



# ***AGENDA***

**FORT SMITH BOARD OF DIRECTORS  
REGULAR MEETING**

***DECEMBER 21, 2010 ~ 6:00 P.M.***

**FORT SMITH PUBLIC SCHOOLS  
SERVICE CENTER  
3205 JENNY LIND ROAD**

5:30 p.m. - Reception for out-going elected officials

***THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6***

**INVOCATION AND 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 DECEMBER 7, 2010 REGULAR MEETING**

**ITEMS OF BUSINESS:**

1. Presentation:
  - Recognition to outgoing elected officials
2. Ordinance adopting the year 2010 Design Guidelines Code for new construction, renovation or demolition of structures located within the boundaries of the 2008 Expanded Central Business Improvement District, establishing procedures for the implementation of the updated guidelines, establishing procedures for the hearing of requests for variances from the updated guidelines, making violations of the code to be unlawful, and for other purposes
3. Ordinance authorizing the Mayor to execute agreements for certain services for inhabitants of the city of Fort Smith
4. Ordinance amending the Code of Ordinances to adopt the 2010 Arkansas Mechanical Code

5. Public hearing and ordinance establishing rates for sewer services provided by the City of Fort Smith and superseding prior rates for such services
6. Consent Agenda
  - A. Resolution granting a temporary revocable license for the placement of paving in a public right-of-way and authorizing Mayor to execute agreement (1900 North "O" Street)
  - B. Resolution adopting the 2011 Annual Audit Plan
  - C. Resolution authorizing a time extension for the construction of 2008 Sidewalk Program, Project No. 08-20-A
  - D. Resolution accepting completion of and authorizing final payment for the construction of 2008 Sidewalk Program, Project No. 08-20-A (\$21,893.97)
  - E. Resolution authorizing the City Administrator and City Attorney to conclude eminent domain proceedings (\$59,000.00 / Westphal)
  - F. Ordinance authorizing execution of renewal telecommunications services agreement with AT&T
  - G. Resolution authorizing the purchase of flashback in-car digital video recording systems from L-3 Communications Corporation for use by the Fort Smith Police Department (\$56,350.00)
  - H. Resolution authorizing payment to Motorola for the Radio Communication System Project (\$164,748.33)
  - I. Resolution authorizing partial payment to Crossland Heavy Contractors, Inc., for construction of the Lake Fort Smith Water Treatment Plant - Contract 3 (\$824,287.47)
  - J. Resolution authorizing the Mayor to execute an agreement with Shannon & Wilson, Inc. for providing engineering services associated with year 2011 post construction monitoring and inspection of the Lake Fort Smith Dam and Reservoir (\$83,333.00)

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

- A. Mayor
- B. Directors
- C. City Administrator

## **EXECUTIVE SESSION**

Appointments: Convention Center Commission (1), Housing Assistance Board (1) and Library Board of Trustees (2)

**CITIZENS FORUM ~ presentation of information by citizens ~ an opportunity for citizens to present matters to the Mayor and Board of Directors which involve the city government and are not directly related to items considered on the agenda for this meeting. Presentations are limited to 2 minutes for each citizen**  
(Section 2-44(b) of Ordinance No. 24-10)

**ADJOURN**

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

**AN ORDINANCE ADOPTING THE YEAR 2010 DESIGN GUIDELINES CODE FOR NEW CONSTRUCTION, RENOVATION OR DEMOLITION OF STRUCTURES LOCATED WITHIN THE BOUNDARIES OF THE 2008 EXPANDED CENTRAL BUSINESS IMPROVEMENT DISTRICT, ESTABLISHING PROCEDURES FOR THE IMPLEMENTATION OF THE UPDATED GUIDELINES, ESTABLISHING PROCEDURES FOR THE HEARING OF REQUESTS FOR VARIANCES FROM THE UPDATED GUIDELINES, MAKING VIOLATIONS OF THE CODE TO BE UNLAWFUL, AND FOR OTHER PURPOSES.**

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

SECTION 1: The Year 2010 Design Guidelines Code for new construction, renovation and demolition of structures within the expanded 2008 Central Business Improvement District of the City of Fort Smith is hereby adopted. The Year 2010 Design Guidelines Code is adopted by reference, three copies of said Code having been previously filed of record in the office of the Clerk of the City of Fort Smith for inspection and view by the public as provided in the notice of such filing previously published in a newspaper of general circulation in the City of Fort Smith.

SECTION 2: It is noted that the Code contains introductory information providing general background applicable to the implementation of the guidelines. The mandatory provision of the guidelines are those provided for by the Code. The guidelines shall be applicable to any new construction, remodeling or demolition of a structure for which a building permit or demolition permit is required by the Building Code or other ordinances of the City of Fort Smith. The City Administrator, through his designated agents, shall cause the guidelines to be applied and enforced at the time of the issuance of any building permit or demolition permit.

SECTION 3: The Year 2010 Updated Design Guidelines Code shall be applicable to all structures and new construction within the updated 2008 Central Business Improvement District of the City of Fort Smith. The boundaries of the District which the Code is applied are set forth on the map attached as Exhibit A to the Year 2010 Design Guidelines Code.

SECTION 4: Any interested party may petition for a variance from the literal provisions of the Year 2010 Design Guidelines Code in instances where strict enforcement of the Code would cause undue hardship due to circumstances unique to the individual property under consideration. An application for variance may be filed with the Planning Department on forms

*Approved as to form  
JSC  
7/26/10 Hone*

provided by the City. Notice of the pending application and any appeal shall be provided according to the procedures utilized with reference to variance requests from the provisions of the Zoning Code. The application for variance shall be heard by the board of the Central Business Improvement District at a meeting held within fourteen (14) days of the filing of the application. A variance shall be granted only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Year 2010 Updated Design Guidelines Code. Within fourteen (14) days from the date of decision of the Board of the Central Business Improvement District, any interested party may appeal the decision regarding the granting or denial of the variance to the Board of Directors of the City of Fort Smith. With reference to any appealed variance request, the decision of the Board of Directors of the City of Fort Smith shall be final, subject only to any authorized judicial review.

SECTION 5: It shall be unlawful for any person to begin the construction, renovation or demolition, or to cause the beginning of the construction, renovation or demolition of any structure in the expanded 2008 Central Business Improvement District of the City of Fort Smith without first complying with the provisions of this Ordinance. Any person determined to be guilty of violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by Section 1-9 of the Fort Smith Municipal Code.

SECTION 6: Emergency Clause. It is determined that a danger to the health, safety and welfare of the inhabitants of the City exists by reason of the emergency created by the absence of exterior design controls on the construction, renovation or demolition of structures located within the 2008 expanded Central Business Improvement District of the City of Fort Smith. Based on that determination, an emergency is hereby declared to exist and, this Ordinance being necessary to preserve the health, safety and welfare of the inhabitants of the City, shall be in full force and effect from its adoption.

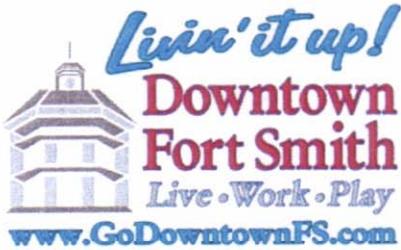
THIS ORDINANCE PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_,  
2010.

APPROVED

\_\_\_\_\_  
Mayor

ATTEST:

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



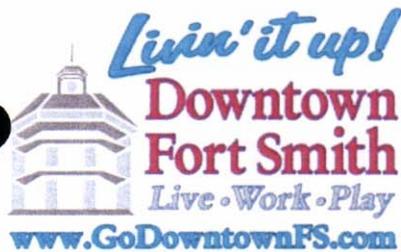
December 17, 2010

Due to the document's size we did not make additional copies, other than for the board and the media, in the board packets. The Revised Design Guidelines for 2010 will be online at the City's web site <http://www.fortsmithar.gov/boardofdirectors/default.aspx>.

A copy of the 2010 Revised Design Guidelines for the Central Business Improvement District can also be viewed in the City Clerk's office at 623 Garrison, 3<sup>rd</sup> floor. If you prefer you may stop by my office for a hard copy or I have a few copies on disk.

Thank you,

Jayne Hughes  
Downtown Development, City of Fort Smith  
Central Business Improvement District



## Memorandum

**Date:** December 16 2010

**To:** Ray Gosack, Acting City Administrator

**From:** Jayne Hughes, Downtown Development Coordinator

**Subject:** Revised Design Guidelines for the Central Business Improvement District

The revision to the Year 2000 Design Guidelines for the Central Business Improvement District was presented to the Board of Directors during last Tuesday's study session. Enclosed you will find a copy of the final version of the Design Guidelines for 2010 and also the ordinance stating the acceptance of the guidelines.

At the request of the City's attorney, the ordinance that was included in the presentation for the study session has been changed slightly. Please note in the first paragraph, Section 1, we have added the following sentence: The Year 2000 Design Guidelines Code is adopted by reference, three copies of said Code having been previously filed of record in the office of the Clerk of the City of Fort Smith for inspections and view by the public as provided in the notice of such filing previously published in a newspaper of general circulation in the City of Fort Smith.

No other changes have been made to either the Ordinance or to the revision of the Design Guidelines for the Central Business Improvement District.

If you have any questions please give me a call.

650-7001 Cell    784-1001 Office



## Memorandum

**Date:** December 7, 2010  
**To:** Ray Gosack, Acting City Administrator  
**From:** Jayne Hughes, Downtown Development Coordinator  
**Subject:** Revised Design Guidelines for the Central Business Improvement District

As you will remember the boundary for the Central Business Improvement District was expanded in September, 2008. The expansion includes the Riverfront and the Towson Avenue Corridor from Garrison to Dodson as well as the "warehouse" district from South D to South 9<sup>th</sup>. As an effort to continue to enhance and encourage development in the downtown district a revision to the Year 2000 Design Guidelines has been completed. A map is included in the Design Guidelines for 2010 as a reference.

The Design Guidelines have proven to be an economic development tool. Since the original Guidelines were produced, tremendous development has occurred. From 2005 – 2010 approximately \$60,000,000.00 in both public and private investments have been recorded. This has resulted in increased property values and fewer vacant buildings throughout the Central Business Improvement District. We are currently averaging a 75% occupancy rate, a 32% increase from 2005.

These guidelines are maintained by the City of Fort Smith and the Central Business Improvement District Commission who are board appointed. These commissioners are required to be property owners within the CBID boundary. They too are active developers and encourage additional development within the boundary of the CBID. The ultimate goals of the City of Fort Smith and this Commission are to increase property values while being respectful to the historic integrity of the central business core for the region which serves more than 400,000 citizens.

These Design Guidelines are now more useful to the developer who is interested in a downtown project whether for renovation, additions or new construction. We now use more specific language and descriptions of materials which are appropriate for the Garrison Avenue Historic District and the increased CBID boundary. Additional drawings have been added as examples for the architect and developer to fully understand the importance of keeping the area relevant to the building histories that downtown Fort Smith is known for nationally.

We respectfully maintained the original information from the year 2000 Design Guidelines while adding the pertinent information described above which will be more accommodating to the constant change with development. If you have further questions please do not hesitate to call me.

Fort Smith, Arkansas

# Design Guidelines



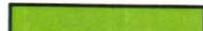
1920's View Looking West from Garrison Avenue

*A Guide to Rehabilitation and  
New Construction in the Central  
Business Improvement  
District*

*Fort Smith, Arkansas*

CENTRAL BUSINESS IMPROVEMENT DISTRICT

EXHIBIT A



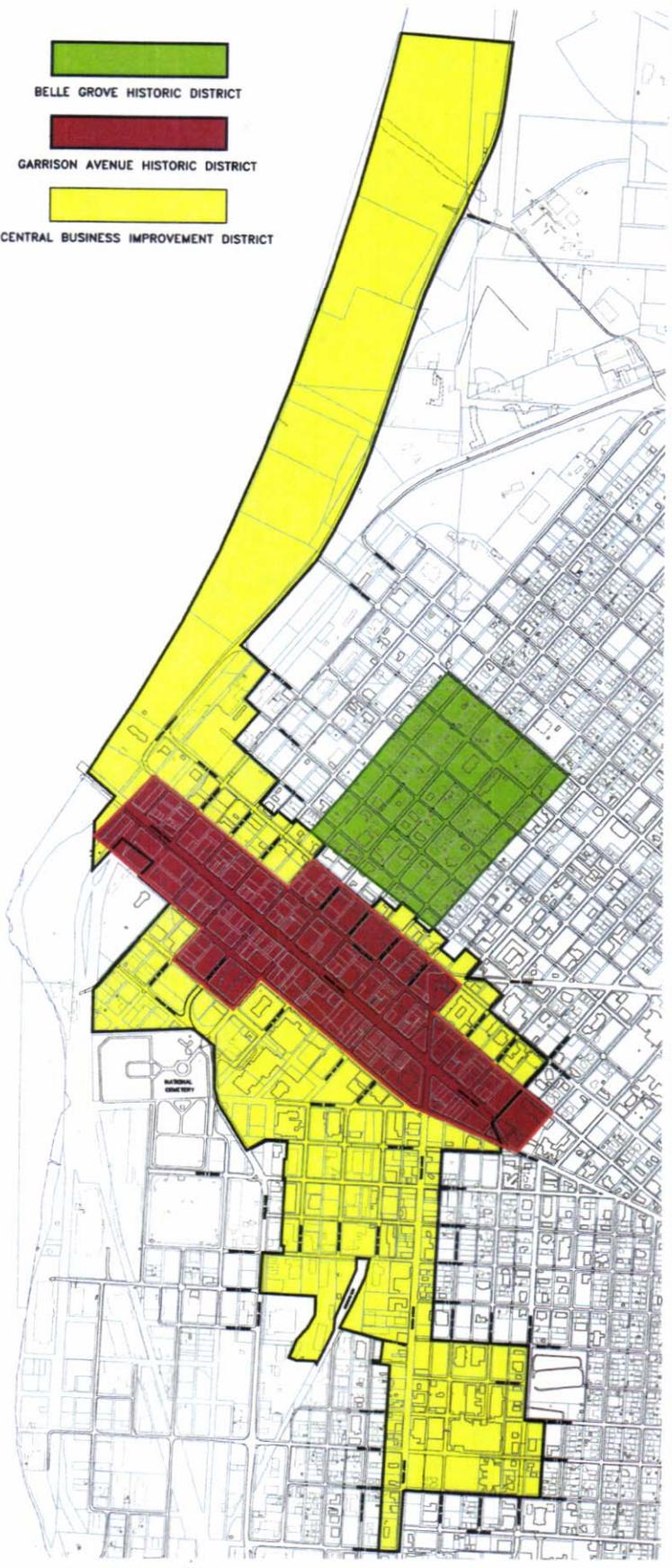
BELLE GROVE HISTORIC DISTRICT



GARRISON AVENUE HISTORIC DISTRICT



CENTRAL BUSINESS IMPROVEMENT DISTRICT



## CREDITS

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### **ORIGINALLY WRITTEN & COMPILED BY:**

Sandra Taylor Smith  
Preservation Consultant  
To the City of Fort Smith, 1999

### **2010 REVISION COMPILED BY:**

#### **CENTRAL BUSINESS IMPROVEMENT DISTRICT COMMISSIONERS**

Rodney Ghan  
Bill Hanna  
Jeff Pryor  
Richard Griffin: Chairman  
Sam T Sicard  
Bennie Westphal  
Phil White

#### **CITY OF FORT SMITH STAFF**

Brenda Andrews  
Jayne Hughes  
Candyce Waters

#### **PHOTOS COURTESY OF**

Stan Kujawa  
Tom Monaco

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## INTRODUCTION

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The intended result of these design guidelines is to preserve the historic resources of the Garrison Avenue Historic District and the commercial district within the boundary of the Central Business Improvement District (CBID). The guidelines apply to all building renovations, new construction, and projects within this boundary.

The original design guidelines have been amended to include the expansion of the Central Business Improvement District. The CBID will now include the Towson Avenue Corridor from Garrison Avenue to Dodson Avenue, the warehouse district on South D Street from Towson Avenue to Wheeler Avenue and the Riverfront property along Clayton Expressway from North "A" Street to just northeast of North "P" Street. See attached Exhibit A.

Within the boundary of the CBID, lies the Garrison Avenue Historic District. (Please refer to the map included in this publication.) These structures were surveyed in the late 1990's and were identified as either contributing or non-contributing. A contributing building site, structure, or object was present during the period of significance, relates to the documented significance of the property and possesses historic integrity. There are monetary incentives which can be applied for by the owners who wish to renovate the buildings within the Garrison Avenue Historic District. The value of the monetary incentive which comes in the form of federal and/or state historic tax credits is determined by the National Parks Service through the Arkansas Historic Preservation Program in Little Rock.

### Design Goals for the Garrison Avenue Historic District which lies within the boundary of the CBID:

- To protect the integrity of the historic district
- To protect the sense of time and place conveyed by the historic buildings as a collection
- To promote a sense of identity and consistency for the district
- To enhance and protect property values and investments
- To minimize negative impact on adjacent properties by inappropriate developments
- To encourage pedestrian activity
- To convey a sense of human scale

### Design Goals for the Treatment of Historic Properties within the Garrison Avenue Historic District which lies within the boundary CBID:

- To preserve the integrity of each individual historic structure
- To preserve character-defining features
- To avoid alterations that would remove or obscure historic character
- To enhance the perception of the historic character of the historic structure

- To restore damaged historic features and reconstruct missing ones (where adequate documentation exists of what was there historically) and to remove non-contributing alterations
- To preserve and enhance the sense of time and place in the historic Garrison Avenue Commercial District

Design Goals for New Buildings and Alterations of Non-Historic Structures within the boundary of the Central Business Improvement District:

- To accommodate change in a manner that is *compatible* with the historic character of Garrison Avenue without imitating it
- To preserve and enhance the historic, architectural and cultural features of the Garrison Avenue district

Design Goals for the Towson Avenue District from Garrison Avenue to Dodson Avenue including warehouse and industrial areas from South "D" Street to South 9th Street ( Please refer to Exhibit A map)

- To recognize Towson Avenue District as the gateway to the CBID and the Garrison Avenue Historic District
- To encourage property owners to enhance and preserve structures
- To educate property owners that they shall be accountable to these design guidelines with respect to colors, materials used in renovations and new construction
- To require that any removal of important features of the buildings along this corridor will require the approval of staff and the CBID Commission
- To discourage demolitions and to require approval of staff and the CBID Commission
- To encourage appropriate paint colors and require the approval of staff and in some cases, as determined by staff, the CBID Commission

Design Goals for the Riverfront District along Clayton Expressway from North "A" Street to northeast of North "P" Street (Please refer to Exhibit A map)

- To encourage a mixed-use environment, which should include hotels, restaurants, residential, commercial developments, museums and various forms of entertainment venues
- To encourage green space, water features and other spaces that are compatible and will enhance the riverfront environment
- To require new construction to be complementary to the historic district but not attempt to create a false sense of historic development
- To require materials and colors including paint colors to be compatible to the Garrison Avenue Historic District.
- To require new construction to complement the natural environment of the riverfront and complement all of the CBID. Although some metal may be used in limited applications, metal buildings are prohibited. (No pre-engineered steel buildings are allowed unless the exterior design is such that all visible evidence of metal components are totally concealed.)
- To require that all new construction projects along the Riverfront within the boundary of the CBID to be presented to the CBID Commission early in the planning process of the specific project.

## GUIDING THE CHANGES ON GARRISON AVENUE

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Design guidelines serve as a means of guiding the inevitable changes which will occur in the Central Business Improvement District. Much of what is referenced in the next few pages concerns the Garrison Avenue Historic District which is listed on the National Register of Historic Places. In order to maintain this classification, the percentage of contributing structures ( i.e. few changes to the actual structure) in the district must remain intact.

Changes to the built environment are inescapable and can be considered a sign of economic health and confidence in any downtown. The current phase of change in downtown Fort Smith reflects a process which has continued since the beginning of the city in 1817. Although alterations are a part of the evolution of a vital community, historic buildings must be treated with respect. Any additions or new buildings should strengthen the design context of downtown. For the imprint of new construction to be positive, thoughtful consideration must be given.

Uncontrolled demolitions, alterations, and insensitive new construction can irreparably alter the character of the area. Once lost, the ambience of the Garrison Avenue Historic District cannot be recaptured with any sense of authenticity.

The changes which will occur along Fort Smith's Garrison Avenue must be managed to assure that the heritage of the city's historic commercial corridor is protected. How and where new buildings are constructed and how older buildings are treated will determine the quality of life for current and future property owners and visitors.



*Garrison Avenue Looking West, 2010*

*Photo courtesy of Tom Monaco*

*In order for all of the goals in these design guidelines to be important and obtainable, it is critical that the existing character of the Garrison Avenue Historic District, a part of the CBID, be understood through its historical development.*

## HISTORY OF FORT SMITH'S GARRISON AVENUE COMMERCIAL DISTRICT

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Fort Smith, Arkansas is located on the eastern bank of the Arkansas River. The first European settlement in the vicinity, it was established as a federal military post, initially named Fort Belle Point, in 1817. The site, which is located at the junction of the Arkansas and Poteau Rivers, was selected by Major Stephen H. Long, a topographical engineer. The site was chosen over others in the vicinity because of the unusual beauty of the oak-shaded bluff, but largely due to an underlying layer of stratified sandstone, providing a solid foundation for the construction of a fort and other buildings. French settlers coined the name "Belle Point," or beautiful point.

Fort Belle Point or Fort Smith as it was later named for General Thomas A. Smith, the commander who had given orders for its construction, was established to protect the western border of the United States territories against attacks for the Native American residents of the newly-created Indian Territory, located in what is now known as Oklahoma. However, after the forced migrations of the Creek and Cherokee Indians from their ancestral homelands east of the Mississippi River that occurred in the first few decades of the nineteenth century, Fort Belle Point's primary directive shifted to keeping the peace between the newer Indian tribes and such older tribes as the Osage, the Choctaw and the Quapaw who had lived in this area for some time. The hostilities between neighboring tribes was of sufficient magnitude to prompt the U.S. War Department to convert what had been a temporary fort into a permanent facility as of 1825, after the signing of the Choctaw treaty.

The instability of the Native American situation discouraged any organized attempts to establish an associated community adjacent to the fort. It was not until the fort became a permanent facility in 1825 that the platting of the adjacent city of Fort Smith and the selling of lots for new construction began. One of the early white settlers, Captain John Rogers, arrived in 1822 from New Orleans to become a settler for the garrison. When a post office was established in 1829, Rogers became postmaster. In 1834 he bought almost the entire town site for \$450.00. Four years later, the Federal Government decided to establish a new fort and purchased 296 acres of Rogers' land for \$15,000.00.

A new fort, begun in 1838, was much more substantial than the log stockade that had been the garrison's first protection. Construction of the new fort caused a surge of growth in the settlement. Stonemasons, carpenters, and mechanics brought in to work on the fort mingled with soldiers and adventurers.

General Zachary Taylor, then at the beginning of a career that would eventually place him in the office of President of the United States, took command of the unfinished fort in 1841. Late in 1842 the Arkansas General Assembly incorporated Fort Smith, then a town of nearly 500 persons. However, work on the fort was lagging, and Taylor shared the common feeling that there was no need for a strong fortification against the Indians. At Taylor's suggestion, orders to abandon work on the nearly completed structure came from Washington in 1843 and construction came to an abrupt halt.

The pre-Civil War history of the city of Fort Smith centered around its role as a major embarkation point for traders, settlers and other adventurers heading to points west. The highlight of the pre-Civil war era was the excitement generated as wagon trains prepared to proceed westward to the California Gold Rush in 1849. Long lines of wagons, drawn by mules or oxen, rolled through the dusty streets of Fort Smith, the last settlement they would see before their journey west began. Fort Smith began as a merchant town with storehouses and suppliers which furnished guns, saddles, and supplies to the wagon trains of westerning Americans. By 1850 Fort Smith's population has increased to 964, or about twice the 1840 population. The town continued to grow rapidly and in 1851 the military fort was ordered reoccupied.

The Arkansas General Assembly created Sebastian County on January 10, 1851. After several years of contention about the location of the county seat, two juridical districts and dual county seats were established for Sebastian County by the Constitutional Convention of 1874. Fort Smith was the location of one of these county seats. The arrival of the first Butterfield stagecoach in Fort Smith in 1858 inaugurated rapid transportation to California and to St. Louis.

The end of the Civil War marked the arrival of such institutions as public schools, churches and dependable postal service in the city of Fort Smith. The fact that the federal government officially closed the fort as an active military garrison in 1871 attests to the city's firm state of security by this time. The steady growth of Fort Smith as a river port was boosted by several stage lines that connected it with other cities in the Midwest and southwest. Dramatic growth arrived with the Little Rock-Fort Smith Railroad in 1876 and later with the arrival of the St. Louis and San Francisco Railroad in 1883.

To the west of Fort Smith stretched Indian Territory, 74,000 square miles of scantily populated plains over which the Federal Government exercised only a shadowy jurisdiction. The Indian tribes made their own law, but their tribal courts had no authority over white offenders. Remote, with no communications except by horsemen, the Indian Territory was a haven for train robbers, murderers, and bank bandits. The Federal District Court at Fort Smith was charged with enforcing the law in Indian Territory, in addition to handling Federal cases from western Arkansas. Judge Isaac C. Parker (1838-1896), a Republican from Missouri, was appointed to the Fort Smith bench in 1875 and served until his death in 1896. In twenty-one years as judge, Parker boasted of some 9,500 convictions and eighty-eight hangings. Parker's deputy marshalls brought in outlaws from wide reaches of the Indian Territory. The methods of the "hanging Judge", as Parker was known, were hard and direct, but at the end of Parker's career, life and property were much safer in the Indian Territory and the great days of the border bandits were over.

The growth of Fort Smith was intensified by the discovery in 1901 of natural gas fields to the east of the city. The *source of dependable and cheap fuel* made the establishment of industrial enterprise feasible.

Smelters, glass factories, furniture factories, and steel and iron works located in Fort Smith as a result of the discovery of the natural gas. The city had also become a major agricultural trade center, serving as the transportation hub for the wide variety of produce grown through the length of the surrounding Arkansas River valley.

Through these formative years, Garrison Avenue was the major part of Fort Smith, more than just a "main street". Many business owners lived on the second floor of their buildings on Garrison Avenue; other lived in boarding hotels, often located on second and third floors of Garrison Avenue buildings. The west end of Garrison Avenue was predominantly commercial while the east end of Garrison Avenue was lined with private residences until the early 1900s. At the turn of the century the business section, previously confined to the first six blocks of Garrison, expanded to encompass the full twelve blocks of the avenue.

It is recorded that city founder John Rogers laid out Garrison Avenue with New Orleans' Canal Street mind. Garrison Avenue is a grand thoroughfare spanning 120 feet wide. A description of Garrison Avenue in the Garrison Avenue Herald in 1900 described... "the Avenue itself is as handsome a street as could be seen anywhere even in Paris France. The Avenue is fully paved with hand-burned brick right down to the river side, where there is a landing for river boats not much used now [1900], since the several railroads in town provide much more dependable freight and passenger service....." The article went on to say that the buildings had been perfectly executed by the city's master masons and stoneworkers and referred to buildings along Garrison Avenue in the "very latest style", patterned after the famous designs which grace the cities of Chicago and St. Louis. This 1900 article stated, "No more can our fair city be maligned by Eastern newspapers as a "frontier hick town" and "Hell on the Border" as it was in the past. The mercantile blocks [along Garrison Avenue] stand as a monument to the forward-thinking and progressive citizenry of Fort Smith".

The population of Fort Smith doubled between 1900 and 1910. Fort Smith already the trading center for a large agricultural area, found new principal income from industries manufacturing furniture, glass products, clothing and brick. Other industries included coal, natural gas and zinc production. Fort Smith's economy was strong in the early twentieth century and weathered the Great Depression well. All three of the Fort Smith banks continued to operate on a sound basis during the economic crises in the United States during the 1930s. Just as it had been in the 1830s and 1840s, Fort Smith, because of its geographical location, became a crossroads for transients in the 1930s moving from one location to another seeking employment. During the troubled years of the Great Depression the Federal government built two barracks. They were used to house several hundred transients, on an eight acre tract owned by the city of Fort Smith.

The outbreak of World War II brought the establishment of large army training center near Fort Smith in 1941, called Fort Chaffee. The influx of military personnel brought a surge in the population and demand for businesses and services. Garrison Avenue flourished once again.

Despite the last four decades of suburban development on the eastern edges of Fort Smith, Garrison Avenue continues to serve as the city's major commercial thoroughfare. City, county, and federal offices are centered in the area as well as banks and a wide variety of retail, eateries and entertainment establishments. The buildings of Garrison Avenue represent the original core development of Fort Smith. An outstanding compendium of commercial architectural styles from the late nineteenth century through the 1940s, the Central Business Improvement District remains the center of local government and commerce with a strong night time economy and flourishing tourism.

## CHARACTER OF FORT SMITH'S HISTORIC GARRISON AVENUE

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Fort Smith is situated on the western edge of Arkansas at the point where the Poteau and Arkansas Rivers meet. The Garrison Avenue commercial corridor is in a state of transition. Originally begun in 1817 as a military fort, the city which developed around it became a gateway for westward travelers during the pre Civil War period. Toward the end of the nineteenth century Fort Smith was the location of a Federal Court. This court had jurisdiction over Indian Territory which began just west of the Arkansas River. Many of the most desperate criminals in the United States sought and found sanctuary in this territory. Garrison Avenue is still Fort Smith's main commercial corridor and traffic artery. It is also U. S. Highway 64 and handles over 20,000 vehicles a day passing through the area.

Garrison Avenue spans twelve blocks beginning at the foot of the Arkansas River Bridge and running eastward, to its end where on the crest of a hill is the majestic Gothic Revival style Church of the Immaculate Conception. The approach to Garrison Avenue from the river presents a spectacular view of the entire avenue crowned by the spires of the church towers at its end. One of the most important characteristics of Garrison Avenue is its unusual broadness, 120 feet wide. Laid out by city father John Rogers, Garrison Avenue's generous width is said to have been inspired by Roger's hometown New Orleans. Parallel to Garrison Avenue on the south is the city's second primary commercial street, Rogers Avenue, which runs northeast to intersect with Garrison Avenue at the 1200 block and continues on to the easternmost edges of Fort Smith. Paralleling Garrison Avenue on the north is "A" Street. Some of the streets in the historic commercial district centered along Garrison Avenue are laid out at 45 degree angles, creating an unusual pattern of intersections at some locations which spread out in five directions; at other locations there are odd trapezoids and triangles of blocks.

Garrison Avenue is surrounded by significant historic sites. Immediately south of this area is the Belle Point Site, location of the original foundation of the 1817 fort. These buildings became a major military supply center for western forts. In 1961 the area was designated a National Historic Site and has also been designated as a National Historic Landmark. South of the fort site is the fifteen acre National Cemetery which was laid out during the founding of the first fort. Near the National Historic Site, are the Fort Smith Museum of History, the Fort Smith Trolley Museum and the temporary offices for the U.S. Marshal Service Museum.

The Belle Grove Historic District (listed on the National Register of Historic Places in 1973) is located to the north of the Garrison Avenue area and is comprised of twenty-two square blocks of late nineteenth-century and early twentieth-century residences. (Please refer to Exhibit A.) Garrison Avenue contains the oldest surviving commercial buildings in Fort Smith. Construction dates of the earliest buildings are in the 1870s. The oldest buildings are of stone construction, though the majority of buildings are of brick construction. Vernacular adaptations of commercial Italianate and Renaissance Revival architectural styles of the 1880s are mixed with Richardsonian Romanesque and Classical Revival building designs. Common to many of the buildings in the district, particularly along Garrison Avenue, are elaborate dentillated and bracketed galvanized iron cornices. Many of the buildings have columns, window architraves, sill and other ornamental detailing of cast iron. Cut limestone trim is commonly seen on the buildings in the district which were constructed in the 1890s and early 1900s.

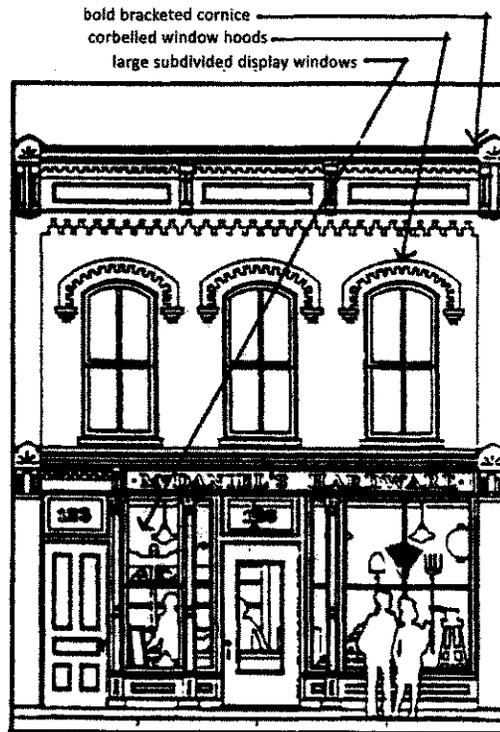
The majority of buildings along Garrison Avenue are considered historic, being at least fifty years old. These historic buildings are what form the character of the district. The rich texture of materials and decorative detailing are distinguishing characteristics to any historic building, but in a commercial streetscape form the variety and interest that give a city its uniqueness. Time has not stood still along Garrison Avenue. There are a number of buildings which have been constructed since 1950; a number of buildings have been razed; a number of buildings have been altered; and the 1996 tornado destroyed several historic buildings in the 200, 300 and 400 blocks, as well as damaging many others.



*Garrison Avenue Looking East from Sixth Street, Approx. 1905*

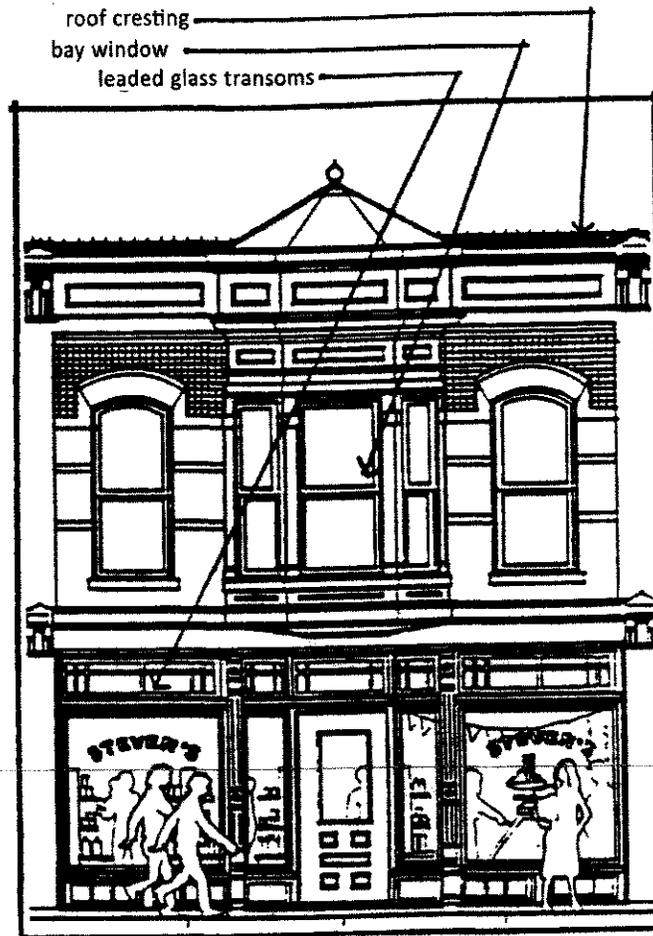
## ARCHITECTURAL OVERVIEW OF THE GARRISON AVENUE HISTORIC DISTRICT

There are a variety of architectural styles found in the Garrison Avenue commercial corridor. These styles and their unique features are what give the particular character to this area of the city. Some are the most prominent styles found along Garrison Avenue include:



### ITALIANATE 1840-1880

This style was popular for commercial buildings and for private homes during the time when many towns and cities were building and growing. Many main streets consist of one Italianate facade after another, side by side, lining the street. The decorated upper stories of these buildings can be seen standing with dignity over the storefronts. They are usually made of simple red brick with a wood or metal bracketed cornice projecting out over the street at the top. Just under the cornice there is often a decoration of corbelled brick. ("Corbelled" means a design laid in a stair step fashion out from the building.) Corbelled brick was also used extensively in the decorative hoods over the windows as was cast iron and sometimes wood. In its original form, a second, smaller cornice capped the tall storefront, which also featured decorative columns, perhaps of cast iron, and large subdivided windows.



#### QUEEN ANNE 1876-1900

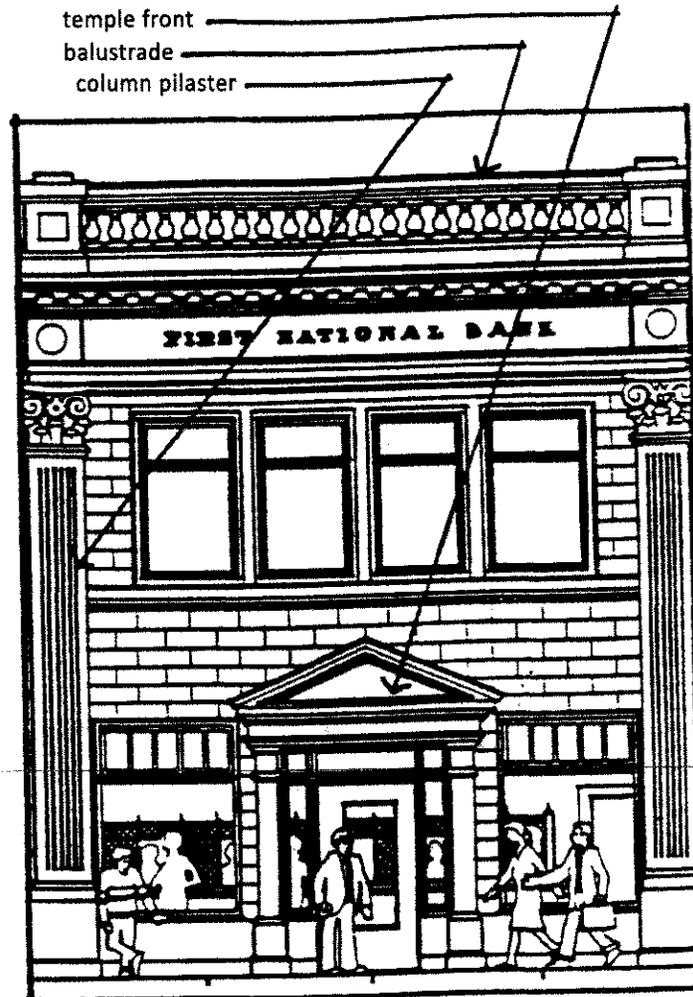
The most exuberant of the Victorian styles, the Queen Anne, is distinguished by the variety of decorative elements and treatments. It is not unusual to see stone, metal, brick, terra cotta, and tile on the same building. Both the façade and the storefront are topped by simplified bracketed cornices, while the street level displays refined wood or metal detailing and leaded glass transom. A high level of technical craftsmanship was reached in the mass production of building elements like cast iron columns, decorative sheet metal and large plates of glass, and these were extensively used in Queen Anne buildings. Also common were decorative turrets, especially at corner locations, and bay windows attached to the masonry façade. Some Queen Anne style commercial buildings also have cast iron roof cresting, which was popular in other Victorian styles as well. All these features combined to create a picturesque and richly textured façade character.



### ROMANESQUE 1880-1900

This style, representing a return to the architecture of early medieval Europe for inspiration, enjoyed a brief but widespread popularity in the late nineteenth century. Its sudden impact was due in large part to the influence of this period's greatest architect, Henry Hobson Richardson. His Trinity Church in Boston redefined Romanesque architecture into a powerful hybrid often known as Richardsonian.

The distinctive trait of a Romanesque façade is the use of the semi-circular arch, used singularly or in a series. Invariably it was a masonry building that was rough hewn and massive, a red brick or stone façade with rusticated red sandstone trim. Granite, terra cotta, and pressed brick were also common. Massive arches over window and door openings dominated the design, and windows set back into the wall created a sense of great thickness and weight. This style marked the earliest movement away from the exuberant Victorian era toward increased simplicity which eventually led to today's modern commercial architecture.

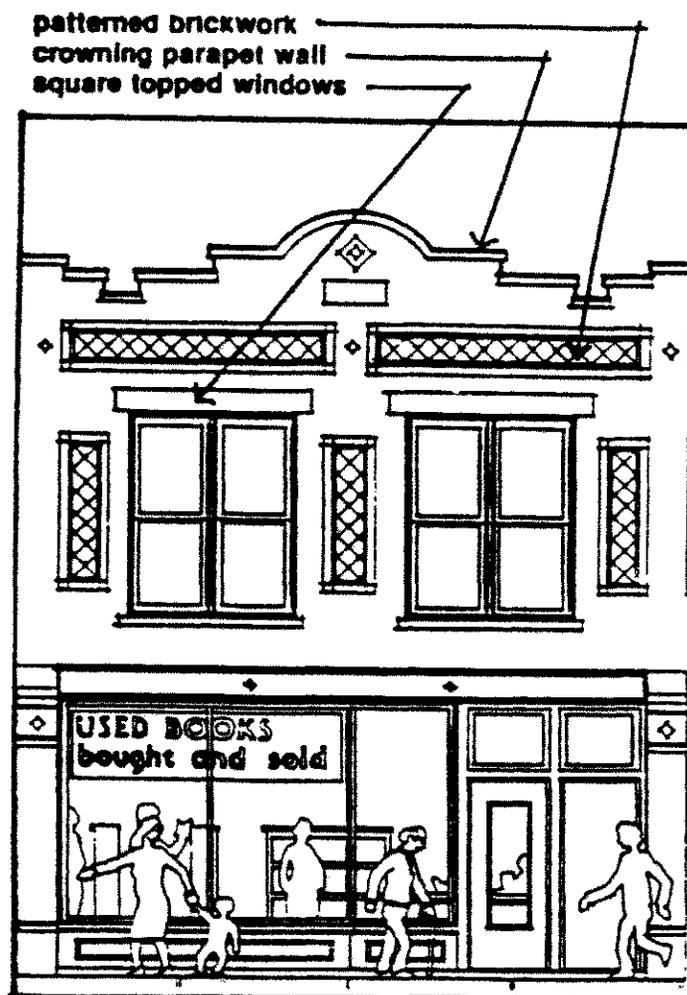


### CLASSICAL REVIVAL 1890-1930

Reacting against the excess of the Victorian styles, architects again turned to ancient Greek and Roman models for inspiration and created the Classic Revival style. Because it suggested the timeless ideal of strength and stability, this style was popular for government, civic and mercantile structures and became almost a national symbol.

These facades were very formal in character and usually symmetrical in composition. The whole range of classical design motifs was used; the temple front composition (pediment, entablature and columns), columns and rows of dentils (trim under the cornice that looks like rows of teeth), moldings, balustrades. The overall character of the façade was of great refinement.

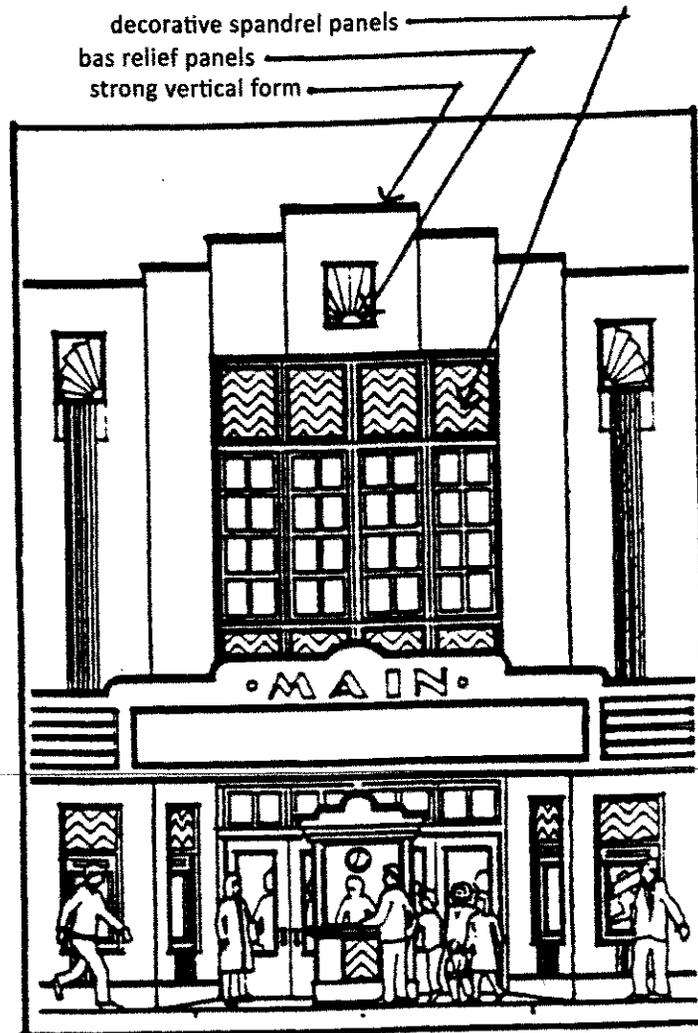
To emulate the bleached ruins of ancient classic architecture, the Classic Revival façade was always white or off-white in color. Brick, terra cotta and stone were all used with dark trim. The use of bronze for decorative detailing was also common.



#### TAPESTRY BRICK 1900-1930

Tapestry Brick is one of the most commonly used vernacular commercial styles of the early decades of the twentieth century. As a vernacular style it can be seen as a folk art. Because of its relative economy, simple brickwork was used by the builders of the day to decorate the office buildings, apartments, stores and garages of the expanding cities.

Bricks were used in a great variety of colors, types, and configurations to create many varied patterns. Because of the regularity of brickwork, these patterns were strongly geometrical. Natural stone, concrete, and terra cotta were all occasionally used for time and accent details. The facades were generally simple in composition where square-topped windows and decorative brickwork concentrated into panel-like design (tapestries). Often the façade was crowned with a distinctly profiled parapet wall.



#### ART DECO/MODERNE 1925-1945

These styles, stimulated by the *Exposition des Arts Decoratifs* held in Paris in 1925, reflected the growing fascination for the glamorous "modern" life style. This type of commercial façade represents quite a break for the earlier styles.

New materials and decorative motifs expressed the culture's changing mood. Metal, opaque, glass, stone and terra cotta were all used in creating the streamlined surfaces. Geometric patterns like chevrons and fluting were played against blank wall areas for dramatic effect. Often stylized bas relief panels were used. Also metal casement windows in groups, often accented by decorative spandrel panels, created powerful visual compositions.

The strong shapes, vertical emphasis and monolithic quality of these facades set them apart from previous styles. Use of strong rich colors, lights, and unpainted shiny metal (stainless steel) combine to create a "jazzy" appearance.

## WHAT ARE DESIGN GUIDELINES?

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Design guidelines are community endorsed policy about design and provide a common basis for making decisions about exterior changes to buildings which may affect individual properties or the overall character of Fort Smith's historic downtown. Design review helps insure that changes in the area are in keeping with the original historic character of the commercial downtown.

The uniqueness of the historic American downtown is rapidly disappearing and those cities who maintain their historic downtowns are becoming tourist attractions. The design guidelines only guide the approach to certain design problems and do not dictate solutions. Instead, they define a range of appropriate responses to a variety of specific design issues. These guidelines are based on design principles and preservation standards set by the Department of the Interior and used by states and historic district commissions across the country. Information in the guidelines is intended to be used by property owners in making decisions about their buildings.

Neighborhoods throughout the country which have historic districts and design guidelines have generally seen stabilization or increases in property and resale values. Preserving historic resources makes good economic sense. A vital and attractive historic commercial district promotes a city's overall quality of life and illustrates its commitment to its heritage and identity. Design review maintains and enhances this character. Careful planning early during the renovation process of historic buildings allows property owners to apply for state and federal historic tax credits.

These design guidelines are divided into five major categories:

- 1) New Construction
- 2) Additions and renovations to existing buildings
- 3) Guidelines for renovative treatment of the historic buildings within the boundary
- 4) Riverfront Development District
- 5) Towson Avenue District

## NEW CONSTRUCTION

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Because the buildings in the Central Business Improvement District vary widely in date of construction and architectural style, the most significant elements taken into the design of new buildings will be the basic building volume, street alignment, and material uniformity. The overall homogeneity of the area is more important than individual buildings.

The importance of context, including the relationship of a proposed project to abutting buildings and side streets should be part of the design decisions for new buildings. The Garrison Avenue commercial district contains buildings which have evolved from the 1870s through the 1990s. Since characteristics differ within the district itself, particular attention to each block should be given in planning new structures. Emphasizing context and design elements, rather than styles, the broadest and most flexible interpretation for new construction is encouraged.

The broad issues to be addressed in any new construction (infill) in the Garrison Avenue district include **height, size, wall materials, windows and doors, roofline, and storefront**. In general, new buildings should be harmonious in form, material, siting and scale with the established district character. The following guidelines apply to all new construction in the Garrison Avenue Historic District:

New construction shall maintain, not disrupt, the existing pattern of surrounding historic buildings along the street by being similar in the following:

1. Scale (height and width)
2. Shape
3. Roof shape
4. Orientation to the street
5. Location and proportion of entrances and windows
6. Foundation/ first floor height
7. Floor-to-ceiling height
8. Material and material color
9. Texture
10. Placement on the lot

All projects, renovations or new construction shall be presented to the Fort Smith Planning Department. Most projects within the boundary of the CBID will be presented to the CBID Commission for review. All projects which are a variance to these design guidelines must be presented to the CBID Commission to approve or deny the variance. ( A copy of the variance application may be obtained at the Fort Smith Planning Department or online at [www.fortsmithar.gov/planning](http://www.fortsmithar.gov/planning)) (Refer to, Ordinance # \_\_\_\_\_, Section 4.)

### **BUILDING ORIENTATION**

Align the façade of the new building with the established set-backs of the area.

### **BUILDING FORM AND SCALE**

New buildings should appear similar in mass and scale with historic structures in the area. Where new building facades will be wider than those found traditionally, subdivide the surface into portions similar in scale to historic facades. Use building forms that match those used historically.

### **USE ROOF FORMS THAT MATCH THOSE USED HISTORICALLY**

Roof types on new buildings in historic districts should conform to those found historically. For instance, in a commercial block where all existing buildings have flat roofs, it would be inappropriate to construct a new building with a gable or hip roof.

### **MATERIALS**

- Use building materials that are similar to those employed historically for all major surfaces.
- Metal buildings or buildings with metal facades are prohibited. The use of any pre-engineered metal structural components will only be allowed if there is no exterior visual evidence of said components.
- No more than 20% of the total building façade, excluding window and door openings, will consist of Exterior Insulation and Finish Systems (EIFS), or similar material.
- Colors, including paint, shall be muted.

### **ENTRANCES**

Orient the main entrances of the building in a manner similar to established patterns in the district.

### **WINDOWS**

Use of window sizes and proportions similar to historic designs is encouraged.

### **SET DESIGN STANDARDS**

Pay particular attention to the surrounding buildings in the affected block. The relationship of buildings and spaces along Garrison Avenue makes the block an especially significant visual unit. Less diffuse than an entire area and with greater impact and community significance than a single building, the block is a part of the urban environment that demands thorough treatment in design guidelines.

Each site should be developed to help define active spaces for people, to provide pedestrian connections between sites, and to define street edges. The placement of a building on a site should therefore be considered within the context of the block and how the structure will reinforce the broader design goals for the area.

## **ALIGNMENT OF BUILDING FRONTS**

A building's front façade should be oriented to reflect the street grid and should be parallel with the street. Exceptions exist at the intersections of Garrison Avenue and Rogers Avenue where two different street grids intersect. This variation may be reflected in building alignments.

Locate a building front at the sidewalk edge. However, in looking at a block as a particular unit, exceptions can be made where the predominant character of adjacent properties reflects a setback from the sidewalk. If a portion of the building wall is to be set back from the sidewalk to create a courtyard or arcade, continue to define the sidewalk line with planter, columns, railings or similar features.

## **BUILDING HEIGHTS**

Maintain the alignment of building heights to those in the block. The height of new buildings should be within range of heights already found along the block. Buildings at the ends of the block should be similar in height to buildings along adjoining blocks. Buildings on corner sites are usually larger and more highly ornamented than buildings in midblock, which makes them centers of visual interest. Maintain the visual emphasis of each block at its corners. Care should be taken to not block views that are an important part of the historic area.

## **ALIGNMENT OF HORIZONTAL ELEMENTS**

Window frames, clerestories, the tops of first-floor display windows, sign bands and moldings should align horizontally along the block, helping strengthen the visual ties among buildings. Maintain the horizontal alignment of window frames. The front facades of buildings along the blocks of Garrison Avenue have many windows and large areas of glass. Maintain the same high proportion of glass in new construction.

First floors, which have large areas of glass and small areas of opaque materials, are clearly separated visually from upper floors, which reverse the pattern; small areas of glass, predominance of opaque materials.

Maintain the clear distinction between first floors and upper floors. Use of horizontal moldings, awnings or sign bands to emphasize the distinction should be considered. New construction should provide large areas of glass on the first floors. Window sizes and shapes in new buildings should be similar to existing historic buildings in the block.

## **ADDITIONS TO EXISTING BUILDINGS**

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### **RELATIONSHIP TO MAIN BUILDING**

Additions to existing buildings should be compatible in size, scale, color, materials and character of the main building and its environment.

### **ORIGINAL DESIGN CHARACTER**

Wherever possible, new additions or alterations to buildings should not obscure or confuse the essential form and character of the original building. Avoid new additions or alterations that would hinder the ability to interpret the design character of the historic period of the district. Alterations that seek to imply an earlier period than that of the building are inappropriate. Alterations that seek to imply an inaccurate variation on the historic style are also inappropriate.

### **LOCATION**

When locating additions to historic buildings, maintain the pattern created by the repetition of building fronts in the area. Avoid impacts to special moldings, or decorative windows.

### **MATERIALS**

Materials shall be used that are compatible with the original building. No more than 20% of the project, excluding window and door openings, will have metal, Exterior Insulation and Finish System (EIFS), or similar materials.

### **PHILOSOPHY OF DESIGN GUIDELINES**

The design guidelines were developed with the information found in "The Secretary of the Interior's Standards for Rehabilitation" and with the specific needs of the Central Business Improvement District.

The principal approach in design guidelines is the emphasis on preservation over complete restoration. This view is illustrated through the use of such words as REPAIR, RETAIN, MAINTAIN and PROTECT. It is important to REPAIR original materials rather than replace them where feasible; RETAIN original features like bulkheads and "ghost signs"; MAINTAIN the first floor storefront and display windows because it is integral in displaying historic character; and PROTECT the original setting of the building to protect its integrity.

The primary façade of buildings is emphasized in the design guidelines. Primary facades are those readily visible from the street or sidewalk such as the fronts and sides of a building. Primary facades are the areas generally given the greatest amount of detail and decoration and largely define the architectural character of the property.

While providing a framework and philosophy for design review by the Central Business Improvement District Commission, (property owners appointed by the Fort Smith Board of Directors) these guidelines describe solutions for rehabilitation which might best preserve the character of the historic downtown of Fort Smith.

The guidelines will be used by city staff and the CBID Commissioners when reviewing applications during the permitting process for new construction, additions or renovation projects. It is recommended that people planning to do rehabilitation, new construction, or an addition, contact the City's staff representative of the CBID early in the planning process.

These guidelines apply to the exterior only. The part of the building environment visibly accessible to the public is subject to the guidelines for preservation. Decisions regarding the interior of private property are strictly reserved to the owner. However if the property owner is applying for State or Federal Historic Tax Credits, early discussion with Arkansas Historic Preservation is encouraged. Interior renovation can be a concern when seeking historic tax credits. City staff can assist you in contacting the correct individuals in Little Rock.

## SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

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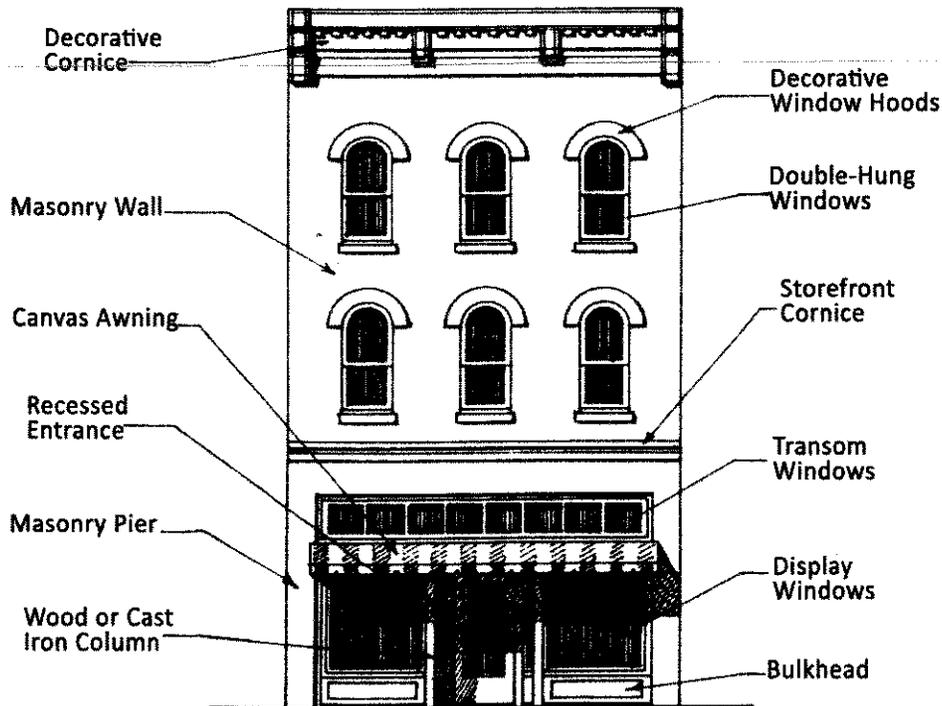
The standards that follow were originally published in 1977 and revised in 1990 as part of Department of the Interior regulations (36CFR Part 67, Historic Preservation Certifications). They pertain to historic buildings of all materials, construction types, sizes and occupancy and encompass the exterior and the interior of historic buildings. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

- 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*
- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*
- 3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from another building, shall not be undertaken.*
- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*
- 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*
- 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken in the gentlest means possible.*
- 8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*
- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*
- 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

## THE HISTORIC COMMERCIAL BUILDING

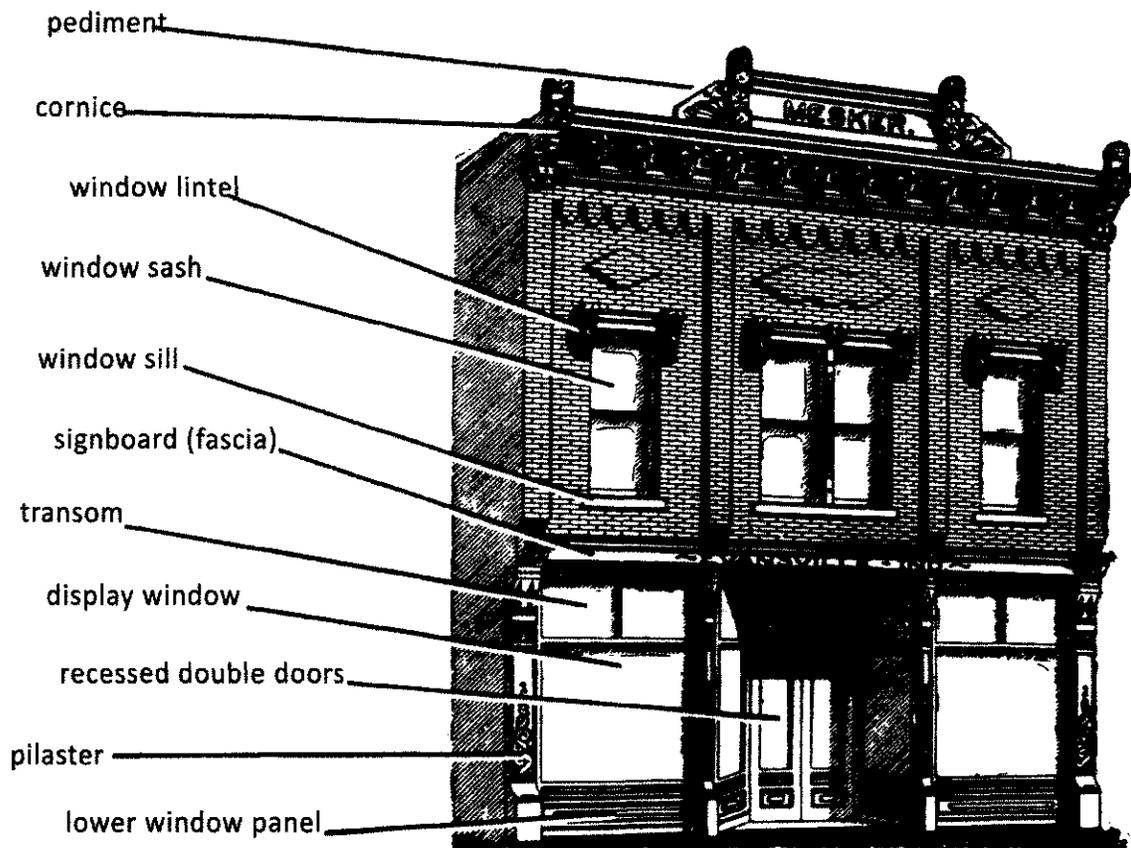
The traditional commercial storefronts found on Garrison Avenue date from the late nineteenth through the early twentieth centuries. The front façade of a building was constructed with the most expensive materials and construction techniques, and it is the front façade which projects the image and character of the downtown. Although styles and appearance evolved over the years, the traditional facades remain unchanged in their basic form and proportions. This similarity and consistency of form creates a strong, coordinate, visual image.

