

AGENDA

**FORT SMITH BOARD OF DIRECTORS
STUDY SESSION**

November 22, 2011 ~ 12:00 NOON

**FORT SMITH PUBLIC LIBRARY
COMMUNITY ROOM
3201 ROGERS AVENUE**

1. Review revised purchase agreement regarding the property at 800 North 9th Street (former Mallalieu Building) ~ *Discussion deferred for 90 days at August 23, 2011 study session ~*
2. Presentation regarding the Bass Reeves Memorial
3. Review policy for appointments to Boards, Commissions, Committees and Task Forces
4. Review preliminary agenda for the December 1, 2011 regular meeting

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: November 18, 2011
Subject: 800 North 9th - (Mallalieu Building)

Mr. Monte Wilson and Scott Hathaway submitted a proposal to purchase the property at 800 North 9th Street. (*See attached copy of the agreement.*) That proposal was originally submitted on January 22, 2008 and has been extended on five (5) previous occasions. The most recent time extension was approved by the Board of Directors on June 7, 2011 with the passage of Resolution R-97-11.

Following the June 7th meeting the building further deteriorated further and began to collapse. The Board of Directors approved an emergency demolition contract (\$189,816.00) on August 16, 2011 for the purpose of demolishing the building with a clause to save the south facade of the building. The south facade was saved then the Board approved a preservation contract (\$135,000.00) on August 23, 2011.

During our discussions with the Board we suggested purchase agreement should be revised as some conditions of the agreement had either been met or may no longer be relevant. We had planned to have the revised agreement ready for the Board's review and discussion at the November 22, 2011 study session. However, we do not have anything prepared to be reviewed.

I have been communicating with Mr. Hathaway and he has been talking with Mr. Wilson which as you know is now working at a hospital in Louisiana. We have not been able to adequately communicate and address the details of a revised agreement.

Mr. Hathaway and I will be at the study session next week to answer any questions the Board may have regarding this matter.

FORM OF BID PROPOSAL

DATE : January 22, 2008

Proposal submitted by:

Name: Monte Wilson and Scott Hathaway

Address: 1908 Ramsgate Way, 7718 Camelot Circle

City, State, Zip: Fort Smith, AR72903

Telephone: 479-649-9909; 479 452-6044

E-Mail:

TO: The City of Fort Smith

In compliance with your Invitation to Bid, the undersigned hereby proposes to purchase the property at 800 North 9th Street for the following amount:

Bid Amount:

One Dollar (\$1.00) (with conditions listed in Exhibit A).

(Bid amount shall be shown in both written form and figures. In case of discrepancy between the written amount and the figures, the written amount shall govern.)

Stabilization and Renovation Plan Acknowledgement:

I, Scott Hathaway, Monte Wilson, acknowledge that a Stabilization and Renovation Plan with the information detailed in the Instruction to Bidders is included with my Bid Proposal.

The undersigned hereby declares that he will carry out the stabilization and renovation of 800 North 8th Street as required by the Instructions to Bidders.

The owner reserves the right to reject any or all bids and to waive formalities.

Bids shall remain valid for thirty (30) days after bid opening.

By: Scott Hathaway Monte Wilson

Address

EXHIBIT A

The City of Fort Smith will retain ownership of the building until the following events or commitments occur:

1. Bids are obtained for the renovation of the building to determine actual construction costs;
2. The Howard Foundation, a 501(c)(3) not-for-profit corporation, has received its tax exempt status;
3. The Fund Raising Campaign has been successfully completed achieving its goal to fund the project;
4. The City of Fort Smith will commit to contributing \$189,816.00 to the renovation project when the Fund Raising Campaign has reached its targeted goal;
5. The City of Fort Smith will designate the funds currently in the Mallalieu Renovation Fund in the amount of \$29,000 to the Capital Campaign for marketing purposes.

OTHER ITEMS:

1. A formal capital campaign plan will be developed and submitted to the City Administrator by March 31, 2008.
2. It is acknowledged by the City of Fort Smith that failure to raise the necessary funds by July 31, 2008 will result in the withdrawal of this proposal.

PROPOSALS FOR PURCHASE, STABILIZATION and
RENOVATION
for MALLALIEU CHURCH,
FORT SMITH, ARKANSAS

EXISTING CONDITION:

The existing structure has suffered through two decades of neglect and shows signs of severe deterioration. The exterior load bearing masonry walls do not show as much deterioration as the interior structure but do have areas of mortar loss and signs of deterioration due to vegetation growth through the masonry.

STABILIZATION and RENOVATION PROCESS:

Mr. Bill Hathaway of Hathaway Engineering, Inc. has agreed to be part of the team of professionals that will be involved in the rehabilitation of the building. Mr. Hathaway has 40 plus years of experience in structural engineering including experience evaluating old structure and providing solutions to rehab historic structures. Some of his past experience includes the complete rehabilitation of the King Opera House in historic downtown Van Buren and several buildings in Eureka Springs. Mr. Hathaway was also asked by the City of Fort Smith to evaluate several buildings along Garrison Avenue for structural integrity following the 1996 tornado that struck Fort Smith and Van Buren.

The stabilization of the existing structure will be linked to the renovation of the building for its proposed use and will occur at the same time. It is not our desire to "phase" the construction process where the building remains unoccupied between the stabilization phase and the renovation phase. Due to the condition of the existing interior structure once work begins it will not stop until the building is completed.

Although the exact process and sequence of work has not yet been determined, it will most likely be similar to the process as described in the letter submitted by Mr. Michael Johnson of Architecture Plus, Inc. in September of 2007: The exterior roof and interior structure will be removed and a new structure will be built inside the existing load-bearing masonry walls. The exact means and methods of the renovation and construction will be determined with the consultation with the structural engineer, the architect of record and the building contractor.

It is anticipated that, provided the necessary funds are obtained by June 30, 2008, demolition will start immediately after that date and be completed by October 1, 2008. Work would then begin immediately to renovate the building with completion being in June of 2009. All work will comply with all applicable local, state, and federal regulations.

DETAILED INFORMATION ON HOW THE PROJECT WILL BE FINANCED:

The project will be financed through the following:

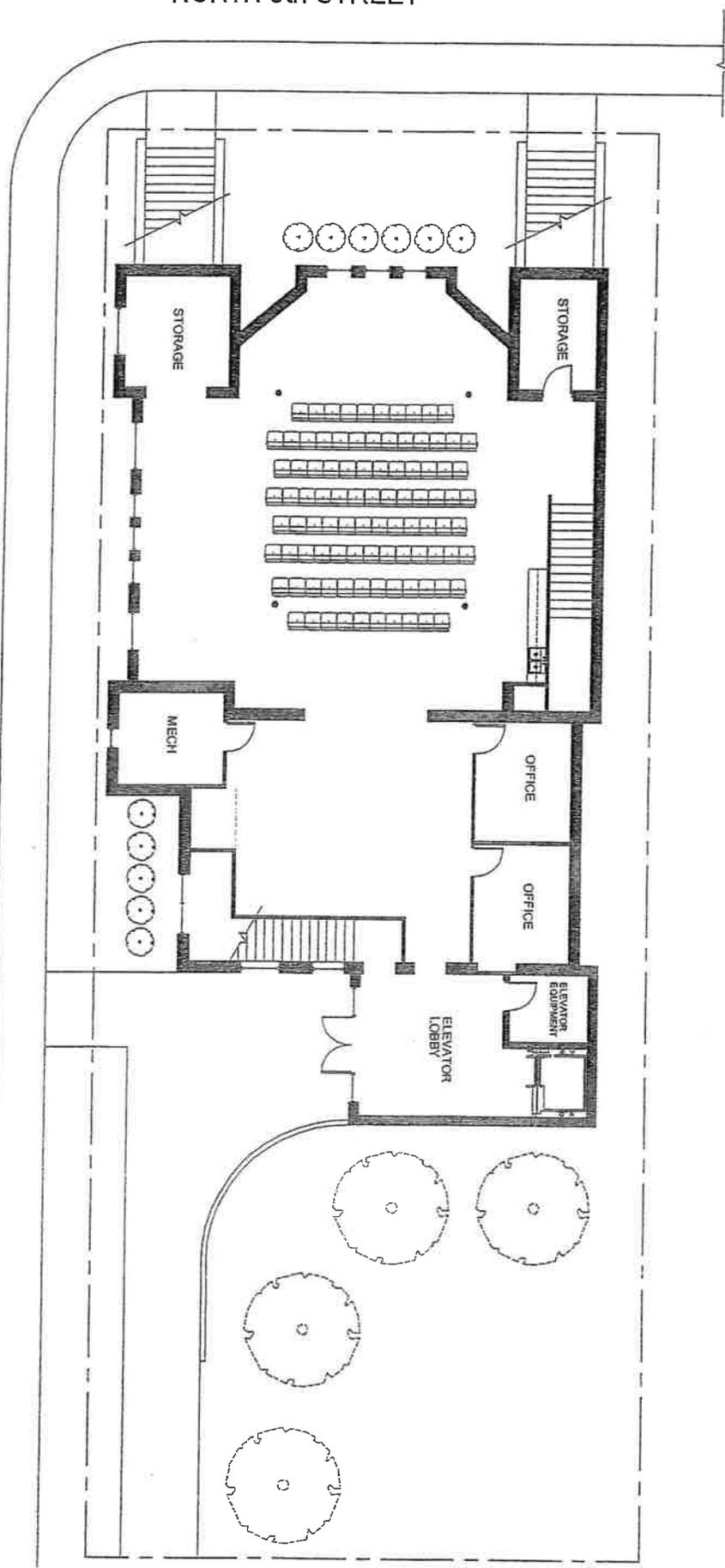
1. Private and corporate donations, in-kind gifts, planned giving, foundations, and philanthropists.

EXPLANATION OF THE PROPOSED USE FOR THE BUILDING:

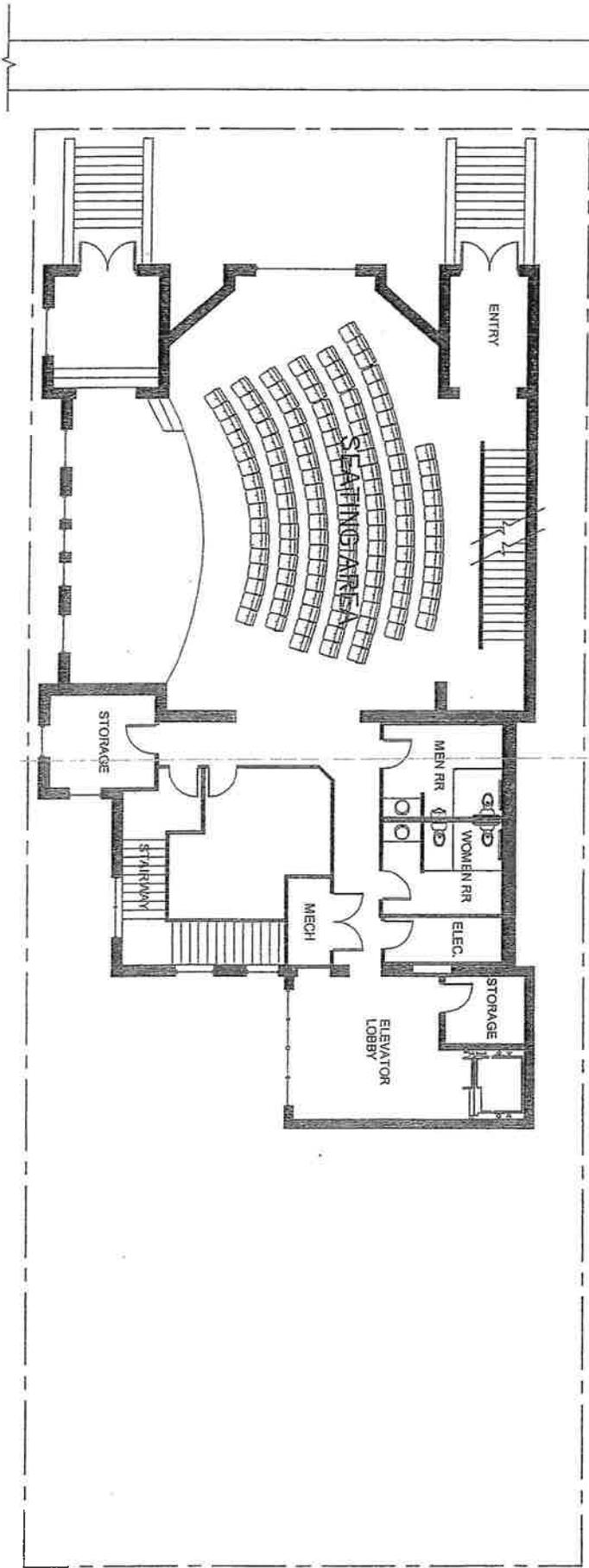
Creating a community of youth and adults that gives opportunities to the youth to develop their talents and gifts, through collaboration with local schools, local universities, by offering project based arts and science programs, community mentoring, leadership development activities, media advocacy projects, academic counseling and advancement, character development seminars and events that strengthen the family .

