



MAYOR

George B McGill

CITY ADMINISTRATOR

Carl E Geffken

CITY CLERK

Sherri Gard

BOARD OF DIRECTORS

Ward 1 - Jarred Rego

Ward 2 - Andre' Good

Ward 3 - Lavon Morton

Ward 4 - George Catsavis

At-Large Position 5 - Christina Catsavis

At-Large Position 6 - Kevin Settle

At-Large Position 7 - Neal Martin

AGENDA ~ SUMMARY

Fort Smith Board of Directors

REGULAR MEETING

June 20, 2023 ~ 6:00 p.m.

Blue Lion

101 North 2nd Street

Fort Smith, Arkansas

**THIS MEETING IS BEING TELECAST LIVE ON THE
CITY OF FORT SMITH GOVERNMENT ACCESS CHANNEL (COX CHANNEL 214)
AND ONLINE AT THE FOLLOWING LINK:**

<https://video.ibm.com/channel/city-of-fort-smith-board-of-directors-meetings>

INVOCATION & PLEDGE OF ALLEGIANCE

Invocation given by Director Lavon Morton

Pledge of Allegiance led by Director Christina Catsavis

ROLL CALL

- All physically present
- Mayor George McGill presiding

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

Information available by viewing rebroadcast of the meeting on the City Access Channel (Cox Channel 214), the City website, or <http://www.ustream.tv/channel/XqbsvFPFApS>

APPROVE MINUTES OF JUNE 13, 2023 REGULAR MEETING

APPROVED as written

PRESENTATION

Recognize the heroic, life-saving efforts of City of Fort Smith Solid Waste Services employees (Alex Barron, Sanford "Sam" Nelson, Dusty Grubbs, and Sostane Brewer)

Recognized by Director of Solid Waste Services Nicole Riley, and each were presented with Life-Saving Awards by Police Chief Danny Baker and Assistant Fire Chief Darrell Clark

ITEMS OF BUSINESS

1. Ordinance rezoning identified property and amending the zoning maps (*Residential Multi-Family High Density (RM-4) to Planned Zoning District (PZD) at 605 and 615 North 19th Street*) (*Planning & Zoning*)
APPROVED 7 in favor, 0 opposed as revised to correct the address of 619 North 19th Street stated within the ordinance to 615 North 19th Street / Ordinance No. 51-23
2. Ordinance rezoning identified property and amending the zoning map (*Planned Zoning District (PZD) to a Planned Zoning District (PZD) at 1208 Princeton Drive*) (*Planning & Zoning*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 52-23
3. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: General Commercial to Office Research and Light Industrial / Rezoning: Commercial Heavy (C-5) to Industrial Light (I-1) at 3706 Towson Avenue*) (*Planning & Zoning*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 53-23
4. Ordinance amending Section 12-32 of the Fort Smith Municipal Code establishing base rate charges for ambulance services within the City of Fort Smith (*City Administrator*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 54-23
5. Ordinance approving The Rock, Inc. to file an application with the Alcohol Beverage Control Division to obtain a private club and retail beer licenses to sell liquor, wine and beer; and repealing Ordinance No. 50-23 (*Finance*)
APPROVED 6 in favor, 0 opposed, 1 abstention (C.Catsavis) / Ordinance No. 55-23
6. Resolution authorizing submission of a proposal for grant application to the U.S. Department of Defense for funding through the Office of Local Defense Community Cooperation for the purposes of the Defense Community Infrastructure Program (*Mayor*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-115-23
7. Consent Agenda
 - 7A. Resolution authorizing the Mayor to accept the proposal for engineering design services from Mickle Griffin, LLC for Chaffee Crossing Trail System Segment Three (\$498,700.00 / Budgeted / Parks & Recreation - 1/8% Sales and Use Tax) (*Parks & Recreation*) ♦
TABLED pending study session discussion 5 in favor (Good, Morton, G. Catsavis, Settle, Martin), 2 opposed (Rego, C.Catsavis)

7B. Resolution authorizing the Mayor to make application to the Arkansas Department of Parks, Heritage and Tourism for grant funding assistance for outdoor pavilion at North 2nd Street - Garrison Avenue parking lot (*Parks & Recreation*) ♦

APPROVED 7 in favor, 0 opposed / Resolution No. R-116-23

8. Items regarding the Internal Auditor's audit of the Fort Smith Animal Haven service agreement ~ *Rego/Good/Morton/C.Catsavis/Settle placed on agenda at the June 13, 2023 regular meeting ~ (City Administrator)*