The storefront is the most important architectural feature of many historic commercial buildings. It also plays a crucial role in a business' advertising and merchandising strategy. The storefront has become the feature most commonly altered in a historic commercial building. As more people come to recognize and appreciate the architectural heritage of America's downtowns, a growing interest can be seen in preserving the historic character of commercial buildings. The basic commercial façade consists of three parts: the storefront, with an entrance and display windows; the upper façade, usually with regularly spaced windows; and the cornice, which caps the building. Although these components appear in many shapes and styles, the result is essentially the same traditional façade.



The general principle in rehabilitating a front façade is to be as respectful to the original elements, materials and construction techniques as is practical. During the rehabilitation it will almost always be necessary to remove recent building "improvement". Metal panel facades, screen walls, stucco, vinyl and aluminum siding, and other contemporary wall coverings should be removed. The original building material should be cleaned and repaired.

The original scaled, proportion and character of the building should be retained. The building should not be increased or decreased in overall height; stories should not be added or removed from the building. It is also important to retain or restore all original window, doorway and alleyway openings in the front façade. In many cases it will be necessary to remove brick and other types of infill in existing openings. The openings should be restored to their original size, shape and proportions. New openings should not be created in the front façade. The locations of window, storefront and doorway openings are the most visually important design elements on the front façade. It is of paramount importance to respect the nature and character of these openings in order to maintain the original scale of the building. Buildings with multiple storefronts should also be restored to the original design treatments.



# DESIGN GUIDELINES FOR EXISTING BUILDINGS IN THE GARRISON AVENUE HISTORIC DISTRICT

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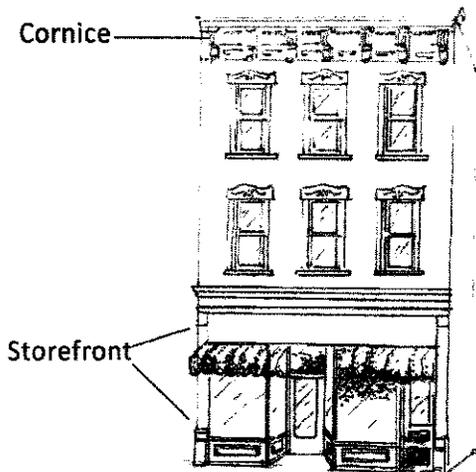
## ACCESSIBILITY

The Americans with Disabilities Act (ADA) mandates that places of public accommodation be accessible to all users. These guidelines should not prevent or inhibit compliance with accessibility laws. All new construction should comply completely with ADA. Owners of historic properties also should comply to the fullest extent possible, while also preserving the integrity of the character-defining features of their buildings. For example, historic door thresholds often made of stone or cast metal should be preserved when feasible. Original archway widths should be preserved as well, where feasible. Special provisions for historical buildings exist in the laws that allow some alternative solutions in meeting the ADA standards.

## ADDITIONS

Because most lots already have structures on them, any additions are likely to occur as roof-top, side, or rear additions. An addition should be compatible in scale, materials, and character with the main building. Using similar material is appropriate. In some cases, a simpler, less noticeable material also may be appropriate. The materials should be in proportion to the historic building. Materials, finish and details on any addition should not call attention to the new space. See section on Additions to Existing Buildings.

## TRADITIONAL FAÇADE & STOREFRONT DESIGN



A traditional downtown commercial facade

The basic traditional commercial façade consists of three parts: the storefront with an entrance and large display windows, an upper masonry façade and a decorative cornice. The basic storefront design includes large windows with thin framing members, a storefront cornice, transom, bulkheads and often a recessed entrance.

If planning improvements to a storefront, the original proportions should be carefully considered and respected. On occasion, one business utilizes more than one historic storefront. The individual identities of the original buildings should be retained, and the use of awnings, colors and signage should be used to unify the storefronts, rather than

removing original materials and creating one new, modern storefront out of several buildings.

## STOREFRONT FEATURES

Existing historic storefronts date from the late 19th and early 20th centuries and are designs typical of commercial architecture of the period. Storefronts generally had five main characteristics:

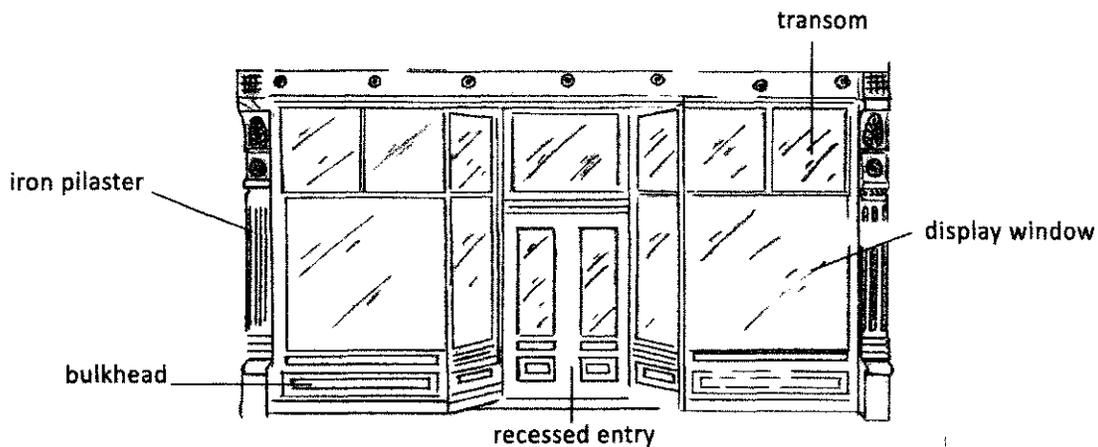
**Lower panels or bulkhead:** The large plate glass windows for the display of goods rested on lower panels called bulkheads. These were primarily rectangular in design, of frame or brick construction and often had raised patterns.

**Display windows:** Merchants in the early 20th century relied on extensive window displays to advertise their goods. High visibility was a priority for these merchants and the installation of large sheets of plate glass provided maximum exposure of wares.

**Cast iron pilasters:** To support the weight of the brick masonry above the storefront, cast iron columns or brick piers were often added. The cast iron was shaped into decorative forms that supported the load of the brick upper façade allowing large display areas. Brick piers were also used to support the weight of the upper façade brick.

**Large central or corner entrances:** Many commercial buildings originally had large central or corner entrances of single or double doors.

**Transoms:** Over the display windows and entrances were usually transom bars and transoms. Transoms allowed light into the building and were used for additional areas of signage and display. Transoms utilized clear, textured, leaded or stained glass.



## **STOREFRONT GUIDELINES**

1. Original storefronts or historic storefronts that are more than fifty years old should not be altered but repaired and retained.
2. Future storefront remodeling or renovation should follow historic guidelines such as retaining historic features, reconstruction based on historic photos or illustrations, or renovation based on typical storefront designs of the period.
3. All decorative metals or glass on historic storefronts should be retained and maintained.
4. If an original storefront has been removed, a new storefront design should take the original proportions and materials into account. Modern materials are acceptable so long as they are in proportion to traditional design. Shiny, brushed aluminum is not appropriate. Original materials or aluminum with a baked enamel finish are more appropriate.
5. A storefront should be composed almost entirely of clear glass. Tinted or reflective glass is inappropriate. Should privacy be desired, interior window treatments or movable barriers should be considered.
6. Transoms over doors or display areas should not be enclosed or painted out.
7. Designs and materials such as sloping mansard roofs, metal siding, vertical siding, stucco/EIFS, wood shingles, imitation brick, imitation stone, vinyl and aluminum siding are not appropriate and should not be added to storefronts or upper stories.
8. Avoid concealing original façade materials. If original material must be replaced, duplicate the element utilizing the original material. Avoid the use of shiny, reflective materials such as mirror, glass and plastic panels as façade materials. New materials should be similar in texture and pattern to those found historically.
9. Cast iron should be painted to prevent rust and corrosion. Rust or paint build-up may be removed by chemical treatment or low-pressure dry grit blasting (80-100 psi), taking care to protect any adjacent building materials that might be damaged.

## STOREFRONT ENTRIES

Traditionally, entrance doors were made of wood with a large pane of glass. Standard aluminum and glass commercial doors have replaced many original doors. Aluminum can be made more compatible by being painted a dark color and by selecting a design in the proportions of the original. The rhythm of entries is important in the downtown area. Historic entry systems, whether recessed or flush with the public walk, shall be retained.



## STOREFRONT ENTRY GUIDELINES

1. Original entry doors should be retained and restored in their original location and configuration when appropriate. If modifications have been made, a new entry should be designed based upon the traditional design elements.
2. Use doors with large areas of glass and a painted or baked enamel frame.
3. Avoid unfinished bright aluminum or stainless steel frames.
4. Avoid residential style doors, including those from historic residences.
5. Finished frames may be varnished or painted wood or metal with anodized or painted finish. Wider metal frames are generally encouraged over narrow frames.

## **STOREFRONT WINDOWS**

For most downtown buildings, large windowpanes at the first floor level are advisable for both retail and office use. Avoid multi-pane designs that divide the storefront window into small components. This look is not typical of most downtown buildings, and is therefore inappropriate. Tinted glass is generally discouraged except for decorative transoms. Awnings and interior window treatments can protect from the sun, but allow its warmth to enter in colder seasons while retaining the traditional appearance.

### **STOREFRONT WINDOW GUIDELINES**

1. Original storefront window configuration should be maintained.
2. Tinted and/or reflective glass is inappropriate.
3. Avoid multi-pane designs.
4. Preserve existing transoms. Leaded and prismatic decorative transoms should be preserved in place. For other transoms, clear glass is generally preferable.
5. Use the transom as a place for a sign or decorative plane if the use of glass is not feasible, but retain the original proportions of the opening.

### **BULKHEAD GUIDELINES**

1. Existing storefront bulkheads should be retained and repaired as needed. If bulkheads have been removed, appropriate bulkheads should be installed, based upon the historic elements.
2. If the original design is missing, use historic documentation to duplicate an appropriate design. If original information is not available, develop a new simplified design that retains the original character.
3. For renovations where there is no physical or documentary evidence, appropriate bulkhead materials are painted wood, brick, stone or painted metal. Plywood may also be acceptable when no original material exists. Artificial siding, plywood and EIFS are not appropriate if replacing original material.

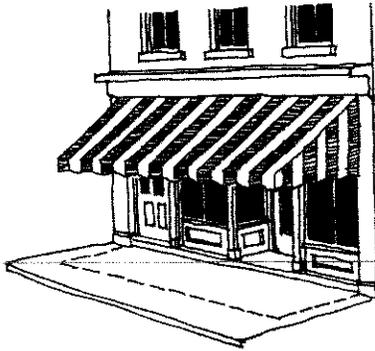
## **AWNINGS & CANOPIES**

- A. Horizontal, fixed canopies are encouraged where historic evidence demonstrates that a canopy once existed. Appropriate supporting mechanisms are wall-mounted brackets, chains and posts. Wall-supported canopies also may be considered for new construction.
- B. Fabric awnings are appropriate and encouraged for historic buildings and new construction.
- C. Operable awnings also may be considered.
- D. Rigid frame awnings also may be considered.
- E. Rigid canopies are encouraged to provide recessed lights and illuminate the sidewalk.
- F. Use colors that are compatible with the overall color scheme of the façade. Solid colors or simple muted striped patterns are appropriate.
- G. Simple shed shapes are appropriate for rectangular openings. Semi-circle shapes are appropriate for arches. Odd shaped awnings are inappropriate.
- H. Awnings and canopies should be mounted to accentuate character-defining features. They should be mounted to highlight moldings that may be found above the storefront. Their mounting should not damage significant features and historic details.
- I. When awnings are used on buildings, canopies must be in good condition and comply with the City of Fort Smith's Property Maintenance Code. Colors of canopies shall be approved by the staff of the City or the CBID Commission. If a change of ownership occurs with the business occupying the space and a canopy is used for identification of the business the current business must be identified on the canopy.

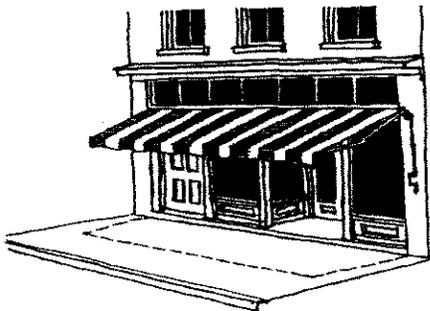
## AWNINGS

The canvas awning was an important design element in the traditional storefront. It provided cover, added color and served as a transition between the storefront and the upper façade. Most buildings that face the sun had awnings. Look at old pictures of your building to see how awnings were used.

A standard street-level awning should be mounted so that the valance is about 7 feet above the sidewalk and projects out between 4 and 7 feet from the building. A 12-inch valance flap is usually attached at the awning bar and can serve as a sign panel.



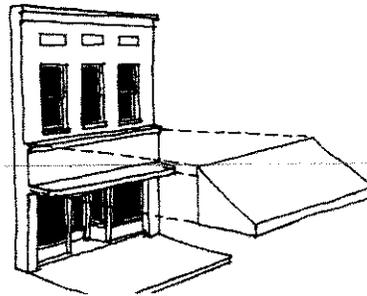
An awning can be attached above the display windows and below the cornice sign panel. Sometimes it is mounted between the transom and the display windows, allowing light into the store while shading the merchandise and pedestrians from the sun.



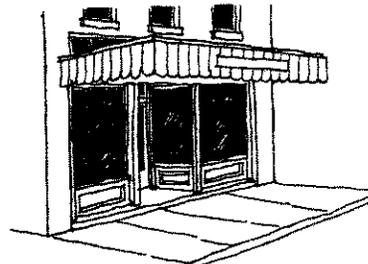
An awning should reinforce the frame of the storefront and should not cover the piers or the space between the second-story window sills and the storefront cornice.



Inappropriate storefront alterations can be effectively disguised by mounting an awning over the alterations while maintaining the proportions of a traditional storefront.



Aluminum awnings or canopies generally detract from the historic character and should not be erected. If a flat canopy exists, it can be dressed up with a 12-to 24-inch awning valance.



Various awning materials offer different colors and patterns. There are several to choose from: canvas, vinyl coated canvas and acrilan, a synthetic material. Each varies in cost and relative durability.

## **BRICK AND MASONRY**

- A. Materials original to the building should be preserved.
- B. Brick and masonry should never be sandblasted or subjected to any kind of abrasive cleaning. Do not clean with high pressure water which exceeds 450 pounds per square inch. These processes damage brick surfaces and erode mortar joints.
- C. To avoid needlessly introducing moisture or chemicals into the building, brick and masonry should be cleaned only when necessary to remove heavy soiling and to stop deterioration.
- D. Paint removal should not be done if the paint is firmly adhered to and therefore protecting the masonry surface.
- E. Water-repellent coating should not be added unless masonry repairs have failed to stop water penetration problems.
- F. As a general rule, brick and masonry shall not be painted unless in the case of brick, the brick is extremely mismatched from earlier alterations or cannot withstand weather.
- G. Brick and masonry shall not be covered with Exterior Insulation Finish System (EIFS), stucco or any similar material.
- H. Repointing should match original width, depth, color, raking profile, composition and texture.
- I. Repoint should never be done with Portland cement or other hard mortar but with original compounds, if it can be determined, or with a historic compound such as one part lime and two parts sand. Original type mortar compounds allows for expansion and contraction while hard mortar or cement prevents the expansion and contraction process.

## **CODES**

- A. All standard construction projects must comply with the City of Fort Smith, Arkansas building, fire, plumbing, mechanical, and electrical codes in the most recent adopted edition.

## **COLOR**

- A. Use colors to create a coordinated color scheme for the building. The façade should “read” as a single composition.
- B. Base or background colors should be muted. Use the natural colors of the building materials, such as the buff color of limestone, as the base for developing the overall color scheme. Historic color charts are now available at most paint stores. City staff is also available as a resource to meet with owners regarding appropriate color selections.

C. Matte finishes are preferred to high glossy ones.

D. Reserve the use of bright colors for accents only. Bright colors may highlight entries, for instance.

E. Using the historic color scheme of the building is preferred. When historic colors are to be used, provide evidence of their historic application. Brickwork was usually unpainted.

#### **CORNICES**

A. Most historic commercial buildings have cornices to cap their facades. Their repetition along the street continues to the visual continuity on the block. They may be a straight or stepped parapet.

B. Cornice that is intact should be preserved. Reconstruct a missing cornice when historic evidence of its character is available. Use historic photographs, if available, to determine design details of the original cornice.

C. Substitution of another old cornice for the original may be considered, provided that the substitute is similar to the original.

D. If it is not possible to find photographs or evidence of the original cornice, a simplified interpretation is appropriate. Materials for reconstructed cornices include stone, brick and stamped metal.

#### **DEMOLITION**

A. The demolition of original feature or part of a historic building should be avoided.

B. Demolition of a building which contributes to the historic or architectural integrity of the historic district shall not occur, unless:

1. Public safety and welfare requires the removal of a building or structure as determined by the building or code inspector along with concurring reports commissioned by and acceptable to the Fort Smith Planning Department from a structural engineer or architect.

2. Where economic hardship (the fact that no reasonable return on or use of the building exists) has been demonstrated and proven.

3. Where rehabilitation is undesirable due to severe structural instability or deterioration of a *building*.

4. The building has lost its original architectural integrity and no longer contributes to the district.

5. No other reasonable alternative is feasible, including relocation of the building.

C. All demolition requests within the boundary of the CBID will be presented to the CBID Commission to approve or deny .

#### **FENCES AND WALLS**

A. Fences and/or walls are not likely to have existed historically in the Garrison Avenue commercial district. If historic documentation of fences or walls on the square exist, it may be appropriate to reconstruct a similar type fence or wall.

B. All fencing projects regardless of size shall be presented to staff or the CBID Commission.

#### **ENTRIES**

A. Maintain existing recessed entries. The repetition of recessed entries provides a rhythm of shadows along the street, which helps establish a sense of scale. These recessed entries were designed to provide protection from the weather, and the repeated rhythm of these shaded areas along the street helps to identify business entrances.

B. The original doorway should be preserved on all historic buildings. Some may be double-leaf, panel doors with glass in the upper one-half. Doors with metal frames and large areas of glass are appropriate on Art Deco and Art Modern style buildings.

C. If the original door design is unknown, replace with a single light (glass area) door design, not solid paneled door, decorative doors, or any kind of door based upon a different historical period or style.

D. Preserve, maintain, or repair original display windows. If a storefront is missing display windows, new windows should match the original in location, design, size, and materials. Glass used in windows shall appear similar to that used historically. Transparent, clear glass is appropriate. Opaque, tinted and mirror glass are inappropriate. Retaining extant historic glass is important and should be encouraged in all cases except where safety glass or wire glass is required by code.

#### **KICKPLATES**

A. The kickplate, or bulkhead, located below the display window, adds interesting detail to the streetscape and should be preserved.

B. If the original kick plate is missing, develop a compatible replacement design. Wood and masonry are appropriate materials for replacements.

C. Coordinate the color of the kickplate with other trim elements on the buildings.

### **Entry Way Name Plates**

Some of the buildings within the CBID have name plates generally made out of tile or granite that give recognition to the original or previous owner. These shall be preserved when possible.

### **LANDSCAPING**

A. Landscaping is encouraged where space allows. Landscaping will enhance the pedestrian experience and is therefore encouraged. Limited opportunities exist for landscaping in the historic commercial districts, but these should be explored whenever feasible.

B. The development of outdoor patios and courtyards in the rear is encouraged. Locating a patio along the street edge is discouraged, because the sidewalk edge should be defined with a building, not open space.

### **LIGHTING**

A. Lighting designs should enhance the ability to interpret the historic character of the street, as seen at night, and should not overwhelm it.

B. Use lighting to:

- Accent architectural details
- Accent building entries
- Accent signs
- Illuminate sidewalks

C. All light sources shall be shielded. Lighting should not dominate a façade or the street. Washing the entire façade of a building with light is inappropriate. Lights focused upward to light the façade also are inappropriate.

D. Permanent animated lighting, such as chase lights is prohibited.

### **MECHANICAL EQUIPMENT & UTILITIES**

A. Minimize the visual impact of mechanical equipment. Screen equipment from view.

B. Do not locate window air conditioning units on the building's façade, if possible.

C. Minimize the visual impacts of utility connections and service boxes.

D. Locate standpipes and other service equipment such that they will not damage historic façade materials. Cutting channels into historic façade materials damages the historic building fabric and is inappropriate. Avoid locating such equipment on facades of buildings.

## **PARKING**

A. The historic character of Fort Smith's downtown was largely established by the time automobiles were introduced. Plan parking lots to be sub-divided into small components so that the visual impact of large paved areas is reduced. Side or rear locations are preferred for parking lots. Provide planting buffers at the edges of parking lots. Also include islands of planting in the interior of lots.

## **ROOFS**

A. Preserve the historic character of the building's roof line.

B. Altering an existing historic parapet line is inappropriate.

C. Set any new roof terraces back from the building front.

## **SECURITY DEVICES**

A. Minimize the visual impact of security devices. Historic precedent exists for using metal bars on openings. These were simple yet decorative in design. New bar designs should be simple in design as well.

B. Roll-down metal screens are discouraged because they obscure products on display and diminish the interest of the curb appeal to pedestrians when the screens are in the closed position.

## **SERVICE AREAS**

A. Minimize the visual impact of trash storage and service areas. Location of these service areas should be in the rear of the property or in less visible areas. Screening dumpsters from pedestrian view is required by City code.

## **SIGNS**

A. Signs should be sized in proportion to the building.

B. Signs should be of historic materials such as finished carved wood, glass, copper or bronze. Plastic substrate is inappropriate. Neon signage presenting the name and theme of the business is allowed with proper City permits. All signage is subject to design review by city staff.

C. Signs should contain lettering which does not exceed 18 inches in height and does not exceed more than 60% of the total sign area.

D. Signs should be placed at traditional locations such as on storefront belt courses, upper façade walls (not to exceed 20% of the overall wall surface), and hanging or mounted inside windows, or projecting from the face of the building.

E. Position flush-mounted signs so they will fit within architectural features. Locate flush signs so they do not extend beyond the outer edges of the building front. Avoid obscuring ornament and detail.

F. Lighting for signs should be concealed and spot or up-lit lighting is recommended.

G. "Ghost" signs (historic painted wall signs) should be preserved and not removed.

H. Painted wall signs or murals may be appropriate.

I. Banner or fabric signs may only be used for special events.

J. Where several businesses share a building, coordinate the signs.

K. Sandwich style temporary signs may be used in the district as long as the sign does not block pedestrian movement.

L. No new billboard style signage shall be allowed. As stated in the Fort Smith Unified Development Ordinance, no new billboard style signage will be allowed in the Commercial-6 zone.

M. All signage must have the proper sign permits by the City of Fort Smith.

#### **SITE DESIGN**

A. Set-backs- maintain the pattern and alignment of buildings established by the traditional set-backs from the street.

B. Entrance Orientation- Maintain the traditional design elements used for defining building entrances.

#### **WALLS**

A. Preserve original façade materials. Historically, brick and limestone have been the dominant building materials in the Garrison Avenue historic district. Historic building materials and the craftsmanship they exhibit add textural qualities, as well as visual continuity and character to the streetscape.

B. When replacement of façade wall materials is necessary, the new materials should match the original in scale, color, texture and finish.

C. Do not cover or obscure original façade materials. Covering of an original façade not only conceals interesting details, but also interrupts the visual continuity along the street. If the original material has been covered, uncover it, if feasible.

D. Do not use harsh cleaning methods that could damage the finish of historic materials. Sandblasting, for example, is prohibited.

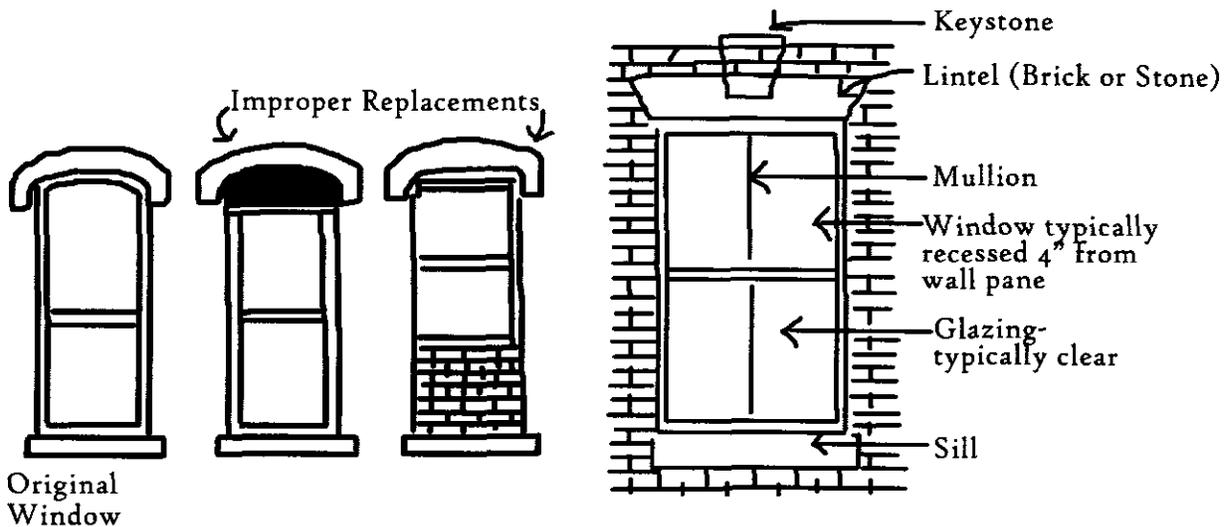
E. Saving deteriorated parts which must be replaced may later assist in matching reconstructed features. Wood sash windows, cornices and doors can often be restored or duplicated.

### WINDOWS & DOORS

A. Maintain historically significant storefront openings. The size and shape of original doors a windows are important characteristics that contribute to the integrity of historic commercial buildings. Avoid altering the shape of these features.

B. Retain the original shape of the transom glass in historic storefronts. The upper glass band of traditional storefronts introduced light into the depths of the building, saving on lighting costs. These bands are found on many historic storefronts, and they often align at the same height. The shape of the transom is important to the proportion of the store front, and it should be preserved in its historic configuration. If the original glass is missing, installing new glass is preferred. However, if the transom must be blocked out, use it as a sign panel or a decorative band, but retain the original proportions.

C. Preserve historic upper story windows. Historically, upper story windows had a vertical emphasis. The proportions of these windows contribute to the character of each commercial storefront. Do not block windows or alter their size. Consider re-opening windows that are currently blocked. Replace missing glass. Maintain the historic window sash when possible.



## **Riverfront Development and New Construction within the CBID**

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There have been continued discussions and studies on development along the Fort Smith Riverfront within the CBID boundary. The overall Riverfront development will be a mixed use project potentially containing entertainment venues, hotels, commercial or office space, green space, water features and possibly sports arenas. Additionally, at the time of this update, the U.S. Marshal's Service has selected the riverfront as the location for its national museum.

New construction should be complementary to the Downtown and historic areas although not attempting to recreate or imitate historic structures. Designs, materials and colors shall be compatible with the overall plan. Open spaces will be encouraged so as not to completely block the view of the river from the main thoroughfare along Clayton Expressway.

Metal buildings or buildings with metal facades are prohibited. Limited use of metal on the exterior of a building or structure is permitted as long as it does not exceed 20% of the gross wall area. Multi level buildings will be permitted. However, developers must be conscious of the view from Clayton Expressway and the Riverfront. Landscaping for all projects must be designed with consideration of the overall project and complementary to other existing development. Developers should be aware of the architecture and scale of the other projects in the area which may be in various developmental stages. In addition they should consider the overall natural beauty of the Riverfront in regard to materials and colors while designing their own projects. CBID Commission approval is required for exterior elevations on all projects along the riverfront within the CBID boundary. In order to save time and financial resources of the developer, it is recommended that preliminary meetings with staff are scheduled early in the planning stage of the particular project. For future planning, any modifications to the buildings along the Riverfront within the CBID shall go to staff or the CBID Commission for approval.

### **Towson Avenue from Garrison Avenue to Dodson Avenue and the Warehouse District along South D Street to South 9th**

This portion of the CBID is considered the gateway into the Central Business Improvement District and entertainment district of Fort Smith. It is a fascinating area with several buildings constructed in the early 1900's. Recent construction projects include the renovated Sparks Hospital and the Sebastian County Courts Building completed in 2009. Currently, this area is not listed on the National Register of Historic Places. As a gateway into the CBID, this area must visually impressive to visitors and our own citizens. It will be the responsibility of staff and the CBID to encourage and expect current property owners to maintain and improve their structures within this area.

### **General Requirements for the Towson Avenue Corridor and Warehouse District**

- Refer to the design standards for the Garrison Avenue District for specific requirements
- Special attention to renovations and maintenance will apply
- All projects with regard to colors and materials will require the approval of City staff or the CBID Commission
- All demolitions will be presented to the CBID Commission
- Demolitions will not be allowed unless decay is beyond repair
- Landscaping, window boxes or colorful planters are encouraged
- Landscaping must be maintained in good condition
- All businesses should have signs that are well maintained, effective and complementary to the district
- All signage must have proper sign permits from the City of Fort Smith.
- No new outdoor advertising shall be allowed.
- All windows and store fronts must be well maintained and free of visible decay

## APPENDIX A- GLOSSARY OF TERMS

### DEFINITIONS

#### 1. Procedural Definitions

***Certificate of Appropriateness:*** A document awarded by a preservation commission allowing an applicant to proceed with a proposed alteration, demolition, or new construction in a designated area or site, following a determination of the proposal's suitability according to applicable criteria.

***Certified Local Government:*** Any city, county, township, municipality, or any other general purpose subdivision enacted by the National Preservation Act Amendments of 1980 to further delegate responsibilities and funding to the local level. Fort Smith is a Certified Local Government City.

***Due Process:*** The established procedure by which legal action is carried out.

***Normally Required:*** Mandatory actions, summarized in the guidelines, whose compliance is enforced by the preservation commission.

***Public Notice:*** The classified advertisement of an event, such as a preservation commission meeting, that is published in the local newspaper and posted in the city government building in order to notify the general public of the upcoming event.

#### 2. Technical Definitions

***Adaptive Use:*** Rehabilitation of a historic structure for use other than its original use such as a residence converted into offices.

***Addition:*** New construction added to an existing building or structure.

***Alteration:*** Work which impacts any exterior architectural feature including construction, reconstruction, repair, or removal of any building element.

***Appropriate:*** Especially suitable or compatible.

***Building:*** A structure used to house human activity such as a dwelling or garage.

***Character:*** The qualities and attributes of any structure, site, street or district.

***Configuration:*** The arrangement of elements and details on a building or structure which help to define its character.

**Context:** The setting in which a historic element, site, structure, street, or district exists.

**Demolition:** Any act which destroys in whole or in part a building or structure.

**Demolition by Neglect:** The destruction of a building or structure through abandonment or lack of maintenance.

**Design Guidelines:** Criteria developed to identify design concerns in an area and to help property owners ensure that rehabilitation and new construction respect the character of designated buildings and districts.

**Element:** A material part or detail of a site, structure, street, or district.

**Elevation:** Any one of the external faces or facades of a building.

**Fabric:** The physical material of a building, structure, or community, connecting an interweaving of component parts.

**Harmony:** Pleasing or congruent arrangement.

**Height:** The distance from the bottom to the top of a building or structure.

**Historic District:** A geographically definable area with a significant concentration of buildings, structures, sites, spaces, or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations. The significance of a district may be recognized through listing in a local, state, or national landmarks register and may be protected legally through enactment of a local historic district ordinance administered by a historic district board of commission.

**Historic Imitation:** New construction or rehabilitation where elements or components mimic and architectural style but are not of the same historic period as the existing buildings (historic replica).

**Infill:** New construction in historic districts on vacant lots or to replace existing buildings.

**Landmark:** A building, structure, objects or site which is identified as a historic resource of particular significance.

**Landscape:** The totality of the built or human-influenced habitat experienced at any one place. Dominant features are topography, plant cover, buildings, or other structures and their patterns.

**Maintain:** To keep in an existing state of preservation or repair.

**Material Change:** A change that will affect either the exterior architectural or environmental features of an historic property or any structure, site, or work of art within an historic district.

**New Construction:** Construction which is characterized by the introduction of new elements, sites, buildings, or structures or additions to existing buildings and structures in historic areas and districts.

**Obscured:** Covered, concealed, or hidden from view.

**Preservation:** Generally, saving from destruction or deterioration historic buildings, sites, structures, and objects and providing for their continued use by means of restoration, rehabilitation, or adaptive use.

**Proportion:** Harmonious relation of parts to one another or to the whole.

**Recommendation:** An action or activity advised but not required by these guidelines.

**Reconstruction:** The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

**Rehabilitation:** The act or process of returning a property or building to usable condition through repair, alteration, and/or preservation of its features which are significant to its historical, architectural, and cultural values.

**Restoration:** The act or process of accurately taking a building's appearance back to a specific period of time by removing later work and by replacing missing earlier features to match the original.

**Retain:** To keep secure and intact. In the guidelines, "retain" and "maintain" describe the act of keeping an element, detail, or structure and continuing the same level of repair to aid in the preservation of elements, sites and structures.

**Re-use:** To use again. An element, detail, or structure might be reused in historic districts.

**Rhythm:** Movement or fluctuation marked by the regular occurrence or natural flow of related elements.

**Scale:** Proportional elements that demonstrate the size, materials, and style of buildings.

**Setting:** The sum of attributes of a locality, neighborhood, or property that defines its character.

**Significant:** Having particularly important associations within the contexts of architecture, history, and culture.

**Stabilization:** The act or process of applying measures essential to the maintenance of a deteriorated building as it exists at present, establishing structural stability and a weather-resistant enclosure.

**Streetscape:** The distinguishing character of a particular street as created by its width, degree of curvature, paving materials, design of the street furniture, and forms of surrounding buildings.

**Style:** A type of architecture distinguished by special characteristics of structure and ornament and often related in time; also a general quality of a distinctive character.

### 3. Glossary of Terms

**Addition:** New construction added to an existing building or structure.

**Alteration:** Work which impacts any exterior architectural feature including construction, reconstruction, or removal of any building or building element.

**Apron:** A decorative, horizontal trim piece on the lower portion of an architectural element.

**Arch:** A curved construction of wedge-shaped stones or brick which spans an opening and supports the weight above it. (See- flat arch, jack arch, segmental arch and semi-circular arch)

**Attic:** The upper level of a building, not of full ceiling height, directly beneath the roof.

**Baluster:** One of a series of short, vertical, often vase-shaped members used to support a stair or porch handrail, forming a balustrade.

**Bargeboard:** A board which hangs from the projecting end of a gable roof, covering the end rafters, and often sawn into a decorative pattern.

**Bay:** The portion of a façade between columns or piers providing regular divisions and usually marked by windows.

**Bay Window:** A projecting window that forms an extension to the floor space of the internal rooms; usually extends to the ground level.

**Belt Course:** A horizontal band usually marking the floor levels on the exterior façade of a building.

**Board and Batten:** Siding fashioned of boards set vertically and covered where their edges join by narrow strips called battens.

**Bond:** A term used to describe the various patterns in which brick (or stone) is laid, such as "common bond" or "Flemish bond".

**Bracket:** A projecting element of wood, stone or metal which spans between horizontal and vertical surfaces (eaves, shelves, overhangs) as decorative support.

**Bulkhead:** The structural panels just below display windows on storefronts. Bulkheads can be both supportive and decorative in design. Nineteenth century bulkheads are often of wood construction with rectangular raised panels. Twentieth century bulkheads may be of wood, brick, tile, or marble construction. Bulkheads are also referred to as kickplates.

**Bungalow:** Common house form of the early twentieth century distinguished by horizontal emphasis, wide eaves, large porches and multi-light doors and windows.

**Capital:** The head of a column or pilaster.

**Casement Window:** A window with one or two sashes which are hinges at the sides and usually open outward.

**Clapboards:** Horizontal wooden boards, thinner at the top edge, which are overlapped to provide a weather-proof exterior wall surface.

**Classical Order:** Derived from Greek and Roman architecture, a column with its base, shaft, capital and entablature having standardized details and proportions, according to one of the five canonized modes- Doric, Tuscan, Ionic, Corinthian, or Composite.

**Clipped Gable:** A gable roof where the ends of the ridge are terminated in a small, diagonal roof surface.

**Column:** A circular or square vertical structural member.

**Common Bond:** A brickwork pattern where most courses are laid flat, with the long "stretcher" edge exposed, but every fifth or eighth course is laid perpendicularly with the small "header" and exposes, to structurally tie the wall together.

**Corbel:** In masonry, a projection, or one of a series of projections, each stepped progressively farther forward with height and articulating a cornice or supporting an overhanging member.

**Corinthian Order:** Most ornate classical order characterized by a capital with ornamental acanthus leaves and curled fern shoots.

**Cornice:** The uppermost, projecting part of an entablature, or feature resembling it. Any projecting ornamental molding along the top of a wall, building, etc.

**Cresting:** A decorated ornamental finish along the top of a wall or roof often made of ornamental metal.

**Cross-gable:** A secondary gable roof which meets the primary roof at right angles.

**Dentils:** A row of small tooth-like blocks in a classical cornice.

**Doric Order:** A classical order with simple, unadorned capitals, and with no base.

**Dormer Windows:** A window that projects from a roof.

**Double-hung Window:** A window with two sashes, one sliding vertically over the other.

**Eave:** The edge of a roof that projects beyond the face of a wall.

**Ell:** The rear wing of a building, generally one room wide and running perpendicular to the principal building.

**Engaged Column:** A round column attached to a wall.

**Entablature:** A part of a building of classical order resting on the column capital; consists of an architrave, frieze, and cornice.

**Fanlight:** A semi-circular window usually over a door with radiating muntins suggesting a fan.

**Fascia:** A projecting flat horizontal member or molding; forms the trim of a flat roof or a pitched roof; also part of a classical entablature.

**Fenestration:** The arrangement of windows on a building.

**Finial:** A projecting decorative element, usually of metal, at the top of a roof turret or gable.

**Fishscale Shingles:** A decorative pattern of wall shingles composed of staggered horizontal rows of wooden shingles with half-round ends.

**Flashing:** Thin metal sheets used to prevent moisture infiltration at joints of roof planes and between the roof and vertical surfaces.

**Flat Arch:** An arch whose wedge-shaped stones or bricks are set in a straight line; also called a jack arch.

**Flemish Bond:** A brick-work pattern where the long "stretcher" edge of the brick is alternated with the small "header" end for decorative as well as structural effectiveness.

**Fluting:** Shallow, concave groove running vertically on the shaft of a column, pilaster, or other surface.

**Foundation:** The lowest exposed portion of the building wall, which supports the structure above.

**Frieze:** The middle portion of a classical cornice; also applied decorative elements on an entablature or parapet wall.

**Gable:** The triangular section of a wall to carry a pitched roof.

**Gable Roof:** A pitched roof with a downward slope on either side of a central, horizontal ridge.

**Gambrel Roof:** A ridge roof with two slopes on either side.

**Ghosts:** Outlines or profiles of missing buildings or building details. These outlines may be visible through stains, paint, weathering, or other residue on a building's façade.

**Ghost sign:** The faint remains of advertisement painted on a building wall.

**Greek revival style:** Mid-nineteenth century revival of forms and ornament of architecture of ancient Greece.

**Hipped Roof:** A roof with uniform slopes on all sides.

**Hood Molding:** A projecting molding above an arch, doorway, or windows, originally designed to direct water away from the opening; also called a drip mold.

**Ionic Order:** One of the five classical orders used to describe decorative scroll capitals.

**Infill:** New construction where there had been an opening before, such as a new building between two older structures; or block infill in an original door or window opening.

**Jack Arch:** (see Flat Arch)

**Keystone:** The wedge-shaped top or center member of an arch.

**Knee Brace:** An oversize bracket supporting a cantilevered or projecting element.

**Lattice:** openwork of grill interlacing wood strips used as screening.

**Lintel:** The horizontal top member of a window, door, or other opening.

**Mansard Roof:** A roof with a double slope on all four sides, with the lower slope being almost vertical and the upper almost horizontal.

**Masonry:** Exterior wall construction of brick, stone, or stucco laid up in small units.

**Massing:** The three-dimensional form of a building.

**Metal Standing Seam Roof:** A roof composed of overlapping sections of metal such as copper bearing steel or iron coated with a terne alloy of lead and tin. These roofs were attached or crimped together in various raised seams for which the roofs are named.

**Modillion:** A horizontal bracket, often in the form of a plain block, ornamenting, or sometimes supporting, the underside of a cornice.

**Mortar:** A mixture of sand, lime cement, and water used as a binding agent in masonry construction.

**Mullion:** A heavy vertical divider between windows or doors.

**Muntin:** A secondary framing member to divide and hold the panes of glass in multi-light window or glazed door.

**Neo-Classical Revival Style:** Early twentieth century style which combines features of ancient, Renaissance, and Colonial architecture; characterized by imposing buildings with large columned porches.

**Oriel Window:** A bay window which emerges above the ground floor level.

**Paired Columns:** Two columns supported by one pier, as on a porch or balcony.

**Palladian Window:** A window with three openings, the central one arched and wider than the flanking ones.

**Panelled Door:** A door composed of solid panels (either raised or recessed) held within a framework of rails and stiles.

**Parapet:** A low horizontal wall at the edge of a roof.

**Pediment:** A triangular crowing element forming the gable of a roof; any similar triangular element used over windows, doors, etc.

**Pediment:** A triangular crowing element forming the gable of a roof; any similar triangular element used over windows, doors, etc.

**Pier:** A vertical structural element, square or rectangular in cross-section.

**Pilaster:** A square pillar attached, but projecting from a wall, resembling a classical column.

**Pitch:** The degree of the slope of a roof.

**Portico:** A roofed space, open or partly enclosed, forming the entrance and centerpiece of the façade of a building, often with columns and a pediment.

**Portland Cement:** A strong, inflexible hydraulic cement used to bind mortar. Mortar or patching materials with a high Portland cement content should not be used on old buildings. The Portland cement is harder than the masonry thereby causing serious damage over annual freeze-thaw cycles.

**Preservation:** The act of maintaining the form and character of a building or district as it presently exists. Preservation stops deterioration and stabilizes the structure.

**Pressed Tin:** Decorative and functional metal work made of molded tin used to sheath roof, bays, and cornices.

**Pyramidal Roof:** A roof with four identical sides rising to a central peak.

**Queen Anne Style:** Popular late nineteenth century revival style of early eighteenth century English architecture, characterized by irregularity of plan and massing and a variety of texture.

**Quoins:** A series of stone bricks, or wood panels ornamenting the outside of a wall.

**Reconstruction:** The accurate recreation of a vanished, or irreplaceably damage structure, or part thereof, the new construction recreates the building's exact form and detail as they appeared at some point in history.

**Restoration:** The process of accurately taking a building's appearance back to a specific period of time by removing later work and by replacing missing earlier features to match the original.

**Ridge:** The top horizontal member of a roof where the sloping surfaces meet.

**Rusticated:** Roughening of stonework or concrete blocks to give greater articulation to each block.

**Sash:** The moveable framework containing the glass in a window.

**Segmental Arch:** An arch whose profile or radius is less than a semicircle.

**Semi-circular Arch:** An arch whose profile or radius is half-circle the diameter of which equals the opening width.

**Sheathing:** An exterior covering of boards or other surface applied to the frame of the structure.  
(See Siding)

**Shed Roof:** A gently-pitched, almost flat roof with only one slope.

**Sidelight:** A vertical area of fixed glass on either side of a door or window.

**Siding:** The exterior wall covering or sheathing of a structure.

**Sill:** The bottom crosspiece of a window frame.

**Spindles:** Slender, elaborately turned wood dowels or rods often used in screens and porch trim.

**Stabilization:** The essential maintenance of a deteriorated building as it exists at present, establishing structural stability and a weather-resistant enclosure.

**Streetscape:** The over façade (big picture), not of a single structure, but of the many buildings which define the street.

**Surround:** An encircling border or decorative frame, usually at windows or doors.

**Swag:** Carved ornament of the form of a cloth draped over supports, or in the form of a garland of fruits and flowers.

**Transom:** A horizontal opening (or bar) over a door or window.

**Trim:** The decorative framing of openings and other features on a façade.

**Turret:** A small slender tower.

**Veranda:** A covered porch or balcony on a building's exterior.

**Vergeboard:** The vertical face board following and set under the roof edge of a gable, sometimes decorated by carving.

**Vernacular:** A regional form or adaptation of an architectural style.

**Wall Dormer:** Dormer created by the upward extension of a wall and a breaking of the roofline.

**Water Table:** A projecting horizontal ledge, intended to prevent water from running down the face of a wall's lower section.

**Weatherboard:** Wood siding consisting of overlapping boards usually thicker at one edge than the other.

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

AN ORDINANCE AUTHORIZING THE MAYOR TO  
EXECUTE AGREEMENTS FOR CERTAIN SERVICES FOR  
INHABITANTS OF THE CITY OF FORT SMITH

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

SECTION 1: The Mayor is hereby authorized to execute that certain agreement with the **Fort Smith Museum of History** providing for the payment by the City to the Fort Smith Museum of History up to a maximum of **\$10,000** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for cultural and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 2: The Mayor is hereby authorized to execute that certain agreement with the **Fort Smith Heritage Foundation** providing up to a maximum of **\$5,000** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for cultural and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 3: The Mayor is hereby authorized to execute that certain agreement with the **Fort Smith Symphony** providing up to a maximum of **\$11,600** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for cultural and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 4: The Mayor is hereby authorized to execute that certain agreement with the **Fort Smith Regional Art Museum** providing up to a maximum of **\$6,250** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for cultural and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 5: The Mayor is hereby authorized to execute

*Approved as to form  
JSC  
No publication required*

that certain agreement with the **Fort Smith Chorale** providing up to a maximum of **\$4,800** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for cultural and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 6: The Mayor is hereby authorized to execute that certain agreement with the **Second Street Live** providing up to a maximum of **\$9,215** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for cultural and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 7: The Mayor is hereby authorized to execute that certain agreement with the **Fort Smith Little Theater** providing up to a maximum of **\$6,250** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for cultural and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 8: The Mayor is hereby authorized to execute that certain agreement with the **Fort Smith Boys and Girls Clubs** providing for the payment by the City to the Fort Smith Boys and Girls Clubs in the amount of actual utility expenses (water, sewer, sanitation, gas and electric expense) incurred in the operation of the Fort Smith Boys and Girls Clubs facilities up to a maximum of **\$7,239** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of programs for educational and recreational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 9: The Mayor is hereby authorized to execute that certain agreement with the **Girls Incorporated** providing for the payment by the City to Girls Incorporated up to a maximum of **\$10,859** during calendar year 2011 for services provided to the City and its inhabitants, which services include the

providing of programs for educational and recreational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 10: The Mayor is hereby authorized to execute that certain agreement with the **Lincoln Youth Center** providing for the payment by the Lincoln Youth Center up to a maximum of **\$12,669** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of programs for educational and recreational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 11: The Mayor is hereby authorized to execute that certain agreement with the **The First Tee** providing for the payment by The First Tee up to a maximum of **\$5,429** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of programs for educational and recreational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 12: The Mayor is hereby authorized to execute that certain agreement with the **Gregory Kistler Treatment Center for Children** providing for the payment by the City to the Gregory Kistler Treatment Center for Children in the amount of the actual utility expenses (water, sewer, sanitation, gas and electric expense) incurred in the operation of the Gregory Kistler Treatment Center for Children up to maximum of **\$4,500** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for physically impaired individuals and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 13: The Mayor is hereby authorized to execute that certain agreement with **Hannah House** providing for the payment by the City to Hannah House in the amount of the actual utility expenses (water, sewer, sanitation, gas and electric expense) incurred in the operation of Hannah House up to maximum of **\$4,668** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of temporary residence, pregnancy

counseling and education for the young women of the City during the year 2011.

SECTION 14: The Mayor is hereby authorized to execute that certain agreement with **The Fountain of Youth Adult Day Care Center**, providing for the payment by the City to The Fountain of Youth Adult Day Care Center, of **\$9,268** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 15: The Mayor is hereby authorized to execute that certain agreement with the **Next Step Day Room** providing for the payment of **\$10,780** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for rehabilitation and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 16: The Mayor is hereby authorized to execute that certain agreement with **The Children's Emergency Shelter, Inc.**, providing for the payment by the City to The Children's Emergency Shelter Inc. of **\$16,170** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 17: The Mayor is hereby authorized to execute that certain agreement with **Lincoln Childcare, Inc.** providing for the payment by the City to Lincoln Childcare, Inc. of **\$6,791** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 18: The Mayor is hereby authorized to execute that certain agreement with **Girls Shelter**, providing for the

payment by the City to The Children's Emergency Shelter Inc. of **\$8,000** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 19: The Mayor is hereby authorized to execute that certain agreement with **Reynolds Cancer Support House** providing for the payment by the City to Hannah House in the amount up to maximum of **\$5,390** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 20: The Mayor is hereby authorized to execute that certain agreement with the **Crisis Intervention Center**, providing for the payment by the City to the Crisis Intervention Center, of **\$15,000** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 21: The Mayor is hereby authorized to execute that certain agreement with the **Alzheimer's Association**, providing for the payment by the City to the Alzheimer's Association, of **\$5,000** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 22: The Mayor is hereby authorized to execute that certain agreement with the **Community Dental Clinic**, providing for the payment by the City to the Community Dental Clinic, of **\$3,665** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 23: The Mayor is hereby authorized to execute that certain agreement with the **Community Services Clearinghouse**,

providing for the payment by the City to the Community Services Clearinghouse, of **\$13,475** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 24: The Mayor is hereby authorized to execute that certain agreement with the **River Valley Regional Food Bank**, providing for the payment by the City to the River Valley Regional Food Bank, of **\$6,000** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 25: The Mayor is hereby authorized to execute that certain agreement with the **Western Arkansas Ballet** providing up to a maximum of **\$4,800** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for cultural and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 26: The Mayor is hereby authorized to execute that certain agreement with the **Fort Smith Museum of History** providing for the payment by the City to the Fort Smith Museum of History in the amount of the actual utility expenses (water, sewer, sanitation, gas and electric expense) incurred in the operation of the Fort Smith Museum of History up to a maximum of **\$20,000** during calendar year 2011 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for cultural and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 27: The Mayor is hereby authorized to execute that certain agreement with **SRCA, Inc. Social Services** providing for the direct payment by the City to SRCA, Inc. Social

Services of **\$172,398** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for nutritional purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 28: The Mayor is hereby authorized to execute that certain agreement with the **Area Agency on Aging** providing for the payment by the City to the Area Agency on Aging of **\$50,000** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 29: The Mayor is hereby authorized to execute that certain agreement with the **Project Compassion** providing for the payment of **\$7,500** during calendar year 2011 for services provided the City and its inhabitants, which services include the providing of facilities and programs for rehabilitation and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2011.

SECTION 30: It is hereby declared and determined by the Board of Directors that the subject matters of the agreements authorized by Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 above deal with providing services in an exceptional situation where competitive bidding procedures are not feasible so that such competitive bidding procedures are hereby waived with reference to such agreements.

SECTION 31: The authorizations set forth in Sections 1-29 above are deemed and declared to be severable. Any invalidity of one or more of the separate sections shall not affect the validity of the other sections of this Ordinance.

PASSED AND APPROVED this 21 day of December, 2010.

APPROVED:

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Mayor

ATTEST:

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City Clerk



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## MEMORANDUM

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**TO:** Ray Gosack, Acting City Administrator  
**FROM:** Tracy Winchell, Economic Development Coordinator  
**DATE:** 12/16/2010  
**CC:** Kara Bushkuhl, Finance Director

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### OUTSIDE AGENCY FUNDING 2011 CONTRACTS

#### Allocation of funds

The attached ordinance and contracts for services represent *two separate* contracts for services procedures.

**Sections 1 through 25** reflect the recommendations of the 9-member **Outside Agency Funds review panel** and an expenditure of \$202,700 from the general fund non-departmental budget. Twenty-eight applications were received as part of the 2011 funding process, and twenty-five organizations received funding in three separate categories – **5** from recreation, **8** from arts & humanities, and **15** from social/community services.

The funding allocations in each category were determined by the number of applications received in each of the 3 categories. Staff recommends that for the 2012 process, the board of directors determine allocations, based on community priorities for the next three to five years.

Staff plans to approach the board in a study session discussion sometime between mid-June and early July to make final plans for the 2012 allocation process.

In addition, a number of outside agency review panel positions will expire early in 2011, and we will be seeking nominations in January for those open positions.

**Section 26** of the attached ordinance reflects a long-standing agreement between the **Fort Smith Museum of History** and the City of Fort Smith regarding an early 20<sup>th</sup> century land swap. In exchange for a piece of property, city fathers agreed to provide operational support for the museum.

**Sections 27 through 29** of the ordinance fulfill a longstanding agreement with **SRCA**, the **Area Agency on Aging**, and **Project Compassion** through a portion of countywide sales tax collections designated for support of senior citizen programs.

These organizations provide important community services that contribute to the economic health of the region. Often, municipal governments provide recreational, arts & humanities, or social services for citizens. Through these agreements, nonprofit organizations are able to provide services at a much more affordable cost than the City of Fort Smith could provide on its own.

**2011 Outside Agency Applications**  
**28 Total Applications**

Agency	Allocation % based on # apps in ea category	\$ Allocation	2011 Allocation Process		
			Requested	Awarded	Difference
<b>RECREATION</b>					
<b>5 Applications</b>					
1st Tee		\$	\$ 10,000	\$ 5,429	\$ (4,571)
Bost Inc.			\$ 30,920	\$ 0	\$ (30,920)
Fort Smith Boys & Girls Clubs			\$ 44,000	\$ 7,239	\$ (36,761)
Girls Inc.			\$ 20,000	\$ 10,859	\$ (9,141)
Lincoln Youth Service			\$ 18,000	\$ 12,669	\$ (5,331)
<b>Total</b>			<b>\$ 122,920</b>	<b>\$ 36,196</b>	<b>\$ (86,724)</b>
	<b>17.86%</b>	<b>\$ 36,196</b>			
<b>ARTS &amp; HUMANITIES</b>					
<b>8 Applications</b>					
Fort Smith Chorale			\$ 6,000	\$ 4,800	\$ (1,200)
Fort Smith Heritage Foundation			\$ 10,000	\$ 5,000	\$ (5,000)
Fort Smith Little Theater			\$ 6,782	\$ 6,250	\$ (532)
Fort Smith Museum of History			\$ 20,000	\$ 10,000	\$ (10,000)
Fort Smith Regional Art Museum			\$ 6,782	\$ 6,250	\$ (532)
Fort Smith Symphony			\$ 14,500	\$ 11,600	\$ (2,900)
Second Street Live			\$ 10,000	\$ 9,215	\$ (785)
Western Arkansas Ballet			\$ 6,000	\$ 4,800	\$ (1,200)
			<b>\$ 80,064</b>	<b>\$ 57,915</b>	<b>\$ (22,149)</b>
	<b>28.57%</b>	<b>\$ 57,914</b>			

Allocation %  
based on # apps  
in ea category

**Agency**

**\$ Allocation**  
\$ 202,700

**2011 Allocation Process**  
**Requested      Awarded      Difference**

**SOCIAL & COMMUNITY SERVICES**

15 Applications

53.57%

\$ 108,589

- Alzheimers Association
- Bost Inc.
- Children's Emergency Shelter
- Community Dental Clinic
- Community Service Clearinghouse
- Crisis Intervention Center
- Don Reynolds Cancer Support House
- Fountain of Youth Adult Day Care
- Girls Shelter
- Hannah House
- Kistler Center
- Lincoln Childcare
- Mission Deaf Connection
- Next Step Day Room
- River Valley Regional Food Bank

	\$5,000	\$5,000	\$0
	49,160	0	-\$49,160
	\$30,000	\$16,170	-\$13,830
	\$6,800	\$3,665	-\$3,135
	\$25,000	\$13,475	-\$11,525
	\$15,000	\$15,000	\$0
	10,000	\$5,390	-\$4,610
	\$17,330	\$9,268	-\$8,062
	\$8,000	\$8,000	\$0
	\$7,500	\$4,668	-\$2,832
	\$7,018	\$4,500	-\$2,518
	\$12,600	\$6,791	-\$5,809
	30,000	\$0	-\$30,000
	\$20,000	\$10,780	-\$9,220
	\$15,000	\$6,000	-\$9,000
	\$258,408	\$108,707	-\$149,701
<b>Grand Total All Requests</b>			
<b>28 Applications</b>	\$ 202,700	\$ 461,392	\$ 202,818
			\$ (227,654)

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

**AN ORDINANCE FOR THE PURPOSE OF ADOPTING THE 2010 ARKANSAS MECHANICAL CODE AND AMENDING THE CITY OF FORT SMITH MUNICIPAL CODE**

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

**SECTION 1:** Section 6-351 of the Fort Smith Municipal Code is amended to read as follows:

For the purpose of establishing rules and regulations to insure the safe design, construction installation and repairs of equipment used in systems pertaining to air conditioning, heating and ventilation, that certain mechanical code known as the Arkansas Mechanical Code, being particularly the 2010 Edition of such code, and the whole thereof, of which not less than three (3) copies have been and are now filed in the office of the City Clerk, is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the corporate limits of the City of Fort Smith, Arkansas.

The adoption of the 2010 Arkansas Mechanical Code by Section 1 above expressly includes the adoption of Appendix A to the Code, but expressly excludes Appendix B to the Code which is not adopted.

**SECTION 2:** Section 6-357 of the Fort Smith Municipal Code is amended to read as follows:

The adoption of the 2010 Arkansas Mechanical Code by section 6-351 expressly includes the adoption of Appendix A to the code, but expressly excludes Appendix B to the Code which is not adopted.

**SECTION 3:** This ordinance shall be effective commencing February 1, 2011.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010**

**APPROVED:**

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

**ATTEST:**

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

*Approved as to form  
JL  
Publish 1 time*

# MEMORANDUM

**To:** Ray Gosack, Acting City Administrator  
**From:** Wally Bailey, Director of Development Services  
**Date:** December 16, 2010  
**Subject:** Arkansas Mechanical Code

The Arkansas Department of Health has recently updated the Arkansas Mechanical Code from the 2003 edition to the 2010 edition. After being notified of the action of the Arkansas Department of Health, we obtained copies of the 2010 edition of the code. Three copies of the code have been on file in the City Clerk's office for public review.

All HVACR installation in the State of Arkansas must comply with the minimum requirements of the Arkansas Mechanical Code. Amending the Fort Smith Municipal Code with the adoption of the 2010 Mechanical Code will provide the proper correlation with the Arkansas Department of Health Rules and Regulations for HVACR installations.

We met with the Mechanical Board of Adjustments and Appeals and discussed this matter. The Board voted unanimously to recommend the Board of Directors amend the Fort Smith Municipal Code adopting the 2010 edition of the Arkansas Mechanical Code.

We also notified the Greater Fort Smith Association of Homebuilders about the proposed code update. A letter from David Hughes, Executive Director, is enclosed.

An ordinance has been prepared for the Board of Directors to review at the December 22, 2010 Board meeting. The ordinance includes an effective date of February 1, 2011.

Please contact me if you have any questions.

**GREATER FORT SMITH ASSOCIATION OF**



December 15, 2010

Mr. Wally Bailey  
Director of Planning and Development  
City of Fort Smith  
P. O. Box 1908  
Ft. Smith, AR 72902-1908

Dear Wally;

Thank you and Jimmie for providing the information I requested concerning cost increases that will result from the City's adoption of the 2010 Arkansas Mechanical Code. The information was provided to our Board of Directors at the November 2010 meeting and discussed.

While all of us in the residential building industry are concerned any time regulations cause an increase in the cost of building a home, there is a general understanding among industry professionals that the safety of our customers and compliance with current building codes are of paramount importance.

Thank you again for keeping our Association informed and aware of issues that impact the housing industry.

Best regards,

A handwritten signature in black ink, appearing to read 'Dave Hughes', written over a circular stamp or mark.

Dave Hughes  
Executive Director  
Greater Fort Smith Association of Home Builders

Cc; Jerry Denton, GFSAHB President

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

AN ORDINANCE ESTABLISHING RATES FOR SEWER SERVICES PROVIDED BY THE CITY OF FORT SMITH AND SUPERSEDING PRIOR RATES FOR SUCH SERVICES

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

SECTION 1: The sewer volume charges provided for in Ordinance 25-07, Section 1 are hereby amended and increased to the volume charges below which shall become effective January 1, 2011:

Rate Schedule

<u>User Class</u>	<u>Unit</u>	<u>Dollars</u>
Billing Charge	Per Account	\$1.43
Volume Charge		
Residential	ccf	\$3.21
Industrial & Commercial	ccf	\$3.21
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	\$0.1699
TSS	lb.	\$0.1295
Monitoring	Actual Cost	Actual Cost
Contract/Wholesale Users High-Strength Charge (for strengths above 250 mg/l)	ccf	\$1.02
BOD	lb.	\$0.1699
TSS	lb.	\$0.1295
Monitoring	Actual Cost	Actual Cost

SECTION 2: Ordinance 25-07 is amended to provide for the volume charges adopted by Section 1 above. The other provisions of Ordinance 25-07 are continued in effect.

SECTION 3: Ordinance 29-09 shall remain in full force and effect and shall provide for a supplemental surcharge of \$0.12 for each ccf of usage during the period of its effectiveness.

SECTION 4: The codifier of the City's Ordinances may codify or not codify the provisions of this Ordinance in the codifier's discretion.

SECTION 5: Emergency Clause. An emergency is declared to exist in that the January 1, 2011 (Section 1) effective date for the sewer volume charges established by this Ordinance is necessary to provide adequate funds for the financing of the sewer system of the City of Fort Smith. Due to the emergency, and in order to preserve the health, safety and welfare of the City and its inhabitants, this Ordinance shall be in full force and effect as of January 1, 2011.

PASSED AND APPROVED this \_\_\_\_\_ day of December 2010.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Ass't City Clerk publish once

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, Acting City Administrator

**DATE:** December 14, 2010

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Public Hearing and Ordinance Amending  
Rates for Sewer Services

It was determined by the Board during the review of the proposed 2011 Utility Department operating budget that the preferred method to meet the required 110-percent bond coverage covenant would include the reduction of operating expenses along with a 5-percent water and sewer rate increase. The Board approved the water rate ordinance at their December 7 meeting. The procedural steps for amending sewer rates first requires the introduction of the proposed ordinance and to provide notice of setting of a public hearing in advance of any rate adjustment. Those actions were met as part of the December 7 meeting with the public hearing set for December 21.

The attached Ordinance presents the amended rates sewer services. The effect of the proposed rates on Fort Smith sewer users is presented by the attached billing comparison for monthly usages of 5, 10 and 20 ccf. The Town of Arkoma is the city's only contract/wholesale user. Their rate is also being adjusted to reflect the 5-percent increase and is changed from \$0.97 to \$1.02.

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

attachment

**Examples of Customer Billing Comparisons  
of 2010 Water and Sewer Rates**

<b>Usage</b>	<b>2010 Rates</b>	<b>5% Increase</b>	<b>Difference</b>
5 ccf water	\$17.59	\$18.19	\$0.60
5ccf sewer	\$17.28	\$18.08	\$0.80
Sanitation (2)	\$15.71	\$15.71	\$0.00
<b>Total (1)</b>	<b>\$50.58</b>	<b>\$51.98</b>	<b>\$1.40</b>
<hr/>			
10 ccf water	\$32.99	\$34.41	\$1.42
10 ccf sewer	\$33.13	\$34.73	\$1.60
Sanitation (2)	\$15.71	\$15.71	\$0.00
<b>Total (1)</b>	<b>\$81.83</b>	<b>\$84.85</b>	<b>\$3.02</b>
<hr/>			
20 ccf water	\$65.82	\$68.93	\$3.11
20 ccf sewer	\$64.83	\$68.03	\$3.20
Sanitation (2)	\$15.71	\$15.71	\$0.00
<b>Total (1)</b>	<b>\$146.36</b>	<b>\$152.67</b>	<b>\$6.31</b>

**Notes:**

- (1) All taxes and meter charges included in total amount.
- (2) Sanitation rates not adjusted with 5% increase

6A.

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

**A RESOLUTION GRANTING A TEMPORARY REVOCABLE LICENSE FOR THE  
PLACEMENT OF PAVING IN A  
PUBLIC RIGHT-OF-WAY  
AND  
AUTHORIZING 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 the Blaylock Family Trust, their successors or assigns for the placement and maintenance of paving in the North "O" Street right-of-way as shown in Exhibit "A" and adjacent to the following described property:

A part of the Northeast Quarter of the Southeast Quarter of Section 9, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the point of intersection of the east right-of-way of North 18<sup>th</sup> Street extended and the south right-of-way of North "O" Street extended, both rights-of-way as shown on the Corrective Plat – Carnall Addition Replat, Lots 1A & 21A; thence S-86°31'50"-E along said south right-of-way and right-of-way extended of said North "O" Street, 141.0 feet to the Point of Beginning; thence N-03°28'10"-E, 6.0 feet; thence parallel with said south right-of-way of North "O" Street, 280 feet; thence S-03°28'50"-W, 6.0 feet to said south right-of-way of North "O" Street; thence N-86°31'50"W along said right-of-way, 280 feet to the Point of Beginning, containing 1,680 square feet, more or less.

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

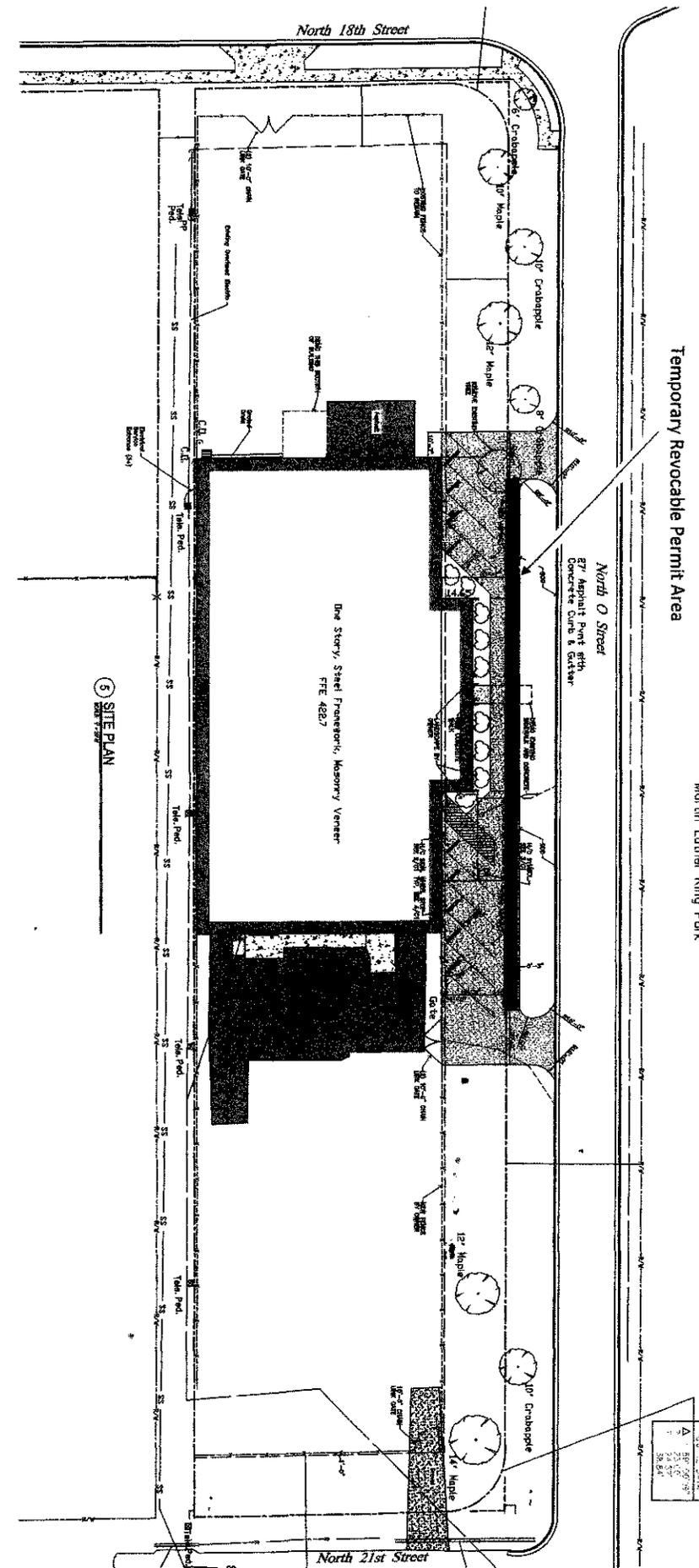
**THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF DECEMBER 2010.**

**APPROVED:**

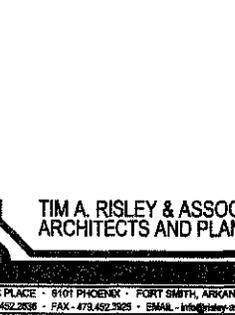
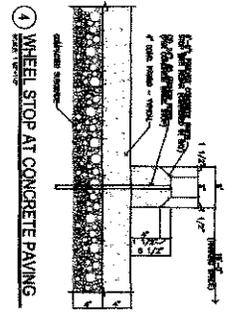
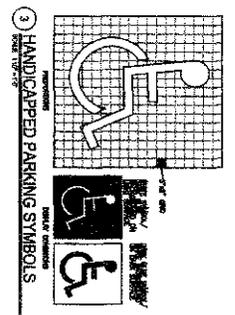
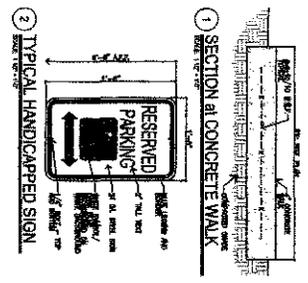
\_\_\_\_\_  
Mayor

**ATTEST:**  
  
\_\_\_\_\_  
City Clerk

*Approved as to form  
JSL  
No publication required*



5 SITE PLAN



Temporary Revocable Permit Area

Martin Luther King Park

**BLAYLOCK**  
OFFICE/WAREHOUSE RENOVATION  
FORT SMITH ARKANSAS

**TIM A. RISLEY & ASSOCIATES**  
ARCHITECTS AND PLANNERS

21 CONWICK PLACE • 9101 PHOENIX • FORT SMITH, ARKANSAS • 72003  
PHONE - 479.452.2836 • FAX - 479.452.3825 • EMAIL - info@timarisbury.com

C1

# Memo

**To:** Ray Gosack, Acting City Administrator

**From:** Wally Bailey, Director of Development Services

**Date:** December 17, 2010

**Subject:** Temporary Revocable License for the Placement of Paving in the North "O" Street Right-of-Way

Mike Blaylock of Blaylock Heating and Air Conditioning has requested a Temporary Revocable License for the placement of paving in the North "O" Street right-of-way at 1900 North "O" Street.

Mr. Blaylock is relocating his existing business to this location and proposes to renovate the site for his heating and air conditioning business. Included in the renovation are nine customer parking spaces in front of the building adjacent to North "O" Street. Paving for the proposed parking area is approximately 15' from the North "O" Street curb. However, an approximate 5' 3" x 230 strip of asphalt paving is within the right-of-way. Enclosed is Exhibit A which shows the location of the paving strip.

The request was reviewed by the appropriate city departments and the franchise utility companies. No objections were received.

In addition to seeking approval of the Temporary Revocable License, on December 14, the Board of Zoning Adjustment granted Mr. Blaylock a variance to permit maneuvering in the right-of-way.

A copy of the Temporary Revocable License Agreement is enclosed. The document has been signed by Mr. and Mrs. Blaylock indicating their agreement to the terms of the Temporary Revocable License.

Attached for the Board's consideration is a Resolution granting the Temporary Revocable License and authorizing Mayor Baker to sign the agreement.

Enc.

## TEMPORARY REVOCABLE LICENSE AGREEMENT

**SECTION 1:** On \_\_\_\_\_, 2010, the Board of Directors passed Resolution No. \_\_\_\_\_ granting a temporary revocable license to Blaylock Family Trust, their successors or assigns, which, subject to the terms and conditions expressed in this Agreement, temporarily allows the placement and maintenance of a portion of an asphalt parking lot (hereinafter referred to as the "parking lot") placed in the North "O" Street right-of-way as shown in Exhibit "A" and within the following described property:

A part of the Northeast Quarter of the Southeast Quarter of Section 9, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the point of intersection of the east right-of-way of North 18<sup>th</sup> Street extended and the south right-of-way of North "O" Street extended, both rights-of-way as shown on the Corrective Plat – Carnall Addition Replat, Lots 1A & 21A; thence S-86°31'50"-E along said south right-of-way and right-of-way extended of said North "O" Street, 141.0 feet to the Point of Beginning; thence N-03°28'10"-E, 6.0 feet; thence parallel with said south right-of-way of North "O" Street, 280 feet; thence S-03°28'50"-W, 6.0 feet to said south right-of-way of North "O" Street; thence N-86°31'50"W along said right-of-way, 280 feet to the Point of Beginning, containing 1,680 square feet, more or less.

**Section 2:** It is agreed that the City shall have no responsibility for the maintenance of the parking lot. If the parking lot is damaged in any manner, same shall be removed by the licensee, or any successor or assignee, at the licensee's sole cost and expense (or at the sole cost of any successor or assignee) in a manner meeting the approval of the City Administrator. Additionally, at

the sole discretion of the City Administrator, upon thirty (30) days notice from the City Administrator the licensee or any successor or assignee shall remove the parking lot from the public right-of-way at the licensee's sole cost and expense (or at the sole cost of any successor or assignee) and in a manner meeting the approval of the City Administrator. The licensee, their successor or assignees, shall hold the City harmless from and indemnify the city for all expenses, losses, cost, causes of action and judgments, including legal expense, arising from the placement and maintenance of said improvements. Should any City department or utility company require access to the existing public right-of-way for any purpose, said City department or utility company shall have no duty to give prior notice to the licensee in emergency situations. For routine or scheduled maintenance, reasonable notice shall be given if the work may affect any improvement by the licensee. Under any circumstance, the City shall have no responsibility to protect or replace any improvements the temporary placement of which is authorized by the license granted by the City.

**SECTION 3:** The terms of this temporary license are deemed accepted by the licensee by the licensee's signature below and by any successor or assignee of the licensee by the acquisition of or reliance on the rights to the temporary license granted by the City.

In witness whereof, this document is executed this \_\_\_\_ day of \_\_\_\_\_, 2010.

**CITY OF FORT SMITH, ARKANSAS**

BY: \_\_\_\_\_  
Ray Baker, Mayor of Fort Smith

Attest:

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

**BLAYLOCK FAMILY TRUST**

BY: W.D. Blaylock  
Janet L. Blaylock

ACKNOWLEDGEMENT

STATE OF ARKANSAS     )  
  )SS  
COUNTY OF SEBASTIAN )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me, the undersigned notary public, personally appeared, Ray Baker, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF ARKANSAS     )  
  )SS  
COUNTY OF SEBASTIAN   )

On this 15 day of December, 2010, before me, the undersigned notary public, personally appeared, Michael J. Blaylock and Janet L. Blaylock, trustees, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

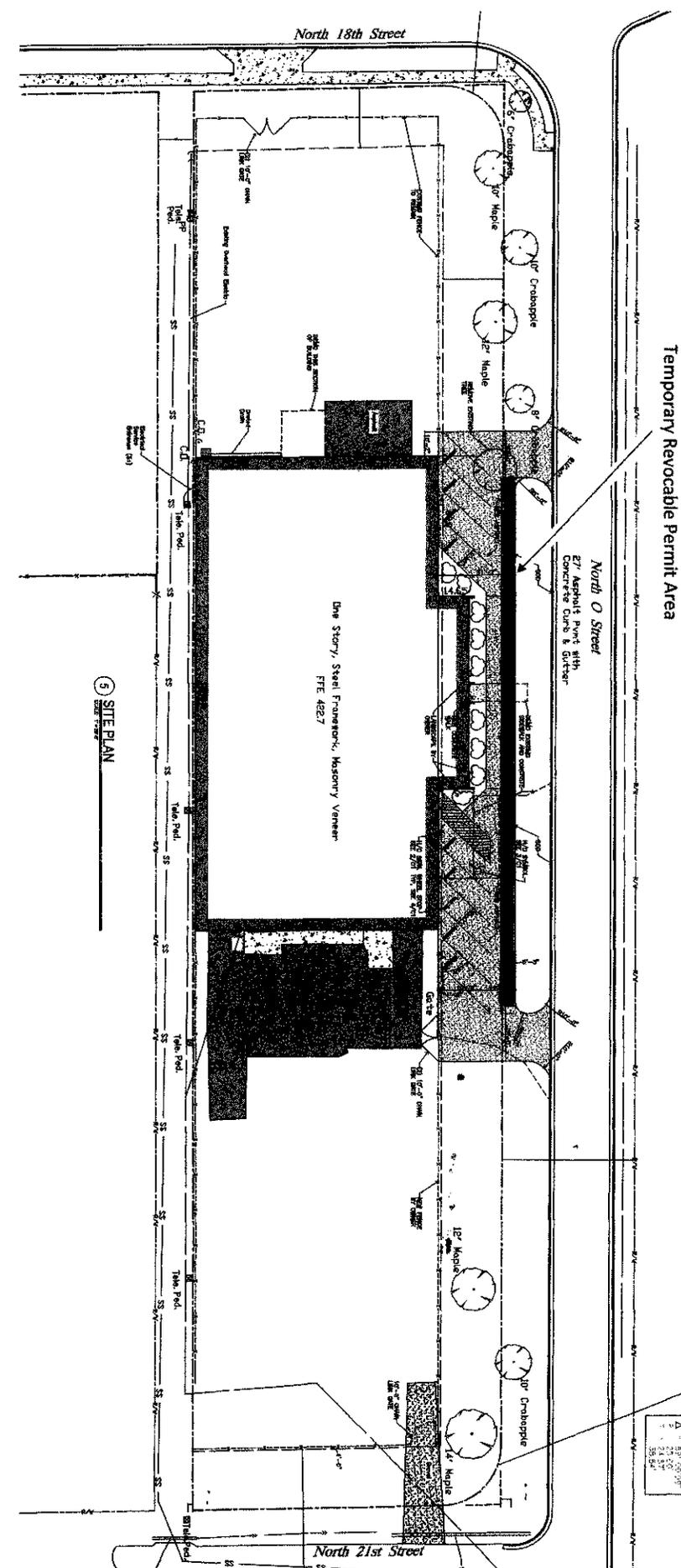
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Sandra Lorraine Coomer  
Notary Public

My Commission Expires:

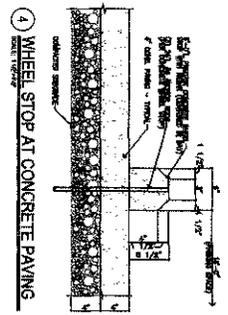
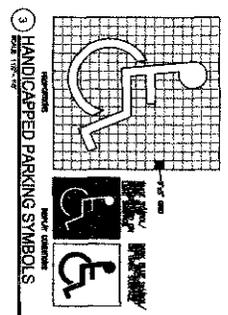
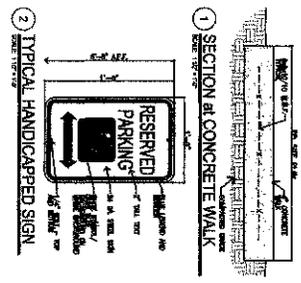
October 27, 2015





Temporary Revocable Permit Area

Martin Luther King Park



5 SITE PLAN

NO. 1	DATE	BY	CHKD.
C1			

**BLAYLOCK**  
OFFICE/WAREHOUSE RENOVATION  
FORT SMITH ARKANSAS

**TIM A. RISLEY & ASSOCIATES**  
ARCHITECTS AND PLANNERS

#1 CONIARD PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS 72303  
PHONE - 479.452.2036 • FAX - 479.452.3025 • EMAIL - info@timrisley-associates.com



# Vicinity Map

## 1900 North "O" Street



2009 City of Fort Smith, AR. Printed on Wed Nov 24 2010 12:39:25 PM.

LB

RESOLUTION NO. \_\_\_\_\_  
RESOLUTION ADOPTING THE 2011 AUDIT PLAN

---

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

SECTION 1: The 2011 Audit Plan attached is hereby adopted.

Passed and Approved this \_\_\_\_\_ Day of \_\_\_\_\_, 2010.

Approved

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

*Approved as to form  
JSL  
No publication required*



**MEMORANDUM**

**DATE:** December 13, 2010  
**TO:** Mayor, Board of Directors, Audit Committee  
**FROM:** Mitzi Kimbrough, Internal Auditor *Mitzi*  
**SUBJECT:** 2011 Audit Plan

On behalf of the City of Fort Smith internal audit department, I am pleased to provide the Mayor and Board of Directors with the internal audit plan for year 2011. In addition to the year 2011 internal audit plan, I have provided a brief update on the year 2010 internal audit plan status.

The year 2011 audit plan was created in a similar, yet different manner from the prior year plan. In the prior year, the following processes were conducted to obtain the information needed to create the audit plan: interviews with administration, interviews with selected department heads, interviews with selected board members, and an internal risk assessment process using the automated in-house internal audit software. In the current year, fewer interviews were conducted and the automated in-house internal audit software was utilized. Additionally, a survey was sent to the Board of Directors, City administrator, Deputy City administrator, the department heads and certain managers. The survey allowed internal audit to ask and obtain a larger set of data from multiple people in a more efficient way. Combining all the processes listed above led to the attached internal audit plan for the year 2011.

Moving onto the year 2010 internal audit plan update, the plan is progressing as expected. The process has not been without its bumps and changes; however, it has progressed nicely and I am pleased to provide the committee with the current status of each project. The following table provides a brief overview of each project along with select high-level comments about each project. Any reports issued after the 2011 plan is approved will be forwarded to the audit advisory committee as soon as they are finalized.

Project Area	Project Status	Comments
Red Flag	In process	Report to follow in 2011.
Travel and Entertainment	In process	Testing is currently in progress.
Human Resources	Draft Report Issued	Final report to follow.

<b>Purchasing</b>	Final Report Issued	-
<b>Engineering – Inspector’s Procedures</b>	Year 2011	Moved into the next fiscal year.
<b>Sanitation - Cash Handling</b>	Final Report Issued	Included in entity-wide cash handling report.
<b>Sanitation - Fleet Maintenance</b>	Year 2011	Performed Residential Waste Collection Assessment instead of in 2010 due to tips received by internal audit. Report issued.
<b>Payroll</b>	In process	All departments were handed payroll checks by internal audit during 2010, some employees have not picked theirs up at the draft of this report. Report to follow in 2011.
<b>Petty Cash</b>	In process	A selected number of petty cash locations will be counted before the end of the fiscal year and a report will follow.
<b>Cash Handling - City-wide</b>	Final Report Issued	-
<b>Inventory</b>	Final Report Issued	-
<b>Ad Valorem Taxes</b>	Draft Report Issued	Final report to follow.
<b>Finance - Entity Wide Data</b>	Data Used	The data analysis was used by internal audit in performing the purchasing project and human resources project.
<b>Franchise Taxes</b>	In process	Need City Administrator assistance is obtaining additional information certain utilities.

In addition to the plan, internal audit was able to help the following departments by answering questions, spending time as an advisor, or other related projects. These projects were built into the plan allowing internal audit to be flexible to meet the need of the various City departments or processes.

- Provided assistance in defining and writing the policy for inventory procedures city-wide and aiding each department in implementing their own inventory procedures per the audit report.
- Provided departments assistance with implementing cash handling procedures per the internal audit report.
- Provided assistance in defining and writing policy for capital assets procedures city-wide.
- Examined and summarized journal entries affecting Fort Smith Convention Center (FSCC) income.
- Compiled, analytically reviewed, and examined certain invoices regarding FSCC expenses for 2008, 2009 and part of 2010.
- Performed research regarding record retention and certain employment laws.
- Acted as staff liaison with Fort Smith Port Authority including meetings with Jackie Krutsch and Cheryl Garner regarding MV Mississippi River Commission meetings.
- Attended forty-seven hours of certified professional training including the Association of Local Government Auditors national convention.
- Continued implementation of TeamMate software for internal audit.
- Assisted the audit committee with preparation of the Audit Advisory Committee Charter.
- Aided Fort Smith Transit Department in determining number of maximum oil changes performed during 2009.
- Reviewed 2009 CAFR, updated risk assessment and prepared 2011 audit plan.

On behalf of the City of Fort Smith internal audit department, I appreciate your support and advice during the first year of the formal internal audit process. I look forward to working with you to complete the audit year 2011 internal audit plan. If you have any questions, comments, or concerns about the year 2011 plan, I will be happy to answer them and provide additional information.



City of Fort Smith, Arkansas

# FY 2011 Internal Audit Plan

December 13, 2010



## Table of Contents

Overview.....	3
Introduction.....	3
Internal Audit Resources .....	3
Scope .....	4
Internal Audit Plan.....	4
Project Descriptions .....	5

## Overview

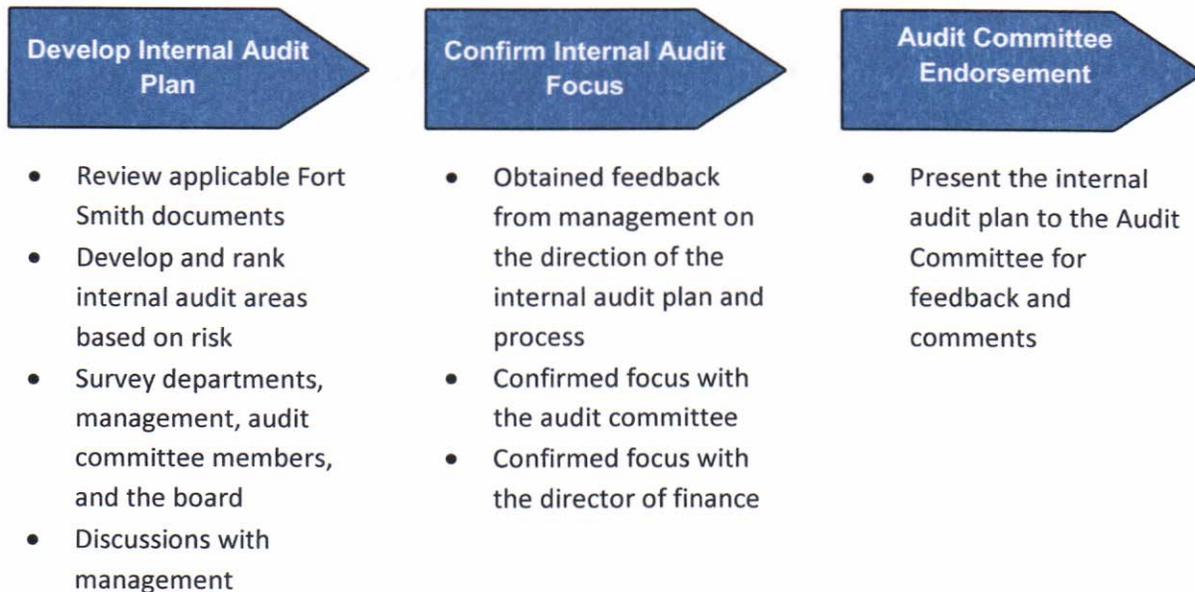
The City of Fort Smith (“the City”) management team, with the support and guidance of the City’s Audit Committee, has undertaken the creation of the City’s second annual internal audit plan to support the City’s internal audit function. Recognizing the need for a formal plan, the internal audit function has started the process by organizing and prioritizing potential risk areas based on the views of the management team and Audit Committee members. The information provided in the internal audit plan represents a baseline internal audit plan that will be used over the next fiscal year.

## Introduction

The City has created a Strategic Internal Audit Plan (“the plan”) to guide the direction of the internal audit testing in fiscal year 2011. The plan is meant to provide guidance to the various resources fulfilling the role of the internal audit function to the City under the direction of management and the Audit Committee.

In keeping with the Institute of Internal Auditor’s definition of Internal Audit, the City’s Internal Audit goal is to provide an independent, objective assurance and consulting activity designed to add value and improve the City’s operations by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

This document represents the second formal Internal Audit Plan created by the City. The development of the plan involved a number of different activities and considerations including:



## Internal Audit Resources

Recognizing the array of City resources in staffing the internal audit function is important to the execution of the plan. All reports from any internal audit processes will be issued directly to the

appropriate department and the Audit Committee for review and consideration. The internal audit department will, on a functional basis, report to the management team. Management will provide support and assistance in ensuring the timely cooperation of employees within the City. Management will also coordinate, with necessary support from other parties, the execution of the internal audit plan.

## Scope

Selection of each project was determined by input of the audit committee and management. Based on the circumstances, discussions, and interviews, each project scope was determined. The scope of each project is discussed in more detail under the project description section of the plan.

## Internal Audit Plan

From the various planning steps completed above, the following items were deemed to be appropriate internal audit projects for fiscal year 2011. These projects are broken down into three different areas: (1) Internal Audits, (2) Re-occurring Internal Audits, and (3) Consulting and Support Projects. The projects are not listed in order of importance.

### *Internal Audits*

Project Number	Project Area
1	Red Flag
2	Engineering – Inspector’s Procedures
3	Convention Center – Revenue Process
4	Convention Center – Benchmarking
5	Sanitation – Fleet Maintenance
6	Utilities and Street – Workflow Management
7	Court – Revenue and Controls Data Analysis
8	Parks and Recreation – Purchasing
9	Franchise Fees – Cable and Gas
10	Inventory – Follow-up

### Re-Occurring Internal Audits

Project Number	Project Area
1	Petty Cash
2	Police – Drug Buy Money
3	Homestead Credit Monitoring
4	Overtime and Payroll

### Consulting and Support

Project Number	Project Area
1	Training – Cash Handling
2	Ethics and Fraud Policy

## Project Descriptions

The various project descriptions provide a basis for planning a particular engagement. In considering each engagement, the appropriate resources should be allocated to obtain the best results for each planned area.

Project Name	Brief Description	Project Area
<b>Red Flag</b>	Examine the City’s red flag process and procedures for compliance with Federal Trade Commission red flag rules.	Internal Audit
<b>Engineering – Inspector’s Procedures</b>	Assess the reasonableness of the City’s engineering inspections procedures against best practices.	Internal Audit
<b>Convention Center – Revenue Process</b>	Assess the internal controls and process flow of the convention center’s revenue process from booking to revenue collections and reporting.	Internal Audit
<b>Convention Center – Benchmarking</b>	Determine the appropriate performances measurements and assist the convention center in identifying peer convention centers to benchmark against looking for opportunities for improvement in processes and procedures.	Internal Audit
<b>Sanitation – Fleet Maintenance</b>	Assess the process and internal controls in the fleet maintenance function within the sanitation department.	Internal Audit
<b>Utilities – Workflow Management</b>	Assess the workflow management process used within the utilities department.	Internal Audit

<b>Court – Revenue and Controls Data Analysis</b>	Examine the court and jails data to assess the reasonableness of the payments being made by the City for jail usage at the county.	Internal Audit
<b>Parks and Recreation – Purchasing</b>	Assess the parks and recreation department’s purchasing processes and procedures.	Internal Audit
<b>Franchise Fees – Cable and Gas</b>	Examine the process and data between the city and utilities provider looking for any opportunities to identify potential revenue not being collected by the utilities.	Internal Audit
<b>Inventory – Follow-up</b>	Follow-up on the prior inventory report.	Internal Audit
<b>Petty Cash</b>	Surprise cash counts throughout all City departments.	Re-occurring Audit
<b>Police – Drug Buy Money</b>	Annual audit of the police drug buy money.	Re-occurring Audit
<b>Homestead Credit Monitoring</b>	Implementing and monitoring of certain properties for the correct reporting and selection of homestead credits with the county.	Re-occurring Audit
<b>Overtime and Payroll</b>	Examine the City’s overtime and payroll processes for unusual activity and potential areas of ghost employees.	Re-occurring Audit
<b>Training – Cash Handling</b>	Perform departmental cash handling and fraud training to support the knowledge and growth of cashiers.	Consulting and Support
<b>Ethics and Fraud Policy</b>	Begin researching and implementing a formal ethics and fraud policy for the City. This could potentially include an update to the City’s current ethics and fraud violation reporting process.	Consulting and Support

6C

RESOLUTION \_\_\_\_\_

**RESOLUTION AUTHORIZING A TIME  
EXTENSION FOR THE CONSTRUCTION OF  
2008 SIDEWALK PROGRAM  
PROJECT NO. 08-20-A**

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

SECTION 1: A time extension with Cockram Concrete Company, for Project No. 08-20-  
A, which increases the contract time by 98 calendar days, is hereby approved.

This Resolution adopted this \_\_\_\_\_ day of December, 2010.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form

*[Signature]*  
\_\_\_\_\_  
 No Publication Required

Publish \_\_\_\_\_ Times

**6D**

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

**RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
2008 SIDEWALK PROGRAM  
PROJECT NO. 08-20-A**

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

SECTION 1: The City of Fort Smith hereby accepts the construction of the 2008 Sidewalk Program, Project No. 08-20-A, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$21,893.97 to the contractor, Cockram Concrete Company, for the 2008 Sidewalk Program, Project No. 08-20-A.

This Resolution adopted this \_\_\_\_\_ day of December, 2010.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form

  
\_\_\_\_\_  
 No Publication Required  
 Publish \_\_\_\_\_ Times

## INTER-OFFICE MEMO

**TO:** Ray Gosack, Acting City Administrator  
**FROM:** Stan Snodgrass, P.E., Director of Engineering *SS*  
**DATE:** December 13, 2010  
**SUBJECT:** 2008 Sidewalk Program  
Project No. 08-20-A

This project consisted of the construction of new sidewalk along the east side of North Albert Pike Avenue from Kelley Highway to Spradling Avenue and the construction of sidewalk repairs on the east and west sides of May Avenue from Rogers Avenue to Grand Avenue. The locations of the new sidewalk and sidewalk repairs are shown on the attached maps.

The project was substantially complete on October 30, 2010. The contractor requested an additional 98 days beyond the July 24, 2010 contract completion date due to utility conflicts and adjustments in the field. Staff concurs the 98 days are warranted.

Attached are Resolutions to authorize a time extension, accept the project as complete and authorize final payment to the contractor. I recommend these Resolutions be accepted by the Board at the next regular meeting.

## PROJECT SUMMARY

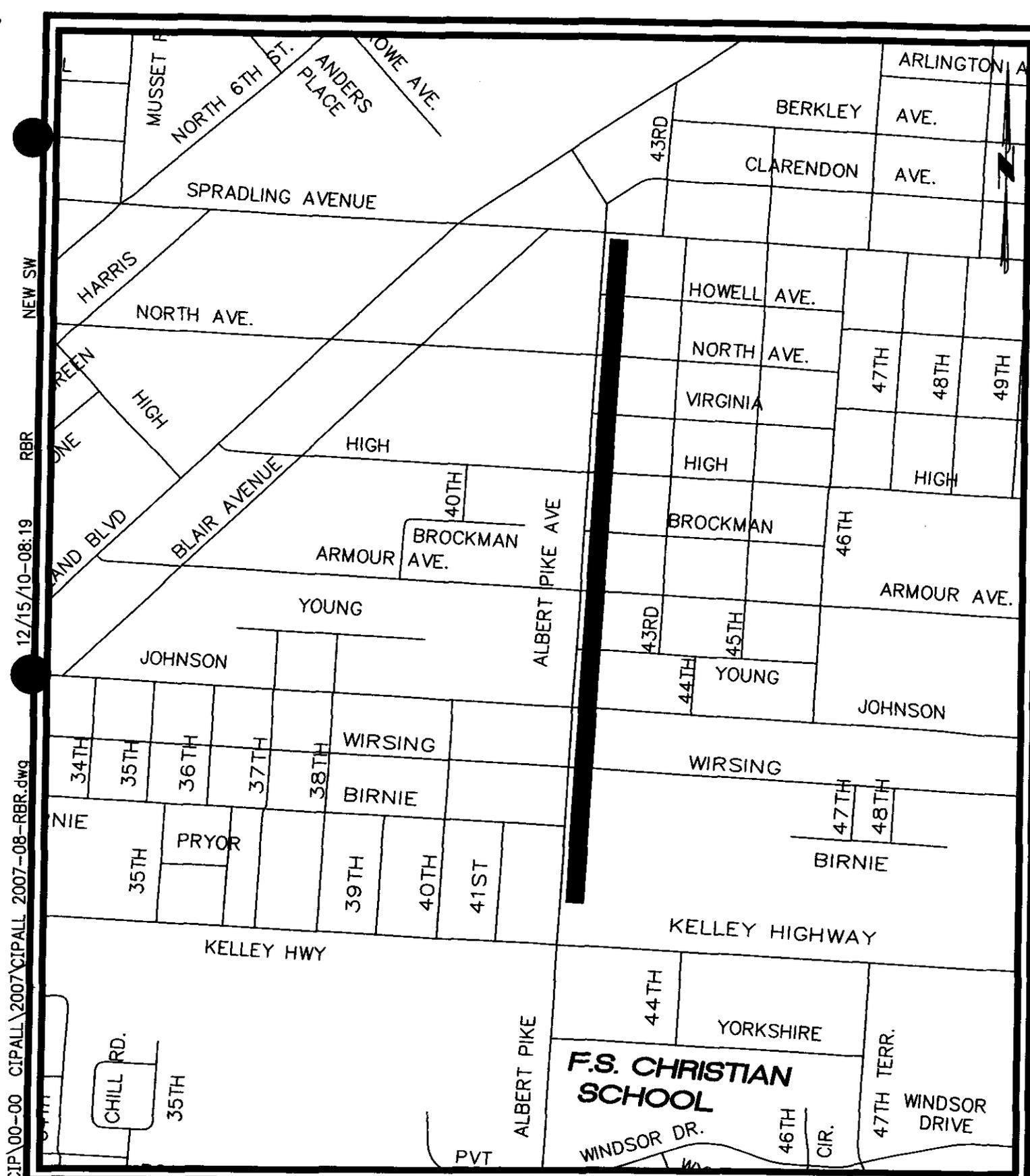
City of Fort Smith  
 Project Status: Complete  
 Today's Date: 12/13/2010  
 Staff Contact Name: Stan Snodgrass  
 Staff Contact Phone: 784-2225  
 Contract Time (no of days): 180  
 Notice to Proceed Issued: 1/25/2010

Project Name: 2008 Sidewalk Program  
 Project Number: 08-20-A  
 Design Engineer: City Engineering  
 Project Contractor: Cockram Concrete Company

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$506,211.50	10/29/2009	7/24/2010
<b>Contract Revisions:</b>			
1 Time Extension - 98 days			
2			
3			
Adjusted contract amount	<u>\$506,211.50</u>		
Payments to date (as negative):	\$415,985.47		
Amount of this payment	\$21,893.97		
Contract balance remaining	\$68,332.06		
Retainage held	0%		
Final payment	\$21,893.97		
Amount under adjusted contract amount as a percentage	13.5%		

**Final Comments:**

The project was substantially complete October 30, 2010, 98 days beyond the contract completion date. The contractor has requested that a time extension be granted due to utility conflicts and adjustments in the field. The staff concurs the the 98 additional days are warranted.



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 RBR

2008 CAPITAL IMPROVEMENTS PROGRAM  
 SIDEWALK NEW CONSTRUCTION



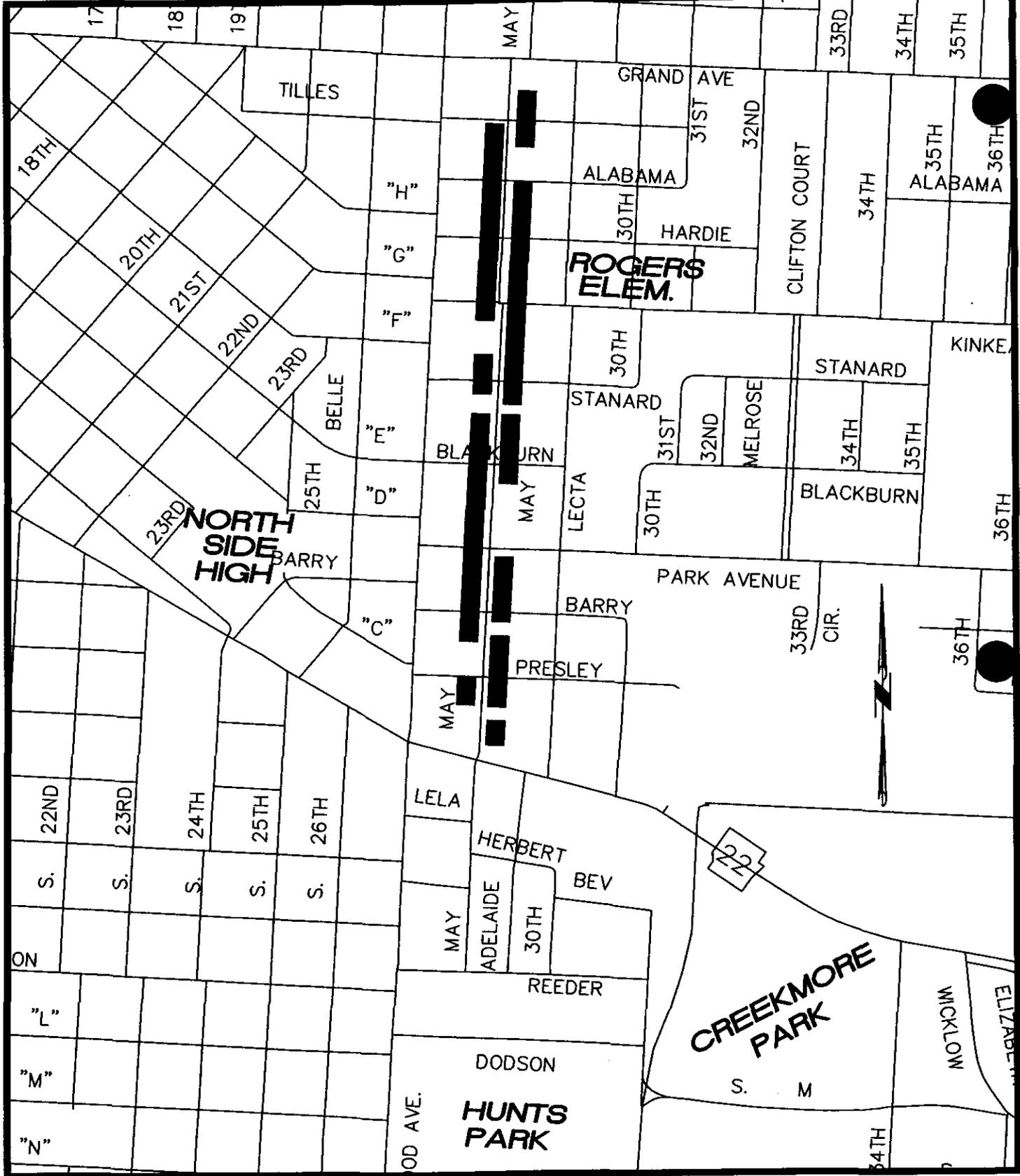
Project:	
Date:	OCT. 2009
Scale:	NONE
Drawn By:	RBR

SW RECON

RBR

12/15/10-08:20

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2008 CAPITAL IMPROVEMENTS PROGRAM  
 SIDEWALK RECONSTRUCTION



Project:	
Date:	OCT. 2009
Scale:	NONE
Drawn By:	RBR

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

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR AND CITY ATTORNEY TO CONCLUDE EMINENT DOMAIN PROCEEDINGS

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

The City Administrator and the City Attorney are hereby authorized to settle the just compensation claims of the landowner in the case of City of Fort Smith v. Westphal Investment Management, Inc., et al., Sebastian County Circuit No. CIV-2009-1547 (V) for a total just compensation payment in the amount of \$59,000.00. The City Administrator is authorized to execute any and all necessary documents to effectuate the agreement.

This Resolution adopted this \_\_\_ day of December, 2010.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Approved as to Form

  
\_\_\_\_\_  
City Attorney  
No Publication Required

# DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY  
ATTORNEYS AT LAW

JERRY L. CANFIELD, P.A.  
THOMAS A. DAILY, P.A.  
WYMAN R. WADE, JR., P.A.  
DOUGLAS M. CARSON, P.A.  
ROBERT R. BRIGGS, P.A. †\*  
C. MICHAEL DAILY, P.A. †  
COBY W. LOGAN\*  
L. MATTHEW DAVIS†  
COLBY T. ROE

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KMW BUILDING  
58 SOUTH SIXTH STREET  
P.O. BOX 1446  
FORT SMITH, AR 72902  
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2049 EAST JOYCE BOULEVARD, SUITE 301  
FAYETTEVILLE, AR 72703  
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JAMES E. WEST  
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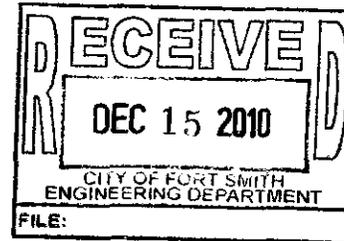
OF COUNSEL

HARRY P. DAILY (1886-1965)  
JOHN P. WOODS (1886-1976)  
JOHN S. DAILY (1912-1987)  
BEN CORE (1924-2007)

WRITER'S E-MAIL ADDRESS  
JCanfield@DailyWoods.com

December 14, 2010

Mr. Stan Snodgrass  
Director of Engineering  
623 Garrison Avenue, 4<sup>th</sup> Floor  
Fort Smith, AR 72901



Re: City of Fort Smith, Arkansas v. Westphal Investment Management, Inc., et al  
Sebastian County Circuit Court – Case No. CV-2009-1547 (V)

Dear Mr. Snodgrass:

The captioned action involves the taking of 35,947 square feet of the landowner's property for permanent easements for the construction, operation and maintenance of public sanitary sewer utilities and a water drainage system in conjunction with the Mill Creek Drainage Improvements Project No. 05-06-C. In addition, the City acquired temporary construction easements from the property to permit construction of the project.

The initial appraisal made by the City's appraiser, Tommy M. Matthews, MAI, SRA, proceeded on the assumption that the FEMA flood plain and floodway designations reflected actual "on the ground" facts. As a result, the landowner's floodway and flood plain properties were given little value. Due to the enhancement to the landowner's property from the project, the after value on a portion of the property was greater than the before value. Including temporary construction easement values, the appraisal indicated a total of \$9,400.00 as just compensation for the property taken. The City's eminent domain action was filed and an Order of Possession was entered to permit the construction of the project.

During the construction of the project and as a result of discussions with the landowner and the landowner's tenant (a mobile home company) and after receipt of an appraisal from the landowner's appraiser, CALMO Realty Services, Inc., it was determined that portions of the floodway and flood plain properties physically had been filled and were being utilized by a portion of a mobile home business. The landowner's appraiser made various extraordinary assumptions including basing his value estimate on the premise that the mobile home inventory was lawfully stored on the designated flood hazard area and that the filling which has occurred was lawful. Based on the assumptions made by the appraiser, the landowner's appraisal indicated a just compensation basis, including temporary construction easements, of \$70,226.00.

The City concurs that, at pertinent times, there was no regulatory prohibition of filling the floodway and flood plain properties. While filings with FEMA would be required to obtain removal of floodway and flood plain designations, the landowner's appraisal appropriately reduces the value of filled floodway and flood plain property from \$3.50 per square foot to \$1.75 per square foot to recognize the cost which would be involved in officially removing the FEMA designations.

The engineer on the project has confirmed that there is 5,175 square feet of floodway property which has not been filled (and which was not factored into the appraisal of the landowner). The landowner has acknowledged that an appropriate deduction should be made to the appraisal to reflect the unfilled floodway property.

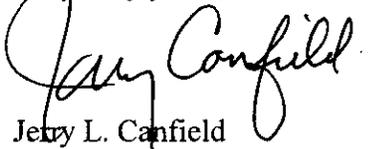
The City has requested Mr. Matthews, the City's appraiser, to review the foregoing analysis which was developed based on the confirmed information regarding the amount of filling on the properties. Mr. Matthews concurs in the foregoing analysis.

Based upon the foregoing, we recommend, and we understand that your office concurs, that the City pay a total sum of \$59,000.00 (the City will be given credit for the amount previously deposited into the registry of the Court) as just compensation for the takings from the landowner, including the temporary construction easements acquired. The landowner has indicated concurrence in that just compensation amount. The landowner understands that the proposed agreement is subject to approval by the Board.

The proposed resolution of this matter would avoid a trial which is now scheduled for January 27, 2011. The settlement includes all claims including any potential claim to be made by the mobile home tenant on the property. The parties will give notice to the tenant to obtain verification that there are no further claims.

Thank you for your attention in this matter.

Very truly yours,

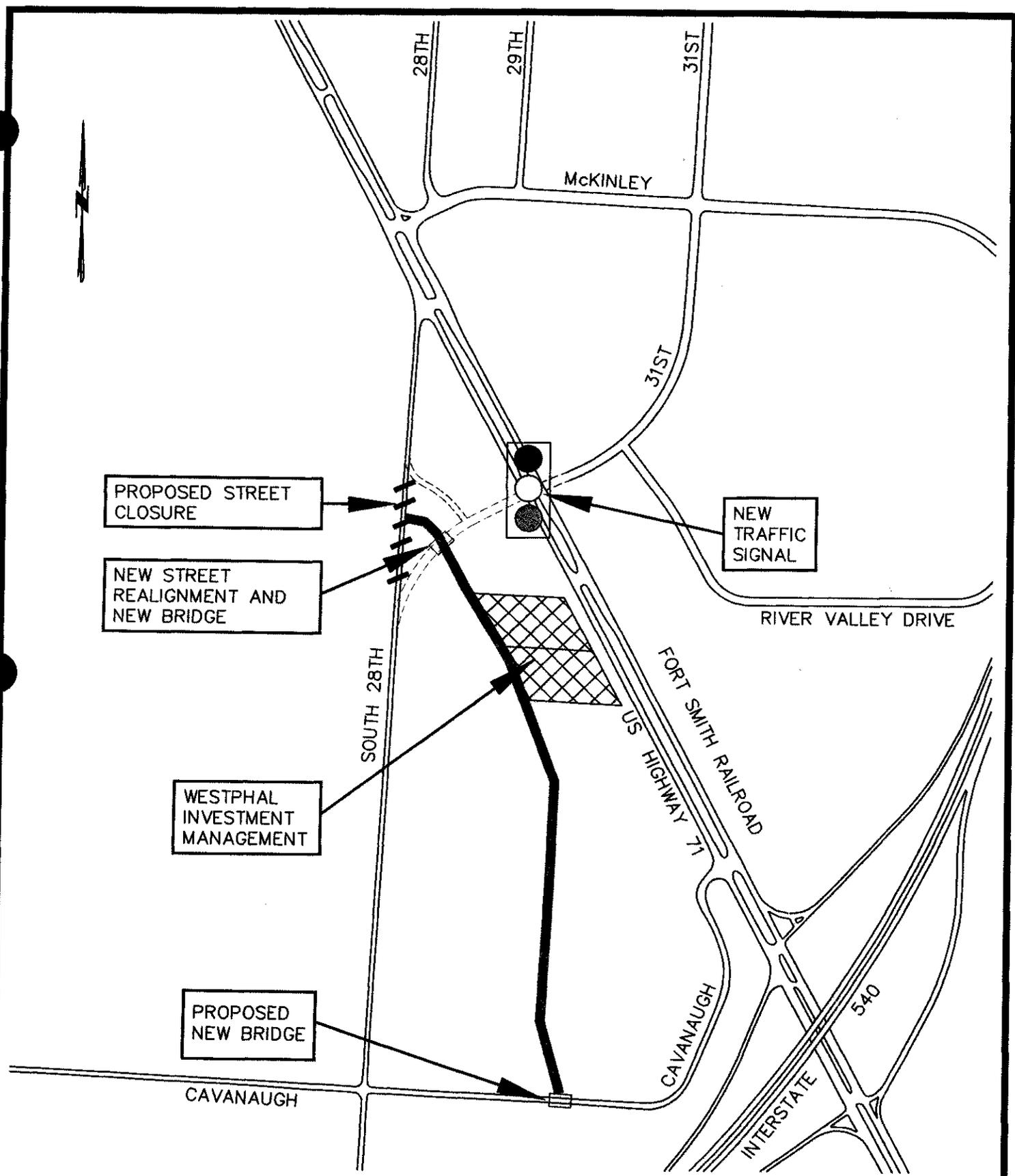


Jerry L. Canfield  
JLC/cmm

Enclosure

cc: Mr. Mark Moll

G:\DRAWING\CIP\05-06-C-SO 28TH CAVANAUGH\BOARD\_EX4.dwg 11/5/10-11:19 RBR



009 CAPITAL IMPROVEMENTS PROGRAM  
 MILL CREEK/28TH ST.  
 DRAINAGE IMPROVEMENTS



Project:	05-06-C
Date:	DEC 2010
Scale:	NONE
Drawn By:	RBR

F

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

**AN ORDINANCE AUTHORIZING EXECUTION OF  
RENEWAL TELECOMMUNICATIONS SERVICES AGREEMENT WITH AT&T**

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

**Section 1: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the Master Agreement for telecommunications services between AT&T and the City of Fort Smith providing for the purchase by the City of Fort Smith of telecommunications services provided by a customized switched metro ethernet system at eighteen (18) City operated locations at a monthly cost of \$18,445.00 with the Agreement having a term of five (5) years.**

**Section 2: It is hereby found and determined by the Board that any required competitive bidding procedures are waived as not being feasible under the situation wherein the City desires to purchase the specialized telecommunications services provided by a customized switched ethernet system without acquisition of City owned equipment and without employment of management employees.**

**This Ordinance adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.**

**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**npr**

# Memorandum

**To:** Ray Gosack, Acting City Administrator *R.G.*  
**From:** Russell Gibson, Director Information and Technology Systems  
**Date:** 12/17/2010  
**Re:** AT&T CSME Contract Renewal

The contract with AT&T for the Customized Switched Metro Ethernet (CSME) is up for renewal in 2011. Essentially the CSME is the physical, fiber-optic network (backbone) which connects the various city facilities/offices. There are a total of 18 separate locations which make up the network including Stephens, ITS, Transit, Sanitation, Kelley Highway, Police Department, all fire station locations, and others. Currently 17 sites, including the fire stations have 100Mb connection with ITS having 1Gb. Please note that this is NOT our Internet speed/access rate. Right now there is only one PC and one VOIP phone at each of the nine satellite fire stations. ITS staff has determined that this equipment configuration at the nine fire stations does not warrant the 100Mb connection rate. Again, this does not include the Fire Department's Headquarters at Fire Station One (1) on North 5<sup>th</sup> Street. In this renewal, ITS proposes that the network speed for the nine fire stations be turned down to 10Mb. Doing so would equate to a yearly aggregate savings of nearly \$19,000 or \$1,582.28 per month and NOT adversely affect the performance or delivery of service at the nine stations. ITS has spoken to AT&T and they are agreeable to a CSME "recast" which would require an addendum to the original, five-year contract at the reduced rate. Also, ITS proposes to renew our Managed Internet Service (MIS) agreement with AT&T. In this renewal ITS is proposing to enhance our Internet bandwidth (10Mb to 20Mb) and participate in using AT&T's "cloud" storage service. Both services provide benefit to the City in enhanced performance for our web-based applications plus helping to reduce our physical storage footprint while providing additional, off-site redundancy.

Attached are the renewal contracts for both the CSME and the Managed Internet Service (MIS) and a pricing summary. The contracts detail the discounted pricing schedules. Please feel free to contact me if you have any questions.

Best Regards,



Russell Gibson  
Director, Information and Technology Systems



**City of Fort Smith  
CSME Network Early Recast**

**I. Current Contract:**

CSME: Expires: 11/15/2011  
Monthly billing: \$17,950.00

10 Mb CSME : ( Not on Rate Letter )  
100 Mb CSME: \$ 976.00 per month  
1 Gb CSME: \$1,386.00 per month

MIS: Expires: 04/18/2012  
Monthly billing: \$ 2,077.06

**Total Monthly: \$20,027.00**

**II. Proposed Solution:**

CSME:

Recast early the CSME contract for an additional 60 months , expiration 11/15/2016.  
Down-grade ( 9 ) 100Mb sites to 10Mb.

10 Mb CSME : \$ 671.00 per month ( New rate for 9 locations. )  
100 Mb CSME: \$ 976.00 per month  
1 Gb CSME: \$1,386.00 per month

Current Monthly Recurring: \$17,950.00  
Recast Monthly Recurring: \$15,205.00  
Monthly Recurring Impact: - \$ 2,745.00

MIS to EaMIS:

Coterminous Contract Extension, expiration 11/15/2016.  
Upgrade 10 Mb to 20Mb EaMIS.

Current MIS Monthly Recurring: \$ 2,077.06  
EaMIS 20 Mb Monthly Recurring: \$ 2,877.28  
Monthly Recurring Impact: \$ 800.22

Bundled Products:

ATT Connect \$ 87.50  
Synaptic Storage \$ 275.00

**Total Monthly: \$18,445.00**

**Approximate per Month Savings: \$1,582.00**



**AMENDMENT TO  
AT&T CUSTOMIZED METRO ETHERNET (CSME) SERVICE  
ICB ADDENDUM NO.1 TO MASTER AGREEMENT**

Name of Addendum that is being amended : AT&T Customized Switched Metro Ethernet (CSME) Service ICB Addendum No. 1 To Master Agreement ("Contract"). The Contract # is 20061117-0375.

Customer Name: City of Fort Smith ("Customer")

Applicable AT&T Affiliate and State: (hereinafter "AT&T")

Southwestern Bell Telephone Company d/b/a AT&T Arkansas

WHEREAS, AT&T and Customer entered Contract last signed by AT&T on November 20, 2006 for the provision of telecommunication services to Customer; and AT&T and Customer hereby agree to amend the Contract as follows:

1. AT&T and Customer hereby agree to extend the Term of the Contract for sixty (60) month with a firm expiration date of November 15, 2016.
2. This Amendment also serves to change 9 existing Service Locations from 100 Mbps to 10 Mbps as follows:

Service	Description – Service Components / USOC	Quantity New	Quantity Existing	Monthly Recurring Rate, each	Non-recurring Charge / One-time charge, each
CSME	Connection / 1 Gbps / P9FLX	-	1	\$1,386.00	-
CSME	Connection / 100 Mbps / P9FKX	-	8	\$976.00	-
CSME	Connection / 10 Mbps / P9FYX	9	-	\$ 671.00	-

3. The Service Locations shall be as follows:

<b>Fire Station #2:</b> 1127 N. Greenwood, Fort Smith, AR
<b>Fire Station #3:</b> 2020 N. 6 <sup>th</sup> Street, Fort Smith, AR
<b>Fire Station #4:</b> 2200 Towson Ave., Fort Smith, AR
<b>Fire Station #5:</b> 4123 Spradling, Fort Smith, AR
<b>Fire Station #6:</b> 3124 Massard Rd., Fort Smith, AR
<b>Fire Station #7:</b> 5411 Euper Lane, Fort Smith, AR
<b>Fire Station #8:</b> 2318 Phoenix Ave., Fort Smith, AR
<b>Fire Station #9:</b> 1500 Cavanaugh, Fort Smith, AR
<b>Fire Station #10:</b> 4401 Burrough Road, Fort Smith, AR



4. This Amendment shall become effective as of the date of the last signature hereto or on the date of last approval by a regulatory agency with jurisdiction over the Amendment that requires approval, whichever is later. If this Amendment is executed less than 30 days prior to the end of the current Term of the Contract, the rates as provided in the Contract may be interrupted.

5. Except as otherwise modified herein, all terms and conditions of the Contract remain in full force and effect.

P

Customer (by its authorized representative)	AT&T (by its authorized representative)
By:	By:
Printed or Typed Name:	Printed or Typed Name:
Title:	Title:
Date:	Date:

End of Document



**AT&T Managed Internet Service  
Pricing Schedule (CUSTOM)**

Customer	AT&T	AT&T Sales Contact <input type="checkbox"/> Primary Contact
City of Fort Smith  801 Carnall Avenue, Room 100 Fort Smith, AR 72902 USA	AT&T Corp.	DOYLE B REEVES 114 N EAST AVE FAYETTEVILLE, AR 72701 Telephone: 4794421938 Fax: 479-782-5841 Email: dr278k@swmail.att.com Branch Manager: Ken Carpio Sales Strata: Small Business Market Sales Region: Central
Customer Contact (for notices)	AT&T Contact (for notices)	AT&T Solution Provider or Representative Information (if applicable)
Name: Russell Gibson Title: CIO 801 Carnall Avenue, Room 100 Fort Smith, AR 72902 United States Telephone: 4797888919 Fax: Email: rgibson@FortSmithAR.gov Customer Account Number or Master Account Number:	114 N EAST AVE FAYETTEVILLE, AR 72701  With a copy to: AT&T Corp. One AT&T Way Bedminster, NJ 07921-0752 ATTN: Master Agreement Support Team Email: mast@att.com	Name: Company Name:  Telephone: Fax: Email: Agent Code:

This Pricing Schedule is part of the Agreement between AT&T and Customer referenced above.

Customer (by its authorized representative)	AT&T (by its authorized representative)
By:	By:
Name:	Name:
Title:	Title:
Date:	Date:

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**1. SERVICES**

- AT&T Managed Internet Service
- AT&T Private Network Transport (PNT) Service is an option of MIS and can be ordered as an MPLS PNT feature under Tables 28 and 29.
  - AT&T's Acceptable Use Policy is located at <http://www.att.com/aup> or such other AT&T-designated location.

**2. PRICING SCHEDULE TERM AND EFFECTIVE DATES**

<b>Pricing Schedule Term</b>	<b>Term Start Date</b>
71 months with an expiration date of November 15, 2016	Effective Date of this Pricing Schedule

<b>Effective Date of Rates and Discounts</b>	<b>Effective Date of this Pricing Schedule</b>
--	--

**3. MINIMUM PAYMENT PERIOD**

Portion of Monthly Service Fees Applicable to Minimum Payment Period	Service Components	Minimum Payment Period
50%	All Service Components	Until end of Pricing Schedule Term, but not less than 12 months per component

CSM101011172850

**4. RATES (US Mainland, HI and Alaska<sup>†</sup> only)**

<sup>†</sup> Service in Alaska requires a separate AT&T Addendum for Service in Alaska. The rates stated in this Pricing Schedule apply to Service locations and/or Service Components in Alaska only in the event that a Service Component and/or Service location is not listed in the Addendum for Service in Alaska. In the event of the conflict between this Pricing Schedule and the Addendum for Service in Alaska, the Addendum for Service in Alaska controls.

NOTE 1: MIS w/ Managed Router Option 2 available only as described in the Service Guide.

NOTE 2: If Customer orders the MPLS PNT feature under Section I, Tables 28 and 29 as part of the MIS service, Customer will be billed for PNT transport and uplifts and all applicable taxes will be stated on the Customer's invoice.

NOTE 3: The charges for the Class of Service (CoS) feature set forth in Section I, Table 23 through 25 are waived for Sites at which Customer also maintains AT&T Business Voice over IP (VoIP) Service.

(\*) = not available with MPLS PNT  
 ICB = available only on an Individual Case Basis.  
 N/A = Not Available

**Section I: AT&T Managed Internet Service  
 Access Bandwidth -**

**Table 1: Tiered T-1, NxT-1, E-1 And Frame - Flat Rate Billing Option**

Access Method	Speed	MIS Monthly Service Fee List Price	MIS w/ Managed Router Monthly Service Fee List Price	MIS w/ Managed Router Option 2 Monthly Service Fee List Price	Discount
N/A	56/64 Kbps	\$190	\$260	N/A	N/A
T-1	128 Kbps	\$225	\$295	\$285	N/A
T-1	256 Kbps	\$280	\$350	\$340	N/A
T-1	384 Kbps	\$335	\$405	\$395	N/A
T-1	512 Kbps	\$390	\$460	\$450	N/A
T-1	768 Kbps	\$410	\$480	\$470	N/A
T-1 - Frame*	1024 Kbps	\$425	\$495	\$485	N/A
T-1	T-1	\$470	\$540	\$530	N/A
E-1*	E-1	\$470	\$540	N/A	N/A
2xT-1	3 Mbps	\$850	\$1,145	N/A	N/A
3xT-1	4.5 Mbps	\$1,100	\$1,395	N/A	N/A
4xT-1	6 Mbps	\$1,250	\$1,545	N/A	N/A
5xT-1	7.5 Mbps	\$1,480	\$2,360	N/A	N/A
6xT-1	9 Mbps	\$1,715	\$2,595	N/A	N/A
7xT-1	10.5 Mbps	\$1,915	\$2,795	N/A	N/A
8xT-1	12 Mbps	\$2,190	\$3,070	N/A	N/A

v.2.3.06

CSM101011172850

Table 2: Bursttable T-1

Discount: : N/A

Sustained Usage	Undiscounted MIS Monthly Service Fee	Undiscounted MIS w/Managed Router Monthly Service Fee	Undiscounted MIS w/Managed Router Option 2 Monthly Service Fee
up to 128kbps	\$270	\$340	\$330
128.01 - 256 Kbps	\$340	\$410	\$400
256.01 - 384 Kbps	\$405	\$475	\$465
384.01 - 512 Kbps	\$470	\$540	\$530
512.01 Kbps - 1.544 Mbps	\$565	\$635	\$625

v.2.3.06

Table 3: DNS Services

Option	Monthly Service Fee
Additional Primary DNS (available in increments of up to 15 zones with a maximum of 150 Kilobytes of zone file data)	\$100 per DNS increment
Additional Secondary DNS (available in increments of up to 15 zones with a maximum of 150 Kilobytes of zone file data)	\$100 per DNS increment

v.07.01.04

Table 4: ATM And Tiered T-3

Discount: N/A

Access Method	Speed	MIS Monthly Service Fee List Price	MIS w/Managed Router Monthly Service Fee List Price	MIS w/Managed Router Option 2 Monthly Service Fee List Price
ATM*	2 Mbps	\$590	\$885	\$840
ATM*	3 Mbps	\$850	\$1,145	\$1,100
ATM*	4 Mbps	\$1,075	\$1,370	\$1,325
ATM*	5 Mbps	\$1,125	\$1,420	\$1,375
ATM*	6 Mbps	\$1,250	\$1,545	\$1,500
ATM*	7 Mbps	\$1,415	\$2,295	\$2,000
ATM*	8 Mbps	\$1,565	\$2,445	\$2,150
ATM*	9 Mbps	\$1,715	\$2,595	\$2,300
ATM*/T-3	10 Mbps	\$1,840	\$2,720	\$2,425
ATM*/T-3	15 Mbps	\$2,465	\$3,345	\$3,050
ATM*/T-3	20 Mbps	\$3,090	\$3,970	\$3,675
ATM*/T-3	25 Mbps	\$3,725	\$4,605	\$4,310
ATM*/T-3	30 Mbps	\$4,350	\$5,230	\$4,935
ATM*/T-3	35 Mbps	\$4,990	\$5,870	\$5,575
ATM*/T-3	40 Mbps	\$5,615	\$6,495	\$6,200
T-3	45 Mbps	\$6,250	\$7,130	\$6,835

v.2.3.06

Table 5: Bursttable T-3

Discount: N/A

Sustained Usage	Undiscounted MIS Monthly Service Fee	Undiscounted MIS w/Managed Router Monthly Service Fee	Undiscounted MIS w/Managed Router Option 2 Monthly Service Fee
up to 6.0 Mbps	\$1,515	\$1,810	\$1,765
6.01 - 7.5 Mbps	\$1,790	\$2,670	\$2,375
7.51 - 9.0 Mbps	\$2,065	\$2,945	\$2,650
9.01 - 10.5 Mbps	\$2,290	\$3,170	\$2,875
10.51 - 12.0 Mbps	\$2,515	\$3,395	\$3,100
12.01 - 13.5 Mbps	\$2,740	\$3,620	\$3,325
13.51 - 15.0 Mbps	\$2,965	\$3,845	\$3,550
15.01 - 16.5 Mbps	\$3,150	\$4,030	\$3,735
16.51 - 18.0 Mbps	\$3,340	\$4,220	\$3,925
18.01 - 19.5 Mbps	\$3,525	\$4,405	\$4,110
19.51 - 21.0 Mbps	\$3,715	\$4,595	\$4,300
21.01 - 45.0 Mbps	\$7,515	\$8,395	\$8,100

v.2.3.06

Table 6: Flexible Bandwidth Billing Option - Bursttable T-3

Discount applied to MIS, MIS w/Managed Router, & MIS w/Managed Router Option 2: N/A				Incremental Usage Fee Discount: N/A	
Tiered Bandwidth Minimum Commitment	MIS Undiscounted Monthly Fee	MIS w/Managed Router Undiscounted Monthly Fee	MIS w/Managed Router Option 2 Undiscounted Monthly Fee	Undiscounted Incremental Usage Fee Per Mbps	
2 Mbps	\$590	\$885	\$840	\$355	
3 Mbps	\$850	\$1,145	\$1,100	\$340	
4 Mbps	\$1,075	\$1,370	\$1,325	\$325	
5 Mbps	\$1,125	\$1,420	\$1,375	\$270	
6 Mbps	\$1,250	\$1,545	\$1,500	\$250	
7 Mbps	\$1,415	\$2,295	\$2,000	\$245	
8 Mbps	\$1,565	\$2,445	\$2,150	\$235	
9 Mbps	\$1,715	\$2,595	\$2,300	\$230	
10 Mbps	\$1,840	\$2,720	\$2,425	\$225	
15 Mbps	\$2,465	\$3,345	\$3,050	\$200	
20 Mbps	\$3,090	\$3,970	\$3,675	\$190	
25 Mbps	\$3,725	\$4,605	\$4,310	\$180	
30 Mbps	\$4,350	\$5,230	\$4,935	\$175	
35 Mbps	\$4,990	\$5,870	\$5,575	\$175	
40 Mbps	\$5,615	\$6,495	\$6,200	\$170	
45 Mbps	\$6,250	\$7,130	\$6,835	N/A	

v.2.3.06

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**Table 7: MIS Access Redundancy Option (MARO) - Burstable T-1 with Shadow Billing Option**

Discount: N/A

Sustained Usage	MIS w/Managed Router Undiscounted Monthly Service Fee	MIS w/Managed Router Option 2 Undiscounted Monthly Service Fee
Up to 56 Kbps For MARO Redundant Link Service Only (Shadow Billing)	\$170	\$160
up to 128kbps	\$340	\$330
128.01 - 256 Kbps	\$410	\$400
256.01 - 384 Kbps	\$475	\$465
384.01 - 512 Kbps	\$540	\$530
512.01 Kbps - 1.544 Mbps	\$635	\$625

v.2.20.06

**Table 8: MARO Burstable T-3 with Shadow Billing Option**

Discount: N/A

Sustained Usage	MIS w/Managed Router Monthly Service Fee	MIS w/Managed Router Option 2 Monthly Service Fee
Up to 56 Kbps For MARO Redundant Link Service Only (Shadow Billing)	\$800	\$790
to 6.0 Mbps	\$1,810	\$1,765
6.01 - 7.5 Mbps	\$2,670	\$2,375
7.51 - 9.0 Mbps	\$2,945	\$2,650
9.01 - 10.5 Mbps	\$3,170	\$2,875
10.51 - 12.0 Mbps	\$3,395	\$3,100
12.01 - 13.5 Mbps	\$3,620	\$3,325
13.51 - 15.0 Mbps	\$3,845	\$3,550
15.01 - 16.5 Mbps	\$4,030	\$3,735
16.51 - 18.0 Mbps	\$4,220	\$3,925
18.01 - 19.5 Mbps	\$4,405	\$4,110
19.51 - 21.0 Mbps	\$4,595	\$4,300
21.01 - 45.0 Mbps	\$8,395	\$8,100

v.10.31.05

**Table 9: MARO Features - Monthly Service Fees**

Option	Monthly Service Fee List Price	Service Component Discount
Alternate Backbone Node Option - additional charges via Private Line, per Service Component	T-1: \$500	N/A
	NxT1: \$500 per T-1	
	T3: \$5,000	
	OC-3 \$12,000	
CPE Redundant Configuration Option - Per Service Component	T-1: \$120	N/A
	NxT-1: \$350	
	T3: \$540	
	OC-3: \$2,435	
Backbone Node Redundancy Option - additional charges via Private Line, per Redundant Link	\$500 per T-1 Redundant Link	N/A
	\$5,000 per T-3 Redundant Link	
	\$12,000 per OC-3 Redundant Link	
Outbound Load Balancers (2) (Dual Managed Customer Routers)	T1 & NXT1: \$350	N/A
	T3 & OC3: \$875	

v.2.3.06

**Table 10: MIS and MARO Features - Installation Fees (ICB Only)**

Discount: 0.0 %

Option	Undiscounted Installation Fee List Price MIS, MIS w/Managed Router, & MIS w/ Managed Router Option 2
MARO - Outbound Load Balancers (2) (Dual Managed Customer Routers)	\$1000

v.2.6.06

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Table 11: MIS Tele – Installation

Discount: 100.0 %

MIS Speed	Undiscounted MIS	Undiscounted MIS w/ Managed Router	Undiscounted MIS w/ Managed Router Option 2
56 Kbps	\$1,000	\$1,000	\$1,000
128 Kbps - 1.5 Mbps	\$1,000	\$1,000	\$1,000
NxT-1	\$2,500	\$2,500	\$2,500
Tiered/Full T-3	\$5,000	N/A	N/A
Tiered OC-3, OC-12, OC-48	\$10,000	N/A	N/A
Ethernet	\$1,500	\$1,500*	N/A
10 Gig Ethernet	\$10,000	\$10,000**	\$10,000**

\* Available for MIS speeds of 100 Mbps and below and with electrical interfaces only.

\*\* Subject to availability  
v.10.01.08

Table 12: On-Site Installation

Discount: 0.0 %

MIS Speed	Undiscounted MIS w/ Managed Router Only	Undiscounted MIS w/ Managed Router Option 2 Only
56 Kbps	\$999	\$999
128 Kbps - 1.5 Mbps	\$999	\$999
NxT-1	\$999	\$999
Tiered/Full T-3	\$1,000	\$1,000
Tiered OC-3, OC-12, OC-48	\$10,000	\$10,000
Ethernet	\$1,500	N/A

v.11.08.08

Table 13: ATM and Tiered OC-3 (ICB Only)\*

Discount: N/A

Speed	Undiscounted MIS Monthly Service Fee	Undiscounted MIS w/Managed Router Monthly Service Fee	Undiscounted MIS w/Managed Router Option 2 Monthly Service Fee
2 Mbps	\$590	\$885	\$840
3 Mbps	\$850	\$1,145	\$1,100
4 Mbps	\$1,075	\$1,370	\$1,325
5 Mbps	\$1,125	\$1,420	\$1,375
6 Mbps	\$1,250	\$1,545	\$1,500
7 Mbps	\$1,415	\$2,295	\$2,000
8 Mbps	\$1,565	\$2,445	\$2,150
9 Mbps	\$1,715	\$2,595	\$2,300
10 Mbps	\$1,840	\$2,720	\$2,425
15 Mbps	\$2,465	\$3,345	\$3,050
20 Mbps	\$3,090	\$3,970	\$3,675
25 Mbps	\$3,725	\$4,605	\$4,310
30 Mbps	\$4,350	\$5,230	\$4,935
35 Mbps	\$4,990	\$5,870	\$5,575
40 Mbps	\$5,615	\$6,495	\$6,200
60 Mbps	\$7,825	\$9,005	\$8,450
155 Mbps (not available with ATM)	\$17,800	\$18,980	\$18,425

v.2.3.06

Table 14: Burstable OC-3 (ICB Only)

Discount: N/A

Sustained Usage	Undiscounted MIS Monthly Service Fee	Undiscounted MIS w/Managed Router Monthly Service Fee	Undiscounted MIS w/Managed Router Option 2 Monthly Service Fee
Up to 35.0 Mbps	\$5,990	\$6,870	\$6,575
35.01 to 45.0 Mbps	\$7,515	\$8,395	\$8,100
45.01 to 55.0 Mbps	\$8,765	\$9,945	\$9,390
55.01 to 65.0 Mbps	\$10,025	\$11,205	\$10,650
65.01 to 75.0 Mbps	\$11,290	\$12,470	\$11,915
75.01 to 85.0 Mbps	\$12,550	\$13,730	\$13,175
85.01 to 100.0 Mbps	\$14,440	\$15,620	\$15,065
100.01 to 125.0 Mbps	\$17,590	\$18,770	\$18,215
125.01 to 155.0 Mbps	\$21,365	\$22,545	\$21,990

v.2.3.06

CSM101011172850

Table 15: Flexible Bandwidth Billing Option - Burstable OC-3 (ICB Only)

Discount applied to MIS, MIS w/Managed Router, & MIS w/ Managed Router Option 2: N/A				Incremental Usage Fee Discount: N/A
Tiered Bandwidth Minimum Commitment	Undiscounted MIS Monthly Fee	Undiscounted MIS with Managed Router Monthly Fee	Undiscounted MIS with Managed Router Option 2 Monthly Fee	Undiscounted Incremental Usage Fee Per Mbps
35 Mbps	\$4,990	\$5,870	\$5,575	\$175
40 Mbps	\$5,615	\$6,495	\$6,200	\$170
45 Mbps	\$6,250	\$7,130	\$6,835	\$170
60 Mbps	\$7,825	\$9,005	\$8,450	\$160
70 Mbps	\$8,875	\$10,055	\$9,500	\$155
80 Mbps	\$9,925	\$11,105	\$10,550	\$150
90 Mbps	\$10,975	\$12,155	\$11,600	\$150
100 Mbps	\$12,025	\$13,205	\$12,650	\$145
120 Mbps	\$14,125	\$15,305	\$14,750	\$145
144 Mbps	\$16,225	\$17,405	\$16,850	\$140
155 Mbps	\$17,800	\$18,980	\$18,425	N/A

v.2.3.06

Table 16: Tiered OC-12 (ICB Only)

Speed	Undiscounted MIS Monthly Service Fee	Undiscounted MIS w/Managed Router Monthly Service Fee
622 Mbps	\$50,700	\$52,505

v.2.3.06

Table 17: Burstable OC-12 (ICB Only)

Speed	Undiscounted MIS Monthly Service Fee	Undiscounted MIS w/Managed Router Monthly Service Fee
Up to 75.0 Mbps	\$11,290	\$12,470
75.01 to 150.0 Mbps	\$18,750	\$19,930
150.01 to 225.0 Mbps	\$26,215	\$27,395
225.01 to 300.0 Mbps	\$33,665	\$35,470
300.01 to 375.0 Mbps	\$40,040	\$41,845
375.01 to 450.0 Mbps	\$46,415	\$48,220
450.01 to 525.0 Mbps	\$52,715	\$54,520
525.01 to 622.0 Mbps	\$60,850	\$62,655

v.2.3.06

Table 18: Flexible Bandwidth Billing Option - Burstable OC-12 (ICB Only)

Discount applied to MIS & MIS w/Managed Router: N/A			Incremental Usage Fee Discount: N/A
Tiered Bandwidth Minimum Commitment	Undiscounted MIS Monthly Fee	Undiscounted MIS with Managed Router Monthly Fee	Undiscounted Incremental Usage Fee Per Mbps
70 Mbps	\$8,875	\$10,055	\$155
80 Mbps	\$9,925	\$11,105	\$150
90 Mbps	\$10,975	\$12,155	\$150
100 Mbps	\$12,025	\$13,205	\$145
120 Mbps	\$14,125	\$15,305	\$145
144 Mbps	\$16,225	\$17,405	\$140
155 Mbps	\$17,800	\$18,980	\$140
200 Mbps	\$20,975	\$22,780	\$130
250 Mbps	\$24,515	\$26,320	\$120
300 Mbps	\$28,050	\$29,855	\$115
350 Mbps	\$31,600	\$33,405	\$110
400 Mbps	\$35,140	\$36,945	\$110
450 Mbps	\$38,675	\$40,480	\$105
500 Mbps	\$42,215	\$44,020	\$105
550 Mbps	\$45,750	\$47,555	\$100
600 Mbps	\$49,290	\$51,095	\$100
622 Mbps	\$50,700	\$52,505	N/A

v.2.3.06

Table 19: Tiered OC-48 (ICB Only)

Speed	Undiscounted MIS Monthly Service Fee	Undiscounted MIS w/Managed Router Monthly Service Fee
2.5 Gbps	\$196,000	\$199,055

v.2.3.06

CSM101011172850

Table 20: Burstable OC-48 (ICB Only)

Discount: N/A

Sustained Usage	Undiscounted MIS Monthly Service Fee	Undiscounted MIS w/Managed Router Monthly Service Fee
Up to 1250 Mbps	\$121,500	\$124,555
1251 to 1350 Mbps	\$130,975	\$134,030
1351 to 1450 Mbps	\$140,450	\$143,505
1451 to 1550 Mbps	\$149,925	\$152,980
1551 to 1650 Mbps	\$159,400	\$162,455
1651 to 1750 Mbps	\$168,875	\$171,930
1751 to 1850 Mbps	\$178,350	\$181,405
1851 to 1950 Mbps	\$187,825	\$190,880
1951 to 2050 Mbps	\$197,300	\$200,355
2051 to 2150 Mbps	\$206,775	\$209,830
2151 to 2250 Mbps	\$216,250	\$219,305
2251 to 2350 Mbps	\$225,725	\$228,780
2351 to 2450 Mbps	\$235,200	\$238,255

v.2.3.06

Table 21: Flexible Bandwidth Billing Option - Burstable OC-48 (ICB Only)

Discount applied to MIS & MIS w/Managed Router: N/A

Tiered Bandwidth Minimum Commitment	Undiscounted MIS Monthly Fee	Undiscounted MIS with Managed Router Monthly Fee	Incremental Usage Fee Discount: N/A	Undiscounted Incremental Usage Fee Per Mbps
600 Mbps	\$49,290	\$51,095		\$100
622 Mbps	\$50,700	\$52,505		\$100
700 Mbps	\$56,365	\$58,170		\$100
800 Mbps	\$63,440	\$65,245		\$100
1250 Mbps	\$101,250	\$104,305		\$100
1550 Mbps	\$125,000	\$128,055		\$100
1850 Mbps	\$148,750	\$151,805		\$100
2150 Mbps	\$172,500	\$175,555		\$100
2450 Mbps	\$196,000	\$199,055		N/A

v.2.3.06

Table 22a: Flexible Bandwidth Billing Option - Ethernet

Discount applied to MIS & MIS w/Managed Router: 60.0 %

Tiered Bandwidth Minimum Commitment	MIS Undiscounted Monthly Fee	MIS with Managed Router Undiscounted Monthly Fee	Incremental Usage Fee Discount: 60.0 %	Undiscounted Incremental Usage Fee Per Mbps
0.5 Mbps	\$390	\$460		\$940
1.0 Mbps	\$425	\$495		\$510
1.5 Mbps	\$470	\$540		\$380
2 Mbps	\$590	\$685		\$355
3 Mbps	\$850	\$1,145		\$340
4 Mbps	\$1,075	\$1,370		\$325
5 Mbps	\$1,125	\$1,420		\$270
6 Mbps	\$1,250	\$1,545		\$250
7 Mbps	\$1,415	\$2,295		\$245
8 Mbps	\$1,565	\$2,445		\$235
9 Mbps	\$1,715	\$2,595		\$230
10 Mbps	\$1,840	\$2,720		\$225
15 Mbps	\$2,465	\$3,345		\$200
20 Mbps	\$3,090	\$3,970		\$190
25 Mbps	\$3,725	\$4,605		\$180
30 Mbps	\$4,350	\$5,230		\$175
35 Mbps	\$4,990	\$5,870		\$175
40 Mbps	\$5,615	\$6,495		\$170
45 Mbps	\$6,250	\$7,130		\$170
50 Mbps	\$6,770	\$7,815		\$165
60 Mbps	\$7,825	\$9,005		\$160
70 Mbps	\$8,875	\$10,055		\$155
75 Mbps	\$9,410	\$10,595		\$155
80 Mbps	\$9,925	\$11,105		\$150
90 Mbps	\$10,975	\$12,155		\$150
100 Mbps	\$12,025	\$13,205		\$145
120 Mbps	\$14,125	\$15,305		\$145
144 Mbps	\$16,225	\$17,405		\$140
150 Mbps	\$17,065	\$18,250		\$140
155 Mbps	\$17,800	\$18,980		\$140
200 Mbps	\$20,975	\$22,780		\$130
250 Mbps	\$24,515	\$26,320		\$120
300 Mbps	\$28,050	\$29,855		\$115
350 Mbps	\$31,600	\$33,405		\$110
400 Mbps	\$35,140	\$36,945		\$110
450 Mbps	\$38,675	\$40,480		\$105
500 Mbps	\$42,215	\$44,020		\$105
550 Mbps	\$45,750	\$47,555		\$100
600 Mbps	\$49,290	\$51,095		\$100
622 Mbps	\$50,700	\$52,505		\$100
700 Mbps	\$56,365	\$58,170		\$100
800 Mbps (ICB)	\$63,440	\$65,245		\$100
900 Mbps (ICB)	\$70,875	\$73,930		\$100
1000 Mbps (ICB)	\$78,250	\$81,305		N/A

v.10.01.08

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Table 22b: Flexible Bandwidth Billing Option – MIS 10 Gig Ethernet

Discount applied to MIS: N/A		Incremental Usage Fee Discount: N/A
Tiered Bandwidth Minimum Commitment	MIS Undiscounted Monthly Fee	Undiscounted Incremental Usage Fee Per Mbps
.5 Gbps	\$42,215	\$84.43
1.0 Gbps	\$78,250	\$78.25
1.5 Gbps	\$119,625	\$79.75
2.0 Gbps	\$161,000	\$80.50
2.5 Gbps	\$196,000	\$80.25
3.0 Gbps	\$240,000	\$80.00
3.5 Gbps	\$279,125	\$79.75
4.0 Gbps	\$318,000	\$79.50
4.5 Gbps	\$356,625	\$79.25
5.0 Gbps	\$390,000	\$78.00
5.5 Gbps	\$433,125	\$78.75
6.0 Gbps	\$471,000	\$78.50
6.5 Gbps	\$508,625	\$78.25
7.0 Gbps	\$539,000	\$77.00
7.5 Gbps	\$583,125	\$77.75
8.0 Gbps	\$620,000	\$77.50
8.5 Gbps	\$656,625	\$77.25
9.0 Gbps	\$684,000	\$76.00
9.5 Gbps	\$719,625	\$75.75
10.0 Gbps	\$755,000	\$75.50

10 Mbps	\$825
15 Mbps	\$1,075
20 Mbps	\$1,325
25 Mbps	\$1,575
30 Mbps	\$1,825
35 Mbps	\$2,100
40 Mbps	\$2,350
45 Mbps	\$2,750
155 Mbps†	\$2,750

(†) no real-time class available  
 (‡) unmanaged only  
 v.6.1.06

.01.08

Table 23: Class Of Service Option - Tiered T-1, T-3 and Burstable Service - Monthly Service Fees

Discount: N/A

Speed	Class of Service Monthly Fee – List Price (w/ or w/out Managed Router, including Managed Router Option 2, except as indicated)
56 Kbps†	\$225
128 Kbps†	\$225
256 Kbps†	\$225
384 Kbps†	\$225
512 Kbps†	\$225
768 Kbps	\$225
1024 Kbps*	\$225
1.5 Mbps	\$225
2xT-1 (3 Mbps)	\$225
3xT-1 (4.5 Mbps)	\$225
4xT-1 (6 Mbps)	\$225
5xT-1 (7.5 Mbps)	\$225
6xT-1 (9 Mbps)	\$225
7xT-1 (10.5 Mbps)	\$225
8xT-1 (12 Mbps)	\$225

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**Table 24: Class Of Service Option - Flexible Bandwidth Billing Option - Monthly Service Fees**  
Discount: N/A

Speed	Undiscounted MIS w/ or w/out Managed Router including Managed Router Option 2 Monthly Service Fee *
Up to 1.5 Mbps	\$225
2.0 Mbps	\$285
2.01 - 3.0 Mbps	\$360
3.01 - 4.0 Mbps	\$435
4.01 - 5.0 Mbps	\$510
5.01 - 6.0 Mbps	\$575
6.01 - 7.0 Mbps	\$640
7.01 - 8.0 Mbps	\$705
8.01 - 9.0 Mbps	\$765
9.01 to 10.0 Mbps	\$825
10.01 to 15.0 Mbps	\$1,075
15.01 - 20.0 Mbps	\$1,325
20.01 - 25.0 Mbps	\$1,575
25.01 - 30.0 Mbps	\$1,825
30.01 - 35.0 Mbps	\$2,100
35.01 - 40.0 Mbps	\$2,350
40.01 - 45.0 Mbps	\$2,750
45.01 - 155 Mbps	\$5,000
200 - 250 Mbps	\$5,400
300 - 350 Mbps	\$5,800
400 - 600 Mbps	\$6,200
622 Mbps	\$7,000
700 - 1000 Mbps	\$7,800
1.5 Gbps	\$7,900
2.0 Gbps	\$8,000
2.5 Gbps	\$8,100
3.0 Gbps	\$8,200
3.5 Gbps	\$8,300
4.0 Gbps	\$8,400
4.5 Gbps	\$8,500
5.0 Gbps	\$8,600
5.5 Gbps	\$8,700
6.0 Gbps	\$8,800
6.5 Gbps	\$8,900
7.0 Gbps	\$9,000
7.5 Gbps	\$9,100
8.0 Gbps	\$9,200
8.5 Gbps	\$9,300
9.0 Gbps	\$9,400
9.5 Gbps	\$9,500
10.0 Gbps	\$9,600

\*Subject to availability  
v.10.01.08

**Table 25: Class Of Service Option - Installation Fees**

Discount: N/A

Class of Service Undiscounted Installation Fee	\$1,000
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v.2.3.06

**Table 26: MIS+NCS Option (ICB Only)**

Discount: N/A

Feature	Undiscounted Monthly Service Fee MIS Only
MIS + NCS Site License Fee (3 yr)	\$1,200
MIS + NCS Site License Fee (5 yr)	\$1,050
MIS + NCS Tier 1 Support	\$100

v.04.29.02

**Table 27: MIS + NCS Installation Fees (ICB Only)**

Discount: 0.0 %

Feature	Undiscounted Installation Fee List Price MIS
MIS + NCS Site Preparation Fee	\$2,500

v.2.3.06

Table 28: MPLS PNT Feature

Discount: N/A

Access Method	Speed	Undiscounted Monthly Service Fee MIS, MIS w/Managed Router, and MIS w/ Managed Router Option 2
Private Line Fractional T-1 (56K – 768K)**	Fractional T-1 (56K – 768K)**	\$200
Private Line NxT-1 (2 through 8)	Private Line NxT-1 (3 Mbps – 12 Mbps)	\$200
Private Line T1	T-1 (1.54 Mbps)	\$200
Private Line T3	2 Mbps (Hi-Cap Flex T3)	\$1,000
Private Line T3	3 Mbps (Hi-Cap Flex T3)	\$1,000
Private Line T3	4 Mbps (Hi-Cap Flex T3)	\$1,000
Private Line T3	5 Mbps (Hi-Cap Flex T3)	\$1,000
Private Line T3	6 Mbps (Hi-Cap Flex T3)	\$1,000
Private Line T3	7 Mbps (Hi-Cap Flex T3)	\$1,000
Private Line T3	8 Mbps (Hi-Cap Flex T3)	\$1,000
Private Line T3	9 Mbps (Hi-Cap Flex T3)	\$1,000
Private Line T3	10 Mbps (Hi-Cap Flex T3)	\$1,000
Private Line T3	15 Mbps (Hi Cap Flex T3 or Fractional T3)	\$1,000
Private Line T3	20 Mbps (Hi-cap Flex T3, or Fractional T3)	\$2,000
Private Line T3	25 Mbps (Hi-cap Flex T3, or Fractional T3)	\$2,000
Private Line T3	30 Mbps (Hi-cap Flex T3, or Fractional T3)	\$2,000
Private Line T3	35 Mbps (Hi-cap Flex T3, or Fractional T3)	\$2,000
Private Line T3	40 Mbps (Hi-cap Flex T3, or Fractional T3)	\$2,000
Private Line T3	45 Mbps (Full T3)	\$2,000
Private Line T3	6-45 Mbps (Burstable T3)	\$2,000
Private Line OC3	OC-3 (35-155 Mbps) Flat rate, Burstable, or Hi-Cap flex	\$5,000
Private Line OC12	OC-12 (70-622 Mbps) Flat rate, Hi-Cap Flex, or Burstable	\$10,000
Private Line OC48	OC-48 (600-2500 Mbps) Flat rate, Hi-Cap Flex or Burstable	\$20,000
Ethernet	512Kbps - 1.5 Mbps	\$200
Ethernet	2 - 15 Mbps	\$1,000
Ethernet	15.01 – 45 Mbps	\$2,000
Ethernet	45.01 - 155 Mbps	\$5,000
Ethernet	155.01 - 622 Mbps	\$10,000
Ethernet	622.01 - 1000 Mbps	\$20,000

\*\* (1024K not available with MPLS PNT)  
v.10.12.07

Table 29: MPLS PNT UniLink Feature

Discount: N/A

Access Method	Speed	Undiscounted Monthly Service Fee MIS PNT and MIS PNT with Managed Router
Private Line T-1	T-1 (1.54 Mbps) Burstable T1	\$200
Private Line T-3	2- 45 Mbps (Flat Rate, Hi-Cap Flex or Burstable T3)	\$2,000
Private Line OC-3	OC-3 (35-155 Mbps) Flat rate, Burstable, or Hi-Cap flex	\$5,000
Private Line OC-12	OC-12 (70-622 Mbps) Flat rate, Hi-Cap Flex, or Burstable	\$10,000
Private Line OC-48	OC-48	\$20,000
Ethernet	512 Kbps – 1.5 Mbps	\$200
Ethernet	2 - 45 Mbps	\$2,000
Ethernet	45.01-155 Mbps	\$5,000
Ethernet	155.01-622 Mbps	\$10,000
Ethernet	622.01-1000 Mbps	\$20,000

v.10.12.07

Table 30: MultiCast Monthly Service Fee

N/A

MultiCast Monthly Service Fee	ICB
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Table 31: MultiCast Installation

N/A

MultiCast Installation Fee	ICB
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Section II: AT&T Business in a Box<sup>SM</sup>

Table 1: Service Component Replacement – Next Business Day Shipped (5x8) Monthly Charges

Discount: N/A

Service Component/Device	Undiscounted Monthly Service Charge
Base Unit 12 Port	\$50
Base Unit 24 Port	\$70
8 Port POE Add-On	\$30
24 Port POE Add-On	\$75
8 Port Analog Module Add-On	\$35

v.5.14.09

Table 2: On-Site Maintenance (24X7X4) Monthly Charges

Discount: N/A

Option	Undiscounted Monthly Service Charge
Base Unit 12 Port	\$75

CSM101011172850

Base Unit 24 Port	\$95
8 Port POE Add-On	\$35
24 Port POE Add-On	\$85
8 Port Analog Module Add-On	\$40

v.5.14.09

Table 3: Life-Cycle Management Charges - Service Charges

Discount: N/A

Per Site / Per Occurrence during Standard Business Hours (Monday- Friday, 8:00 am- 5:00 pm, local time)	Undiscounted Service Charge List Price
Move, Addition, Change to Service	\$260
Delete Service	\$500

v. 5.14.09

Table 4: Class Of Service Option - when ordered with AT&T BVoIP Services only

Discount: 100%

Class of Service Monthly Service Fee	\$225
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v.1.9.09

Section III: Additional Service Fees

Moving Fee (during hours)	\$1,000 per location
Additional Moving Fee (outside standard operating hours – 8:00 a.m. to 5:00 p.m. Monday through Friday)	Additional \$500 per location

v.07/01/04

Section IV: Ethernet Local Access Pricing

CLLI	Location (State)	Ethernet Access Bandwidth	Ethernet Local Access Non Recurring	Ethernet Local Access Net Monthly Recurring Charge
FTSMARGL FTSMARAB	AR	5 Mbps	\$0.00	\$799.68
FTSMARGL FTSMARAB	AR	10 Mbps	\$0.00	\$854.08
FTSMARSU FTSMARAB	AR	20 Mbps	\$0.00	\$962.88
FTSMARGL FTSMARAB	AR	20 Mbps	\$0.00	\$962.88
FTSMARSU FTSMARAB	AR	50 Mbps	\$0.00	\$1,289.28

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

**RESOLUTION AUTHORIZING THE PURCHASE OF FLASHBACK IN-CAR DIGITAL VIDEO RECORDING SYSTEMS FROM L-3 COMMUNICATIONS CORPORATION FOR USE BY THE FORT SMITH POLICE DEPARTMENT**

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

The expenditure of funds from the State Drug Asset Forfeiture Fund, totaling \$56,350.00, is hereby authorized, with the understanding that this expenditure is to be used to purchase the Flashback II in-car Digital Video Recording System, which equipment is identified in the memorandum attached hereto, from L-3 Communications Corporation for use by the Fort Smith Police Department.

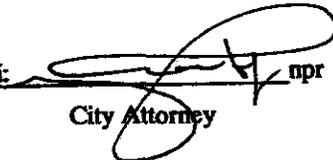
**THIS RESOLUTOIN ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.**

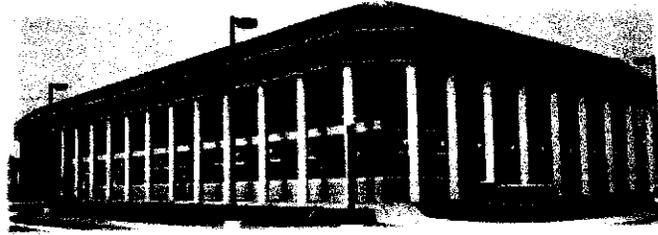
**APPROVED:**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

Approved as to form:  npr  
City Attorney



## **Fort Smith Police Department**

Kevin Lindsey, Chief of Police

### **INTERDEPARTMENTAL MEMORANDUM**

**To:** Ray Gosack, City Administrator

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

**Subject:** L-3 In-Car Digital Video Recording System

**Date:** December 15, 2010

The Fort Smith Police Department previously purchased seventeen (17) L-3 Communications Flashback II Digital Video Recording Systems with the assistance from the Edward Byrne Grant Program within the 2009 Bureau of Justice Assistance Recovery Act. These dash-mounted systems record incidents occurring within close proximity to a police vehicle for the purpose of collecting evidence to substantiate any claims and/or convictions.

The Fort Smith Police Department recently purchased ten (10) new patrol vehicles that require L-3 in-car video systems. The cost to equip the ten new patrol vehicles with video systems is \$56,350.00. Upon completion of this purchase and installation of the L-3 systems, twenty-eight (28) of the thirty-five (35) patrol vehicles will be equipped with in-car video recording systems. The L-3 Flashback II Digital Video System meets our current needs and is a platform which can be easily expanded to meet any future needs.

Please see the attached memorandum from Alie Bahsoon in reference to additional details of this purchase.

## Interoffice Memorandum

**TO:** Ray Gosack, Acting City Administrator  
**FROM:** Alie Bahsoon, Purchasing Manager *AB*  
**SUBJECT:** Purchase of L3 In-Car Video Recording System  
**DATE:** December 15, 2010



At the April 10, 2010 Board meeting, the Board of Directors approved Resolution No. R-78-10 and authorized the purchase of the Flashback In-Car Digital Video Recording System for use in the Fort Smith Police Department vehicles. This purchase was made from L-3 Communications Corporation.

With the recent acquisition of the 10 new patrol vehicles, additional in-car video equipment is needed for these vehicles. As noted in my original memorandum for the above mentioned resolution, bidding for the purchase of this equipment will not be necessary because of the H-GAC cooperative agreement in place through the *U.S. Communities Government Purchasing Alliance*.

Funding for this equipment of \$56,350 is available and is being made possible through state asset forfeiture funds.

Please be advised that this purchase fulfils all of the purchasing obligations as mandated by both state and local purchasing requirements and I am therefore recommending that the enclosed resolution is approved.

Please let me know if should require any additional information.



L-3 Mobile Vision Inc.  
90 Fanny Road  
Boonton, NJ 07005  
P 800-336-8475  
F 973-257-3024  
[www.L-3com.com/mv](http://www.L-3com.com/mv)

Dec-10-2010

Fort Smith Police Department  
Attn: Levi Risley  
100 S 10th Street  
Ft Smith, AR 72901-3710

RE: Proposal for Mobile Digital In-Car Video Solution

Dear Levi Risley:

L-3 Communications Mobile Vision Inc., (L-3) is pleased to present to you the enclosed proposal for our Flashback 2 Digital In-Car Video System. This proposal is tailored to best meet your individual department's requirements at the lowest possible price, based on our understanding of your specific functional and operational needs.

You may accept this Proposal by issuing a signed purchase order referring to the Quotation number and date, or by simply signing and returning the attached Quotation where indicated. Alternatively, L-3 Communications Mobile Vision Inc. would be pleased to address any concerns or questions you may have regarding this Proposal. This offer shall remain valid for 60 days after the date of the attached Quotation, after which time it must be re-quoted.

As a Fortune 200 Aerospace/Military/Law Enforcement company, L-3 Mobile Vision is recognized as the premier provider of in-car video equipment to law enforcement and public safety agencies throughout North America. Since inception, we have successfully implemented systems in more than 8,800 agencies worldwide. For over 23 years, we have partnered with law enforcement agencies to help them achieve their technology objectives.

L-3 appreciates your consideration of this Proposal and hopes you will find it acceptable. We look forward to receiving your response and to serving your agency. If you have any questions, please feel free to contact me at 973-255-0970.

Sincerely yours,

Danan Kennedy

L-3 Communications, Mobile Vision, Inc.



**Mobile-Vision, Inc.**

# QUOTE

90 Fanny Rd, Boonton, NJ 07005  
T. 800-336-8475 F. 973-257-3024

**Number** AAAQ1315  
**Date** Nov 8, 2010

**Sold To**

**Fort Smith Police Department**

Levi Risley  
100 S 10th Street  
Ft Smith, AR 72901-3710  
USA  
**Phone** 4797095014  
**Fax** 5017832356

**Ship To**

**Fort Smith Police Department**  
Levi Risley  
100 S 10th Street  
Ft Smith, AR 72901-3710  
USA  
**Phone** 4797095014  
**Fax** 5017832356

Line	Qty	Salesperson	SKU	P.O. Number	Description	Ship Via	Unit Price	Ext. Price	Terms
		KENNEDY				UPS GROUND			NET 30
1	10		MVD-FB2DVS-2		Flashback 2 Digital Video System w/VLP2 assy		\$5,145.00	\$51,450.00	
2	10		MVD-CRASH-BAT		Collision Sensor (Triggers DVR for recording when involved in crash)Assembly product		\$0.00	\$0.00	
3	10		MVD-IR-CAM		Option, Flashback IR Camera w/cables		\$145.00	\$1,450.00	
4	10		MVD-FB-CK5		Cable Kit, DVR, trunk mount/OHC		\$0.00	\$0.00	
5	10		MVD-DM2-24/55BK		Stud mount antenna 18' cables (RF-195 & RG-174) with SMA/SMA bolt configuration (not mag mount) black Dome Antenna		\$0.00	\$0.00	
6	10				Installation of Flashback Systems		\$295.00	\$2,950.00	
7					<b>HGAC Contract # is EF04-09</b>				
8	3		MVD-VLP2-DL		Option, Flashback Dual Voice Link Plus 2 Wireless Microphone System		\$0.00	\$0.00	
9					<b>The above 3 dual VLP2 set-ups will be included at no charge if order is placed before 12/22.</b>				

**SubTotal** \$55,850.00  
**Tax** TBD  
**Shipping** \$500.00  
**Total** **\$56,350.00**

Signing below is in lieu of a formal Purchase Order.  
Your signature will authorize acceptance of both pricing and product:  
  
Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Credit Terms: Net 30 Days. State/ Local Fee and Taxes are not included**

\*\*\*\*\*Quotation is valid for 60 days from date issued\*\*\*\*\*

These commodities, technology or software were exported from the United States in accordance with the Export Administration regulations. Diversion contrary to US law is prohibited.

6.H

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

**A RESOLUTION AUTHORIZING PAYMENT TO MOTOROLA, INC., FOR THE  
RADIO COMMUNICATION SYSTEM PROJECT**

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

Payment is hereby authorized in the amount of \$164,748.33 to Motorola Inc, for the Radio Communication System project, said sum to come from the City of Fort Smith, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2006-Radio Communication Fund.

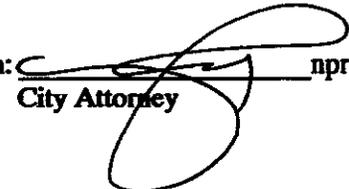
**This Resolution passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.**

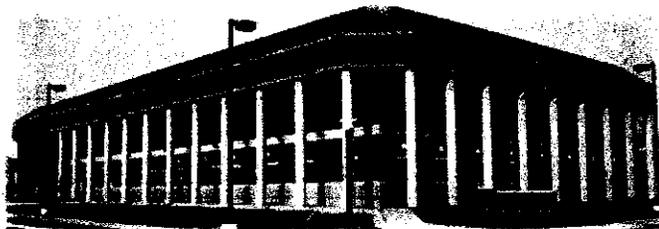
**APPROVED:**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

Approved as to form:  npr  
City Attorney



## **Fort Smith Police Department**

Kevin Lindsey, Chief of Police

### **INTERDEPARTMENTAL MEMORANDUM**

**To: Ray Gosack, Acting City Administrator**

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

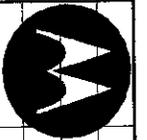
**Subject: Radio Communication System Project**

**Date: December 14, 2010**

**Attachment: Quote Sheet for Radio Equipment from Motorola**

The Fort Smith Police Department, in an effort to promote interdepartmental operability, is seeking to assist with the purchase of radios for the City of Fort Smith Street Department. This purchase will allow the Street Department to purchase radios that, otherwise, would have been leased. The purchase will also allow the Police Department and the Street Department to communicate more efficiently with one another.

Staff would recommend using \$164,748.33 from the City of Fort Smith Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2006-Radio Communication Fund, which must be encumbered by the end of this year. The total cost of the project will be \$200,069.86 through Motorola Inc and will cover the cost of equipment and installation. The remainder of the funds for this purchase will come from monies set aside in the 2011 Street Department budget.



# MOTOROLA

Customer #:

City of Fort Smith 1000432815

Quotation Date:

12/7/2010

Mitchell Nowak

Account Manager

650 S Shackelford, Suite 320

Little Rock, AR 72211

501-410-2647

[Mcnowak@motorola.com](mailto:Mcnowak@motorola.com)

Model Number	Description	List price	Your price	Quantity	Extended price
<b>Model No. M28URS9PW1AN</b>					
M28URS9PW1AN	XTL 1500 MOBILE 35 WATT, 764-870MHZ	1,600.00	1,312.00	55	\$72,160.00
G964AE	9600 ASTRO DIGITAL ENHANCE	830	680.6	55	\$37,433.00
G174AA	ADD: ANTENNA 3DB LOW-PROFILE 764-870MHZ	43	33.76	55	\$1,856.80
W116AN	ADD: EXTERNAL ALARM RELAYS AND CABLE	75	58.88	55	\$3,238.40
B18CL	ADD: AUXILIARY SPKR SPECTRA 7.5 WATT	60	47.1	55	\$2,590.50
G996AD	ENH: OVER THE AIR PROVISIONING	100	82	55	\$4,510.00
		2,708.00	2,214.34	55	\$121,788.70
<b>Model No. H66UCD9PW5BN</b>					
H66UCD9PW5BN	ASTRO DIGITAL XTS1500 MODEL 1.5 764-870MHZ 1-3V	750	615	19	\$11,685.00
Q574BI	ENH: TRUNKING 9600 BAUD	930	762.6	19	\$14,489.40
Q696AC	ALT:ANT WHIP 7/800 MHZ	5	4.1	19	\$77.90
G996AA	ENH: OVER THE AIR PROVISIONING	100	82	19	\$1,558.00



G996AD	ENH: OVER THE AIR PROVISIONING	100	82	1	\$82.00
		3,059.00	2,491.56	1	\$2,491.56
DDN6342AC	MC3000 PWR SUPPLY PS	219	197.1	2	\$394.20
DDN6333A	CABLE, JUNCTION BOX, ASTRO	26	20.8	1	\$20.80
Service	Installation				\$27,000.00
	<b>Total</b>				\$193,820.36
	One Time System Discount Good through Dec. 31st, 2010				(\$10,690.05)
	Sub Total				\$183,130.31
	Tax: 9.25%				\$16,939.55
	<b>Grand Total</b>				<b>\$200,069.86</b>
Installation includes the installation of 55 mobiles, with external alarm relays and cable. The installation of the consolette					
with MC3000 remotes and junction box and the XTL 1500 Control station. We will provide the coax and connectors for the base installs,					
the cabling for the installation of the remotes, and all other miscellaneous material needed to complete the total installation of all units.					

6 I

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

RESOLUTION AUTHORIZING PARTIAL PAYMENT TO **CROSSLAND  
HEAVY CONTRACTORS, INC., FOR CONSTRUCTION OF THE LAKE  
FORT SMITH WATER TREATMENT PLANT - CONTRACT 3**

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

Partial payment number fifteen to Crossland Heavy Contractors, Inc., in the amount of  
\$824,287.47, for construction of the Lake Fort Smith Water Treatment Plant - Contract 3,  
Project Number 07-09-C3, is hereby approved.

This Resolution adopted this \_\_\_\_\_ day of December 2010.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
npr

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, Acting City Administrator

**DATE:** December 13, 2010

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Lake Fort Smith Water Treatment Plant Improvements - Contract 3  
Project Number 07-09-C3

In order to minimize interruption of treatment plant operations, improvements under contract 3 were divided into three phases of construction. Crossland has reached substantial completion of phase 1 improvements which included the majority of site piping, chemical feed and storage facilities, and the clarification facility. Work on phase 2 improvements, the new West Filter Building, is underway and Crossland's schedule shows completion by October 2011. The final, phase 3 improvements, which represents approximately 8% of the total contract, should begin in October 2011 and be completed by the end of December.

Crossland Heavy Contractors, Inc., has submitted partial pay request number fifteen in the amount of \$824,287.47 for work completed on the Lake Fort Smith Water Treatment Plant Improvements - Contract 3. A project summary sheet covering work completed to date is attached for your information. Major items of work completed during the time period covered by this pay request are as follows:

- |                                    |               |
|------------------------------------|---------------|
| • Site Piping                      | 89% complete  |
| • Demolition                       | 43% complete  |
| • Site Electrical                  | 72% complete  |
| • Clarification Facility           | 100% complete |
| • Main Electrical Building         | 76% complete  |
| • Backwash Pump Station            | 98% complete  |
| • Plant Service Water Pump Station | 97% complete  |
| • Chlorine Building                | 8% complete   |
| • Chemical Building                | 99% complete  |
| • West Filter Building             | 3% complete   |
| • East Filter Building             | 14% complete  |

The attached Resolution authorizes payment to Crossland. Should you or members of the Board have any questions or desire additional information, please call.

attachment

## Project Summary

Project Status: Underway

Project name: Lake Fort Smith Water Treatment Plant  
Improvements - Contract 3

Today's date: December 13, 2010

Project number: **07-09-C3**

Staff contact name: Steve Parke

Project engineer: Burns & McDonnell, Inc.

Staff contact phone: 784-2231

Project contractor: Crossland Heavy Contractors, Inc.

Notice to proceed issued: August 31, 2009

Final completion date: February 10, 2012

	Dollar Amount	Contract Time (Days)
Original contract	\$31,641,000.00	785
Change orders:		
Change Order No. 1	\$22,902.00	14
Change Order No. 2	\$89,078.00	49
Change Order No. 3	\$-19,174.00	
Change Order No. 4	\$70,237.00	
Total change orders	<u>\$163,043.00</u>	<u>63</u>
Adjusted contract	<u><u>\$31,804,043.00</u></u>	<u><u>848</u></u>
Payments to date (as negative):	\$-18,374,787.25	
Amount of this payment (as negative)	\$-824,287.47	
Retainage held	\$1,590,202.15	
Contract balance remaining	\$12,604,968.28	
Amount Over as a percentage	0.52%	

**Final Comments:**

Contractor has substantially completed phase 1 improvements under this contract and has completed 60% of the work overall. 54% of the contract time has expired.

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

6 J

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SHANNON & WILSON, INC., FOR PROVIDING ENGINEERING SERVICES ASSOCIATED WITH YEAR 2011 POST CONSTRUCTION MONITORING AND INSPECTION OF THE LAKE FORT SMITH DAM AND RESERVOIR

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

SECTION 1: An agreement with Shannon & Wilson, Inc, for providing engineering services associated with Year 2011 Post Construction Monitoring and Inspection of the Lake Fort Smith Dam and Reservoir, Project 11-02-E1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement for an amount of \$83,333.00, for performance of said services.

This Resolution adopted this \_\_\_\_\_ day of December 2010.

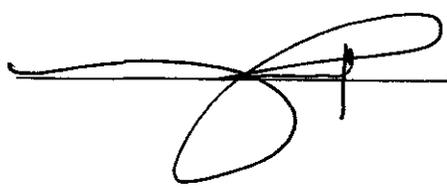
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

 npr

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, Acting City Administrator

**DATE:** December 14, 2010

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Lake Fort Smith Dam and Reservoir  
Year 2011 Post Construction Monitoring

For the past four years, Shannon & Wilson has provided, either directly or as sub-consultant to Burns & McDonnell, post construction monitoring of the Lake Fort Smith dam and reservoir. Post construction monitoring provides insight about the embankment's movement due to internal stresses, verifies that the structure is performing as anticipated by its designers, and that desired factors of safety are met for the protection of downstream life and property. It is standard practice that post construction monitoring be made throughout the first five years following the completion of dam construction. To date, the monitoring and inspection reports show that the embankment and structures are performing well.

Shannon & Wilson have submitted a proposal for providing the Year 2011 post construction monitoring services and a comprehensive on-site inspection of the dam and reservoir. Under their proposal, Mickle Wagner Coleman will continue to provide monthly instrumentation readings and surveys which will be analyzed by Shannon & Wilson and documented in a monthly report. With assistance from Burns & McDonnell, Shannon & Wilson will also preform a comprehensive inspection of the dam and reservoir and prepare a final report documenting the condition of the structure. As in past years, this report will be submitted to the Arkansas Natural Resources Commission. The total fee for providing the year 2011 services, including the sub-consultant services of Mickle Wagner Coleman and Burns & McDonnell, is set at \$83,333.00.

A Resolution authorizing an agreement with Shannon & Wilson for providing post construction monitoring and the comprehensive on-site inspection for year 2011 is attached. Funds for this service are available from the Water & Sewer Capital Improvement Project Fund.

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

attachment



MEMORANDUM

TO: Mayor and Board of Directors  
FROM: Wendy Beshears, Administrative Assistant  
DATE: December 14, 2010  
SUBJECT: Convention Center Commission

Mr. Martinez has resigned his position effective November 2, 2010 on the Convention Center Commission. A new applicant needs to be appointed to this position.

The applicants available at this time are:

Robert S. Laser	4424 South 35 Street
Thomas E. Howard Jr.	3121 Jackson Street

Appointments are by the **Board of Directors**. One appointment is needed; the term will expire August 31, 2013.



**MEMORANDUM**

**TO:** Mayor and Board of Directors  
**FROM:** Wendy Beshears, Administrative Assistant  
**DATE:** December 15, 2010  
**SUBJECT:** Housing Assistance Board

Ms. Novak has resigned her position effective November 4, 2010 on the Housing Assistance Board. A new applicant needs to be appointed to this position.

The applicants available at this time are:

Randall Stone	P. O. Box 2444
Joe Hardin	1525 Rockhurst Drive
Gary Campbell	2711 Reeder

Appointments are by the **Board of Directors**. One appointment is needed; the term will expire April 30, 2011.



**MEMORANDUM**

**TO:** Mayor and Board of Directors  
**FROM:** Wendy Beshears, Administrative Assistant  
**DATE:** December 14, 2010  
**SUBJECT:** Library Board of Trustees

The terms of Bettye J. Baker and Theresia M. Pennartz of the Library Board of Trustees will expire December 31, 2010. Ms. Baker would like to be reappointed. Ms. Pennartz does not wish to be reappointed at this time.

The applicants available at this time are:

Ben Shipley	3216 Cliff Drive
Mary L. Huss	400 North 49 Street
Sandi Sanders	1800 Queensbury Way
Betty J. Earp	1913 North 46 Terrace
Mary C. Moore	3424 North 27 Street
Robert S. Laser	4424 South 35 Street
Thomas E. Howard Jr.	3121 Jackson Street

Appointments are by the Mayor confirmed Board of Directors. Two appointments are needed; the terms will expire December 31, 2015.

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