NORTH 9th STREET

NORTH "H" STREET



Proposed Lower Level Plan Malalieu Church Renovation Fort Smith, Arkansas



Proposed Upper Level Plan
Malalieu Church Renovation
Fort Smith, Arkansas

Memo



To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 11/17/2011
Re: Bass Reeves Memorial

The Bass Reeves Legacy Monument organization has asked to make a presentation concerning the status of the statue to be erected at Pendergraft Park. Jim Spears will be on hand at the Board's November 22 Study Session to provide information and answer any questions the Board may have as to the layout of the site, the current status of the creation of the statue, and the timeline for events leading up to the statue's dedication.

Additional information is attached. Please contact me if you have questions regarding this agenda item.



The Monument

The Bass Reeves Legacy Monument will bridge the past with the present, connecting Reeves remarkable accomplishments with leaders of future generations, and providing tangible recognition of Fort Smith's lasting relationship with the U.S. Marshals Service - the nation's oldest law enforcement agency.

The memory of Bass Reeves will continue to fortify the history of Fort Smith as his monument stands in Ross Pendergraft Park to greet both residents and visitors.

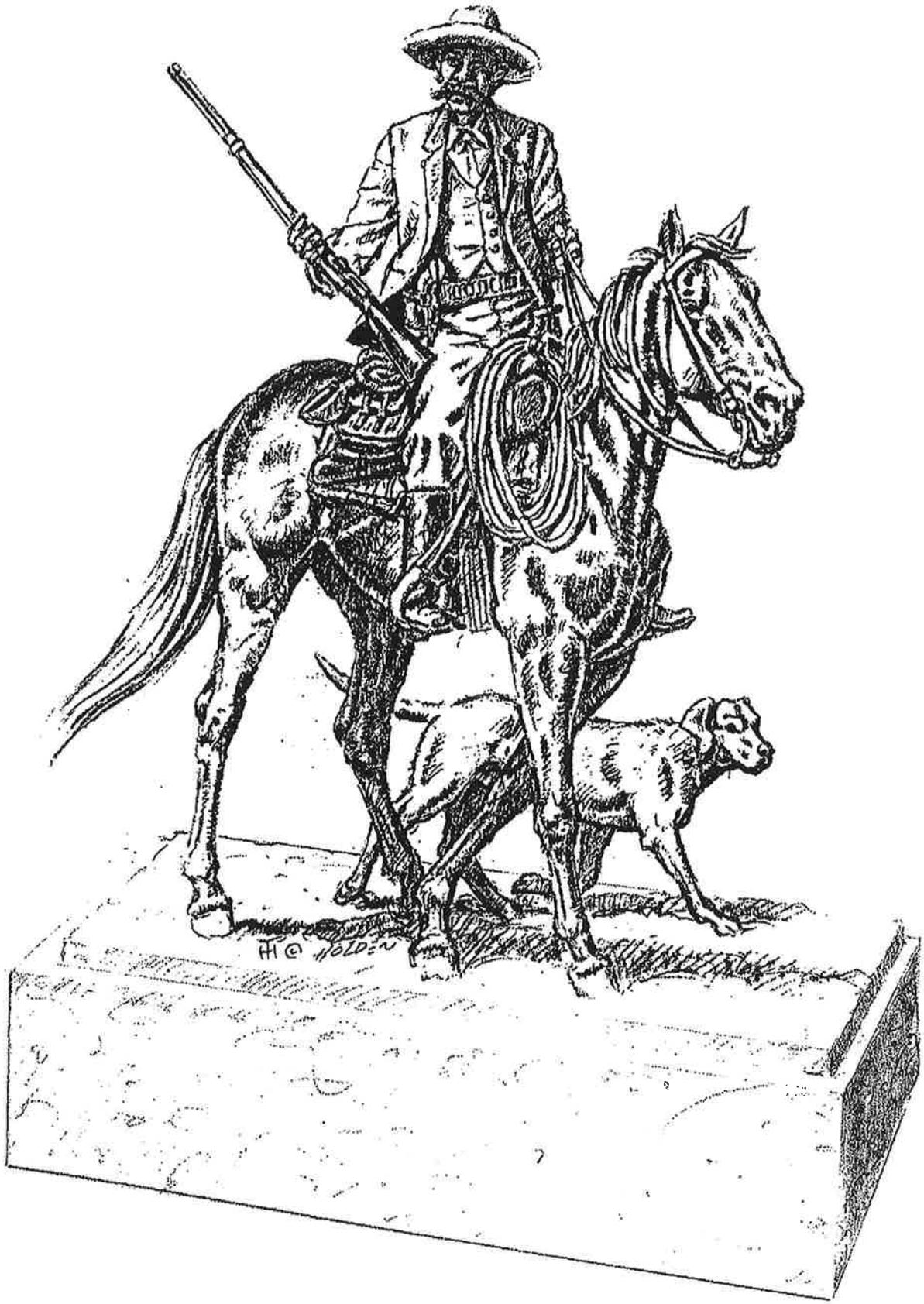
While the monument is the first priority for the Bass Reeves Legacy Initiative, the organization plans to continue its work once the monument is complete. The Legacy Initiative's purpose is to share the Bass Reeves story, to promote leadership among school children, and to celebrate the courage of an African-American slave who overcame overwhelming odds to become one of his generation's most successful lawmen.