8A. Resolution accepting and authorizing release of the Internal Auditor's 2023 audit report related to the Fort Smith Animal Haven Shelter agreement (*City Administrator*)

8B. Resolution rejecting the Internal Auditor's 2023 audit report related to the Fort Smith Animal Haven Shelter agreement (*City Administrator*)

8C. Resolution extending the required date of publication of the 2023 audit report related to the Fort Smith Animal Haven Shelter agreement (*City Administrator*)

MOTION ONLY: Release the Fort Smith Animal Haven audit with the responses submitted by Fort Smith Animal Haven by 5:00 p.m., Friday, June 23, 2023 / 6 in favor, 1 opposed (C. Catsavis)

OFFICIALS FORUM - presentation of information requiring no official action

- Mayor
- Directors
- City Administrator

Information available by viewing rebroadcast of the meeting on the City Access Channel (Cox Channel 214), the City website, or <http://www.ustream.tv/channel/XqbsvFPFAPs>

EXECUTIVE SESSION (approximately 7:47 p.m.)

- Appointment: **AIRPORT COMMISSION** (1)
Robert "Bob" P. Cooper, Jr.
Term expires June 30, 2028
- Appointment: **ARKANSAS FAIR & EXHIBITION FACILITIES BOARD** (2)
Andrew Hudgens
Term expires March 7, 2028

- Appointment: **COMMUNITY DEVELOPMENT ADVISORY BOARD (4)**
Christi (Mishelle) Davis
Christopher Smith
Carolyn Mosely ~ to fill the unexpired term of George Willis who resigned ~
Heather O'Hara ~ to fill the unexpired term of Mary Moore who resigned ~
Terms expire June 30, 2026

- Appointment: **FORT SMITH MUNICIPAL EMPLOYEES BENEVOLENT
FUND BOARD OF ADVISORS (3)**
CITIZEN REPRESENTATIVE
Mary Moore (reappointment)
Term expires June 30, 2026

EMPLOYEE REPRESENTATIVE
Patrick Geels (reappointment)
Term expires June 30, 2026

ADJOURN
8:15 p.m.

ORDINANCE NO. 51-23

AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request 11-5-23 to rezone certain property hereinafter described, and, having considered said request, recommended on May 25, 2023, that said change be made;

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

That the following property to-wit:

Lot 13, Block 72, Fitzgerald Addition

more commonly known as 605 and 615 North 19th Street, should be, and is hereby rezoned to a Planned Zoning District (PZD). The approved zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zoning District 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 zoning.

PASSED AND APPROVED THIS 20th DAY OF June, 2023.

ATTEST:

Sherril Gard
City Clerk

APPROVED:

[Signature]
Mayor

Approved as to form:

[Signature]
Publish One Time

ORDINANCE NO. 52-23

AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request 12-5-23 to rezone certain property hereinafter described, and, having considered said request, recommended on May 25, 2023, that said change be made;

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

That the following property to-wit:

Lot 164, Southwoods Phase III

more commonly known as 1208 Princeton Drive, should be, and is hereby rezoned to a Planned Zoning District (PZD). The approved zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zoning District 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 zoning.

PASSED AND APPROVED THIS 20th DAY OF June, 2023.

ATTEST:

Sherril Gard
City Clerk

APPROVED:

[Signature]
Mayor

Approved as to form:

[Signature]
Publish One Time

ORDINANCE NO. 53-23

**AN ORDINANCE AMENDING THE MASTER LAND USE PLAN MAP AND
REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission held a public hearing to consider request No. 5-5-23 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 May 25, 2023, that said change be made; and,

WHEREAS, the City 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. 14-5-23 to rezone certain property, and, having considered said request, recommended on May 25, 2023, 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 General Commercial to Office, Research, and Light Industrial and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

Part of Lot 1, Mendenhall & Humphries Addition – Lots 1 & 2, Sebastian County, Arkansas being more particularly described as follows:

Beginning at an existing rebar marking the Southwest Corner of Lot 1, Humphries Subdivision. Thence along the South line of Lot 1 Humphries Subdivision and the North line of Lot 1, Mendenhall & Humphries Addition – Lots 1 & 2, South 87 degrees 39 minutes 15 seconds East, 205.50 feet. Thence leaving said South & North lines, South 03 degrees 08 minutes 02 seconds West, 120.73 feet to the South line of Lot 1, Mendenhall & Humphries Addition – Lots 1 & 2. Thence along the South line of said Lot 1, North 86 degrees 36 minutes 15 seconds West, 195.07 feet to an existing rebar. Thence leaving said South line, North 01 degrees 57 minutes 04 seconds West, 117.47 feet to the Point of Beginning, containing 0.55 acres and subject to any Easements of Record.

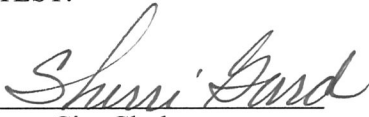
More commonly known as 3706 Towson Avenue.

SECTION 2: The real property described in Section 1 is hereby rezoned from Commercial Heavy (C-5) to Industrial Light (I-1) subject to structures having a maximum height of twenty (20) feet and development plan No. 9-5-23.

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

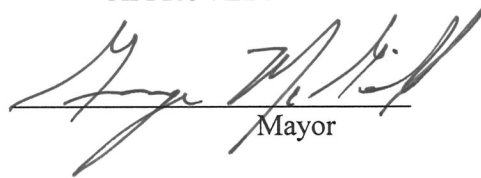
PASSED AND APPROVED THIS 20th DAY OF June, 2023.

ATTEST:



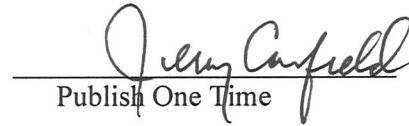
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

ORDINANCE NO. 54-23

ORDINANCE AMENDING SECTION 12-32 OF THE FORT SMITH MUNICIPAL CODE ESTABLISHING BASE RATE CHARGES FOR AMBULANCE SERVICES WITHIN THE CITY OF FORT SMITH

WHEREAS, Chapter 12, Article II, Section 12-26 *et seq.* of the Fort Smith Municipal Code establishes rules and regulations governing the provision of Ambulance services in the City of Fort Smith; and

WHEREAS, the City has determined that the maximum base rates allowed for emergency and non-emergency ambulance services within the corporate limits of the City of Fort Smith, last adjusted by Ordinance No. 9-14, adopted January 21, 2014, should be adjusted.

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

Section 1. Section 12-32 of the Fort Smith Municipal Code is hereby amended to read as follows:


“Section 12-32. – Charges.

The following maximum base rate charges are hereby established for ambulance service offered by persons having permits under the provisions of this article:

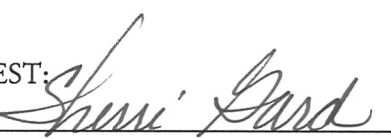
- (1) For each trip, other than an emergency trip, within the corporate limits of the city: \$600.
- (2) For each emergency trip within the corporate limits of the city: \$750.”

Section 2. If any portion of this ordinance is deemed to be in conflict with a previously existing city ordinance, such previously existing ordinance is hereby repealed to the extent necessary to resolve such conflict.

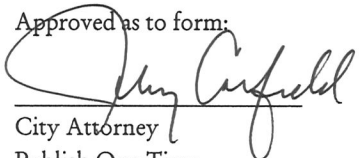
ADOPTED this 20th day of June, 2023.

APPROVED: 

Mayor

ATTEST: 

City Clerk

Approved as to form: 

City Attorney
Publish One Time

ORDINANCE No. 55-23

ORDINANCE APPROVING THE ROCK, INC. TO FILE AN APPLICATION WITH THE ALCOHOL BEVERAGE CONTROL DIVISION TO OBTAIN PRIVATE CLUB AND RETAIL BEER LICENSES TO SELL LIQUOR, WINE AND BEER; AND REPEALING ORDINANCE NO. 50-23

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

WHEREAS, Act 1112 of 2017 entitled "An Act to authorize the governing bodies of counties and municipalities to initiate the permitting process for private clubs; and for other purposes" requires application for a permit to operate as a private club be made to the governing body of the county or municipality in which the private club seeks to be located; and

WHEREAS, The Rock, Inc. operating at 3028 N. 6th Street, has submitted an application for private club and retail beer permits; and

NOW THEREFOR, there is hereby authorized approval of application by The Rock, Inc. in accordance with Act 1112 of 2017(Arkansas Code § 3-9-222) to operate a private club and sell liquor and beer at 3028 N. 6th Street upon final approval by the Arkansas Beverage Control Division of its application and in accordance with Arkansas State Law.

PASSED AND APPROVED THIS 20th DAY OF JUNE, 2023.

ATTEST:

Shemi Gard
City Clerk

APPROVED:

[Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
No Publication Required

RESOLUTION NO. R-115-23

RESOLUTION AUTHORIZING SUBMISSION OF A PROPOSAL FOR GRANT APPLICATION TO THE U.S. DEPARTMENT OF DEFENSE FOR FUNDING THROUGH THE OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION FOR THE PURPOSES OF THE DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM

WHEREAS, the City of Fort Smith desires to develop a viable community, including expanding economic opportunities and improving the quality of life for our residents; and

WHEREAS, the City of Fort Smith is continuously looking for funding opportunities for the numerous projects that require repair and/or renovation to current infrastructure; and

WHEREAS, the Office of Local Defense Community Cooperation, Department of Defense released a Notice of Funding Opportunity Number OLDCC-23-328. The Consolidated Appropriations Act, 2023 (Public Law 117-328) provides \$100 million for this project; and

WHEREAS, under the Defense Community Infrastructure Pilot Program local governments can obtain funding to address deficiencies in community infrastructure supportive of a military installation; and

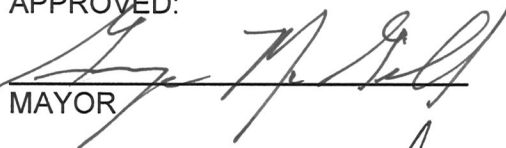
WHEREAS, the Towson Avenue Water Utilities Relocation and Overlay Project meets all the criteria for serious consideration of funding under this pilot program and upon awarding of said grant would decrease the City of Fort Smith out of pocket costs from \$24 Million to \$4 Million.

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


The City of Fort Smith Board of Directors approves the submission of a proposal for the DCIP grant application opportunity and further grants authorization to Jurena L. Storm, Government Affairs Liaison, to submit said proposal and subsequent grant application on behalf of the City of Fort Smith, Arkansas.

This Resolution adopted this 20th day of June 2023.

APPROVED:


MAYOR

ATTEST:


City Clerk

Approved as to Form:


No Publication Required

RESOLUTION NO. R-116-23

A RESOLUTION AUTHORIZING THE MAYOR TO
MAKE APPLICATION TO THE ARKANSAS DEPARTMENT OF
PARKS, HERITAGE AND TOURISM FOR GRANT FUNDING ASSISTANCE FOR
OUTDOOR PAVILION AT NO. 2ND STREET – GARRISON AVENUE PARKING LOT

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

WHEREAS, The City of Fort Smith, Arkansas seeks to improve the recreation facilities and wishes to seek grant funding assistance; and

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain an Outdoor Recreation Matching Grant from the Arkansas Department of Parks, Heritage and Tourism; and

WHEREAS, the plans for such recreation areas have been prepared and the price therefore has been established; and

WHEREAS, this governing body understands the grantee and grantor will enter into a binding agreement which obligates both parties to policies and procedures contained within the Outdoor Recreation Matching Grant Application Guide, including, but not limited to the following; the park area defined by the project boundary map, submitted with the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all future overhead utility lines within the project boundary must be placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased or assigned exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner.

The Board of Directors is well aware and apprised of the above-mentioned project and will provide the local portion of the development cost of the entire project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Fort Smith, Arkansas that the Mayor is hereby authorized to make application to the Arkansas Department of Parks, Heritage and Tourism for assistance to develop recreational facilities for the City of Fort Smith, Arkansas.

This Resolution adopted this 20th day of June, 2023.

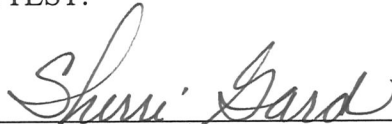
Resolution No. R-116-23

APPROVED:



Mayor

ATTEST:



City Clerk

Approved as to form:



City Attorney

MOTION

RELEASE OF FORT SMITH ANIMAL HAVEN AUDIT REPORT

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

The City of Fort Smith Board of Directors hereby directs release of the Internal Auditor's audit report regarding Fort Smith Animal Haven by 5:00 p.m., Friday, June 23, 2023. Said audit report shall include responses submitted by Fort Smith Animal Haven.

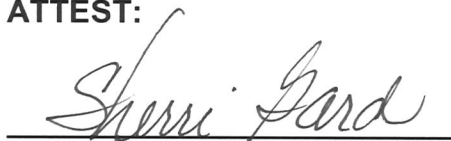
PASSED AND APPROVED this 20th day of June, 2023.

APPROVED:



Mayor

ATTEST:



City Clerk