **YES, this will be determined during the platting process.**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The property in the area of the PZD is sparsely developed at this time with limited traffic on the access routes. Development of the PZD will increase traffic to a minor extent under current conditions. This increase will not be sufficient to be considered adverse.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The applicant has stated that the project will meet the UDO and FCRA requirements by having the following: The buffer areas, screening and landscaping areas. The buildings will have 100% high quality materials on the exterior.**

**SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The property is accessible from both Wells Lake Road and Veterans Avenue.

**Right-of-way dedication** – If any right-of-way dedication is proposed or required, it will be resolved with the platting of the property.

**Drainage** – The drainage plan shall be submitted and approved by the City of Fort Smith Engineering Department during the building permit review.

**Landscaping & Screening** – The submitted booklet states that the buffer areas, screening and landscaping areas will meet FCRA requirements. The applicant is requesting landscape variances from the FCRA (to eliminate landscaping along interior side of lot lines).

**Parking** – The proposed project requires a minimum of 246 parking spaces. There are 322 parking spaces provided including parking in garages.

**Signage** – Two monument type signs are proposed, subject to an approved variance from the FCRA design review committee (to allow more than one sign per lot). These signs are to be no larger than 20 square feet in size with a maximum height of 4 feet.

**Sidewalks** – A 5’ wide sidewalk is proposed along Wells Lake Road and Veterans Avenue.

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## **FACTORS TO BE CONSIDERED**

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The proposed PZD and uses are compatible with the Master Street Plan.**
- B. Compatibility of the proposed development with the character of the neighborhood. **The existing land use and PZD are compatible with the surrounding area.**
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The zoning and proposed uses will be compatible with the nearby properties.**
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts. **A traffic study will be submitted to the City of Fort Smith Engineering Department for review.**
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts. **A new 8' sanitary sewer line is proposed along Roberts Boulevard and a new fire hydrant is proposed along Veterans Avenue and Wells Lake Road.**
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The land uses, design guidelines and PZD information complies or exceeds the UDO and the FCRA requirements.**

## **NEIGHBORHOOD MEETING**

A neighborhood meeting was held Tuesday, September 6, 2016, 4:30 p.m. at 6901 Wells Lake Road. No neighboring property owners attended the meeting.

## **STAFF COMMENTS AND RECOMMENDATIONS**

The proposed PZD requests a deferral on the development plan review for the 18-unit apartment complex, the office/clubhouse, and the future commercial development.

Staff recommends approval of the requested PZD based on compliance with the submitted booklet which is enclosed and the following comments:

A development plan for the 18-unit apartment complex, the office/clubhouse, and the future commercial development shall be submitted for planning commission review and approval prior to the issuance of any building permits.

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**SERENITY HILL  
PROJECT BOOKLET  
PLANNED ZONING DISTRICT APPLICATION**

**PROJECT: SERENITY HILL  
AN ADDITION TO THE CITY OF FORT SMITH  
SEBASTIAN COUNTY, ARKANSAS**

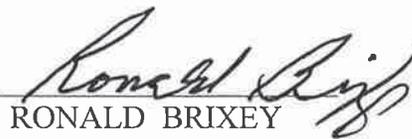
**LOCATION: A PART OF SECTION 5  
TOWNSHIP 7 NORTH, RANGE 31 WEST  
CHAFFEE CROSSING  
SEBASTIAN COUNTY, ARKANSAS**

**DEVELOPER: JOHNNY N.T. NGUYEN AND CHAO M. DO  
7207 BLACKJACK DRIVE  
FORT SMITH, ARKANSAS 72916  
PHONE: 479-459-0878**

**SUBMITTED TO: CITY OF FORT SMITH  
623 GARRISON AVENUE  
FORT SMITH, ARKANSAS 72902**

**ENGINEERS: BRIXEY ENGINEERING & LAND SURVEYING, INC.  
P.O. BOX 6180  
FORT SMITH, ARKANSAS 72906**

**AUGUST, 2016**

  
RONALD BRIXEY  
ARK. REG. P.E. NO. 4456

**SERENITY HILL  
PROJECT BOOKLET  
PLANNED ZONING DISTRICT APPLICATION**

**3a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.**

The subject property is currently not zoned. A change in zoning is needed to allow the development of a walkable neighborhood that features commercial retail and services that may be accommodated in multi-use structures. A Planned Zoning District will allow flexibility in standards to accommodate a mixed use development rather than suburban style patterns. It will allow the development to utilize design standards which meet or exceed the minimum required by the UDO.

**3b. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.**

Johnny N.T. Nguyen and Chao M. Do (husband and wife), 7207 Blackjack Drive, Fort Smith, Arkansas 72916 Phone 479-459-0878.

**3c. Summary description of the scope, nature, and intent of the proposal.**

The PZD will include an area of approximately 14 acres located on the northeasterly side of Roberts Blvd. between Wells Lake Road and Veterans Avenue. The property to the southwest across Roberts Blvd. is being developed for single family residential use. The corner property to the south, across Roberts Blvd. and Veterans Ave. is undeveloped with a Land Use classification of Single Family Residential. The property northeast of and adjacent to the PZD property is undeveloped with a Land Use classification of Single Family Residential. The property to the southeast across Veterans Ave. is a metals processing and manufacturing facility. The property northeast of and adjacent to the metals processing facility is owned by Cross Fit of Fort Smith. The property to the northwest across Wells Lake Road is undeveloped.

Proposed PZD uses include duplex housing, apartment housing, an office/clubhouse building, and an area of approximately 0.8 acres reserved for future commercial use. The duplex housing portion of the site will be promoted as a retirement village with the intent of attracting residents over the age of 55. The apartment building will be open for all.

Potential commercial uses include a salon, coffee shop, retail sales of clothing, and electronic repairs and sales, among others. The intent is to provide a walkable neighborhood that features commercial retail and services that may be accommodated in multi-use structures.

**3d. General project scope:**

2F

i. Street and lot layout

See attached Site Plan.

Access to the site will be from Wells Lake Road on the North and from Veterans Avenue on the South. Wells Lake Road is classified as a Future Major Collector by the Master Street Plan. It is currently two lane with adequate right of way dedicated for the classification. Veterans Avenue is classified as a local street. It is currently two lane with a 60 foot right of way dedicated which exceeds the requirement for the classification. No access is proposed for Roberts Blvd. Roberts Blvd. is classified as a Boulevard with adequate right of way dedicated for the classification.

ii. Site plan showing proposed improvements

See attached Site Plan.

iii. Buffer areas, screening, and landscaping

Buffer areas and landscaping will follow City UDO requirements and the FCRA Master Development Guidelines "Site Design and Development Standards for Mixed Use: Residential/Commercial/Office land use classification subject to an approved variance from the FCRA design review committee (variance to eliminate landscaping along interior side lot lines). Landscaping will be irrigated.

See attached Site Plan.

iv. Storm water detention areas and drainage

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards.

v. Undisturbed natural areas

No undisturbed natural areas are proposed.

vi. Existing and proposed utility connections and extensions

See Site Plan.

Water services will be provided by private lines served by a master meter. A private fire line will be constructed for interior fire protection. One public fire hydrant will be installed to serve the structures located along Wells Lake Road. Interior structures will be served by a private sanitary sewer line. A 642 foot public sanitary sewer extension will be constructed along Roberts Blvd. To serve the future commercial area at the intersection of Wells Lake Road and Roberts Blvd. Electric service and telephone service lines are

proposed to be located underground in the easements delineated on the Site Plan drawing. Gas service is to be located in easements whose locations have not yet been determined.

vii. Development and architectural design standards

Development and architectural design standards will comply with the requirements of UDO Section 27-602 - Design Guidelines and the FCRA Master Development Guidelines.

viii. Building elevations

Elevations are attached for the proposed duplexes.

The office/ clubhouse building and the apartment building will be of similar architectural design and finishes to the other structures proposed for the site. No final determination has been made for the development of the future commercial area. At this time we are requesting a deferral of the Development Plan review for these three buildings.

Architectural design and finishes will comply with the requirements of UDO Section 27-602-4 (C) "Transitional and Commercial Building Design Standards", UDO Section 27-602-4(D) "Multi-Family Building Standards" and with FCRA Master Development Guidelines "Architectural Character".

ix. Proposed signage (type and size)

Two monument type signs are proposed at the locations shown on the Site Plan Drawing subject to an approved variance from the FCRA design review committee (variance to allow more than one sign per lot). These signs are to be no larger than 20 square feet in size with a maximum height of 4 feet as specified in the FCRA Development Standards.

**3e. Proposed development phasing and timeframe**

The development is proposed to be constructed in three phases as shown on the Phase Boundary drawing.

Phase one construction is to begin October 15, 2016 and be completed by October 15, 2017.

Phase two construction is to begin July 1, 2018 and be completed by June 1, 2019.

Phase three construction is to begin October 1, 2019 and be completed by July 1, 2020.

All dates are approximate.

**3f. Identify land use designations**

Chaffee Crossing current land use designation is “Mixed Use: Neighborhood Commercial/Office”. The requested new land use is “Mixed Use: Residential/Commercial/Office.”

**3g. Identify area and bulk regulations**

Bulk and Area requirements for the PZD are as shown below.

Min. Lot Size	4.0 acres
Min. Lot Width at BSL	150 feet
Max. Lot Coverage	60%
Max. Height	45 feet
Addnl. Height	see 27-404 D. of the UDO

Setbacks	
Front	25 feet
Side	25 feet
Street side/corner	25 feet
Rear	25 feet
Minimum Street Frontage	150 feet
Minimum Bldg Separation	12 feet

**3h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)**

Comparison is between the proposed PZD restrictions and the FCRA Mixed Use Residential/Commercial/Office restrictions.

	PZD	FCRA	
Density	12 DU/Acre 6000 sf Commercial Bldg	12 DU/Acre (Based on Lot Size) Com. Bldg. Size Not Restricted	
Min. Lot Size	4.0 acres	3600	
Min. Lot Width at BSL	150 feet	40	
Max. Lot Coverage	60%	NOT SPECIFIED	
Max. Height	40 feet	3 STORY	
Addnl. Height	see 27-404 D. of the UDO	NOT SPECIFIED	
Setbacks		Res	Non-Res
Front	25 feet	20 feet	NONE
Side	25 feet	10'5'	NONE

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Street side/corner	25 feet	20 feet	NONE
Back	25 feet	10 feet	25' w/alley
Minimum Street Frontage	150 feet	NO SPEC	NO SPEC
Minimum Bldg Separation	12 feet	NO SPEC	NO SPEC

PZD Landscaping

Perimeter Landscaping

Front 20 feet wide, 1 tree & 10 shrubs every 40'  
 Sides & Back NONE

Building Landscaping 3 Shade Trees/Acre in addition to perimeter landscaping

Parking Lot Screening and Landscaping is to comply with FCRA Master Development Guidelines "Site Design and Development Standards for Mixed Use: Residential/Commercial/Office land use classification.

FCRA Landscaping

Perimeter Landscaping

Front 20 feet wide, 1 tree & 10 shrubs every 40'  
 Sides & Back 20 feet wide, 1 tree & 10 shrubs every 40'

Building Landscaping 1 Shade Tree Front Yard plus 1 Shade Tree Back Yard per 40 feet of Lot Width

Parking Lot Screening and Landscaping requirements will comply with FCRA Master Development Guidelines "Site Design and Development Standards for Mixed Use: Residential/Commercial/Office land use classification (subject to approved variances from the FCRA design review committee).

**3i. A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.**

See Chart 1 - PZD Permitted Land Uses vs. Existing Zone Designations.

**3j. A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.).**

The project will exceed the UDO requirements as follows:

1. Landscaping

25

The perimeter landscaping strip across the front will be 20 feet wide -  
 UDO requires 10 feet wide  
 Perimeter landscaping will include one tree and 10 shrubs every 40 feet -  
 UDO requires one tree and 10 shrubs every 50 feet  
 Building landscaping will include 3 trees per acre in addition to parking &  
 perimeter landscaping  
 UDO does not require building landscaping  
 Parking Lot Screening and Landscaping will comply with FCRA  
 requirements as described in the Development Guidelines  
 UDO requirements are not as stringent

2. Setbacks will be as follows:

Front	25 feet
Side	15 feet
Street side/corner	25 feet
Rear	25 feet
Minimum Street Frontage	150 feet
Minimum Bldg Separation	12 feet

UDO setbacks vary with the several zoning designations. This property was not previously zoned. The proposed setbacks meet or exceed the required setbacks for most zoning designations.

3. Exterior building materials

100% of the exterior building materials will be high quality materials (Brick) UDO requires 51%

**3k. Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.**

The property to the southwest across Roberts Blvd. is being developed for single family residential use. The corner property to the south, across Roberts Blvd. and Veterans Ave. is undeveloped with a Land Use classification of "Single Family Residential". The property northeast of and adjacent to the PZD property is undeveloped with a Land Use classification of Single Family Residential. The property to the southeast across Veterans Ave. is a metals processing and manufacturing facility. The property northeast of and adjacent to the metals processing facility is owned by Cross Fit of Fort Smith. The property to the northwest across Wells Lake Road is undeveloped with a Land Use classification of "Institutional: Technical/Educational".

Proposed uses include duplex housing, apartment housing, an office/clubhouse building, and an area of approximately 0.8 acres reserved for future commercial use. Potential commercial uses include a salon, coffee shop, retail sales of clothing, and electronic

2K

repairs and sales, among others.

#### Land Use

The proposed land use of the PZD property is primarily residential which is comparable with the adjacent single family residential properties and should have very limited impact on these properties. The commercial portion of the PZD property will provide convenient services for the residential neighboring properties.

The PZD development should have no impact on the adjacent institutional and manufacturing properties.

The future residents of the PZD property should provide at least some clients for the future Cross Fit development.

#### Traffic

The property in the area of the PZD is sparsely developed at this time with limited traffic on the access routes. Wells Lake Road and Roberts Blvd. are classified as a Major Collector and a Boulevard respectively. The required rights of way for the two have been dedicated for future upgrades. As development of the area progresses it is anticipated that the City will construct the upgrades. Development of the PZD will increase traffic to a minor extent under current conditions. This increase will not be sufficient to be considered adverse.

#### Appearance

All PZD improvements will be constructed to meet or exceed FCRA requirements which are set up to minimize adverse effects of the appearance of new developments on surrounding properties.

#### Signage

All signage will comply with FCRA signage restrictions and should have no adverse impact on surrounding properties.

**3l. A traffic study when required by the Engineering Department (consult with staff prior to submittal).**

A traffic study is included in this report.

**3m. Statement of availability of water and sewer (state size of lines)**

A 12 inch waterline runs along the north side of the project on the south side of Wells Lake Road. A 10 inch waterline runs along the south side of the project on the north side of Veterans Avenue. A 10 inch sewer line terminates at a manhole near the southeast corner of the property on the west side of Roberts Boulevard.

All above listed lines are shown on the Site Plan drawing.

CHART 1 PZD USES VS EXISTING ZONE DESIGNATIONS

Fort Smith Use Matrix

	J	K	L	M	N	O	Q	R	S	T	U	W	X	Y	AB	Z	AC	AD	AE	AF	PZD	PZD						
Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4	PZD	PZD
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b> <i>Size or density restrictions for any use may be noted in the district</i> <b>Residence or Accommodation</b>																												
<b>Private Household</b>																												
Single Family building																												
Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P												P
Duplex								P	P	P	P	P	P	P	P	P												P
Guest house	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A												P
Multifamily development											P	P	P	P	P	C		P	P	P	P	P						P
<b>Housing for the Elderly</b>																												
Assisted living											C	C	C	C	C	C		P	P	P	P	P						C
Retirement housing											P	P	P	P	P	P		P	P	P	P	P						P
<b>Hotels, Motels, or other Accommodations</b>																												
Bed and breakfast inn											C	C	C	C	C	C		P	P	P	P	P						C
<b>Heavy Consumer Goods Sales or Service</b>																												
Electronics and appliances (new)																		P	P	P	P	P						P
<b>Durable Consumer Goods Sales or Service</b>																												
Bicycle sales and service																	C	C	P	P	P	P	P	P				C
Bookstore																P	P	P	P	P	P	P						P
Bridal shop																P	P	P	P	P	P	P						P
Cameras, photographic supplies and services																P	P	P	P	P	P	P						P
Clothing, jewelry, luggage, shoes, accessories																P	P	P	P	P	P	P						P
Gift shop																P	P	P	P	P	P	P						P
Sewing machine store (sales & service)																		P	P	P	P	P						P
Sporting goods, toys, & musical instruments																		P	P	P	P	P						P
<b>Consumer Goods, Other</b>																												
Antique shop																P		P	P	P	P	P						P
Art dealers, art studio, galleries, supplies																P		C	P	P	P	P	P					P
Arts and craft shop																P		P	P	P	P	P						P
Florist shop																P		P	P	P	P	P						P
Hobby shop																P		P	P	P	P	P						P
Tobacco shop																P		P	P	P	P	P						P
<b>Grocery, Food, Beverage, Dairy</b>																												
Bakery or confectionery shop																P		P	P	P	P	P						P
<b>Health and Personal Care</b>																												
Cosmetics, beauty supplies, and perfume stores																		P	P	P	P	P						P
Optical shop																		P	P	P	P	P						P

CHART 1 PZD USES VS EXISTING ZONE DESIGNATIONS

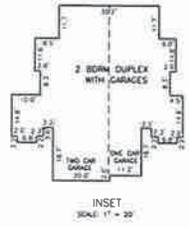
Fort Smith Use Matrix

	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	AB	Z	AC	AD	AE	AF	PZD	PZD				
Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4	PZD	PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use Size or density restrictions for any use may be noted in the district Residence or Accommodation			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4		FUTURE COM. AREA ONLY	
<b>Finance and Insurance</b>																												
Auto insurance claims office																												P
Bank, credit union, or savings institution																												P
Credit and finance establishment																												P
Fund, trust, or other financial establishment																												P
Insurance office																												P
Investment banking, securities, and brokerages																												P
<b>Rental and Leasing</b>																												
Consumer rental center																												P
Video, music, software																												P
<b>Business, Professional, Scientific, and Technical Services</b>																												
<b>Professional Services</b>																												
Abstract services																												P
Accounting, tax, bookkeeping payroll																												P
Advertising and media services																												P
Architectural, engineering																												P
Consulting services																												P
Graphic, industrial, interior design																												P
Legal services																												P
Offices, corporate																												P
Offices, general																									P	P		P
Property management services (office only)																												P
Real estate agency																												P
Travel arrangement and reservation services																												P
<b>Administrative Services</b>																												
Business support services																												P
Collection agency																												P
Facilities support services																												P
Office and administrative services																												P
<b>Food Services</b>																												
Bar or tavern																			C	C	C	C	P	P				P
Beer garden																				C	C	C	C	P	C			C
Catering service																												P
Restaurant																												P
Restaurant (with drive-through services)																												P
Restaurant (with outdoor dining)																												C
<b>Personal Services</b>																												
Barber shop/salon/spa/massage services																												P
Laundry, cleaner (drop-off station)																												P
Photocopy shop																												P
Photography studio																												P
Print shop																												P

CHART 1 PZD USES VS EXISTING ZONE DESIGNATIONS

**Fort Smith Use Matrix**

Districts	J	K	L	M	N	O	Q	R	S	T	U	W	X	Y	AB	Z	AC	AD	AE	AF	PZD	PZD									
	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4	PZD	PZD			
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b> <i>Size or density restrictions for any use may be noted in the district</i>																															
<b>Residence or Accommodation</b>																															
Shoe repair shop																														P	
Tailor shop																														P	
Tanning salons																														P	
Weight loss centers																														P	
<b>Pet and animal services</b>																															
Animal and pet services (indoor)																														P	
Pet shop																														P	
Pet supply store																														P	
<b>Transportation, Communication, Information and Utilities</b>																															
<b>Amusement, Sports, or Recreation Establishment</b>																															
Fitness studio																															P
Indoor Games Facility																															A
Swimming pool																															
<b>Public Administration - Government</b>																															
Government office																															P
<b>Health and Human Services</b>																															
Diagnostic laboratory testing facility																															C
Doctor office and clinic																															P
<b>Construction-Related Businesses</b>																															
Contractor's office																															P



PROPOSED ZONING: PLANNED DEVELOPMENT DISTRICT  
 AREA: 609,841.69 Sq. Ft. or 14.00 Acres  
 LOT COVERAGE: 276,391.03 Sq. Ft. = 45%  
 BUILDING COVERAGE: 141,346.43 Sq. Ft.  
 SIDEWALK COVERAGE: 4118.89 Sq. Ft.

PARKING TABLE

No. Units	Building Use Description	Spaces Required	Garage Parking	Parking Spaces
38	2 Bedroom w/2 Car Garage	76	76	76
38	2 Bedroom w/1 Car Garage	76	38	38
24	2 Bedroom Duplex Bldg	48	0	48
18	10,350 SF Apartment Building	36	0	36
1	4600 SF Office Building	10	0	10
TOTAL SPACES		246	322 Incl. Garages	

**TRASH COLLECTION**  
 ALL WASTE AND TRASH WILL BE COLLECTED AND KEPT INDOORS EXCEPT ON TRASH PICKUP DAYS

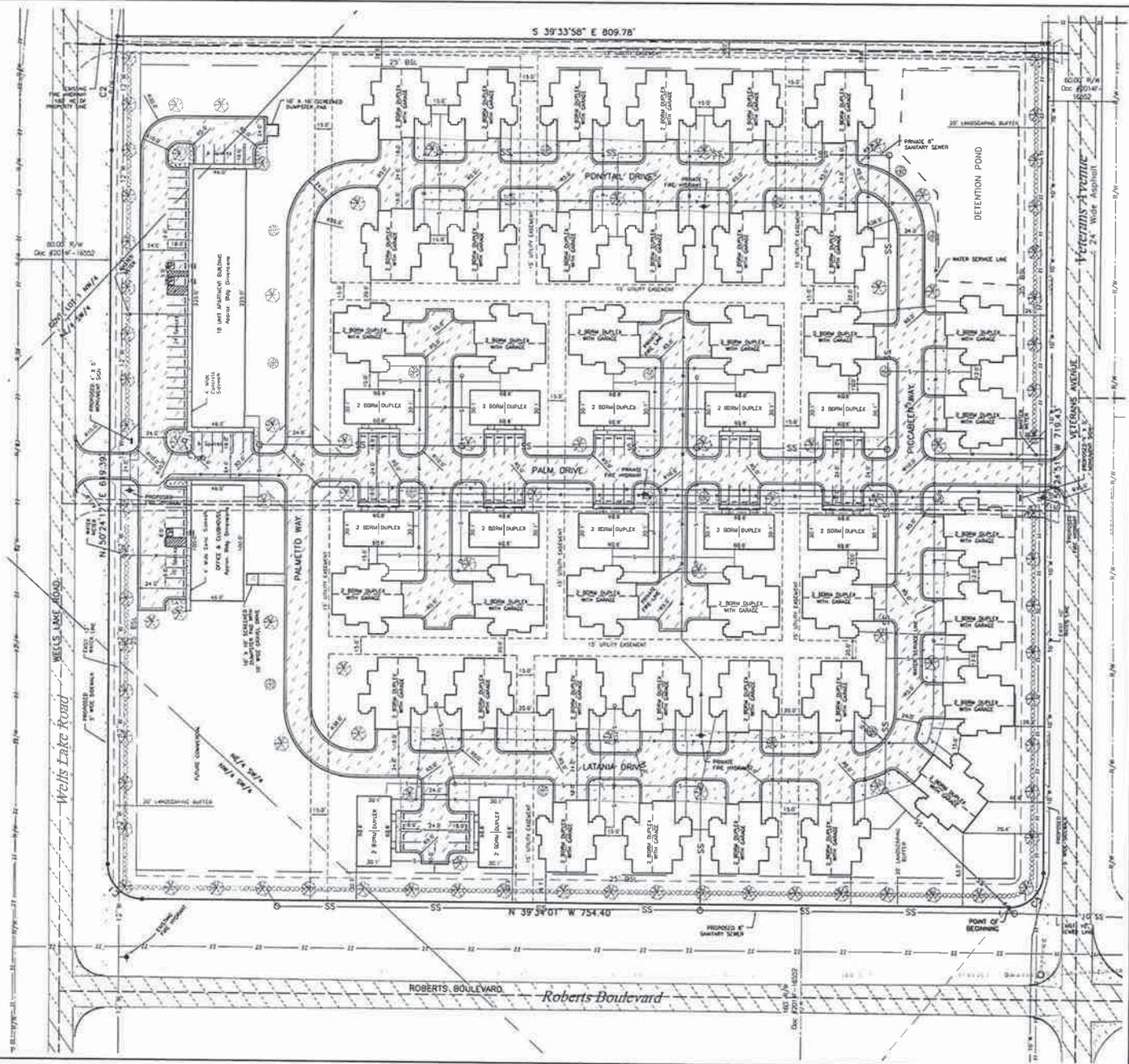
**EXTERIOR LIGHTING**  
 ALL EXTERIOR LIGHTING WILL COMPLY WITH UDO SECTION 27-602-5.

**SIGNAGE**  
 ALL PROPOSED SIGNS WILL BE PERMITTED SEPARATELY.

**PROPOSED LANDSCAPING/SCREENING**  
 Landscape Screening shall consist of shrubs of evergreen nature, providing a continuous row of vegetation that is equally effective in winter and summer and be a minimum of 24" at planting. Automatic irrigation will be provided for all landscaping.

LANDSCAPE ISLANDS

- >2" CALIFORNIAN SHUMARD OAK TREE
- CREPE MYRTLE TREE
- 24" BOXWOOD SHRUBS
- INTERIOR PARKING LANDSCAPING - 130925.90 Sq.Ft. Vehicle Use Area  
 24,308 Sq.Ft. Interior Landscape Provided (Overall) / 6546.30 Sq.Ft. required  
 (Apartment Bldg & Office Parking = 22,950.90 Sq.Ft. / Req. 1148 SF, Provided 1307 SF)



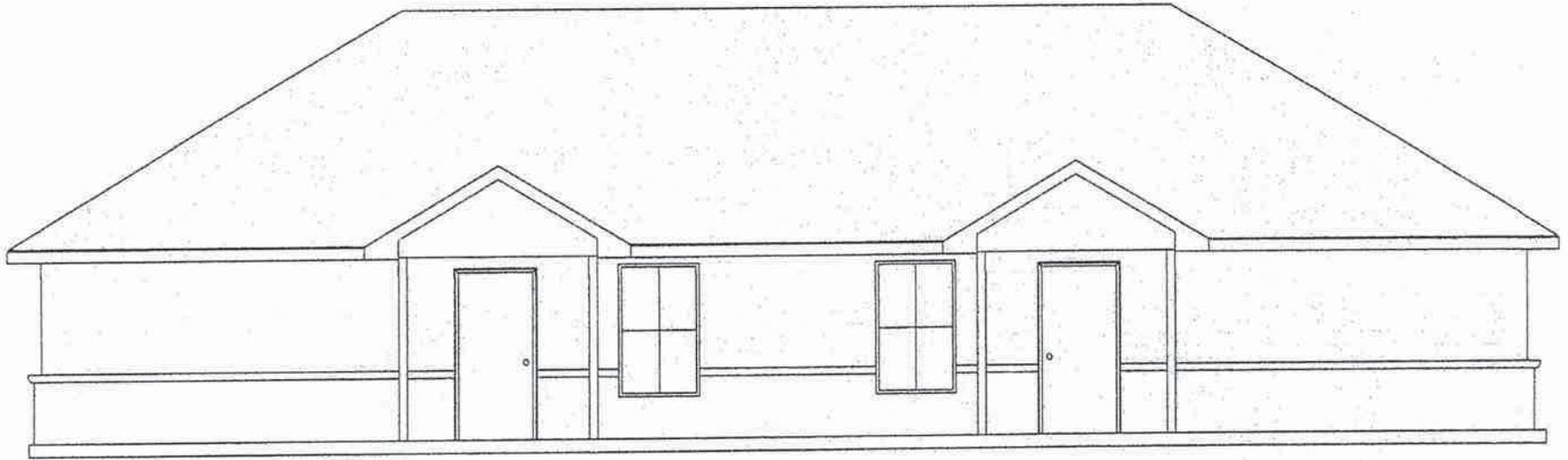
DIMENSION & LANDSCAPE PLAN  
 SERENITY HILL  
 CITY OF FORT SMITH  
 SEBASTIAN COUNTY, ARKANSAS  
 Project No. 16-0131  
 Sheet

APPROVED  
 REGISTERED PROFESSIONAL ENGINEER  
 No. 115

CERTIFICATE OF ADEQUACY  
 SEBASTIAN COUNTY, ARKANSAS  
 No. 16

**BRIXEY ENGINEERING & LAND SURVEYING, INC.**  
 CONSULTING ENGINEERS - LAND SURVEYORS  
 8323 East Highway 40, Box 902, Fort Smith, Arkansas 72504  
 479.644.8888

22-2



**Front Elevation**

ALL BRICK

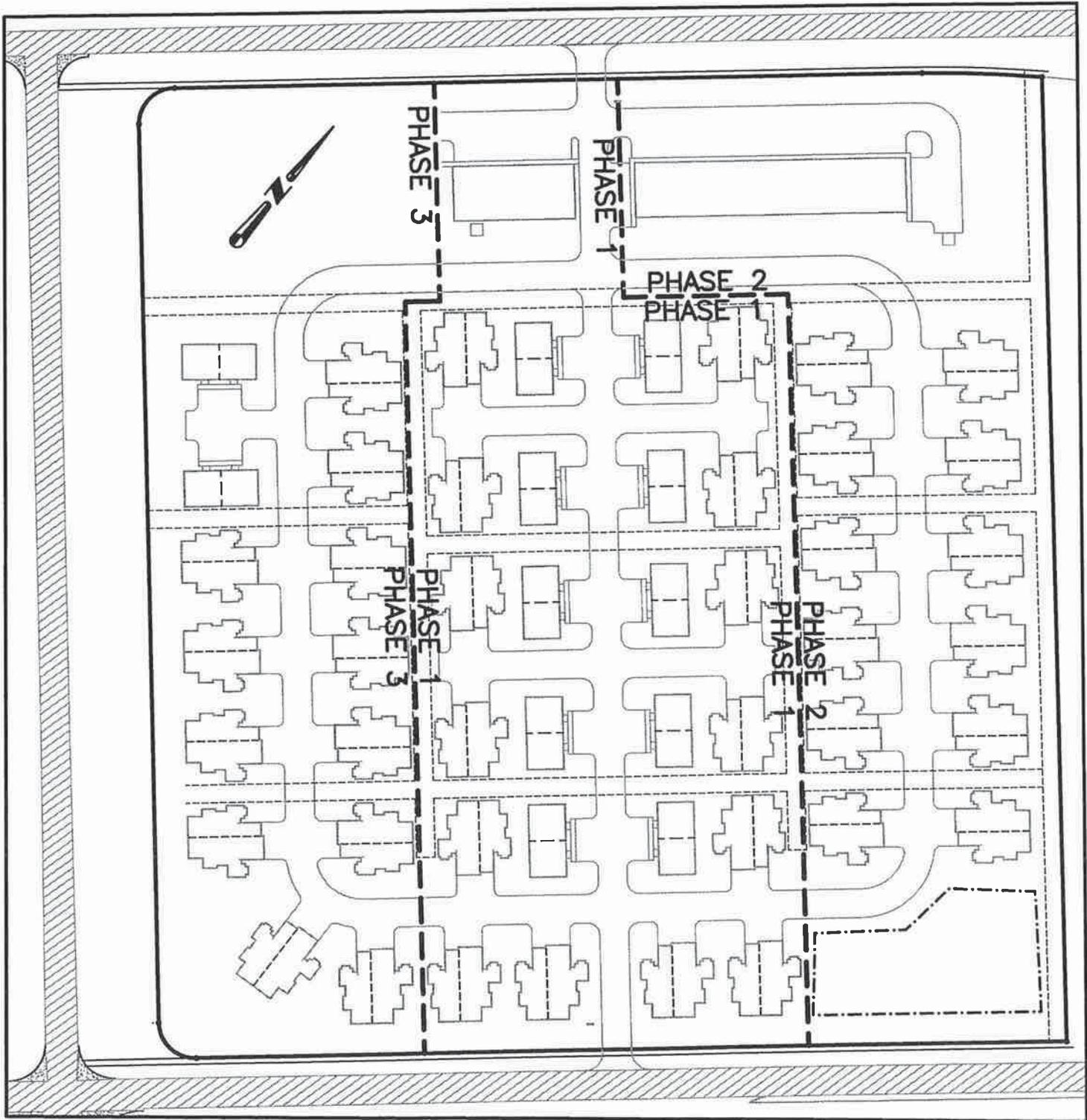


All BRICK



**Brixey Engineering & Land Surveying, Inc.**

Land Surveyors - Consulting Engineers  
P.O. Box 6180 Ft. Smith, Ark. 72906 (479)646-6394



PHASE BOUNDARY  
SERENITY HILL

22-1

22



- LEGEND**
- PROPERTY LINE
  - EASEMENT LINE
  - FINAL CONTOUR
  - EXISTING WATERLINE
  - EXISTING SEWER LINE
  - PROPOSED WATERLINE
  - WATER SERVICE
  - WATER METER
  - FIRE HYDRANT
  - SAN SEWER SERVICE
  - PROPOSED SEWERLINE
  - BUILDING SETBACK LINE
  - OVERHEAD ELECTRIC
  - CURB & GUTTER
  - SIDEWALK
  - ASPHALT STREET
- FLOOD ZONE STATEMENT**  
THE PROPERTY IS LOCATED IN ZONE "X", BEING OUTSIDE THE 500 YEAR FLOOD ZONE, AS GRAPHICALLY DERIVED ON F.I.M. MAP NO. 051310030F, DATED MARCH 2, 2012.
- OWNER AND DEVELOPER:**  
Johnny N.T. Nguyen & Chao M. Do  
7207 Blockjack Drive  
Fort Smith, AR 72016  
479-459-0878
- CURRENT ZONING:** NOT ZONED  
**PROPOSED ZONING:** PLANNED ZONING DISTRICT
- AREA:** 699,842 Sq. Ft. or 14 Acres  
**LOT COVERAGE:** 275,391 Sq. Ft. = 43%  
**BUILDING COVERAGE:** 141,346 Sq. Ft.  
**SIDEWALK COVERAGE:** 4,119 Sq. Ft.

- PROPOSED LANDSCAPING/SCREENING**
- >2" PIN OAK TREE
  - CREPE MYRTLE TREE
  - MIN. 24" BOXWOOD SHRUBS (54)
  - GRASS



**CURVE TABLE**

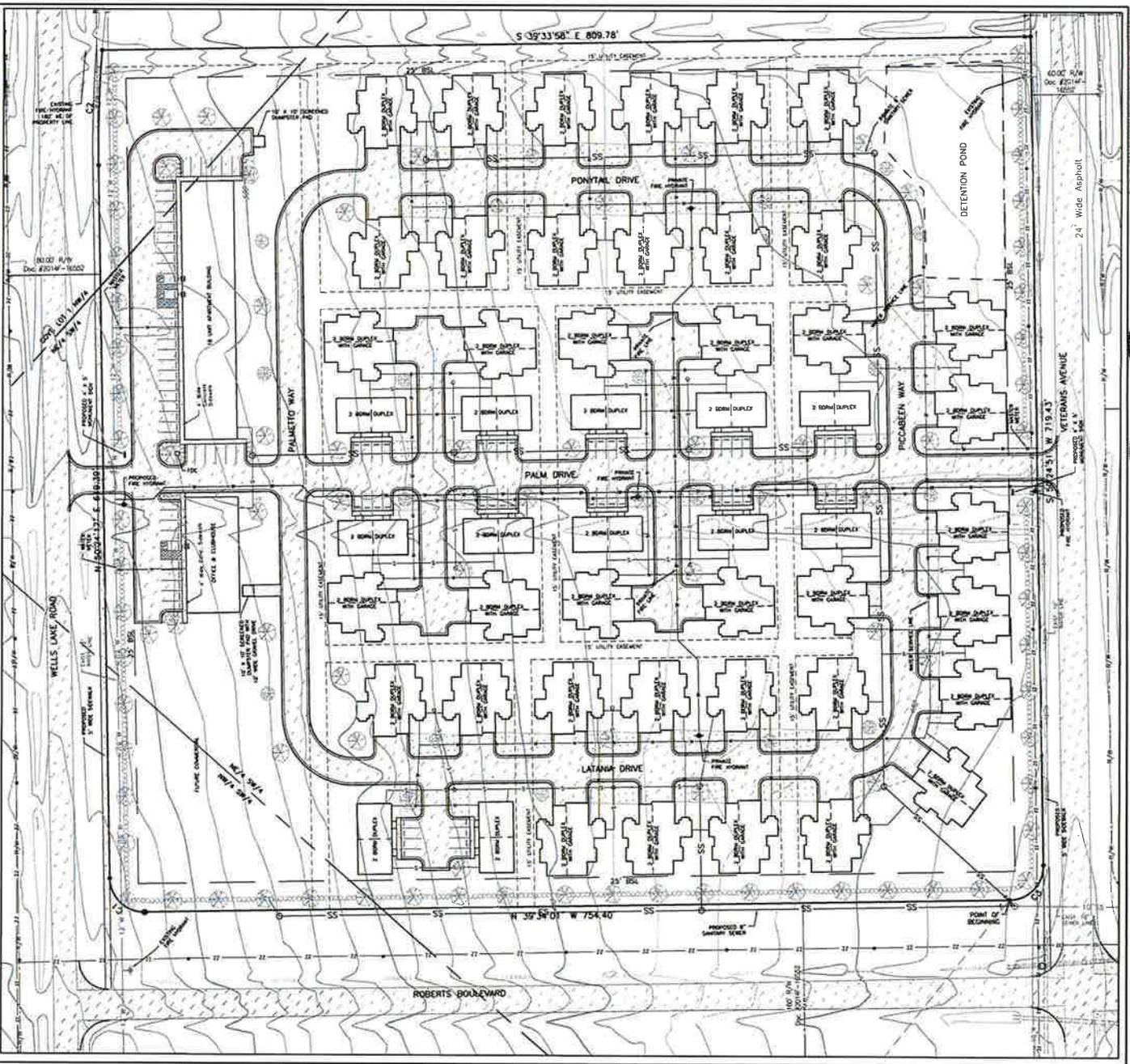
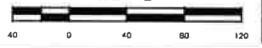
ARC LENGTH	CHORD DIRECTION	CHORD LENGTH	RADIUS
C1 47.11	N 02°25'09" E	42.43	30.00
C2 100.32	N 52°06'43" E	100.18	1060.00
C3 47.13	N 84°34'34" W	42.43	30.00

**SURVEYER'S CERTIFICATE**  
I, Ronald N. Brisay, hereby certify that this plat correctly represents a boundary survey of the subject property based upon record data.

**SURVEY DESCRIPTION:** (Roberts Blvd & Veterans Ave, Fort Smith)

Part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4), Part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) and Part of Government Lot 1 of the Northwest Quarter (Govt Lot 1 NW/4), All in Section 5, Township 3 North, Range 31 West, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southeast Corner of said Section 5 being marked with an existing 1/2" rebar with cap stamped PLS 1272; thence N 02°28'33" E, 1619.04 feet along the West line of said Section 5; thence S 07°00'00" E, 1893.52 feet to the Point of Beginning being a 1/2" rebar with cap stamped MNC 1368 on the Northerly right of way line of Roberts Boulevard; thence along said Northerly right of way line N 28°24'01" W, 154.40 feet to a 1/2" rebar with cap stamped MNC 1369; thence 47.11 feet along the Arc of a curve to the right having a chord bearing N 02°25'09" E, 42.43 feet and a radius of 30.00 feet to a 1/2" rebar with cap stamped MNC 1368 on the Easterly right of way line of Wells Lane Road; thence along said Easterly right of way line S 02°24'17" E, 814.38 feet to a 1/2" rebar with cap stamped MNC 1369; thence 100.22 feet along the Arc of a curve to the right having a chord bearing N 52°06'43" E, 100.18 feet and a radius of 1060.00 feet to a 1/2" rebar with cap stamped MNC 1369; thence along said Easterly right of way line S 29°33'58" E, 908.78 feet to a 1/2" rebar with cap stamped MNC 1368; thence along said Easterly right of way line of Veterans Avenue; thence along said Easterly right of way line S 50°24'51" W, 719.43 feet to a 1/2" rebar with cap stamped MNC 1368; thence 47.13 feet along the Arc of a curve to the right having a chord bearing N 84°34'34" W, 42.43 feet and a radius of 30.00 feet to the point of beginning, containing 14.00 Acres, more or less and being subject to public road rights of way and any easements of record, according to a survey by Michel Wagner, Civilian Job Number P0W1819, Date: 12/20/14.



**SITE PLAN**  
SERENITY HILL  
CITY OF FORT SMITH  
SEBASTIAN COUNTY, ARKANSAS

Prepared by: Johnny N.T. Nguyen & Chao M. Do

**ARCHITECT**  
REGISTERED PROFESSIONAL ARCHITECT  
J. N. NGUYEN & C. M. DO  
1000 W. 19th St., Suite 100  
Fort Smith, AR 72016  
479-459-0878

**CITY OF FORT SMITH**  
REGISTERED PROFESSIONAL ENGINEER  
RONALD N. BRISAY  
1000 W. 19th St., Suite 100  
Fort Smith, AR 72016  
479-459-0878

**BRIXEY ENGINEERING & LAND SURVEYING, INC.**  
CONSULTING ENGINEERS - LAND SURVEYORS  
2222 East Highway 44, P.O. Box 410, Fort Smith, Arkansas 72004 (479) 684-8844

PLANNED ZONING DISTRICT

CERTIFICATION STATEMENT

Johnny Nguyen and Chao Do Nguyen, owners of the property located at 6901 Wells Lake Road, do hereby certify that the Project Booklet for a Planned Zoning District complies with the City of Fort Smith's Planned Zoning District Regulations as defined in Section 27-341 of the Fort Smith Unified Development Ordinance

We hereby agree to the terms and conditions within the Project Booklet, and request the City of Fort Smith to approve the zoning.

Signatures:

BY:  8/22/16  
Johnny N.T. Nguyen Date

BY: CHAO DO 8/22/16  
Chao M. Do Date

**TRAFFIC STATEMENT  
SERENITY HILL  
FORT SMITH, ARKANSAS  
BRIXEY ENGINEERING & LAND SURVEYING, INC.**

**GENERAL DESCRIPTION**

Serenity Hill is a proposed multi-family development located in the northeast quadrant of the intersection of Wells Lake Road and Roberts Boulevard in the City of Fort Smith, Arkansas. The development will consist of an 18 unit apartment building, 50 duplex buildings (100 dwelling units), an office/clubhouse, and a commercial tract.

**STREET DESCRIPTION**

Access to the site will be from Wells Lake Road on the North and from Veterans Avenue on the South. Wells Lake Road is classified as a Future Major Collector by the Master Street Plan. It is currently two lane with adequate right of way dedicated for the classification. Veterans Avenue is classified as a local street. It is currently two lane with a 60 foot right of way dedicated which exceeds the requirement for the classification. All traffic from Veterans Avenue will route through Roberts Blvd. No direct access is proposed for Roberts Blvd. Roberts Blvd. is classified as a Boulevard. It is currently two lane with adequate right of way dedicated for the classification.

**TRIP ASSIGNMENTS**

Trip assignments are based on ease of access, distance to desirable locations, travel times, available road capacities, and determination of a preferred route. It is assumed that the majority of traffic from the surrounding area will be attempting to reach the businesses and housing areas of greater Fort Smith to the north and west.

It is our opinion that the majority of trips in and out of the development will follow Wells Lake Road and Fort Smith Boulevard to the northern portion of Veterans Avenue and proceed north along Veterans Avenue to Zero Street and then west along Zero Street.

We have attached a Traffic Statement Basemap indicating the traffic generation areas described in the following statements. This map and our calculations include only areas that have been zoned by the City. Without zoning, we have no idea of what traffic might be generated in the future. The major traffic routes into and out of the area have been designated as Collectors and Boulevards. These Streets will require upgrades prior to full development of the areas they will serve. This analysis considers current and near future conditions.

Our trip assignments for the surrounding area are as follows:

Most traffic generated from the area adjacent to and south of McClure Drive will follow McClure Drive west to Massard Road or will follow Wells Lake Road or Chad Colley Blvd. south to Massard Road.

Most traffic generated from the area adjacent to Chad Colley Boulevard (including Area #12) will follow Chad Colley Boulevard north to Zero Street or south to Massard Road.

All traffic from the Osteopathic College, Area # 1 will follow Veterans Avenue directly to Zero Street.

Most traffic generated from Areas No. 2, 3, 4, and 11 will follow Wells Lake Road to Fort Smith Boulevard and on to Zero Street.

We are assigning one fourth of the traffic generated from Areas No. 5 through 10 to follow Wells Lake Road to Fort Smith Boulevard and on to Zero Street.

#### ASSUMPTIONS

Areas #3, #4, #5, #6, and #7 - Residential areas are assumed to be developed at maximum density allowed by zoning classifications.

Area #11 Office/Clubhouse will have 2 employees. Clubhouse will not generate off site traffic.

Area #8 - Congregate Care Facility rooms will average 150 square feet with 1 bed per room. No allowance was made for recreation rooms, offices, etc.

Area #10 and Area #11 Commercial uses are undetermined. Used Wholesale Market in calculations to get a reasonable traffic volume and schedule in the calculations.

#### TRAFFIC ANALYSIS

We have obtained a copy of guidelines for local or collector streets from the ITE website. This guideline was apparently prepared for Tucson, Arizona (<http://www.ite.org/traffic/documents/Tucson/PolicyandProcedures.pdf>). A copy of page 2 of the document indicating guidelines for maximum traffic volumes is attached. The guideline indicates a maximum volume of 1000 vpd or 75 vph for local streets and 2000 vpd or 150 vph for collector streets.

The point of most probable impact to local traffic is along the route of Wells Lake Road from the northern edge of Area #3 to, and including Fort Smith Boulevard to Veterans Avenue and the section of Veterans Avenue to Zero Street.

We have attached a spreadsheet computation of the Trip Generation Rates for the section of Veterans Avenue from Fort Smith Boulevard to Zero Street.

The computation indicates that the total daily trips will be 759 vpd, the peak PM In will be 407 vpd, and the peak PM Out will be 352 vpd.

#### STATEMENT

Our study indicates that the projected traffic for the Veterans Avenue/Zero Street intersection falls within the allowable ranges for ITE peak volumes for a collector street. The total peak hour traffic projected to be generated by the proposed development is 47 which is within the City of Fort Smith UDO Section 27-503 B. allowances for peak hour trips (<100).

Prior to complete build-out of the areas included in the study it appears that the route analyzed will need to be upgraded to meet Master Street Plan requirements.

## GUIDELINES

1. Neighborhood streets are defined as local or collector streets within or adjacent to designated neighborhoods with abutting land uses that are at least 85 percent residential when considered in segments of one-quarter mile.
2. Traffic volumes on neighborhood streets should be consistent with the density of residential development that is served by a particular neighborhood street. According to data assembled by the Institute of Transportation Engineers, single family detached residences serve as origins or destinations for five to twenty trips on a typical workday. As a general guideline, traffic volumes on neighborhood streets (total for both directions) should not exceed:
  - Local Street, Low Density - 1,000 vehicles per day or 75 vehicles per hour.
  - Local Street, High Density - 2,000 vehicles per day or 150 vehicles per hour.
  - Collector Street - 8,000 vehicles per day or 800 vehicles per hour.

Neighborhood streets with traffic volumes near or in excess of these guidelines may benefit from a study to develop, implement, and evaluate possible remedial actions.

3. Vehicle speeds (85th percentile speeds established by radar or equivalent methods) on neighborhood streets generally should be:
  - Local Street - 25 miles per hour.
  - Collector Street - 30 to 35 miles per hour.

Traffic speeds in excess of these guidelines normally indicate the need for increased police enforcement and/or a study to develop, implement, and evaluate remedial actions.

4. Neighborhoods, areas, or residences experiencing "unwanted" traffic volumes on neighborhood streets may benefit from a study to develop, implement, and evaluate remedial actions.

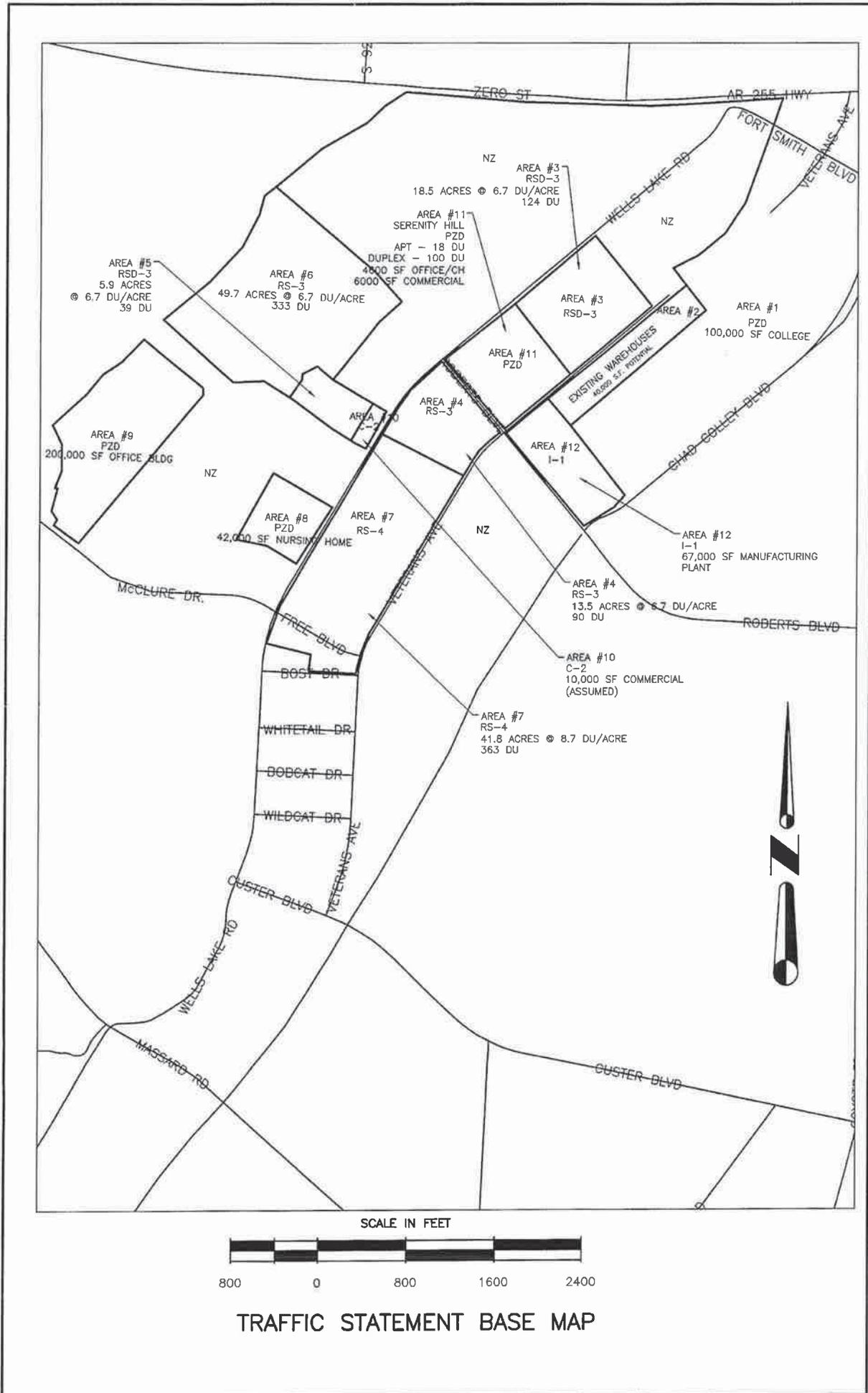
"Unwanted" traffic is defined as:

- Traffic using a neighborhood street as a shortcut or detour.
- An excessive volume of traffic on a neighborhood street that should normally be served by an arterial roadway.
- Traffic operating at excessive speeds.
- Vehicles with origins or destinations outside of the neighborhood or area.

**Instructions:** Trip Generation Rates from the 8th Edition ITE Trip Generation Report

Enter Numbers into the "Expected Units" in the Corresponding Yellow Column  
 NA: Not Available      KSF<sup>2</sup>: Units of 1,000 square feet  
 DU: Dwelling Unit      Fuel Position: # of vehicles that could be fueled simultaneously  
 Occ.Room: Occupied Room

Description / ITE Code	Units	PM Peak Period Rate	% PM In	% PM Out	Expected Units (independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out	Notes
Warehousing 150	KSF <sup>2</sup>	0.32	25%	75%	40.0	142	13	3	10	AREA #2
Single Family Homes 210	DU	1.01	63%	37%	264.0	2,526	267	168	99	AREAS #4, #6, AND #7
Apartment 220	DU	0.62	65%	35%	18.0	120	11	7	4	AREA #11
Rental Townhouse 224	DU	0.72	51%	49%	134.0	#VALUE!	96	49	47	AREAS #3 AND #5
Retirement Community 250	DU	0.27	56%	44%	100.0	#VALUE!	27	15	12	AREA #11
Congregate Care Facility 253	Occ.DU	0.17	56%	44%	70.0	151	12	7	5	AREA #8
Junior/ Comm. College 540	KSF <sup>2</sup>	2.54	58%	42%	100.0	2,749	254	147	107	AREA #1
Corporate Headquarters 714	KSF <sup>2</sup>	1.40	10%	90%	50.0	399	70	7	63	AREA #9
Single Tenant Office Bldg 715	Employees	0.50	15%	85%	2.0	7	1	0	1	AREA #11
Wholesale Market 860	KSF <sup>2</sup>	0.88	53%	47%	9.0	61	8	4	4	AREAS #8 AND #11



**LAST PAGE**

**END OF PROJECT BOOKLET**

**PETITION FOR CHANGE IN ZONING MAP**

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

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

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

A part of the North Half of Section 5, Township 7 North, Range 31 West, Fort smith. Sebastian County, Arkansas.

A complete description is attached.

- 2. Address of property: 6901 Wells Lake Road

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

- 4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.

- 5. Explain why the Planned Zoning District is requested?

It is proposed to develop the property as a walkable neighborhood that features commercial retail and services that may be accomodated in multi-use structures.

\_\_\_\_\_

Signed:

Ron Brixey

Owner or Agent Name  
(please print)

\_\_\_\_\_  
Owner

or

\_\_\_\_\_  
Owner or Agent Mailing Address

Ron Brixey  
Agent



LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

A part of the North Half of Section 5, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: \*

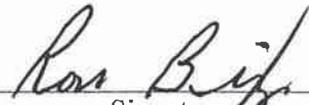
FCRA Site Design and Development Standards

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Signature

*(\* If no restrictive covenants exist, indicate "none".)*

25

LIST OF OWNERS OF ALL PROPERTY WITHIN 300 FEET

FORT CHAFFEE REDEVELOPMENT TRUST  
7020 TAYLOR AVE  
FORT SMITH, AR 72916

HIGHLAND CROSSING, LLC  
4107 MASSARD RD  
FORT SMITH, AR 72903

MMR HOLDINGS, LLC  
5108 S U ST  
FORT SMITH, AR 72903

PHOENIX CORPORATION  
4685 BUFORD HWY  
NORCROSS, GA 30071

CROSS FIT OF FT. SMITH, LLC  
4000 MT ZION RD  
GREENWOOD, AR 72936

B C D PROPERTIES LLC  
1122 S 23RD ST  
FT SMITH, AR 72901

**LIST OF OWNERS OF ALL PROPERTY TO BE REZONED**

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

<u>NAME</u>	<u>ADDRESS</u>
1. <u>Johnny N.T. Nguyen and Chao M. Do</u>	<u>7207 Blackjack Drive, Fort Smith</u>
2. <u>(Husband and Wife)</u>	<u>Arkansas, 72916</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

20

**AUTHORIZATION OF AGENT**

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Ron Brixey to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

<u>NAMES OF ALL OWNERS.</u>	<u>SIGNATURE OF ALL OWNERS.</u>
1. <u>Johnny N.T. Nguyen</u>	
2. <u>Chao M. Do</u>	
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

*This form is necessary only when the person representing this request does not own all property.*

2V

SURVEY DESCRIPTION: (Roberts BLVD & Veterans Ave, Fort Smith)

Part of the Northeast Quarter (NE/4) of the Southwest Quarter (SW/4), Part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) and Part of Government Lot 1 of the Northwest Quarter (Govt Lot 1 NW/4), All in Section 5, Township 7 North, Range 31 West, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southwest Corner of said Section 5 being marked with an existing 1/2" rebar with cap stamped PLS 1272; thence N 02°38'35" E, 1619.04 feet along the West line of said Section 5; thence N 90°00'00" E, 1693.52 feet to the Point of Beginning being a 1/2" rebar with cap stamped MWC 1369 on the Northerly right of way line of Roberts Boulevard; thence along said Northerly right of way line N 39°34'01" W, 754.40 feet to a 1/2" rebar with cap stamped MWC 1369; thence 47.11 feet along the Arc of a curve to the right having a chord bearing N 05°25'09" E, 42.42 feet and a radius of 30.00 feet to a 1/2" rebar with cap stamped MWC 1369 on the Easterly right of way line of Wells Lake Road; thence along said Easterly right of way line N 50°24'17" E, 619.39 feet to a 1/2" rebar with cap stamped MWC 1369; thence 100.22 feet along the Arc of a curve to the right having a chord bearing N 53°06'47" E, 100.18 feet and a radius of 1060.00 to a 1/2" rebar with cap stamped MWC 1369; thence leaving said Easterly right of way line S 39°33'58" E, 809.78 feet to a 1/2" rebar with cap stamped MWC 1369 on the Westerly right of way line of Veterans Avenue; thence along said Westerly right of way line S 50°24'51" W, 719.43 feet to a 1/2" rebar with cap stamped MWC 1369; thence 47.13 feet along the Arc of a curve to the right having a chord bearing N 84°34'34" W, 42.43 feet and a radius of 30.00 feet to the point of beginning, containing 14.00 Acres, more or less and being subject to public road rights of way and any easements of record, according to a survey by Mickle, Wagner, Coleman job Number POW11919, Dated: 12/2014.

2W

September 7, 2016

MINUTES OF NEIGHBORHOOD MEETING  
6901 WELLS LAKE ROAD

On September 6, 2016 at 4:30 p.m. a Neighborhood meeting was held at 6901 Wells Lake Road, Fort Smith, Arkansas to discuss a proposed rezoning from Not Zoned to a Planned Zoning District. The rezone was initiated by Johnny N.T. Nguyen and Chao M. Do, current owners of the property.

Three people were in attendance. The City was represented by Maggie Rice of the Planning Department. The owners were represented by Ron Brixey of Brixey Engineering, and Todd Mooney of Brothers Construction Company. No neighboring owners attended. The meeting adjourned at 4:40 p.m.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 6901 Wells Lake Road

Meeting Time & Date 4:30 PM, September 6, 2016

Meeting Purpose Application for PZD zoning

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Maggiarica	City of Fort Smith	
2.	Todd Mooney	Brothers Const	479-883-2217
3.	RON BRIXEY	BRIXEY ENGINEERING	646-6344
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

## NOTICE OF NEIGHBORHOOD MEETING

### PURPOSE:

The owner of the lot located at 6901 Wells Lake Road (currently vacant) proposes to develop the property as a mixed use facility. Proposed improvements will include 50 duplex residential structures (100 units), an 18 unit apartment building, an office/clubhouse building, and an area of approximately 0.8 acres for future commercial development.

This property is currently not zoned. In order to develop the property as proposed in compliance with City Codes, the Zoning must be changed to a PZD (Planned Zoning District) which is set up specifically for the proposed facilities.

The application for a Zone Change requires that a Neighborhood Meeting be conducted to allow the neighbors the opportunity to ask questions and to comment on the proposal.

### WHO SHOULD ATTEND

All owners of property located within 300 feet of the subject property are invited to attend.

### WHAT WILL BE DISCUSSED

Any concerns or comments the neighboring owners might have will be discussed. A representative of the City will be available to discuss City regulations, limitations, and review procedures.

### MEETING LOCATION

The meeting will be held on the property at 6901 Wells Lake Road. This is at the intersection of Wells Lake Road and Roberts Boulevard in Chaffee Crossing.

### MEETING TIME

The meeting will be held at 4:30 PM on Tuesday, September 6, 2016.

### CONTACT PERSON

Those who cannot attend the meeting can contact the project Engineer, Ron Brixey, by telephone at 479-646-6394 between the hours of 7:00 AM and 4:00 PM, Monday thru Friday.



Fort Chaffee Redevelopment Trust  
7020 Taylor Avenue  
Fort Smith, AR 72916

Highland Crossing, LLC  
4107 Massard Road  
Fort Smith, AR 72903

MMR Holdings, LLC  
5108 South "U" Street  
Fort Smith, AR 72903

Phoenix Corporation  
4685 Buford Hwy.  
Norcross, GA 30071

Cross Fit of Fort Smith, LLC  
4000 Mt. Zion Road  
Greenwood, AR 72936

BCD Properties, LLC  
1122 South 23<sup>rd</sup> Street  
Fort Smith, AR 72901

2.

ORDINANCE NO. \_\_\_\_\_

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

**WHEREAS**, the City Planning Commission has heretofore held a public hearing upon request No.19-9-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on September 13, 2016, that said change be made;

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

**SECTION 1:** That the following properties to-wit:

Lots 9-16, Block 37, Lots 1-16, Block 38, Lots 1-14, Block 39, Lots 1-14, Block 42, and Lots 1-16, Block 43 Park Hill Addition.

more commonly known as 2200 through 2230 South “X” Street, 2117 through 2230 South “Y” Street, 2115, 2119, 2209, 2213, 2219, 2223, 2229 South “Z” Street, 2500 through 2620 South 22<sup>nd</sup> Street, 2621 and 2601 South 21<sup>st</sup> Street should be, and is hereby rezoned from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by extension.

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor  
Approved as to form



\_\_\_\_\_  
Publish One Time



# Memorandum

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**To:** Carl Geffken, City Administrator  
**Cc:** Jeff Dingman, Deputy City Administrator  
**From:** Wally Bailey, Director of Development Services  
**Date:** September 29, 2016  
**Subject:** A request by Walter Johnson, agent, for the Parkhill Subdivision neighborhood rezoning for a zone change from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by Extension located at 2200 through 2230 South “X” Street, 2117 through 2230 South “Y” Street, 2115, 2119, 2209, 2213, 2219, 2223, 2229 South “Z” Street, 2500 through 2620 South 22<sup>nd</sup> Street, 2621 and 2601 South 21<sup>st</sup> Street.

On September 13, 2016, the City Planning Commission held a public hearing to consider the above request.

The rezoning application indicates the purpose of this rezoning request is that it will complete the zoning for this area since most of the surrounding parcels are already zoned single family. The property owners want to protect their property values. The current zoning of Residential Multifamily (RM-3) will permit duplexes and apartments. *(A map is enclosed showing the location of this proposed rezoning and the zoning of the surrounding neighborhoods.)*

The property is currently developed with single family homes. There are 39 single family homes included in the proposed rezoning area with two (2) properties that have more than one dwelling unit on the property (2209 South “Z” Street and 2222 South “Y” Street). Ms. Andrews stated that if this rezoning is approved, these two properties will become nonconforming properties because the lots have more than one principal structure on them. *(A map is enclosed showing the location of these properties.)* The proposed zoning district permits only one principal structure per lot.

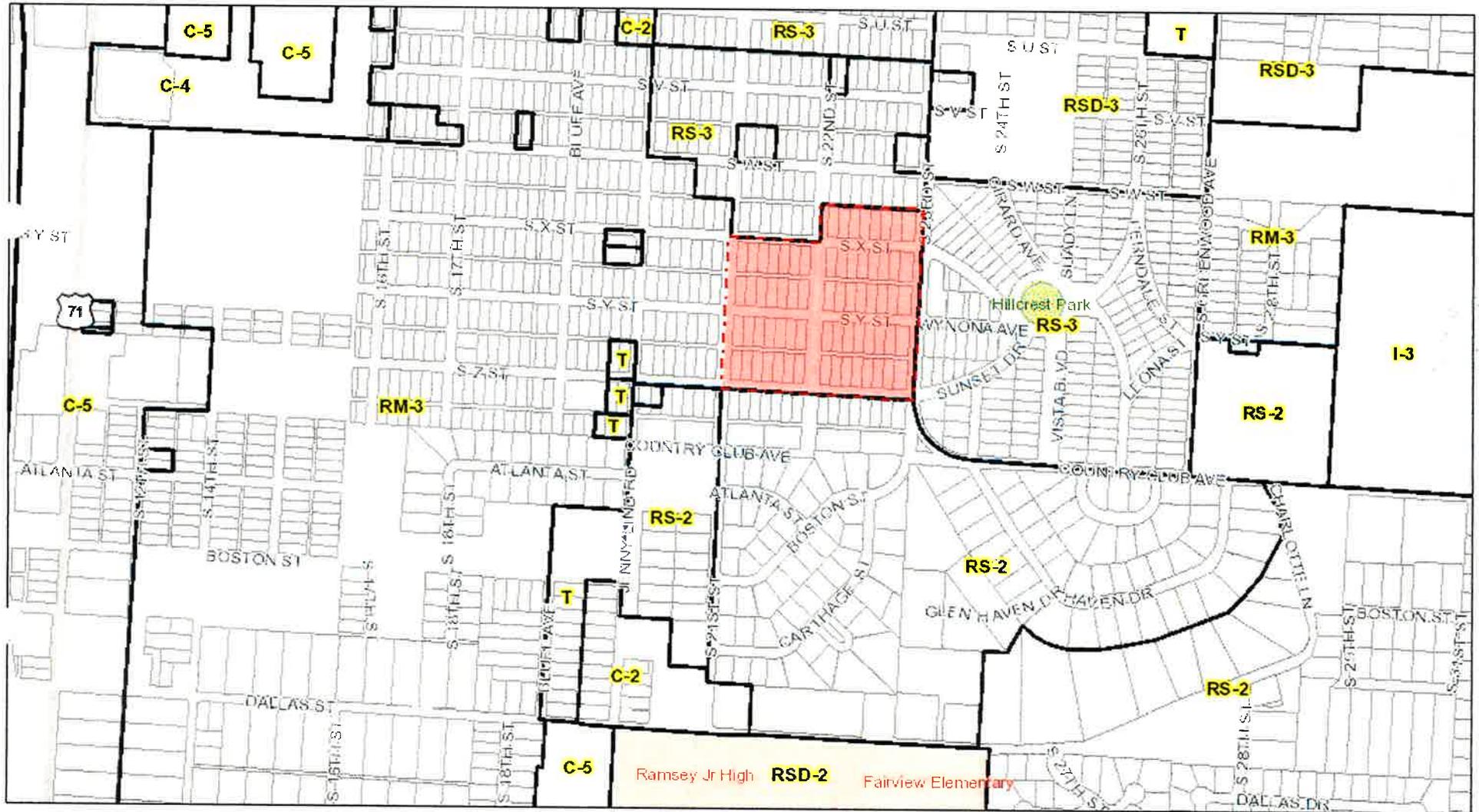
At the Planning Commission meeting, Mr. Walter Johnson spoke on behalf of the request.

Mr. Don Tate addressed the Commission relative to his concerns about his ability to rebuild his duplexes if they were to be destroyed. Mr. Tate provided the addresses of his duplex units and it was determined that his properties are not located within the area requesting the zoning change.

The Planning Commission voted 9 in favor and 0 opposed to recommend the Board of Directors amend the zoning map to change the zoning on the subject properties to Residential Single Family (RS-3).

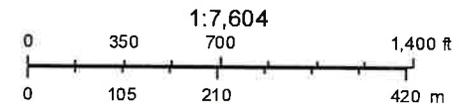
Please contact me if you have any questions.

# Rezoning #19-9-16: From Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) at Block 37, Lots 9-16; Blocks 38, 39, 42 and 43 of Park Hill Addition



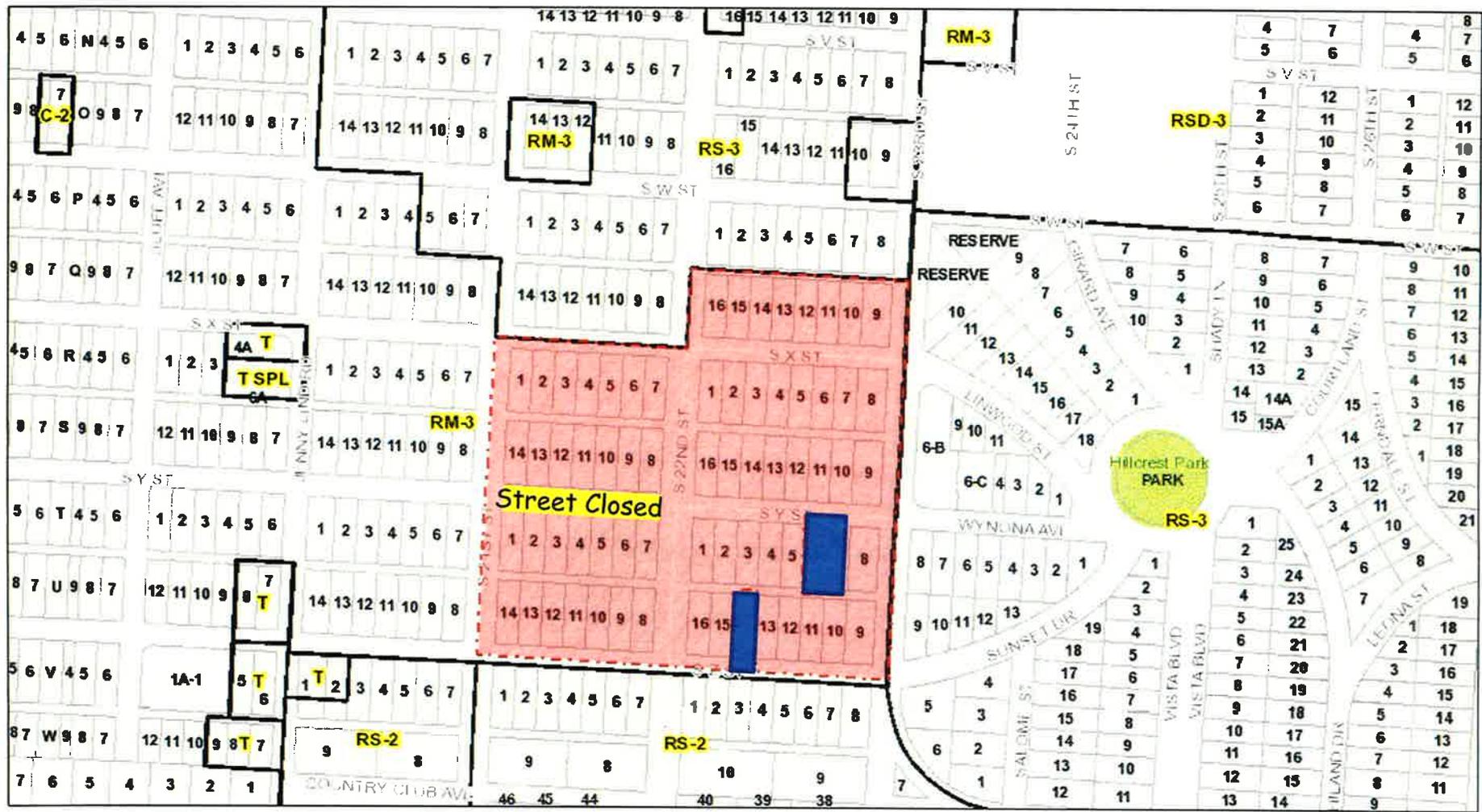
August 23, 2016

- Fort Smith City Limits
- Parks
- Zoning
- Subdivisions



5

### Properties with multiple dwelling units 2209 South "Z" Street, 2222 South "Y" Street and 2222 1/2 South "Y" Street



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** September 1, 2016

Rezoning #19-9-16 - A request by Walter Johnson, agent, for Planning Commission consideration of a rezoning request from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by extension located at 2200 through 2230 South "X" Street, 2117 through 2230 South "Y" Street, 2115, 2119, 2209, 2213, 2319, 2223, 2229 South "Z" Street, 2500 through 2620 South 22<sup>nd</sup> Street, 2621 and 2601 South 21<sup>st</sup> Street.

## PROPOSED ZONING

The purpose of the rezoning request is to eliminate the possibility of future duplexes and multifamily development in the subdivision by requesting a zoning district that allows single-family residential only. The applicant wishes to maintain a single-family atmosphere for the neighborhood.

## LOT LOCATION AND SIZE

The subject properties are located on the west side of South 23<sup>rd</sup> Street Starting on both sides of South X Street to South 22<sup>nd</sup> Street extending south to the north side of South Z Street and including the properties west of South 22<sup>nd</sup> Street and east of South 21<sup>st</sup> Street between South Z Street and South X Street. The tract contains an approximate area of 16.9 acres with frontages along South 23<sup>rd</sup>, South 22<sup>nd</sup>, South 21<sup>st</sup>, South X, South Y, and South Z Streets.

## REQUESTED ZONING

The requested zoning on this tract is Residential Single Family Medium/High Density (RS-3). Characteristics of this zone are as follows:

### Purpose:

To provide for medium-to-high density, compact single family detached development on new sites or as infill construction. Adequate public services and facilities shall be available with sufficient capacity to serve the proposed development. This zoning district is intended to serve as a transition between the lower density single family districts and the multifamily of commercial districts. RS-3 zoning as appropriate in urban and suburban areas and primarily

1A

applies to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

**Permitted Uses:**

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

- |                                                  |                                |
|--------------------------------------------------|--------------------------------|
| Minimum Lot Size – 6,500 square feet             | Maximum Height - 35 feet (1+1) |
| Maximum Density – 6.7 Dwelling Units/Acre        | Maximum Lot Coverage - 60%     |
| Minimum Lot Width at Building Line – 60 feet     |                                |
| Minimum Street Frontage – 20 feet                |                                |
| Front Yard Setback - 25 feet                     |                                |
| Side Yard on Street Side of Corner Lot - 25 feet |                                |
| Side Yard Setback – 7.5 feet                     |                                |
| Rear Yard Setback - 10 feet                      |                                |
| Minimum building separation – 10 feet            |                                |

**EXISTING ZONING**

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

**Purpose:**

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

**Permitted Uses:**

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

**Conditional Uses:**

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary

1B

schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

- Minimum Lot Size – 6,500 square feet
- Maximum Density – 20 Dwelling Units/Acre
- Minimum Lot Width at Building Line – 60 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 7.5 feet
- Rear Yard Setback - 10 feet
- Side/Rear adjacent to RS district/development – 30 feet
- Minimum building separation – 10 feet
- Maximum Height - 40 feet (1+1)
- Maximum Lot Coverage - 65%

**SURROUNDING ZONING AND LAND USE**

The areas to the north and east are zoned Residential Single Family Medium/High Density (RS-3) and are developed as single family residences.

The area to the south is zoned Residential Single Family Medium Density (RS-2) and developed as single family residences.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and developed as single family residences.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies all of the neighborhood streets as local roads.

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the purposed zoning area as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held Friday September 2<sup>nd</sup> at 5:30 P.M. at 2230 South X Street. Ten neighboring property owners attended the meeting with no objections. All of the neighbors were in support of the rezoning to a single family zoning district.

**STAFF COMMENTS AND RECOMMENDATIONS**

This neighborhood is requesting the single-family zoning district in order to reflect how the area is developed. There are 39 single family homes included in the proposed rezoning area. The proposed area also includes two properties that have more than one dwelling unit on the property. The property at 2222 South Y has two dwelling units and the property at 2209 South Z

10

has two dwelling units. If the neighborhood rezoning is approved, these two properties will become nonconforming because the lots have more than one principal structure on them.

Of the 41 properties, 27 property owners (66%) signed the authorization of agent forms authorizing Mr. Johnson to submit the application on their behalf.

Section 27-330-2 of the Unified Development Ordinances states the following regarding who can initiate a rezoning request: *An application for a conventional rezoning request may be initiated by the Board of Directors, Planning Commission, property owners(s) or the owner's agent, or upon application of any interested property within the area proposed to be rezoned.*

We have also provided a 1978 legal opinion by the city's attorney, Jerry Canfield regarding this matter. In this opinion, Mr. Canfield's opinion is that an "interested property owner" within the area proposed for a change may propose a change. In Mr. Canfield's opinion the interested property owner does not require actual ownership of the entire area. We have also enclosed an earlier legal opinion dated 1972 in which Mr. Canfield has the same opinion.

Based on the requested rezoning's compliance with the area's land use classification of Residential Detached and the fact that the neighborhood is comprised of predominantly single family housing, staff recommends approval of the request.

10

LEGAL OPINIONS REGARDING REZONING FROM INTERESTED  
PERSONS

1 E

**From:** Jerry Canfield [<mailto:jcanfield@dailywoods.com>]  
**Sent:** Monday, May 09, 2016 10:08 AM  
**To:** Andrews, Brenda  
**Subject:** RE: Legal Opinions - Rezoning by Interested Persons

Yes as to rezoning in conventional districts provided for in Section 27-330 of the Municipal Code. See Section 27-330-2 which identifies applicants. There has been no significant change in the State statutes. See A.C.A. 14-56-423 (Repl. 1998). Jerry Canfield

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**From:** Andrews, Brenda [<mailto:bandrews@FortSmithAR.gov>]  
**Sent:** Friday, May 06, 2016 12:53 PM  
**To:** Jerry Canfield  
**Cc:** Bailey, Wally  
**Subject:** Legal Opinions - Rezoning by Interested Persons

Jerry – Attached are two legal opinions you provided to the city in 1978 and 1972. Do you still have the same opinion on this topic?

Thanks.

Brenda Andrews, senior planner  
City of Fort Smith  
479-784-2219 (phone)  
479-784-2462 (fax)

IF

*File  
City opinion  
-----  
Include in  
Planning Comm  
Zoning  
Petitions*

August 8, 1978

Mr. Paul Parker  
Director of Planning  
City of Fort Smith  
Stephens Building  
623 Garrison Avenue  
Fort Smith, Arkansas 72901

Re: Rezoning Petition

Dear Mr. Parker:

You have submitted to us a Petition for Change in Zoning Map which has been filed with your Department seeking rezoning from an R-3 Multi-Family classification to an R-3 Single-Family and Duplex classification of a substantial area in the Sutton Estates vicinity of Fort Smith. We have reviewed the Petition, and understand that the Petition is submitted to us for our opinion as to whether the owners of portions of the property petitioned for rezoning may include in their Petition other, adjacent areas in which they have no ownership interest.

It is our opinion that the Petition is not insufficient nor improper by reason of the above point of inquiry. We have not considered other possible defects in the Petition, we have not considered arguments of the vesting of rights in the current zoning of some or all of the property by reason of current expenditures in reliance on the current zoning and we have assumed that some of the petitioners own a fee interest in some of the area proposed for rezoning.

Our opinion is based upon the language of Section 4-1 of the Zoning Code of the City of Fort Smith, codified in Appendix A to the Fort Smith Code of Ordinances. It is our opinion that the question of "who may initiate a rezoning matter" is a matter for legislative determination. The legislative determination could first be made by the State Legislature which authorizes zoning procedures. We have reviewed the Zoning Acts of the General Assembly and find that the General Assembly provides no direction as to who may initiate rezoning matters. On the other hand, the local legislation, Section 4-1 of the Zoning Code, expressly provides in sub-section (b) as follows:

41

IG

Page 2

A change in the zoning map or the zoning regulations may be proposed by the City Planning Commission either on its own initiative or on the application of any interested property owner within the area proposed for a change.

It is our interpretation of this language that an "interested property owner" within the area proposed for a change (which to us does not require actual ownership of the entire area) may propose a change. We have reviewed the case of City of Little Rock v. Goodman, 222 Ark. 350, 260 S.W.2d 450 (1953) (including dissenting opinion) and do not feel that the decision is particularly helpful on this point as the case primarily deals with the problem we are not discussing - that problem being the degree of ownership less than fee title which will entitle a person to petition for rezoning.

We have given consideration to an argument that it would violate the constitutional rights of the property owner for that owner's property to be subject to consideration for rezoning without his permission. Although we are not impressed with the argument we will gladly review any additional authorities on point. For our current purposes, we feel the existing ordinance should carry a strong presumption of constitutionality. We have reviewed authorities such as McQuillan on Municipal Corporation. See Sections 25.66 and 25.258. McQuillan supports the proposition that no property owner has a vested right under any zoning ordinance and that the existing zoning of property is not such a property right as to be protected from amendment. In fact, attempts to provide that property may not be rezoned without consent of the owner have been held improper as an unlawful delegation of the legislative authority of the City. In theory, the power to zone property is an exercise of the police power which may be exercised only by the legislative authority in a municipality. As such, that authority may not be delegated to the desires of the property owners involved. If zoning is to be viewed as a proposition which affects only an individual tract of property, then there is no common or public good involved so as to justify the initial authority to subject the property to legislative control. The logical consequence of such a theory is that the legislative body must retain ultimate control in such matters. The legislative body is entitled to a great amount of discretion in determining who may initiate an investigation into this subject matter. We have not given consideration to the question of whether the governing body could limit initiation of rezoning requests to the property owners and the Planning Commission.

Very truly yours,

Jerry Lee Canfield  
blm

1H

*File  
City  
Opinion*

December 19, 1972

Mr. Mike Walker  
Assistant Director  
Planning and Inspections  
City of Fort Smith  
Sebastian County Courthouse  
Fort Smith, Arkansas 72901

RE: Persons having sufficient interest to request zoning changes

Dear Mike:

You have requested our opinion as to the meaning of the term "interested property owner" in Section 29-50(b) of the Code of Ordinances.

The first sentence of Sub-section b of Section 29-50 reads as follows:

- (b) A change in the zoning map of the zoning regulations may be proposed by the City Planning Commission either on its own initiative or upon the application of any interested property owner within the area proposed for a change.

In our opinion the above set forth provision requires of a person who makes application for a zoning change that such person have a legal interest in property which is within the area proposed for a zoning change. The term "interest" when used in relation to property is said to be the most general term that can be employed to denote a property in land. Black's Law Dictionary, page 950. Thus, any person having an estate, right and/or title in lands has an interest which would be sufficient to permit such person to request a re-zoning of such land. Merely being concerned about property requested to be re-zoned by reason of geographic closeness of other property in which one has an interest but which is not included within the area to be re-zoned is not sufficient interest to request such a change.

If you have a specific fact situation in which the question has been raised and the foregoing general statement does not answer your question, please advise.

Yours very truly,

Jerry Lee Canfield

*II*

# Neighborhood Meeting – Minutes and Notes

## Re-Zoning South X, Y, Z and 22<sup>nd</sup> Street

**Date:** September 2, 2016

**Address:** 2230 south X Street

**Topic:** Re-Zoning South X, Y, Z and 22<sup>nd</sup> Street Fort Smith, AR

**Attendees:** List Attached of Neighbors and City of Fort Smith Representative Tyler Miller

### Minutes:

- I personally spoke to each individual as they arrived gathering signatures of attendance and explained the reason for our meeting.
- Some general questions as to how the process worked – that was explained.
- A question of why this area had never been re-zoned. No answer except this was the last piece of Park Hill not having gone through the process.
- General statement all attendees were 100% in support of the re-zoning to RS-3 no concerns voiced.
- The group was introduced to Tyler Miller for questions none voiced.
- Requested everyone's support at the September 13<sup>th</sup> Fort Smith Planning Commission Meeting at Creekmore Park at 5:30 PM.
- Another general comment was the neighbors expressed how good it was that they had lived in the neighborhood for so long and enjoyed seeing each other, wished we could get together more often.

**Walt Johnson**

15

**AUTHORIZATION OF AGENT**

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize WALTER Rex JOHNSON to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. Jennifer Foster

Jennifer Foster 2200 S. Y" <sup>new owner</sup>

2. Stacy Calderera

Stacy (Calderera) Johnson

3. JAMES M. RAYNOR

James M. Raynor

4. JAMES P BUSKIRK

James P Buskirk

5. L.L. Van Osdel

L.L. Van Osdel

6. D.R. Cox

Danny R Cox

7. Craig Cunningham

Craig Cunningham

8. Cynthia Cunningham

Cynthia Cunningham

9. \_\_\_\_\_

\_\_\_\_\_

10. \_\_\_\_\_

\_\_\_\_\_

*This form is necessary only when the person representing this request does not own all property.*

IK

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize WALTER ROX JOHNSON to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

- 1. WALTER ROX JOHNSON
- 2. Cynthia Vozel
- 3. Juanita Lott
- 4. Michael Sages
- 5. Nathan Redford
- 6. LARRY PORTER
- 7. Rebecca S. Yates
- 8. SCOTT CHAPMAN
- 9. Peter Grass
- 10. John W MAY S IV

- Walter Rox Johnson
- Cynthia Vozel
- Juanita Lott
- Michael Sages
- Nathan Redford
- Larry Porter
- Rebecca Yates
- Scott Chapman
- Peter Grass
- John W May IV

*This form is necessary only when the person representing this request does not own all property.*

12

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize WALTER ROX JOHNSON to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

- |                           |                        |
|---------------------------|------------------------|
| 1. <u>Stacy Scribner</u>  | <u>Stacy Scribner</u>  |
| 2. <u>Tanya Frederick</u> | <u>Tanya Frederick</u> |
| 3. <u>Richard Tucker</u>  | <u>RICHARD TUCKER</u>  |
| 4. _____                  | _____                  |
| 5. _____                  | _____                  |
| 6. _____                  | _____                  |
| 7. _____                  | _____                  |
| 8. _____                  | _____                  |
| 9. _____                  | _____                  |
| 10. _____                 | _____                  |

*This form is necessary only when the person representing this request does not own all property.*

IM

**AUTHORIZATION OF AGENT**

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize WALTER REX JOHNSON to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. PATRICIA N. ROBBINS
2. Katherine H. Holmes
3. P.K. HOLMES
4. OREAN TURNER
5. ANN CANNON
6. Jamy Gentry
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

- Patricia N. Robbins
- Katherine H. Holmes
- P.K. Holmes
- Represented by Natalis Turner
- Ann Cannon
- Jamy Gentry
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

*This form is necessary only when the person representing this request does not own all property.*

12

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 2230 S. X ST.

Meeting Time & Date 5:30 9/2/2016

Meeting Purpose RE-ZONING X, Y, Z + 22ND ST.

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	NICK NARISI	2009 SOUTH Z	785 3440
2.	Rick Inder	2229 S. Z	522-2030
3.	Becky Yates	2230 So. X St	479-462-1413
4.	James W. Payne	2216 So. Y st	472-226-1506
5.	Tyler Miller	city of Fort Smith	479-784-2241
6.	Juniper Frederick	2115 So. Z	479-842-2612
7.	<del>NATALIE TURNER</del> <sup>Natalie Turner</sup>	2519 S. 22 <sup>nd</sup> St.	479-769-6082
8.	DON KING, SUZANNE KING	2200 So. Z	479-783-8463
9.	Michael Moppy	11 Linwood	479-783-4531
10.	Caren Copeland	9 Linwood	479-763-6487
11.	JAMES BASKIN	2208 So Y	479-782-5914



**PETITION FOR CHANGE IN ZONING MAP**

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

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

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

See attached

- 2. Address of property: see attached

- 3. The above described property is now zoned: Rm-3

- 4. Application is hereby made to change the zoning classification of the above described property to RS-3 by extension.  
(Extension or classification)

- 5. Why is the zoning change requested?

This few blocks will complete the zoning for this area.  
All surrounding parcels are already zoned RS-3.  
Area property owners want to protect their property values

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

Signed:

WALTER R. JOHNSON

Owner or Agent Name  
(please print)

Walter R Johnson  
 Owner

2209 S. X ST FT. Smith AR  
 Owner or Agent Mailing Address 72901

or

720-273-4650  
 Owner or Agent Phone Number

Agent

1Q

DRAFT

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
SEPTEMBER 13, 2016**

On roll call, the following Commissioners were present: Marshall Sharpe, Talicia Richardson, Vicki Newton, Josh Carson, Bob Cooper, Jr., Sarah Howe, Don Keese, Joshua Kilgore and Rett Howard.

Chairman Sharpe called for the vote on the minutes from the August 9, 2016, Planning Commission meeting. Motion was made by Commissioner Howard, seconded by Commissioner Carson and carried unanimously to approve the minutes as written.

Ms Brenda Andrews spoke on the procedures.

Chairman Sharpe noted that due to a request from the applicant to withdraw item #9 this agenda item would be heard first.

**9. An appeal of the administrative decision requiring conditional use approval for a multifamily development located at 423 North 7<sup>th</sup> Street.**

Ms. Maggie Rice stated that Mr. Justin Skinner has requested that this appeal be withdrawn and has indicated that he will be applying for a conditional use and variance request for the multifamily development.

Chairman Sharpe then called for the vote on the withdrawal of this appeal. The vote was 9 in favor and 0 opposed.

**1. Rezoning #19-9-16; A request by Walter Johnson, agent, for the Parkhill Subdivision neighborhood rezoning for a zone change from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by Extension located at 2200 through 2230 South "X" Street, 2117 through 2230 South "Y" Street, 2115, 2119, 2209, 2213, 2219, 2223, 2229 South "Z" Street, 2500 through 2620 South 22<sup>nd</sup> Street, 2621 and 2601 South 21<sup>st</sup> Street.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to eliminate the possibility of future duplexes and multifamily development in the subdivision by requesting a zoning district that allows single family residential only. Ms. Andrews noted that there are 39 single family homes included in the proposed rezoning area with two (2) properties that have more than one dwelling unit on the property (2209

South “Z” Street and 2222 South “Y” Street). Ms. Andrews stated that if this rezoning is approved, these two properties would become nonconforming because the lots have more than one principal structure on them.

Mr. Walter Johnson was present to speak on behalf of this request.

Mr. Don Tate addressed the Commission relative to his concerns with him being able to rebuild his duplexes if they were to be destroyed. Mr. Tate provided the addresses of his duplex units and it was determined that his properties were not located within the proposed rezoning area.

Chairman Sharpe then called for the vote on the rezoning. The vote was 9 in favor and 0 opposed.

**2. Rezoning #20-9-16; A request by Ron Brixey, agent for Johnny N. T. Nguyen & Chao M. Do, for a zone change from Not Zoned (NZ) to a Planned Zoning District (PZD) by Classification located at 6901 Wells Lake Road.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow for the construction of multifamily residential consisting of 50 duplexes and an 18-unit apartment complex. Ms. Andrews also noted that this development would also include an office/clubhouse building and an area of approximately 0.8 acres for future commercial use.

Mr. Ron Brixey was present to speak on behalf of this request.

No one was present to speak in opposition.

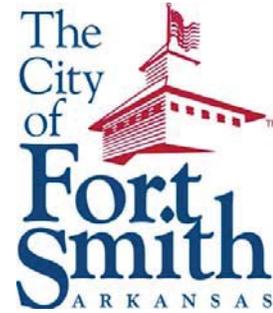
Chairman Sharpe then called for the vote on the rezoning request. The vote was 9 in favor and 0 opposed. Approval of this rezoning request was subject to the following:

- Compliance with the submitted project booklet and development plan approved by the planning commission.
- Submittal of a development plan for the 18-unit apartment complex, the office/clubhouse, and the future commercial development shall be submitted for planning commission review and approval prior to the issuance of any building permit.

**3. A request by Kelly Wilson, agent for Eastside Baptist Church, for site plan approval for a doctor’s office/clinic (The Eye Group) located at 7901 Dallas.**

# Memo

To: Carl Geffken, City Administrator  
CC: Jeff Dingman, Deputy City Administrator  
From: Jennifer Walker, Finance Director  
Date: 9/30/2016  
Re: Presentation of 2015 Comprehensive Annual Financial Report



*Jennifer Walker*

---

The formal presentation of the comprehensive annual financial report (CAFR) is scheduled for the October 4, 2016 Board of Directors meeting. Mr. George Moschner, Chairman of the audit advisory committee (AAC), will make the presentation. Electronic copies of the CAFR will be distributed to the Board of Directors, Administration and the Audit Advisory Committee not later than Friday, September 30, 2016. An electronic copy of the CAFR will be loaded to the City of Fort Smith website ([www.fortsmithar.gov](http://www.fortsmithar.gov)) no later than Wednesday morning, October 5, 2016.

Historically, this report has been available by June 30 of the year following the fiscal year end of the report. However, some key pension figures were reported late this year from outside agencies. The City's audit could not be completed and CAFR could not be produced until those figures were received. We appreciate the extra consideration granted from our reporting agencies due to circumstances beyond our control. All reporting agencies worked with the City and granted extensions to reporting deadlines or accepted alternative reporting this year. We fully intend to return to regular reporting dates for the 2016 CAFR.

If you have any questions or require more information, please let me know.

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING APPENDIX A, SECTION XVI OF THE  
FORT SMITH MUNICIPAL CODE REGARDING THE CITY OF FORT SMITH  
EDUCATION REIMBURSEMENT POLICY**

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

Section 1: The Fort Smith Municipal Code Section XVI (D) is amended to read as follows:

**Section XVI. - Benefits**

D. Tuition Reimbursement - The City of Fort Smith supports employees who wish to continue their education to secure increased responsibility and growth within their professional careers. In keeping with this philosophy, the City has established a reimbursement program for expenses incurred through approved and accredited learning institutions. Employees participating in the Program must meet certain requirements for participation:

- Employee must be a Full Time regular employee.
- Employee must have one full year of service with the City before the first class begins.
- Employee must agree to continue working for the City for at least one full year after the degree is obtained. If this qualification is not met, the employee agrees to reimburse the City the full cost of education reimbursements received.
- Management and Program Administrator approval is required prior to participation.
- Participating employees must maintain acceptable job performance, as determined by their managers throughout their course of study.
- Managers and employees are responsible for adherence to City policy. Failure to do so may result in disciplinary action up to and including termination.

The City will reimburse coursework up to a maximum of \$4,000 per year incurred by an employee for continuing education through an accredited program that either offers growth in an area related to his or her current position or might lead to promotional opportunities. This education may include college credit courses, continuing education unit courses, seminars and certification tests.

1. Supplies, books and classroom equipment, and other fees will be the responsibility of the employee. The City will only reimburse College credit course hour fees and/or flat tuition of courses.
2. Upon completion of the course, an employee will provide a completion certificate from the accredited institution to the Director of Human Resources within thirty (30) days. The employee must secure a passing grade of "A" or "B" or obtain a certification to receive 100% reimbursement. Completion of the course with a grade of "C" will be reimbursed

at a rate of 50%. If the employee does not complete the course, or completes the course with less than a grade of "C", no reimbursement will be given. Expenses must be validated by receipts, and a copy of the final grade card or certification must be presented to show hours or certification received.

3. Course work must be scheduled so as not to interfere with the employee's regularly scheduled working hours.
4. The City shall ask an employee to sign a release authorizing the City to solicit the required documentation and/or information from a designated third party. Providing false information may result in loss of eligibility for benefits and/or disciplinary action in accordance with the City's Code of Conduct.
5. Availability of Funds – all reimbursement for education expenses is made to the extent to which budgeted funds are available. Due to budget considerations, the City may limit the number of employees annually who participate in this program.

**Procedures**

To receive tuition reimbursement, employees shall follow the procedures listed here:

- The employee must provide his or her manager with information about the course for which he or she would like to receive reimbursement. If this is a college course, a completed degree plan shall be included with the course information.
- The pre-approval section of the tuition reimbursement form shall be completed and all the appropriate signatures obtained prior to enrolling.
- The employee must then take the form to HR, and a copy will be added to the employee's file. The employee will maintain the original until he or she has completed the course. The employee can then enroll in the course.
- After completion of the course, the employee shall resubmit the original tuition reimbursement form with the reimbursement section filled out, including appropriate signatures, as well as receipts and evidence of a passing grade or certification attached.
- The HR department will then coordinate the reimbursement with the Accounting department.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

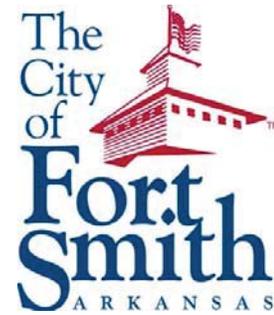
Approved as to form:



\_\_\_\_\_  
City Attorney  
Publish 1 time

# Memo

To: Carl Geffken, City Administrator  
CC: Jeff Dingman, Deputy City Administrator  
From: Jennifer Walker, Finance Director  
Date: 9/30/2016  
Re: Education Reimbursement Policy



*Jennifer Walker*

---

City Staff presented a proposed revision to the Education Reimbursement Policy to the Board of Directors at a Study Session on September 27, 2016. A full version of the revised policy is attached to this memo in Appendix A. The proposed form for processing is attached in Appendix B. Additional supporting documentation can be found in the Study Session packet dated September 27, 2016.

If you have any questions or require more information, please let me know.

## Proposed changes to Education Reimbursement Policy

*Proposed by: Jennifer Walker, Finance Director*

*Created on: July 1, 2016*

*Location: Employee Handbook, Human Resources Policies*

Below is a summary of decision points in the policy (can be converted to a FAQ after approval):

<b>Decision Point</b>	<b>New Policy Answer</b>	<b>Change to Current Policy?</b>
<b>How long do you have to work at the City before you are eligible to participate?</b>	1 Year	YES
<b>What employee status may participate?</b>	Full Time Regular	NO
<b>How long must you stay with the City after you have graduated or received your certificate?</b>	1 Year	YES
<b>What types of classes will be reimbursed?</b>	Accredited college courses, continuing education unit courses, seminars and certification tests	YES
<b>What types of charges are covered?</b>	Course Hours / tuition only – no fees, books, materials, etc	YES
<b>How much money per student?</b>	\$4,000 per year	YES
<b>Restriction on types of courses?</b>	Degree pursuit must be job related (but not each class)	YES
<b>Require a degree development program?</b>	Yes, classes must be included in degree plan and presented to City.	YES
<b>Grade Requirements?</b>	A or B – 100% C – 50% Less than C – 0%	NO
<b>Time of Payment?</b>	Reimburse student after class is taken and grades are submitted.	YES

## **SECTION XVI: Benefits**

### **D. Tuition Reimbursement**

The City of Fort Smith supports employees who wish to continue their education to secure increased responsibility and growth within their professional careers. In keeping with this philosophy, the City has established a reimbursement program for expenses incurred through approved and accredited learning institutions. Employees participating in the Program must meet certain requirements for participation:

- Employee must be a Full Time regular employee.
- Employee must have one full year of service with the City before the first class begins.
- Employee must agree to continue working for the City for at least one full year after the degree is obtained. If this qualification is not met, the employee agrees to reimburse the City the full cost of education reimbursements received.
- Management and Program Administrator approval is required prior to participation.
- Participating employees must maintain acceptable job performance, as determined by their managers throughout their course of study.
- Managers and employees are responsible for adherence to City policy. Failure to do so may result in disciplinary action up to and including termination.

The City will reimburse coursework up to a maximum of \$4,000 per year incurred by an employee for continuing education through an accredited program that either offers growth in an area related to his or her current position or might lead to promotional opportunities. This education may include college credit courses, continuing education unit courses, seminars and certification tests.

1. Supplies, books and classroom equipment, and other fees will be the responsibility of the employee. The City will only reimburse College credit course hour fees and/or flat tuition of courses.
2. Upon completion of the course, an employee will provide a completion certificate from the accredited institution to the Director of Human Resources within thirty (30) days. The employee must secure a passing grade of “A” or “B” or obtain a certification to receive 100% reimbursement. Completion of the course with a grade of “C” will be reimbursed at a rate of 50%. If the employee does not complete the course, or completes the course with less than a grade of “C”, no reimbursement will be given. Expenses must be validated by receipts, and a copy of the final grade card or certification must be presented to show hours or certification received.

3. Course work must be scheduled so as not to interfere with the employee's regularly scheduled working hours.
4. The City shall ask an employee to sign a release authorizing the City to solicit the required documentation and/or information from a designated third party. Providing false information may result in loss of eligibility for benefits and/or disciplinary action in accordance with the City's Code of Conduct.
5. Availability of Funds – all reimbursement for education expenses is made to the extent to which budgeted funds are available. Due to budget considerations, the City may limit the number of employees annually who participate in this program.

### **Procedures**

To receive tuition reimbursement, employees shall follow the procedures listed here:

- The employee must provide his or her manager with information about the course for which he or she would like to receive reimbursement. If this is a college course, a completed degree plan shall be included with the course information.
- The pre-approval section of the tuition reimbursement form shall be completed and all the appropriate signatures obtained prior to enrolling.
- The employee must then take the form to HR, and a copy will be added to the employee's file. The employee will maintain the original until he or she has completed the course. The employee can then enroll in the course.
- After completion of the course, the employee shall resubmit the original tuition reimbursement form with the reimbursement section filled out, including appropriate signatures, as well as receipts and evidence of a passing grade or certification attached.
- The HR department will then coordinate the reimbursement with the Accounting department.

<b>Name - Employee Tuition and Education Assistance Policy</b>	Revision #: 0 Revision Date: Effective Date: 1/1/2017 Page 1 of 1
----------------------------------------------------------------	----------------------------------------------------------------------------

## Request for Education and Tuition Reimbursement Application Form

Employee Name:		Hire Date:		Department:	
Name of Institution to Attend:					
Type of Degree Pursues:		Number of Hours Needed to Degree:		Estimated Start Date:	
1st Course Title:	Hours	Total Cost	Meeting Day (s)		Est. Completion Date
2nd Course Title:					
3rd Course Title:					

*How will this course(s) or degreed program assist you in your current position or enhance your potential for advancement with the Company? (Use extra page if necessary):*


### **Certification of Authorization**

I understand and agree that in exchange for reimbursement under this program, I am subject to the employment requirements under the Code of Conduct and Fort Smith Employee Handbook, which can run concurrent with a multi-year degree completion program. I also understand that I may be required to repay the City of Fort Smith for all or a portion of reimbursement that I have received should my employment with the City cease for any reason other than reduction in force job elimination. By my signature below, I authorize payroll deduction to satisfy any repayment due and I agree to pay any outstanding amounts thereafter immediately. I further understand that the City may employ all legal resources available to pursue collection of any unpaid portion of this debt.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **Approval Signatures**

Immediate Supervisor:	Date:
Department Head:	Date:
Human Resources Director:	Date:
City Administrator:	Date:

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING AND AUTHORIZING  
IMPLEMENTATION OF THE FIVE YEAR (2017-2021)  
SALES TAX PROGRAM FOR STREETS, BRIDGES  
AND RELATED DRAINAGE IMPROVEMENTS**

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

SECTION 1: The Five Year (2017-2021) Sales Tax Program for streets, bridges and related drainage improvements as identified and specified in the attachment hereto is hereby approved.

SECTION 2: The staff is directed to proceed with implementation of the 2017 Sales Tax Program.

This Resolution adopted this \_\_\_\_\_ day of October, 2016.

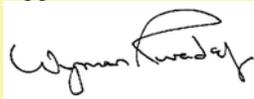
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Form



\_\_\_\_\_  
 No Publication Required

## MEMORANDUM

**To:** Carl Geffken, City Administrator

**From:** Stan Snodgrass, P.E., Director of Engineering

**Subject:** Five Year Capital Improvement Program (2017-2021)  
Streets, Bridges and Associated Drainage Sales Tax Funds

**Date:** September 29, 2016

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Attached is the Five Year Capital Improvement Plan for the streets, bridges and associated drainage sales tax program. This was reviewed with the Board of Directors at the September 27<sup>th</sup> study session. The proposed program was also reviewed and unanimously approved by all seven members of the Streets, Bridges and Associated Drainage Capital Improvement Plan (CIP) Advisory Committee at their August 25<sup>th</sup> meeting.

The funding for this program is provided by the one-cent sales tax. Federal and state grants along with private cost sharing participation are anticipated to assist in the overall program. Determination of projects is based on numerous factors including pavement ratings of streets, interdepartmental requests, economic development, citizen input and requests from the CIP Committee and Board of Directors.

The proposed program includes a combination of neighborhood street improvements, major street projects, local and basin wide drainage improvements, and traffic signal improvements. The program totals \$43.6 million for the year 2017 and \$137 million for the five year period from 2017 to 2021.

The attached spreadsheet outlines the anticipated revenues and expenditures for the various projects. A narrative description of projects and exhibits are also included.

A Resolution to approve and implement the 5-year (2017-2021) Sales Tax Program for streets, bridges and related drainage improvements is attached. I recommend that the Resolution be adopted by the Board at the next regular meeting.

c: Jeff Dingman

Attachments

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The City of Fort Smith Arkansas  
Engineering Department  
623 Garrison Avenue • P.O. Box 1908  
Fort Smith, Arkansas 72902  
Phone: 479-784-2225 • Fax: 479-784-2245

**CITY OF FORT SMITH**

8/18/16

**Five-Year Capital Improvement Program for Streets, Bridges and Drainage (2017-2021)**

		2016	2017	2018	2019	2020	2021
	<b>Beginning Balance</b>	30,648,893	29,307,778	8,880,838	5,628,810	8,062,345	3,193,802
	Current Year Revenues						
	Sales Tax	20,887,000	20,887,000	21,095,870	21,306,829	21,519,897	21,735,096
	Grants/Other Participation	5,105,594	2,165,429	0	0	0	0
	Interest	99,542	89,833	36,184	34,143	28,070	11,455
	Total - Current Year Revenues	26,092,136	23,142,262	21,132,054	21,340,971	21,547,967	21,746,551
	<b>Total Funds Available</b>	<b>56,741,029</b>	<b>52,450,040</b>	<b>30,012,892</b>	<b>26,969,781</b>	<b>29,610,312</b>	<b>24,940,353</b>
1	Street Overlays & Reconstruction	9,040,729	4,840,733	8,114,780	8,500,000	8,500,000	8,500,000
2	Neighborhood Drainage Improvements	4,048,570	10,049,469	3,591,057	2,000,000	2,000,000	2,000,000
3	Town Branch / Carnall Drainage	913,329	0	0	0	0	0
4	North B Truck Route	0	1,044,000	700,000	0	0	0
5	Intersection and Signal Improvements	899,751	580,000	400,000	400,000	400,000	400,000
6	Spradling Extension at Riverfront Drive	8,931	1,300,000	0	0	0	0
7	Kelley Highway Extension to Riverfront Drive	186,178	200,000	178,995	400,000	600,000	5,000,000
8	Jenny Lind Road - Zero to Cavanaugh	7,419,986	17,610,000	4,030,650	15,000	0	0
9	Geran Road Reconstruction	468,912	2,500,000	3,000,000	0	0	0
10	Zero Street (Hwy 255) Widening	0	800,000	0	0	4,000,000	0
11	May Branch Drainage Project	29,400	200,000	800,000	4,000,000	4,000,000	4,000,000
12	FCRA Development	1,459,829	500,000	500,000	500,000	500,000	500,000
13	Hwy 45 widening - Zero St to Hwy 71	0	700,000	0	0	3,300,000	0
14	Railroad Crossing Panels	27,042	280,000	160,000	160,000	160,000	160,000
15	Traffic Studies	51,500	25,000	25,000	25,000	25,000	25,000
16	Overlays/Drainage by Street Department	301,514	300,000	300,000	300,000	300,000	300,000
17	Engineering Dept. and Other Depts.	2,360,000	2,360,000	2,383,600	2,407,436	2,431,510	2,455,825
18	Contingency	217,580	280,000	200,000	200,000	200,000	200,000
	<b>TOTAL</b>	<b>27,433,251</b>	<b>43,569,202</b>	<b>24,384,082</b>	<b>18,907,436</b>	<b>26,416,510</b>	<b>23,540,825</b>
	<b>Ending Balance</b>	<b>29,307,778</b>	<b>8,880,838</b>	<b>5,628,810</b>	<b>8,062,345</b>	<b>3,193,802</b>	<b>1,399,527</b>

**Grants/Other Participation**

Jenny Lind Road - Zero to Cavanaugh	4,000,000	2,165,429	0	0	0	0
Streetscape - Towson	190,641	0	0	0	0	0
FCRA	914,953	0	0	0	0	0
<b>TOTAL</b>	<b>5,105,594</b>	<b>2,165,429</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Five Year Capital Improvement Program (2017-2021)  
Streets, Bridges and Drainage Sales Tax Funds**

**Descriptions of Selected Projects  
August 17, 2016**

**1. Street Overlays and Reconstruction.** The proposed 2017 projects are shown on the attached list and exhibits. The total length of streets to be improved is approximately 4.8 miles. It should be noted that several of the streets in the 2017 program are very wide and/or multi-lane streets which include portions of Old Greenwood Road, Grand Avenue, Jenny Lind Road and Roberts Boulevard. The estimated cost for the 2017 street overlays and reconstruction projects totals \$8.1 million, with an estimated \$1.0 mil expended in 2017 and \$7.1 mil expended in 2018. The total cost shown in 2017 is \$4.8 million which includes \$3.8 million in remaining construction for the 2016 projects. (See pages 4-10)

**2. Neighborhood Drainage Improvements.** The 2017 drainage program includes improvements to address flooding concerns in the area of Ramsey Junior High School and the Fort Smith School Service Center. Severe flooding has occurred around the drop off areas and parking lot at Ramsey Junior High and several administration offices were flooded at the School Service Center. The proposed improvements will consist of large channel improvements along the perimeter of the school property and extension of a closed storm drainage system across the school property. The CIP Committee recommend acceleration of this 2017 project and the engineering design agreement was approved by the Board of Directors at the May 17, 2016 meeting. Construction is estimated to start in late 2017 and continue into 2018. The total estimated cost for this project is approximately \$3.2 million, with an estimated \$150,000 expended in 2016, \$1,050,000 in 2017 and \$2,000,000 in 2018. The total cost shown in 2017 is \$10.1 million which includes \$9.1 million in remaining work for ongoing drainage projects. (See page 11)

**3. Town Branch - Carnall Drainage.** This project is to reduce the frequency of flooding that occurs in the downtown area and areas just north of downtown. Construction is currently ongoing with completion later this year to improve the upstream outfall beginning at the South G Street/Towson intersection and extending to the west. This outfall is restricted which is contributing to the flooding in the downstream areas. The Town Branch area is a subbasin to the May Branch watershed. (See page 12)

**4. North B Street Truck Route.** This project is the modification of North B Street from 5<sup>th</sup> Street west to Riverfront Drive to accommodate two way truck traffic. This is in lieu of the current one way split that exists along this section of North A and B Streets. The project is based on the concept of closing a section of North A Street and Belle Point Place to add more green space. The project includes necessary radius improvements at North 5<sup>th</sup> and B Streets and reconstruction/resurfacing of the remaining sections of North A Street which are being removed

from the truck route. This project is currently on hold pending completion of a study of the Garrison Avenue / Riverfront area to ensure that adequate access for various modes of transportation (vehicular, trucks, pedestrian and bicycles) are accommodated throughout the entire downtown area. (See page 13)

**5. Intersection and Signal Improvements.** This project includes replacement of traffic signals at the following two intersections: Midland Avenue at North 50<sup>th</sup> Street and Dodson Avenue at Lexington Avenue. The total estimated cost for this work is \$400,000 with an estimated \$40,000 expended in 2017 and \$360,000 expended in 2018. The total cost shown in 2017 is \$580,000 which includes \$540,000 in remaining work for ongoing traffic signal projects. (See page 14)

**6. Spradling Avenue Extension at Riverfront Drive.** This project includes the new construction of Spradling Avenue eastward from Riverfront Drive approximately 1700 feet. This street will serve the proposed sports fields on the City's 51 acre tract. Plans are complete and the street construction is being scheduled to coincide with the construction of the sports fields which are planned for construction in 2017. (See page 15)

**7. Kelley Highway Extension to Riverfront Drive.** This project is for the reconstruction and widening of Kelley Highway to a three lane section from Midland Boulevard to Riverfront Drive. This extension of Kelley Highway will provide a direct route between I-540 and the riverfront area. The engineering design is approximately 50% complete. At the direction of the CIP Committee, the construction of the project has been pushed out to begin in 2021. The design will be completed in 2018, with ROW acquisition and utility relocation following in 2019 and 2020. (See page 15)

**8. Jenny Lind Road - Zero to Cavanaugh Road.** This project includes improvements to Jenny Lind Road between Zero and Cavanaugh Road. It also includes improvements to Ingersoll Avenue from U.S. Hwy 271 to Jenny Lind and the extension of Ingersoll Avenue from Jenny Lind to U.S. Highway 71B. The project is under construction with scheduled completion in spring 2018. (See page 16)

**9. Geren Road Reconstruction.** This project is for the reconstruction and widening of Geren Road between Highway 45 and 58<sup>th</sup> Street. Final engineering is underway and appraisals for the right of way acquisition are ongoing. This project has significant utility adjustments which include a major electric transmission line along the south, a high pressure gas line along the north side and fiber optic lines throughout the corridor. Relocation of the franchise utilities is expected to begin later this year pending acquisition of the necessary easements. Road construction is scheduled to begin in 2017 and extend into 2018. (See page 17)

**10. Zero Street (Hwy 255) Improvements.** This project is the widening and realignment of Zero Street (Hwy 255) from just west of Massard Road to its new alignment with Frontier Road.

The project is being cost shared with the Arkansas Highway and Transportation Department, City of Barling, Fort Chaffee Redevelopment and City of Fort Smith. Construction is expected to begin in 2020. (See page 18)

**11. May Branch Drainage Project.** This project is to reduce flooding along May Branch from the Arkansas River to Park Avenue. The proposed design by the Corps of Engineers (COE) consists of constructing a drainage channel to replace the existing undersized concrete storm drain pipe. The intent was to construct the most downstream section of the project (from approximately N. 7<sup>th</sup> Street to the river) entirely with City funds with an agreement that the City's cost would be credited towards the future cost sharing on the project when federal funds become available. However, the COE has advised that their revised estimated cost for this lower reach is over \$32 million and it is very unlikely that the City would receive any federal credit as the cost to benefit ratio is not greater than one. The COE also notes that extrapolating this lower reach cost estimate to the total project cost results in a total revised estimated cost of \$65 million which is more than double the \$30.85 million authorized for the project. For 2017 we are proposing to revisit in detail the COE design to look for possible significant cost reductions and also to review alternative methods to reduce the flooding including potential stormwater detention ponds and/or purchasing of repetitive flooding properties. (See page 12)

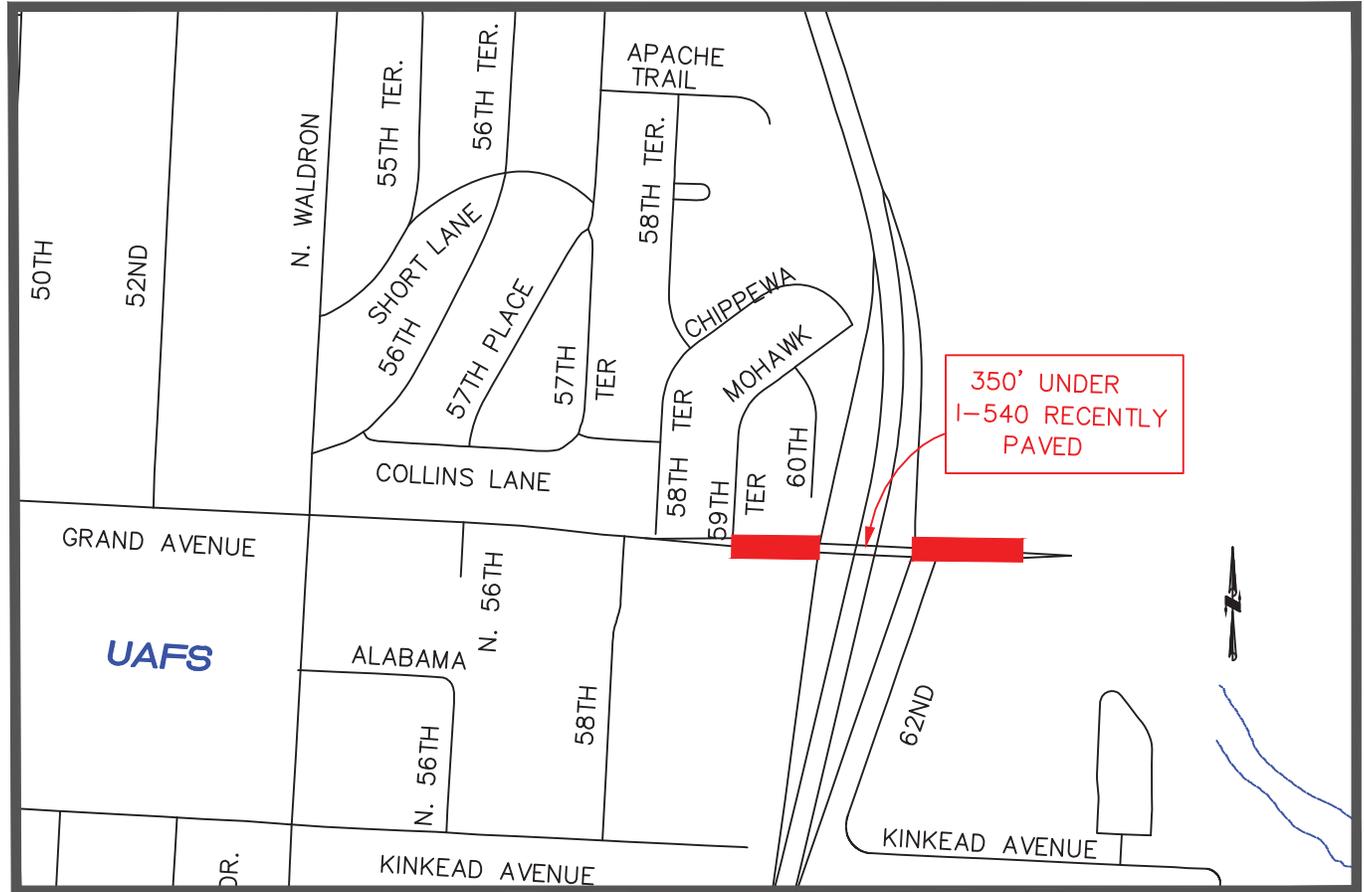
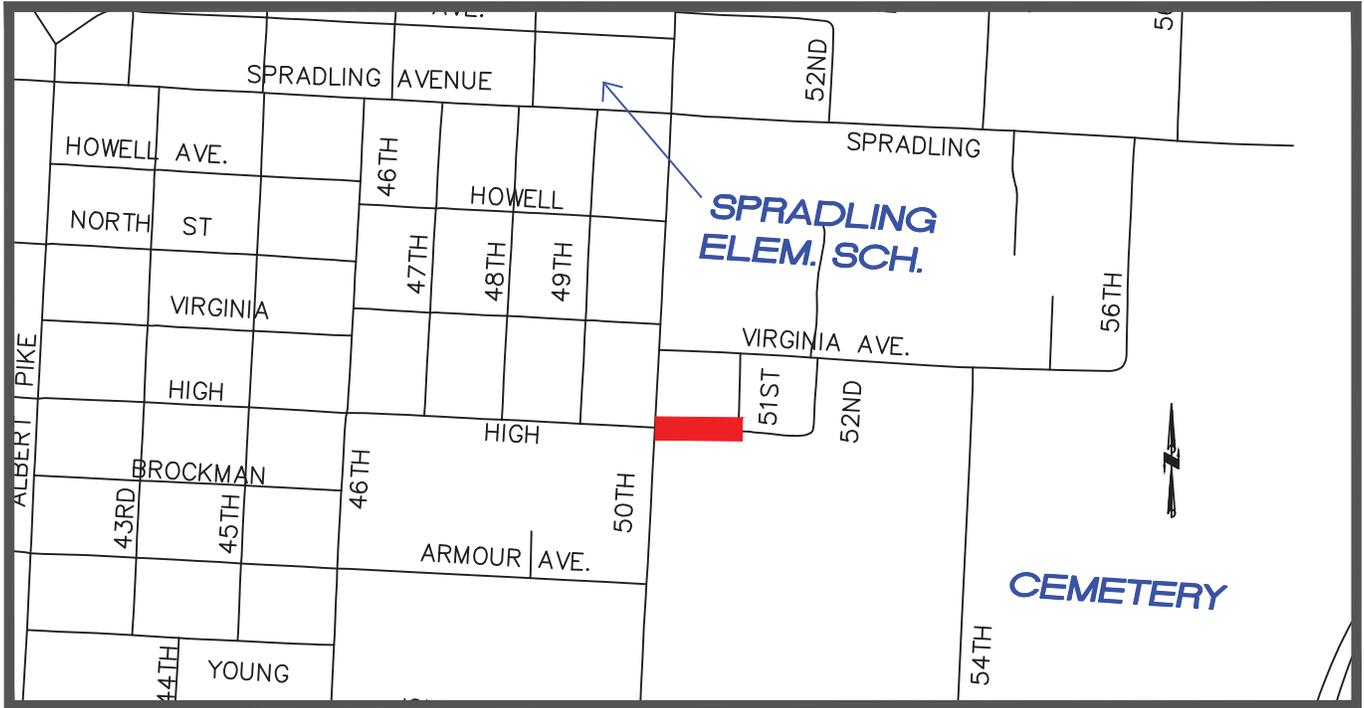
**12. FCRA (Fort Chaffee Redevelopment Authority) Development.** The \$500,000 budgeted annually for 2017-2021 will be utilized for public street and/or drainage work identified in association with the FCRA for economic development. This amount has been reduced as requested by the CIP committee.

**13. Highway 45 widening – Hwy 255 to Hwy 71.** This project is the widening of Highway 45 south of Zero Street and extending to Highway 71. The project is proposed to be cost shared with the Arkansas Highway and Transportation Department contributing \$10 million and a local match of \$5 million. The \$5 million local match is proposed to be split 80:20 with Sebastian County. The City's share will be \$4.0 million. Construction is expected to begin in 2020. (See page 19)

**14. Railroad Crossing Panels.** This project improves street crossings at railroads through the installation of concrete railroad crossing panels. This past year we cost shared with A&M railroad for the replacement of their crossing on North B Street just to the east of Riverfront Drive. We also expect to cost share with A&M to replace their similar crossing on North A Street later this year. We are in discussions with Fort Smith Railroad to get their crossings on North A and North B streets replaced in 2017 by means of a similar cost share agreement. (See page 20)

**2017 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION**

STREET	FROM	TO	LENGTH	COST
GRAND AVE.	59TH TER.	580' East of I-540	1125	\$626,946
HIGH ST.	50TH ST.	51ST ST.	320	\$54,400
SOUTH U ST.	STATE LIND RD.	7TH ST.	1197	\$237,405
FRESNO ST.	70TH ST.	END OF ROAD	100	\$25,500
ROBERTS BLVD.	CHAD COLLEY BLVD.	I-49 Right of Way	2151	\$690,710
MOODY RD.	MASSARD RD.	92ND ST.	3100	\$644,111
JENNY LIND RD.	SAVANNAH ST.	530' North of PHOENIX AVE	1245	\$429,463
JENNY LIND RD.	HOUSTON ST.	DALLAS ST.	1784	\$792,540
OLD GREENWOOD RD.	CLIFF DR.	COUNTRY CLUB AVE.	4494	\$2,291,940
JENNY LIND RD.	MARKET TRACE	HARVARD AVE.	1490	\$562,889
JACKSON ST.	TOWSON AVE.	JENNY LIND RD.	2634	\$497,533
46TH ST.	ROGERS AVE.	FREE FERRY RD.	2382	\$539,920
56TH ST.	SOUTH X ST.	ROGERS AVE.	1062	\$180,540
TEXAS RD.	CAVANAUGH RD.	NORTH HILLSIDE DR.	2490	\$540,883
		<b>TOTAL LENGTH (FT)</b>	25574	
<b>TOTAL FOR 2017 STREET OVERLAYS/RECONSTRUCTION PROGRAM</b>				\$8,114,780



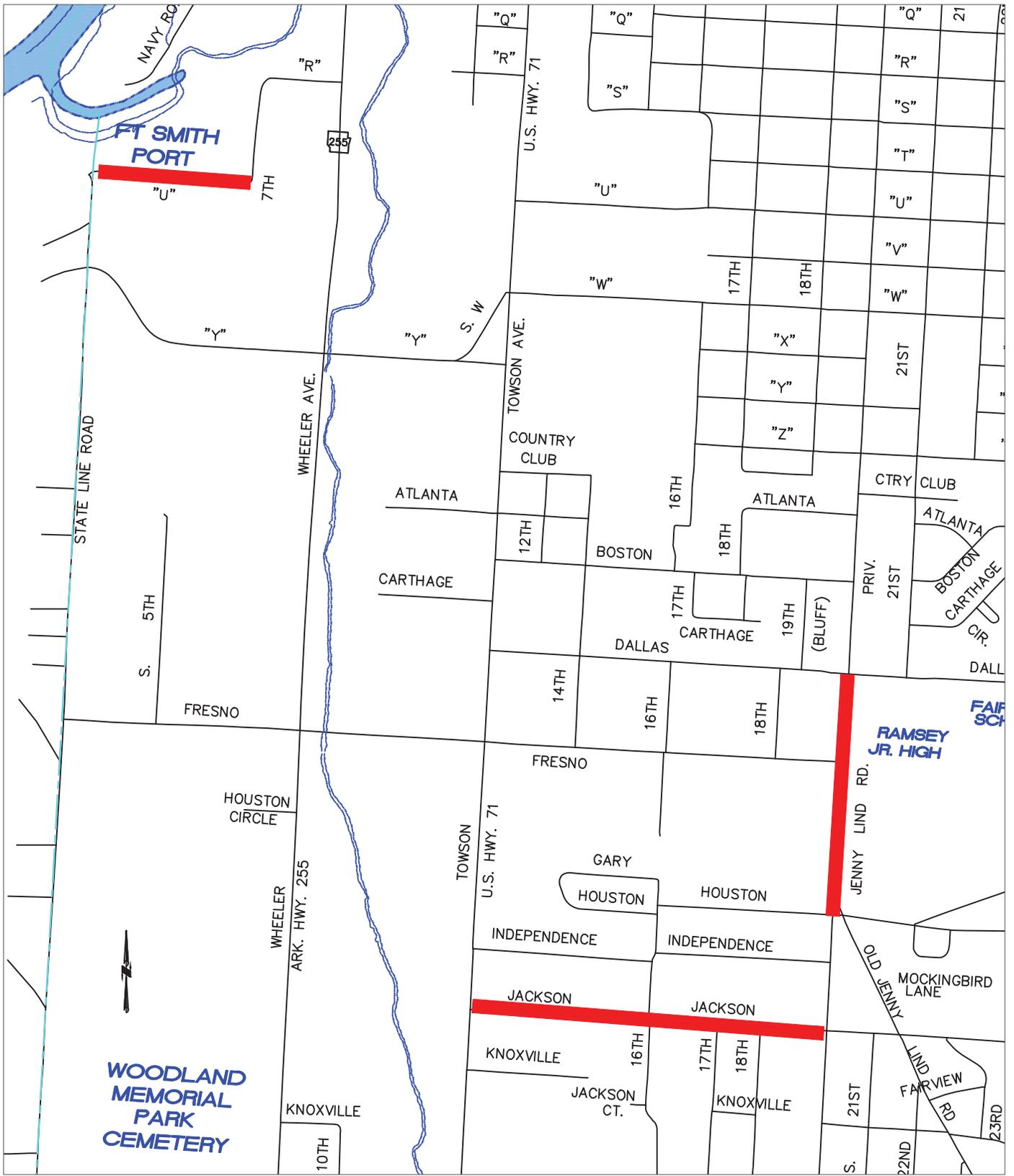
2017 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION



Date: AUGUST 2016

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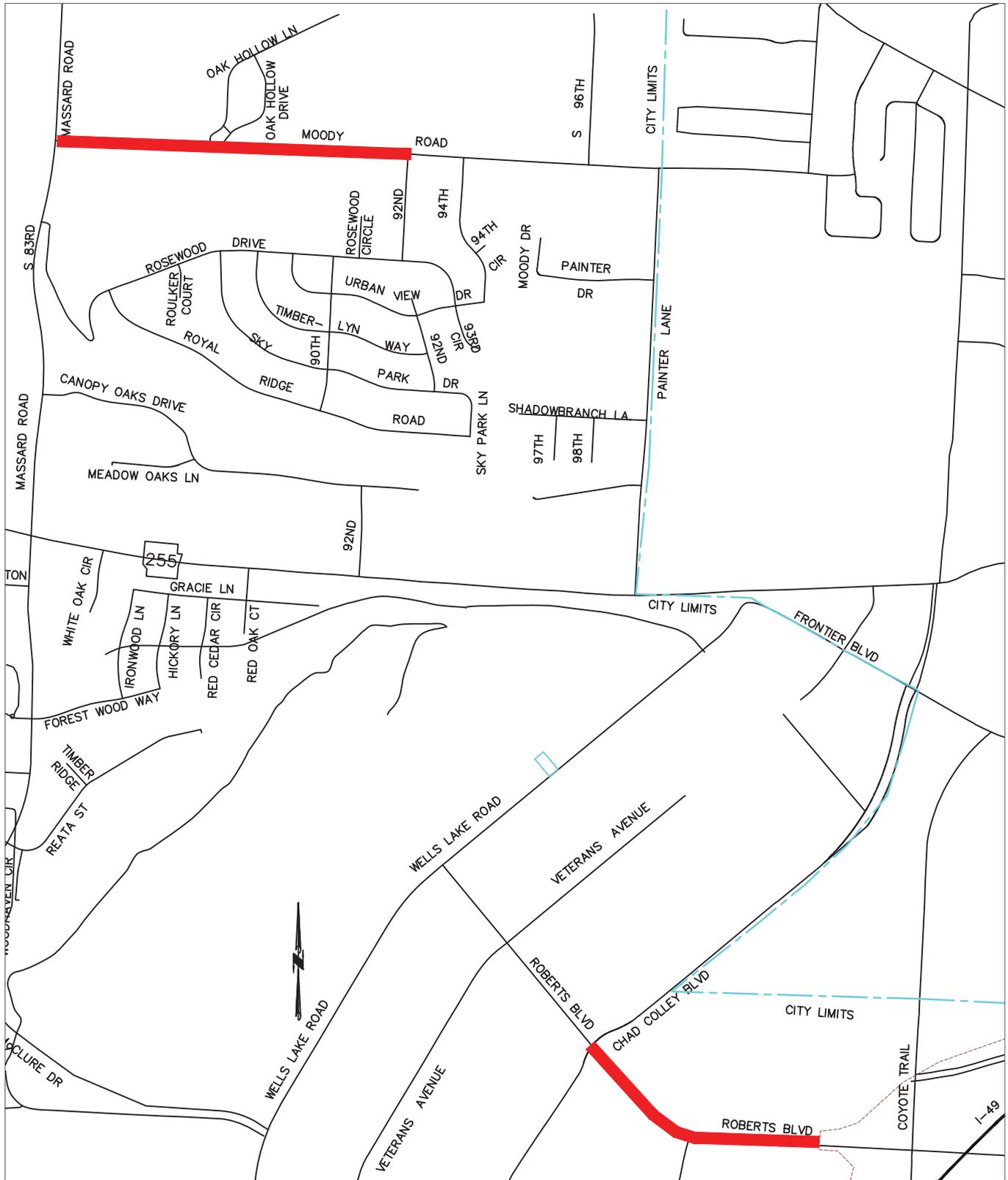
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2017 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION



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2017 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION

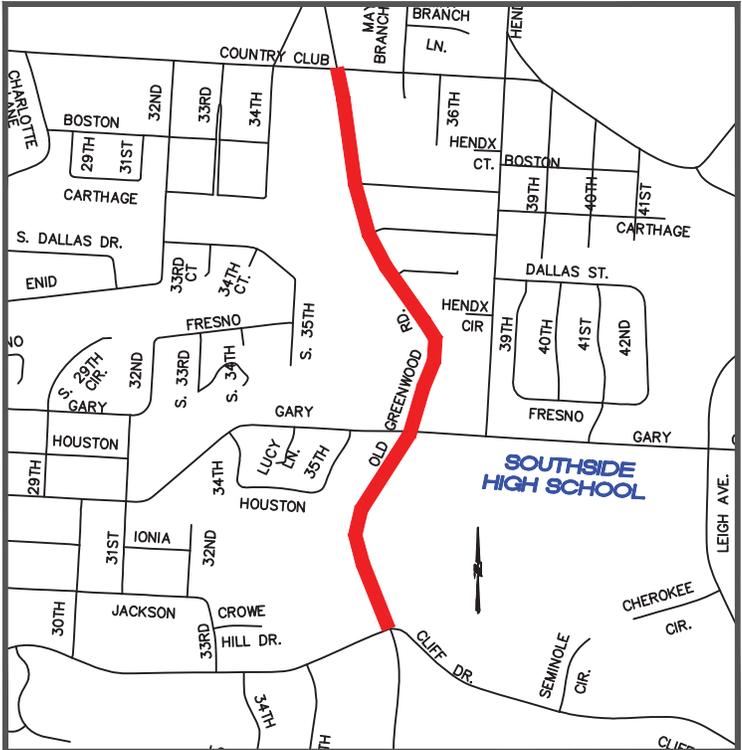
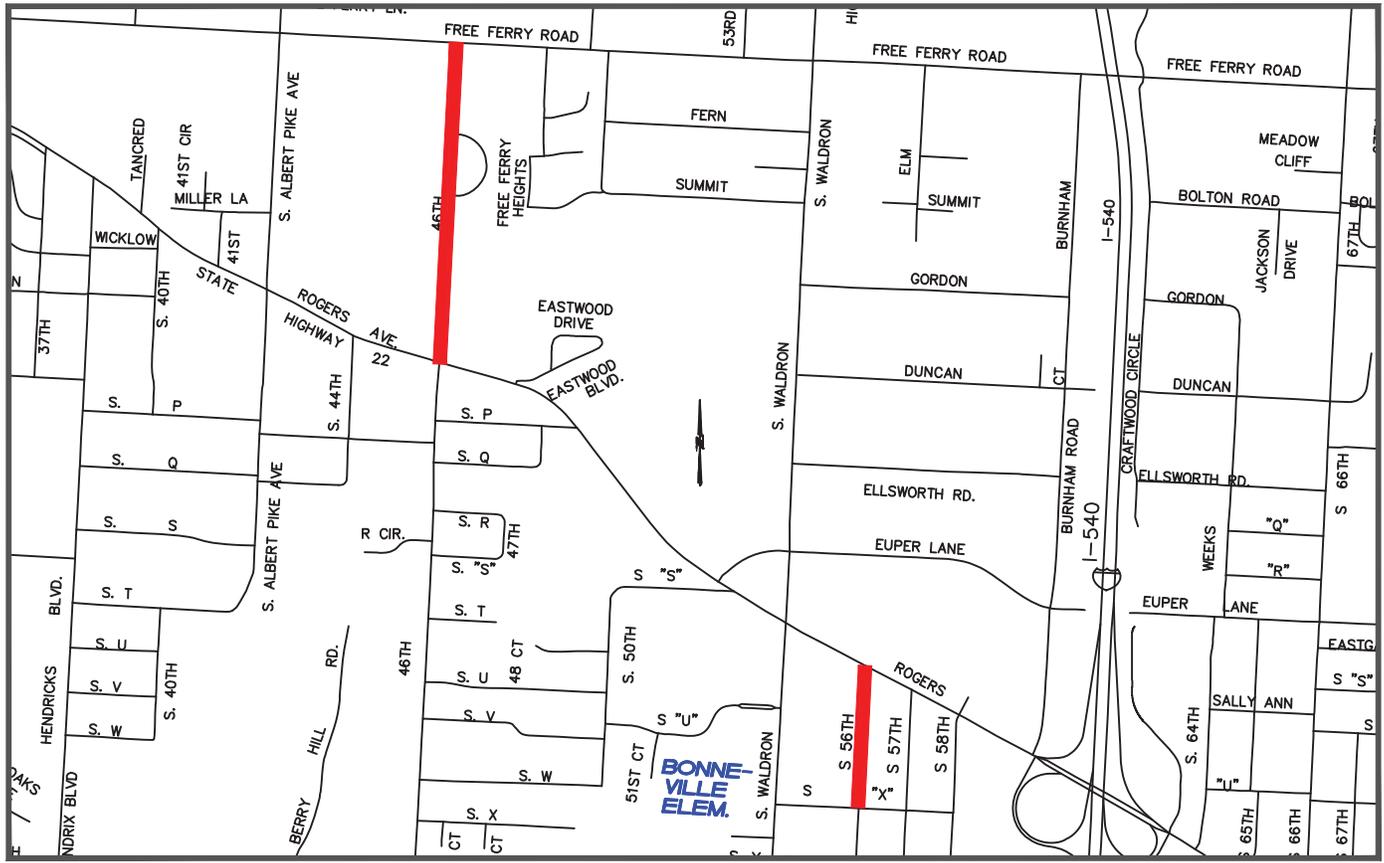


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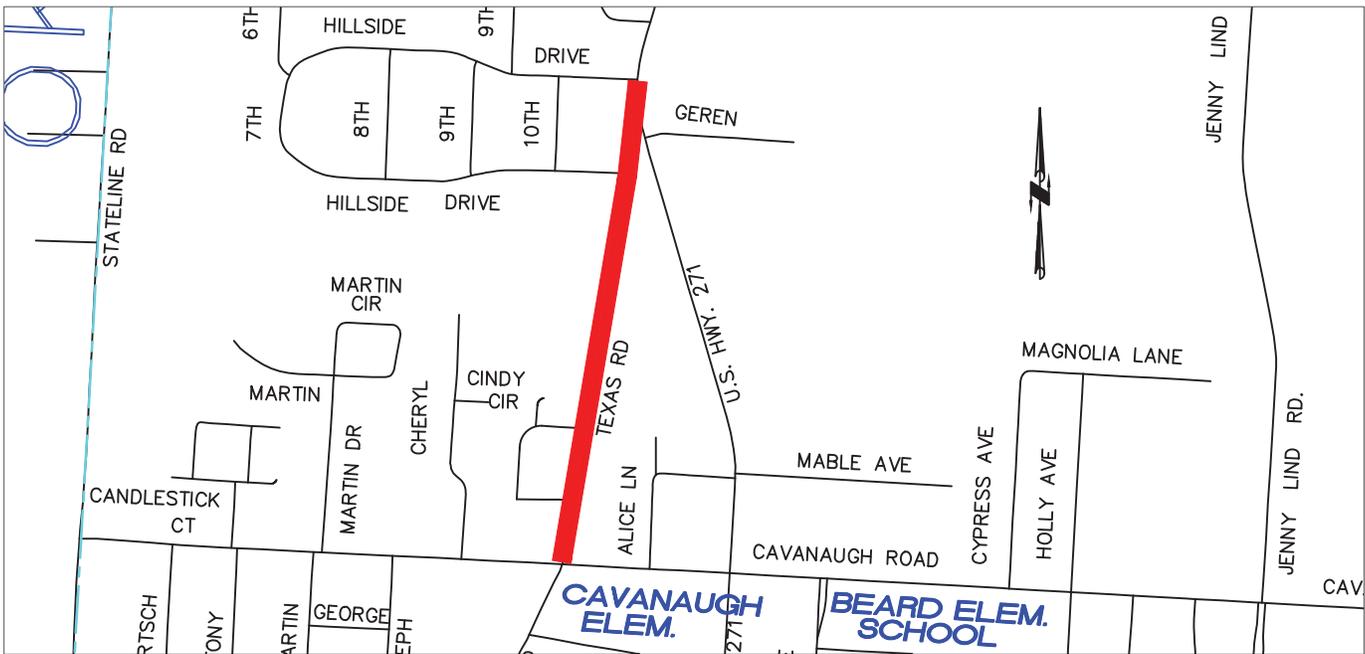
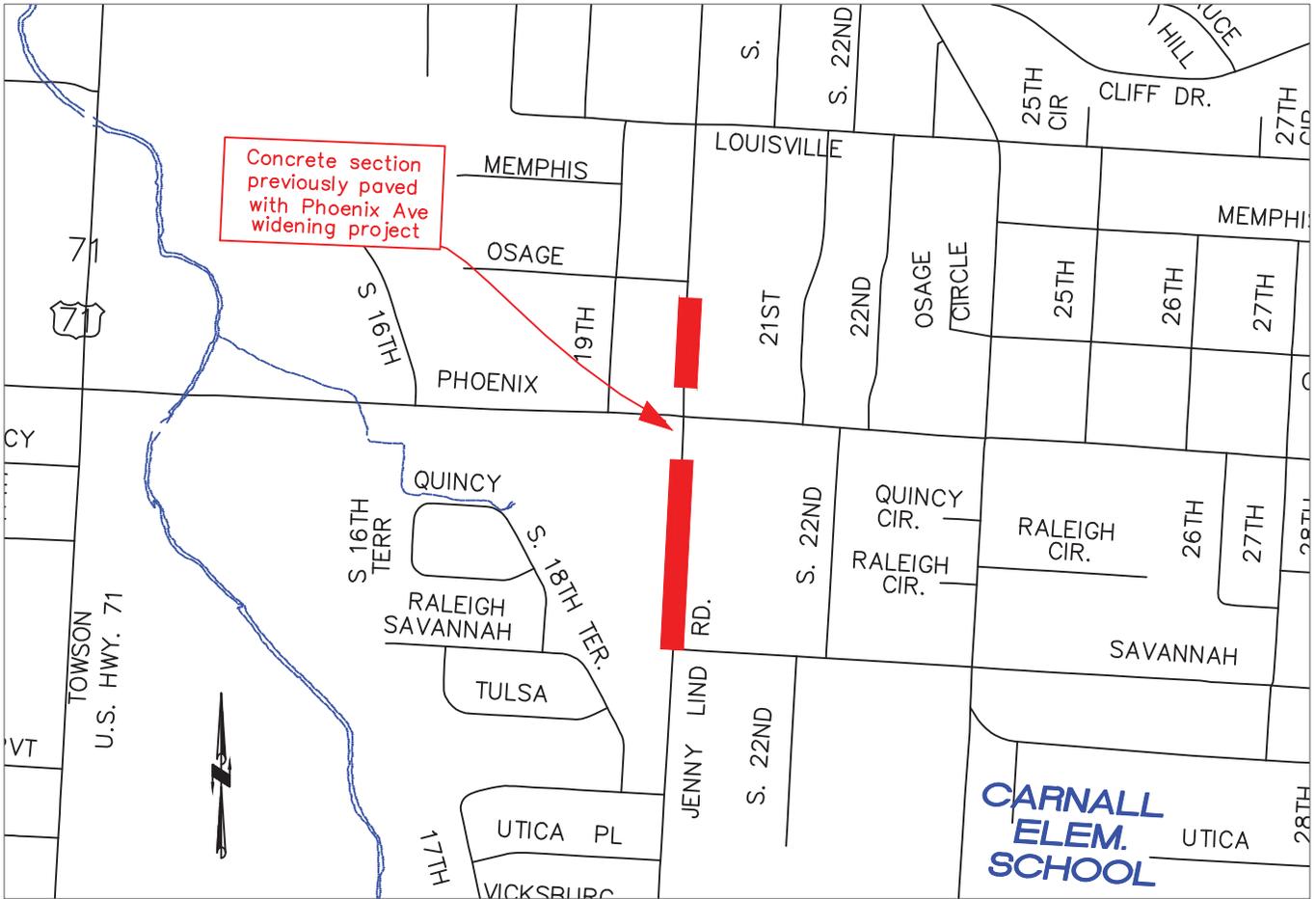
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2017 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION



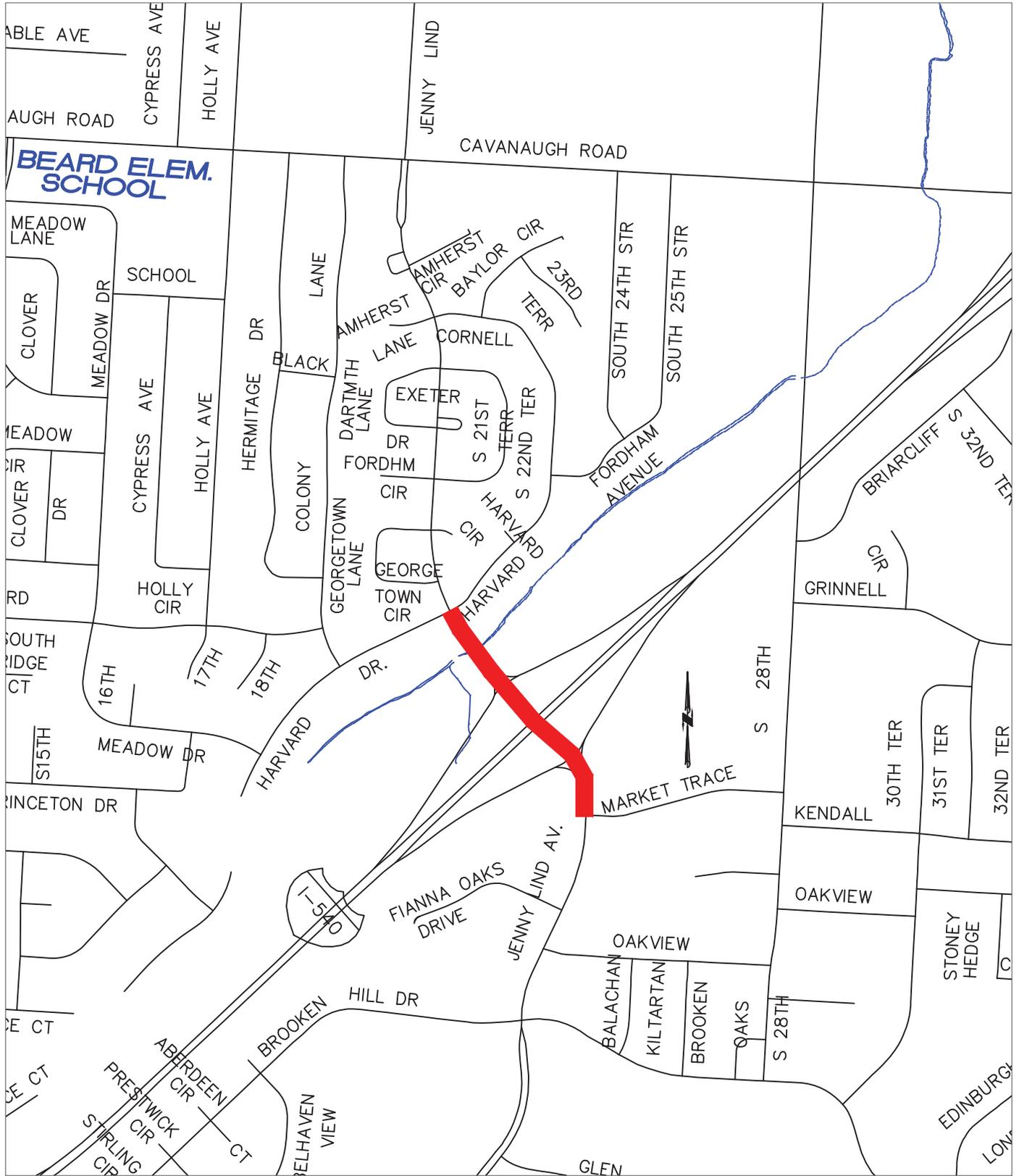
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2017 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION



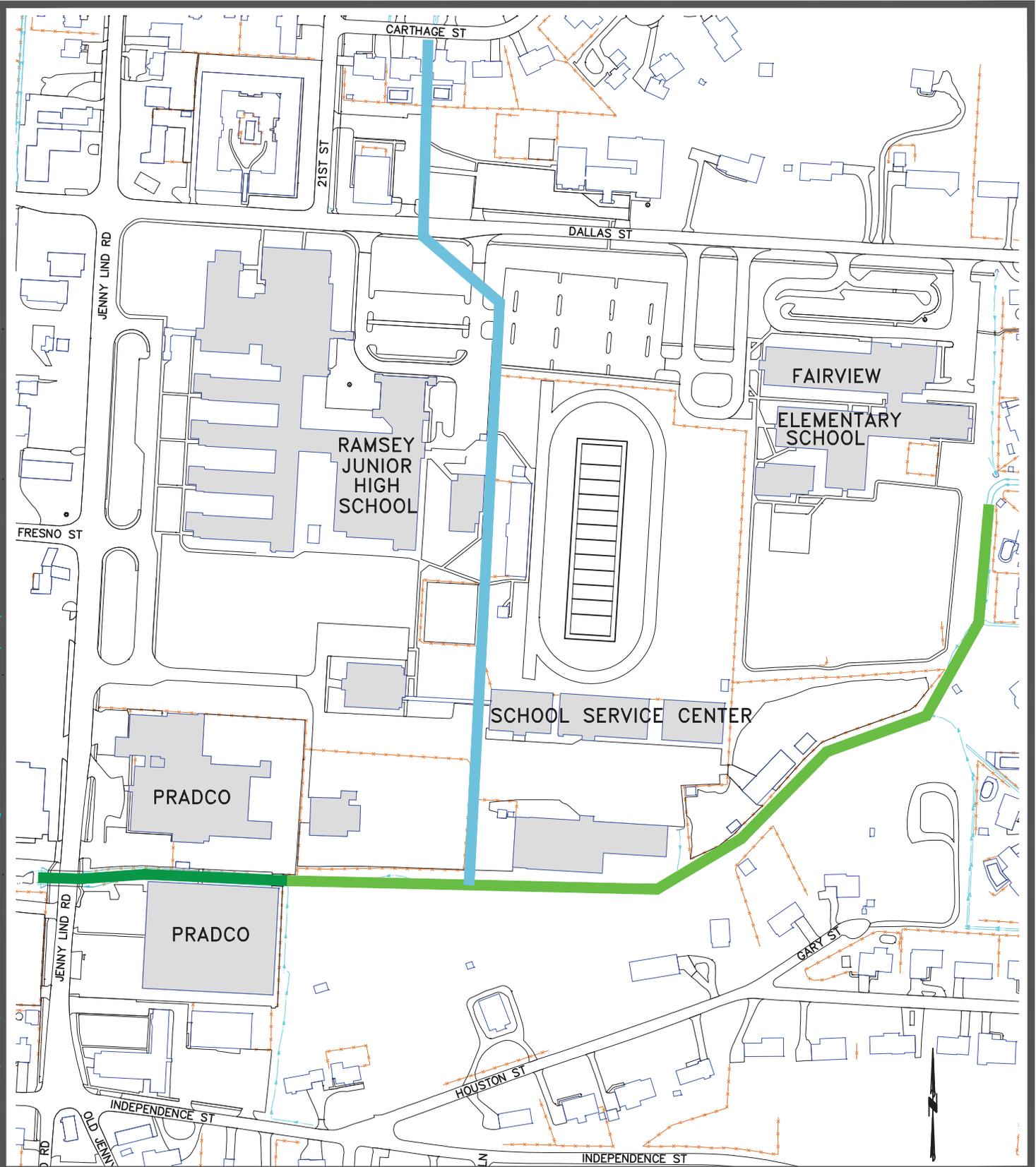
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2017 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION



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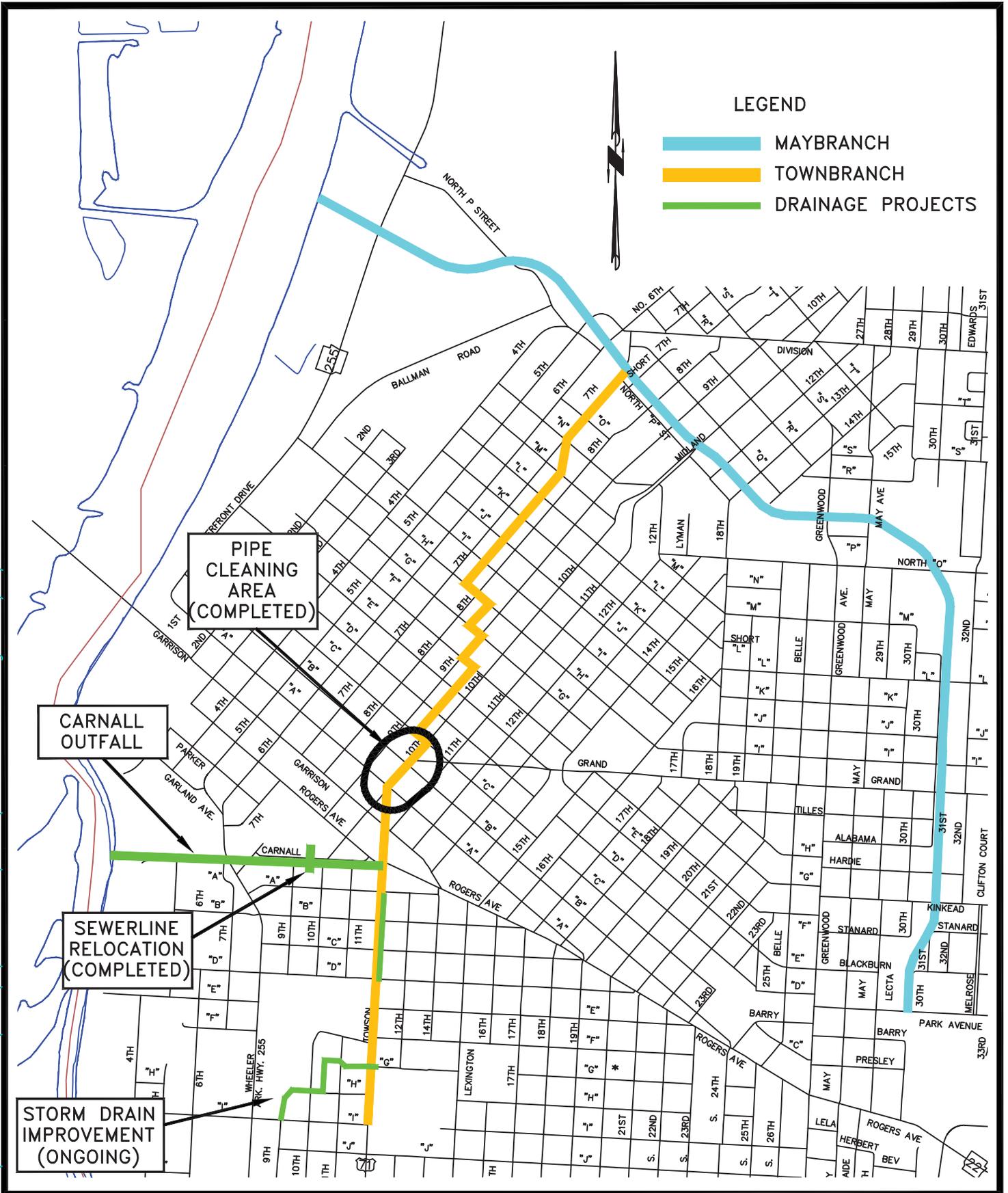
LEGEND: CHANNEL IMPROVEMENTS  
 STORM DRAIN SYSTEM IMPROVEMENTS  
 2016 DRAINAGE IMPROVEMENTS



2017 CAPITAL IMPROVEMENTS PROGRAM  
 DRAINAGE IMPROVEMENTS



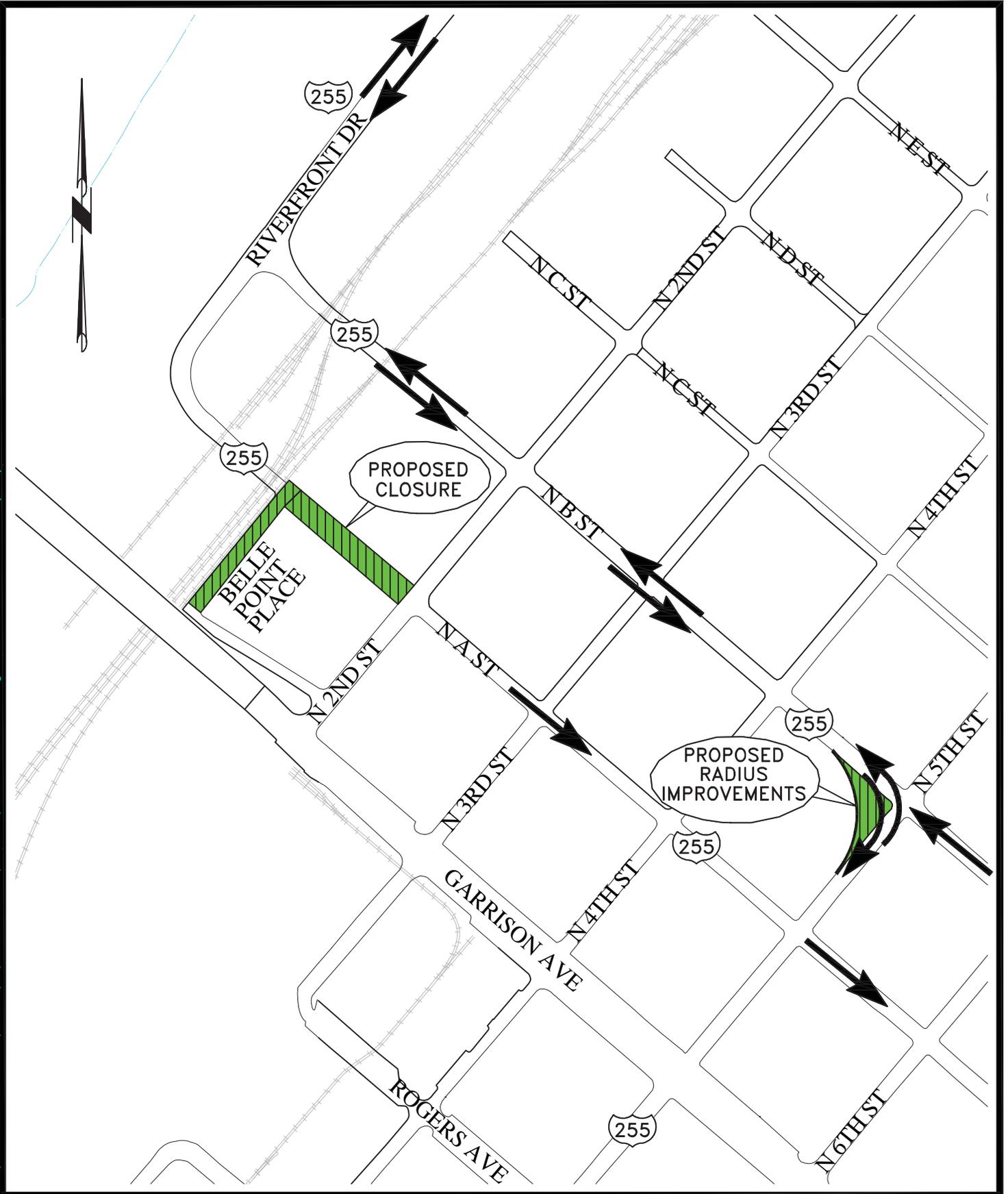
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2017 CAPITAL IMPROVEMENTS PROGRAM  
TOWN BRANCH & MAYBRANCH  
DRAINAGE IMPROVEMENTS



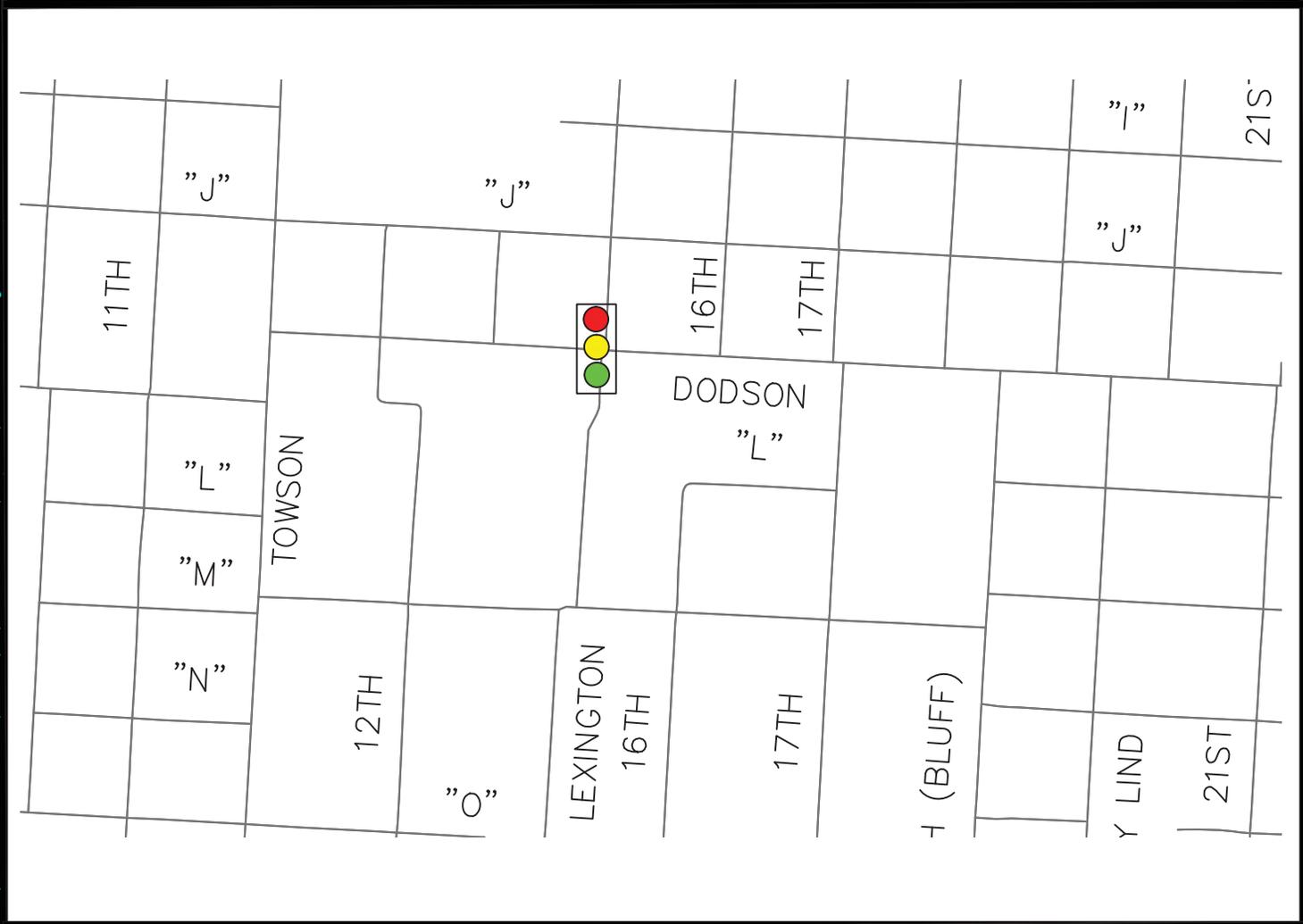
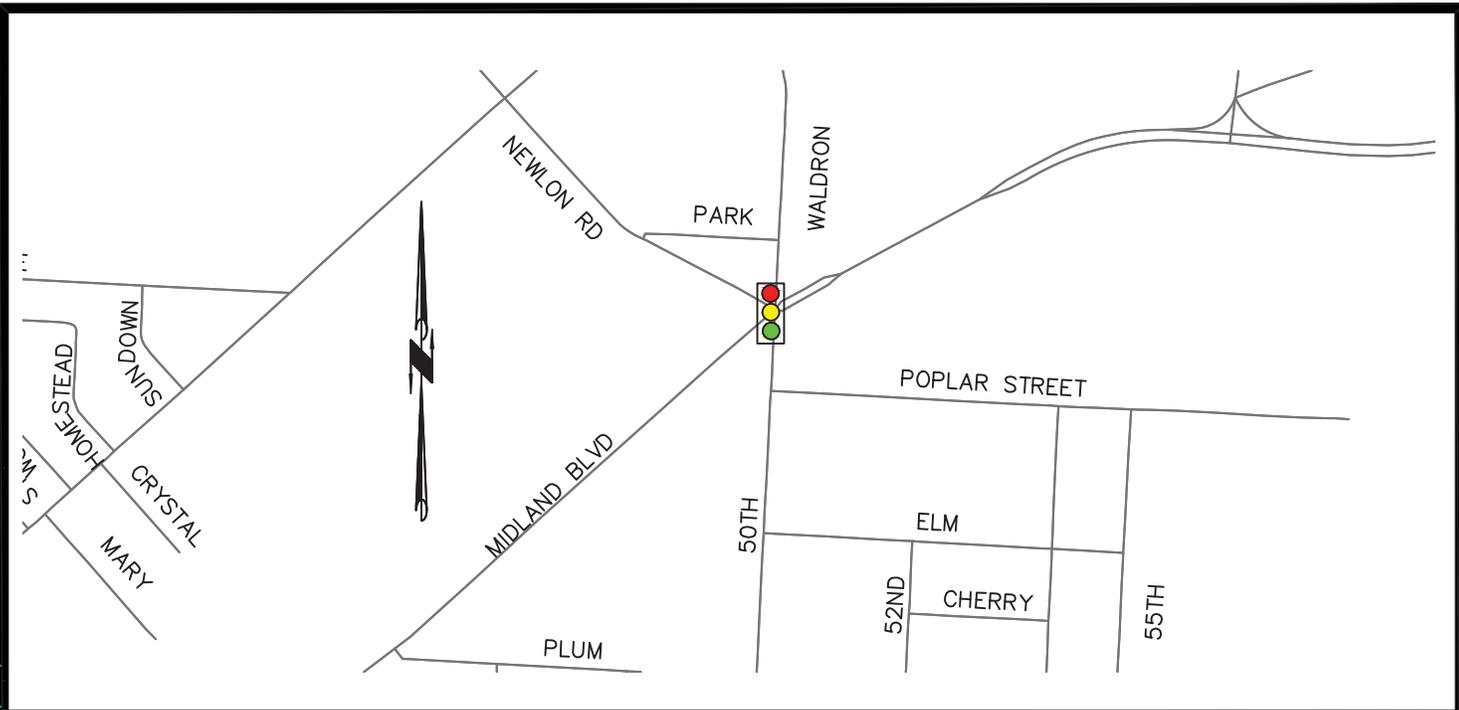
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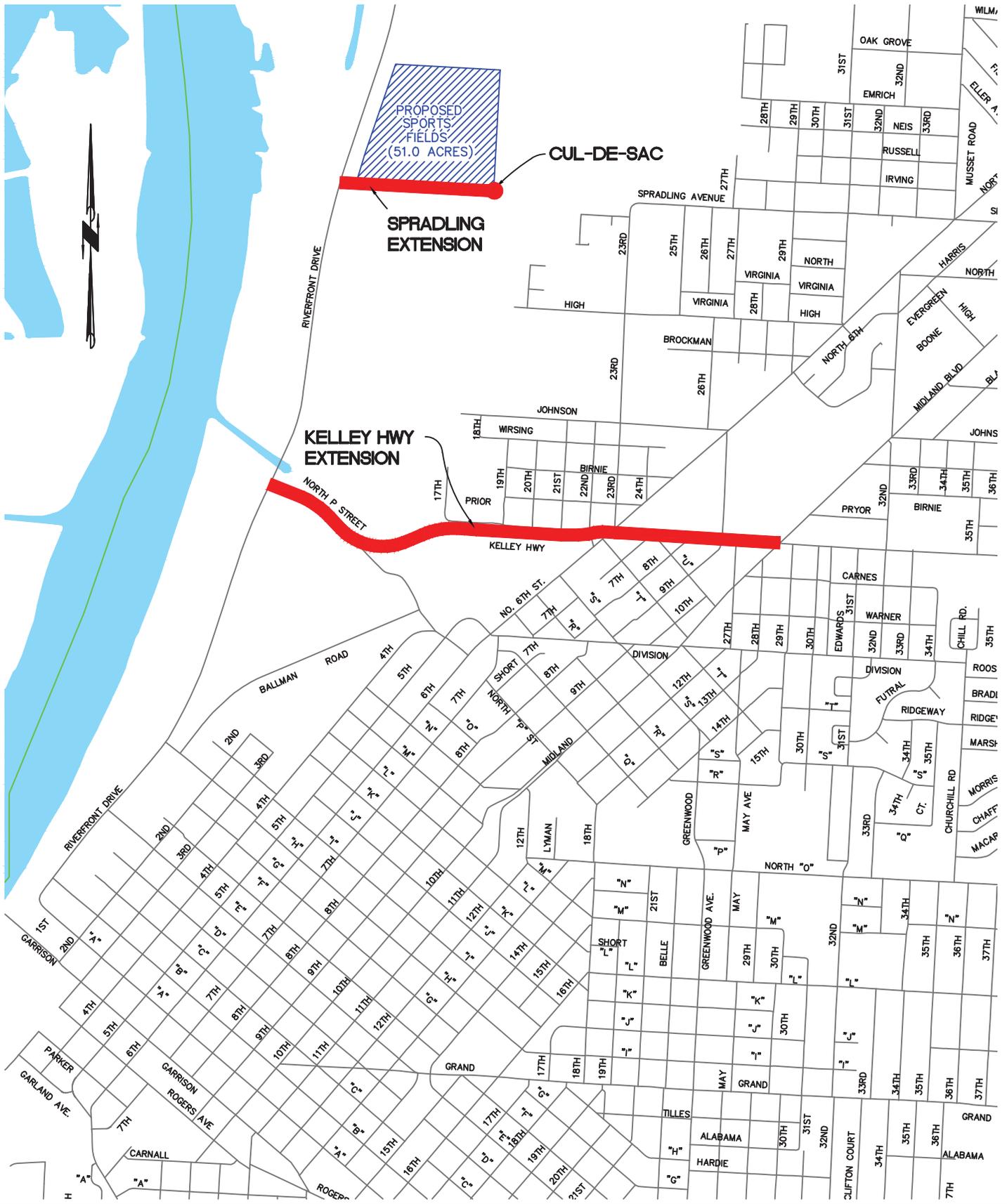
2017 CAPITAL IMPROVEMENT PROGRAM  
 NORTH B TRUCK ROUTE  
 FORT SMITH, ARKANSAS



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2017 CAPITAL IMPROVEMENTS PROGRAM SIGNAL IMPROVEMENTS		Project:	
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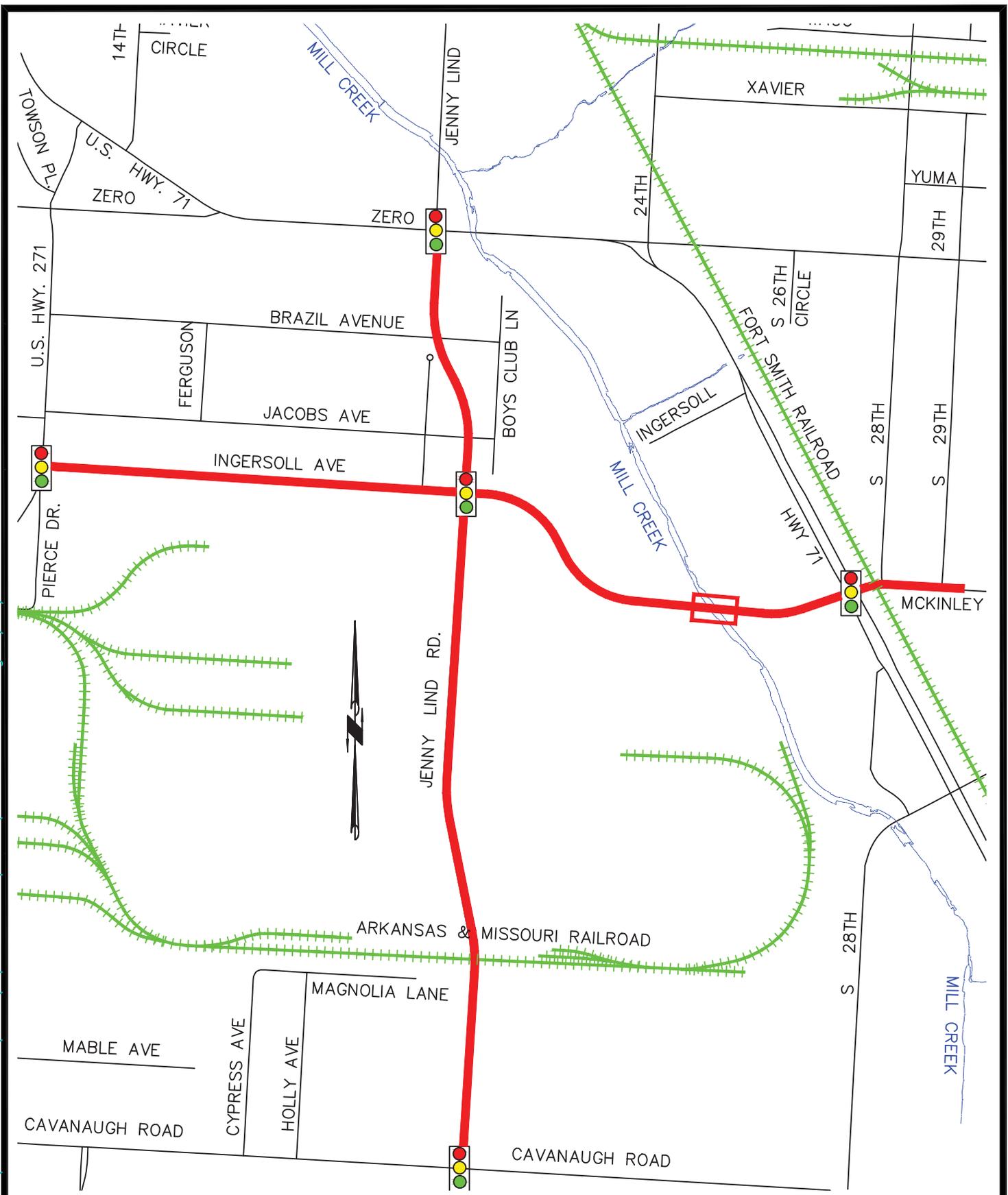


2017 CAPITAL IMPROVEMENTS PROGRAM  
 SPRADLING AVENUE AND  
 KELLEY HWY EXTENSIONS



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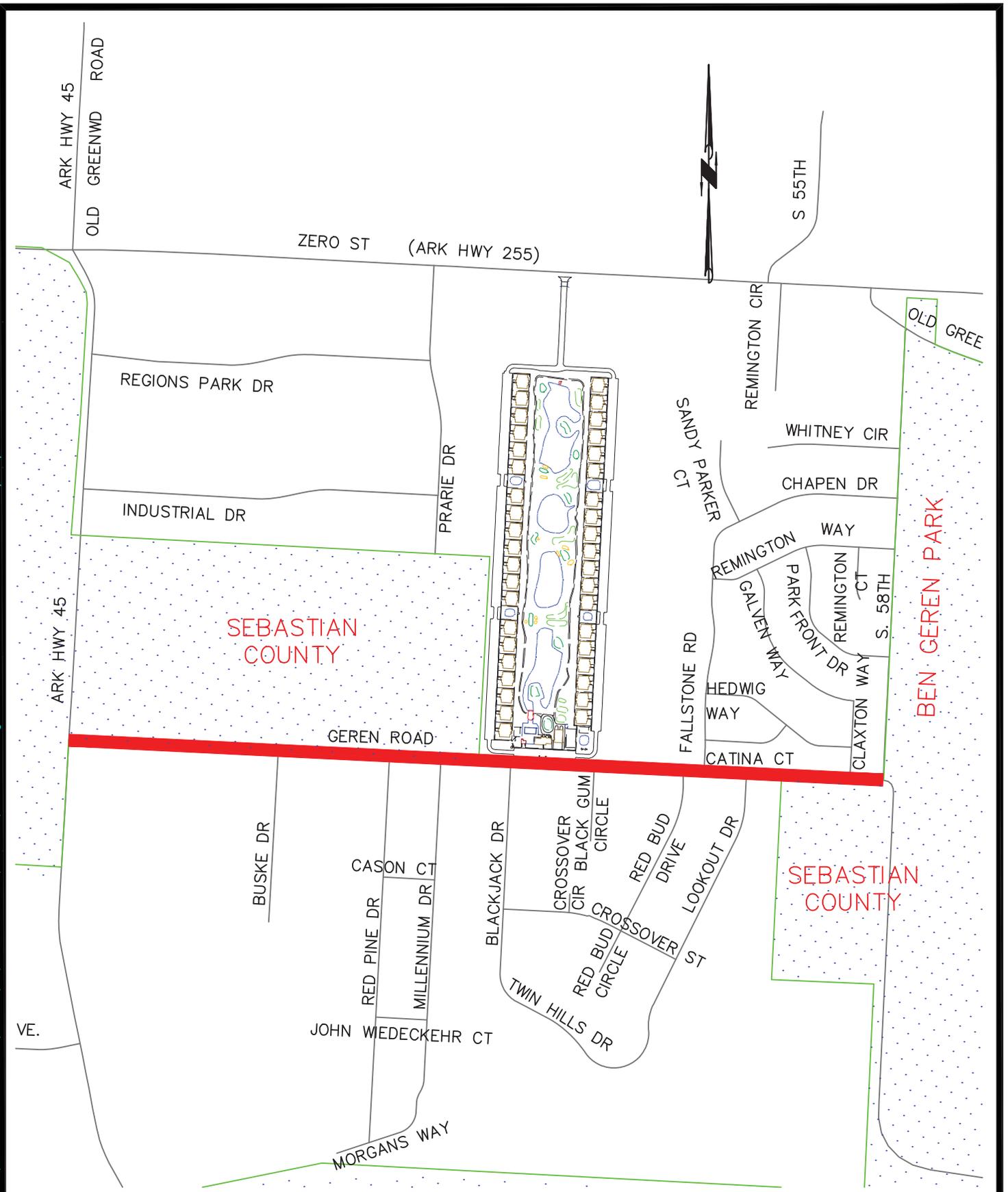
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2017 CAPITAL IMPROVEMENTS PROGRAM  
 JENNY LIND - INGERSOLL  
 ZERO STREET TO CAVANAUGH ROAD



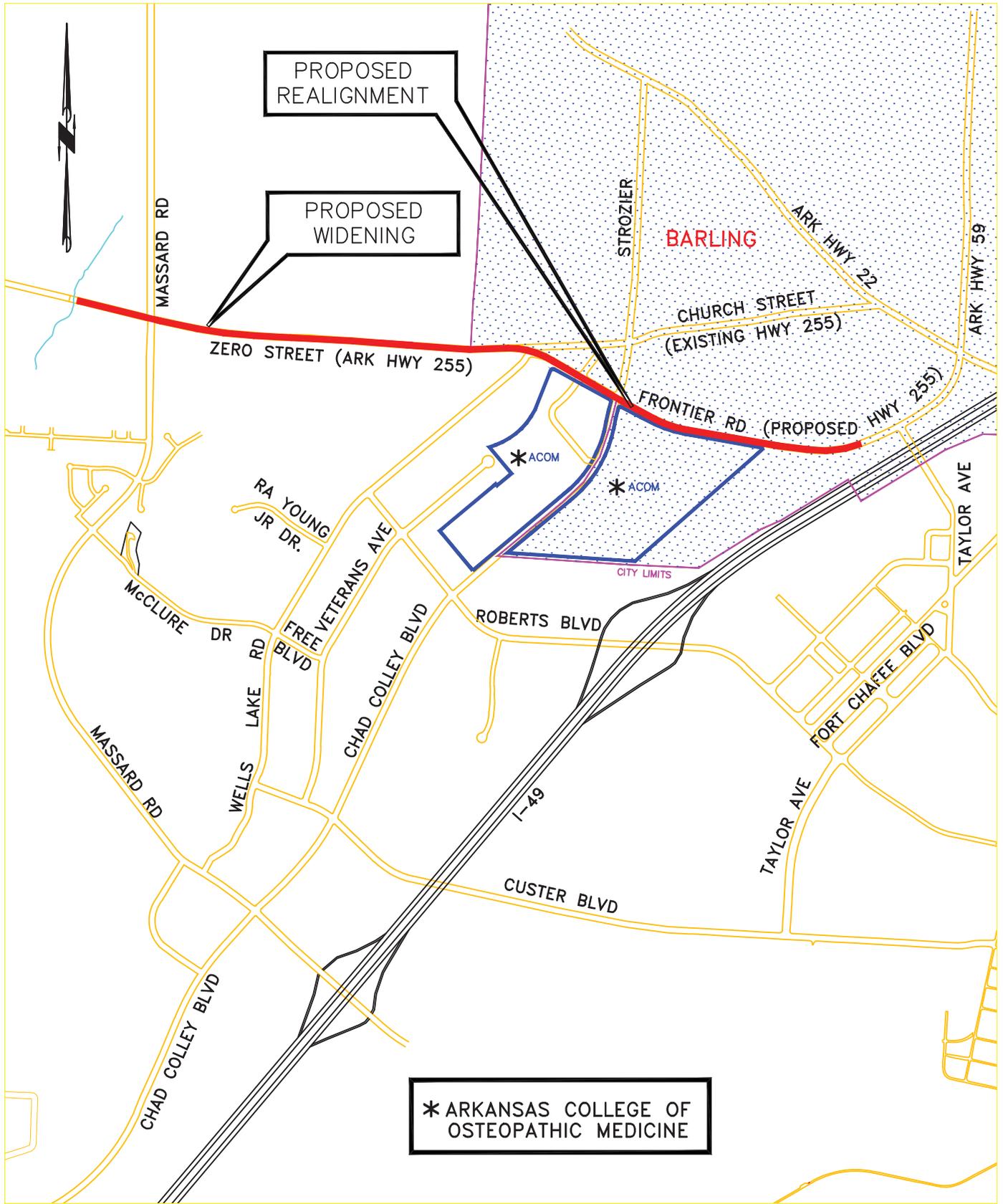
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2017 CAPITAL IMPROVEMENTS PROGRAM  
GEREN RD RECONSTRUCTION



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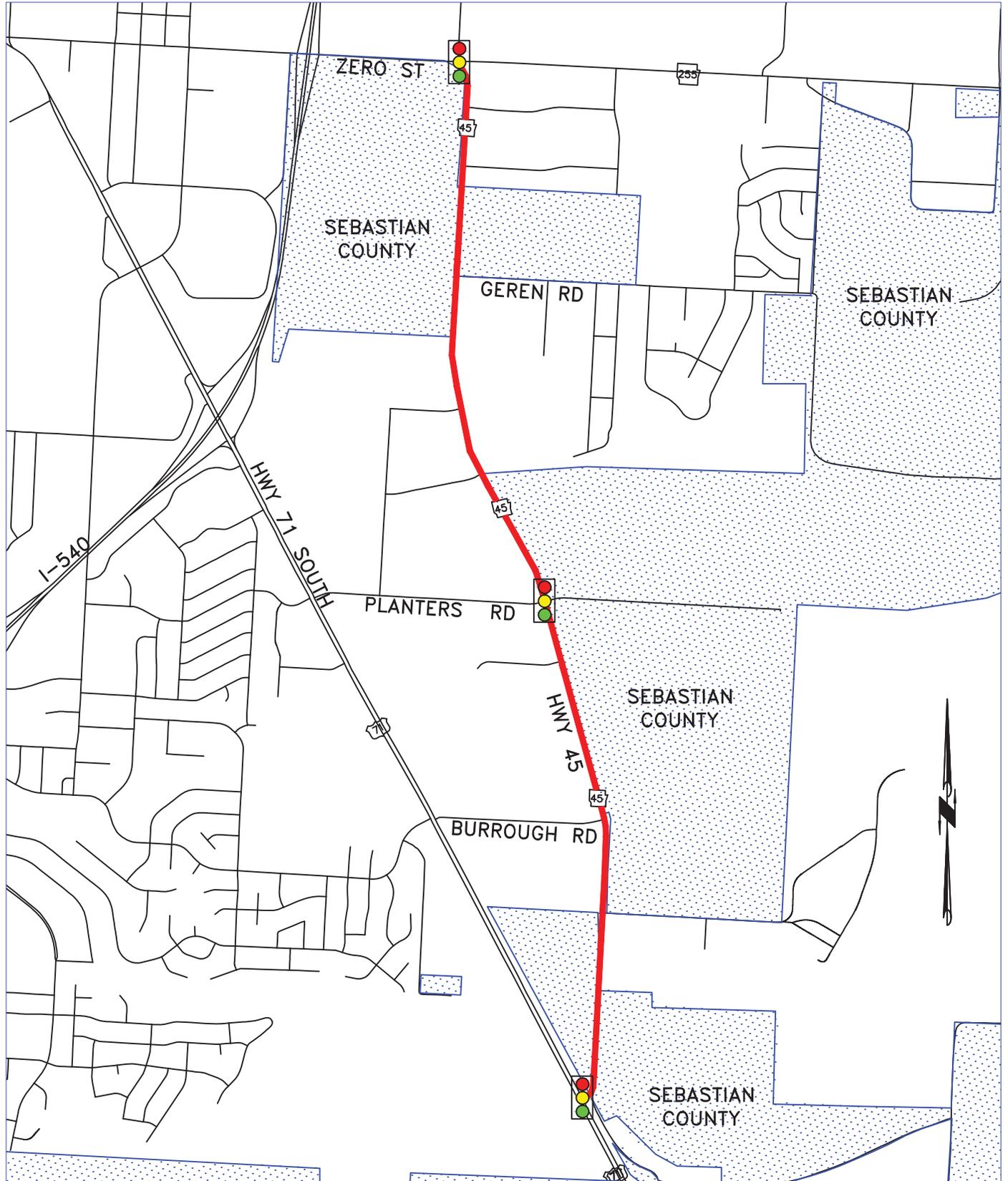


\* ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE

2017 CAPITAL IMPROVEMENTS PROGRAM  
 ZERO STREET (ARK HWY 255) WIDENING



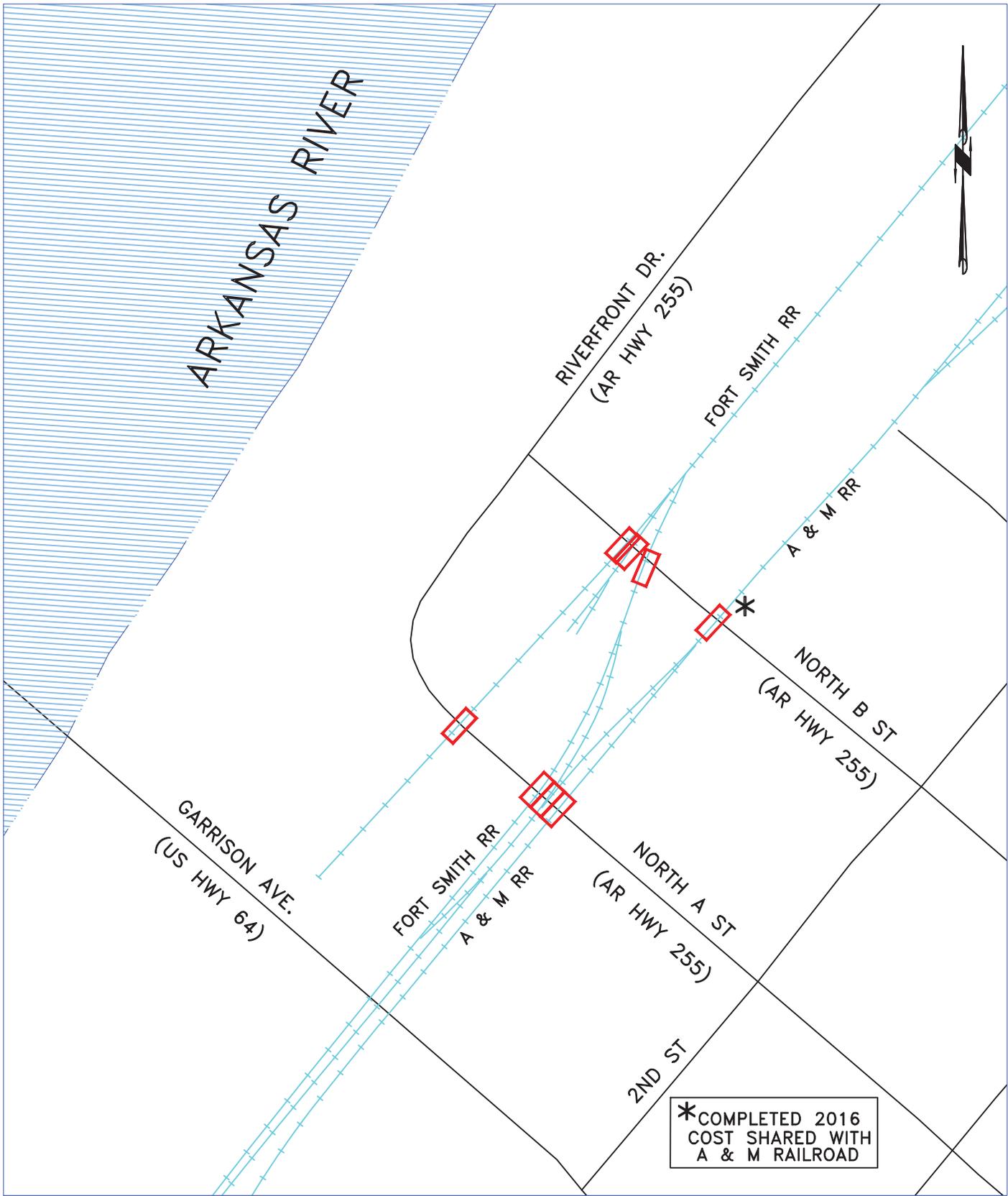
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2017 CAPITAL IMPROVEMENTS PROGRAM  
 ARK HWY 45 WIDENING



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2017 CAPITAL IMPROVEMENTS PROGRAM  
RAILROAD CROSSING IMPROVEMENTS



Project:	
Date:	AUGUST 2016
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RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AND AUTHORIZING  
IMPLEMENTATION OF THE FIVE YEAR CAPITAL IMPROVEMENT  
PROGRAM FOR THE 1/8% SALES AND USE TAX

---

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

SECTION 1: The Five Year (2017-2021) Sales Tax Program for Parks and  
Recreation Capital Improvements as identified and specified in the attachment hereto is  
hereby approved.

SECTION 2: The staff is directed to proceed with implementation of the 2017  
Sales Tax Program.

This Resolution adopted this \_\_\_\_\_ day of October, 2016.

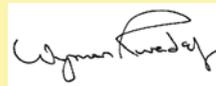
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM



\_\_\_\_\_npr



## Memo:

September 30, 2016

To: Carl Geffken, City Administrator  
From: Doug Reinert, Director of Parks and Recreation *DSR*  
Re: Parks and Recreation 5 year CIP

Attached for your approval is the FY 2017 Parks 5-Year Capital Improvement Plan. Funding for this program is provided by a 1/8% Sales and Use Tax, which was approved by the citizens for Parks and Recreation improvements. In order to be fiscally responsible, we plan within a \$2 million parameter for capital projects and budget for operations accordingly. Total operating expenses include personnel, materials, equipment, and professional services for the design and maintenance of capital projects. As project development and completion increases, maintenance expenses will adjust accordingly.

In the 2017 budget, we are requesting one (1) additional FTE Maintenance Person for this Program. This position will assist with maintenance associated with both the increased green space and amenities acquired by the Parks & Recreation Department and continue to maintain current service levels.

Should you have any questions or need additional information please feel free to contact me.

cc Jeff Dingman  
Sara Deuster

attachments

**Parks and Recreation CIP**

Annually, the Parks Department presents recommendations to the Parks and Recreation Commission for approval of a five year capital improvement program. The following is the five year plan for 2017-2021. Funding will be provided by the Parks 1/8% sales and use tax.

<b><u>Park Project</u></b>	<b><u>2017</u></b>	<b><u>2018</u></b>	<b><u>2019</u></b>	<b><u>2020</u></b>	<b><u>2021</u></b>
Conversion of Tilles Wading Pool into Splash Pad	-	200,000	-	-	-
Conversion of Woodlawn Wading Pool into Splash Pad	-	200,000	-	-	-
Creekmore Park Land Acquisition and Parking	-	-	200,000	-	-
Creekmore Park Tennis Court Resurfacing	-	-	-	275,000	-
Fort Smith Park Dog Park	-	100,000	-	-	-
Fort Smith Park Playground	-	-	100,000	-	-
Kelley Stage & River Park Amphitheater	75,000	-	-	-	-
Martin Luther King Skate Park Improvements	-	-	-	400,000	-
Matching Funds	200,000	250,000	250,000	250,000	250,000
Neighborhood Parks	-	-	-	-	300,000
Riverfront Drive Property Improvements	600,000	-	-	-	750,000
Shade Structures at Creekmore Pool, Martin Luther King Splash Pad and Playground	75,000	-	-	-	-
Stagecoach Park Phase II	-	-	-	-	150,000
Trails & Greenways	1,000,000	1,100,000	1,050,000	1,050,000	250,000
Westphal Property Purchase	50,000	50,000	50,000	50,000	50,000
Wilson Park Improvements	-	-	100,000	-	-
<b>Total Projects</b>	<b>2,000,000</b>	<b>1,900,000</b>	<b>1,750,000</b>	<b>2,025,000</b>	<b>1,750,000</b>
<b><u>Operating Budget</u></b>					
Personnel	293,060	328,060	334,630	341,330	348,160
Professional Services	165,000	125,000	100,000	125,000	125,000
Operations	119,860	153,760	202,530	202,690	229,310
<b>Total Operations</b>	<b>577,920</b>	<b>606,820</b>	<b>637,160</b>	<b>669,020</b>	<b>702,470</b>
<b>Total Projects and Operations</b>	<b><u>2,577,920</u></b>	<b><u>2,506,820</u></b>	<b><u>2,387,160</u></b>	<b><u>2,694,020</u></b>	<b><u>2,452,470</u></b>

## Comments Regarding the Proposed FY17 Parks CIP

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### **Overview:**

Finance gave the directive to use the FY16 revenue estimates for the 1/4% sales and use tax revenue for preparing the FY17 requests. Per Ordinance No. 47-16, the revenue estimate was \$5,227,000, making the Parks portion \$2,613,500. As you will see, Administration's proposal has projected expenses at \$35,580 less than the projected revenue. The Department will be requesting an additional Maintenance Person for this program during the budget review with the Board. This position is being requested due to the completion of projects and the ongoing construction of others. With the additional personnel added in (\$34,029), the total budget for this program will still come in under the revenue estimate. The budget will be \$1,551 below the estimated revenue. This proposal is in the best interest of the continued development and maintenance of projects funded through these dedicated monies.

### **Personnel**

This line item is increased by 2% annually (1% COLA and 1% step raise). You will notice a \$35,000 increase between FY17 and FY18. This is due to the addition of one Maintenance Person. If the Board approves this request, both the FY17 and FY18 personnel numbers will be the same (\$328,060), as there are no anticipated raises for FY18 per Finance directive in the budget packet.

### **Operating**

The total operations are projected to increase by 5% annually. You will notice a decrease in Professional Services in FY19 due to \$250,000 in capital projects being for the purchase, not development, of land. This also accounts for the small increase to the operating budget between FY19 and FY20. Professional services are charged to the operating budget until the project is complete. Upon completion, professional services are then capitalized with the finalized project.

### **Impact on the 2017 Operating Budget:**

Many of the current year projects are expected to have a favorable impact in the economy and enhance the quality of life for citizens. The Riverfront Drive sports field will provide more recreation opportunities for youth leagues and an increase in tournaments.

RESOLUTION APPROVING AND AUTHORIZING IMPLEMENTATION OF THE FIVE YEAR (2017-2021) CAPITAL IMPROVEMENT PROGRAM FOR WATER AND WASTEWATER SYTEMS AND MAINTENANCE AND IMPROVEMENT

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

Section 1: The Capital Sewer Cost Summary 2017-2021 summarizing capital costs for the next five years for the City’s sewer system and attached as Attachment A, is hereby approved.

Section 2: The Capital Water Cost Summary 2017-2021 summarizing capital costs for the next five years for the City’s water system and attached as Attachment B, is hereby approved.

This Resolution adopted this \_\_\_\_\_ day of October 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_ npr

**INTER-OFFICE MEMO**

**TO:** Carl Geffken, City Administrator

**DATE:** October 4, 2016

**FROM:** Robert Roddy, Interim Director of Utilities

**SUBJECT:** Capital Water and Sewer Costs 2017-2021

The City will be involved in many capital projects and purchases during the years 2017-2021 as outlined in the attached summaries. These projects and capital purchases are necessary for the effective performance of the water and sewer systems and compliance with the requirements of the Consent Decree. Please see Attachment A and Attachment B.

These projects and costs were reviewed by the Board of Directors on September 27, 2016 and are submitted at this time for Board consideration and approval.

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

attachment

pc: Jeff Dingman

**Fort Smith Utility Department**  
**Capital Sewer Cost Summary 2017-2021**

October 4, 2016

Line	Sewer Capital Funds	Consent		2017	2018	2019	2020	2021
		Decree	Project					
1	<b>Consent Decree:</b>							
2	<b>Program</b>							
3	Program 5612 Construction	Art. 2	n/a	1,022,100	1,071,400	1,125,000	1,181,000	1,240,000
4	Information and Communication Systems Start Up	Art. 7	n/a	500,000	-	-	-	-
5	Equipment Maintenance	Art. 7	n/a	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
6	<b>Program Total</b>			<b>\$ 3,022,100</b>	<b>\$ 2,571,400</b>	<b>\$ 2,625,000</b>	<b>\$ 2,681,000</b>	<b>\$ 2,740,000</b>
7								
8	<b>Capacity Improvements</b>							
9	Sub-Basin P007 Capacity Improvements	Appx. E2	16-09	1,100,000	1,100,000	-	-	-
10	Sub-Basins P002 & P003 Capacity Improvements	Appx. E2	16-03	4,500,000	4,500,000	1,000,000	-	-
11	Basin 10 & 14 Capacity Improvements	Appx. E2	16-08	-	1,500,000	3,583,000	4,167,000	4,167,000
12	Basin W001 Capacity Improvements	Appx. E2	New	500,000	1,666,700	1,667,000	1,667,000	-
13	Basin FL01 Capacity Improvements	Appx. E2	16-12	-	400,000	1,333,000	1,333,000	1,333,000
14	Basin FL02 Capacity Improvements	Appx. E2	New	-	250,000	833,000	833,000	833,000
15	Skyline Estates Capacity Improvements	Appx. E2	New	-	-	-	321,000	600,000
16	Phoenix Ave Capacity Improvements	Appx. E2	New	-	-	100,000	500,000	500,000
17	Basin 12 Capacity Improvements	Appx. E2	12-14	-	-	300,000	1,200,000	1,667,000
18	Sub-Basin P004 Capacity Improvements	Appx. E2	16-11	-	-	-	-	200,000
19	Basin 13 Capacity Improvements	Appx. E2	New	-	-	-	-	180,000
20	<b>Capacity Improvements Total</b>			<b>\$ 6,100,000</b>	<b>\$ 9,416,700</b>	<b>\$ 8,816,000</b>	<b>\$ 10,021,000</b>	<b>\$ 9,480,000</b>
21								
22	<b>Facilities</b>							
23	Pump Station 5 Interceptor Easement Road Construction & Inspection	Appx. E2	13-07	295,000	-	-	-	-
24	Pump Station 5 Rehabilitation/Replacement	Appx. E2	13-07	93,200	931,500	1,035,000	-	-
25	Pump Station 6 (Riverfront) Rehabilitation/Replacement	Appx. E2	New	-	-	93,000	932,000	1,035,000
26	Facility Construction and Rehabilitation	Art. 7	15-11	1,000,000	-	-	5,000,000	-
27	Riverlyn Wastewater Pump Station 8 Replacement	Appx. B	15-22	1,800,000	-	-	-	-
28	Pump Station 6 (Riverfront) Interceptor Road Construction & Inspection	Appx. E2	New	400,000	-	-	-	-
29	Massard Wastewater Treatment Plant Alternative Power	Appx. B		1,000,000	-	-	-	-
30	Massard Wastewater Treatment Plant Long-Term Improvements	Appx. E2	New	-	1,000,000	5,000,000	33,333,000	33,333,000
31	<b>Facilities Total</b>			<b>\$ 4,588,200</b>	<b>\$ 1,931,500</b>	<b>\$ 6,128,000</b>	<b>\$ 39,265,000</b>	<b>\$ 34,368,000</b>

**Fort Smith Utility Department**  
**Capital Sewer Cost Summary 2017-2021**

October 4, 2016

Line	Sewer Capital Funds	Consent Decree	Project	2017	2018	2019	2020	2021
32								
33	<b>Remediation</b>							
34	Basin 12 Collection System Defect Remediation	Art. 2	16-19	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
35	2015 SSA Collection System Defect Remediation	Art. 2	10-16	7,069,400	10,783,700	3,714,000	-	-
36	2016 SSA Collection System Defect Remediation	Art. 1 & 2	New	1,800,000	6,666,700	6,667,000	6,667,000	-
37	2017 SSA Collection System Defect Remediation	Art. 1 & 2	New	1,600,000	1,200,000	3,333,000	3,333,000	3,333,000
38	2018 SSA Collection System Defect Remediation	Art. 1 & 2	New	-	1,600,000	1,200,000	3,333,000	3,333,000
39	2019 SSA Collection System Defect Remediation	Art. 1 & 2	New	-	-	1,600,000	1,200,000	3,333,000
40	Annual Sewer Collection System Improvements	Art. 2	n/a	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
41	<b>Remediation Total</b>			\$ 13,469,400	\$ 23,250,400	\$ 19,514,000	\$ 17,533,000	\$ 12,999,000
42	<b>Consent Decree Total</b>			\$ 27,179,700	\$ 37,170,000	\$ 37,083,000	\$ 69,500,000	\$ 59,587,000
43								
44	<b>Non-Consent Decree:</b>							
45	Pump Station 5 Interceptor East (Walnut Street to Musset Road)	n/a	New	113,500	-	-	-	-
46	P Street Wastewater Treatment Plant Screening, Scum & Grease Removal	n/a	14-12	1,178,800	1,178,800	-	-	-
47	Riverfront Soccer Complex Sewer Extension	n/a	New	50,000	-	-	-	-
48	Vicksburg Interceptor Defect Remediation	n/a	16-03	1,000,000	2,000,000	-	-	-
49	Annual Sewer Plant Improvements	n/a	New	250,000	250,000	250,000	250,000	250,000
50	<b>Non-Consent Decree Total</b>			\$ 2,592,300	\$ 3,428,800	\$ 250,000	\$ 250,000	\$ 250,000
51	<b>Sewer Capital Total</b>			\$ 29,772,000	\$ 40,598,800	\$ 37,333,000	\$ 69,750,000	\$ 59,837,000

**Fort Smith Utility Department**  
**Capital Water Cost Summary 2017-2021**  
 October 4, 2016

Line	Water Capital Funds	Project	2017	2018	2019	2020	2021
1	<b>Program</b>						
2	Distribution System Repair, Rehabilitation, Replacement, Improvement	n/a	2,000,000	2,000,000	2,000,000	9,462,000	9,462,000
3	Watershed Property Acquisition Lake Fort Smith	99-01	650,000	650,000	650,000	650,000	650,000
4	Equipment Maintenance	n/a	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
5	Program 5627 Water System Construction		340,700	357,300	375,000	394,000	414,000
6	<b>Program Total</b>		<b>\$ 4,490,700</b>	<b>\$ 4,507,300</b>	<b>\$ 4,525,000</b>	<b>\$ 12,006,000</b>	<b>\$ 12,026,000</b>
7							
8	<b>Facilities</b>						
9	5th Part 12 Inspection Report Lee Creek Dam	16-15	50,000	-	-	-	-
10	Jack Freeze Standpipe and Brooken Hill Waterline	New	130,800	2,324,700	1,725,000	-	-
11	Lake Ft. Smith East Side Slide	16-05	250,000	-	-	-	-
12	Annual Water Plant and Supply Improvements	New	250,000	250,000	250,000	250,000	250,000
13	Lee Creek Lagoon Repairs	New	825,000	-	-	-	-
14	<b>Facilities Total</b>		<b>\$ 1,505,800</b>	<b>\$ 2,574,700</b>	<b>\$ 1,975,000</b>	<b>\$ 250,000</b>	<b>\$ 250,000</b>
15							
16	<b>Transmission/Distribution</b>						
17	Lake Fort Smith 48-inch Transmission Line Phase 1	08-07	5,500,000	-	-	-	-
18	Lake Fort Smith 48-inch Transmission Line Phase 2	New	1,500,000	12,500,000	12,500,000	-	-
19	Lake Fort Smith 48-inch Transmission Line Phase 3	New	-	-	1,925,000	1,925,000	12,833,000
20	North M Street to Towson & South I Street 24-inch Transmission Line Extension	New	468,000	3,129,800	3,130,000	-	-
21	Watershed Stream Bank Stabilization	New	75,000	300,000	260,000	50,000	50,000
22	North N Street 24-inch Transmission Line Replacement	New	216,000	2,889,000	-	-	-
23	Tennessee Road 12-inch Water Line	New	-	245,200	1,640,000	1,640,000	-
24	Chaffee Crossing 18-inch Transmission Line Relocation (5,100 ft)	New	-	-	140,000	1,860,000	-
25	North 6 Street 12-inch Water Line Replacement	New	750,000	-	-	-	-
26	Howard Hill Ground Storage Reservoir & Transmission Line Extension	New	-	-	800,000	5,350,000	5,350,000
27	Downtown pressure reducing valves	New	-	-	200,000	2,000,000	-
28	<b>Transmission/Distribution Total</b>		<b>\$ 8,509,000</b>	<b>\$ 19,064,000</b>	<b>\$ 20,595,000</b>	<b>\$ 12,825,000</b>	<b>\$ 18,233,000</b>
29	<b>Water Capital Total</b>		<b>\$ 14,505,500</b>	<b>\$ 26,146,000</b>	<b>\$ 27,095,000</b>	<b>\$ 25,081,000</b>	<b>\$ 30,509,000</b>

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE FIXING THE RATE OF AND LEVYING FIVE (5.0) MILLS UPON ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE CITY OF FORT SMITH, ARKANSAS FOR THE YEAR 2016 FOR GENERAL PURPOSES**

---

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

**SECTION 1:** The rate of taxation of all real and personal property in the City of Fort Smith, Arkansas, for the year 2016 for general purposes under the authority of Section 4, Article 12 of the Constitution of 1874 of the State of Arkansas is hereby fixed at five (5.0) mills on the dollar of assessed valuation of all taxable real and personal property subject to taxation in the City of Fort Smith, Arkansas.

**SECTION 2:** The City Clerk is hereby directed to transmit a certified copy of this ordinance to the County Clerk of Sebastian County, Arkansas, for the Fort Smith District, to the end that said taxes may be extended upon the books of said County and collected as required by law.

**PASSED AND APPROVED this 4<sup>th</sup> day of October, 2016.**

**APPROVED:**

\_\_\_\_\_

**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

Approved as to form:



\_\_\_\_\_  
Publish one time

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY TO BE USED FOR MAINTENANCE OF A PUBLIC-CITY LIBRARY PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 30 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES**

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

**SECTION 1:** There is hereby levied for the year 2016 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into a fund to be used for the maintenance of the Fort Smith Public-City Library.

**SECTION 2:** The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith as are now levied and collected and that the proceeds of such tax shall be segregated by the City Directors and used only for the purpose of maintenance of a Public-City Library.

**SECTION 3:** The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County, Arkansas, for the Fort Smith District, to the end that said taxes may be extended upon the books of said County and collected together with other taxes.

**PASSED AND APPROVED this 4<sup>th</sup> day of October, 2016.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

Approved as to form:



\_\_\_\_\_  
Publish one time

\_\_\_\_\_  
**City Clerk**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY FOR POLICE RETIREMENT AND PENSION FUND, PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 31 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES**

---

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

**SECTION 1:** There is hereby levied for the year 2016 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into the Police Retirement and Pension Fund for the purpose of such fund as provided by law.

**SECTION 2:** The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith; provided, the person who thereby collects said tax shall pay the same directly to said fund, or the trustee or custodians, thereof.

**SECTION 3:** The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County for the Fort Smith District to the end that said taxes may be extended on the tax books of said District of said County and collected together with other taxes.

**PASSED AND APPROVED this 4<sup>th</sup> day of October, 2016.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

Approved as to form:



\_\_\_\_\_  
Publish one time

\_\_\_\_\_  
**City Clerk**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY FOR FIRE RETIREMENT AND PENSION FUND, PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 31 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES**

---

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

**SECTION 1:** There is hereby levied for the year 2016 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into the Fire Retirement and Pension Fund for the purpose of such fund as provided by law.

**SECTION 2:** The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith; provided, the person who thereby collects said tax shall pay the same directly to said fund, or the trustee or custodians, thereof.

**SECTION 3:** The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County for the Fort Smith District to the end that said taxes may be extended on the tax books of said District of said County and collected together with other taxes.

**PASSED AND APPROVED this 4<sup>th</sup> day of October, 2016.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

Approved as to form:



\_\_\_\_\_  
Publish one time

\_\_\_\_\_  
**City Clerk**

# MEMORANDUM

September 30, 2016

**TO:** Carl Geffken, City Administrator  
**FROM:** Sherri Gard, City Clerk  
**RE:** Millage Ordinances

The attached ordinances represent the City's annual levy of eight (8) mills from all taxable real and personal property in Fort Smith for the year 2016 (to be collected in 2017) and described as follows:

<u>Category</u>	<u>Mills</u>	<u>Estimated 2017 Revenue</u>	<u>Same Rate Since</u>
General	5	\$5 million	1892 *
Public Library	1	\$1 million	1986
Fire Retirement & Pension	1	\$1 million	1989
Police Retirement & Pension	1	<u>\$1 million</u> \$8 million	1989

\* Except 1985 & 1986, when millage for all cities in Arkansas was reduced due to Amendment No. 59.

There are no changes to the current millage rates. The above rates are the maximum allowable per state law, with the exception of the public library. Per the Finance Department, the five (5) mills for general purposes are estimated to generate \$5 million for the General Fund in 2017, which is 15% of all General Fund revenue. Property tax is the second highest source of revenue in the General Fund.

A total of 52.5 mills are collected on property within the city of Fort Smith and below is the breakdown of such:

<u>Entity/Purpose</u>	<u>Mills</u>
Fort Smith Public Schools - Operations	25
Fort Smith Public Schools - Debt Service	11.5
Sebastian County - General	5
Sebastian County - Roads	3
City of Fort Smith - General	5
City of Fort Smith - Library	1
City of Fort Smith - Fire Retirement & Pension	1
City of Fort Smith - Police Retirement & Pension	1
	<u>52.5</u>

Upon approval, the ordinances will be submitted to the Sebastian County Clerk for presenting to the Quorum Court at their November meeting, which is when millage for all cities in Sebastian County is considered.

If there are any questions, please let me know.

c: Deputy City Administrator Jeff Dingman  
Jennifer Walker, Director of Finance

RESOLUTION NO. \_\_\_\_\_

7

**RESOLUTION ACCEPTING THE PROJECT AS COMPLETE, AND AUTHORIZING FINAL PAYMENT TO THE NORMAN COMPANY, INC., FOR THE RENOVATION AND FURNISHINGS OF THE LIBRARY ANNEX BUILDING FOR USE AS OFFICE SPACE.**

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

SECTION 1: The installation of furniture, Group B and Group E case goods and meeting chairs, for the Renovation and Furnishings of the Library Annex Building for Use as Office Space, Project 15-11, is accepted as complete.

SECTION 2: Final payment to The Norman Company, Inc., in the amount of \$430.71, is hereby approved.

The Resolution adopted this \_\_\_\_\_ day of October 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_,npr



## INTER-OFFICE MEMO

**TO:** Carl Geffken, City Administrator

**DATE:** September 26, 2016

**FROM:** Robert Roddy, Interim Director of Utilities

**SUBJECT:** Renovations and Furnishing of the Library  
Annex Building for Use as Office Space  
Project Number 15-11

On March 1, 2016, the Board of Directors passed Resolution 31-16, "Resolution Accepting Bids and Authorizing Contracts for the Renovation and Furnishings of the Library Annex Building for Use as Office Space." Resolution 31-16 awarded six (6) separate contracts for every aspect of the project as presented to the Board of Directors. Section 6 of Resolution 31-16 granted a contract to The Norman Company, Inc., in the amount of \$61,598.82 for furniture, Group B and Group E case goods and meeting chairs.

On September 26, 2016, the City received an invoice for the final payment of the contractual amount of \$430.71 to be paid to The Norman Company, Inc.

Staff has reviewed the invoice and agrees that the City has satisfactorily received all components of Group B and Group E, as listed in the contract and recommend the Board of Directors' approval for final payment and completion of this contact as part of Resolution 31-16, Section 6.

Please contact me should you or any member of the Board or Administration have any questions or need additional information.

pc: Jeff Dingman

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING ANNUAL AUDIT REQUIREMENTS AND RETAINING  
BKD, LLP AS EXTERNAL AUDITORS

---

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

SECTION 1: The annual audit examination for the City of Fort Smith for the year ending December 31, 2016 shall be performed by an independent accounting firm in accordance with accounting standards generally accepted in the United States of America. Such standards shall include those promulgated by the Governmental Accounting Standards Board, the American Institute of Certified Public Accountants and the United States Government Accounting Office, as applicable.

SECTION 2: BKD, LLP shall perform the annual audit examination for the year ending December 31, 2016 in accordance with Section 1 of this resolution.

THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF OCTOBER, 2016.

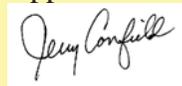
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

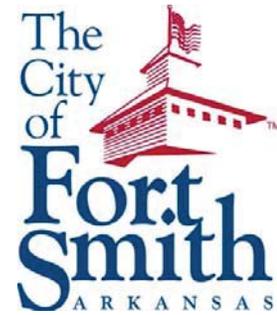
Approved as to form:



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# Memo

To: Carl Geffken, City Administrator  
CC: Jeff Dingman, Deputy City Administrator  
From: Jennifer Walker, Finance Director  
Date: 9/30/2016  
Re: Annual Audit Requirements



*Jennifer Walker*

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In accordance with state law, the City must adopt its annual audit requirements. The City selects an independent accounting firm to prepare its annual audit examination in accordance with standards generally accepted in the United States.

Also, the Audit Advisory Committee recommends that the services of BKD, LLP be retained to perform the audit for the year ending December 31, 2016. The total cost, including document production and printing, is estimated at \$175,000 for the 2015 audit. A similar rate is anticipated for the 2016 audit.

If you have any questions or require more information, please let me know.

RESOLUTION AUTHORIZING PARTIAL PAYMENT TO S.J. LOUIS  
CONSTRUCTION OF TEXAS, LTD. FOR THE CONSTRUCTION OF THE LAKE  
FORT SMITH WATER TRANSMISSION LINE – PHASE I

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

Partial payment number ten to S.J. Louis Construction of Texas, LTD in the amount of  
\$1,333,170.92 for the construction of the Lake Fort Smith Water Transmission Line – Phase I,  
Project Number 08-07-C1, is hereby approved.

This Resolution adopted this \_\_\_\_\_ day of October 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
npr



## INTER-OFFICE MEMO

**TO:** Carl Geffken, City Administrator

**DATE:** September 26, 2016

**FROM:** Robert Roddy, Interim Director of Utilities

**SUBJECT:** Lake Fort Smith Water Transmission Line - Phase I  
Project Number 08-07-C1

S.J. Louis Construction of Texas, Ltd., has submitted partial pay request number ten in the amount of \$1,333,170.92 for work completed on the Lake Fort Smith Water Transmission Line – Phase I, Project Number 08-07-C1. The project consists of furnishing and installing 6 miles of 48-inch water transmission line and appurtenances. An exhibit, which shows the project route, is attached.

The attached Resolution authorizes the partial payment to S.J. Louis Construction of Texas, Ltd. Should you or the members of the Board have any questions or need additional information, please let me know.

attachment

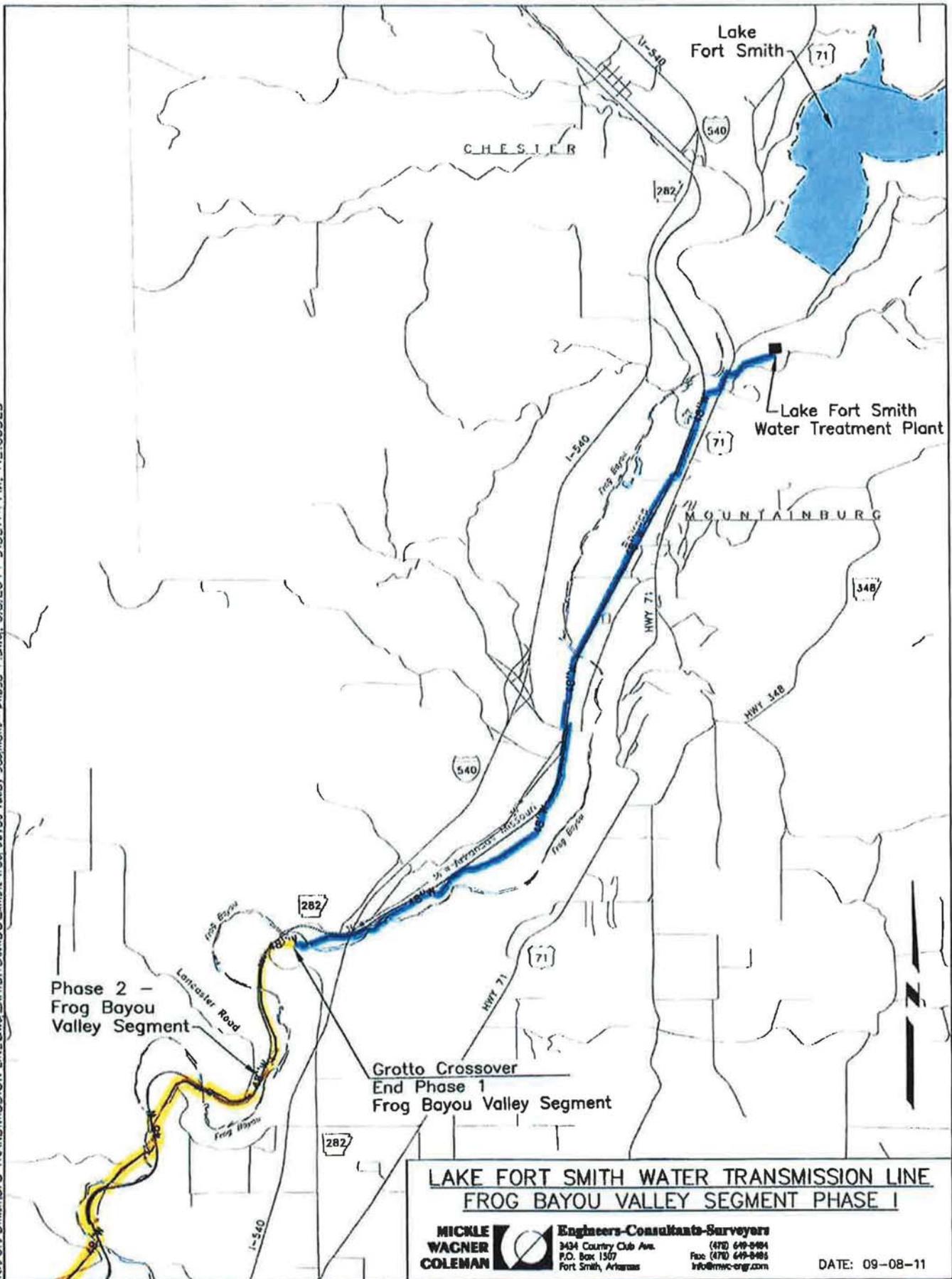
pc: Jeff Dingman

## Project Summary

Project Status: Underway	Project name: Lake Fort Smith Water Transmission Line – Phase I
Today's Date: September 22, 2016	Project number: 08-07-C1
Staff contact name: Jimmie Johnson	Project engineer: Mickle Wagner Coleman Inc.
Staff contact phone: 784-2231	Project contractor: SJ Louis Construction of Texas LTD.
Notice to proceed issued: November 12, 2015	
Final Completion date: November 06, 2016	

	Dollar Amount	Contract Time (Days)
Original contract	\$11,120,753.00	360
Change orders:	\$0.00	0
Total change orders	\$0.00	<u>0</u>
Adjusted contract	<u>\$11,120,753.00</u>	<u>N/A</u>
Payments to date (as negative):	\$-3,838,615.09	34.55%
Amount of this payment (as negative)	\$-1,333,170.92	11.9%
Contract balance remaining:	\$ 5,948,966.99	53.5%

K:\Fort Smith\CFS TRANSMISSION LINE\EXHIBITS\MISC\Exhibit-frog bayou valley segment - phase 1.dwg, 9/8/2011 5:33:14 PM, 1:2.60323



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION  
TO VACATE A PORTIONS OF KINKEAD AVENUE, NORTH 51<sup>ST</sup> STREET, AND  
NORTH 53<sup>RD</sup> STREET LOCATED IN  
THE CITY OF FORT SMITH, ARKANSAS**

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WHEREAS, a petition to vacate portions of Kinkead Avenue, North 51<sup>st</sup> Street, and North 53<sup>rd</sup> Street has been filed with the Office of the City Clerk in the manner and form as provided by law.

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

Said petition is hereby set for hearing on the 18th day of October 2016, at 6:00 p.m. at the regular meeting of the Board of Directors of the City of Fort Smith, and the city clerk is hereby directed to give notice of said meeting by publication once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fort Smith, Arkansas.

**THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF OCTOBER 2016.**

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_

# Memo

To: Carl Geffken, City Administrator  
From: Wally Bailey, Director of Development Services  
Date: 9/30/2016  
Re: Resolution setting a public hearing date for a petition to vacate portions of Kinkead Avenue, North 51<sup>st</sup> Street, and North 53<sup>rd</sup> Street

We have received a request from the University of Arkansas - Fort Smith to vacate portions of Kinkead Avenue, North 51<sup>st</sup> Street, and North 53<sup>rd</sup> Street. All properties adjacent to the proposed street closures are owned by UAFS. The application and a map showing the location of the proposed street closures are enclosed.

The UAFS is requesting the abandonment of the rights-of-way to increase the safety for students. Staff has notified property owners within 500 feet of the proposed street closures and to date none have expressed objections to the request.

In accordance with Arkansas law, the Board of Directors is required to set a public hearing on the proposed abandonment. Staff recommends that the Board of Directors set a public hearing date for October 18, 2016, for the purpose of reviewing this matter. Enclosed is a resolution for the Board's consideration.

In response to the petition to abandon the street right-of-way, staff has contacted all franchise utility companies and appropriate city departments relative to any ongoing or future interests that they may have within the street right-of-way. We will again notify all property owners within 500 feet of the requested street closures to let them know of the public hearing date.

If you have any questions regarding this matter, please do not hesitate to contact me.

Enc.

cc: Jeff Dingman, Deputy City Administrator

**CITY OF FORT SMITH, ARKANSAS  
REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY OR ALLEY**

**APPLICATION:**

Indicate one contact person for application: X Applicant \_\_\_\_\_ Representative

*Applicant (owner)*

*Representative (engineer, attorney, realtor, etc)*

Name: University of Arkansas-Fort Smith

Name: \_\_\_\_\_

Address: 5210 Grand Avenue, Fort Smith AR  
72913

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: 479-788-7005

E-Mail: paul.beran@uafs.edu

Site Address/Location: Kinkead Avenue from 49<sup>th</sup> Street to Waldron Road.

Legal Description of area to be vacated: Kinkead Avenue between 49<sup>th</sup> Street and Waldron Road including the intersections of 51<sup>st</sup> and 53<sup>rd</sup> Streets and Kinkead Avenue located adjacent to Grand Avenue Addition, Lot 12, Block 6, Sherwood Forest, Lot 1, Country Park Addition, Lots 10-11, Shelby Addition, Lots 8-9, College Heights Addition, Lots 4-6, and NW, NE Quarter of Section 14, Township 8, Range 32, city of Fort Smith, Sebastian County, Arkansas.

Assessor's Parcel Number for Subject Property:

17043-0001-00000-00, 11701-0011-00000-00, 117-01-0008-00000-00, 17026-0016-00000-00, 17026-0001-00000-00, 11573-0001-00000-00, 18883-0000-00488-00, and 13222-0007-00005-00.

Reason for Request:

Due to increased pedestrian traffic on the campus of the University of Arkansas-Fort Smith and student safety at the forefront of the campus community's interest, the University is seeking the vacating and abandonment of the above described real estate. The University has built and opened two new buildings since August of 2015 in the area described, namely, Windgate Art and Design and the Recreation and Wellness Center. The pedestrian traffic in this area has increased significantly since a previous study conducted by the Student Government Association in 2014 where more than 5,019 student crossings of Kinkead occurred over a two day span.

Current Status of Right-of-Way/Easement: Yes.

**APPLICANT/REPRESENTATIVE:** I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness,

determination, or approval.

I understand that if it is determined following review of the application by city staff that ongoing utility interests must be protected through easement dedications, the applicant or his authorized agent shall be required to develop and submit a fully executed easement.

Additionally, I understand that the applicant or agent will be required to execute a Memorandum of Understanding regarding any right-of-way abandonments and understand that no action will be taken by the Board of Directors on an abandonment request until said utility easement, if determined by staff is necessary, and Memorandum of Understanding are on file with the city.

I understand that I shall bear the expense of publication of notice given by the City in addition to the expense of publication of the ordinance after adoption by the Board of Directors.

Name: (printed) Paul B. Beran

Signature:  Date: 9/29/16

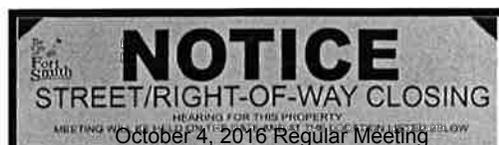
**Property Owner(s)/Authorized Agent:** *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

**Note: If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.**

**Application Checklist:**

- A list from the Sebastian County Assessor's Office showing all property owners within 300 feet of all perimeter points of the tract being considered for abandonment. (*County Assessor is located in Room 107 of the Sebastian County Courthouse*).
- Abstractor's Certificate of Ownership stating names of all owners of property abutting the property to be vacated
- Petition with signatures of all abutting property owners
- Metes and Bounds legal description of the area to be vacated (Provide hard copy and CD containing legal description in MS Word)
- Hard copy and PDF of survey of the site depicting the perimeter property lines and area within the property to be vacated
- Application Fee of \$150.00. This fee is non-refundable.

The Planning Department will post a sign like the one shown below at area proposed for vacation. Once the sign is posted, it must be left in place until the vacation is approved by the Board of Directors. The planning staff will remove the sign the following day after by the Board of Directors meeting.



PETITION TO VACATE

PETITION TO VACATE KINKEAD AVENUE BETWEEN 49<sup>TH</sup> STREET AND WALDRON ROAD INCLUDING THE INTERSECTIONS OF 51<sup>ST</sup> AND 53<sup>RD</sup> STREEETS AND KINKEAD AVENUE LOCATED ADJACENT TO GRAND AVENUE ADDITION, LOT 12, BLOCK 6, SHERWOOD FOREST, LOT 1, COUNTRY PARK ADDITION, LOTS 10-11, SHELBY ADDITION, LOTS 8-9, COLLEGE HEIGHTS ADDITION, LOTS 4-6, AND NW, NE QUARTER OF SECTION 14, TOWNSHIP 8, RANGE 32, CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

TO: Fort Smith City Directors

We, the undersigned, being the owners of real estate abutting street herin sought to be abandoned and vacated, lying in GRAND AVENUE ADDITION, LOT 12, BLOCK 6, SHERWOOD FOREST, LOT 1, COUNTRY PARK ADDITION, LOTS 10-11, SHELBY ADDITION, LOTS 8-9, COLLEGE HEIGHTS ADDITION, LOTS 4-6, AND NW, NE QUARTER OF SECTION 14, TOWNSHIP 8, RANGE 32, CITY OF FORT SMITH, SEBASTIAN COUNTY ARKANSAS. WHICH IS DESCRIBED AS FOLLOWS:

KINKEAD AVENUE BETWEEN 49<sup>TH</sup> STREET AND WALDRON ROAD INCLUDING THE INTERSECTIONS OF 51<sup>ST</sup> AND 53<sup>RD</sup> STREEETS AND KINKEAD AVENUE LOCATED ADJACENT TO GRAND AVENUE ADDITION, LOT 12, BLOCK 6, SHERWOOD FOREST, LOT 1, COUNTRY PARK ADDITION, LOTS 10-11, SHELBY ADDITION, LOTS 8-9, COLLEGE HEIGHTS ADDITION, LOTS 4-6, AND NW, NE QUARTER OF SECTION 14, TOWNSHIP 8, RANGE 32, CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

That the abutting real estate will not be adversely effected by the vacating of said roadway. The vacating of said roadway will increase safety aspects as it relates to the expanding presence of the University of Arkansas-Fort Smith and the students, staff and faculty of the University of Arkansas-Fort Smith.

The petitioners pray that the City of Fort Smith, Arkansas, abandon and vacate the above described real estate, subject to existing public utility easements, water line easements, sewer easements, or drainage easements as required, and the above described real estate be used for the respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREAS, the undersigned petitioners respectfully pray that the governing body of the city of Fort Smith, Arkansas, abandon and vacate the above described real estate, subject to existing public utility easements, water line easements, sewer easements, or drainage easements as required, and that title to said real estate sought to be abandoned be vested in the abutting owners as provided by law.

Dated this      day of                      2016

Paul B. Beran

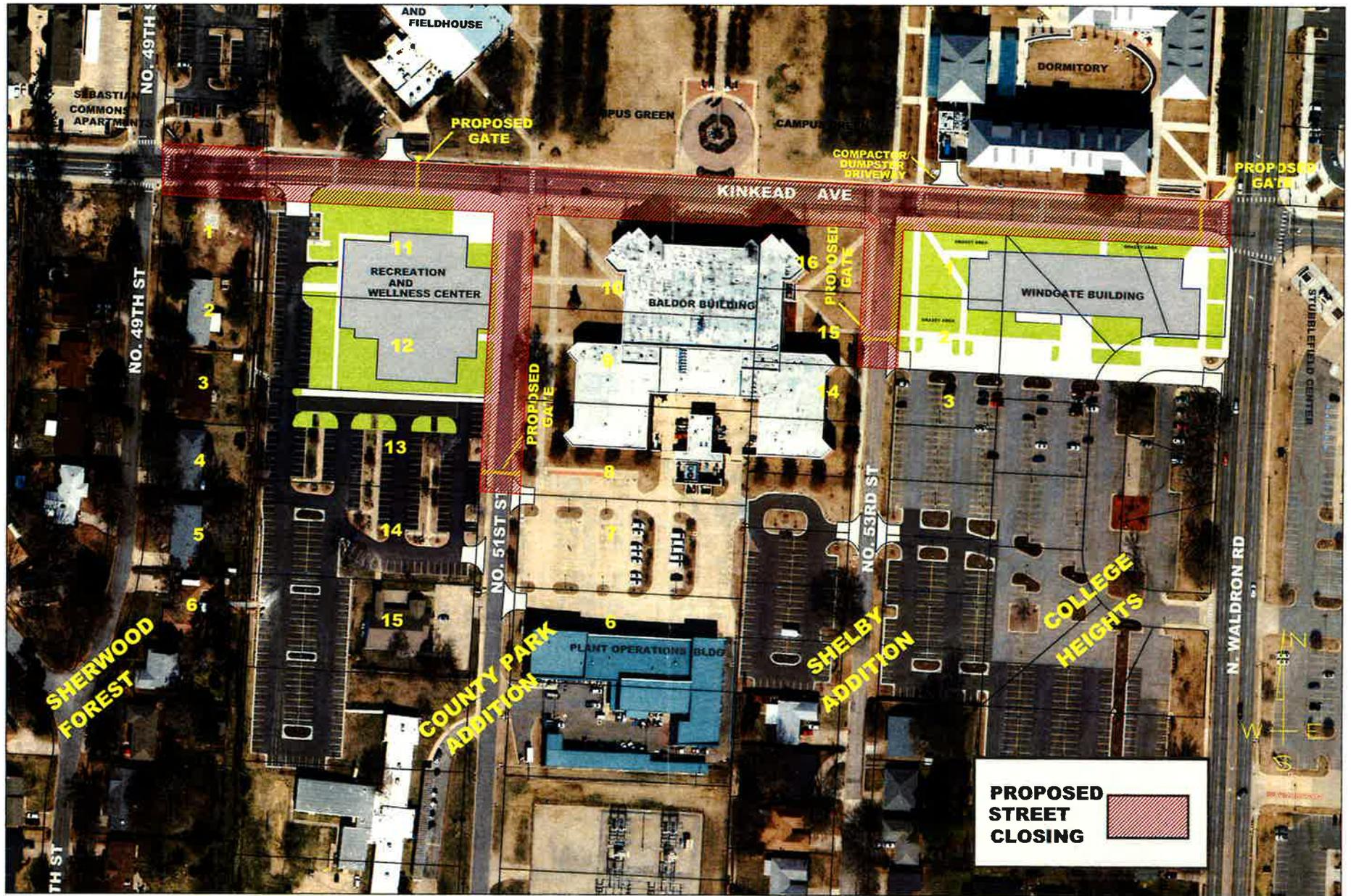
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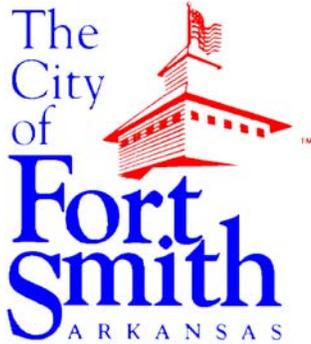
Printed Name



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Signature





Mayor – Sandy Sanders

City Administrator – Carl Geffken

City Clerk – Sherri Gard

**Board of Directors**

Ward 1 – Keith Lau

Ward 2 – Andre' Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Tracy Pennartz

At Large Position 6 – Kevin Settle

At Large Position 7 – Don Hutchings

# **AGENDA ~ Summary**

**Fort Smith Board of Directors**

**REGULAR MEETING**

**October 4, 2016 ~ 6:00 p.m.**

**Fort Smith Public Schools Service Center  
3205 Jenny Lind Road**

**THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214 AND ONLINE AT <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>**

## **INVOCATION & PLEDGE OF ALLEGIANCE**

Director Don Hutchings

## **ROLL CALL**

- All present, except Director Good
- Mayor Sandy Sanders presiding

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

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

Information available by viewing rebroadcast of the meeting on the City Access Channel 214, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-ofdirectors-meetings>

## **APPROVE MINUTES OF THE SEPTEMBER 20, 2016 REGULAR MEETING**

**APPROVED** as written

## **ITEMS OF BUSINESS:**

1. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned (NZ) to a Planned Zoning District (PZD) by classification at 6901 Wells Lake Road)*  
**APPROVED** 6 in favor, 0 opposed as amended to include the condition that the PZD design be reviewed and approved by the Fort Chaffee Redevelopment Authority and Design Review Committee / Ordinance No. 62-16

2. Ordinance rezoning identified property and amending the zoning map (*from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by extension located at 2200 - 2230 South "X" Street; 2117 - 2230 South "Y" Street; 2115, 2119, 2209, 2213, 2219, 2223 & 2229 South "Z" Street; 2500 – 2620 South 22<sup>nd</sup> Street; and, 2621 & 2601 South 21<sup>st</sup> Street*)

**APPROVED** 5 in favor, 1 opposed (Lau) / Ordinance No. 63-16

3. Presentation of 2015 Audit (*Comprehensive Annual Financial Report - CAFR*)  
**Presentation only**

4. Ordinance amending Appendix A, Section XVI of the Fort Smith Municipal Code regarding the City of Fort Smith Education Reimbursement Policy ~ *Pennartz/Lorenz placed on agenda at the September 27, 2016 study session ~*  
**TABLED** to the November 1, 2016 regular meeting 6 in favor, 0 opposed

5. Capital Improvement Programs (2017-2021)

- A. Resolution approving and authorizing implementation of the Five Year (2017-2021) Sales Tax Program for streets, bridges and related drainage improvements ~ *Lorenz/Pennartz placed on agenda at the September 27, 2016 study session ~*

**APPROVED** 6 in favor, 0 opposed / Resolution No. R-145-16

- B. Resolution approving and authorizing implementation of the Five Year (2017-2021) Capital Improvement Program for the 1/8% Sales and Use Tax (*Parks*) ~ *Lorenz/Pennartz placed on agenda at the September 27, 2016 study session ~*

**APPROVED** 6 in favor, 0 opposed as revised / Resolution No. R-146-16

- C. Resolution approving and authorizing implementation of the Five Year (2017-2021) Capital Improvement Program for Water & Wastewater Systems and Maintenance & Improvement ~ *Lorenz/Pennartz placed on agenda at the September 27, 2016 study session ~*

6 in favor, 0 opposed to consider CIP for Water and Wastewater as separate items.

- 5C1 Resolution approving and authorizing implementation of the Five-Year (2017-2021) Capital Improvement Program for Wastewater Systems

**APPROVED** 5 in favor, 1 opposed (Settle) / Resolution No. R-147-16

- 5C2 Resolution approving and authorizing implementation of the Five Year (2017-2021) Capital Improvement Program for Water Systems

**APPROVED** 6 in favor, 0 opposed as amended to adopt only the CIP for 2017 / Resolution No. R-148-16

6. Millage Ordinances

- A. Ordinance fixing the rate of and levying five (5.0) mills upon all taxable real and personal property in the city of Fort Smith, Arkansas for the year 2016 for general purposes

**APPROVED** 6 in favor, 0 opposed / Ordinance No. 64-16

- B. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property to be used for maintenance of a public-city library pursuant to the provisions of Amendment No. 30 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes

**APPROVED** 6 in favor, 0 opposed / Ordinance No. 65-16

- C. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Police Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes

**APPROVED** 6 in favor, 0 opposed / Ordinance No. 66-16

- D. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Fire Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes

**APPROVED** 6 in favor, 0 opposed / Ordinance No. 67-16

7. Resolution accepting the project as complete and authorizing final payment to Norman Company, Inc. for the Renovation and Furnishings of the Library Annex Building for use as Office Space (\$430.71 / Utility Department / Budgeted – 2015 Revenue Bonds) •

**APPROVED** 6 in favor, 0 opposed / Resolution No. R-149-16

8. Consent Agenda

- A. Resolution adopting annual audit requirements and retaining BKD, LLP as external auditors

**APPROVED** 6 in favor, 0 opposed / Resolution No. R-150-16

- B. Resolution authorizing partial payment to S.J. Louis Construction of Texas, LTD for the construction of the Lake Fort Smith Water Transmission Line – Phase I (\$1,333,170.92 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds) ♦

**APPROVED** 6 in favor, 0 opposed / Resolution No. R-151-16

- C. Resolution setting public hearing date on petition to vacate a portions of Kinkead Avenue, North 51<sup>st</sup> Street and North 53rd Street located in the City of Fort Smith, Arkansas ~ *Pending filing of application* ~ **APPROVED** 5 in favor, 0 opposed, 1 abstention (Pennartz) / Resolution No. R-152-16

**OFFICIALS FORUM ~ presentation of information requiring no official action**  
*(Section 2-36 of Ordinance No. 24-10)*

- Mayor
- Directors
- City Administrator

Information available by viewing rebroadcast of the meeting on the City Access Channel 214, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-ofdirectors-meetings>

**ADJOURN**  
7:38 p.m.

## MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ OCTOBER 4, 2016 ~ 6:00 P.M.

### FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Director Don Hutchings, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Mike Lorenz, George Catsavis, Tracy Pennartz, Kevin Settle and Don Hutchings; absent - Director Andre' Good. The Mayor declared a quorum present.

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

The minutes of the September 20, 2016 regular meeting was presented for approval. Hutchings, seconded by Lorenz, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

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

Item No. 1 was an ordinance rezoning identified property and amending the zoning map (*from Not Zoned (NZ) to a Planned Zoning District (PZD) by classification at 6901 Wells Lake Road*).

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Ron Brixey, agent for Johnny N.T. Nguyen and Chao M. Do. The purpose of the requested rezoning is to place a planned zoning district (PZD) on fourteen (14) acres allowing for the construction of a multi-family residential

**October 4, 2016 Regular Meeting**

development consisting of fifty (50) duplexes and a proposed eighteen (18) unit apartment building. The subject development also includes a proposed office/clubhouse building and an area of approximately 0.8 acres for future commercial development. The duplex housing portion of the site will be proposed as a retirement village with the intent of attracting residents over the age of fifty-five (55). The proposed development maintains access and egress on Veterans Avenue and Wells Lake Road. A neighborhood meeting was held September 6, 2016 with no neighboring or surrounding property owners in attendance. The Planning Commission held a public hearing on September 13, 2016 with no individual present to speak in opposition to the request. The Planning Commission amended the request to make approval subject to the following:

- ▶ Compliance with the submitted project booklet and the development plans as approved by the Planning Commission.
- ▶ A development plan for the eighteen (18) unit apartment complex, the office/clubhouse, and the future commercial development shall be submitted for Planning Commission review and approval prior to the issuance of any building permit for these phases of the development.

The Planning Commission approved the amended request by vote of nine (9) in favor and zero (0) opposed.

Pennartz, seconded by Lau, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings.

Prior to the vote, Director Lau conveyed concern with the design of the proposed development, i.e. the non-existence of neither sidewalks nor overflow parking, the inclusion

***October 4, 2016 Regular Meeting***

of low-rent housing being next to a retirement community, and that the final design has not been presented or fully reviewed by the Fort Chaffee Redevelopment Authority (FCRA) Design Review Committee prior to the Board's consideration. He further inquired if the retirement community is a guaranteed inclusion within the development or if such may be reconsidered as the development progresses.

Mr. Bailey advised developers typically do not expend funds for final design of a development until the zoning is approved by the Board as the project is typically dependent upon Board approval. He further clarified that no building permit will be issued until all aspects of the development have been thoroughly vetted by all interested parties.

Agent Ron Brixey addressed the Board and confirmed Mr. Bailey's comment that the final design is not complete because the applicant does not wish to expend the funds for such until the Board approves the proposed rezoning. With regard to the concern for sidewalks, he conveyed no objection to relaying the request to his client for inclusion. Regarding the non-existence of overflow parking, due to the preliminary design and in order to address such, the Fire Department has recommended that on-street parking be prohibited on one (1) side of the street. Regarding confirmation of the inclusion of the retirement area, the PZD project booklet identifies the area will be marketed for retirement use and he foresees no intent to amend the proposed usage. The development contains multiple buildings; therefore, he advised he anticipates the structures will be constructed ten (10) buildings at a time.

Director Settle questioned if it would better for the matter to be reviewed by the FCRA Design Review Committee first. Concern was expressed the proposed development

**October 4, 2016 Regular Meeting**

will push traffic to surrounding streets creating a traffic problem and that the noise from a nearby business may create a disturbance for the residents residing within the retirement area of the development. He further inquired if the subject development is anticipated to create any drainage issues. Due to the numerous concerns with the preliminary design, he questioned if the item should be tabled until all concerns can be addressed. Some of the duplexes include garages and some do not; therefore, he recommended the plan be amended that garages be included for all duplexes.

Mr. Bailey advised that, in most instances, it's better for the matter to be considered by the City of Fort Smith first so utility and drainage issues can be addressed prior to review by the FCRA Design Review Committee. With regard to traffic concerns and drainage issues, the Engineering Department and Fire Department have reviewed the preliminary plans for the development and have determined no foreseeable issues.

Regarding the inclusion of garages on all duplexes, Mr. Brixey expressed concern with such citing the development is intended into include apartments for low-rent house, duplexes without garages for mid-level income residents and duplexes with garages for higher-level income residents. If garages are included for all duplexes, he fears they may not have "*as many*" renters within the development.

With regard to tabling the matter, Mayor Sanders requested confirmation that all aspects of the development will be presented to the Planning Commission for additional approval.

Mr. Bailey advised only the duplex area of the development requires no additional approval; therefore, everything else within the proposed development will go back to the

**October 4, 2016 Regular Meeting**

Planning Commission for approval. He further noted that in the event traffic issues arise within the development, i.e. speeding, because the roadways are “internal streets”, traffic calming devices can be an option to address such.

Lau, seconded by Hutchings, moved to table consideration of the item pending review by the FCRA Design Review Committee.

Prior to the vote, Director Catsavis inquired if tabling the matter will adversely effect the developers timetable to move forward with the development.

Mr. Brixey advised the development must still go before the FCRA Design Review Committee, as well as the aforementioned additional approvals required by the Planning Commission; therefore, he stated, *“a month is probably not going to kill us.”*

Mayor Sanders inquired if Mr. Brixey can meet prior to presentation to the FCRA Design Review Committee to possibly address the aforementioned concerns.

Mr. Bailey advised he actually serves as chairman for the FCRA Design Review Committee and advised additional information will be required from the developer before the FCRA Design Review Committee can make their final determination. He further clarified that no building permit will be issued until such approval is received.

Director Pennartz questioned if Mr. Brixey has met with the FCRA Design Review Committee whereby Mr. Brixey responded *“no”*; however, he forwarded the preliminary design to FCRA and conveyed acknowledgment of FCRA’s design requirements.

Director Lau, with concurrence of Director Hutchings who provided the second to the current motion on the floor, rescinded the motion to table consideration of the item.

Lau, seconded by Lorenz, moved to amend the ordinance to include a provision that

**October 4, 2016 Regular Meeting**

the design be reviewed and approved by the FCRA Design Review Committee. The members present all voting affirmatively, the Mayor declared the motion carried the ordinance stood amended.

Settle, seconded by Lorenz, moved adoption of the ordinance as amended. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 62-16.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by extension located at 2200 - 2230 South "X" Street; 2117 - 2230 South "Y" Street; 2115, 2119, 2209, 2213, 2219, 2223 & 2229 South "Z" Street; 2500 - 2620 South 22nd Street; and, 2621 & 2601 South 21st Street*).

Mr. Bailey briefed the Board on the item advising such is per the request of Walter Johnson, agent for the Parkhill Subdivision neighborhood. The purpose of the proposed neighborhood rezoning is to ensure the area, which is currently developed with single family homes, is sustained for single-family use. The current zoning of residential multifamily (RM-3) permits duplexes and apartments. The subject area contains thirty-nine (39) single family homes with only two (2) properties that have more than one (1) dwelling units, i.e. 2209 South "Z" Street and 2222 South "Y" Street. Upon approval of the proposed, the two (2) aforementioned structures will become nonconforming properties because the lots have more than one (1) principle structure on them. The Planning Commission held a public hearing on September 13, 2016 with Mr. Don Tate, owner of a nearby duplex, expressed concern regarding his ability to rebuild his duplexes if they were

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to be destroyed. It was determined that Mr. Tate's property was not included within the proposed rezoning area. The Planning Commission approved the proposed rezoning by a vote of nine (9) in favor and zero (0) opposed.

The following individual was present to address the Board:

- Les L. Johnson  
Fort Smith, Arkansas

Re: Advised she is a resident of the subject area citing such is a historic neighborhood and the residents wish to preserve such for single-family homes; therefore, she recommended approval.

Catsavis, seconded by Settle, moved adoption of the item. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings.

Prior to the vote, Director Lau moved to amend the ordinance by removing the two (2) non-conforming properties, i.e. 2222 South "Y" Street and 2209 South "Z" Street. No second was offered; therefore, the Mayor declared the motion died for lack of a second.

The original motion remaining on the floor, the members present all voted affirmatively with the exception of Director Lau, who voted "no." The Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 63-16.

Item No. 3 was presentation of 2015 Audit (*Comprehensive Annual Financial Report - CAFR*)

Mr. George Moshner, Chair of the Audit Advisory Committee, addressed the Board advising an electronic copy of the CAFR was previously provided to the Board prior to the

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meeting. The audit report was prepared by BKD, LLC and has been reviewed by the Audit Advisory Committee (AAC); therefore, she introduced George Moschner, Chair of the AAC.

Mr. Moschner addressed the Board and provided a written report of his comments to each member of the Board, which is attached as Exhibit A.

Mayor Sanders and Directors Lau, Pennartz and Settle extended much appreciation to the AAC and Finance Department staff for their efforts to ensure a clean, annual audit.

Director Lau recommended the AAC charter be amended to include an additional member with human resources experience. He further noted that past recommendations of the AAC have not be presented to the Board for approval and merely considered at the administrative level. Due to such, he requested any recommendation of the AAC be presented to the Board for approval whereby Directors Settle and Pennartz noted concurrence that the aforementioned (additional member and Board approval) be accomplished.

Item No. 4 was an ordinance amending Appendix A, Section XVI of the Fort Smith Municipal Code regarding the City of Fort Smith Education Reimbursement Policy ~ *Pennartz/Lorenz placed on agenda at the September 27, 2016 study session ~*

City Administrator Carl Geffken briefed the Board on the item advising he recently spoke with Dr. Paul Beran, Chancellor for the University of Arkansas Fort Smith (UAFS), who has offered recommended amendments to the proposed policy; therefore, in order to review such, he urged the Board to table consideration of the item to the November 1, 2016 regular meeting.

Lorenz, seconded by Catsavis, moved to table consideration of the item to the

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November 1, 2016 regular meeting. The members present all voting affirmatively, the Mayor declared the motion carried.

Item No. 5 consisted of the following Capital Improvement Programs (2017-2021):

- A. Resolution approving and authorizing implementation of the Five Year (2017-2021) Sales Tax Program for streets, bridges and related drainage improvements ~ *Lorenz/Pennartz placed on agenda at the September 27, 2016 study session ~*
- B. Resolution approving and authorizing implementation of the Five Year (2017-2021) Capital Improvement Program for the 1/8% Sales and Use Tax (Parks) ~ *Lorenz/Pennartz placed on agenda at the September 27, 2016 study session ~*
- C. Resolution approving and authorizing implementation of the Five Year (2017-2021) Capital Improvement Program for Water & Wastewater Systems and Maintenance & Improvement ~ *Lorenz/Pennartz placed on agenda at the September 27, 2016 study session ~*

Regarding Item No. 5A, Director of Engineering Stan Snodgrass briefed the Board on the item as reviewed at the September 27, 2016 study session. The Streets, Bridges and Associated Drainage Capital Improvement Plan Advisory Committee reviewed the proposed CIP and unanimously approved such for recommendation to the Board of Directors at their August 24, 2016 meeting.

Pennartz, seconded by Hutchings, moved adoption of Item No. 5A. There being no Director wishing to comment and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-145-16.

Regarding Item No. 5B, Mayor Sanders advised there were minor errors within the CIP information included within the board packet; however, the necessary corrections have

**October 4, 2016 Regular Meeting**

been made and such was presented to the Board prior to the meeting. Due to the noted revisions, the motion to adopt the resolution should include “*as revised.*”

Director of Parks and Recreation Doug Reinert briefed the Board on the item as discussed at the September 27, 2016 study session. The Parks and Recreation Commission reviewed the proposed CIP and approved such to be presented to the Board of Directors for consideration.

Pennartz, seconded by Hutchings, moved adoption of Item No. 5B as revised.

Prior to the vote, Director Settle requested confirmation that the project entitled, *Riverfront Drive Property Improvements*, is the soccer fields on Riverfront Drive whereby such was confirmed. Regardless, he expressed concern that personnel is approximately eleven percent (11%) of the budget, which he feels is too high, and such should be reduced to make more funds available for parks projects.

Director Pennartz conveyed much appreciation to the Parks Department for their efforts in obtaining multiple grants to fund parks projects, which allows City funds to be devoted to other projects. Although she conveyed concurrence with the aforementioned comments of Director Settle, she alleged such “*may be unrealistic*” citing necessary funds should be available to maintain all the parks, which in reality means hard supplies/equipment and personnel.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-146-16.

Regarding Item No. 5C, Interim Director of Utilities Bob Roddy briefed the Board on

**October 4, 2016 Regular Meeting**

the item as discussed at the September 27, 2016 study session. The vast majority of the projects are associated with Consent Decree compliance. He forewarned the numbers associated with the Massard Wastewater Treatment Plant are merely placeholder numbers. A higher amount is included due to staff concern with potential changes in regulatory requirements that 'could' create a higher expense; however, he conveyed the some assurance that the noted amounts will most likely be less than anticipated.

Hutchings, seconded by Lau, moved adoption of Item No. 5C.

Prior to the vote, Pennartz, seconded by Lau, moved to amend Item No. 5C to consider the CIP's for water and wastewater as separate items. The members present all voting affirmatively, the Mayor declared the motion carried.

Mayor Sanders clarified Item No. 5C will now consist of two (2) resolutions, which will be renumbered and considered as follows:

- 5C1. Resolution approving and authorizing implementation of the Five-Year (2017-2021) Capital Improvement Program for Wastewater Systems
- 5C2. Resolution approving and authorizing implementation of the Five-Year (2017-2021) Capital Improvement Program for Water Systems

Director Settle expressed discontent that the Board was not advised of the potential that the Massard Wastewater Treatment Plant would require improvements, noting understanding that such is not the fault of current staff, but due to additional regulatory requirements. Due to such, he conveyed great concern with the financial impact such will have on the residents of the city of Fort Smith, who are currently "*struggling*" to make ends meet.

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Mr. Roddy noted concurrence with Director Settle and in the event the potential regulatory requirements come to fruition, he highly recommended the City take the position that such requirements were not included within the Consent Decree Order.

Pennartz, seconded by Lau, moved adoption of Item No. 5C1 as amended.

Prior to the vote, Director Pennartz alleged approximately ninety-seven percent (97%) of the proposed are related to the Consent Decree and requested confirmation.

Mr. Roddy confirmed such is a very high percentage, but noted such is closer in range of eighty (80) to ninety (90) percent.

The motion remaining on the floor, the members present all voted affirmatively with the exception of Director Settle, who voted “no.” The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-147-16.

Lorenz, seconded by Hutchings, moved adoption of Item No. 5C2 as amended.

Prior to the vote, Director Lau expressed great concern with the inclusion of projects within the proposed Wastewater CIP without a definitive funding source. Due to such, he conveyed his intent to vote “no” on the item. With regard to the 2017 CIP, he inquired if funding is available for said projects whereby Mr. Roddy responded affirmatively.

Director Pennartz commented that according to the proposed CIP, increased and/or greater funding will be needed in the later years to move forward with the CIP projects. Great concern was expressed with the necessity of a water rate increase in the future citing its financial impact on residents, especially when the wastewater rates have recently been increased. She further conveyed concern that such will adversely effect the affordability factor of living in Fort Smith, which will in turn effect the City’s ability to bring viable jobs to the community.

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Due to the concerns expressed, Mr. Roddy advised the Utility Department is currently in process of financial review, which is close to completion. Upon completion, he intends to bring any change to the proposed numbers back to the Board for amendment.

Lau, seconded by Pennartz, moved to amend Item No. 5C2 to adopt only the CIP for Year 2017. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution stood amended.

Director Catsavis reiterated concern with the aforementioned and anticipated water rate increase and inquired if future funding sources are being considered.

Administrator Geffken reiterated the Utility Department staff is currently looking into the matter and will such will be brought back to the Board in the near future. He reminded all the subject item is the first time the Utility CIP has been brought to the Board citing was long "overdue."

Mr. Roddy conveyed assurance the Utility Department staff has scrutinized the projects and associated costs to ensure budgetary needs are adequately conveyed to the Board.

Director Pennartz noted that if circumstances arise that constitute a change within the CIP, she recommended such be presented to the Board of Directors.

Lau, seconded by Pennartz, moved adoption of Item No. 5C2 as amended. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-148-16.

Item No. 6 consisted of the following millage ordinances:

- A. Ordinance fixing the rate of and levying five (5.0) mills upon all taxable real and personal property in the city of Fort Smith, Arkansas for the year 2016 for general purposes

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- B. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property to be used for maintenance of a public-city library pursuant to the provisions of Amendment No. 30 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
- C. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Police Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
- D. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Fire Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes

Administrator Geffken briefed the Board on the items advising the annual ordinances contain no change and is a continuation of the existing millage rates. With the exception of the millage for the public city-library, the millage rates are currently at the maximum allowed by State law. Upon approval, the ordinances will be certified to the Sebastian County Clerk for presenting to the Quorum Court at their November meeting when considering the millage for all cities in Sebastian County.

Lorenz, seconded by Pennartz, moved adoption of the ordinances. The motion included suspending the rule to allow the three (3) full readings of the ordinances to be by caption and for the readings to occur on the same date. The City Clerk read the ordinances for their readings. There being no Director wishing to comment and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinances were adopted and given Ordinance No. 64-16 through 67-16 respectively.

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Item No. 7 was a resolution accepting the project as complete and authorizing final payment to Norman Company, Inc. for the Renovation and Furnishings of the Library Annex Building for use as Office Space (\$430.71 / Utility Department / Budgeted - 2015 Revenue Bonds) • Consent Decree Item

Mr. Roddy briefed the Board on the item advising staff has reviewed the final invoice for the project and agrees the contractor has satisfactorily provided all components of Group B and Group E (case goods and meeting chairs) of the subject contract; therefore, he recommended approval of the item.

Settle, seconded by Hutchings, moved adoption of the resolution. There being no Director wishing to comment and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-149-16.

The consent agenda (Item No. 8) consisting of the following items was presented for consideration:

- A. Resolution adopting annual audit requirements and retaining BKD, LLP as external auditors
- B. Resolution authorizing partial payment to S.J. Louis Construction of Texas, LTD for the construction of the Lake Fort Smith Water Transmission Line - Phase I (\$1,333,170.92 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds) ♦ Future Fort Smith item
- C. Resolution setting public hearing date on petition to vacate a portions of Kinkead Avenue, North 51st Street and North 53rd Street located in the City of Fort Smith, Arkansas

Hutchings, seconded by Settle, moved adoption of all consent agenda items.

Prior to the vote and regarding Item No. 5C, Mayor Sanders noted the public

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hearing is scheduled for the November 1, 2016 regular meeting and such will be on the regular portion of the agenda.

Administrator Geffken also conveyed everything is in order to proceed with the proposed closure citing the City is thankful to be working so collaboratively with the University of Arkansas Fort Smith.

The motion remaining on the floor, the members present all voted affirmatively on all items with the exception of Item No. 8C whereby Director Pennartz abstained citing she serves as an adjunct instructor for the University of Arkansas Fort Smith. The Mayor declared the motion carried and the resolutions were adopted and numbered R-150-16 through R-152-16 respectively.

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

- Mayor Sanders

- Re:
1. Announced the Ward 4 Neighborhood Meeting is set for 6:00 p.m., Thursday, October 6, 2016 at the John P. Woods Elementary School Cafeteria, 3201 Massard Road.
  2. Announced the bi-annual citywide cleanup is scheduled for October 15 - 22, 2016 advising four (4) locations will be available for residents to drop off household items.

- Administrator Geffken

- Re: Announced the Board will hold a special study session at 12:00 Noon, Monday, October 10, 2016 at the Elm Grove Community Center, 1901 North Greenwood Avenue to review third party administrator services proposals for employee insurance coverage. The newly hired Director of Human Resources will be in attendance.

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Mayor Sanders noted the monthly Town Hall meeting will be held immediately following adjournment and encouraged those wishing to address the Board to sign up at the City Clerk's desk.

There being no further business to come before the Board, Hutchings moved that the meeting adjourn. The motion was seconded by Settle and the members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:38 p.m.

**APPROVED:**

  
MAYOR

**ATTEST:**

  
CITY CLERK

City of Fort Smith, Arkansas  
2015 Audit Reports Presentation Notes  
October 4, 2016

by George E. Moschner, Audit Advisory Committee Chairman

*Presented to the Board  
by George Moschner  
at the 10/4/2016 regular  
meeting*

1. Audit reports presentation includes:
  - a. Independent Auditor's Report (pages 16 – 19)
  - b. The various financial statements and supplementary information (pages 32 – 49 and 126 – 155)
  - c. Compliance with certain state statutes (page 184)
  - d. Single Audit Reports and Schedule of Expenditures of Federal Awards – separate report.
  - e. Comprehensive report covering the City and all of its component units
  - f. Certificate of Achievement for Excellence in Financial Reporting (year 2014) (30<sup>th</sup> consecutive year this award has been received)
2. Required management letter communications
3. Audit advisory committee meeting on 9/26/2016 consisted of:
  - a. Review of each report and management letter in detail
  - b. Comments from the City finance staff
    - i. Certain new accounting standards adopted during the current year. GASB 68 adoption, Accounting and Financial Reporting for Pensions – page 24: \$45.8 M negative adjustment and Note 14, page 123. Other standard adoptions did not have a significant effect on the financial statements
    - ii. Several new standards will be implemented in the future and their effect on the financial statements has not yet been determined.
    - iii. The City was in compliance with the required water and sewer bond debt service coverage ratio of 110%. See operating income of \$7.3 M on page 44.
  - c. Presentation by independent external auditors – BKD, LLP
    - i. Presented their reports and made comments
    - ii. Unqualified opinions were issued for each report.
    - iii. Management letter comments and findings:
      - Fixed asset accounting and the recording of depreciation expense – repeat – significant deficiency – adopting new software and implementing new controls during 2016.
      - Lack of proper year end accounts payable cutoff and accrual
      - Two prior year findings were resolved
      - 7 general comments
      - LOPFI fund balance comments
      - Other Postemployment Benefits (OPEB) Liability
      - New GASB standards
  - d. Committee members' questions and comments were addressed and resolved
  - e. Both finance department and auditors agreed in private meetings that the audit process went well. There are no comments to report from either of these meetings.
4. Three adjustments were proposed:  
Accumulated depreciation, accounts payable and open reserve liability.
5. The audit report doesn't address all the good things the City and its staff accomplished.