NBA Hall of Famer Kareem Abdul-Jabbar, in his book "Black Profiles In Courage", says Bass Reeves is one of his favorite characters because Reeves repeatedly demonstrated honor and integrity in his actions. Academy Award-winning actor Morgan Freeman says his career will be fulfilled only when he can portray Bass Reeves in a full-length feature.

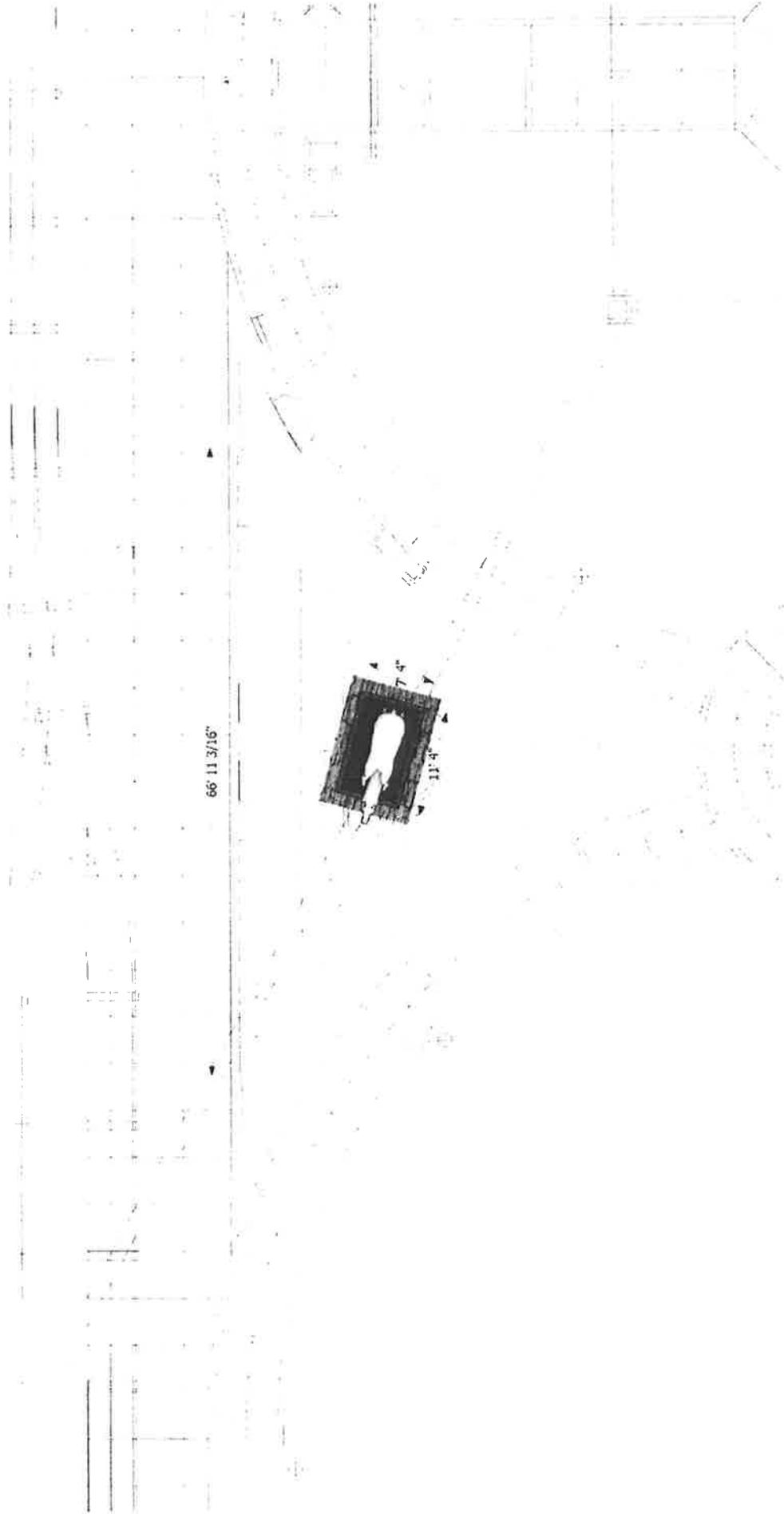
Description

- Statue will stand an estimated 25ft. tall, including base (Lifesize +1/4)
- Build material will be bronze including a steel reinforced concrete / brick Plinth.

Local artist Harold Holden will sculpt the statue to life size +1/4. The monument will then go to the foundry for melding work. Once complete it will be transported via flat bed trailer to Ross Pendergraft Park for installation. The statue will be hoisted by crane under the direction of Holden and secured in place at the West End of Garrison Avenue at the Pendergraft Park in Downtown Fort Smith, AR



Garrison Avenue



MEMORANDUM

November 17, 2011

TO: Mayor and Board of Directors

FROM: Ray Gosack, City Administrator

SUBJECT: Appointments to Boards, Commissions,
Committees and Task Forces

You've asked for a policy discussion regarding the appointment of citizens to boards, commissions, committees, and task forces. Of particular interest is whether or not non-residents should be considered for appointment. Below is a discussion of the current policy and various options for the board's consideration.

CURRENT POLICY

In 2008, the board adopted a policy regarding appointments. That resolution is attached. In summary, the policy provides that:

- ▶ Generally, a citizen will be appointed to no more than one board, commission or committee. A few exceptions are permitted. This was done to provide opportunity for the greatest number of citizens to serve.
- ▶ An applicant for appointment must submit a current application (no older than 1 year) in order to be considered.

The policy doesn't address the eligibility of non-residents. The board has occasionally appointed non-residents to task forces in the past, but there's never been a clear policy statement about non-residents' eligibility for appointment.

OPTIONS

Options regarding appointment of non-residents to boards, commissions, committees, and task forces which the board may wish to consider include:

- Appoint only citizens of Fort Smith who are registered voters to **permanent** boards, commissions and committees. In some cases, state law requires that these appointments be citizens of Fort Smith. In other cases, such as the A & P Commission, non-residents may be appointed.

Analysis: This option limits participation on regular boards, commissions and committees to Fort Smith citizens. This may be desirable since many of these panels recommend ordinances and influence city services (e.g., parks commission, library board, transit commission, parking authority, airport commission, community development advisory committee), and apply state and local laws (e.g., planning commission, building code boards, historic district commission, port authority) to city services and operations. Perhaps the power to apply laws should be limited to citizens of the city.

- Appoint only citizens of Fort Smith who are registered voters to task forces, ad hoc committees, or similar panels.

Analysis: This option limits participation on task forces, etc. to citizens of Fort Smith and excludes non-residents. It results in only city residents participating in task force work. Non-residents who might be affected by the task force's work wouldn't be included.

- Accept applications from non-residents for task forces, ad hoc committees, or similar panels. Criteria for considering non-residents could include:

- The panel is dealing with an issue or service that is regional.
- The non-residents represent Fort Smith business interests that are affected by the work of the

panel.

- Non-residents may offer a particular expertise not otherwise available.
- Non-residents shall comprise no more than ___% of the membership of the panel.
- The board of directors determines in the resolution creating the panel to accept applications from non-residents.

Analysis: This option allows non-residents to participate on task forces, etc. This may be beneficial where the task force's subject affects people outside of Fort Smith; or when it affects Fort Smith businesses whose owners or top management don't live in Fort Smith. It also gives flexibility to utilize outside expertise or perspectives that wouldn't otherwise be allowed to participate.

Following the board's policy discussion on appointments, the staff will prepare an amendment to the 2008 resolution which incorporates the board's directions. Please contact me if there's any questions or a need for more information.

Attachment

RESOLUTION NO. R-61-08

**A RESOLUTION ESTABLISHING A POLICY
REGARDING APPOINTMENTS TO
BOARDS, COMMISSIONS AND COMMITTEES**

WHEREAS, the City of Fort Smith has approximately 30 boards, commissions and committees comprised of more than 200 citizen volunteers who provide important guidance and decision-making; and

WHEREAS, maximum citizen involvement is fundamental to the success of each of these boards, commissions and committees; and

WHEREAS, the Mayor and Board of Directors desire to provide opportunity for the greatest number of citizens possible to participate on these boards, commissions and committees;

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

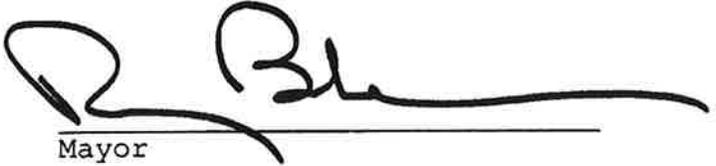
SECTION 1: The general policy regarding appointments to boards, commissions and committees is that a citizen will serve on only one board, commission or committee at a time. The Mayor and Board of Directors will generally not appoint a person to serve on more than one board, commission or committee at a time. Exceptions may be considered where one of the appointments is to a board, commission or committee which has special or unique qualifications for membership, thereby limiting the number of qualified applicants; or where there may be a short period of overlap in terms.

*Approved by Council
JSL*

*No publication
required*

SECTION 2: Prior to being considered for appointment to a board, commission or committee, a citizen shall have submitted a current application within the last 12 months. Applicants whose applications are older than 12 months will not be considered for appointment.

This Resolution passed this 15th day of April, 2008.

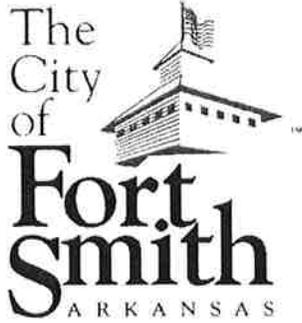


Mayor

ATTEST:



City Clerk



MEMORANDUM

November 18, 2011

TO: Ray Gosack, City Administrator

FROM : Kara Bushkuhl, Director of Finance 

SUBJECT: Budget Review Session Reminder

This is a reminder that there will be an additional budget review session:

Tuesday, November 22nd
6:00 p.m. (Dinner will be available at 5:30)
Community Room at the Police Department

Should you have any questions, please don't hesitate to contact me.

AGENDA ~ *Summary*

FORT SMITH BOARD OF DIRECTORS STUDY SESSION

November 22, 2011 ~ 12:00 NOON

FORT SMITH PUBLIC LIBRARY COMMUNITY ROOM 3201 ROGERS AVENUE

1. Review revised purchase agreement regarding the property at 800 North 9th Street (former Mallalieu Building) ~ *Discussion deferred for 90 days at August 23, 2011 study session ~*
Administrator Gosack requested the matter be deferred to a later date as the subject issue is not ready for review. The major concern was demolition of the structure, which has been accomplished; therefore, the Board concurred to address the matter when applicable.
2. Presentation regarding the Bass Reeves Memorial
Presentation by Jim Spears. A resolution to formally accept the proposed location and layout of the memorial was placed on a "future agenda".
3. Review policy for appointments to Boards, Commissions, Committees and Task Forces
Resolution placed on the December 6, 2011 regular meeting agenda.
4. Review preliminary agenda for the December 4 6, 2011 regular meeting