

Mayor – Sandy Sanders

Acting City Administrator – Jeff Dingman

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 ~Revised~ SUMMARY

Fort Smith Board of Directors

REGULAR MEETING

March 1, 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

Worship Pastor Dino Hutchings, Evangel Temple

ROLL CALL

- All present, except Director Don Hutchings
- 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 FEBRUARY 16, 2016 REGULAR MEETING AND THE FEBRUARY 18, 2016 SPECIAL MEETING

APPROVED as written

ITEMS OF BUSINESS:

1. Items relative to economic development (*Glatfelter Advanced Materials N.A., Inc.*):
 - A. Resolution of intent to issue Industrial Development Revenue Bonds
APPROVED 6 in favor, 0 opposed / Resolution No. R-27-16

B. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003)

APPROVED 6 in favor, 0 opposed / Resolution No. R-28-16

C. Resolution authorizing the Mayor to execute a letter of termination regarding the local incentives definitive agreement authorizing the Mayor to execute all documents necessary from the City to facilitate the conveyance of property at 8201 Chad Colley Boulevard

APPROVED 6 in favor, 0 opposed / Resolution No. R-29-16

The agenda has been revised to include the above resolutions, which were not initially provided in the board packet distributed on Friday, February 26, 2016 pending a public announcement regarding same.

2. One-year report regarding implementation of the Comprehensive Plan ♦
Presentation only

3. Ordinance amending the Fort Smith Trails and Greenways Master Plan
APPROVED 6 in favor, 0 opposed / Ordinance No. 14-16

4. Ordinance amending the Master Land Use Plan Map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Open Space / Residential Detached to Office Research Light Industrial (ORLI) / Rezoning: from Commercial Light (C-2) to a Planned Zoning District (PZD) by classification located at 5500 Massard Road*)
APPROVED 4 in favor, 1 opposed (Pennartz) and 1 abstention (Catsavis) / **FIRST READING**

5. Items regarding an appeal of the Planning Commission's denial of a conditional use permit (*appeal of Alvin L. Prieur, agent for Mahmoud "Mike" Yasin*)
~ Tabled for sixty (60) days at the November 3, 2015 regular meeting / Tabled for additional sixty (60) days at the January 5, 2016 regular meeting ~
TABLED INDEFINITELY 6 in favor, 0 opposed

A. Resolution approving an appeal of Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue

B. Resolution affirming the action of the Planning Commission denying Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue

6. Ordinance rezoning identified property and amending the zoning map (*from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by classification located at 7821 Texas Road*)
APPROVED 6 in favor, 0 opposed / Ordinance No. 15-16

7. Ordinance rezoning identified property and amending the zoning map (*from Commercial Light (C-2) and Commercial Heavy (C-5) to Commercial Heavy (C-5) by extension located at 5710 Rogers Avenue*)
APPROVED 6 in favor, 0 opposed / Ordinance No. 16-16
8. Ordinance rezoning identified property and amending the zoning map (*from Commercial-5-Special (C-5-SPL) to Commercial-5-Special (C-5-SPL) located at 4501 & 4801 Phoenix Avenue*)
APPROVED 6 in favor, 0 opposed as revised to correct “4501 & 4801 Phoenix Avenue” to “4501 to 4801 Phoenix Avenue” / Ordinance No. 17-16
9. Ordinance amending the Master Land Use Plan Map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Residential Detached to Residential Attached / Rezoning: from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by classification located at 2511 Spradling Avenue*)
APPROVED 6 in favor, 0 opposed / Ordinance No. 18-16
10. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by classification located at 10001 Chad Colley Boulevard*)
APPROVED 6 in favor, 0 opposed / Ordinance No. 19-16
11. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for Consent Decree Program Management Services (\$8,514,088.00 / Utility Department / Budgeted – Water and Sewer Operating Revenue Funds) ♦ ● ~ Tabled for two (2) weeks at the February 16, 2016 regular meeting ~
APPROVED 6 in favor, 0 opposed / Resolution No. R-30-16
12. Resolution accepting the bids and authorizing contracts for the renovation and furnishings for the Library Annex Building for use as office space (\$1,125,075.48 / Utility Department / Budgeted – 2015 Revenue Bonds) ♦ ●
APPROVED 6 in favor, 0 opposed / Resolution No. R-31-16
13. Consent Agenda
 - A. Resolution granting a temporary revocable license for the placement of a monument sign in a public right-of-way and authorizing the Mayor to execute agreement (*8999 Massard Road*)
APPROVED 6 in favor, 0 opposed / Resolution No. R-32-16
 - B. Resolution granting a temporary revocable license for the placement of landscaping in a right-of-way and authorizing the Mayor to execute agreement (*74 South 4th Street*)
APPROVED 6 in favor, 0 opposed / Resolution No. R-33-16

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

7:27 p.m.

RESOLUTION NO. R-27-16RESOLUTION OF INTENT TO ISSUE
INDUSTRIAL DEVELOPMENT REVENUE BONDS

WHEREAS, the City of Fort Smith, Arkansas (the "City") is authorized by the laws of the State of Arkansas, including particularly Title 14, Chapter 164, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Act"), to issue revenue bonds for financing the costs of acquiring, constructing and equipping industrial facilities; and

WHEREAS, it is proposed that the City issue its revenue bonds under the Act for the purpose of financing an industrial project located in the City (the "Project") for use by Glatfelter Advanced Materials, N.A., Inc., a Delaware corporation (the "Company"), and/or any affiliate designated by the Company; and

WHEREAS, the Project will generally consist of the acquisition and renovation of an existing facility located at 8201 Chad Colley Blvd., Fort Smith, Arkansas 72902, together with the acquisition and installation of various machinery, equipment and other personal property, to be used for the manufacture of paper products; and

WHEREAS, in order to secure and develop industry in furtherance of the public purpose of the Act, the City is willing to proceed with the issuance of the bonds as and when requested by the Company involved, subject to compliance with all conditions set forth in the Act;

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

Section 1. The City hereby states its intention to assist in the accomplishment of the Project and at such time as it may be properly called upon to do so to issue its revenue bonds to finance the same, subject to the following:

(a) It is estimated at this time that revenue bonds in the approximate principal amount of \$75,000,000 will be issued to finance the Project. However, the City's commitment is to issue revenue bonds under the Act in such amount for accomplishing all or any part of the Project, whether that amount is more or less than the above estimate.

(b) The bonds will be special obligations of the City, and in no event will they constitute an indebtedness for which the faith and credit of the City or any of its revenues are pledged.

(c) The City will not be called upon to pay any costs or expenses incurred in connection with the authorization and issuance of the bonds, and all such costs and expenses will be paid out of the proceeds of the bonds or by the Company involved.

Section 2. The City is informed and understands that the properties comprising the Project may be exempt from ad valorem taxes. In such case, the City desires to enter into an agreement for the Company involved to make payments in lieu of taxes. The amount and other details concerning such payments will be embodied in an appropriate agreement which is mutually acceptable to the Company and the City.

Section 3. This Resolution shall be effective immediately upon its passage.

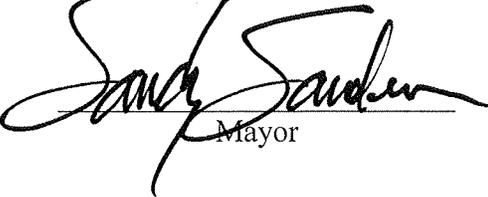
PASSED: March 1, 2016.

ATTEST:



City Clerk

APPROVED:

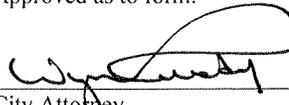


Mayor

(SEAL)



Approved as to form:



City Attorney
No Publication Required

CERTIFICATE

The undersigned, City Clerk of the City of Fort Smith, Arkansas, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular session of the Board of Directors of the City of Fort Smith, Arkansas, held at the regular meeting place of the Board at 6:00'clock p.m., on the 1st day of March, 2016. The Resolution appears in the official minutes of the meeting which are in my custody.

CERTIFIED this 1st day of March, 2016.



City Clerk

(SEAL)



Tax Back

Resolution



RESOLUTION No. R-28-16

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

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

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

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

WHEREAS, Glatfelter Advanced Materials N.A., Inc., located at 8201 Chad Colley Boulevard, Fort Smith, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from construction and/or expansion of the specific facility; and

WHEREAS, Glatfelter Advanced Materials N.A., Inc. has agreed to furnish the local government all necessary information for compliance.

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

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

Date Passed: March 1, 2016

Attest: Sherril Gard
City Clerk

[Signature]
Mayor

[Signature]
City Attorney
Approved as to Form

RESOLUTION NO. R-29-16

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF TERMINATION REGARDING THE LOCAL INCENTIVES DEFINITIVE AGREEMENT AUTHORIZED BY RESOLUTION NO. R-108-10; AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FROM THE CITY TO FACILITATE THE CONVEYANCE OF PROPERTY AT 8201 CHAD COLLEY BOULEVARD

WHEREAS, the City of Fort Smith, Arkansas is party to a Local Incentives Definitive Agreement (the "Agreement"), as authorized by Resolution No. R-108-10 on June 15, 2010; and

WHEREAS, such Agreement enumerated specific obligations on behalf of the parties to the Agreement, which include the City of Fort Smith, the Fort Chaffee Redevelopment Authority, Sebastian County, the Fort Smith Regional Chamber of Commerce, and Mitsubishi Power Systems Americas, Inc. ("MHPSA"), related to an economic development project at 8201 Chad Colley Boulevard in Fort Smith, Arkansas, a property more particularly described on Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the City of Fort Smith, as per its obligations under the Agreement, participated as Issuer in Act 9 Financing resulting in the issuance of Industrial Development Revenue Bonds (the "Bonds") to facilitate the economic development project, and

WHEREAS, as per the process of the Act 9 Financing, the City took legal ownership of the property until such time as the Bonds are satisfied per the terms of the associated Lease Agreement and PILOT Agreement; and

WHEREAS, the terms of the Lease Agreement and PILOT Agreement related to the Act 9 Financing were satisfied with Mitsubishi Power Systems Americas, Inc. payment of the Bonds on February 29, 2016; and

WHEREAS, although the project never fully developed as intended by the parties, all parties to the Agreement have cooperated to recruit a new project to the facility that will make use of the constructed facility, will create new jobs in Fort Smith, and will have a positive impact on the economies of Fort Smith, Sebastian County, and the State of Arkansas.

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

Section 1. Upon verification of successful conveyance of the property located at 8201 Chad Colley Boulevard to a third party purchaser, the Mayor is hereby authorized to execute the Termination Letter, attached hereto and incorporated by reference, agreeing to the termination of the Local Incentives Definitive Agreement authorized by Resolution No. R-108-10 on June 15, 2010 and the termination of the PILOT Agreement entered into for purposes of Act 9 Financing; and

Section 2. The Mayor is hereby authorized to execute any documents as may be required of the city in order to facilitate the conveyance of property at 8201 Chad Colley Boulevard in Fort Smith, more particularly described on Exhibit "A" attached hereto and incorporated herein; and

Section 3. This Resolution shall be effective immediately upon its passage.

ADOPTED by the Board of Directors of the City of Fort Smith on this 1st day of March, 2016.

APPROVED:


Mayor

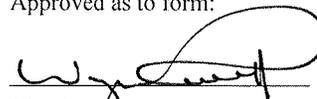
ATTEST:


City Clerk

(SEAL)



Approved as to form:


City Attorney

No publication required

EXHIBIT "A"

Lot 1, Mitsubishi Addition to the City of Fort Smith, Sebastian County, Arkansas according to plat filed February 11, 2011, being more particularly described as follows: Part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northwest Quarter of the Southeast Quarter, part of the Northeast Quarter of the Southwest Quarter, part of the Northwest Quarter of the Southwest Quarter and part of the Southwest Quarter of the Northwest Quarter, all in Section 8, Township 7 North, Range 31 West, Fort Smith District of Sebastian County, Arkansas, being more particularly described as follows: Commencing at the Northwest Corner of said Southeast Quarter of the Northwest Quarter; thence South 86 degrees 47 minutes 18 seconds East, 213.99 feet along the North line of said Southeast Quarter of the Northwest Quarter; thence South 03 degrees 12 minutes 42 seconds West, 72.92 feet to the point of beginning. Thence South 86 degrees 49 minutes 41 seconds East, 308.90 feet to the Southwest Corner of Lot 1, Mars Petcare at Chaffee Crossing; thence continuing South 86 degrees 49 minutes 41 seconds East, 1230.08 feet along the South line of said Lot 1 to the Southeast Corner of said Lot 1; thence continuing South 86 degrees 49 minutes 41 seconds East, 97.22 feet; thence South 02 degrees 36 minutes 14 seconds West, 188.11 feet; thence South 40 degrees 11 minutes 50 seconds West, 1463.50 feet; thence South 49 degrees 48 minutes 10 seconds East, 814.44 feet to a point on the Westerly right of way of the relocated Highway 71; thence South 44 degrees 33 minutes 17 seconds West, 337.13 feet along said Westerly right of way; thence South 39 degrees 07 minutes 26 seconds West, 533.84 feet along said right of way; thence South 88 degrees 06 minutes 21 seconds West, 185.43 feet along said right of way; thence North 74 degrees 47 minutes 45 seconds West, 455.62 feet along said right of way; thence South 30 degrees 50 minutes 16 seconds West, 43.78 feet along said right of way to a point on the Northerly right of way of Custer Boulevard; thence 315.17 feet along the arc of a curve to the right in said Northerly right of way, said curve having a radius of 1410.00 feet and being subtended by a chord having a bearing of North 52 degrees 39 minutes 49 seconds West and a distance of 314.52 feet; thence North 46 degrees 15 minutes 36 seconds West, 779.44 feet along said right of way; thence 206.94 feet along the arc of a curve to the left in said right of way, said curve having a radius of 1740.00 feet and being subtended by a chord having a bearing of North 49 degrees 40 minutes 02 seconds West and a distance of 206.81 feet; thence 73.22 feet along the arc of a curve to the right in said right of way, said curve having a radius of 50.00 feet and being subtended by a chord having a bearing of North 11 degrees 07 minutes 29 seconds West and a distance of 66.85 feet to a point on the Easterly right of way of Chad Colley Boulevard; thence North 30 degrees 49 minutes 29 seconds East, 1365.98 feet along said Easterly right of way; thence 345.80 feet along the arc of a curve to the left in said right of way, said curve having a radius of 3080.00 feet and being subtended by a chord having a bearing of North 27 degrees 36 minutes 30 seconds East and a distance of 345.62 feet; thence North 24 degrees 23 minutes 31 seconds East, 101.23 feet along said right of way to the point of beginning according to survey by Global Surveying Consultants, Inc. dated February 25, 2016

ORDINANCE NO. 14-16

AN ORDINANCE AMENDING THE
FORT SMITH TRAILS & GREENWAYS MASTER PLAN

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

WHEREAS the Board of Directors of the City of Fort Smith approved the Trails and Greenways Master Plan in 2004 and recognize the need for trails and sharrows in the City of Fort Smith and;

WHEREAS the Parks and Recreation Commission and Trails and Greenways Committee have reviewed the current plan and recommend the attached revised map and;

WHEREAS the Board of Directors recognizes that the overall trails map is evolving and may change to reflect future changes due to community growth, community needs, increased traffic patterns, and the input of the citizens of Fort Smith.

NOW, THEREFORE, the Board of Directors hereby adopts the attached map as the revised map for the Trails and Greenways Master Plan.

Passed and approved this 1st day of March, 2016.

APPROVED:



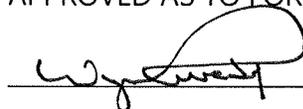
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM

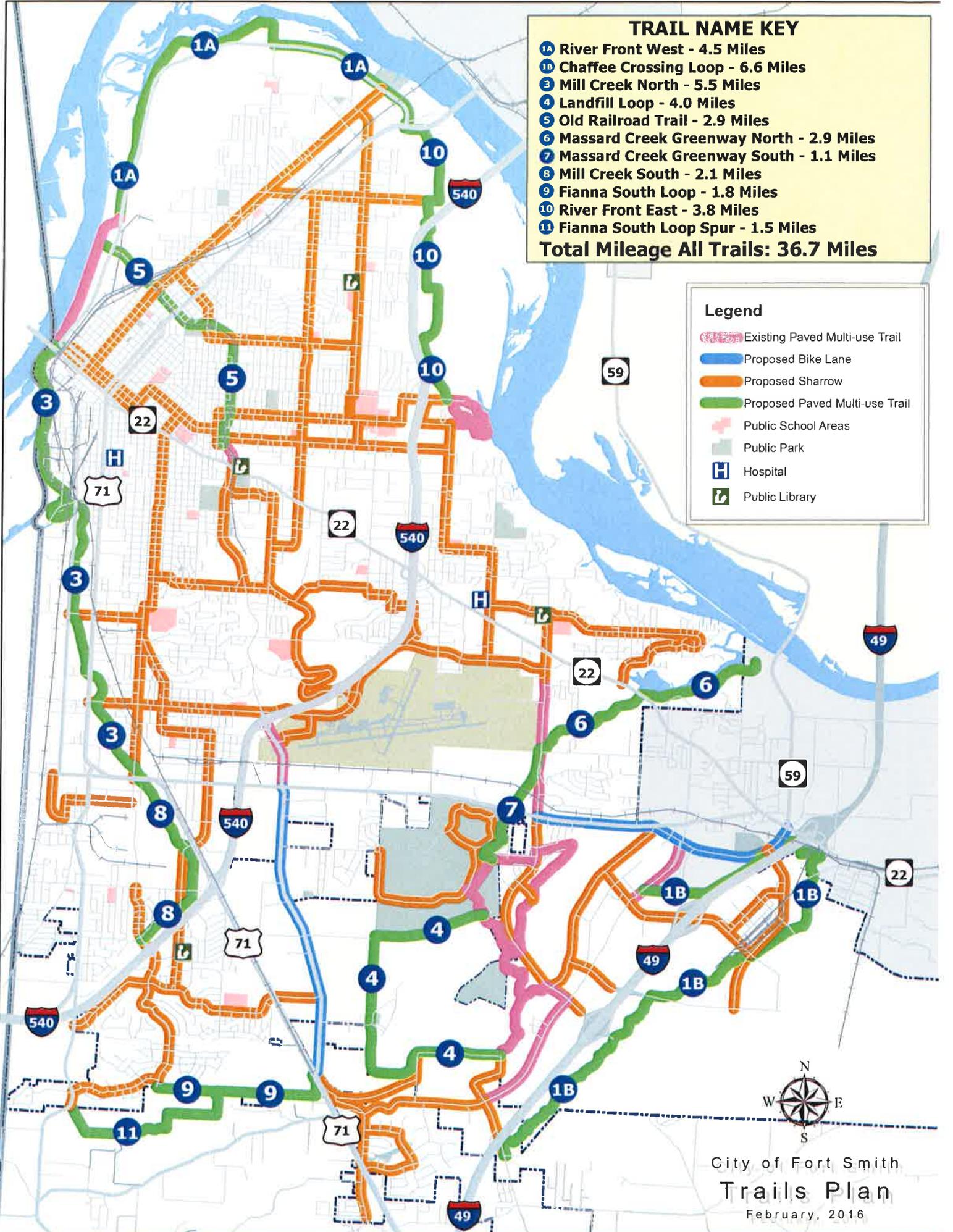
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TRAIL NAME KEY

- 1A River Front West - 4.5 Miles
 - 1B Chaffee Crossing Loop - 6.6 Miles
 - 3 Mill Creek North - 5.5 Miles
 - 4 Landfill Loop - 4.0 Miles
 - 5 Old Railroad Trail - 2.9 Miles
 - 6 Massard Creek Greenway North - 2.9 Miles
 - 7 Massard Creek Greenway South - 1.1 Miles
 - 8 Mill Creek South - 2.1 Miles
 - 9 Fianna South Loop - 1.8 Miles
 - 10 River Front East - 3.8 Miles
 - 11 Fianna South Loop Spur - 1.5 Miles
- Total Mileage All Trails: 36.7 Miles**

Legend

-  Existing Paved Multi-use Trail
-  Proposed Bike Lane
-  Proposed Sharrow
-  Proposed Paved Multi-use Trail
-  Public School Areas
-  Public Park
-  Hospital
-  Public Library



TABLED INDEFINITELY
March 1, 2016 Regular Meeting
6 in favor, 0 opposed
(Director Don Hutchings absent)

5A

HISTORY

- * November 3, 2015 Regular Meeting
Tabled for 60 days
- * January 5, 2016 Regular Meeting
Tabled for 60 days

RESOLUTION NO. _____

A RESOLUTION APPROVING AN APPEAL OF CONDITIONAL USE #19-10-15 FOR AN AUTO AND VEHICLE DEALER SALES LOCATED AT 500 TOWSON AVENUE

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

The Board of Directors hereby approves the appeal of Conditional Use #19-10-15 for an Auto and Vehicle Dealer Sales located at 500 Towson Avenue including the conditions of the approval established in Attachment "A" hereto attached.

THIS RESOLUTION ADOPTED THIS _____ DAY OF _____, 2016.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:

Jerry Crawford
no publication required

ATTACHMENT A

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. If a trash receptacle is proposed, it shall be completely screened in accordance with the UDO.
3. All exterior building or site lighting shall comply with the UDO Commercial and Outdoor Lighting requirements.
4. Perimeter landscaping shall be installed as shown on the submitted landscaping plan. A final landscape plan shall be submitted to the planning department for review and verification of the proposed plant species and the number of shrubs in each island.
5. All new signage requires a separate application and sign permit and shall comply with the UDO and CBID Design Guidelines. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at time of permit issuance certifying the digital sign has been set to be incapable of exceeding .3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.
6. Any exterior changes to the building or site shall comply with the UDO and the CBID Design Guidelines.
7. Bumper blocks or other barrier shall be installed on parking spaces adjacent to the sidewalk.
8. The AHTD will permit curb and gutter to delineate the proposed driveways should the Planning Commission want to add this condition.
9. The site shall be used as an Auto and Vehicle Dealer business only. No portion of the property within the C-6 zoning district shall be used as a body shop, salvage yard, parking for wrecked vehicles, or other uses prohibited in the C-6 zoning district.

TABLED INDEFINITELY
March 1, 2016 Regular Meeting
6 in favor, 0 opposed
(Director Don Hutchings absent)

5B

HISTORY

- * November 3, 2015 Regular Meeting
Tabled for 60 days
- * January 5, 2016 Regular Meeting
Tabled for 60 days

RESOLUTION NO. _____

**A RESOLUTION AFFIRMING THE ACTION OF THE PLANNING COMMISSION
DENYING CONDITIONAL USE #19-10-15 FOR AN AUTO AND VEHICLE DEALER
SALES LOCATED AT 500 TOWSON AVENUE**

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

The Board of Directors hereby affirms the action of the Planning Commission which denied the conditional use request for an Auto and Vehicle Dealer Sales located at 500 Towson Avenue.

THIS RESOLUTION ADOPTED THIS _____ DAY OF _____, 2016.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:

Jerry Crisp

no publication required

ORDINANCE NO. 15-16

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 2-2-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 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:

Lot 1 Texas Road Church of God, an addition to the City of Fort Smith, Sebastian County, Arkansas

more commonly known as 7821 Texas Road, should be, and is hereby rezoned from Residential Multifamily Medium Density (RM-3) 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.

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

PASSED AND APPROVED THIS 1st DAY OF March, 2016.

ATTEST:

Sherril Gard
City Clerk

APPROVED:

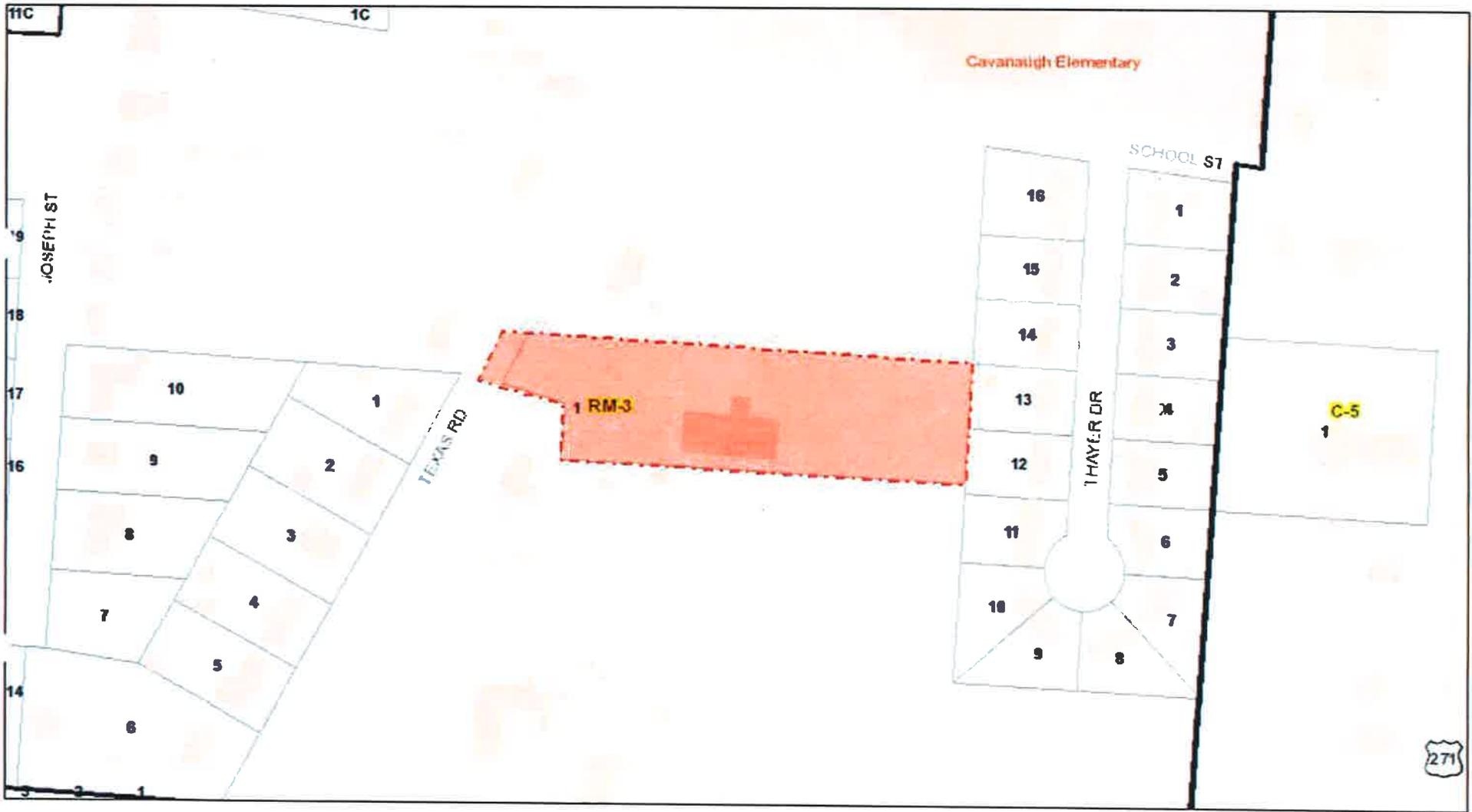
Sandra Sander
Mayor

Approved as to form:

[Signature]
Publish One Time

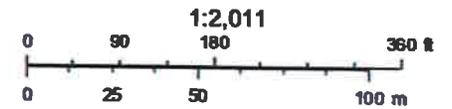
Rezoning #2-2-16: From Residential Multifamily Medium Density (RM-3) to PZD 7821 Texas Road

17-9



January 20, 2016

-  Fort Smith City Limits
-  Building Footprints
-  Zoning
-  Subdivisions



ORDINANCE NO. 16-16AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE
ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 4-2-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 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:

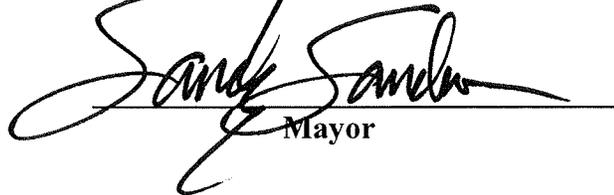
Part of Lot 4A, Block C, Country Club Estates, Fort Smith, Sebastian County, Arkansas, being part of the Southeast Quarter of Section 23, Township 8 North, Range 32 West, and being filed for record February 24, 2006 as plat 1755C. Being more particularly described as follows:

Commencing at the southeast corner of said Lot 4A; Thence along the east line of said Lot 4A and the west right-of-way line of South 58th Street, N02°50'10"E, 250.02 feet to the Point of Beginning; Thence leaving said east line and said west right-of-way line, N86°51'01"W, 144.63 feet to the west line of said Lot 4A; Thence along said west line, N02°52'47"E, 96.50 feet; Thence continuing along said west line, N03°30'24"E, 137.67 feet to the northwest corner of said Lot 4A, said point being on the southerly right-of-way line of Arkansas Highway 22 (Rogers Avenue); Thence along the northerly line of said Lot 4A and said southerly right-of-way line, S62°01'14"E, 143.62 feet to a point on said west right-of-way line of South 58th Street; Thence along said west right-of-way line and said east line of Lot 4A, 28.59 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet and being subtended by a chord having a bearing of S29°15'34"E and a distance of 27.06 feet; Thence continuing along said west right-of-way line and said east line the following courses: S03°30'06"W, 124.04 feet; S02°50'10"W, 26.98 feet to the Point of Beginning. Containing 0.67 acres, more or less.

more commonly known as 5710 Rogers Avenue, should be, and is hereby rezoned from Commercial Light (C-2) to Commercial Heavy (C-5) by Extension.

PASSED AND APPROVED THIS 1st DAY OF March, 2016.

APPROVED:



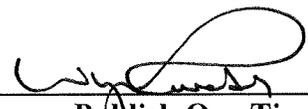
Mayor

ATTEST:



City Clerk

Approved as to form:



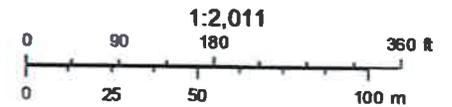
Publish One Time

Rezoning #4-2-16: From Commercial Light (C-2) & Commercial Heavy (C-5) to Commercial Heavy (C-5) 5710 Rogers Avenue



January 19, 2016

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



8.REVISED

ORDINANCE NO. 17-16

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

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 5-2-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 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 North Half of the Northwest Quarter of Section 35, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the southeast corner of the Northeast Quarter of the Northwest Quarter of said Section 35; Thence along the east line of said Northeast Quarter of the Northwest Quarter, N03°13'59"E, 105.69 feet to the north right-of-way line of Phoenix Avenue, said point also being the southeast corner of Lot 1, Hanna Phoenix Addition, Fort Smith, Sebastian County, Arkansas, being filed for record November 10, 2005 as plat 1750D; Thence along said north right-of-way line and the south line of said Lot 1 (does not reflect 5 foot right-of-way dedication), 439.69 feet along the arc of a curve to the right, said curve having a radius of 1460.00 feet and being subtended by a chord having a bearing of S84°25'36"W and a distance of 438.03 feet; Thence continuing along said north right-of-way line and said south line of Lot 1, N86°56'45"W, 79.60 feet to the southwest corner of said Lot 1 and the Point of Beginning; Thence continuing along said north right-of-way line, N86°56'45"W, 1133.02 feet; Thence leaving said north right-of-way line, N25°32'05"W, 138.70 feet to the south right-of-way line of Interstate 540; Thence along said south right-of-way line, N64°31'41"E, 791.97 feet; Thence continuing along said south right-of-way line, N64°29'55"E, 179.93 feet to the northwest corner of said Lot 1; Thence leaving said south right-of-way line and along the west line of said Lot 1, S27°28'13"E, 680.29 feet to the Point of Beginning. Containing 9.17 acres, more or less.

more commonly known as 4501 to 4801 Phoenix Avenue, should be, and is hereby rezoned

from Commercial Heavy (C-5) with special conditions (C-5-SPL) to Commercial Heavy (C-5) with special conditions (C-5-SPL) by Extension, subject to the following:

- Development shall occur in accordance with the submitted concept plan. Any significant changes from the submitted concept plan will require Planning Commission approval
- The development shall have access connectivity with the adjacent property to the east (Academy Sports & Outdoors)

PASSED AND APPROVED THIS 1st DAY OF March, 2016.

APPROVED:



Mayor

ATTEST:



City Clerk

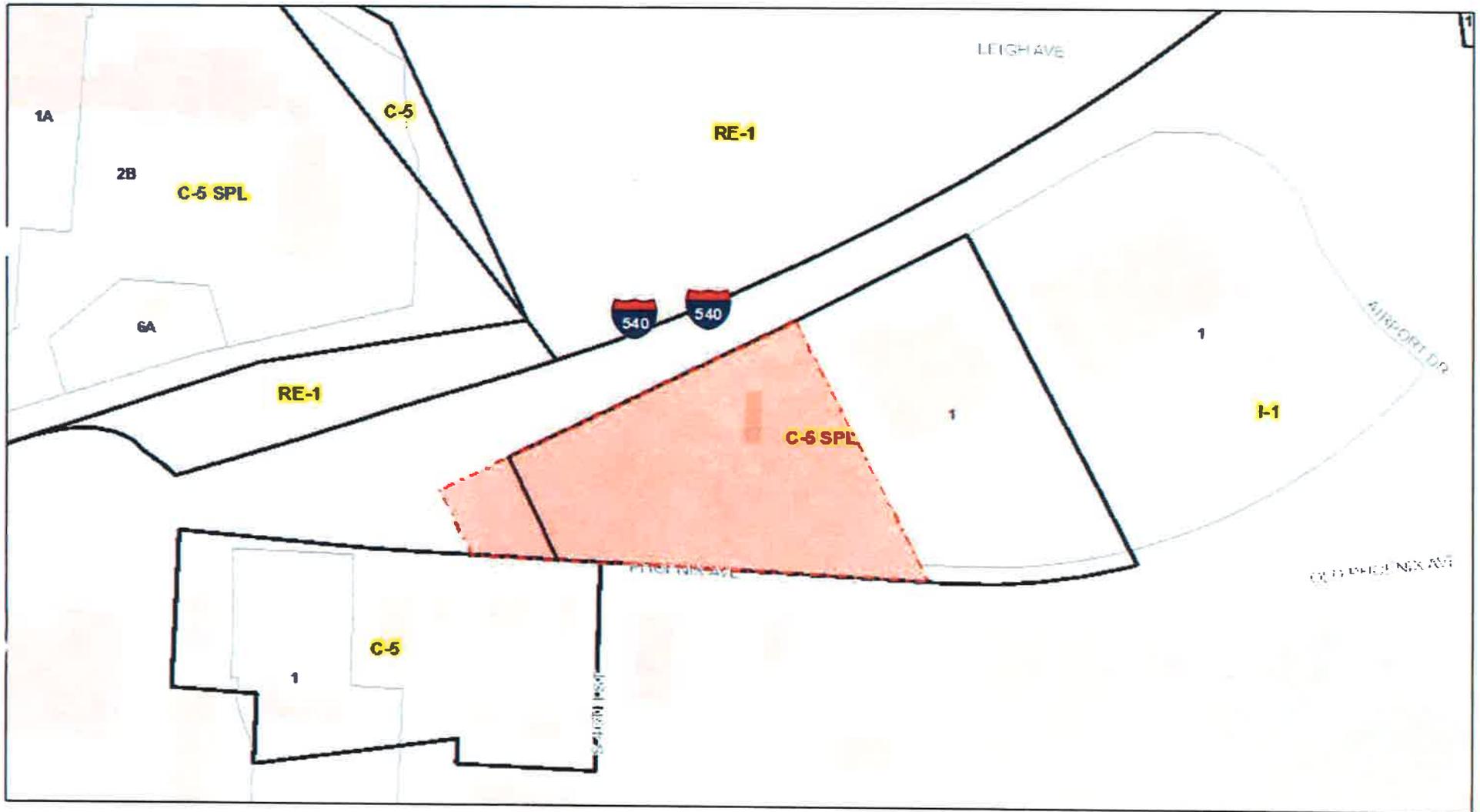
Approved as to form:



Publish One Time

Rezoning #5-2-16: From Commercial Heavy Special (C-5 SPL) to Commercial Heavy (C-5) 4501 to 4801 Phoenix Avenue

13



January 20, 2016

-  Fort Smith City Limits
-  Building Footprints
-  Zoning
-  Subdivisions



ORDINANCE NO. 18-16**AN ORDINANCE AMENDING THE MASTER LAND USE PLAN MAP AND
REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on February 9, 2016, that said change be made; and,

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

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 6-2-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 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: The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Residential Detached to Residential Attached and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

The Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 32 west, LESS AND EXCEPT the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter, containing, after such exception, 37.5 acres, more or less.

more commonly known as 2511 Spradling Avenue.

SECTION 2: The hereinafter described property is hereby rezoned from Industrial Light

(I-1) to Residential Single Family Duplex High Density (RSD-4) by Classification:

The Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 32 west, LESS AND EXCEPT the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter, containing, after such exception, 37.5 acres, more or less. more commonly known as 2511 Spradling Avenue.

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

PASSED AND APPROVED THIS 1st DAY OF March, 2016.

ATTEST:


City Clerk

APPROVED:

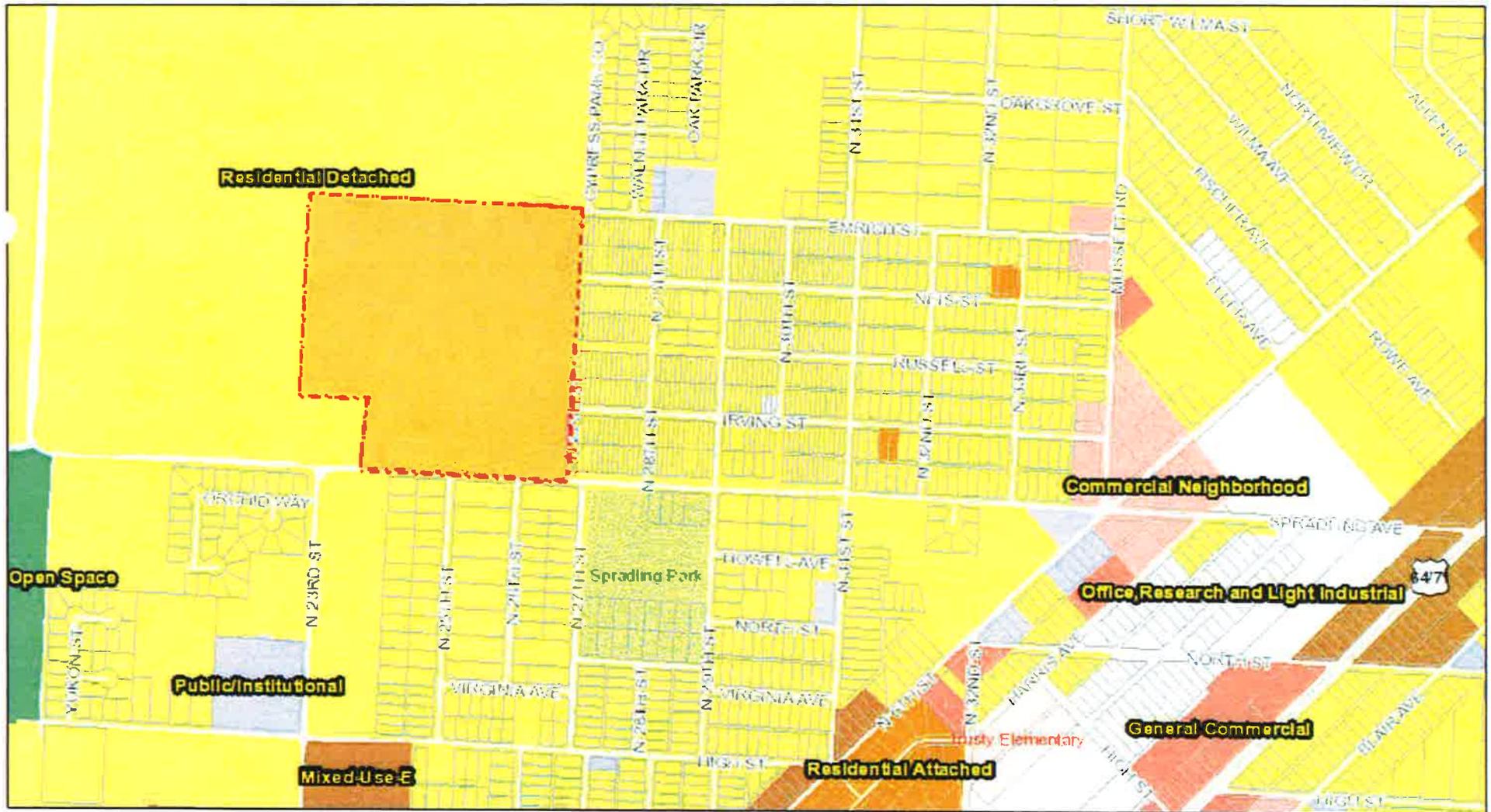

Mayor

Approved as to form:


Publish One Time

Master Land Use Amendment: From Residential Detached to Residential Attached 2511 Spradling Avenue

HS



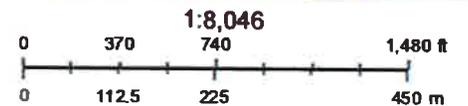
January 20, 2016

Fort Smith City Limits

Subdivisions

Land Use

Commercial



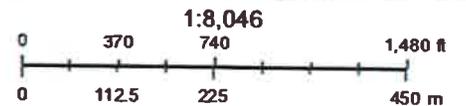
Rezoning #6-2-16: From Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) 2511 Spradling Avenue

5



January 20, 2016

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



ORDINANCE NO. 19-16**AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 7-2-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 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:

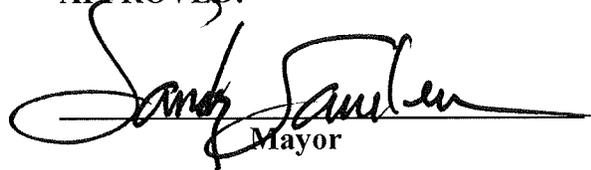
Part of the Southwest Quarter of the Northeast Quarter, part of the Southeast Quarter of the Northeast Quarter, part of the Northeast Quarter of the Southeast Quarter, and part of the Northwest Quarter of the Southeast Quarter, Section 18, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of said Section 18; Thence along the East Line of said Section 18, S02°33'43"W, 2658.10 feet to the Southeast Corner of said Southeast Quarter of the Northeast Quarter; Thence along the South Line of said Southeast Quarter of the Northeast Quarter, N87°17'31"W, 641.37 feet to the westerly right-of-way line of the Relocated U.S. Highway 71; Thence along said right-of-way line, S40°11'50"W, 182.17 feet to a set ½" rebar with cap stamped MWC 1369 and the Point of Beginning; Thence continuing along said right-of-way line, S40°11'50"W, 377.13 feet; Thence N47°56'00"W, 20.00 feet; Thence S40°11'50"W, 20.00 feet; Thence N47°56'00"W, 1241.06 feet to the easterly right-of-way line of Chad Colley Boulevard and a set ½" rebar with cap stamped MWC 1369; Thence along said easterly right-of-way line the following bearings and distances: N23°31'30"E, 43.90 feet to a set ½" rebar with cap stamped MWC 1369; N66°28'30"W, 30.00 feet to a set ½" rebar with cap stamped MWC 1369; N23°31'30"E, 384.81 feet to a set ½" rebar with cap stamped MWC 1369; Thence S47°56'00"E, 1412.88 feet to the Point of Beginning, containing 12.29 acres, more or less.

more commonly known as 10001 Chad Colley Boulevard, should be, and is hereby rezoned from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by Classification .

PASSED AND APPROVED THIS 15th DAY OF March, 2016.

APPROVED:



Mayor

ATTEST:



City Clerk

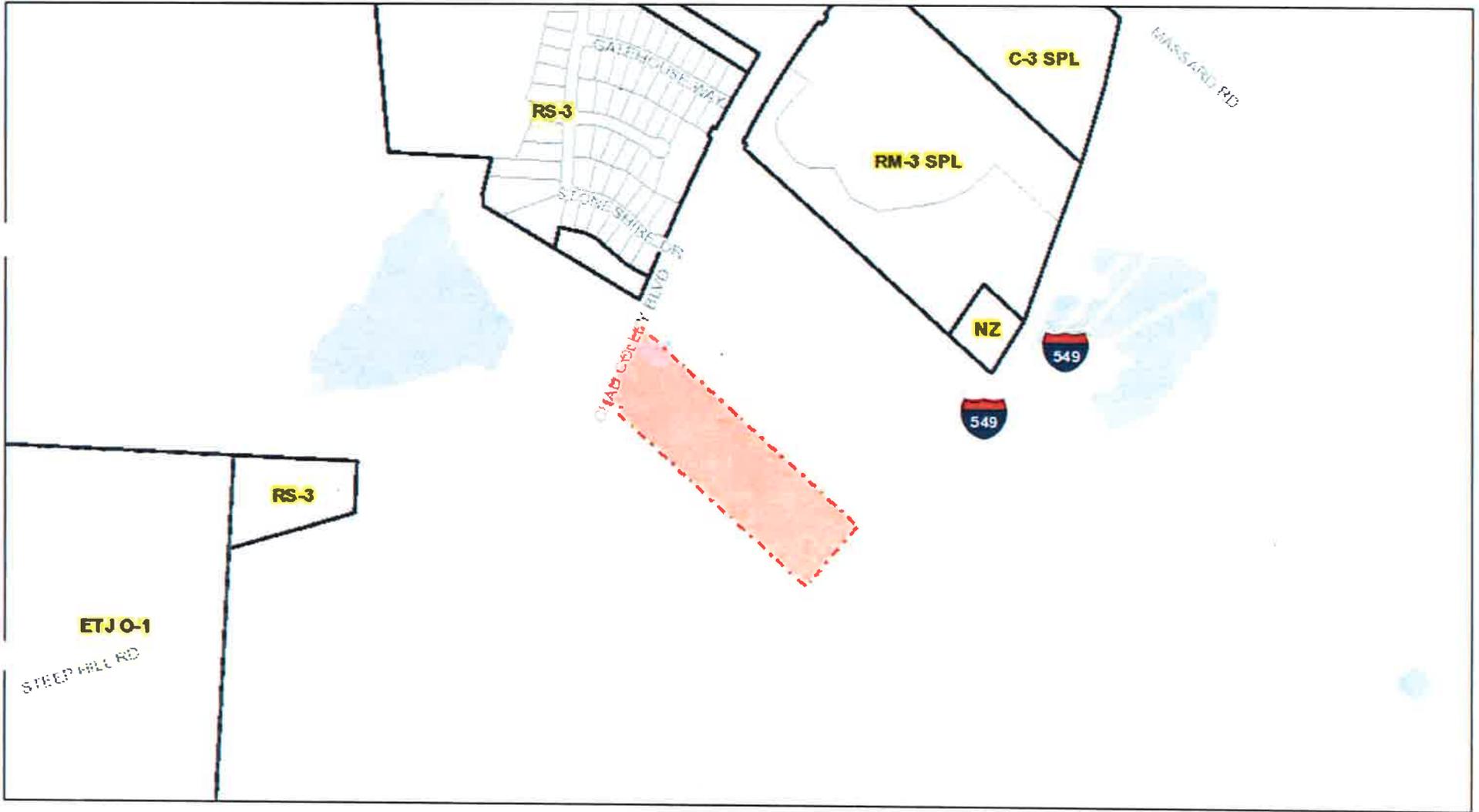
Approved as to form:



Publish One Time

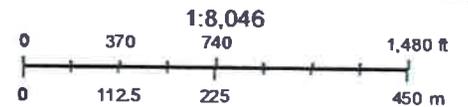
Rezoning #7-2-16: From Not Zoned to Residential Multifamily Medium Density (RM-3) 10001 Chad Colley Boulevard

JS



January 20, 2016

- Fort Smith City Limits
- Zoning
- Subdivisions



RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
AND AUTHORIZATION NUMBER ONE WITH CDM SMITH INC., FOR
CONSENT DECREE PROGRAM MANAGEMENT SERVICES

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

SECTION 1: An Agreement and Authorization Number One with CDM Smith Inc., for
program management services related to Consent Decree, Project Number 16-06-ED1, for a three-
year period, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute the Agreement and Authorization
Number One in the amount of \$8,514,088.00, for performance of said services.

This Resolution adopted this 15th day of March 2016.

APPROVED:



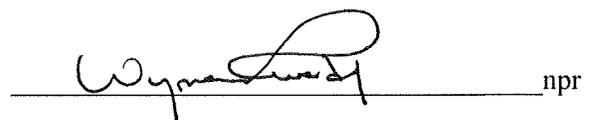
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION ACCEPTING BIDS AND AUTHORIZING CONTRACTS
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 Mayor is hereby authorized to execute contracts with the below listed bidders in the amounts indicated for performing the renovation and providing the furnishings of the Library Annex Building, Project Number 15-11.

SECTION 2: The bid of Beshears Construction, Inc., in the amount of \$512,000.00 for the general construction, is hereby accepted.

SECTION 3: The bid of MISSCO Contract Sales, LLC, in the amount of \$473,989.40 for the system walls and workstations, is hereby accepted.

SECTION 4: The bid of Innerplan, Inc., in the amount of \$41,418.33 for furniture, Group A and Group H task chairs and break room chairs, is hereby accepted.

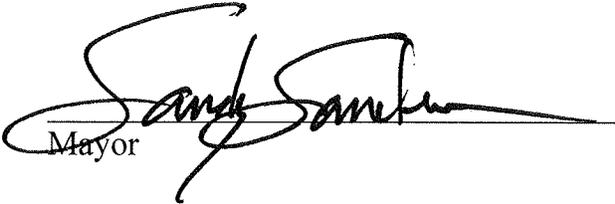
SECTION 5: The bid of MISSCO Contract Sales, LLC, in the amount of \$26,718.64 for furniture, Group C, Group D and Group G storage, meeting tables and break room tables, is hereby accepted.

SECTION 6: The bid of Norman Company, Inc., in the amount of \$61,598.82 for furniture, Group B and Group E case goods and meeting chairs, is hereby accepted.

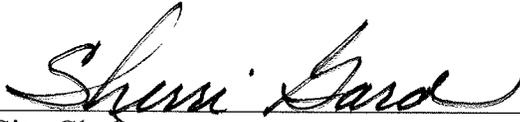
SECTION 7: The bid of Today's Office, Inc., in the amount of \$9,350.29 for furniture, Group F lobby furniture, is hereby accepted.

This Resolution adopted this 1st day of March 2016.

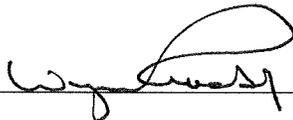
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION NO. R-32-16

A RESOLUTION GRANTING A TEMPORARY REVOCABLE LICENSE FOR THE
PLACEMENT OF A MONUMENT SIGN IN A PUBLIC RIGHT-OF-WAY
AND
AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT

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

SECTION 1: A Temporary Revocable License is hereby granted to RUM, Inc., its successors or assigns for the placement and maintenance of a monument sign within a public right-of-way as shown on Exhibit "A" and within the following described property:

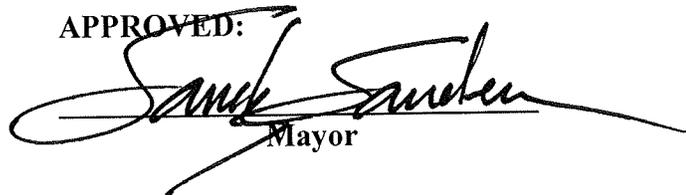
Part of the Southeast Quarter of the Southeast Quarter of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being within the Massard Road Right-of-Way as described in Document #7225239, filed August 30, 2007. More particularly described as follows:

Commencing at the southeast corner of Lot 1, Maness Hill Addition, being filed for record February 18, 2015 as Plat 2012; Thence along the southerly line of said Lot 1, said line also being the northerly right-of-way line of said Massard Road, N59°17'16"W, 42.31 feet; Thence leaving said line, S30°42'44"W, 10.00 feet to the **Point of Beginning**; Thence continuing S30°42'44"W, 18.00 feet; Thence N59°17'16"W, 5.00 feet; Thence N30°42'44"E, 18.00 feet; Thence S59°17'16"E, 5.00 feet to the **Point of Beginning**. Containing 90 square feet, more or less.

SECTION 2: The Mayor is authorized to execute the agreement for the above-captioned Temporary Revocable License.

THIS RESOLUTION ADOPTED THIS 1st DAY OF March 2016.

APPROVED:

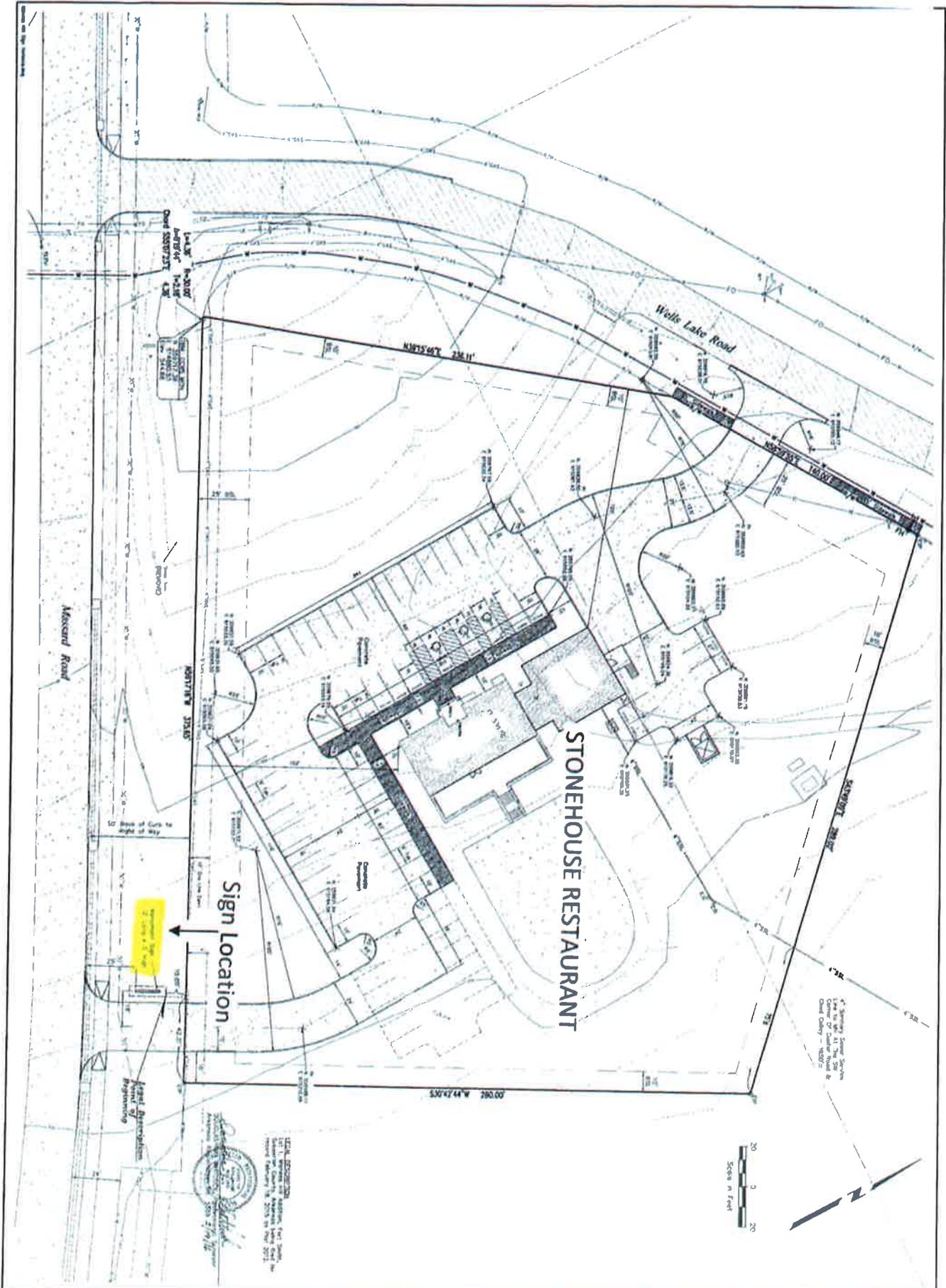

Mayor

ATTEST:


City Clerk

Approved as to form:





SITE PLAN
MANESS HILL ADDITION, LOT 1
WELLS LAKE ROAD at MASSARD ROAD
 FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

MICKLE WAGNER COLEMAN Engineers-Consultants-Surveyors
 3434 Country Club Ave.
 P.O. Box 1537
 Fort Smith, Arkansas
 (479) 643-8484
 Fax (479) 643-8486
 info@mwc-ec-s.com

DATE	BY	DESCRIPTION
02/11/14	F.M.	Added Submittal Agreement to Well's Lake Road
02/14/14	F.M.	Added Signature



13B.

RESOLUTION NO. R-33-16

**A RESOLUTION GRANTING A TEMPORARY REVOCABLE LICENSE FOR THE
PLACEMENT OF LANDSCAPING IN A PUBLIC RIGHT-OF-WAY
AND
AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT**

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

SECTION 1: A Temporary Revocable License is hereby granted to James R. Childers, his successors or assigns for the placement and maintenance of landscaping within a public right-of-way as shown on Exhibit "A" and adjacent to the following described property:

Reserve Addition, Block 526, Lot 12, an addition to the City of Fort Smith, Sebastian County, Arkansas.

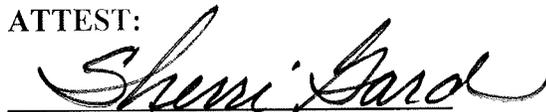
SECTION 2: The Mayor is authorized to execute the agreement for the above-captioned Temporary Revocable License.

THIS RESOLUTION ADOPTED THIS 1st DAY OF March 2016.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:

