AGENDA

FORT SMITH BOARD OF DIRECTORS
REGULAR MEETING

September 6, 2011 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS
SERVICE CENTER
3205 JENNY LIND ROAD

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

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING
(Section 2-37 of Ordinance No. 24-10)

APPROVE MINUTES OF THE AUGUST 16, 2011 REGULAR MEETING AND AUGUST 23, 2011 SPECIAL MEETING

ITEMS OF BUSINESS:

1. Resolution regarding the City of Fort Smith joining the National Moment of Remembrance of the 10th anniversary of September 11th

2. Ordinance rezoning identified property and amending the zoning map *(from Commercial-Heavy (C-5) to Residential Multi-Family Medium Density (RM-3) by extension located at 3003 Blair Avenue)*

3. Ordinance rezoning identified property and amending the zoning map *(from Residential Multi-Family Medium Density (RM-3) to Commercial-Heavy (C-5) by extension located at 8599 Interstate 540 South)*

4. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith

5. Ordinance amending Ordinance No. 16-08 and amending the disinterment fee for Oak Cemetery

6. Consent Agenda

   A. Resolution urging the franchise utility companies to not install overhead utility lines along newly constructed street corridors

   B. Resolution amending Resolution No. R-159-11 relative to the purchase of water and wastewater chemicals for 2011-2012 *(Annual bid / Utilities Department / Budgeted - Water and Sewer Operating Fund)*

   C. Resolution authorizing payment to Motorola Inc. for the Radio Communications System Project *($142,455.50 / Police Department / Budgeted – City of Fort Smith, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008; Radio Communication Fund)*

   D. Resolution authorizing payment to RP Solutions, for the Radio System Project *($464,777.00 / Police Department / Budgeted – City of Fort Smith, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008; Radio Communication Fund)*

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

A. Mayor

B. Directors

C. City Administrator

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

RESOLUTION NO. _____ 1

A RESOLUTION REGARDING THE CITY OF FORT SMITH JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH

WHEREAS, the Fort Smith Board of Directors expresses its support of the United States Senate regarding coming together as a nation and ceasing all work or other activity for a moment of remembrance beginning at 12:00 Noon on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and,

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and,

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and,

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and,

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and,

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and,

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and,

WHEREAS ,countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel and volunteers responded immediately and heroically to those horrific events; and,

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and,

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and,

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and,

WHEREAS, *10 years later,* the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and,

WHEREAS ,10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and,

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and,

WHEREAS ,the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and,

WHEREAS, September 11th will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE, BE IT RESOLVED that the Fort Smith Board of Directors:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation;

(2) offers its deepest and most sincere condolences to the families, friends and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives;

(4) recognizes the valiant service, actions and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, Homeland Security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States;

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States;

BE IT FURTHER RESOLVED that the Fort Smith Board of Directors encourages the

observance of the moment of remembrance to last for 1 minute beginning at 12:00 Noon, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles or sounding sirens.

BE IT FURTHER RESOLVED that the Fort Smith Board of Directors encourages citizens to attend the September 11th Memorial Ceremony, presented by the Fort Smith Police Department and the Fort Smith Fire Department, to be held at 12:00 Noon on Friday, September 9, 2011, at Breedlove Auditorium on the campus of the University of Arkansas , Fort Smith.

THIS RESOLUTION ADOPTED THIS _____ DAY OF SEPTEMBER, 2011.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

_____
Director Steve Tyler

_____
Director André Good

_____
Director Don Hutchings

_____
Director George Catsavis

Approved as to form
NPR

_____
Director Pam Weber

_____
Director Kevin Settle

_____
Director Philip Merry

2.

ORDINANCE NO._____

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 24-8-11 to rezone certain properties hereinafter described, and, having considered said request, recommended on August 9, 2011, that said change be made;

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

SECTION 1: That the following properties to-wit:

Midland Heights, Block 29, Lots 12 and 13, District Fort Smith, Sebastian County more commonly known as 3003 Blair Avenue, should be, and is hereby rezoned from Commercial Heavy (C-5) to Residential Multi-Family Medium Density (RM-3) by Extension.

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

PASSED AND APPROVED THIS_____DAY OF _____, 2011.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to Form:

_____

City Attorney

August 29, 2011

Honorable Mayor and Board of Directors
City of Fort Smith, Arkansas

Re: Rezoning #24-8-11; A request by Willliam Collige for a zone change from Commercial Heavy (C-5) to Residential Multi-Family Medium Density (RM-3) by Extension located at 3003 Blair Avenue.

On August 9, 2011, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Maggie Rice read the staff report indicating that the purpose of the request is a corrective rezoning to allow the zoning to accurately reflect how the property has developed and would allow the property to be altered , expanded or sold as residential property.

Mr. William Collige, 3003 Blair Avenue, was present to speak on behalf of the request.

No one was present to speak in opposition to the request.

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

A copy of the draft minutes and staff report to the Planning Commission is enclosed for your review.

The Planning Commission hereby certifies this zoning map amendment to the Board of Directors in accordance with A.C.A. 14-56-422.

Respectfully Submitted,

CITY PLANNING COMMISSION

Steve Griffin, Chairman

SG/lp

cc: File
City Administrator

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430

Planning and Zoning

Memo

To: City Planning Commission

From: Planning Staff

Date: July 28, 2011

Subject: Rezoning #24-8-11; A request by William Collige, owner, for Planning Commission consideration of a zone change from Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) by extension at 3003 Blair Avenue.

LOT LOCATION AND SIZE

The requested rezoning area is on the northwest side of Blair Avenue between Armour Street and Johnson Street. The area contains approximately 14,000 square feet and has 100 feet of frontage on Blair Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose: To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion and reduce visual clutter.

Uses: Retail sales and outside storage, offices and other high volume activities.

Area Regulations:
Lot Area - 14,000 square feet
Front Yard Setback - 25 feet
Side Yard Setback - 20 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side/Rear Yard Setback (adjoining single family) - 30 feet
Rear Yard Setback - 20 feet
Separation of Buildings - Per current City Building/Fire Code
Maximum Height - 45 feet (1 + 1)

3A

REQUESTED ZONING

The requested zoning on this tract is Residential Multifamily Medium Density (RM-3).

Characteristics of the Residential Multifamily Medium Density (RM-3) zone are as follows:

Purpose: To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future.

Uses: Permitted uses include detached and duplex dwellings, row houses, zero lot line dwelling units, multi-family apartments/condominiums, family group home, neighborhood group home and community residential facility.

Area Regulations:

Lot Area - 6,500 square feet
Front Yard Setback - 25 feet
Side Yard Setback - 7.5 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard (adjacent to RS Dist/Development) - 30 feet
Rear Yard Setback - 10 feet
Separation of Buildings - 10 feet
Maximum Height - 40 feet

Density Requirements:

20 dwelling units per acre

SURROUNDING ZONING AND LAND USE

The areas to the east and south are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family homes. The area to the north is zoned Transitional Special and is the proposed location for the Community Dental Clinic. The remainder of the area to the south and west is zoned Commercial Heavy and is developed with a warehouse, offices, car lot, and a bar.

PROPOSED REZONING

The requested zone is a corrective rezoning to reflect how the area has developed.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan classification is Commercial Neighborhood. The Commercial Neighborhood classification provides opportunities for business transactions and activities that meet the consumer needs of the community

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Blair Avenue as a Local Road.

STAFF COMMENTS AND RECOMMENDATIONS

The proposed corrective rezoning is to allow the zoning to accurately reflect how the property has developed. This rezoning will allow for the property to be altered, expanded, or sold as residential property. At the present time, the existing development will match the proposed rezoning.

Staff has not received any comments from surrounding property owners and recommends approval of the requested rezoning.

Rez #24-8-11

PETITION FOR CHANGE IN ZONING MAP

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

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

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

   Midland Heights, Block 29, Lot 12 and 13, District Fort Smith, Sebastian County.

2. Address of property: 3003 Blair Avenue

3. The above described property is now zoned: C-5

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

5. Why is the zoning change requested?

   property is residential, not Commercial

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

William Collige
Owner or Agent Name
(please print)

3003 Blair ave.
Owner or Agent Mailing Address

(479) 883-8780
Owner or Agent Phone Number

Signed:

William Collige
Owner

or

Agent

3D

Rezoning #24-8-11: Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3)

3003 Blair Avenue

2009 City of Fort Smith, AR. Printed on Mon Jul 18 2011 08:38:43 AM.

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Master Land Use for Rezoning #24-8-11: Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3)

3003 Blair Avenue

34

James Adams
400 Heather Lane
Alma, AR 72921

Crabtree RV Center
2925 Midland Blvd.
Fort Smith, AR 72904

King Soloman Baptist Church
P. O. Box 3812
Fort Smith, AR 72913

West-Ark Church of Christ
900 North Waldron
Fort Smith, AR 72903

Bobby & Linda Arnold
3423 Johnson Street
Fort Smith, AR 72904

Antonio & Isid Barroso
3419 North Johnson
Fort Smith, AR 72904

Carolyn Lample & Phyllis Ezernac
2500 South "L" Street
Fort Smith, AR 72901

Peggy Spaunhurst
1515 Wheaton Trace
Fort Smith, AR 72908

Henry & Dana Killian
5311 Elm
Fort Smith, AR 72904

Bill & Dorothy Curry
1315 North 35th Street
Fort Smith, AR 72904

Chris & Dana Beam
3301 Eagles Way
Alma, AR 72921

Lee & Patricia Hackler
P. O. Box 566
Alma, AR 72921

Andy Purvis
1010 North 11th Street
Van Buren, AR 72956

Pholon Hill
P. O. Box 5934
Fort Smith, AR 72913

James Gipson
2903 Blair Avenue
Fort Smith, AR 72904

James (Jay) Gipson
2905 Blair Avenue
Fort Smith, AR 72904

Hisham & Hibal Yasin
1812 Innsbruck Lane
Fort Smith, AR 72908

Eugene Williams
P. O. Box 1242
Fort Smith, AR 72902

JC Jordan Properties LLC
1520 Rogers Avenue
Fort Smith, AR 72901

Lucy Hershel
3015 Blair Avenue
Fort Smith, AR 72904

CSCDC
P. O. Box 4069
Fort Smith, AR 72914

Bianca Contreras
3020 Blair Avenue
Fort Smith, AR 72903

Gabriel Ferretiz-Gamez
3024 Blair Avenue
Fort Smith, AR 72903

Geneva Starling
1303 Rena Road
Van Buren, AR 72956

Jessie & Deborah Barlow
3016 Blair Avenue
Fort Smith, AR 72903

Rogelio Guardado
2304 North 28th Street
Fort Smith, AR 72904

Joe & Tammy Howard
3508 Marshall Drive
Van Buren, AR 72956

Ronny Burns
4528 Park Avenue
Fort Smith, AR 72903

Ron & Helen Medley
3203 Midland Blvd
Fort Smith, AR 72904

Midland Furniture
3023 Midland Blvd.
Fort Smith, AR 72904

2. **Preliminary Plat – Clayton Heights, Phase II – Lots 1-57, Tracts A, B & C**
Ms. Brenda Andrews read the staff report. Ms. Andrews noted that this plat was previously approved by the Planning Commission on April 14, 2009; however, due to a delay in project financing, the plat's two year effective period of approval expired. Therefore, the developer resubmitted the plat and revised it to comply with the UDO regulations, such as landscaping and sidewalks.

   Mr. Ronnie Hawkins, Hawkins-Weir Engineers, was present to speak on behalf of this request.

   No one was present to speak in opposition.

   Chairman Griffin then called for the vote on the preliminary plat. Motion was made by Commissioner Howard, seconded by Commissioner Lorenz and carried unanimously to make approval of the plat subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction. The plat was approved by a vote of 9 in favor and 0 opposed.

3. **Rezoning #24-8-11; A request by William Collige for a zone change from Commercial Heavy (C-5) to Residential Multi-Family Medium Density (RM-3) by Extension located at 3003 Blair Avenue.**

   Ms. Maggie Rice read the staff report indicating that the purpose of the request is a corrective rezoning to allow the zoning to accurately reflect how the property has developed and would allow the property to be altered, expanded or sold as residential property.

   Mr. William Collige, 3003 Blair Avenue, was present to speak on behalf of the request.

   No one was present to speak in opposition to the request.

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

4. **Rezoning #25-8-11; A request by Greg Simpson for a zone change from Residential Multi-Family Medium Density (RM-3) to Commercial Heavy (C-5) by Extension located at 8599 I-540 South. (companion item to item #8)**

8. **Variance #22-8-11; A request by Greg Simpson for a variance from 14,000 square feet to 7,405 square feet minimum lot area located at 8599 I-540 South. (companion item to item #4)**

3.

ORDINANCE NO._____

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 25-8-11 to rezone certain properties hereinafter described, and, having considered said request, recommended on August 9, 2011, that said change be made;

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

SECTION 1: That the following properties to-wit:

A part of lot numbered in Briarcliff Addition to the City of Fort Smith, Sebastian County, Arkansas, as per plat on file in the Office of the Circuit Clerk and ex-officio recorder of Sebastian County, Arkansas, and being more particularly described as follows to-wit: Beginning at the Southwest Corner of said Lot 1 and running thence N 27◦03'00" E, 123.70'; thence S 36◦27'13"E, 135.24'; thence S 89◦25'00"W, 136.62' to the point of beginning, containing 0.17 acres more or less, subject to easements and rights-of-way of record.

more commonly known as 8599 I-540 South, should be, and is hereby rezoned from Residential Multi-Family Medium Density (RM-3) to Commercial Heavy (C-5) by Extension.

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

PASSED AND APPROVED THIS_____DAY OF _____, 2011.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form:

City Attorney

August 29, 2011

Honorable Mayor and Board of Directors
City of Fort Smith, Arkansas

Re: Rezoning #25-8-11; A request by Greg Simpson for a zone change from Residential Multi-Family Medium Density (RM-3) to Commercial Heavy (C-5) by Extension located at 8599 I-540 South.

On August 9, 2011, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Maggie Rice read the staff report indicating that the purpose of the request is to allow the property owner to install an outdoor advertising sign. Ms. Rice noted that a neighborhood meeting was held on August 2, 2011, with two neighboring property owners in attendance who had no issues with the proposed rezoning.

Mr. Greg Simpson was present to speak on behalf of the request.

No one was present to speak in opposition to the request.

Chairman Griffin then called for the vote on the rezoning request. The vote was 8 in favor, 0 opposed and 1 abstention (Griffin).

A copy of the draft minutes and staff report to the Planning Commission is enclosed for your review.

The Planning Commission hereby certifies this zoning map amendment to the Board of Directors in accordance with A.C.A. 14-56-422.

Respectfully Submitted,

CITY PLANNING COMMISSION

Steve Griffin, Chairman

SG/lp

cc: File
City Administrator

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430

Planning and Zoning

Memo

To: City Planning Commission

From: Planning Staff

Date: July 28, 2011

Subject: Rezoning #25-8-11; A request by Greg Simpson, agent, for SRG Partners, owner, for Planning Commission consideration of a zone change from Residential Multifamily Medium Density (RM-3) to Commercial Heavy (C-5) by extension at 8599 I-540 South. (Companion Item to Item #8)

LOT LOCATION AND SIZE

The requested rezoning area is in the southwestern corner of Southpoint Apartment's property at 8500 South 28th Street. The area contains approximately 7,400 square feet.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3).

Characteristics of the Residential Multifamily Medium Density (RM-3) zone are as follows:

Purpose: To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future.

Uses: Permitted uses include detached and duplex dwellings, row houses, zero lot line dwelling units, multi-family apartments/condominiums, family group home, neighborhood group home and community residential facility.

Area Regulations:

Lot Area - 6,500 square feet
Front Yard Setback - 25 feet
Side Yard Setback - 7.5 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard (adjacent to RS Dist/Development) - 30 feet
Rear Yard Setback - 10 feet
Separation of Buildings - 10 feet
Maximum Height - 40 feet

Density Requirements:

20 dwelling units per acre

4A

REQUESTED ZONING

The requested zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose: To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion and reduce visual clutter.

Uses: Retail sales and outside storage, offices and other high volume activities.

Area Regulations:

Lot Area - 14,000 square feet
Front Yard Setback - 25 feet
Side Yard Setback - 20 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side/Rear Yard Setback (adjoining single family) - 30 feet
Rear Yard Setback - 20 feet
Separation of Buildings - Per current City Building/Fire Code
Maximum Height - 45 feet (1 + 1)

SURROUNDING ZONING AND LAND USE

The areas to the north, west, and south are zoned Commercial Heavy (C-5) and is undeveloped. The area to the east is zoned Commercial Light, Transitional, and Residential Multifamily Medium Density (RM-3) and is the developed as a church, duplexes, nursing home, and apartments.

PROPOSED REZONING

The requested zone is to allow an outdoor advertising sign to be installed.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan classification is Residential Attached. The Residential Attached classification provides for diverse populations and household, by supporting a variety and options in living environments, and housing, while protecting and improving property values.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 28th Street as a Major Collector and Interstate 540 as a Freeway.

STAFF COMMENTS AND RECOMMENDATIONS

The proposed rezoning is to allow the property owner to install an outdoor advertising sign. A neighborhood meeting was held August 2nd, 2011 with two neighboring property owners in attendance. Neither property owner had any issues with the proposed rezoning and variance. Staff recommends approval of the requested rezoning contingent upon approval of the companion variance.

Rez. #25-8-11

PETITION FOR CHANGE IN ZONING MAP

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

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

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

   See attached

2. Address of property: 8599 I-540 South

3. The above described property is now zoned: RM3

4. Application is hereby made to change the zoning classification of the above described property to C5 by Extension.
   (Extension or classification)

5. *Why is the zoning change requested?

   To allow heavy commercial use (billboard).

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

Signed:

Greg Simpson
Owner or Agent Name
(please print)

Owner

PO Box 181060, Fort Smith, 72918
Owner or Agent Mailing Address

or

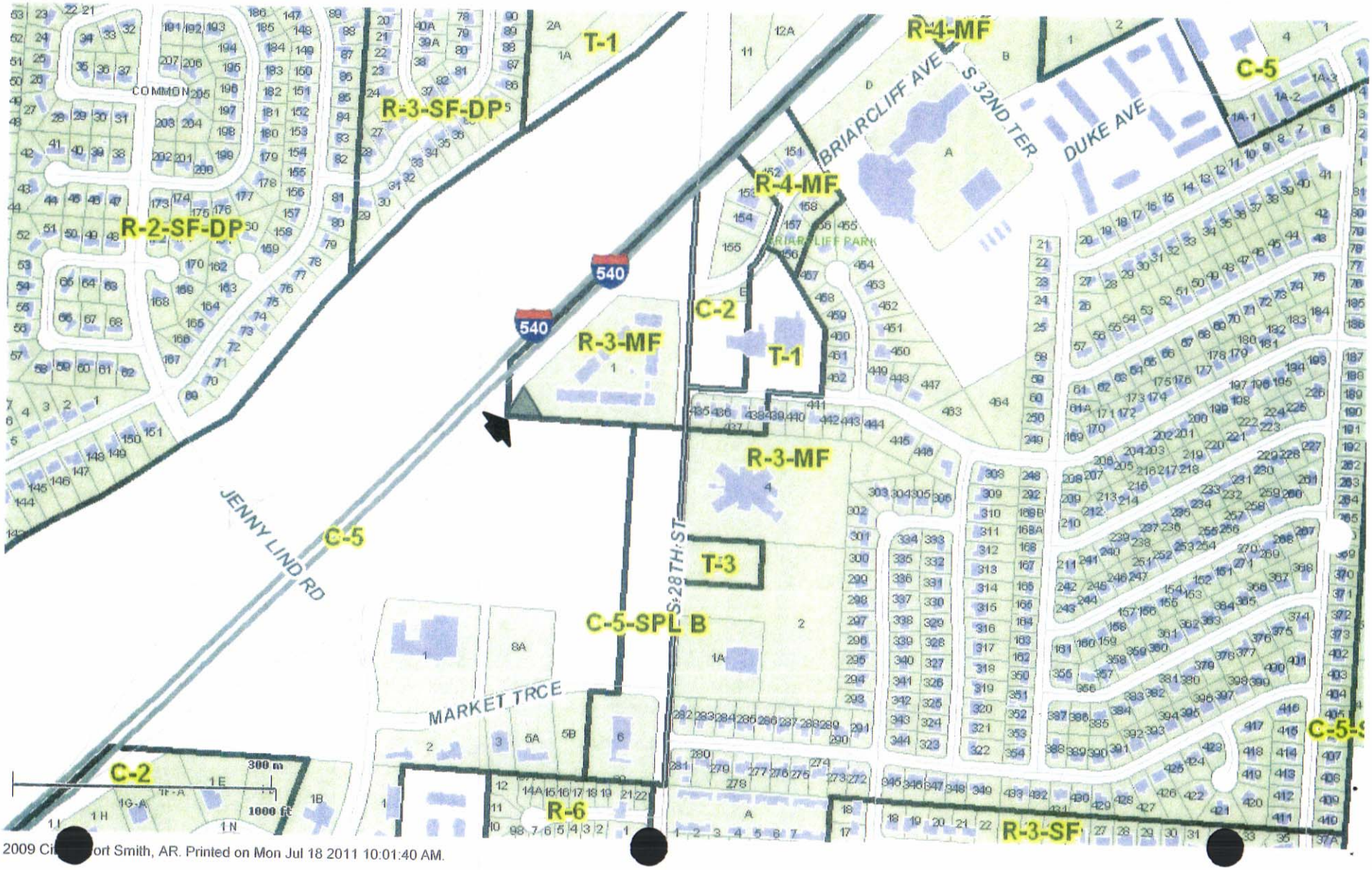
Agent

479-301-5114
Owner or Agent Phone Number

4D

Rezoning #25-8-11: From Residential Multifamily Medium Density (RM-3) to Commercial Heavy (C-5)

8599 US Interstate 540 (South)



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4E

Master Land Use Map for Rezoning #25-8-11: From Residential Multifamily Medium Density (RM-3) to Commercial Heavy (C-5)

8599 US Interstate 540 (South)

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SITE PLAN FOR REZONING/ VARIANCE

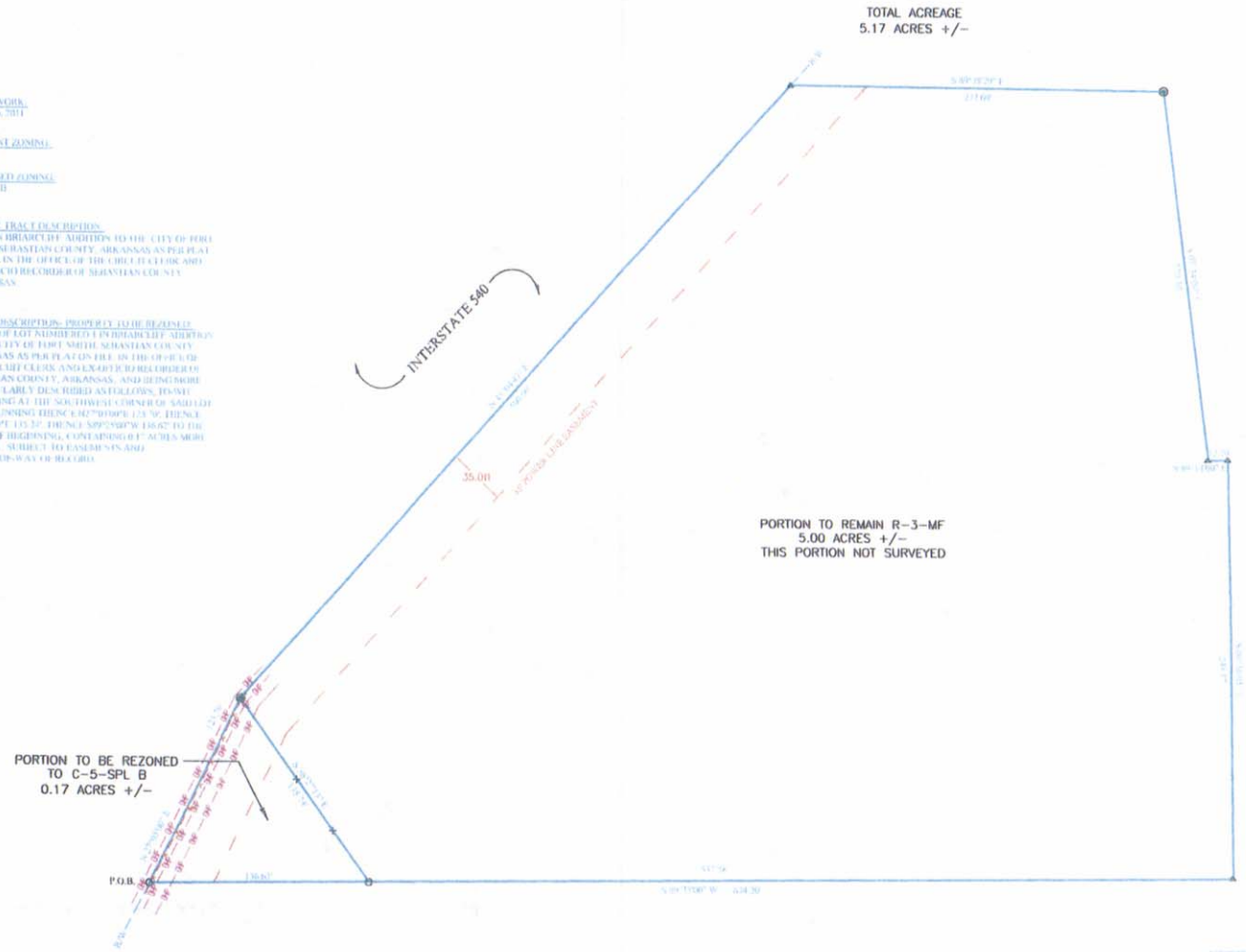
FIELDWORK:
JUNE 16, 2011

CURRENT ZONING:
R-3-MF

PROPOSED ZONING:
C-5-SPL B

PARENT TRACT DESCRIPTION:
LOT 1 IN BRIARCLIFF ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF SEBASTIAN COUNTY, ARKANSAS.

LEGAL DESCRIPTION- PROPERTY TO BE REZONED:
A PART OF LOT NUMBERED 1 IN BRIARCLIFF ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF SEBASTIAN COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1 AND RUNNING THENCE N47°01'00"E 175.75', THENCE S86°27'12"E 175.23', THENCE S89°25'00"W 148.67' TO THE POINT OF BEGINNING, CONTAINING 0.17 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



NOTE:
THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.

0' 50' 100' 150'
GRAPHIC SCALE (IN FEET)
1 inch = 50ft.

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 16TH DAY OF JUNE, 2011.

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1642
SIGNATURE
DERRICK L. THOMAS

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS SITE PLAN MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

VICINITY MAP

VICINITY MAP NOT TO SCALE

LEGEND:

Bates & Associates, Inc.
Civil Engineering & Land Surveying

DATE: 6/17/2011 SCALE: 1"=50'
LOCATION: SW SW SECTION 34 TOWNSHIP: 08 NORTH RANGE: 03 WEST
SURVEYED: DRAWN: KD
REVIEWED: KD

FOR THE ARKANSAS DEPT OF
JOSEPH VILAGRAS
OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS

DRAWING NO. 11-159

46

41

Trustees of Cavanaugh Freewill
2825 Grinnell Avenue
Fort Smith, AR 72901

Bob & Angela Holwick
14118 White Bluff Heights
Fort Smith, AR 72916

John & Karen Lerosen Living Trust
2228 South 57th Street
Fort Smith, AR 72903

Robert Allen, Sr.
6821 South "V" Street
Fort Smith, AR 72903

Millers Creek, Inc.
11 Pointer Trail W, Suite D
Van Buren, AR 72956

Basin Development Corporation
1177 George Bush Blvd. #307
DelRay Beach, FL 33483

SRG Partners LTD
P. O. Box 181060
Fort Smith, AR 72918

Nationwide Health Properties
610 Newport Center Drive
Newport Beach, CA 92660

Jim & Margaret Grady
4800 East Hwy. 45
Fort Smith, AR 72916

2. **Preliminary Plat – Clayton Heights, Phase II – Lots 1-57, Tracts A, B & C**
Ms. Brenda Andrews read the staff report. Ms. Andrews noted that this plat was previously approved by the Planning Commission on April 14, 2009; however, due to a delay in project financing, the plat's two year effective period of approval expired. Therefore, the developer resubmitted the plat and revised it to comply with the UDO regulations, such as landscaping and sidewalks.

   Mr. Ronnie Hawkins, Hawkins-Weir Engineers, was present to speak on behalf of this request.

   No one was present to speak in opposition.

   Chairman Griffin then called for the vote on the preliminary plat. Motion was made by Commissioner Howard, seconded by Commissioner Lorenz and carried unanimously to make approval of the plat subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction. The plat was approved by a vote of 9 in favor and 0 opposed.

3. **Rezoning #24-8-11; A request by William Collige for a zone change from Commercial Heavy (C-5) to Residential Multi-Family Medium Density (RM-3) by Extension located at 3003 Blair Avenue.**

   Ms. Maggie Rice read the staff report indicating that the purpose of the request is a corrective rezoning to allow the zoning to accurately reflect how the property has developed and would allow the property to be altered, expanded or sold as residential property.

   Mr. William Collige, 3003 Blair Avenue, was present to speak on behalf of the request.

   No one was present to speak in opposition to the request.

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

4. **Rezoning #25-8-11; A request by Greg Simpson for a zone change from Residential Multi-Family Medium Density (RM-3) to Commercial Heavy (C-5) by Extension located at 8599 I-540 South. (companion item to item #8)**

8. **Variance #22-8-11; A request by Greg Simpson for a variance from 14,000 square feet to 7,405 square feet minimum lot area located at 8599 I-540 South. (companion item to item #4)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow the property owner to install an outdoor advertising sign. Ms. Rice noted that a neighborhood meeting was held on August 2nd with two neighboring property owners in attendance who had no issues with the proposed rezoning and variance requests. Mr. Greg Simpson was present to speak on behalf of these requests.

No one was present to speak in opposition to the requests.

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

8. **Variance #22-8-11; A request by Greg Simpson for a variance from 14,000 square feet to 7,405 square feet minimum lot area located at 8599 I-540 South. (companion item to item #4)**

   Chairman Griffin called for the vote on the variance request. The vote was 8 in favor, 0 opposed and 1 abstention (Griffin).

RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISSION

4. **Rezoning #25-8-11; A request by Greg Simpson for a zone change from Residential Multi-Family Medium Density (RM-3) to Commercial Heavy (C-5) by Extension located at 8599 I-540 South. (companion item to item #8)**

   Chairman Griffin called for the vote on the rezoning request. The vote was 8 in favor, 0 opposed and 1 abstention (Griffin).

5. **Conditional Use #19-7-11; A request by Galen Hunter for a conditional use for the construction of a new multi-purpose facility for Unity Missionary Baptist Church located at 1506 Phoenix Avenue. (tabled from July) (companion item to item #9)**

9. **Variance #23-8-11; A request by Galen Hunter for a variance from 30 feet to 15 feet interior side yard setback located at 1506 Phoenix Avenue. (companion item to item #5)**

   Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow the construction of a 6,435 square foot education addition and 4,061 square foot multi-purpose building addition. Ms. Andrews also noted that a new building canopy and porch are proposed to the existing church with the existing education building and breezeway connecting the church to be demolished. Ms. Andrews stated that a neighborhood meeting was held on June 30th at 10:00 a.m. at 1506 Phoenix Avenue with no neighboring property owners in attendance.

   Mr. Galen Hunter was present to speak on behalf of the requests.

4.

ORDINANCE NO._____

AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FORT SMITH

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on August 9, 2011, that said changes be made; and,

WHEREAS, three (3) copies of September 2011 Amendments to the Unified Development Ordinance has been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

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

SECTION 1: The September 2011 Amendments to the Unified Development Ordinance are hereby adopted.

SECTION 2: The codifier shall codify the new sections and amend the existing sections of the Unified Development Ordinance.

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack

of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS_____DAY OF SEPTEMBER, 2011.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to Form:

_____

City Attorney

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: September 1, 2011
Subject: Unified Development Ordinance Amendments

Recently the Planning Staff and the Planning Commission reviewed certain provisions of the Unified Development Ordinance (UDO). Since the effective date of the UDO, we have been keeping track of items that require correction or amendment due to ambiguity, poor code language, incorrect language and language that made it difficult to interpret the intent of the UDO.

The Planning Commission reviewed these issues at the August 3, 2011, study session and August 9, 2011 regular meeting. We invited all the local stakeholders (*e.g., architects, engineers, developers, contractors*) to participate in the discussion regarding the proposed amendments. Approximately thirty (30) individuals attended the work session. The dialogue and exchange was good with suggestions offered that helped to create the proposed amendments being recommended to the Board of Directors.

At the Planning Commission voting session, no one spoke in opposition to the amendments. The Planning Commission voted 9 in favor and 0 opposed to recommend the proposed amendments to the Board of Directors.

Three copies of the proposed amendments known as the September 2011 Amendments have been on file in the Office of the City Clerk. A copy of the proposed amendments has also been posted on the City's website. The amendments are highlighted in yellow. The new language is underlined and the deleted language is struck through.

A summary of the proposed amendments is attached. Please contact me if you have any questions regarding the proposed amendments.

September 2011 UDO Amendments

- ★ Professional Services definition amended to include therapists and counselors
- ★ Site Plan (certified) definition amendment to accurately reflect the professional allowed to submit a site plan and when a survey is acceptable.
- ★ Add a definition and criteria for a temporary real estate office typically opened in a new residential subdivision.
- ★ Adding a provision for deferring a development plan for conventional rezoning applications. The current language only provides for waiving but not deferring the development plan.
- ★ Section 27-332-4(B) (conditional uses) needed clarification regarding surveyors, architects, and engineers. Also, the addition of an exception for some applications has been added.
- ★ Delete paragraph 27-402(5). Many parcels in Fort Smith have multiple zoning districts. The addition of a less intense zoning classification to a parcel has often been used as a buffering technique between parcels. This section would not allow for the buffering of properties using zoning classifications and it also creates problems on existing parcels.
- ★ Delete paragraph 27-417(G)(3). This language is not consistent with the definition for open space and is a difficult requirement to meet when developing property using the mixed use zoning district.
- ★ Several sections have language that says "See References". However, there are no references and there is no need for a reference section. Therefore this language needs to be deleted from several sections.
- ★ The requirement to screen around ground-mounted mechanical equipment does not include the use of approved landscaping. The proposed amendment will allow landscaping.
- ★ Table 27-603-1A had a row of missing values. The Engineering Department staff provided us with the missing values to insert in the table.

SEPTEMBER 2011

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE

shall mean any right-of-way or area set aside to provide vehicular access within a development that is not dedicated or intended to be dedicated to the city and that is not maintained by the city.

Professional Services

A business, primarily conducted in an office, which offers any service to the public by a licensed professional such as physicians, massage, occupational, or physical therapists, counselors, architects, engineers, lawyers, accountants, etc.

Property management services

shall mean business establishments that manage real property for others.

Public shop or yard of local, state or federal agency

shall mean a facility such as office buildings, maintenance yards and shops required by branches of local, state or federal agencies for service to an area, such as highway department yard, city service center, experiment station, municipal or county jail or courts.

Public notice

shall mean in reference to a legal ad or public notice: Meaning a newspaper of general circulation within the City of Fort Smith, Arkansas.

Queuing space

shall mean a temporary waiting area for motor vehicles obtaining a service or other activity.

Race track

shall mean a facility consisting of a paved or unpaved roadway used primarily for the sport of racing animals or machines. A racetrack may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities.

Radio, television or microwave broadcasting tower

see tower.

Rail transportation

shall mean the occupation and use of land, buildings, and structures for purposes directly connected with rail transportation of articles, goods, and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, and passenger and freight terminals.

Real estate agency

see professional services

Reconstruction

shall mean the repair or replacement of a building or structure that has been damaged or destroyed.

Rectory

shall mean a residential building designated by a church to be used by the clergy of that church. A rectory is often located on or adjacent to the primary church property but such location is not required. The rectory may include such facilities as counseling rooms and private meeting rooms as well as general residential facilities but these uses are secondary to the primary use as a residential structure.

Sign (bench)

shall mean a sign located on any part of and contained within the perimeter of the bench or seat.

Sign (bus shelter)

shall mean a sign located on any part of and contained within the perimeter walls of the shelter.

Sign (business)

shall mean a sign which directs the attention of the general public to a business, product, service or activity which is conducted upon the premises where such sign is located.

Sign (flashing)

shall mean a sign, the illumination of which is not constant in intensity when in use; except that illuminated signs which indicate the time, date, temperature and other public service information shall not be considered to be flashing signs.

Sign (v-type)

shall mean a structure of two (2) signs in the shape of the letter "V" when viewed from above and with their faces oriented in opposite directions.

Single family

shall mean a building designed for the occupancy by one family

Single family detached

Shall mean a dwelling unit on a single lot containing one dwelling unit that is not attached to another dwelling unit.

Site

shall mean a single holding which consists of a lot, tract, parcel or acreage not divided in any manner by a public right-of-way including a street or alley but not including easements.

Site plan

shall mean a drawing, to scale, that illustrates the development of a property including, but not limited to, property lines, streets and street rights-of-way, building foot-prints, driveways, loading areas, parking, utilities, easements, signs and landscaping.

Site plan (certified)

shall mean a site plan containing a written statement regarding accuracy or conformity to specified standards and bearing the seal or stamp of the professional engineer or architect ~~or land surveyor~~ under whose supervision the site plan was prepared. A survey, from a licensed professional surveyor, that incorporates all of the requirements of a site plan is acceptable for existing developments and when no site improvements are being proposed.

Site plan review

shall mean the process whereby the planning commission and the city staff review the site plans and maps of a developer to assure that they meet the purposes and standards of this chapter.

Skating rink

shall mean an establishment that provides facilities for participant skating.

27-326-2 Existing Structure

In the case of existing structures, a certificate of compliance shall be requested by the builder, developer or other company representative. If the inspection reveals that the land use and structure complies with the requirements of this chapter, a certificate shall be issued identifying the structure and the land use. The certificate shall be evidence of compliance with this chapter as long as the structure remains unaltered and its use remains unchanged. A fee shall be charged for the Certificate of Occupancy to cover the expense of investigation. The fee amount shall be established by the Board of Directors

27-327 Temporary Use Permits

27-327-1 Special Temporary Use Permits (non-retail)

The Director may grant a special temporary use permit (non-retail) for religious revivals, temporary recreational facilities, temporary medical facilities, temporary classroom facilities (for public or private institutions) and similar uses that do not involve retail or food or beverage sales activities. This is provided that the uses shall comply with parking, signs, sanitation requirements, etc. for the area and shall not constitute a nuisance for adjacent neighboring or nearby properties. Temporary use permits shall be granted for a period not to exceed sixty (60) days, and are renewable for sixty-day periods thereafter. Permits for periods in excess of one hundred twenty (120) days, (one (1) initial period plus one (1) renewal permit), must be reviewed and approved by the Planning Commission.

27-327-2 Temporary ~~Construction~~ Offices

A. *Temporary Construction Office.* Buildings that are used as temporary office space for construction projects shall not be required to obtain a special temporary use permit when a building permit has already been issued for the overall project. The temporary construction office shall be allowed to remain on the site for the duration of the project. Such office shall be located on the project site and must not constitute a nuisance for adjacent property owners. The city building official shall establish special criteria for the location and setup of these temporary construction offices.

B. *Temporary Real Estate Office.* A temporary real estate office for use in the development of a new residential subdivision may be established in a house and operated within the subdivision from the date of the first construction permit issued in the subdivision and until ninety-five percent (95%) of the lots are sold. The temporary real estate office shall not be utilized for any construction

activities, the storage of construction equipment or materials, and all vehicle parking shall be limited to the driveway constructed for the house. A time extension may be granted by the Board of Zoning Adjustment.

27-327-3 Special Temporary Use Permits (Retail)

The Director may grant a special temporary use permit (retail) for requests to utilize a trailer or other mobile structures for the preparation and sale of food, beverage, and/or merchandise under the following criteria:

A. Short Term Subject to the Following:

1. The Director may grant a special temporary use retail permit not to exceed thirty (30) days to those who want to use trailers for the preparation and sale of food, beverages and/or merchandise. The permit is renewable for one (1) additional thirty (30) day period upon review and approval by the City Planning Commission.

2. The special temporary permit may be issued in any Commercial-2, Commercial-3, Commercial-4, Commercial-5 or Industrial-1 zones. The permitted uses must conform to the setback and signage requirements of the districts in which they are located.

3. Such permits are subject to a fee established by the Board of Directors.

4. Permit requests for the same facilities on the same site or within five hundred (500) feet of the same site shall not be considered by the Director for at least ninety (90) days from the expiration of the original permit.

B. Seasonal (120 Day Permit) Subject to the Following:

1. The Director may grant a special temporary use Permit (retail) to utilize a trailer or other mobile structures for the preparation and sale of food, beverage and/or merchandise on a seasonal basis.

2. The period of use may not exceed one hundred twenty (120) days. Seasonal shall mean and refer to foods and beverages or merchandise which are customarily sold during a specific season of the year and not sold on general, customary basis during the remainder of the year. An example of a seasonal food would include "sno-cones" sold during the summer season and examples of seasonal merchandise would include "fire wood" or "Christmas trees" sold during the winter season.

27-329-10 Abandonment of Final Development Plan

A. **Termination**. If a plan or section of a plan is given final approval, but the landowner/applicant abandons the plan, then the final approval shall be considered terminated and void.

B. **Process**. Abandonment may proceed as such:

1. Notification to the City in writing by the landowner/applicant that the approval has been abandoned; or

2. Failure to commence construction or obtain a building permit within 18 months of approval.

C. **Extension**. Prior to a determination of abandonment, an applicant may make a written request to the Planning Commission for a one-time, six month extension of the final approval provided there is a valid reason for the extension. Any further requests for a time extension must be made to the Board of Directors.

C. **New Plan.** Whenever a final plan or section thereof has been abandoned by the landowner/applicant no development shall take place on the property until a new final development plan has been approved.

27-330 Rezoning: Conventional Districts

27-330-1 Purpose

A. **Purpose.** Rezoning to conventional (non-planned) zoning districts is appropriate for the development of single lots provided the land uses are compatible with existing or planned surrounding development as identified on the Master Land Use Plan. The development of multiple lots, subdivisions where changes of development standards are requested, and most non-residential uses should be accomplished, when feasible, through a Planned Development (PD) District rezoning pursuant to Section 27-329.

B. **Development Plan.** A development plan will not be required for a residential neighborhood rezoning or a corrective rezoning. The Planning Commission may waive or defer the requirement for a development plan for other developments upon the applicant making the request to waive or defer the requirement and a public hearing.

27-332-4 Submission Requirements

The Planning and Zoning Department shall provide an application form specifying the information to be submitted in support of a conditional use permit application. This shall include, at a minimum:

A. A preliminary development plan (Section 27-331). The conditional use permit satisfies the requirement for a development plan review.

B. A survey prepared by a ~~registered land~~ licensed professional surveyor and a certified site plan of the property prepared by a ~~certified~~ registered architect or ~~registered civil~~ licensed professional engineer. At the discretion of the director, a survey and/or site plan may not be required for some applications (e.g. existing developments in C-6/downtown zoning districts).

C. A description of the proposed conditional use, including the description of any construction proposed on the property.

D. The names and address of all owners of property included in the conditional use application.

E. Application fee.

F. Any information on restrictive covenants that apply to the property that appears to restrict or prohibit the conditional use requested. (Note: The City does not enforce restrictive covenants.)

G. Where the proposed land use has the potential for significant traffic generation or may change traffic patterns, the Director may request a traffic study with the application. Section 27-303-2.

H. In addition to the above information, the applicant shall submit supportive information that shall include but not be limited to the information required in section 27-332.

I. Other information as specified on the application form and as requested by the Director, other departments or agencies, Planning Commission, or the Board of Directors.

27-332-5 Planning Commission Application and Review Procedures

A. **Determination of Completeness**. Applications shall be submitted to the Director for a determination of completeness pursuant to Section 27-303. An application is complete when all of the items required by the Unified Development Ordinance and on the application form are prepared and/or answered, and any required

line coincides approximately, but not exactly, with a property line, the boundary line shall be considered to be the property line.

3. Streets or other rights-of-way that have been vacated fall into the same zoning district as the lots or parcels abutting both sides. If the lots or parcels were classified in different zoning districts before the vacation, the center line of the vacated right-of-way shall be interpreted as the boundary line between the districts.

4. Zoning boundaries which are indicated as approximately following the City or Extraterritorial Jurisdiction Boundaries shall be interpreted to follow such boundaries.

5. ~~Where zoning district boundaries divide a lot or parcel into two or more districts, the entire lot or parcel shall be deemed to have only the characteristics and uses of the more restrictive district.~~

6. Questions about the location of zoning boundaries may be subject to interpretation by the Director pursuant to Section 27-336.

27-403 Land Use Regulations

A. Types of Uses Land, buildings and structures may be used for any of the listed uses indicated in the following zone classification as set forth by the City of Fort Smith Land Use Matrix (Chapter 27-400, Appendix A).

B. Classifications

1. Uses Permitted by Right. P indicates that a land use is permitted by right in the respective district. Such uses are subject to all other applicable regulations.

2. Uses Permitted Conditionally. C indicates that a land use is permitted conditionally, subject to the issuance of a conditional use permit.

3. Accessory Uses. A indicates that a land use is typically permitted as an accessory structure.

4. Blank. A blank cell in the Land Use Table indicates that a land use category is not allowed in the indicated district.

C. Unlisted Uses.

When uses arise that have not been classified, the following procedure shall be used to determine the proper classification for those uses:

1. Front Yard Setback. There shall be a minimum front yard setback of 15 feet from any public or private street or road right-of-way line.
2. Side and Rear Yard Setbacks. Side and rear yards for buildings or structures shall be:
    a. 10 feet -where the building or structure is no more than 3 stories high.
    b. 10 feet plus one additional foot for each additional foot of height of a building or structure over 3 stories.

b. Commercial. Commercial and office setbacks shall be established in the individual Mixed Use Districts through the approval of the development plan.

4. Height. The height of all buildings shall be established in the individual Mixed Use Districts through the approval of the development plan.

F. Parking. Parking shall be provided pursuant to the requirements of Chapter 27-600.

1. Parking shall not be located in landscaped areas adjacent to the sidewalk or within the front yard setbacks of any lot.
2. Where buildings have more than one category of land use, the number of spaces required shall be 80% of the sum of the required spaces for each category of land use.

G. Open Space

1. At least twenty percent (20%) of the land included in the total project area shall be set aside as permanent and usable open space.
2. The open space shall be maintained by a homeowners association or under other appropriate ownership as approved by the City.
3. ~~Open space for the purposes of this section shall not include setbacks, disconnected parcels, and/or leftovers spaces such as areas between buildings.~~

H. Approval Process. Residential Mixed Use and Commercial/Employment Mixed Use rezoning requests shall be processed through Section 27-329 Rezoning – Planned District Procedures. The following review criteria apply to the layout and design of the development and shall be considered in addition to the criteria contained in Section 27-329:

1. The proposed development allows a diversity of surrounding land uses which are in close proximity to each other within a limited area.
2. The proposed development preserves the overall character of the area.
3. The proposed development promotes a balance of land uses.

2. During the preliminary information meeting, the applicant and City Engineer will determine the scope of the TIA/TS, and establish the content, exhibits, magnitude of details and format requirements for the TIA/TS.

E. Study Area

1. This area shall be determined by the consultant conducting the study (hereafter referred to as the traffic consultant) and approved by the City Engineer prior to the start of the study. The study boundary will be established based on the size of the proposed development, the projected peak hour trips, and the application of sound engineering judgment.

2. If the City Engineer and the applicant disagree on the Study Area Boundary, the boundary shall extend one (1) mile from the boundary of the proposed development or the next major intersection(s) impacted by the site traffic, whichever is less.

F. Phased Development Projects. Phased residential projects shall comply with this Section, and shall require no special treatment.

G. Referral. The City Engineer may refer the draft TIA/TS to the following agencies for their review and recommendations:

1. Fort Smith Planning and Zoning Department

2. Western Arkansas Planning and Development District (WAPDD)

3. Arkansas State Highway and Transportation Department

H. Technical Criteria and Requirements

1. Generally. General items that shall be addressed in all TIAs include:

   a. Identification of the scope of the TIA

   b. Identification of existing geometric conditions and traffic control devices that are impacted by development

   c. Collection of existing traffic data

   d. Estimates and distribution of site-generated traffic. Trip generation rates must be based upon the Trip Generation Manual ~~(see References)~~. The City Engineer may approve an alternative source if he finds that the source is based on upon reliable data consistent with generally accepted engineering principles.

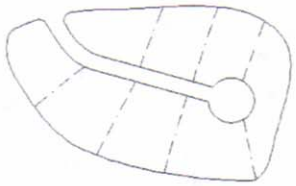
Street design shall conform to the criteria established in the Standard Specifications, Master Street Plan, Bikeway Plan, Trails and Greenways Plan, and Street Standards ~~(see References)~~.

27-503-9 Bicycle Facilities

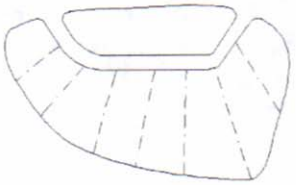
Bikeways shall be consistent with the Bikeway Plan ~~(see References)~~

27-503-10 Cul-de-sacs and Dead-End Streets

A. As an alternative to cul-de-sacs, applicants are encouraged to use eyebrow or loop lane street configurations that have two points of access to a public street.



Cul-de-sac



Loop Lane / Eyebrow with Common Open Space

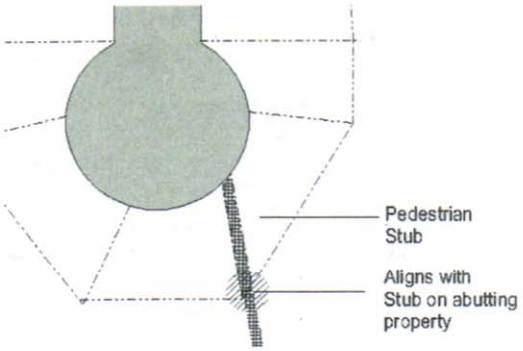
B. Maximum Development

The land uses on lots that access a cul-de-sac shall not generate more than 200 average daily trips (ADT) per day, as determined by the Trip Generation Manual.

C. Turnarounds

A cul-de-sac shall be provided with a turnaround having a radius of not less than fifty (50) feet at the property line and not less than forty (40) feet at the curbline or edge of pavement.

D. Pedestrian Connection



1. The Planning Commission may require a cul-de-sac design that includes a stub connecting the cul-de-sac to sidewalks, parks or open space on abutting parcels where:

   a. By reason of topography, grade, and distance, the stub would provide reasonable pedestrian access to the surrounding neighborhood; and

   b. The improvement is compatible with and will not adversely affect other property in the area where it is proposed to be located; and

   c. The distance to an abutting sidewalk, park or open space is not excessive when compared to the cost of providing the pedestrian connection.

2. A cul-de-sac stub is required where the lots abut a public trail system, bike path, park, or greenway.

3. The stub shall be improved as a pedestrian walkway, trail, or bikeway in accordance with the City's design standards ~~(see References)~~. The stub shall align with any existing pedestrian walkway, trail, or bikeway on an abutting property.

E. Dead-end streets

Dead-end streets are not permitted except on a temporary basis where they relate to the extension of the street in the development of adjoining land. A paved cul-de-sac shall be provided at the end of the dead-end street. A cul-de-sac is not required where no lots front on the street.

1. Dead-end streets may not be used as or for driveways.

2. Lots may not front the right-of-way of a dead-end street.

3. Dead-end streets shall be designed according to Fort Smith Street Standards.

27-503-18 Fire Protection

A. Water mains shall be constructed of a size and material sufficient to provide and maintain pressures and flows adequate for fire protection, as provided in the Arkansas Fire Prevention Code and section 27-507-2 of this Chapter (Minimum Water Design Standards ~~- see References)~~.

B. Fire hydrants will be located on water mains in accordance with standards published in the Arkansas Fire Prevention Code and Section 27-507-2 of this Chapter (Minimum Water Design Standards ~~- see References)~~.

27-503-19 Sidewalks

A. Applicability

1. Sidewalks are required on both sides of all arterial, collector, and commercial streets except as specified in Subsection F.
2. Sidewalks are required on one side of an internal residential street except as specified in Subsection F.
3. Sidewalks are required on the subdivision side of all adjacent or perimeter streets.
4. Double frontage lots shall have sidewalks on both street frontages.
5. Sidewalks are required only on one (1) side of subdivision entry streets unless residential lots are platted or planned to be platted on both sides of the street.
6. Applicants may contribute to the sidewalk construction fund in lieu of sidewalk construction. The amount of contribution will be determined as the actual dollar value of sidewalk construction for sidewalks that are required. The dollar value of the sidewalk improvements will be determined by the project engineer and approved by the City Engineer. Donations to the sidewalk construction fund may be accepted where:

   a. the required sidewalks are along an existing street that has no existing sidewalk network; or

   b. the City Engineering Department determines the construction of a sidewalk is not feasible.

   When a contribution to the sidewalk fund is accepted, the sidewalk assessment portion of the building permit fee required by Section 6-30 (16) of the Fort Smith Municipal Code will not be required for the initial permit on any of the individual lots within the subdivision. All subsequent permits for improvements on the individual lots will include the sidewalk assessment portion of the building permit fee.

27-505-2 General Requirements and Design Criteria

Sewer systems shall comply with the City of Fort Smith *Sanitary Sewer Standards,* which document is included herein by reference.

27-506 Stormwater Management

Purpose: the purpose of this section is to establish stormwater management level of service standards and criteria for conventional and engineered stormwater management systems.

27-506-1 Applicability

No storm drainage facility - whether an enclosed structure, pipe, or an open channel, ditch or stream - shall be constructed, altered, or reconstructed within a subdivision, planned development, or a developed area, within a public right-of-way or easement, or discharge into, upon, or under a public right-of-way or easement, or a subdivision or planned development or developed area within the planning jurisdiction of the City of Fort Smith, without first obtaining written approval from the Department of Engineering.

27-506-2 General Design Requirements

Stormwater management systems shall comply with the City of Fort Smith *Storm Drainage Standards* ~~(see References)~~.

27-506-3 Erosion Control

Erosion control measures shall be provided which are consistent with the requirements of the Arkansas Department of Environmental Quality (ADEQ)

27-507 Water

27-507-1 Applicability

No water improvement facilities shall be constructed, altered, extended or reconstructed within the City of Fort Smith or the planning jurisdiction of the City of Fort Smith without first having the approval of the City of Fort Smith Utility Department and any required state agencies. All such construction shall meet the requirements included herein.

27-507-2 General Requirements and Design Criteria

Potable water systems shall comply with the *City of Forth Smith, Minimum Water Design Standards*, which document is hereby incorporated by reference and made a part of this Ordinance.

27-508 Reserved

27-509 Trails and Greenways

27-509-1 Applicability

Subdivisions that include at least 100 lots shall include trails and/or bikeways that conform to the requirements of this section.

27-509-2 Trails

Trails may be included as part of the Parks and Open Space required by Section 27-508. Trail easements shall be a minimum of 20 feet in width. The construction and maintenance of trails shall conform to the City's Trails and Greenways Master Plan.

27-509-3 Bikeways

Bikeways shall be provided consistent with the Bikeway Plan ~~(see References)~~.

27-510 Resource Conservation

Purpose: this section encourages the preservation of existing features that add value to development or to the local government as a whole, such as trees, historic spots, viewsheds, natural areas, riparian corridors, hillsides, and similar irreplaceable assets, to be preserved in the design of a subdivision or development. This section implements the following policies of the Comprehensive Plan:

- Minimize impermeable surfaces of all developments to help retain and drain water on site. All development needs to address stormwater event loading on-site and downstream. This is called total maximum daily loading or TMDL's.
- Incorporate the protection or replacement of wetland or vegetation habitats in development guidelines.
- Protect riparian corridors through erosion control and drainage management. In many cases this means unchanneling concrete stream beds, replanting wetlands for water absorption, and allowing natural drainage. These stream valley and drainage areas can be park and pedestrian friendly trail systems, or primary habitat and aesthetic community amenities.

27-510-1 Generally

A. Applicability

1. This section applies to any application for subdivision or site plan approval except as provided below.

rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1) increase the gross square footage of the structure by 50% or greater and (2) shall also include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage.

3. Rehabilitation projects shall conform to the guidelines to the greatest extent possible.

4. Buildings in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the building will be in noncompliance with these regulations.

C. Transitional and Commercial Building Design Standards.

1. Any development that contains more than one building shall incorporate a recurring, unifying and identifiable theme for the entire development.

2. The predominant (fifty-one (51) percent of the gross wall area or greater) exterior building facade of all commercial buildings must be of high quality materials such as brick, wood, native stone, tinted glass, stucco, exterior insulated finished systems (EIFS), cementious siding (e.g., Hardie Board), tinted/textured concrete masonry units, or other siding materials as approved by the Director. Smooth-faced concrete block, plain or untextured tilt-up panels and prefabricated steel panels are prohibited as the predominant facade. Applicants with commercial development adjacent to residential development may incorporate residential materials on the side of the development that faces the residential development.

3. All facades of a building that are visible from the finished grades of adjoining properties or public streets shall have design characteristics similar to the building's front facade. This shall be implemented by requiring the same treatment as discussed in B.2 above.

4. All mechanical equipment, heating/cooling systems, trash receptacles and utility boxes shall be completely screened from adjoining properties and street right-of-way.

    a. For ground-mounted equipment, the screening shall consist of a wall, fence, or approved landscaping or the equipment must be enclosed within a building.

N. Separation between driveways is from the inside edge to inside edge of the driveway (see Table 27-603.-1B, Minimum Separation Between Adjacent Driveways).

Table 27-603-1A Minimum Separation between Driveways and Street Intersection (Dimension A in feet)

	Street on which driveway is to be located (See dimension 'A')						
Intersecting Street	**Freeway frontage road**	**Boulevard**	**Major Arterial**	**Minor Arterial**	**Industrial**	**Major Collector**	**Residential Collector**
Freeway frontage road*	N/A	200	200	200	200	200	230
Boulevard	250	250	170	170	170	150	150
Major Arterial	250	250	170	170	170	150	150
Minor Arterial	250	250	170	170	170	140	140
Industrial	235	235	155	135	135	115	135
Major Collector	235	185	135	125	125	95	95
Residential Collector	230	185	130	120	120	95	95

* Measured from the frontage road right-of-way

Table 27-603-1B Minimum Separation between Adjacent Driveways (in feet)

Residen-tial Street	**Freeway frontage road**	**Boulevard**	**Major Arterial**	**Minor Arterial**	**Industrial**	**Major Collector**	**Residential Collector**
100**	200	300	200	150	100	125	100**

** Excludes permitted uses in residential zoning districts
Adjacent driveway separation is measured from driveway inside edge to inside edge.

27-603-3 Intersection Design

A. Generally. All driveways and access facilities shall be designed to meet the grade, alignment, pavement, and channelization standards and other specifications prescribed by adopted City standards.

B. Two-Way Driveways

1. The intersection of a two way driveway shall intersect any arterial in a 90° angle.

DRAFT

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
AUGUST 9, 2011

On roll call, the following Commissioners were present: Steve Griffin, Walton Maurras, Salvatore Salamone, Mike Lorenz, Vicki Newton, Jennifer Parks, Rett Howard, Marshall Sharpe and John Huffman.

Chairman Griffin then called for the vote on the minutes from the July 12, 2011, Planning Commission meeting. Motion was made by Commissioner Sharpe, seconded by Commissioner Lorenz and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

1. **Unified Development Ordinance Amendments**

   Mr. Bailey stated that these amendments relate to several items that have been brought to the attention of staff over the last several months relative to definitions, land uses and editorial language corrections to the Unified Development Ordinance.

   Mr. Bailey noted the following amendments to the Unified Development Ordinance:

   - **Professional Services:** massage, occupational or physical therapists and counselors have been added to the definition.

   - **Site plan (certified):** Shall mean a site plan containing a written statement regarding accuracy or conformity to specified standards and bearing the seal or stamp of the professional engineer or architect under whose supervision the site plan was prepared. A survey, from a licensed professional surveyor, that incorporates all of the requirements of the site plan is acceptable for existing developments and when no site improvements are being proposed.

   - **Section 27-327-2 Temporary Offices**

     B. Temporary Real Estate Office. A temporary real estate office of use in the development of a new residential subdivision may be established in a house and operated within the subdivision from the date of the first construction permit issued in the subdivision and until ninety-five percent (95%) of the lots are sold. The temporary real estate office shall not be utilized for any construction activities, the storage of construction equipment or materials, and all vehicle parking shall be limited to the driveway constructed for the house. A time extension may be granted by the Board of Zoning Adjustment.

DRAFT

- **Section 27-332-4 Submission Requirements**

  B. A survey prepared by a licensed professional surveyor and a certified site plan of the property prepared by a registered architect or licensed professional engineer. At the discretion of the director, a survey and/or site plan may not be required for some applications (e.g., existing developments in C-6/downtown zoning districts).

- **Section 27-332-5 Planning Commission Application and Review Procedures**

  Item No. 5 under this section has been removed.

- **Section 27-403 Land Use Regulations**

  G. Open Space – item #3 has been removed

- **(see References)** has been removed from Land Use Regulations, Bicycle Facilities, Cul-de-sacs and Dead-End Streets, Fire Protection, General Design Requirements and Bikeway Sections of the UDO.

- **Section 27-510-1 Generally**

  C. Transitional and Commercial Building Design Standards

  4. a. For ground-mounted equipment, the screening shall consist of a wall, fence, or approved landscaping or the equipment must be enclosed within a building.

- **Table 27-603-1A Minimum Separation between Driveways and Street Intersection (Dimension A in feet)**

  The Boulevard section of this table had no numbers. These numbers have been provided by Stan Snodgrass, Director of Engineering, and should read as follows:

  Freeway frontage road – 250 feet
  Boulevard – 250 feet
  Major Arterial – 170 feet
  Minor Arterial – 170 feet
  Industrial – 170 feet
  Major Collector – 150 feet
  Residential Collector – 150 feet

Chairman Griffin then asked for any comments from the Commissioners or the audience. There being no comments, Chairman Griffin called for the vote on the Unified Development Ordinance Amendments. The vote was 9 in favor and 0 opposed.

2. Preliminary Plat – Clayton Heights, Phase II – Lots 1-57, Tracts A, B & C

5

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 16-08 AND AMENDING THE DISINTERMENT FEE FOR OAK CEMETERY

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

SECTION 1: The last paragraph of Section 2 of Ordinance 16-08 is hereby amended as follows:

> The fee for disinterment of any person, other than an infant, at Oak Cemetery, shall be the sum of $600.00 plus any additional costs directly related to the disinterment. The fee for disinurment of any cremains at Oak Cemetery shall be the sum of $200.00 plus any additional costs directly related to the disinurnment. The fee for disinterment of any infant at Oak Cemetery shall be the sum of $100.00 plus any additional costs directly related to the disinterment.

SECTION 2: Emergency Clause. An emergency is hereby declared to exist relating to the appropriateness of fees for identified services at Oak Cemetery so that the immediate effectiveness of this Ordinance is needed to adequately provide for the health, safety and welfare of the inhabitants of the City of Fort Smith. Therefore, this Ordinance shall be in full force and effect upon and after its date of passage.

SECTION 3: The codifier of the City's Ordinance may exercise the codifier's discretion in determining whether to codify the provisions of this Ordinance in Section 7-30, or other section, of the Fort Smith Municipal Code.

PASSED AND APPROVED THIS _____ DAY OF _____, 2011.

APPROVED:

ATTEST:

_____
Mayor

_____
City Clerk

Approved as to form:

_____
City Attorney
Publish 1 Time

3301 South M Street / Fort Smith, Arkansas 72903 / 479.784.2368 / FAX 479.784.2480 / www.fsark.com/Parks

PARKS
RECREATION
FORT SMITH

Memo:

September 1, 2011

To: Ray Gosack, City Administrator
From: Mike Alsup, Director of Parks and Recreation Mike Alsup
Re: Recommendation to raise the fee for disinterment at Oak Cemetery

The Oak Cemetery Commission recommends that the rate for disinterment be increased from $400.00 to $600.00. The rate for interment is $400.00. Disinterment requires more equipment, manpower, and time to accomplish.

Disinterment is the removal of a body from the grave. A request for disinterment is usually prompted by the family of the deceased. A funeral director assists the family in obtaining a permit from the State, and the disinterment is overseen by the funeral director. The City's staff provides the equipment and staffing to uncover the vault or box. The City requires that a vault or box be used for all burials; the vault or box contains the casket. The vault or box is uncovered, and straps or cables are used to secure it for removal. After disinterment, the body is either reinterred in another space in Oak Cemetery or taken to another cemetery of the family's choice for interment.

Requests for disinterment are rare. However, the effort required to accomplish the work is more than interment. The Oak Commission and staff recommend this rate increase.

Please call me if you have any questions.

6A

RESOLUTION NO. _____

A RESOLUTION URGING THE FRANCHISE UTILITY COMPANIES TO NOT INSTALL OVERHEAD UTILITY LINES ALONG NEWLY CONSTRUCTED STREET CORRIDORS

WHEREAS, new street corridors have been constructed within portions of the City including the Fort Chaffee Redevelopment Area; and

WHEREAS, the new street corridors are primarily in undeveloped areas which are not currently served with overhead franchise utility lines; and

WHEREAS, the installation of new franchise utility lines will be required to serve development along these corridors; and

WHEREAS, The City of Fort Smith Comprehensive Plan has a goal of improving the aesthetics of commercial corridors.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that the City of Fort Smith in an effort to maintain a more aesthetically pleasing appearance of the street right of way corridors encourages the franchise utility companies to not install overhead lines along these corridors.

This Resolution adopted this _____ day of September, 2011.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form

_____

☒ No Publication Required
☐ Publish ____ Times

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

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

DATE: August 24, 2011

SUBJECT: Overhead Lines along New Street Corridors

We are beginning to see plans for proposed development along sections of the newly constructed Chad Colley Boulevard south of Massard Road. Franchise utility service in this area is primarily non-existent, and installation of new franchise utility lines to serve development along this corridor will be required. This would include but not be limited to electric, phone and cable TV.

At the request of the Board of Directors in an effort to maintain the more aesthetically pleasing appearance of the right of way corridor along Chad Colley Boulevard, we have prepared the attached resolution urging the franchise utility companies to not install overhead lines within these type of street corridors.

6B

RESOLUTION NO. _____

RESOLUTION AMENDING RESOLUTION NO. R-159-11 RELATIVE TO THE PURCHASE OF WATER AND WASTEWATER CHEMICALS FOR 2011-2012

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

Resolution No. R-159-11 approving bids for the purchase of water and wastewater chemicals for 2011-2012 is hereby amended to accept the bid as indicated on the attached Bid Tabulation #09-02-12BA for the purchase of potassium permanganate from Carus Chemical Corporation.

This Resolution adopted this _____ day of September, 2011.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:

☑ No Publication Required

☐ Publish ____ Times

Interoffice Memorandum

TO: Ray Gosack, City Administrator

COPY TO: Steve Parke, Director of Utilities

FROM: Alie Bahsoon, Purchasing Manager AB

SUBJECT: Resolution to amend Resolution R-159-11

DATE: August 30, 2011

The City of Fort Smith ARKANSAS

At the August 16th meeting, the Board approved Resolution R-159-11 for the purchase of treatment chemicals for the 2011-2012 year.

It was discovered after the resolution was passed that the bid awarded to F2 Industries for potassium permanganate cannot be accepted due to the fact that they are unable to provide the chemical in cycle bins. Our feeders are set up to only accept the cycle bins. Due to high humidity conditions that the chemical is subjected to, the chemical is stored in cycle bins in order to be dry fed through our chemical feeder.

The enclosed resolution and revised bid tabulation is to amend Resolution R-159-11 and to reflect Carus Chemical Company as the acceptable bidder for this chemical.

I recommend that the revised bids noted by enclosure on the attached tabulations be accepted.

Please let me know if you or any of the Board members should have any questions.

CITY OF FORT SMITH, ARKANSAS (REVISED)

Tabulation of Bids: 2011-2012 Water & Waste Water Treatment Chemicals

Approved by Board of Directors per Resolution No. R-159-11

Vendor	Hydrated *Lime* $195.25T	Liquid *Chlorine* $850.00T	Liq. Ferric Sulfate $159.99T	Potassium Perm. $3.25#	WW Polymer $1.180#	SW-102 Polymer $0.514#	CF-150 Polymer $0.287#	Sodium Hypochlorite $1.20G	Sodium Hydroxide $1.85G	Sodium Bisulfite $1.120G	Pow. Act. Carbon $0.560#	Quick-Lime $181.40T	Calcium Nitrate $477.20T	Sodium Carbonate (New)	Landfill Polymer $0.331#
AR Lime Co.	**$211.00✔**											$ 187.15			
Brenntag Southwest	$ 350.00	**$785.00✔**	$ 340.40	$ 4.00				**$1.75✔**	**$2.25✔**	$ 1.650	**$0.605✔**	$ 310.40	$ 466.10	$ 450.45	$ 0.38
Calabrian Corporation										$ 1.279					
Calgon Carbon Corp.															
Carmeuse Lime & Stone	$ 282.86											$ 266.04			
Carus Corporation				**$3.25✔**											
Ecotech Enterprises					**$1.56✔**	$ 0.48									
F2-Industries				$2.90 **							$ 0.62		$ 420.00		
General Chemical			**$143.29✔**												
Harcros Chemical														**$449.00✔**	
Kemira Water Solutions			$ 184.75												
Pencco, Inc.			$ 144.00												
Polydyne Inc.					$1.55 *										
PVS Chemical Solutions										$ 1.970					
Siemens Ind. Inc.													$ 430.23		
Southern Ionics Inc.										$ 1.130					
Standard Purification											$ 0.6118				
Thatcher Company			$ 292.52							**$1.10✔**			**$418.00✔**		
US Lime Co.-St. Clair												**$187.00✔**			
Water Tech, Inc.					$ 1.65	**$0.4799✔**	**$0.3175✔**			$ 1.1027					**$0.369✔**

✔ Bid Award

*Based on a trial usage, a lesser quantity of polymer will be utilized per ton of sludge (de-waterized). This therefore requires a lesser quantity of polymer to be used.

** Unable to provide cycle bins

City of Fort Smith Water & Wastewater Treatment Chemicals			
Chemical	**2011-2012 Pricing**	**2010-2011 Pricing**	**Unit of Measure**
Hydrated Lime	$211.00	$195.25	Ton
Liquid Chlorine	$785.00	$850.00	Ton
Liquid Ferric Sulfate	$143.29	$159.99	Ton
Potassium Permanganate	**~~$2.900~~ $3.250**	$3.250	Pound
Waste Water Polymer	$1.560	$1.180	Pound
SW-102 Polymer	$0.4799	$0.514	Pound
CF-150 Polymer	$0.32	$0.287	Pound
Sodium Hypochlorite	$1.75	$1.20	Gallon
Sodium Hydroxide	$2.25	$1.85	Gallon
Sodium Bisulfite	$1.10	$1.120	Gallon
Powdered Activated Carbon	$0.605	$0.560	Pound
Quick-Lime	$187.00	$181.40	Ton
Calcium Nitrate	$418.00	$477.20	Ton
Sodium Carbonate	$449.00	N/A	Ton
Landfill Polymer	$449.00	$0.331	Pound

6.C

RESOLUTION NO._____

RESOLUTION AUTHORIZING PAYMENT TO MOTOROLA, INC., FOR THE RADIO COMMUNICATIONS SYSTEM PROJECT

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

Payment is hereby authorized in the amount of $142,455.50 to Motorola, Inc., for the Radio Communications System project, said sum to come from the City of Fort Smith, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008 - Radio Communication Fund.

This Resolution adopted this _____ day of _____, 2011.

APPROVED:

_____

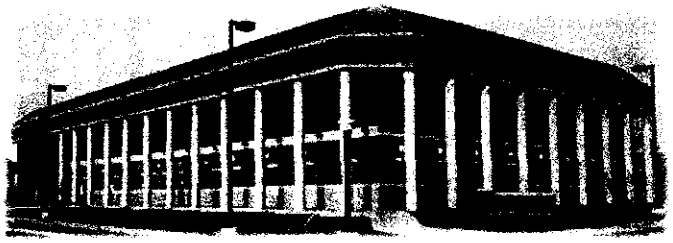
MAYOR

ATTEST:

_____

CITY CLERK

Approved as to form: _____
NPR



Fort Smith Police Department

Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: **Ray Gosack, City Administrator**

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

Subject: **Radio Communications Project Backup Public Safety Answering Point and Data Center**

Date: **September 1, 2011**

In late 2009, Sebastian County began preparations to implement an Emergency Operations Center in the former National Guard Armory property located at 8400 Zero Street. In concert with this initiative, the police department worked with Sebastian County to obtain a joint Interlocal Agreement to establish a public safety training center and backup public safety answering point (PSAP) and communications center. Currently, the police department and Sebastian County Sheriff's Office serve as each other's secondary (backup) PSAP and communications center. Implementing the backup PSAP and communications center will complete the Radio Communications System Replacement project funded by the one cent sales tax approved by voters in 2006, which generated $12.3 million dollars for the project. Remaining funds from the Radio Communications Replacement project total $642,038, which must be expended no later than January 13, 2012. Completion of this project will fully expend proceeds from the Sales and Use Tax Improvement Bonds issued for this project.

Completion of the radio replacement project requires construction of a data center for the PSAP and communications center before the backup PSAP can be utilized. Staff recommends using ***RP Systems*** (state contract #SP-10-0141) for the construction of the data center for the following reasons. ***RP Systems*** is the only vendor in Arkansas that specializes in building data centers; they are a current vendor of the City of Fort Smith; they are a State of Arkansas vendor; and they have a working knowledge of the project. In addition, Sebastian County has already contracted with ***RP Systems*** to purchase a generator for the facility. The total cost for construction of the data center is $464,777.

Upon completion of the data center, ***Motorola, Inc.*** will install and configure the four radio consoles for the backup PSAP. The total cost for installation and configuration of the radio equipment will be $142,455.50. Once completed, the PSAP and data center will provide backup radio communications for the City's 911 communications center, disaster recovery for the police department, and possible future expansion of data recovery to other City departments.

The Board of Directors may wish to defer or eliminate the proposed construction of the backup PSAP and data center. This would result in loss of the balance of the Sales and Use Tax

Improvement Bond proceeds, which is substantial, and would delay implementation of a crucial portion of the radio replacement project approved by voters.

Police department staff recommends approval of both Resolutions.

Lindsey, Kevin (Chief of Police)

From: EDDY JOHN-CDIT21 <John.Eddy@motorolasolutions.com>
Sent: Thursday, September 01, 2011 8:52 AM
To: Lindsey, Kevin (Chief of Police)
Cc: Buthman Keri-C18508; Nicholson Lena-C20732; Nowak Mitchell-PVKJ64; Elaoud Moncef-C41171; Powell Nick-A19406
Subject: City of For Smith Invoicing Request.

Chief Lindsey,
Just to follow up to our phone conversation yesterday and your request for the remaining invoicing for our current contract. Motorola will need your acceptance of the following.

a) You, Chief of Police Kevin Lindsey, are request the invoicing for all remaining contractual dollars on behalf of the City of Fort Smith.
b) You are requesting the invoices for your financial reconciliation of your project funds. (Please feel free to provide additional detail if you feel it is pertinent at this time).
c) Actual project completion for Motorola for contractual deliverables is projected to be completed by October 28th. 2011
d) Payment terms for the invoicing will remain as stated in the current contract.
e) Invoice will contain this verbiage when delivered to you. "This invoice has been generated per customer request. The milestone referenced below has not been completed in full"

Change order # 9 - Remaining Change Order Value upon completion of Microwave Design Services - $72,760.50 plus tax $6,730.35. Total Invoice amount - $79,490.85
Final Acceptance - $58,548.96 plus tax $5,415.78. Total Invoice amount - $63,964.74

Also if you please confirm the date you would like to have these invoices delivered and if you could confirm an email address to use for delivery of these invoices?

Please feel free to contact Keri or me with any questions concerning this matter.

Looking forward to your response and completing the EOC in October.

Thank you,

John Wm. Eddy
Sr. Project Manager
Motorola Solutions
Government and Public Safety
John.Eddy@motorolasolutions.com *(Please Note New Email Address)*
Office: 501-907-6557
Cell: 214-507-3050
Fax: 847-761-1211

6.D

RESOLUTION NO._____

RESOLUTION AUTHORIZING PAYMENT TO RP SYSTEMS FOR THE RADIO COMMUNICATIONS SYSTEM PROJECT

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

Payment is hereby authorized in the amount of $ 464,777.00 to RP Systems for the Radio Communications System project, said sum to come from the City of Fort Smith, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008 - Radio Communication Fund.

This Resolution adopted this _____ day of September, 2011.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY CLERK

Approved as to form: NPR

Fort Smith Police Department

Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: **Ray Gosack, City Administrator**

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

Subject: **Radio Communications Project Backup Public Safety Answering Point and Data Center**

Date: **September 1, 2011**

In late 2009, Sebastian County began preparations to implement an Emergency Operations Center in the former National Guard Armory property located at 8400 Zero Street. In concert with this initiative, the police department worked with Sebastian County to obtain a joint Interlocal Agreement to establish a public safety training center and backup public safety answering point (PSAP) and communications center. Currently, the police department and Sebastian County Sheriff's Office serve as each other's secondary (backup) PSAP and communications center. Implementing the backup PSAP and communications center will complete the Radio Communications System Replacement project funded by the one cent sales tax approved by voters in 2006, which generated $12.3 million dollars for the project. Remaining funds from the Radio Communications Replacement project total $642,038, which must be expended no later than January 13, 2012. Completion of this project will fully expend proceeds from the Sales and Use Tax Improvement Bonds issued for this project.

Completion of the radio replacement project requires construction of a data center for the PSAP and communications center before the backup PSAP can be utilized. Staff recommends using ***RP Systems*** (state contract #SP-10-0141) for the construction of the data center for the following reasons. ***RP Systems*** is the only vendor in Arkansas that specializes in building data centers; they are a current vendor of the City of Fort Smith; they are a State of Arkansas vendor; and they have a working knowledge of the project. In addition, Sebastian County has already contracted with ***RP Systems*** to purchase a generator for the facility. The total cost for construction of the data center is $464,777.

Upon completion of the data center, ***Motorola, Inc.*** will install and configure the four radio consoles for the backup PSAP. The total cost for installation and configuration of the radio equipment will be $142,455.50. Once completed, the PSAP and data center will provide backup radio communications for the City's 911 communications center, disaster recovery for the police department, and possible future expansion of data recovery to other City departments.

The Board of Directors may wish to defer or eliminate the proposed construction of the backup PSAP and data center. This would result in loss of the balance of the Sales and Use Tax

Improvement Bond proceeds, which is substantial, and would delay implementation of a crucial portion of the radio replacement project approved by voters.

Police department staff recommends approval of both Resolutions.

AIR
POWER
SOLUTIONS
SYSTEMS
SERVICE

7777 North Shore Place
North Little Rock, AR 72118
P: 501.224.1800
F: 501.604.3033
www.rp-corp.com

COMPANY:	Fort Smith Police Department	**PROPOSAL #:**	PR11-3154
ATTN:	Purchasing Dept. / Alvey Matlock	**PAGES:**	2
Email:	amatlock@Fortsmithpd.org	**DATE:**	8-2-11
FROM:	Phillip Pate		
PROJECT:	Data Center – Upgrade/Changes		

We are pleased to provide the following Design, Furnish and Installation Pricing:

Liebert UPS and Rack's:

- Six (6) KURR RACK Model DK6B1220000
- One (1)UPS 90kVA/90kW Liebert APM Model NRF90CCSAOAO27
- One (1) APM Battery Cabinet Model NRBPUX1A0027 rated to provide 5 minutes backup at full load
- One (1) APM Bypass Cabinet Model NRMBOC9C4RA0174
- ADDED Lighting and Convenience Receptacles

Sub-Total: $150,936.00

Liebert Computer Room Air Conditioning (CRAC):

- Two (2) Liebert Model BF067ASCDEI Challenger 3000 Nominal 5 ton Downflow System, MBH at 72°F, 50% RH
- Two (2) 100°F Ambient Condenser Model DCSF104-P 208/230
- Two (2) Liebert Model DS042ADCOE1 Nominal 12 ton Downflow Systems
- Two (2) 105°F Ambient Condenser Model DCSF104-P 208/230 Volt

Sub-Total: $218,717.00

Fike Fire Suppression & Monitoring:

- Furnish & Install Fike Ecaro 25 (HFC-125) - Approximated 600 Sq. Ft. area
- Liebert SNMP cards located in UPS & CRAC Equipment – owner to connect and furnish connecting wiring

Sub-Total: $29,135.00

Raised flooring - General Construction:

- Furnish and install Tate CC1250 panels (600sqft) High Pressure Laminate Topsurface (19)" finish Floor Height
- Complete drywall, Painting and Lay-in - ceiling tile (2' x 4' grid) - Approximated 600 Sq. Ft. area
- Replace existing single door with double door – Provide 4' opening room to room
- Provide materials and labor to complete Installation for equipment listed:

Sub-Total: $65,989.00

See attached Fleming electrical scope and drawing dated July 27, 2011
Included Electrical and Mechanical Engineering design by HSA Engineers

TOTAL Project $464,777.00

Note:

- Final design and approval reviewed by Electrical / Mechanical Engineers
  Pricing subject to change after 30 days - Standard one year Materials & Installation

ACCEPTANCE OF PROPOSAL/CONTRACT:
The labor, materials, equipment and/or services to be provided for the above bid amount(s), the terms and conditions of this proposal, and any attachments hereto are satisfactory and accepted. RP Systems is authorized to proceed with the work as detailed herein.

Signature:_____ Customer Signature:_____

Phillip Pate
RP Systems, President

Print Name & Title :_____

Date of Acceptance:_____

TERMS: Net 30. PRICING: The above prices are net, F.O.B. factory. All sales, use, excise or other taxes and any which may apply will be added at cost. If tax exempt, a copy of tax exempt certificate is to be furnished at time of purchase. The quoted prices remain in effect for 30 days from quotation date; thereafter, prices are subject to change without notice. ISSUE PURCHASE ORDER TO: RP Systems 7777 North Shore Place, North Little Rock, AR 72118. THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED BY THE CUSTOMER.

TERMS AND CONDITIONS

RP Systems is herein referred to as the "Seller" and the customer purchasing goods and/or services ("Goods") from Seller is referred to as the "Buyer." These Terms and Conditions, any price list or schedule, quotation, acknowledgment, Seller's scope of work, or invoice from Seller relevant to the sale of the Goods and all documents incorporated by specific reference herein or therein, constitute the complete and exclusive statement of the terms of the agreement governing the sale of Goods by Seller to Buyer. Seller's acceptance of Buyer's purchase order is expressly conditional on Buyer's assent to all of Seller's terms and conditions of sale, including terms and conditions that are different from or additional to the terms and conditions of Buyer's purchase order. Buyer's acceptance of the Goods will manifest Buyer's assent to these Terms and Conditions. Seller reserves the right in its sole discretion to refuse orders.

1. **PRICES**: The price quoted shall remain in effect for sixty (60) days after the date of proposal provided an unconditional authorization from Buyer is received and accepted by Seller within this period. Prices do not include applicable sales taxes which will be added at the time of invoicing.

2. **TAXES**: Current or future taxes or governmental charges (or increase in same) which Seller is required to pay or collect in connection with this sale shall be added to the price and/or billed to Buyer separately at the Seller's election.

3. **TERMS OF PAYMENT**: Unless otherwise specified by Seller, terms are net thirty (30) days from date of RP Systems' invoice in U.S. currency. Seller shall have the right to terminate this agreement or to suspend further performance under this agreement if Buyer fails to make any payments when due. Buyer shall be liable for all expenses, including attorneys' fees, relating to the collection of past due amounts. If any payment owed to Seller is not paid when due, it shall bear interest, at a rate to be determined by Seller, which shall not exceed the *maximum rate* permitted by law, from the date on which it is due until it is paid. Should Buyer's financial responsibility become unsatisfactory to Seller, cash payments or security satisfactory to Seller may be required by Seller for future deliveries of Goods. If such cash payment or security is not provided, Seller may discontinue deliveries. Buyer hereby grants Seller a security interest in all Goods sold to Buyer by Seller, which security interest shall continue until all such Goods are fully paid for, and Buyer, upon Seller's demand, will execute and deliver to Seller such instruments as Seller requests to protect and perfect such security interest.

4. **SHIPMENT AND DELIVERY**: While Seller will use all reasonable commercial efforts to maintain the delivery and/or performance date(s) quoted by Seller, all shipping dates and/or performance dates are approximate and not guaranteed. Seller reserves the right to make partial shipments. Seller shall not be bound to tender delivery of any Goods, for which Buyer has not provided shipping instructions and other required information. If the shipment of the Goods is postponed or delayed by Buyer for any reason, Buyer agrees to reimburse Seller for any and all storage costs and other additional expenses resulting there from. Risk of loss and legal title shall pass from Seller to Buyer upon delivery to and receipt by carrier at Seller's shipping point. All shipments of Goods are F.O.B. Seller's shipping point. Any claims for shortages or damages suffered in transit are the responsibility of Buyer and shall be submitted by Buyer directly to the carrier. Shortages or damages must be identified and signed for at the time of delivery.

5. **LIMITED WARRANTY**: The Goods are manufactured and inspected with care by experienced craftsmen. The Manufacturer warrants, for the period indicated within the Proposal, each product to be free from defects in materials and workmanship. Repair, replacement, or appropriate adjustment at the Manufacturer's option will be furnished if the product, upon the Seller's inspection, is found to be properly installed, maintained, and operated in accordance with Manufacturer's instruction manuals. The Seller or Seller's authorized representative must perform startup. The warranty does not apply to malfunctions caused by damage, unreason able use, misuse, repair or service by unauthorized persons, or normal wear and tear. For more information regarding the specific Manufacturer's warranty coverage applicable to the Goods within this Proposal, refer to the applicable Warranty Technical Publication which will be made available by the Seller upon request.

6. **LIMITATION OF LIABILITY**: The sole and exclusive remedy for breach of any warranty hereunder shall be limited to repair, correction or replacement at Seller's election. Seller shall not be liable for damages caused by delay in performance and the remedies of Buyer set forth in this agreement are exclusive. In no event, regardless of the form of the claim or cause of action (whether based in contract, infringement, negligence, strict liability, other tort or otherwise), shall Seller's liability to Buyer and/or its customers exceed the price paid by Buyer for the specific Goods, provided by Seller giving rise to the claim or cause of action

7. **BUYER AGREES THAT SELLER'S LIABILITY SHALL NOT EXTEND TO INCLUDE INCIDENTAL, CONSEQUENTIAL OR PUNITIVE DAMAGES.** The term "consequential damages" shall include, but not be limited to, loss of anticipated profits, business interruption, loss of use, revenue, reputation and data, costs incurred, including without limitation, for capital, fuel, power and loss or damage to property or equipment. It is expressly understood that any technical advice furnished by Seller with respect to the use of the Goods is given without charge, and Seller assumes no obligation or liability for the advice given, or results obtained, all such advice being given and accepted at Buyer's risk.

8. **EXCUSE OF PERFORMANCE**: Seller shall not be liable for delays in performance or for non-performance due to acts of God; acts of Buyer; war; epidemic; fire; flood; weather; sabotage; strikes or labor disputes; civil disturbances or riots; governmental requests, restrictions, allocations, laws, regulations, orders or actions; unavailability of or delays in transportation; default of suppliers; or unforeseen circumstances or any events or causes beyond Seller's reasonable control.

   Deliveries or other performance may be suspended for an appropriate period of time or canceled by Seller upon notice to Buyer in the event of any of the foregoing, but the balance of the agreement shall otherwise remain unaffected as a result of the foregoing. If Seller determines that its ability to supply the total demand for the Goods, or to obtain material used directly or indirectly in the *manufacture of the Goods*, is hindered, limited or made impracticable due to causes set forth in the preceding paragraph, Seller may allocate its available supply of the Goods and/or such material (without obligation to acquire other supplies of any such Goods, or material) among its purchasers on such basis as Seller determines to be equitable without liability for any failure of performance which may result there from.

9. **CANCELLATION**: Buyer may cancel order(s) only upon written notice and upon payment to Seller of Seller's cancellation charges which include, among other things, all submittal, engineering, and other manufacturers cancellation costs and expenses incurred and to cover commitments made by the Seller. Seller's determination of such cancellation charges shall be conclusive.

10. **CHANGES**: Buyer may request changes or additions to the Goods consistent with Seller's specifications and criteria. In the event such changes or additions are accepted by Seller, Seller may revise the price and dates of delivery and/or performance dates. Seller reserves the right to change designs and specifications for the Goods without prior notice to Buyer. Seller shall have no obligation to install or make such change in any Goods manufactured prior to the date of such change.

11. **BILLABLE SERVICES**: Additional charges will be billed to Buyer at Seller's then prevailing labor rates for any of the following: a) any services not specified in Seller's quotation or subsequent engineering submittal; b) any services performed at times other than Seller's normal service hours; c) if reasonable site and/or equipment access is denied the Seller service representative; and d) if it is necessary, due to local circumstances, to hire an outside contractor, Seller service personnel will provide supervision only and the cost of such contract labor will be charged to Buyer.

12. **GENERAL PROVISIONS**: These terms and conditions supersede all other communications, negotiations and prior oral or written statements regarding the subject matter of these terms and conditions. No change, modification, *rescission*, discharge, abandonment, or waiver of these terms and conditions shall be binding upon the Seller unless made in writing and signed on its behalf by a duly authorized representative of Seller. No conditions, usage of trade, course of dealing or performance, understanding or agreement purporting to modify, vary, explain, or supplement these terms and conditions shall be binding unless hereafter made in writing and signed by the party to be bound, and no modification or additional terms shall be applicable to this agreement by Seller's receipt, acknowledgment, or acceptance of purchase orders, shipping instructions forms, or other documentation containing terms at variance with or in addition to those set forth herein. Any such modifications or additional terms are specifically rejected and deemed a material alteration hereof. If this document shall be deemed an acceptance of a prior offer by Buyer, such acceptance is expressly conditional upon Buyer's assent to any additional or different terms set forth herein. No waiver by either party with respect to any breach or default or of any right or remedy, and no course of dealing, shall be deemed to constitute a continuing waiver of any other breach or default or of any other right or remedy, unless such waiver be expressed in writing and signed by the party to be bound. All typographical or clerical errors made by Seller in any quotation, acknowledgment or publication are subject to correction.

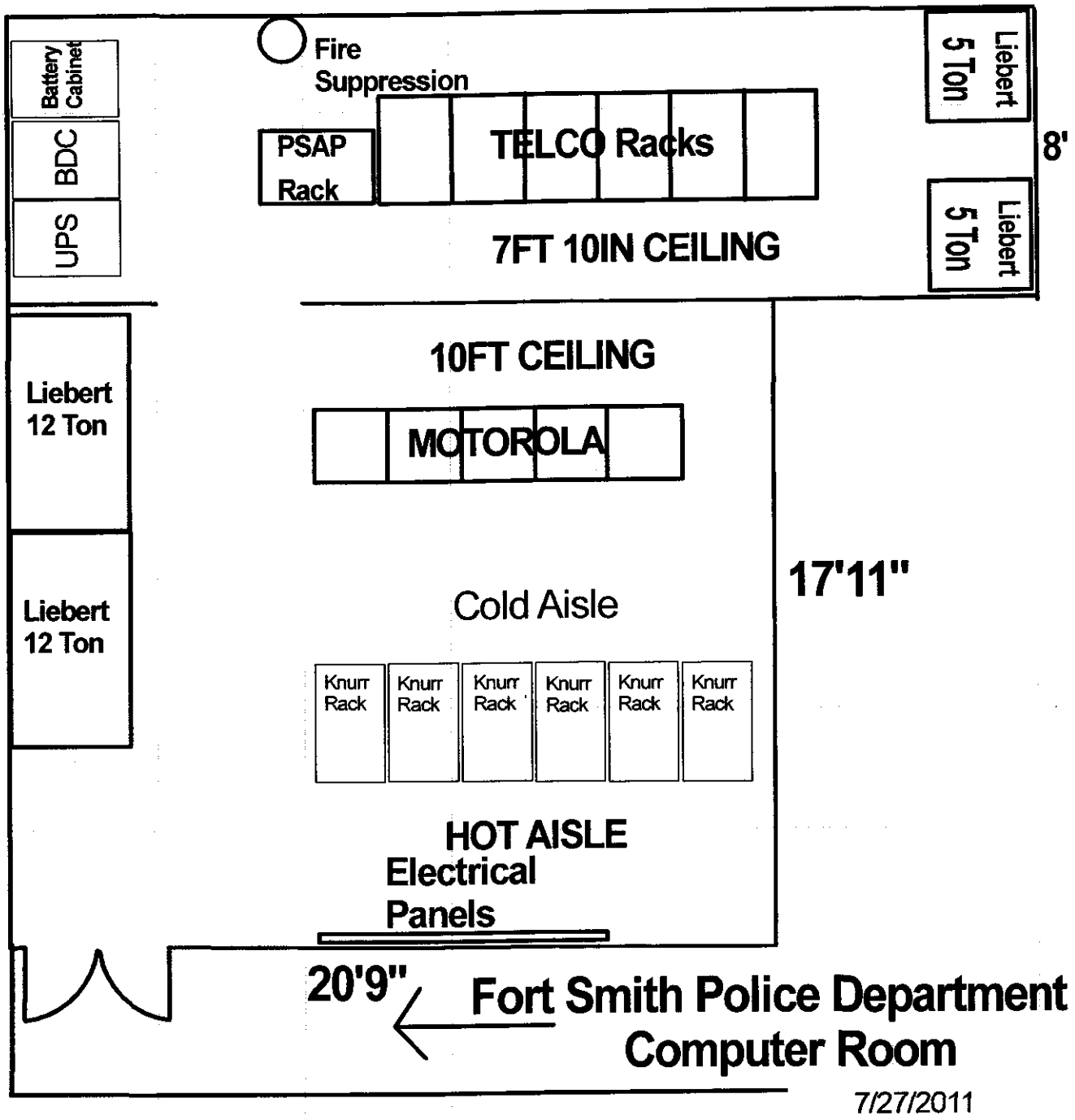
Electrical Scope Sheet

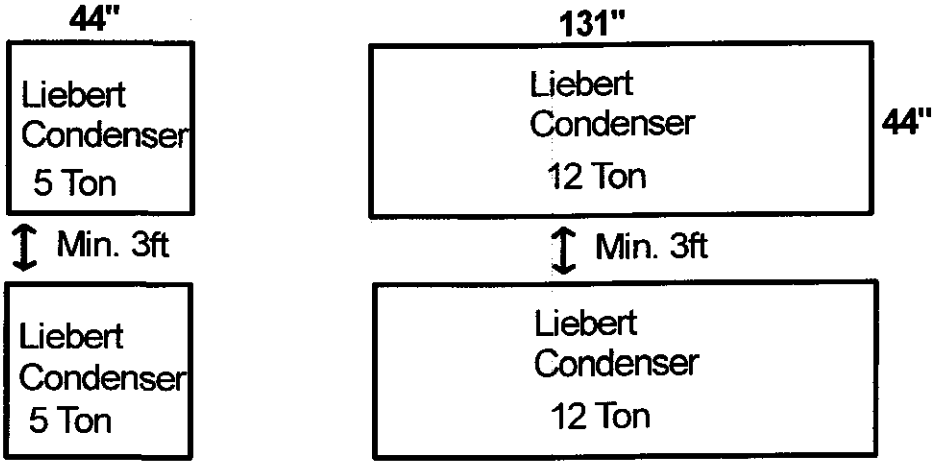
CLARIFICATIONS:

1. All work to be performed during normal business hours.
2. Provide for electrical permit, fees, and inspections.
3. Provide temporary power as required if power is available at building site.
4. **UPS/BDC/BATTERY CABINET**
   A. Receive, unload, and set UPS/BDC/Battery Cabinet.
   B. Provide and install (1) 208 volt 3 phase 800 amp panelboard fed from the existing SQD I-Line panelboard to feed the UPS/BOC and Liebert indoor units.
   C. (1) 208 volt 3 phase 450 amp feeder to the 90kVA UPS/BDC from the new 800 amp panelboard.
   D. Provide (2) #14 AWG conductors from existing ATS to new UPS/BOC.
5. **LIEBERT A/C UNITS**
   A. Indoor Unit #1 (1) 208 volt 3 phase 100 amp feeder to the 5-Ton A/C unit.
   B. Indoor Unit #2 (1) 208 volt 3 phase 100 amp feeder to the 5-Ton A/C unit.
   C. Indoor Unit #3 (1) 208 volt 3 phase 125 amp feeder to the 12-Ton A/C unit.
   D. Indoor Unit #4 (1) 208 volt 3 phase 125 amp feeder to the 12-Ton A/C unit.
   E. Provide (4) 208 volt 1 phase 20 amp circuits from each Liebert A/C indoor unit to the corresponding Liebert A/C outdoor unit.
   F. Provide (2) #16 AWG conductors from each indoor Liebert unit to its corresponding outdoor unit for controls.
6. **KNURR RACKS 6KW EACH (12 CKTS FED UNOERFLOOR FROM UPS/BDC)**
   A. Rack #1 (2) 208 volt 1 phase 30 amp feeders from UPS/BOC.
   B. Rack #2 (2) 208 volt 1 phase 30 amp feeders from UPS/BOC.
   C. Rack #3 (2) 208 volt 1 phase 30 amp feeders from UPS/BOC.
   D. Rack #4 (2) 208 volt 1 phase 30 amp feeders from UPS/BOC.
   E. Rack #5 (2) 208 volt 1 phase 30 amp feeders from UPS/BOC.
   F. Rack #6 (2) 208 volt 1 phase 30 amp feeders from UPS/BOC.
7. **MOTOROLA RACKS (65 CIRCUITS FEDO OVERHEAO FROM NEW PANEL FED FROM UPS/BDC)**
   A. (1) 208 volt 3 phase 125 amp feeder from the UPS/BDC to a new 208 volt 3 phase 125 amp panelboard for Motorola racks A, B, C, D, and E.
   B. Rack #A (16) 120 volt 20 amp 1 phase circuits from new panel fed from UPS/BDC.
   C. Rack #B (16) 120 volt 20 amp 1 phase circuits from new panel fed from UPS/BDC.
   D. Rack #C (1) 208 volt 30 amp1 phase circuit from new panel fed from UPS/BDC.
   E. Rack #D (future) (16) 120 volt 20 amp 1 phase circuits from new panel fed from UPS/BDC.
   F. Rack #E (future) (16) 120 volt 20 amp 1 phase circuits from new panel fed from UPS/BDC.
8. **FIRE SUPPRESSION SYSTEM (1 CIRCUIT FED FROM UPS POWER)**
   A. FSP #1 (1) 120 volt 20 amp 1 phase circuit from UPS/BDC.
9. **PSAP & TELCO RACKS 5KW EACH (6 CIRCUITS FED UNDER FLOOR FROM UPS/BDC)**
   A. PSAP Rack #1 (1) 120 volt 20 amp 1 phase circuit.
   B. TELCO Rack #1 (1) 120 volt 20 amp 1 phase circuit.
   C. TELCO Rack #2 (1) 120 volt 20 amp 1 phase circuit.
   D. TELCO Rack #3 (1) 120 volt 20 amp 1 phase circuit.
   E. TELCO Rack #4 (1) 120 volt 20 amp 1 phase circuit.
   F. TELCO Rack #5 (future) (1) 120 volt 20 amp 1 phase circuit.
10. **Provide and install the following lighting and devices**:
    A. (1) 120 volt 250 watt wall pack with pe cell at the handicap ramp.
    B. (1) Weatherproof "in use" ground fault receptacle at the handicap ramp.
    C. (13) 2x4 3 lamp fluorescent electronic light fixtures.
    D. (1) 120 volt single pole light switch.
    E. (1) Exit light.
    F. (6) 120 volt 20 amp general purpose duplex receptacles.
11. Additional costs may be incurred due to an accelerated construction schedule.

EXCLUSIONS: ***(Unless Specified Above)***

1. All work to existing electrical equipment, conduit, and wiring not shown on the plans as being relocated or removed.
2. Accidental damage, repair, or replacement to all building finishes.
3. All work to required grounding of the raised data floor and data racks.
4. All work related to Fire Alarm, Lightning Protection, and Security Systems.


Battery Cabinet
BDC
UPS
Fire Suppression
PSAP Rack
TELCO Racks
Liebert 5 Ton
Liebert 5 Ton
8'
7FT 10IN CEILING
10FT CEILING
Liebert 12 Ton
Liebert 12 Ton
MOTOROLA
17'11"
Cold Aisle
Knurr Rack
Knurr Rack
Knurr Rack
Knurr Rack
Knurr Rack
Knurr Rack
HOT AISLE
Electrical Panels
20'9"
Fort Smith Police Department
Computer Room
7/27/2011


44"
Liebert Condenser 5 Ton
Min. 3ft
Liebert Condenser 5 Ton
131"
Liebert Condenser 12 Ton
44"
Min. 3ft
Liebert Condenser 12 Ton

MINUTES OF AIRPORT COMMISSION REGULAR MEETING
TUESDAY – JULY 26, 2011
FORT SMITH REGIONAL AIRPORT CONFERENCE ROOM

The regular meeting of the Fort Smith Airport Commission was called to order at 5:30 p.m. by Chairman Deramus, presiding. Commissioners Archer, Carter, Deramus, Devero, Haver, and Nordin were present. Also present were John Parker, Airport Director; Kathey Boze, Director of Administration; and Michael Griffin, Director of Operations.

Chairman Deramus recognized Randy Oates, the new TSM (Transportation Security Manager) for the Fort Smith Regional Airport. Mr. Oates briefed the Commission on his background with the military and the Transportation Security Administration.

ADOPTION OF MINUTES

On a motion by Commissioner Archer and second by Carter, the Commission approved the Minutes of the Regular Meeting of June 28, 2011. Voting aye: Archer, Carter, Deramus, Devero, Haver, and Nordin. Voting nay: none.

FINANCIAL STATEMENT

Staff presented an overview and answered questions regarding the financials for the period ending June 30, 2011.

ITEMS OF BUSINESS

1. Election of Vice Chairman to the Commission. An election for the position of Vice Chairman was required due to Commissioner Melvin's resignation July 14, 2011 to return to active duty with the US Navy. Scott Archer was elected Vice Chairman through a motion made by Commissioner Devero and seconded by Haver. Voting aye: Archer, Carter, Deramus, Devero, Haver, and Nordin. Voting nay: none.
2. Commission Designee Assignments. Commission designee assignments were deferred until the August Commission meeting.
3. Engineering Contract for Security Fence at Terminal. The security fencing on the east and west end of the terminal building is in need of replacement and minor relocation due to past damage and change of security requirements. A replacement of solid panel fencing with an erosion control strip cost is estimated to be $223,000. The MSE contract proposes an amount of $17,300 for design and bid with a total of $30,200 through construction. The remainder of the contract will be for hourly services until completion of the project. The project will be funded by the airport with reimbursement from the current PFC program, which will be extended until the end of 2012.

   Commissioner Archer made a motion with second by Nordin to approve the contract with Morrison Shipley Engineers. Voting aye: Archer, Carter, Deramus, Devero, Haver, and Nordin. Voting nay: none.

4. Briefing on PFC program 2013-2018. Staff has started the process of establishing a new PFC (Passenger Facility Charge) which will allow continued infrastructure improvements through collection of charges until 2018. John Parker briefed the Commission on projects that may be in the new PFC program. Staff will provide more information as the project is developed. No action by the Commission is required.

5. Airport Activities/Projects

   A. The 21st extension of the FAA reauthorization bill was passed by the US House of Representatives late Thursday, but the US Senate did not act on the extension before adjourning Friday. This dispute in Congress has resulted in the expiration of the FAA's authority to collect taxes on airline ticket and aviation fuel sales. Without this authorization the Airport and Airways Trust will not receive the funding used to provide reimbursement for airport improvement projects. This also created a furlough of non-safety FAA personnel, those that oversee the AIP applications and funding. The tower and radar facilities here at Fort Smith remain open as usual. Approval of the grant for AIP 40, Taxiway A West Phase 1, has been delayed by this shutdown.

   B. Bond refunding will close on August 2, 2011.

   C. FAA Certification Inspection date has been set for August 29-31. The inspection will evaluate the airport compliance with Part 139 requirements.

   D. Rubber removal operations have been advertised and bids received. It will include painting upgrades for military markings on the field and moving four military signs.

   E. AIP 38, Design of Taxiway A West, is being prepared by Morrison Shipley Engineers for grant closure.

   F. AIP 39, Wildlife Hazard Assessment continues with Loomacres.

   G. State grant for West Corporate Taxiway was approved by Arkansas Department of Aeronautics for $337,470.71. Total cost is projected at $421,838.

   H. TAC Air has handled a number of military charters bringing troops to train at Fort Chaffee as well as a number of transit military missions.

   I. Airshow planning and preparation continues with airport staff involvement. The show is slated for October 1 - 2.

   J. In August the airport will have the annual table top emergency exercise. Last year the tri-annual exercise was implemented.

   K. Chairman Deramus expressed appreciation to the Commission for the opportunity to serve as chairman.

NEXT COMMISSION MEETING

The next regularly scheduled meeting of the Fort Smith Airport Commission will be Tuesday, August 23, 2011 at 5:30 p.m. in the Fort Smith Regional Airport Conference Room.

ADJOURNMENT

On a motion by Commissioner Nordin and second by Archer the meeting adjourned at 6:45 p.m.

Respectfully submitted,

John Parker
Airport Director

AGENDA ~ Summary

FORT SMITH BOARD OF DIRECTORS
REGULAR MEETING

September 6, 2011 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS
SERVICE CENTER
3205 JENNY LIND ROAD

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

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL
All Present

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING
(Section 2-37 of Ordinance No. 24-10)
Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

APPROVE MINUTES OF THE AUGUST 16, 2011 REGULAR MEETING AND AUGUST 23, 2011 SPECIAL MEETING
Unanimously approved as written.

ITEMS OF BUSINESS:

1. Resolution regarding the City of Fort Smith joining the National Moment of Remembrance of the 10th anniversary of September 11th
   Approved 7 in favor, 0 opposed / Resolution No. R-167-11

2. Ordinance rezoning identified property and amending the zoning map *(from Commercial-Heavy (C-5) to Residential Multi-Family Medium Density (RM-3) by extension located at 3003 Blair Avenue)*
   Approved 7 in favor, 0 opposed / Ordinance No. 68-11

3. Ordinance rezoning identified property and amending the zoning map *(from Residential Multi-Family Medium Density (RM-3) to Commercial-Heavy (C-5) by extension located at 8599 Interstate 540 South)*
Approved 7 in favor, 0 opposed / Ordinance No. 69-11

4. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith
Approved 7 in favor, 0 opposed / Ordinance No. 70-11

5. Ordinance amending Ordinance No. 16-08 and amending the disinterment fee for Oak Cemetery
Approved 7 in favor, 0 opposed / Ordinance No. 71-11

6. Consent Agenda

A. Resolution urging the franchise utility companies to not install overhead utility lines along newly constructed street corridors
Tabled to a future study session for further review.

B. Resolution amending Resolution No. R-159-11 relative to the purchase of water and wastewater chemicals for 2011-2012 *(Annual bid / Utilities Department / Budgeted - Water and Sewer Operating Fund)*
Approved 7 in favor, 0 opposed / Resolution No. R-168-11

C. Resolution authorizing payment to Motorola Inc. for the Radio Communications System Project *($142,455.50 / Police Department / Budgeted – City of Fort Smith, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008; Radio Communication Fund)*
Removed from consideration and deferred to a future meeting.

D. Resolution authorizing payment to RP Solutions, for the Radio System Project *($464,777.00 / Police Department / Budgeted – City of Fort Smith, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008; Radio Communication Fund)*
Revised as follow:
Resolution authorizing the City Administrator to enter into a work agreement with RP Systems for the radio communications system project.
Approved as revised 7 in favor, 0 opposed / Resolution No. R-169-11

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

A. Mayor

B. Directors

C. City Administrator

Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

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)

Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

ADJOURN

6:36 P.M.

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ SEPTEMBER 6, 2011 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Pastor Jeff Jones of Grace Community Church, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, George Catsavis, Pam Weber, Kevin Settle and Philip H. Merry, Jr. The Mayor declared a quorum present.

Mayor Sanders urged all those who wish to address the Board of Directors during the meeting to promptly complete a speakers card and submit to the City Clerk.

With regard to the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side. Two (2) minutes will be allotted for consent agenda items and for those participating in the citizens forum.

The Mayor inquired if any Board member had any item of business to present that was not already on the agenda. The following requests were offered:

- Weber, seconded by Hutchings, requested a presentation regarding the plan for softball fields at Chaffee Crossing be placed on the next study session.

- Merry, seconded by Weber, requested a review of the *Mayor C. Ray Baker Endowment Fund* be placed on the September 13, 2011 study session.

- Tyler, seconded by Weber, requested Fayetteville officials be invited to discuss and present information regarding the Fayetteville Forward development plan and such be placed on the September 22, 2011 study session agenda.

City Administrator Ray Gosack advised the agenda for said study session is full; therefore, suggested the matter be scheduled for a study session in October whereby Directors Tyler and Weber agreed to such.

The minutes of the August 16, 2011 regular meeting and August 23, 2011 special meeting were presented for approval. Settle, seconded by Hutchings, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 was a resolution regarding the City of Fort Smith joining the National Moment of Remembrance of the 10th anniversary of September 11th.

Director Merry merely conveyed support of the proposed resolution.

Hutchings, seconded by Settle, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-167-11.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map *(from Commercial-Heavy (C-5) to Residential Multi-Family Medium Density (RM-3) by extension located at 3003 Blair Avenue).*

Administrator Gosack briefed the Board on the item advising such is per the request of William Collige. The proposed is a corrective rezoning to allow the zoning to accurately reflect how the property has developed, and allow the property to be altered, expanded or sold as a residential property. The Planning Commission held a public hearing on August 9, 2011 with no individual present to speak in opposition. The

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

Good, seconded by Tyler, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 68-11.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map *(from Residential Multi-Family Medium Density (RM-3) to Commercial-Heavy (C-5) by extension located at 8599 Interstate 540 South).*

Administrator Gosack briefed the Board on the item advising such is per the request of Greg Simpson. The purpose of the rezoning request is to allow the property owner to install an outdoor advertising sign. A neighborhood meeting was held on August 2, 2011 with two (2) surrounding property owners in attendance; however, they conveyed no objection to the proposed rezoning. The Planning Commission held a public hearing on August 9, 2011 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of eight (8) in favor, zero (0) opposed and 1 abstention (Griffin).

Director Settle questioned the type of advertising sign proposed and requested clarification that such will not create a traffic issue for those entering Interstate 540.

Director of Development Services Wally Bailey advised the proposed sign will be an electronic billboard and no traffic issues are anticipated as the sign will be located at the end of the on-ramp. Upon approval by the Board of Directors, the applicant must also obtain a permit from the Arkansas State Highway and Transportation Department.

Merry, seconded by Good, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 69-11.

Item No. 4 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith.

Mr. Bailey briefed the Board on the item advising the proposed amendments are merely to correct and clarify language within the existing Unified Development Ordinance. As required by law, three (3) copies of the amendments have been on file in the City Clerk's Office for public review. The Planning Commission reviewed the proposed amendments at their August 3, 2011 study session and August 9, 2011 regular meeting. Local stakeholders, i.e. architects, engineers, developers, etc., were invited to participate in discussion during review by the Planning Commission. Many good suggestions were received and included in the proposed amendment. The Planning Commission approved the amendments by a vote of nine (9) in favor and zero (0) opposed.

Director Catsavis requested confirmation that local stakeholders are aware of the proposed amendments and do not oppose such.

Mr. Bailey reiterated that local stakeholders participated in discussion and review of amendments and confirmed no objections have been conveyed.

Hutchings, seconded by, Weber moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Weber, moved adoption of section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 70-11.

Item No. 5 was an ordinance amending Ordinance No. 16-08 and amending the disinterment fee for Oak Cemetery.

Administrator Gosack advised disinterment is more labor intensive requiring more equipment, manpower, and time to accomplish such. The Oak Cemetery Commission recommends the rate for disinterment be increased from $400.00 to $600.00 to more accurately reflect actual cost of providing said service.

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

ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Merry, seconded by Tyler, moved adoption of section 2 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 71-11.

The Consent Agenda (Item No.6) was introduced for consideration, the items being as follows:

A. Resolution urging the franchise utility companies to not install overhead utility lines along newly constructed street corridors

B. Resolution amending Resolution No. R-159-11 relative to the purchase of water and wastewater chemicals for 2011-2012 *(Annual bid / Utilities Department / Budgeted - Water and Sewer Operating Fund)*

C. Resolution authorizing payment to Motorola Inc. for the Radio Communications System Project *($142,455.50 / Police Department / Budgeted – City of Fort Smith, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008; Radio Communication Fund)*

D. Resolution authorizing the City Administrator to enter into a work agreement with RP Systems for the radio communications system project *($464,777.00 / Police Department / Budgeted – City of Fort Smith, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2008; Radio Communication Fund)*

Administrator Gosack advised Item No. 6C has been removed from consideration and deferred to a future meeting. Item No. 6D has been revised to request approval of an agreement relating to the Public Safety Communications System, rather than authorizing payment.

Regarding Item No. 6A, the following individuals addressed the Board and conveyed concern with a number of issues requiring underground utility lines. Due to such, each requested consideration of the item be tabled to allow further discussion.

- Rob Ratley, manager
  Oklahoma Gas & Electric (OG&E)
  Fort Smith, AR

- Greg Davis, Member Services Manager
  Arkansas Valley Electric Corporative
  Fort Smith, AR

- Rex Terry
  Legal Counsel for Arkansas Valley Electric Corporative
  Fort Smith, AR

Settle, seconded by Tyler, moved to table consideration of Item 6A pending review at a future study session. The members all voting aye, the Mayor declared the motion carried.

Hutchings, seconded by Catsavis, moved adoption of all consent agenda items with the exception of Item 6A and 6C, which were removed from consideration. The motion also included approval of Item 6D as revised. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-168-11 and R-169-11 respectively.

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

- Mayor Sanders

  Re: Advised of the following upcoming activities:

1. September 11th Ceremony, 12:00 Noon, Friday, September 9, 2011, Breedlove Auditorium

2. Program honoring heroes, 9:00 a.m. and 10:45 a.m., Sunday, September 11, 2011, Harvest Time Tabernacle

3. Community-wide Peace Service, 3:00 p.m., Sunday, September 11, 2011, First Methodist Church

4. Arkansas-Oklahoma State Fair, September 23 through October 1, 2011.

5. Fort Smith 2011 Regional Air Show, October 1 and 2, 2011.

- Director Merry

  Re: Encouraged citizens attend a fundraising luncheon to benefit The First Tee of Fort Smith, 11:30 a.m. to 1:00 p.m., September 7, 2011, Hardscrabble Country Club. The event will honor Warren Stephens.

- Director Weber

  Re: Reminded all that September is Hunger Awareness Month. Due to such, she noted Mayor Sanders community can food drive and announced the ferris wheel at The Park at West End will display orange lights to signify hunger awareness.

- Administrator Gosack

  Re:
  1. Reminded the Board of the first meeting of the Animal Services Task Force, 6:00 p.m., Wednesday, September 7, 2011, Fort Smith Police Department Bartlett Community Room.

  2. Reminded the Board of the joint meeting with the Sebastian County Quorum Court, 6:00 p.m., Tuesday, September 13, 2011, Elm Grove Community Center.

  3. Extended congratulations to Police Chief Kevin Lindsey for earning his Masters in Business Administration Degree.

Mayor Sanders opened the Citizens Forum with the following individuals present to address the Board:

- Ed Devero
  Fort Smith, AR

Re: Extended much appreciation to Mayor and Board for their time and dedication to serve the citizens of Fort Smith.

- Liz Armstrong
  Fort Smith, AR

  Re: Continued the reading of a list of various taxes in the State of Arkansas that Ms. Mayo began at the August 16, 2011 regular meeting.

- Elizabeth Mayo
  Fort Smith, AR

  Re: Commented on various issues relative to taxes in the State of Arkansas, information posted on the a relatively new website www.fortsmithtruth.com , businesses leaving Fort Smith and the population.

  Director Catsavis questioned the placement of a football on the podiumm whereby Ms. Mayo commented on the speech given by Coach Vince Lombardi to the Green Bay Packers regarding "getting back to basics".

  Director Hutchings clarified that Coach Lombardi's speech also contained many of the past accomplishments of the Green Bay Packers.

There being no further business to come before the Board, Good moved that the meeting adjourn. The motion was seconded by Tyler and the members all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned at 6:36 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK