Mayor – Sandy Sanders

Acting City Administrator – Jeff Dingman

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau
Ward 2 – Andre' Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Tracy Pennartz
At Large Position 6 – Kevin Settle
At Large Position 7 – Don Hutchings

AGENDA

Fort Smith Board of Directors
REGULAR MEETING
May 3, 2016 ~ 6:00 p.m.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214 AND ONLINE AT http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings

INVOCATION & PLEDGE OF ALLEGIANCE

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 APRIL 19, 2016 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentation: Darby Legacy Project Update

2. Public hearing and resolution approving the Five-Year Consolidated Plan for Program Years 2016-2020 for the City of Fort Smith, Arkansas and authorizing its submission to the United States Department of Housing and Urban Development ♦

3. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 8501 McClure Drive)*

4. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: from Residential Attached to Office, Research & Light Industrial / Rezoning: from Commercial Heavy (C-5) to Industrial Light (I-1) by extension located at 7423 Highway 271)*

5. Consent Agenda

A. Resolution to accept the bid and authorize a contract for the 2016 Street Striping Replacement, Project No. 16-85-A *($85,124.45 / Engineering Department / Budgeted – Sales Tax Program Fund)*

B. Resolution approving Pay Estimate 8 Pre-Final with reference to West River Front Trial Project and authorizing City Administrator to secure the completion of the subject project *($75,521.33 / Parks Department / Budgeted – 1/8% Sales and Use Tax)*

C. Ordinance authorizing a seven month extension on an existing contract for service between the City of Fort Smith, Arkansas, and Bair Analytics, a LexisNexis Company, to provide crime analysts, technical personnel, analytical software and services for crime analyses for the city of Fort Smith through the Fort Smith Police Department *($40,833.31 / Police Department / Budgeted – Support Services 4702-108)*

D. Resolution authorizing execution of a joint use agreement with Arkansas and Missouri Railroad Company regarding Jenny Lind Road and Ingersoll Avenue Widening Project, AHTD Job 040471, City of Fort Smith Project No. 07-01A *($14,840.00 / Engineering Department / Budgeted – Sales Tax Program Fund)*

OFFICIALS FORUM ~ presentation of information requiring no official action

(Section 2-36 of Ordinance No. 24-10)

- Mayor
- Directors
- City Administrator

ADJOURN

2

RESOLUTION NO. _____

A RESOLUTION APPROVING THE FIVE-YEAR CONSOLIDATED PLAN FOR PROGRAM YEARS 2016-2020 FOR THE CITY OF FORT SMITH, ARKANSAS AND AUTHORIZING ITS SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

SECTION 1: The Five Year Consolidated Plan for Program Years 2016-2020 for the City of Fort Smith, Arkansas is hereby approved.

SECTION 2: The Acting City Administrator or his authorized agent is hereby authorized to submit the Five-Year Consolidated Plan to the Little Rock Office of the Department of Housing and Urban Development.

This Resolution adopted this 3rd day of May, 2016.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY CLERK

Approved as to form:

_____

No Publication Required

Memo

To: Jeff Dingman, Acting City Administrator

From: Matt Jennings, Director of Community Development

CC: Wally Bailey, Director of Development Services

Date: April 30, 2016

Re: Five Year Consolidated Plan for Program Years 2016-2020

As you are aware, the Board of Directors reviewed the Program Year 2016 Annual Action Plan in study session on March 8th and approved the document on March 15th. At the study session the staff requested that the Board consider the Five Year Consolidated Plan approval for adoption at the May 3rd meeting. The Board of Directors added the Five Year Plan to this voting session.

CONSOLIDATED PLAN REQUIREMENT

Each entitlement city that receives funding from the Department of Housing and Urban Development is required to prepare a Consolidated Plan, with input from citizens, which defines the goal, objectives and strategies and performance measures. The plan describes how these CDBG and HOME funds granted to the city will be spent over the next five year period. CDBG and HOME are operated on a July 1 – June 30 program year. The final document of the subject plan is attached for review.

PLAN ELEMENTS

The plan describes the consolidated plan development process, the demographic and economic profile, the housing market analysis, the housing and homeless needs assessment, the community development needs assessment and finally the strategic plan for the next five years. Performance measures are also included with each goal.

EXECUTIVE SUMMARY

The Executive Summary (pages 1—7) provides a description of how the CDBG and HOME funding will be spent over the next five program years for affordable housing, homelessness, special needs, non-housing community development, an anti-poverty strategy and coordination with other housing and community development agencies and organizations. There are no changes in the category allocation percentages from the previous five year plan as it relates to CDBG funding. The percentages to meet the goals over the next five program years for CDBG and HOME is shown in the tables on page 2.

CITIZEN PARTICIPATION OUTREACH

The consolidated plan is a result of three public hearings and 212 surveys completed by citizens as well as agencies that traditionally provide services to low income families and individuals. A 30 day review and comment period for the consolidated plan expires on April 30, 2016 at 5:00 p.m. As of the date of this memo, no comments have been received. I will advise the Board if any comments are received by the deadline at the meeting. The plan is posted on the city web page and is available in hard copy at the city planning / community development office, city clerk' office, the main library and library branches.

The first public meeting to receive public input was held on December 7, 2015; announcements for the online survey and paper copies of the survey began December 13, 2015 with a reply deadline of January 15, 2016 surveys. As previously mentioned 212 surveys were received which is more than the 152 received in the previous plan. The full description of the citizen participation outreach is on pages 16 - 17 of the plan. A public review presentation and second public hearing was held on April 12, 2016 and the final public hearing will be before the board on May 3, 2016 will be the third one.

		Community Development Block Grant	
Category 1	***Homelessness***	15% - Consolidated Plan	
Category 2	***Public Service***	15% Max. - Fed. Regulation	
Category 3	***Community Development***	47.5% - Consolidated Plan	
		FS Housing Assistance	*80% of 47.5% - Consolidated Plan*
		Other CD Activities	*20% of 47.5% - Consolidated Plan*
	Administration	20% Max. - Fed. Regulation	
	Contingency	2.5% (for rehabilitation projects)	
	TOTAL	100%	

	HOME Program	
Category 4	**Community Housing Development Organization (CHDO) Reserve**	15% Min. - Fed. Regulation
Category 4	**Affordable Housing**	75% - Consolidated Plan
	Administration	10% Max. - Fed. Regulation
	TOTAL	100%

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE RECOMENDATION

The Community Development Advisory Committee reviewed the document, gathered information and asked questions regarding the plan and then voted to recommend approval to the Board of Directors with staff corrections (which were primarily typographical errors). CDAC members in attendance were Genia Smith, Chairperson, George Willis, Vice-Chairperson, Kerri Norman, Cinda Rusin and Nichelle Christian. Trish Richardson was absent and Fran Hall resigned on April 12, 2016

CITY'S COMPREHENSIVE PLAN

The strategies and goals meet most of the following goals and policies from the Comprehensive Plan:

- HN 3.1.1 – Work closely with appropriate agencies or entities involved in regional housing initiatives.
- HN 3.3.1 – Explore public/private partnerships and financial incentives that could be made available to support the efforts of housing developers.
- HN 1.6 – Improve public participation in the revitalization process of Fort Smith neighborhoods.

- HN 2.2.1 – Support the renovation and revitalization of existing housing and promote infill development of vacant land within the corporate limits.
- ED 7.2 – Ensure that a broad range of housing alternatives are available for employers and employees.

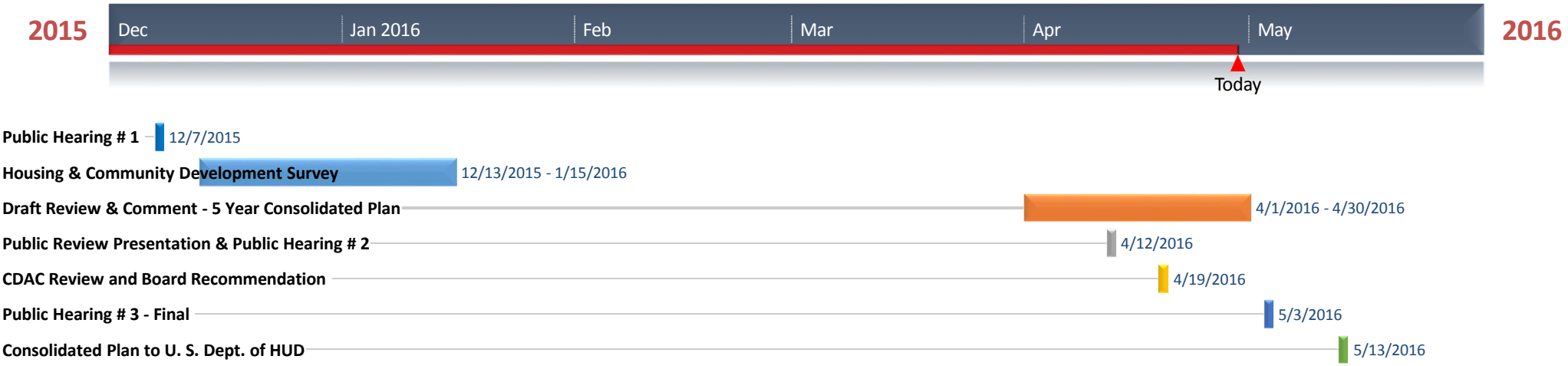
FINAL PUBLIC HEARING AND RESOLUTION

A public hearing is scheduled with the Board agenda item. Following the public hearing the Board of Directors will consider a resolution which would approve the plan and authorize its submission to the U. S. Department of Housing and Urban Development.

Gina Smith, CDAC Chair, Mr. James Gilleylen of JQUAD Planning Group, LLC, consultant, and I will be available should there be any questions about the plan.

Should you have any questions, comments or need additional information, please let me know.

Citizen Participation Outreach
Five Year Consolidated Plan PY 2016-2020
City of Fort Smith
April 29, 2016



City of Fort Smith

Memo 1

To: Jeff Dingman, Acting City Administrator

From: Genia Smith, Chairperson of the Community Development Advisory Committee

CC: Wally Bailey, Director of Development Services and Matt Jennings, Director of Community Development

Date: 3/3/2016

Re: Recommendations for Year 42 CDBG and Year 23 HOME Investment Partnership Programs *(Community Development Department Budget for Program Year 2016: July 1, 2016 - June 30, 2017)*

As you may recall, in July 2015 a Board Information Item went out to explain the Five Year Consolidated Plan (Consolidated Plan) and the Analysis of Impediments to Fair Housing Choice processes. Because we were delayed waiting for a Final Rule for Fair Housing, we were requested by HUD officials to delay the start of these processes. With the compressed time to prepare and adopt the Consolidated Plan, the consultant recommended that we use the 2015 Goals, Objectives and Strategies. The results of the delay are discussed within this memo and its effect on annual projects and plan approvals.

Five Year Consolidated Plan 2016-2020 Process / Analysis of Impediments to Fair Housing Choice

Each entitlement city that receives funding from the Department of Housing and Urban Development is required to prepare a Consolidated Plan which defines the goals, objectives and strategies and performance measures with input from our citizens. The plan describes how these CDBG and HOME funds granted to the city will be expended over the next five year period. CDBG and HOME are operated on a July 1 – June 30 program year.

The plan describes the consolidated plan development process, the demographic and economic profile, the housing market analysis, the housing and homeless needs assessment, the community development needs assessment and finally, the strategic plan.

Although a consortium of Arkansas cities were ready to begin the process in April 2015, the Little Rock HUD Field Office Fair Housing / Equal Opportunity staff requested that the cities not move forward until the Final Rule for the Assessment of Fair Housing was issued, which occurred on July 8, 2015. In an ideal cycle, the analysis or assessment should be completed before the Five Year Consolidated Plan in order to program activities to address the impediments. In the past, the city staff has had the Five Year Plan document adopted in November before the start of the funding cycle and then take applications.

The contracts for these services were both performed (through an RFP process) by JQUAD Planning Group LLC from Addison, Texas. The Fair Housing agreement was executed by several Arkansas cities on July 28, 2015. Fort Smith's cost for this service was $14,625.00 (the cost in 2010 was $20,358.28). The October 8, 2015, agreement for the Five Year Consolidated Plan for 2016-2020 is $25,050.00 (the cost in 2010 was $31,987.24). These costs are paid from the CDBG and HOME programs federal administrative funds.

The CDAC and city staff will be requesting the Board to consider approval of the Consolidated Plan and the selected projects after a 30 day citizen review and comment period at the May 3, 2016 Regular Board Session.

Annual Action Plan for Program Year 2016

The Community Development Advisory Committee (CDAC) held three public hearings on February 25, 2016, to review funding requests for Community Development Block Grant (CDBG) and HOME Investment Partnership Act Program funds from the agencies and citizens. At the close of the final public hearing, the CDAC members met to consider funding recommendations to the Fort Smith Board of Directors. The committee reviewed all outside agency applications for CDBG and HOME funds in the requested amount of $602,348. Since the Five Year Consolidated Plan for 2016 – 2020 is currently being prepared, the consultant advised that city staff to use the same Goals, Objectives and Strategies from Program Year 2015. The CDAC and city staff are requesting that the Board of Directors approve the projects so they can be placed in the "Draft" of the Five Year Consolidated Plan for a 30-day citizen review and comment period. Once the review and comment period ends, we will request that the Board of Directors consider approval of the Five Year Consolidated Plan for 2016-2020 at the May 3, 2016, Regular Board Session.

The following table reflects those priorities as they relate to the Program Year 2016 allocations:

CDBG AND HOME FUNDS			
CATEGORY	***YEAR 42 CDBG***	***YEAR 23 HOME***	***TOTALS***
Homelessness	$115,185		$115,185
Public Service	$115,184		$115,184
Community Development	$364,751		$364,751
HOME/CHDO		$277,485	$277,485
Administration	$153,575	$30,830	$184,405
Unprogrammed	$19,202		$19,202
Homeless Unprogrammed	$57,817*		$57,817
Totals	$825,714	$308,315	$1,134,029

**CDBG Year 41 Funds*

ZoomGrants™

This was the first funding cycle year that an online grants program called ZoomGrants was used to file applications for funding. The CDAC was also allowed access to all the documentation within a week of the deadline to review applications and to begin the scoring process. Use of the ZoomGrants program is estimated to save $26,208.00 annually. The annual fee for the service is $4,500 which leaves an estimated total net savings per year of $21,528. This program is now used by many CDBG entitlement communities across the country. Not only does it take CDAC through the funding process but also allows city staff to prepare the agency agreements online with digital signatures, submit agency pay requests, monitor projects and report the number of low income clients served. All data is still owned by the City of Fort Smith.

Project Recommendations

The CDBG and HOME funding recommendations follow this memo. Also enclosed is a map with a letter assigned to each application in alphabetical order with applicant information and recommended funding, scoring report and the substantial part of the applications.

The task of making recommendations to the Board of Directors was more streamlined due to the online scoring changes made in this funding cycle along with the ability for each member to enter "trial decisions" and amounts.

This year 17 applications were filed, which is one less than last year's funding cycle. The committee and city staff listened to application proposals during the three public hearings held on February 25th. Upon closing the public hearing at 5:30 p.m., the committee members deliberated and reached a consensus on the submitted funding requests and formulated recommendations to the Fort Smith Board of Directors.

Homeless Category

This category received two applications. The Fort Smith Children's Emergency Shelter submitted two projects: 1) a request for security fencing at the Children's Emergency Shelter, Independent Living Apartments which was recommended for full funding of $61,193; and 2) a recommended full funding in the amount of $23,670 to re-roof the structures. The first project is being funded with the $57,817 in CDBG Year 41 funds, which were placed in the unprogrammed category for use this year. However, fully funding these two projects will leave $88,139 in Homeless unprogrammed to rollover to next year's funding cycle. Both projects were matched by the minimum 10% of agency funds (or other sources).

Public Service Category

The public service category received eleven applications, which is one more than last year's funding cycle. The total amount requested this year was $167,000 compared to 2015's amount of $154,385. We believe the increased funding requests are due to agencies' other funding sources becoming scarce. Federal regulations require the City to use no more than 15% of the entire CDBG allocation for the public service category which is $115,184.

Community Development Category

The community development category received two applications this year compared to four last year. The Gateway House project, which will provide for a security gate and limited access project rated the highest in the category and was recommended for full funding. The next project is the CSCDC, Inc. which proposes to acquire three (3) vacant lots to construct new affordable single family homes with HOME funds and presold to income qualified homebuyers. CDAC was able to fund the CSCDC project almost fully with the exception of a $50 deduction to stay within the budgeted amount.

HOME Investment Partnership Act / Community Development Housing Organization (CHDO)

Currently, there is only one agency that applied in this category. Crawford-Sebastian Community Development Council, Inc., submitted one sub-recipient application for downpayment assistance and as a Community Development Housing Organization (CHDO) the second application to construct new affordable homes or to acquire / rehabilitate and resale existing single family homes. The CSCDC CHDO continues its partnership with the Fort Smith Housing Authority to undertake the affordable housing projects.

CDAC Recommendations

The table on page five lists all funding *recommendations* by the CDAC with the pre-programmed City's Housing Assistance Program, administrative costs and un-programmed funds. We are pleased to report that all agencies submitting applications for funding were on time and complete, and we extend our thanks for their hard work in the new online system. All projects were matched by at least the minimum required by the CDBG and HOME programs (10% and 15% respectively).

Program income continues to be generated by the city's housing assistance program, the nonprofit partners, and the FSHA which continues to be reused for affordable housing and housing assistance projects. The expenditure of City program income is reported annually in the Consolidated Annual Performance and Evaluation Report (CAPER) which is online at the city's website and provided to the Board of Directors once the report is accepted by the Department of HUD.

The Analysis of Impediments to Fair Housing Choice 2016 is now online within the Community Development Department's document page. Attached to this memo behind all documents, is the Executive Summary and the Impediments identified. The city staff requested that CDAC make a recommendation to allow for 15% of the program income received per year to be used towards addressing the 15 recommended remedial action items listed. This amount fluctuates depending on the amount of funds returned to the CDBG program. It is estimated that on an average year this amount would be in the range of $4,000 - $6,000. The staff will be working on a plan to address these over the next five years. The CDAC recommends approval to the Board of Directors.

If the money is not used by the end of the program year in which it was earned, the fund balance would roll over into the Housing Assistance program. Some uses include cost sharing with the mortgage lenders, realtors and landlords association to bring in Fair Housing speakers plus financial literacy classes, etc. All actions will be reported in the CAPER.

In summary, we request the Board of Directors to approve the 2016 projects and the use of 15% of program income annually to assist with remediating the identified Fair Housing Impediments.

I will be in attendance at the March 8th study session for questions and, subject to Board placement, at the Board of Directors voting session on March 15th.

CDAC Members

Genia Smith - Chairperson
George Willis - Vice Chairperson
Kerri Norman
Fran Hall – *unable to attend due to health issues*
Cinda Rusin
Nichelle Christian
Trish Richardson – *unable to attend due to death in the family*

Some of the projects meet the following goals and policies from the Comprehensive Plan:

- HN 3.1.1 – Work closely with appropriate agencies or entities involved in regional housing initiatives.
- HN 3.3.1 – Explore public/private partnerships and financial incentives that could be made available to support the efforts of housing developers.
- HN 1.6 – Improve public participation in the revitalization process of Fort Smith neighborhoods.
- HN 2.2.1 – Support the renovation and revitalization of existing housing and promote infill development of vacant land within the corporate limits.
- ED 7.2 – Ensure that a broad range of housing alternatives are available for employers and employees.

Attachment 1–HUD Arkansas Funding Amounts, PY 2016 CDBG Funds by Category & PY 2016 HOME Funds by Category
Attachment 2–CDBG & HOME Summary of Funding Requests
Attachment 3–Geographic Agency Location with recommended funding amount
Attachment 4–Scoring Report
Attachment 5-Applications – A to Q
AI to Fair Housing Choice Executive Summary and Impediments

CDBG and HOME Program Year 2016 CDAC Recommendations

Application Identifier	Agency	CDBG Year 41	CDBG Year 42
16-A-PS	Community Dental Clinic – CSCDC – Dental Fees		$16,149
16-C	CSCDC – Residential Lot Acquisition		$54,950
16-E-PS	Crisis Intervention Center - Case Mgmt.		$12,500
16-F-PS	Fort Smith Boys & Girls Clubs – Membership Fees		$4,620
16-G	Fort Smith Children's Emergency Shelter – Fence	$57,817	$3,376
16-H	Fort Smith Children's Emergency Shelter – Roof		$23,670
16-I-PS	Fountain of Youth Adult Day Care – Day Care Fees		$7,500
16-J-PS	Girls Inc. of Fort Smith – Program Fees		$7,350
16-K-PS	Good Samaritan Clinic – Medical Fees		$15,117
16-L-PS	Gregory Kistler Center – Therapy Services		$9,825
16-M	Harbor House / Gateway – Bedroom Furniture		$9,472
16-N-PS	Harbor House / Gateway – Security Gate/Camera		$18,000
16-O-PS	Next Step Day Room – Case Mgmt.		$16,149
16-P-PS	WestArk RSVP - Medicare Application Assist.		$9,000
16-Q-PS	WestArk RSVP - Tax preparation		$7,502
	Homeless Unprogrammed		$88,139
	Fort Smith Housing Assistance		$231,801
	FS Housing Rehab. Administration		$60,000
	Fort Smith - Administration		$153,575
	Unprogrammed		$19,202
	Totals	**$57,817**	**$767,897**
Application Identifier	**Agency**		**HOME Year 23**
16-B	CSCDC – Downpayment Assistance		$75,000
16-D	CSCDC – Housing Construction		$202,485
	Fort Smith – Administration		$30,830
	Totals		**$308,315**

2016-2020 Consolidated Plan
For Housing and Community Development
City of Fort Smith, Arkansas

EQUAL HOUSING OPPORTUNITY

May 1, 2016

2016-2020 FIVE YEAR CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT CITY OF FORT SMITH, ARKANSAS

Board of Directors
Sandy Sanders, Mayor
Kevin Settle, Vice-Mayor and Director
Keith Lau, Director
Andre' Good, Director
Mike Lorenz, Director
George Catsavis, Director
Tracy Pennartz, Director
Don Hutchings, Director

Community Development Advisory Committee
Genia Smith, Chairperson
George Willis, Vice-Chairperson
Fran Hall, Member
Nichelle Christian, Member
Kerry Norman, Member
Cinda Rusin, Member
Trish Richardson, Member

City Administration
Carl Geffken, City Administrator
Jeff Dingman, Acting City Administrator
Wally Bailey, Director of Development Services

Prepared by:
JQUAD Planning Group, LLC

With the assistance of
The Fort Smith Community Development Department Staff
Matt Jennings, Director of Community Development
Candyce Waters, Community Development Coordinator
David Smith, Housing Assistance Coordinator
Janey Buckner, Accounting Technician

Final Report
May 1, 2016

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Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The Consolidated Plan serves as a planning document meeting the federal government statutory requirements in 24 CFR 91.200-91.230, with revisions for preparing a Consolidated Plan and guiding the use of CDBG and HOME funding based on applications to the U.S. Department of HUD. The major sections of the Consolidated Plan include a Housing Market Analysis, Housing and Homeless Needs Assessment, 5-year Strategic Plan, a 1-year Action Plan, and Consultation and Citizen Participation, with accompanying documentation relating to public comment. The Strategic Plan addresses specific needs that were identified in the data analysis, with specific goals and program targets for each category designated for funding. The Action Plan is a subset of the Strategic Plan, addressing funding options for the next fiscal year. The Consolidated Plan can be used by organizations in the community as a guide for identifying activities through which they can help the jurisdiction reach their housing and community development goals. The Consolidated Plan also serves as the baseline for measuring program effectiveness, as reported in the Consolidated Annual Performance and Evaluation Report (CAPER) required by HUD for each fiscal year's funding allocation. Incorporated into the Consolidated Plan are an analysis of the local housing market and a review of housing and homeless needs in Fort Smith as a means of defining the current environment in which federal funding is being used. The Consolidated Plan provides a strategic plan for meeting priority needs that were identified through the community participation process. The analytical parts of the document draw from the 2008-2012, 2009-2013 and 2010-2014 American Community Surveys and 2008-2012 CHAS data provided by HUD. Other data sources include the 2010 U.S. Census and other information gathered locally, including the Fort Smith Continuum of Care and a survey of citizens that was used to assist in prioritizing needs. The survey was available on the City's website and was distributed at community meetings.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

This Consolidated Plan contains a range of goals, objectives, and outcomes formulated to address needs identified for homelessness, other special needs, affordable housing, non-housing community development, barriers to affordable housing, lead-based paint hazards, institutional structure, and coordination. These objectives include:

- Continue to Plan, Monitor and Administer Entitlement Grant Programs and insure compliance with Federal Regulations.
- Improve the condition of housing for low-income homeowners.
- Increase Development of units and affordability of housing for homeownership.

- Address community needs through community-based public service programs.
- Address community needs through improvements and repair of Public and Community Facilities.

These objectives are supported by a collection of associated strategies and performance goals. These strategies seek to work toward meeting the objectives stated, addressing the need for more affordable housing, housing rehabilitation, public facilities and infrastructure improvements, and public services. Specifics can be found in the Strategic Plan and Annual Action Plan.

3. Evaluation of past performance

Fort Smith has a history of successful programs funded through the Community Development Block Grant and HOME Investment Partnership Program. Of particular importance to the health of the city have been programs that address the condition of the housing stock. The City has successfully funded housing rehabilitation activities targeting lower income and elderly households unable to properly maintain their homes. The City has worked actively with local homeless services providers to expand both the stock of units/beds available to homeless persons and services aimed at helping those persons find employment, housing, health care services, and educational opportunities. Details of past performance can be found in the City's Consolidated Annual Performance and Evaluation Report (CAPER).

4. Summary of citizen participation process and consultation process

Based on the Community Participation Plan, outreach included public forums and focus group meetings, on-line survey accessed on the City of Fort Smith Web Site, and consultation with public and private agencies and organizations to capture public input as to the priority needs for the next five years. Participating persons, public and private agencies included the general public, neighborhood organizations, nonprofit housing, and CHDO organizations, Fort Smith Housing Authority, Continuum of Care, Board of Realtors, Chamber of Commerce, public and social service agencies, colleges and universities, elected and appointed officials.

Public Forums and Stakeholder Focus Group sessions were held on December 7th, 2015. The Consolidated Plan format included discussions of the communities' priority needs for the next five years and their priorities for funding for the next program year.

Participants in the focus groups and public forums and the general public were given an opportunity to complete a Priority Needs Survey as part of the Consolidated Plan process. The survey was presented at each of the aforementioned sessions and also made available on the City's web site for completion and submission on line.

5. Summary of public comments

To be added after public comment period.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were accepted.

7. Summary

This plan provides a framework through which Fort Smith manages its federal entitlement programs related to community development and homeless assistance. Data were provided through HUD's eCon software system, utilizing American Community Survey data and other sources, to construct the needs assessment and market analysis. The City worked with local service providers and other concerned citizens to develop the strategic plan and annual action plan, both designed to address needs within the city as identified through the public participation process and needs assessment.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	FORT SMITH	
CDBG Administrator		Community Development Department
HOME Administrator		Community Development Department

Table 1 – Responsible Agencies

Narrative

The lead agency for the development of the Consolidated Plan is the Community Development Department. The Department has contracted with the consulting firm of J-QUAD Planning Group. The City and J-QUAD consulted with a number of other agencies, including the agencies involved in the local Continuum of Care to address homelessness.

Consolidated Plan Public Contact Information

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PR-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

Fort Smith works with a wide variety of agencies, organizations, and service providers in an effort to bring various viewpoints to bear in the identification of local housing and service needs. Ongoing relationships focused on specific needs and targeted meetings designed to bring public input into the Consolidated Plan process are two of the ways that the City utilizes outside organizations in the consultation process.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The City has ongoing relationships with several housing providers working on housing development activities. The CHDO system provides a forum for assisting these agencies grow and meet their own targeted clientele. The Fort Smith Housing Authority works to utilize Section 8 vouchers from the federal government to address the housing needs of the City's lowest income households. Through the Continuum of Care process, the City maintains relationships with mental health providers, homeless shelter and services providers, and other governmental agencies with specific responsibilities for homeless individuals and families. The City also participates in a variety of other coalitions that seek to address other issues that relate to housing and service needs.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

City staff works actively with the Fort Smith Continuum of Care, the local umbrella for the development of the Continuum of Care. Staff participate in regularly scheduled meetings and point-in-time surveys. In the past, the City has provided administrative support to supplement Continuum of Care initiatives and funding to the various agencies that make up the membership of the Continuum of Care.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

Staff from Fort Smith participates in the development of the Continuum of Care, working with area service providers to include City resources, to the extent possible, in the provision of services to homeless individuals and families in Fort Smith.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	HOUSING AUTHORITY OF FORT SMITH
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Homelessness Strategy Non-Homeless Special Needs Economic Development Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.
2	**Agency/Group/Organization**	NEXT STEP DAY ROOM
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.
3	**Agency/Group/Organization**	CRISIS INTERVENTION CENTER
	Agency/Group/Organization Type	Services-Victims of Domestic Violence

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.
4	**Agency/Group/Organization**	CRAWFORD-SEBASTIAN COMMUNITY DEVELOPMENT COUNCIL, INC.
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Homelessness Strategy Non-Homeless Special Needs Economic Development Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.
5	**Agency/Group/Organization**	FORT SMITH BOYS AND GIRLS CLUB, INC.
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.
6	**Agency/Group/Organization**	HARBOR HOUSE
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.

7	**Agency/Group/Organization**	Girls, Inc. of Fort Smith
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.
8	**Agency/Group/Organization**	COMMUNITY DENTAL CLINIC OF CSCDC, INC.
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.
9	**Agency/Group/Organization**	WestArk - RSVP - a program of Western AR Counseling and Guidance Center, Inc.
	Agency/Group/Organization Type	Services-Elderly Persons Services-Education
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Economic Development Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.
10	**Agency/Group/Organization**	THE GOOD SAMARITAN CLINIC, INC.
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.
11	**Agency/Group/Organization**	FOUNTAIN OF YOUTH ADULT DAYCARE
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.
12	**Agency/Group/Organization**	ARKANSAS VALLEY HABITAT FOR HUMANITY, INC.
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Non-Homeless Special Needs Economic Development Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.
13	**Agency/Group/Organization**	FORT SMITH EMERGENCY CHILDREN'S CENTER
	Agency/Group/Organization Type	Housing Services-Children Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Economic Development Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Invited to participate in the Consolidated Plan forums.

Identify any Agency Types not consulted and provide rationale for not consulting

No specific organizations were intentionally left out of the public participation process.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Fort Smith Continuum of Care	The Strategic Plan provides a set of priorities for addressing homelessness, with are supported by the Continuum of Care and its participating agencies.

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

Fort Smith works closely with other local communities active in the Continuum of Care process, State agencies, local non-profit organizations, and other departments of the City of Fort Smith in the development of programs to address housing, homeless, and community development needs and other local issues covered by the Consolidated Plan.

Narrative (optional):

The development of the Consolidated Plan and the component Strategic Plan and Annual Action Plan require the help of the local non-profit community and other organizations. Specific priorities are identified and ranked through that participation utilizing focus group sessions, forums, and surveys. The City relies on its ongoing relationships to ensure that these opinions and observations are incorporated into the Plan.

PR-15 Citizen Participation

1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting

City of Fort Smith Consolidated Plan Community Participation

Overview and Lead Agency

City of Fort Smith, Arkansas followed its designated Community Participation Plan in developing the 2016 – 2020 Consolidated Plan and 2016 Annual Plan. The City of Fort Smith Community Development Department served as lead agency for the development of the 2016 – 2020 Consolidated Plan and 2016 Annual Plan.

Community Participation

Based on the Community Participation Plan, outreach included public forums and focus group meetings, on-line survey accessed on the City of Fort Smith Web Site, and consultation with public and private agencies and organizations to capture public input as to the priority needs for the next five years. Participating persons, public and private agencies included the general public, neighborhood organizations, nonprofit housing, and CHDO organizations, Fort Smith Housing Authority, Continuum of Care, Board of Realtors, Chamber of Commerce, public and social service agencies, colleges and universities, elected and appointed officials.

Public Forums and Stakeholder Focus Group sessions were held on December 7th, 2015. The Consolidated Plan format included discussions of the communities' priority needs for the next five years and their priorities for funding for the next program year.

Participants in the focus groups and public forums and the general public were given an opportunity to complete a Priority Needs Survey as part of the Consolidated Plan process. The survey was presented at each of the aforementioned sessions and also made available on the City's web site for completion and submission on line.

The Draft Plan of the 2016 – 2020 Consolidated Plan and Annual Plan were published in the local newspapers and Draft Reports made available for review April 1st – April 30th, 2016. A public meeting and review for the plan was held on April 12th, 2016. The Community Development

Advisory Committee (CDAC) held a meeting for consideration of the plans and recommended approval to the City Board on April 19, 2016. Final public hearing and approval by the City Board was held on May 3rd, 2016.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Internet Outreach	Non-targeted/broad community	Survey of residents about Con Plan priorities. A total of 212 surveys were received.	Survey results were used to prioritize funding needs.	All comments were accepted.	
2	Public Meeting	Non-targeted/broad community	Consolidated plan forums and stakeholder focus group meetings were held on December 7, 2015. A wide variety of individuals and social service agencies were invited to participate in the events.	The focus group sessions identified a wide range of issues of concern to the attendees with regard to social and economic conditions, housing, public policy and awareness of fair housing, banking and mortgage lending issues, special needs housing, and public transportation.	All comments were accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Public Meeting	Non-targeted/broad community	The draft Consolidated Plan was presented for public review between April 1 and April 30, 2016. A public meeting was held on April 12, 2016 as an opportunity for the public to comment on the Plan.	To be provided.	All comments were accepted.	
4	Public Hearing	Non-targeted/broad community	A public hearing was held on May 3, 2016 before the City Board to receive public comment on the Consolidated Plan and Annual Action Plan.	To be provided.	All comments were accepted.	

Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

The needs assessment looks at a variety of housing, homeless, community development, and non-homeless special needs through an examination of census and CHAS data, which was created by the U.S. Census Bureau and the U.S. Department of Housing and Urban Development. These data quantify housing problems, such as overcrowding and cost burden, and measure the magnitude of special needs populations, such as the elderly, frail elderly, and persons with HIV/AIDS. As shown in the following analysis, cost burden (paying more than 30 percent of household income on housing expenses) and extreme cost burden (paying more than 50 percent of household income on housing expenses) has a considerable impact on households in Fort Smith, particularly lower income households. Measures of housing condition (lack of complete kitchen or plumbing facilities) doesn't provide a very reliable measure of condition, though it represents the best, easily accessible data on the topic. Other needs are represented through the Section 8 wait list and various census and state data sources.

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

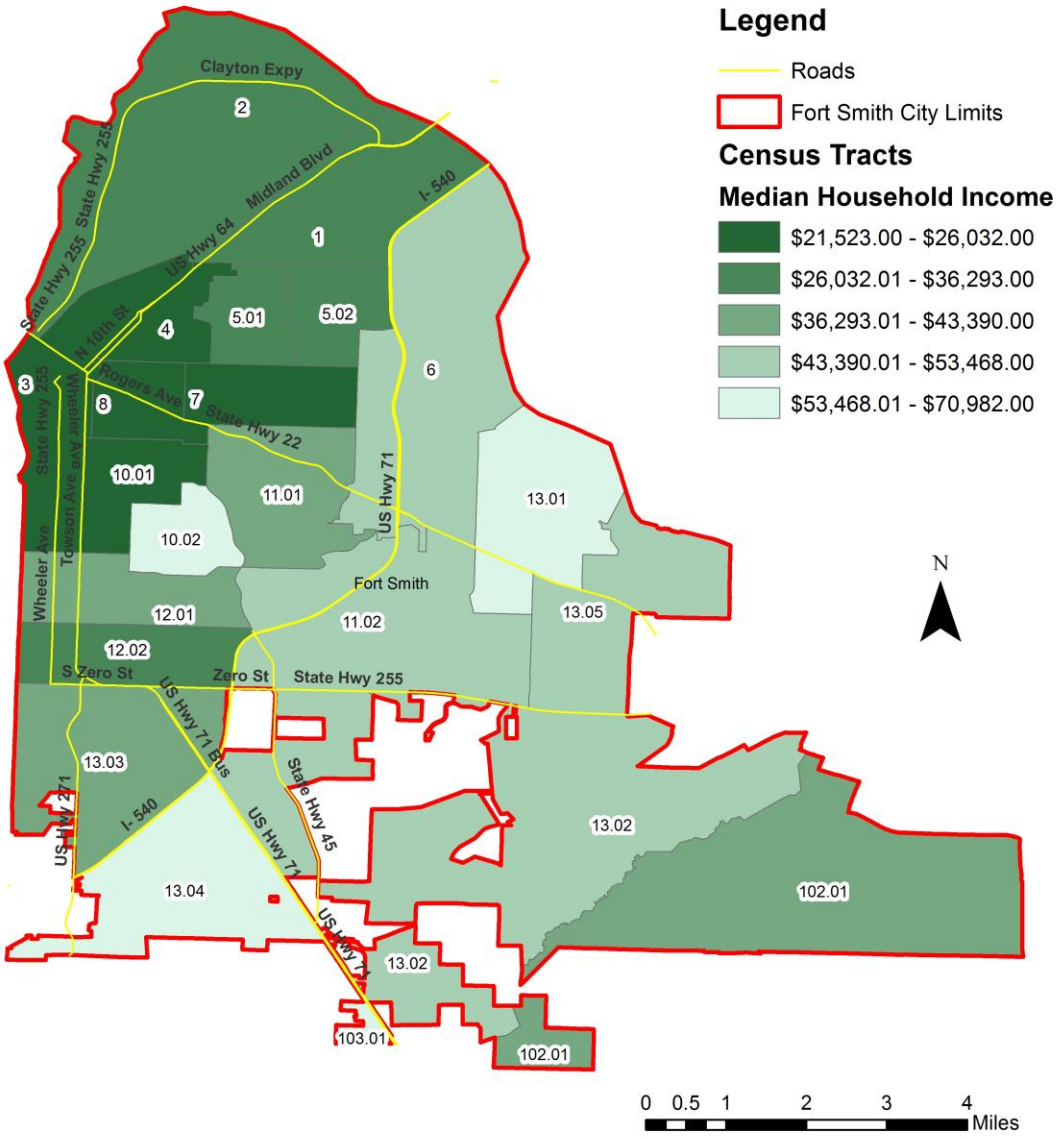
The following data provide an analysis of housing problems in Fort Smith, including lack of complete plumbing or kitchen facilities, overcrowding (1.01 to 1.5 persons per room), severe overcrowding (more than 1.5 persons per room), cost burden (paying more than 30% of household income on housing expenses), and severe cost burden (paying more than 50% of household income on housing expenses). As calculated from the Housing Needs Summary Table #1, below, by far, the most common housing need related to cost burden, hitting lower income households particularly hard, with 63 percent of renter households and 52 percent of owner households earning less than 30% of the area median income (AMI) being severely cost burdened. For rental households, cost burden is the most common housing problem with almost 31 percent of all renter households earning below 100% of the AMI being cost burdened. Cost burden is also the most common for owner households where 24 percent of all owner households earning below 100% of the AMI are cost burdened, with severe cost burden not far behind with 19 percent for owners and 26 percent for renters. The next most pressing housing problem in Fort Smith is overcrowded housing in rental housing, with 4.5 percent living in overcrowded units.

Demographics	Base Year: 2000	Most Recent Year: 2012	% Change
Population	80,268	85,838	7%
Households	35,341	34,008	-4%
Median Income	$32,157.00	$37,340.00	16%

Table 5 - Housing Needs Assessment Demographics

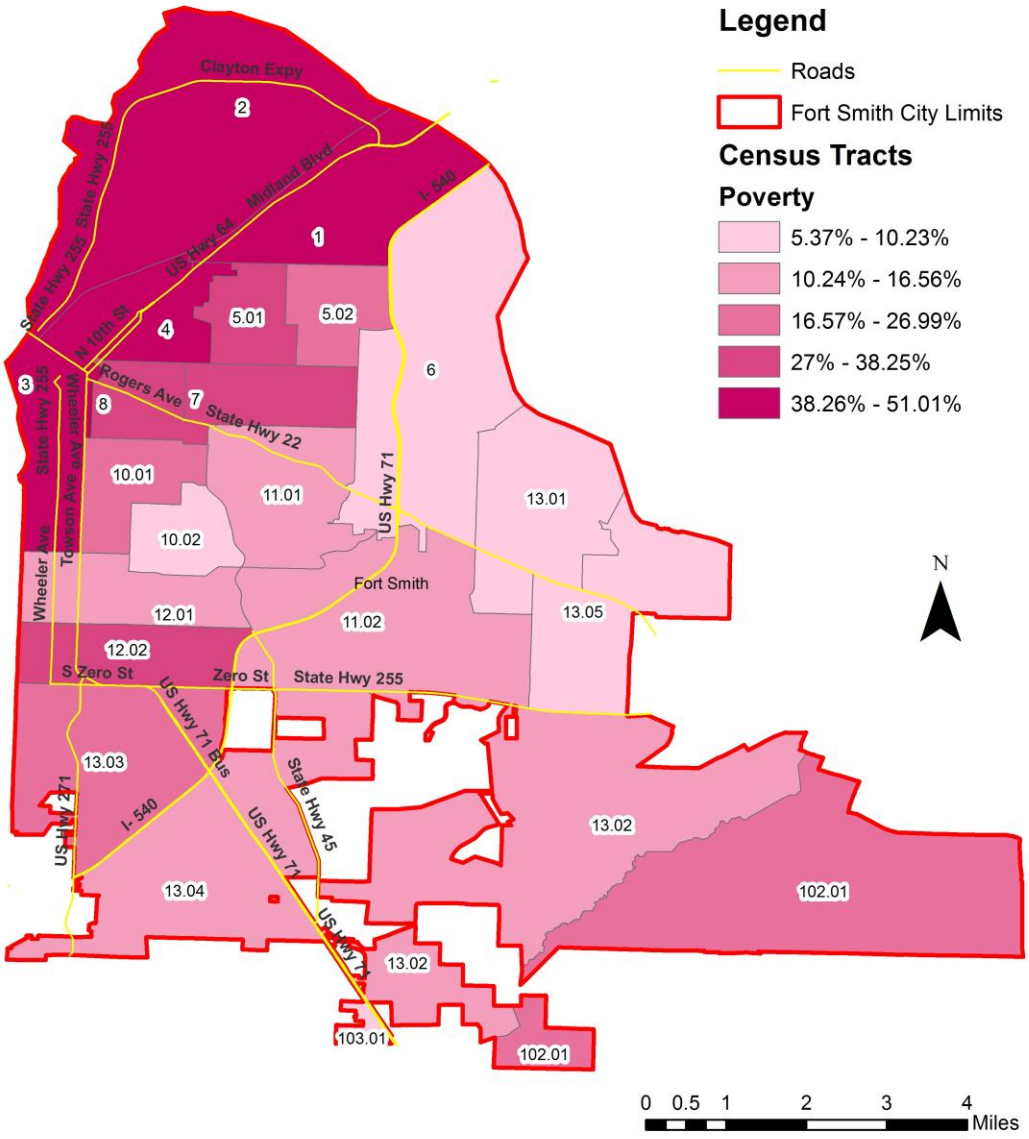
Data Source: 2000 Census (Base Year), 2008-2012 ACS (Most Recent Year)

Median Household Income



Median Household Income

Percent Living in Poverty



Percent Living in Poverty

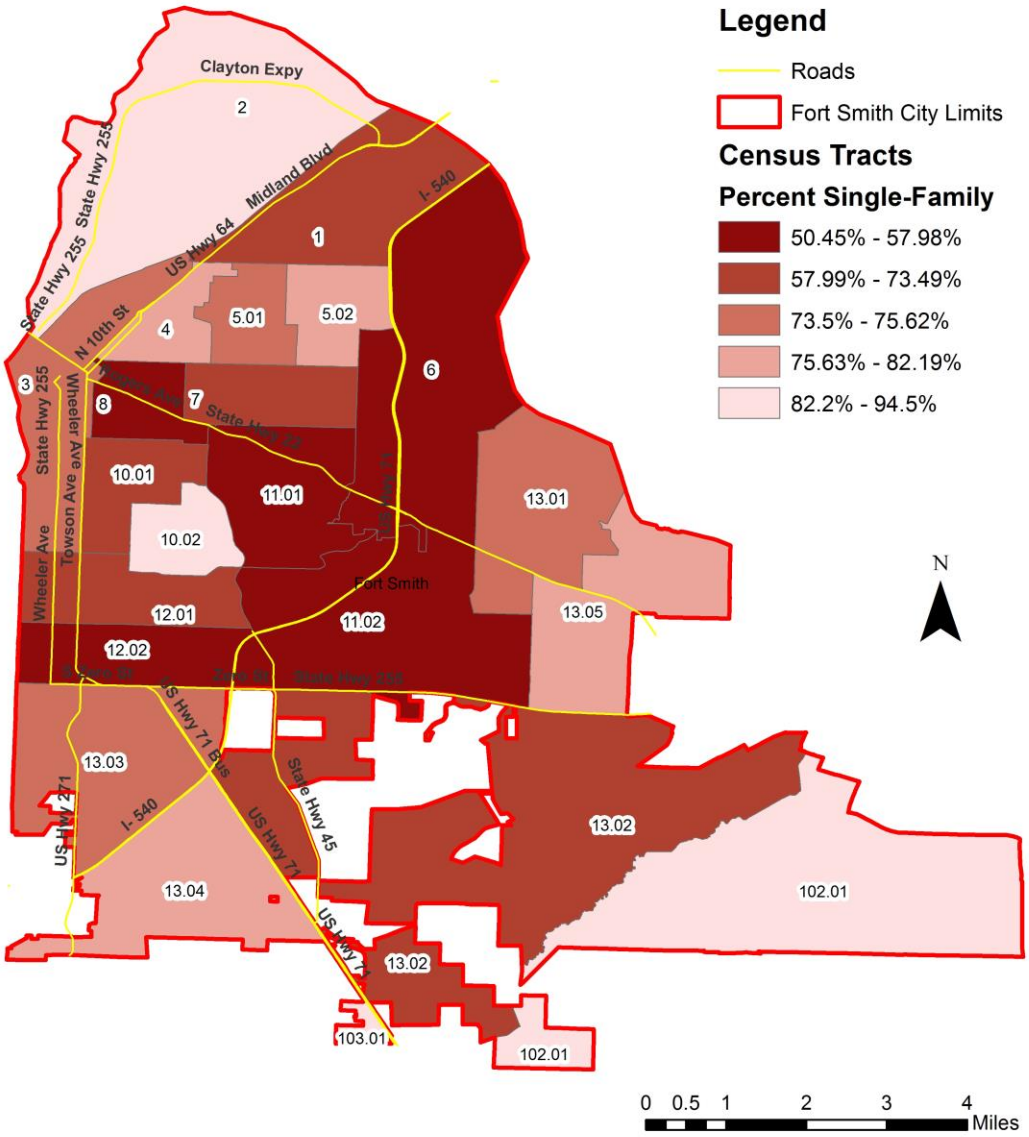
Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households *	3,365	4,450	6,410	2,810	17,000
Small Family Households *	1,260	1,335	2,470	970	8,435
Large Family Households *	190	495	745	260	940
Household contains at least one person 62-74 years of age	415	705	990	510	3,190
Household contains at least one person age 75 or older	274	570	849	425	1,505
Households with one or more children 6 years old or younger *	915	1,115	1,384	355	1,349
* the highest income category for these family types is >80% HAMFI					

Table 6 - Total Households Table

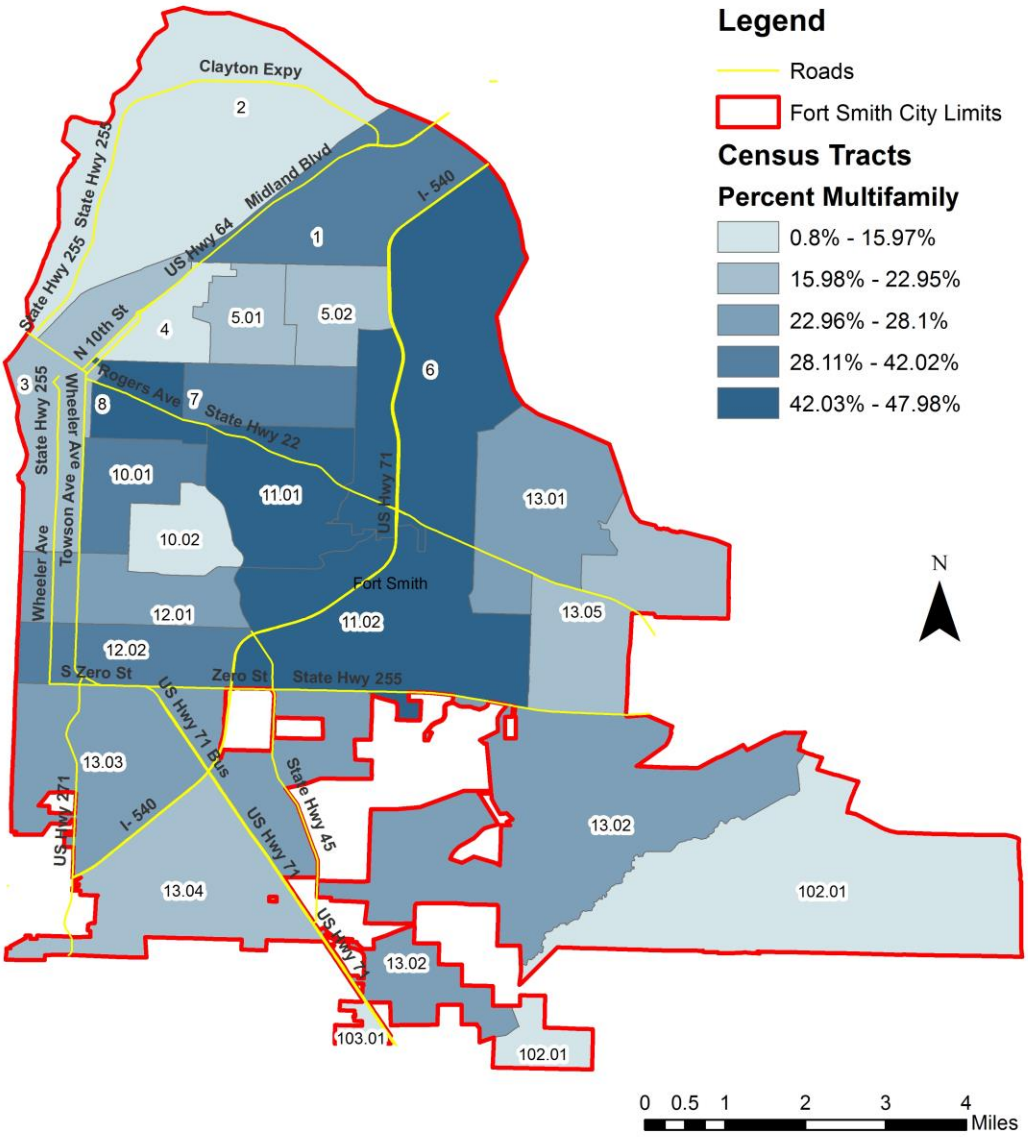
Data Source: 2008-2012 CHAS

Percent Single-Family



Percent Single-Family

Percent Multifamily



Percent Multifamily

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

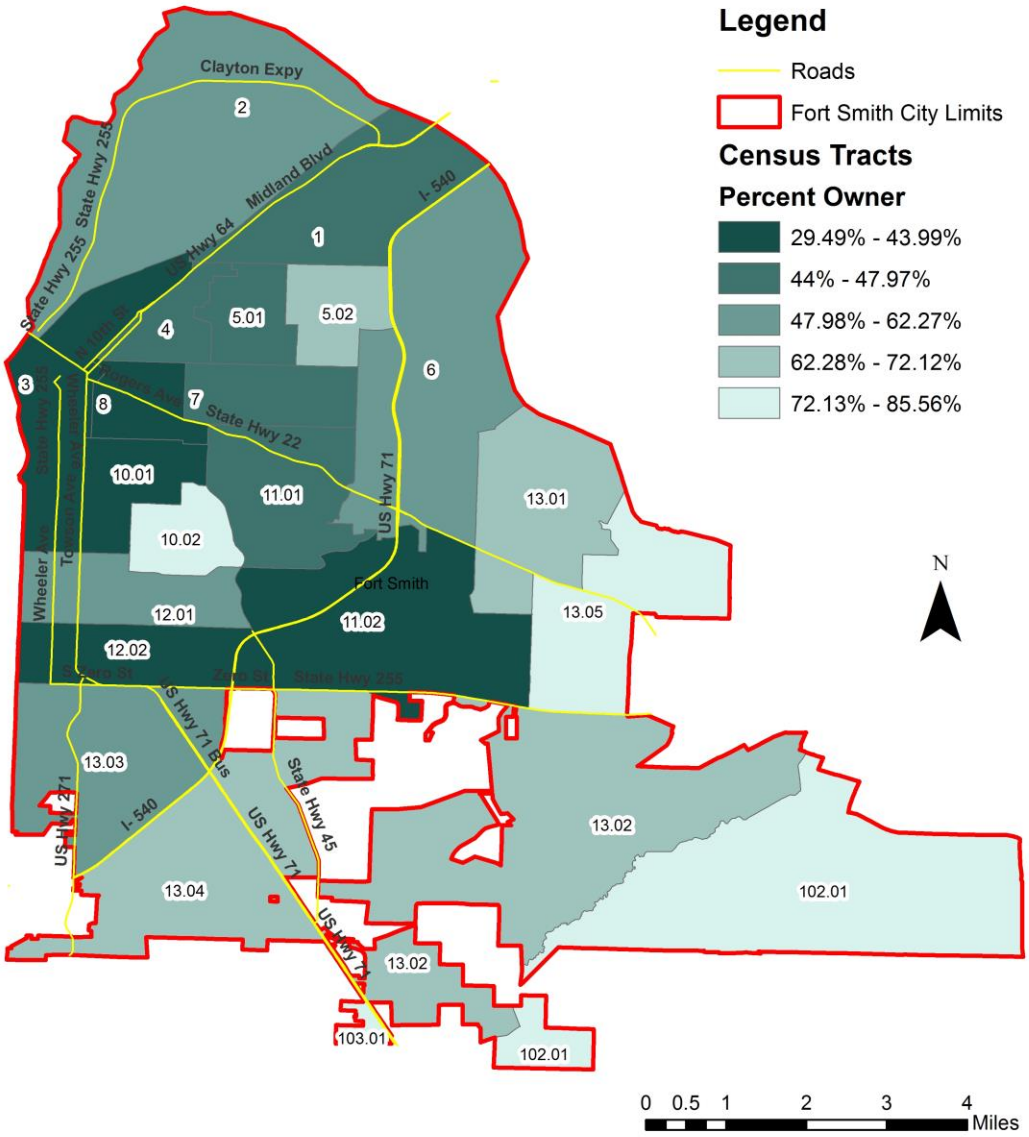
	Renter					Owner				
	0-30% AMI	**>30-50% AMI**	**>50-80% AMI**	**>80-100% AMI**	**Total**	**0-30% AMI**	**>30-50% AMI**	**>50-80% AMI**	**>80-100% AMI**	**Total**
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	10	70	25	65	170	10	10	10	10	40
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	30	85	120	0	235	0	15	30	30	75
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	125	230	115	4	474	35	20	105	45	205
Housing cost burden greater than 50% of income (and none of the above problems)	1,720	865	194	15	2,794	330	480	380	20	1,210
Housing cost burden greater than 30% of income (and none of the above problems)	190	1,345	1,475	270	3,280	90	375	760	310	1,535

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Zero/negative Income (and none of the above problems)	280	0	0	0	280	130	0	0	0	130

Table 7 – Housing Problems Table

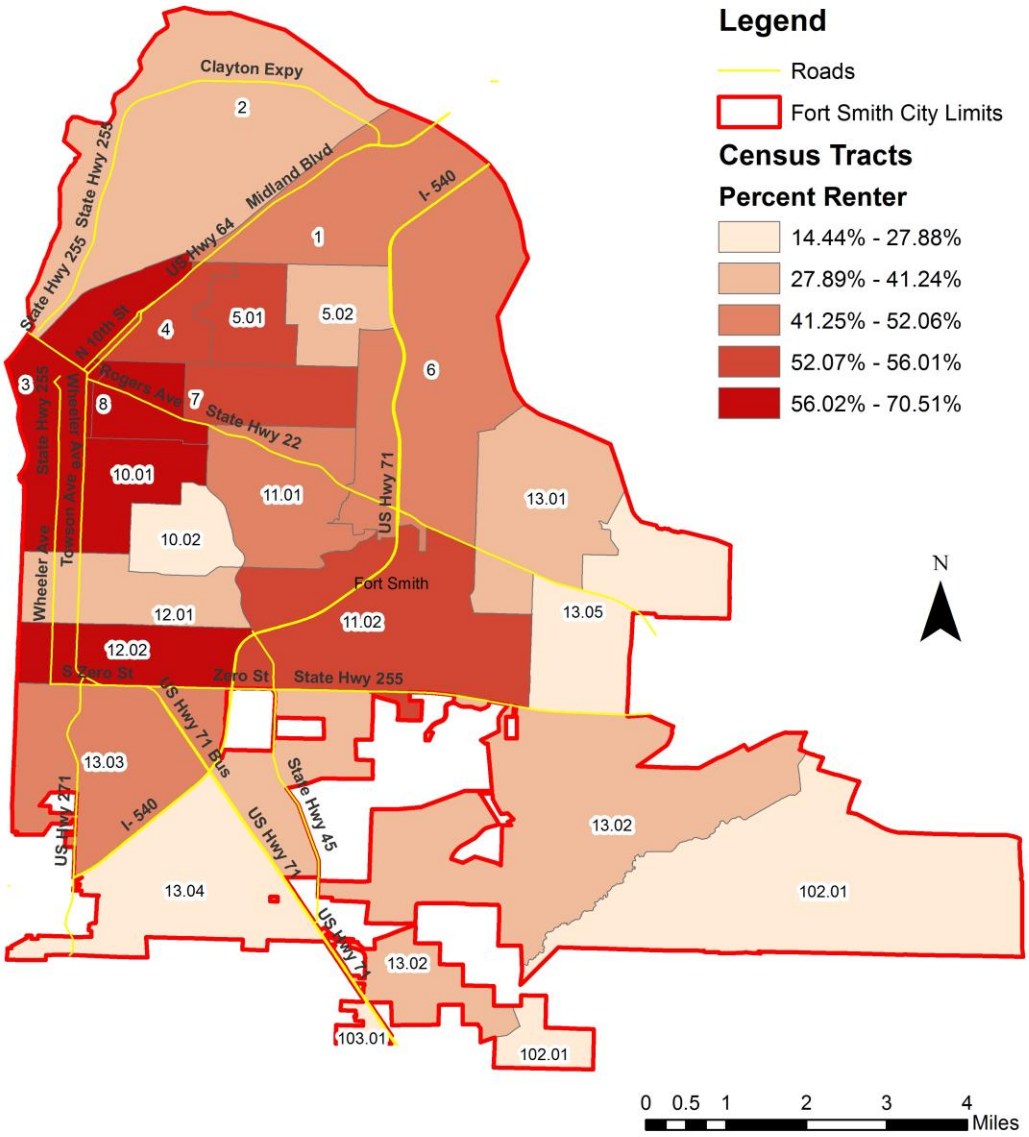
Data Source: 2008-2012 CHAS

Percent Owner-Occupied



Percent Owner-Occupied

Percent Renter-Occupied



Percent Renter-Occupied

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	1,885	1,255	454	90	3,684	375	520	525	100	1,520
Having none of four housing problems	565	1,860	3,110	1,105	6,640	130	805	2,325	1,510	4,770
Household has negative income, but none of the other housing problems	280	0	0	0	280	130	0	0	0	130

Table 8 – Housing Problems 2

Data Source: 2008-2012 CHAS

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	840	760	705	2,305	129	310	530	969
Large Related	110	265	210	585	0	45	110	155
Elderly	245	359	199	803	165	305	330	800
Other	855	1,065	600	2,520	135	220	245	600
Total need by income	2,050	2,449	1,714	6,213	429	880	1,215	2,524

Table 9 – Cost Burden > 30%

Data Source: 2008-2012 CHAS

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	755	295	90	1,140	125	235	140	500
Large Related	50	120	25	195	0	15	0	15
Elderly	215	104	19	338	105	110	150	365
Other	780	465	60	1,305	110	120	95	325
Total need by income	1,800	984	194	2,978	340	480	385	1,205

Table 10 – Cost Burden > 50%

Data Source: 2008-2012 CHAS

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	150	230	145	0	525	35	35	90	75	235
Multiple, unrelated family households	4	85	95	4	188	0	0	49	0	49
Other, non-family households	0	0	0	0	0	0	0	0	0	0
Total need by income	154	315	240	4	713	35	35	139	75	284

Table 11 – Crowding Information – 1/2

Data Source: 2008-2012 CHAS

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present	0	0	0	0	0	0	0	0

Table 12 – Crowding Information – 2/2

Data Source Comments:

Describe the number and type of single person households in need of housing assistance.

According to the 2010-2014 American Community Survey, there were 11,428 single person households in Fort Smith (33.1% of all Fort Smith households) 34.5 percent of which were elderly (age 65+). Thirty-nine percent of single person households were homeowners, with 61 percent renters. Twenty percent of single person renter households lived in single-family housing units, compared to 98 percent of owner households. The median household income of single person households was $21,740, approximately 59 percent of the median income for all households in Fort Smith. As shown in Table 4 above, 44 percent of severe cost burden was found in the "Other" renter households, along with 27 percent owner households. Most of the "Other" category will be made up of single person households.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

Data from the 2010-2014 American Community Survey show that 17.1 percent of the population of Fort Smith reports some form of disability. Disabilities reported increase with age. Those below the age of 5 are reported to include 1.8 percent with disabilities. In the 5 to 17 year age group, 8.7 percent are reported to have disabilities. In the 18 to 64 year age group, 17 percent report disabilities, with 8.5 percent reporting ambulatory difficulties, 3.3 percent with self-care difficulties, and 6.3 percent with independent living difficulties. The 65 year and older age group reported 39.4 percent with disabilities, including 26.7 percent with ambulatory difficulties, nine percent with self-care difficulties, and 17.8 percent with independent living difficulties. The ACS data also show that 5.2 percent of the population of Fort Smith reports a disability and living in poverty.

The Fort Smith Data Book from 2013 shows a total of 136 rapes reported in 2012, 2.6 times the number reported in 2002. A steady increase was shown between 2002 (52 reported rapes) and 2012 (136). Statistics relating to domestic violence, dating violence, other sexual assaults, and stalking were not readily available.

What are the most common housing problems?

As calculated from the Housing Needs Summary Table #1, above, by far, the most common housing problem in Fort Smith is cost burden. According to the CHAS data in the tables above, over 69 percent of households in the 0-30% AMI income category (including renters and owners) had a cost burden of over 30%, with almost 61 percent having a cost burden of over 50%. A 30% cost burden means that a household is spending more than 30% of their gross income on housing expenses, including utilities. Over 69 percent of households in the 30-50% AMI income category had a 30% cost burden, with 30 percent having a 50% cost burden. The numbers fall off somewhat for the next highest income category where 44 percent of households in the 50-80% AMI category had a 30% cost burden, with only nine percent having a 50% cost burden. Looking at cost burden and severe cost burden by tenure, 63 percent of renter households and 52 percent of owner households earning less than 30% of the area median

income (AMI) were paying more than 50% of their income on housing expenses. For rental households, cost burden is the most common housing problem with almost 31 percent of all renter households earning below 100% of the AMI paying more than 30% of their income on housing expenses. Cost burden is also the most common for owner households where 24 percent of all owner households earning below 100% of the AMI paying more than 30% of their income on housing expenses, with severe cost burden not far behind with 19 percent of owner households and 26 percent of renter households paying more than 50% of their income on housing expenses. By comparison, the numbers for overcrowding and incomplete kitchen or plumbing facilities were low, with 4.6 percent of the lowest income category renters living in overcrowded conditions and less than two percent of very low-income owner households living without complete kitchen or plumbing facilities.

Are any populations/household types more affected than others by these problems?

Cost burden and extreme cost burden affect all household types in the lower income categories. In simple numerical terms, it would appear that “Other” and "Small Related" households bear much of the brunt of severe cost burden among renters, with over 43 and 38 percent of the total number of renter households experiencing severe cost burden respectively. For ownership households, "Small Related" households made up 41 percent of the total experiencing severe cost burden. "Large Related" households comprised the smallest portion of those experiencing severe cost burden for owner and renter households.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

Low-income individuals and families who are currently housed but are at risk of either residing in shelters or becoming unsheltered are living paycheck to paycheck, just making ends meet. They are often one paycheck away from being homeless in the event of a sudden loss of employment or medical emergency which redirects financial resources. These households span all types, including individuals living alone, small families, large families, and the elderly. Some households have relatives or friends with whom they can double-up, thus avoiding homelessness, at least in technical terms, but these accommodations are not long-term solutions to their needs. These households, particularly extremely low-income households, need a wide variety of assistance to help them meet those emergency needs that occasionally crop up in everyone's lives. This assistance could include job training to help them transition into better paying professions, mortgage or rental assistance, medical clinics that provide low or no cost care, rent subsidies, and other services that help absorb the costs that might redirect funds dedicated to housing. Formerly homeless families and individuals also need these services to reduce the prospect of returning to homelessness. Transitional housing units, permanent supportive housing, and rent subsidies help meet the housing expenses of households returning from homelessness, while job

training programs help with job prospects. Other social services are needed on occasion as circumstances demand.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

The Point-In-Time (PIT) count provides the estimates of the various categories of homeless individuals and families. These include chronic homeless, veterans, families with children, families without children, individuals, and unaccompanied children.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

Severe cost burden is linked with housing instability and an increased risk of homelessness. When a household is paying too large a portion of their income on housing expenses, sudden and unexpected financial demands can tip the scales, forcing them from their homes. These demands might include illnesses requiring hospital stays or time away from their job, automotive problems requiring repairs or loss of work due to lack of transportation, and legal problems that might require payments to lawyers or time away from their job. Lower income households are particularly susceptible to these financial impacts because they are less likely to have savings that can cover these expenses and buffer the effects of monetary demands in covering unexpected events.

Discussion

Cost burden and severe cost burden are the most common housing problem across all lower income households in Fort Smith, both renter and owner. The lower the income of the household, the more extreme the cost burden. Overcrowding is also a common problem in many lower income households.

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

The 2008-2012 CHAS data, constructed from data collected by the US Census Bureau for HUD, show housing problems by income and race/ethnicity. The housing problems include incomplete kitchen or plumbing facilities, cost burden greater than 30 percent, and overcrowding (more than 1 person per room). The tables below show the distribution of one or more problems by race/ethnicity for each of four lower income groups, 0 to 30 percent of the area median income, 30 to 50 percent of the area median income, 50 to 80 percent of the area median income, and 80 to 100 percent of the area median income. The discussion following the tables will identify disproportionately greater need within each income group for particular racial or ethnic group. The next section will look at severe housing problems (severe overcrowding and extreme cost burden).

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,430	370	320
White	1,635	205	170
Black / African American	250	75	10
Asian	70	0	55
American Indian, Alaska Native	35	0	0
Pacific Islander	0	0	0
Hispanic	320	4	90

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Data Source: 2008-2012 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	3,480	1,150	0
White	1,810	795	0
Black / African American	465	75	0
Asian	110	50	0
American Indian, Alaska Native	35	4	0
Pacific Islander	0	0	0
Hispanic	915	180	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data Source: 2008-2012 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,810	3,550	0
White	1,845	2,525	0
Black / African American	405	350	0
Asian	120	180	0
American Indian, Alaska Native	4	30	0
Pacific Islander	0	0	0
Hispanic	395	350	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data Source: 2008-2012 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	640	2,265	0
White	375	1,620	0
Black / African American	150	200	0
Asian	10	50	0
American Indian, Alaska Native	0	0	0
Pacific Islander	4	10	0
Hispanic	100	315	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Data Source: 2008-2012 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

Discussion

Disproportionately greater need was identified for very small Asian and American Indian/Alaska Native populations in the 0-30% AMI and 50-80% AMI categories, African American and similarly small American Indian/Alaska Native populations in the 30-50% AMI and 80-100% AMI categories (African-American). The size of the Asian and American Indian/Alaska Native populations, however, indicate the disparity is negligible.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

The 2008-2012 CHAS data constructed from data collected by the US Census Bureau for HUD show housing problems by income and race/ethnicity. The severe housing problems include incomplete kitchen or plumbing facilities, cost burden over 50 percent, and severe overcrowding (more than 1.5 persons per room). The tables below show the distribution of severe housing problems by race/ethnicity for each of four lower income groups, 0 to 30 percent of the area median income, 30 to 50 percent of the area median income, 50 to 80 percent of the area median income, and 80 to 100 percent of the area median income. The discussion following the tables will identify disproportionally greater need within each income group for particular racial or ethnic group.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,195	610	320
White	1,460	385	170
Black / African American	195	130	10
Asian	65	4	55
American Indian, Alaska Native	35	0	0
Pacific Islander	0	0	0
Hispanic	320	4	90

Table 17 – Severe Housing Problems 0 - 30% AMI

Data Source: 2008-2012 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,655	2,975	0
White	680	1,925	0
Black / African American	300	240	0
Asian	75	90	0
American Indian, Alaska Native	4	35	0
Pacific Islander	0	0	0
Hispanic	530	565	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Data Source: 2008-2012 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	780	5,575	0
White	470	3,905	0
Black / African American	75	680	0
Asian	20	280	0
American Indian, Alaska Native	0	35	0
Pacific Islander	0	0	0
Hispanic	210	535	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Data Source: 2008-2012 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	240	2,665	0
White	140	1,860	0
Black / African American	0	345	0
Asian	10	50	0
American Indian, Alaska Native	0	0	0
Pacific Islander	4	10	0
Hispanic	80	330	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Data Source: 2008-2012 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

Discussion

Disparities are noted in the African-American population in the 30-50% AMI income category and for Hispanics in the 30-50%, 50-80%, and 80-100% AMI categories. A very small Asian population in the 0-30% AMI income category and a very small Pacific Islander population in the 80-100% AMI income category showed disproportionately greater need in the above data. Again, the small size of the populations indicates that the problem is not widespread.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

The 2008-2012 CHAS data were used to compare housing cost burden across racial/ethnic groups. Cost burden (30 to 50% of household income going to housing expenses), extreme cost burden (more than 50% of household income going to housing expenses), and no cost burden (less than 30% of household income going to housing expenses) were compared by racial/ethnic group to the city as a whole.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	23,114	559	3,720	324
White	18,520	3,880	2,630	170
Black / African American	1,445	745	570	10
Asian	970	160	175	55
American Indian, Alaska Native	90	34	50	0
Pacific Islander	14	0	0	0
Hispanic	2,075	775	565	89

Table 21 – Greater Need: Housing Cost Burdens AMI

Alternate Data Source Name:
Corrections

Data Source Comments: Original data provide had White data larger than the jurisdiction as a whole. The analyst summed the data from all groups and replaced the jurisdiction data with the total.

Discussion:

The Pacific Islander population shows a high rate of severe cost burden (greater than 10% more than the jurisdication as a whole).

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

African-American and Hispanic populations are reported to have some disproportionately greater need. With respect to severe housing problems, African-Americans show greater need in the 30-50% AMI category, with Hispanic needs appearing in the 30-50%, 50-80%, and 80-100% AMI categories. For housng problems, African-Amrican needs are reported in the 30-50% and 80-100% AMI categories. Other disparities were reported for very small Asian, American Indian/Alaska Native, and Pacific Islander populations, but the small size of these populations indicated that the need is not pervasive.

If they have needs not identified above, what are those needs?

None identified.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

Both African-American and Hispanic populations are concentrated in the northern census tracts in Fort Smith.

NA-35 Public Housing – 91.205(b)

Introduction

While the eCon software reports that the Fort Smith Housing Authority operates 288 public housing units for seniors and people with disabilities, 57 mod-rehab units, and manages 1,239 vouchers, the agency reports that there are no public housing units in Fort Smith. Of the 1,239 vouchers, 75 are project-based and the rest are tenant-based. The average annual income of their voucher holders is $9,665. The average length of stay for voucher holders is two years. The residents include 157 elderly persons with vouchers and 599 families with disabilities holding vouchers. The largest racial/ethnic groups among residents are White, with 799 vouchers. The housing authority also manages 57 mod-rehab units. Mod-rehab residents have an average annual income of about $6,100. Residents include three elderly and 12 persons with a disability. Average length of stay for mod-rehab is one year.

Totals in Use

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	57	288	1,239	75	1,156	0	0	0

Table 22 - Public Housing by Program Type

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Alternate Data Source Name:
Corrections
Data Source Comments:

Characteristics of Residents

Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers				
				Total	Project - based	Tenant - based	Special Purpose Voucher	
							Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	0	6,110	10,860	9,665	11,809	9,526	0	0
Average length of stay	0	1	4	3	0	3	0	0
Average Household size	0	2	1	2	3	2	0	0
# Homeless at admission	0	0	0	0	0	0	0	0
# of Elderly Program Participants (>62)	0	3	113	157	6	151	0	0
# of Disabled Families	0	12	140	599	15	584	0	0
# of Families requesting accessibility features	0	57	266	1,231	75	1,156	0	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	50	211	779	50	729	0	0	0
Black/African American	0	4	44	419	23	396	0	0	0
Asian	0	2	10	16	2	14	0	0	0
American Indian/Alaska Native	0	1	1	16	0	16	0	0	0
Pacific Islander	0	0	0	1	0	1	0	0	0
Other	0	0	0	0	0	0	0	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	5	9	43	7	36	0	0	0
Not Hispanic	0	52	257	1,188	68	1,120	0	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

Fort Smith has no public housing.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

As of October, 2015, there were 494 families on the Section 8 waiting list. Of these, 375 were at 30 percent median income, 107 were at 50 percent median income, and 12 were at 80 percent median income. There were 408 families with children, 15 elderly families, and 72 families with disabilities. The Housing Authority aids families in locating proper housing by means of a rental list that is updated weekly and information shared at landlord meetings.

How do these needs compare to the housing needs of the population at large

The aforementioned needs are very similar to the housing needs of the population at large.

Discussion

The housing authority plans to track several variables when consolidating information on its waiting list to assist with continuing to meet the needs of its residents. This information is used to help the housing authority and its partners carryout the goals and plans among the residents and community served within its various programs.

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

The following table provides an estimate of homeless individuals and families within several categories in Fort Smith. These numbers are taken from the 2016 Point-in-time count. To date, Fort Smith has not provided a separate count of homeless individuals or families in rural areas. Estimates for the number of homeless persons each year, becoming homeless each year, number exiting homeless each year, and duration of homelessness have not been developed, as yet.

Homeless Needs Assessment

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Unsheltered	Sheltered				
Persons in Households with Adult(s) and Child(ren)	12	23	0	0	0	0
Persons in Households with Only Children	0	0	0	0	0	0
Persons in Households with Only Adults	43	88	0	0	0	0
Chronically Homeless Individuals	24	24	0	0	0	0
Chronically Homeless Families	3	0	0	0	0	0
Veterans	4	14	0	0	0	0
Unaccompanied Child	0	0	0	0	0	0
Persons with HIV	3	2	0	0	0	0

Table 26 - Homeless Needs Assessment

Data Source Comments: 2016 Point-in-time Count, Fort Smith CoC

Indicate if the homeless population is:	Has No Rural Homeless

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

To be discussed with service providers.

Nature and Extent of Homelessness: (Optional)

Race:	**Sheltered:**	**Unsheltered (optional)**
White	88	50
Black or African American	10	2
Asian	5	0
American Indian or Alaska Native	3	3
Pacific Islander	0	0
Ethnicity:	**Sheltered:**	**Unsheltered (optional)**
Hispanic	0	1
Not Hispanic	111	53

Data Source Comments: 2016 Point-in-time Count, Fort Smith CoC

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

The data collected show four unsheltered homeless veterans and 14 sheltered veterans. The data do not, however, indicate any veterans in families. There are no children of homeless veterans in the count.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

The 2016 Point-in-Time homeless count indicated that the majority of homeless individuals and families in Fort Smith were White, with 164 of the total of 166 homeless individuals (83%). The second largest

racial/ethnic population was Black with 12 individuals (7%). American Indian/Alaska Native showed 6 individuals (3.6%).

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

The 2016 data indicate that 55 individuals in Fort Smith were unsheltered (33 percent of the total). It is generally assumed by service providers that the majority of unsheltered homeless persons are unsheltered by choice, preferring to live uncontrolled by service provider rules and regulations. These individuals are primarily single, chronic homeless persons, many with substance and/or mental problems.

Discussion:

The results of the 2016 Point-in-Time survey showed a total population of 166 persons, including 22 children under the age of 18. Thirty-three percent of those counted were classified as chronic homeless. About 33 percent of respondents were unsheltered. About 83 percent of homeless individuals were White, with 10 percent African-American.

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

Non-homeless special needs populations include the elderly, frail elderly, persons with physical and developmental disabilities, substance abusers, persons with mental illness, and persons living with HIV/AIDS. These families and individuals are living either with families, in group facilities, or independently. They have a wide variety of needs, many of which are being met without public assistance. In some cases, where parents are caring for disabled children, the future of their independence is at risk.

Describe the characteristics of special needs populations in your community:

These populations have a broad spectrum of characteristics, similar to the population at large, but a distinguishing factor for them is an increased risk of homelessness due to the fragile nature of their existence, some relying heavily on others for their care, others living on fixed incomes and vulnerable to hardships caused by sudden demands on their resources. Alcohol and drug abuse are defined as excessive and impairing use of alcohol or other drugs. The National Institute of Alcohol and Abuse and Alcoholism estimated the number of adult men with a drinking problem at 15 percent of the total population and that of adult women at 6 percent. These percentages, when applied to Fort Smith, would yield a total population of alcohol abusers at 9,100 persons, using 2014 American Community Survey (ACS) population figures. Elderly are those individuals aged 62 or older. The elderly population continues to show a strong growth pattern as a population group. The elderly live a distinctive lifestyle requiring numerous supportive services. Between 2000 and 2010, the population aged 62 years and over fell slightly from 15.9 percent of the population to 15.6 percent. The 2014 ACS put the population of Fort Smith's population of 62 and over at 13,747 (15.8% of the total population). Persons with physical or developmental disabilities often require special facilities and care. Persons with developmental disabilities sometimes lack the capacity to care for themselves and rely on a caretaker to see to their daily needs. More often than not the caretaker is a parent. If the child outlives the parent who has provided their care all their lives, other arrangements must be made to see to their continued care. This group can include all ages, races, and ethnicities.

What are the housing and supportive service needs of these populations and how are these needs determined?

Housing and supportive service needs of these populations include:

- Group housing,
- Physical rehabilitation and medical care,
- New job training skills,
- Unemployment and the resulting loss of income/ insurance coverage due to inability to perform job functions,
- Extensive medical care and treatment,

- Rehabilitation programs,
- Counseling/ support groups to deal with the problem,
- Addressing unemployment and the resulting loss of income/ insurance coverage due to inability to perform job functions,
- Medical care/prescription medications, straining their already limited income,
- Special transportation needs due to medical and physical condition,
- Mobility assistance in normal daily activities,
- Assistance in meal preparation, housekeeping and shopping, and
- Physical rehabilitative care due to injury/falls.

These needs were compiled through consultation with service providers.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

According to the HIV Surveillance Report Arkansas, 2014, there were 283 newly diagnosed cases of HIV disease in the state in 2014, along with 224 new cases in 2013, and 179 in 2012. There were 146 new AIDS diagnoses in 2014, with 147 cases diagnosed in 2013 and 95 in 2012. A cumulative total of 10,173 HIV/AIDS cases have been reported in the state. The data are not provided by county, city, or MSA in the annual surveillance report. The data do not break the population down by family characteristics.

Discussion:

Non-homeless special needs populations encompass a wide variety of persons and households and cannot be easily categorized except in very general terms. Many are coping well with their situations without the need for public assistance. Some find needs that can only be met with help from outside their family. Some are on the verge of homelessness themselves and struggle from day to day. Some live independently, while others depend on family or caregivers to help them on a daily basis. Needs for these populations are as varied as the populations are themselves and depend on individual situations.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

Repair needs have been identified for some emergency shelter facilities.

How were these needs determined?

The City conducted a survey of residents and service providers asking their input into the ranking process for the variety of uses of CDBG funds. The survey was available online and as hard copy at fair housing focus group sessions and Consolidated Plan forums. While the survey was not a statistically reliable instrument for prioritizing, it was a useful tool to include community concerns and preferences into consideration. Staff took the results of the survey and the comments received in the focus group sessions and forums and completed the ranking process.

Describe the jurisdiction's need for Public Improvements:

No public improvement needs have been identified.

How were these needs determined?

The City conducted a survey of residents and service providers asking their input into the ranking process for the variety of uses of CDBG funds. The survey was available online and as hard copy at fair housing focus group sessions and Consolidated Plan forums. While the survey was not a statistically reliable instrument for prioritizing, it was a useful tool to include community concerns and preferences into consideration. Staff took the results of the survey and the comments received in the focus group sessions and forums and completed the ranking process.

Describe the jurisdiction's need for Public Services:

Public service needs include services for youth and seniors, health care, and job training.

How were these needs determined?

The City conducted a survey of residents and service providers asking their input into the ranking process for the variety of uses of CDBG funds. The survey was available online and as hard copy at fair housing focus group sessions and Consolidated Plan forums. While the survey was not a statistically reliable instrument for prioritizing, it was a useful tool to include community concerns and preferences into consideration. Staff took the results of the survey and the comments received in the focus group sessions and forums and completed the ranking process.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

The local housing market affects the availability and affordability of housing. In Fort Smith, the housing market has slowly rebounded from the foreclosure crisis of the last decade. With that recovery, housing prices have increased, but are still affordable with the historically low mortgage interest rates found in the current market. The following analysis looks at a variety of data from the American Community Survey, the census, the Fort Smith Housing Authority, and homeless service providers to provide a picture of the local market.

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

The housing stock in Fort Smith is weighted heavily toward single-family housing, with 67 percent of households residing in single-family detached structures, while 30 percent reside in structures with two or more units. Approximately 56 percent of households are home owners, with 84 percent of owner households living in housing units with three or more bedrooms. With almost 11,145 multifamily units serving over 14,923 renter households, the data suggest that almost 3,800 renter households reside in single-family structures, either attached or detached. The use of single-family structures for rental housing does address some of the need for larger housing units for renter households, but the vast disparity of larger units between renter (24%) and owner (84%) households suggests the need for new housing development aimed specifically toward larger renter households requiring three or more bedrooms.

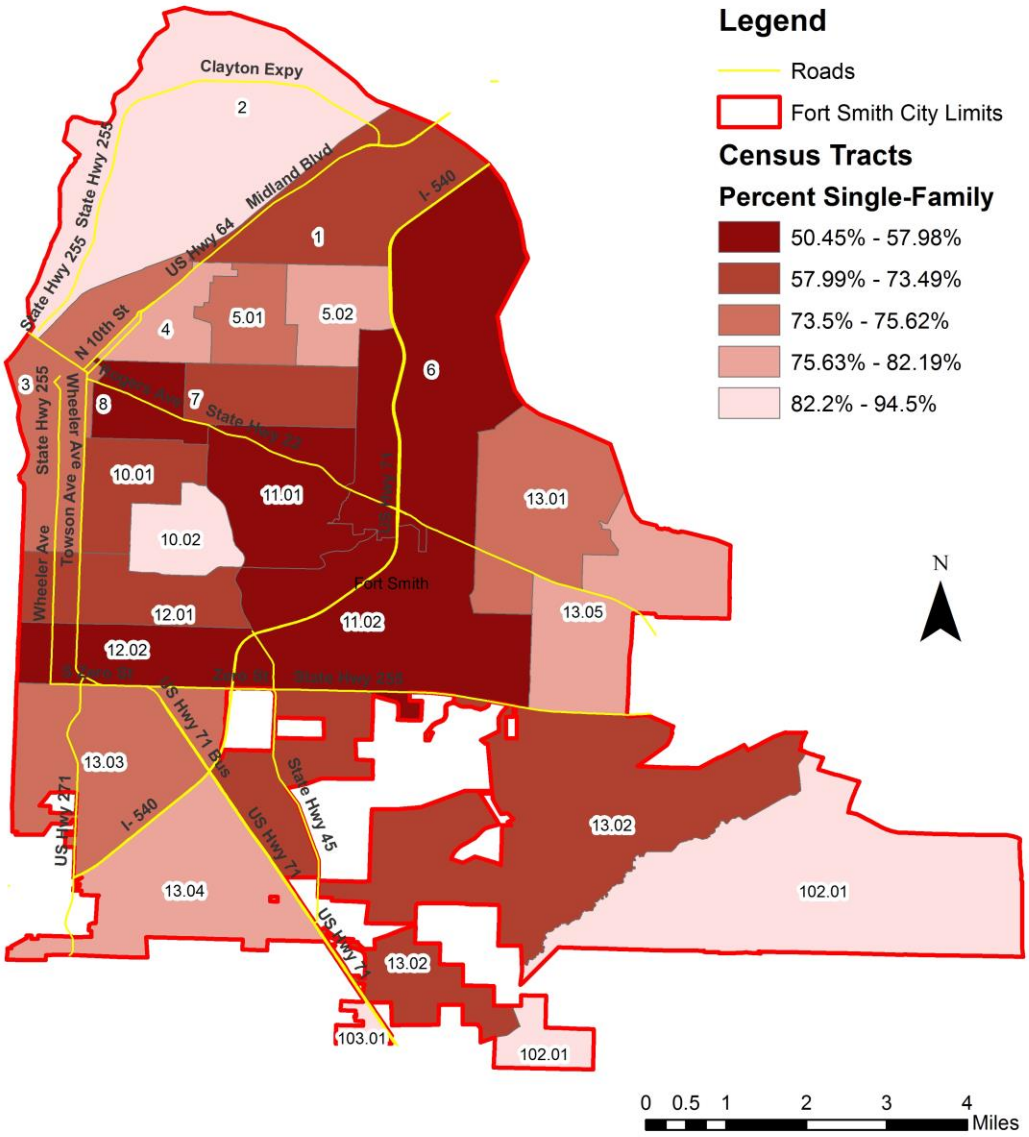
All residential properties by number of units

Property Type	Number	%
1-unit detached structure	25,538	67%
1-unit, attached structure	1,007	3%
2-4 units	4,481	12%
5-19 units	4,514	12%
20 or more units	2,150	6%
Mobile Home, boat, RV, van, etc	450	1%
Total	***38,140***	***100%***

Table 27 – Residential Properties by Unit Number

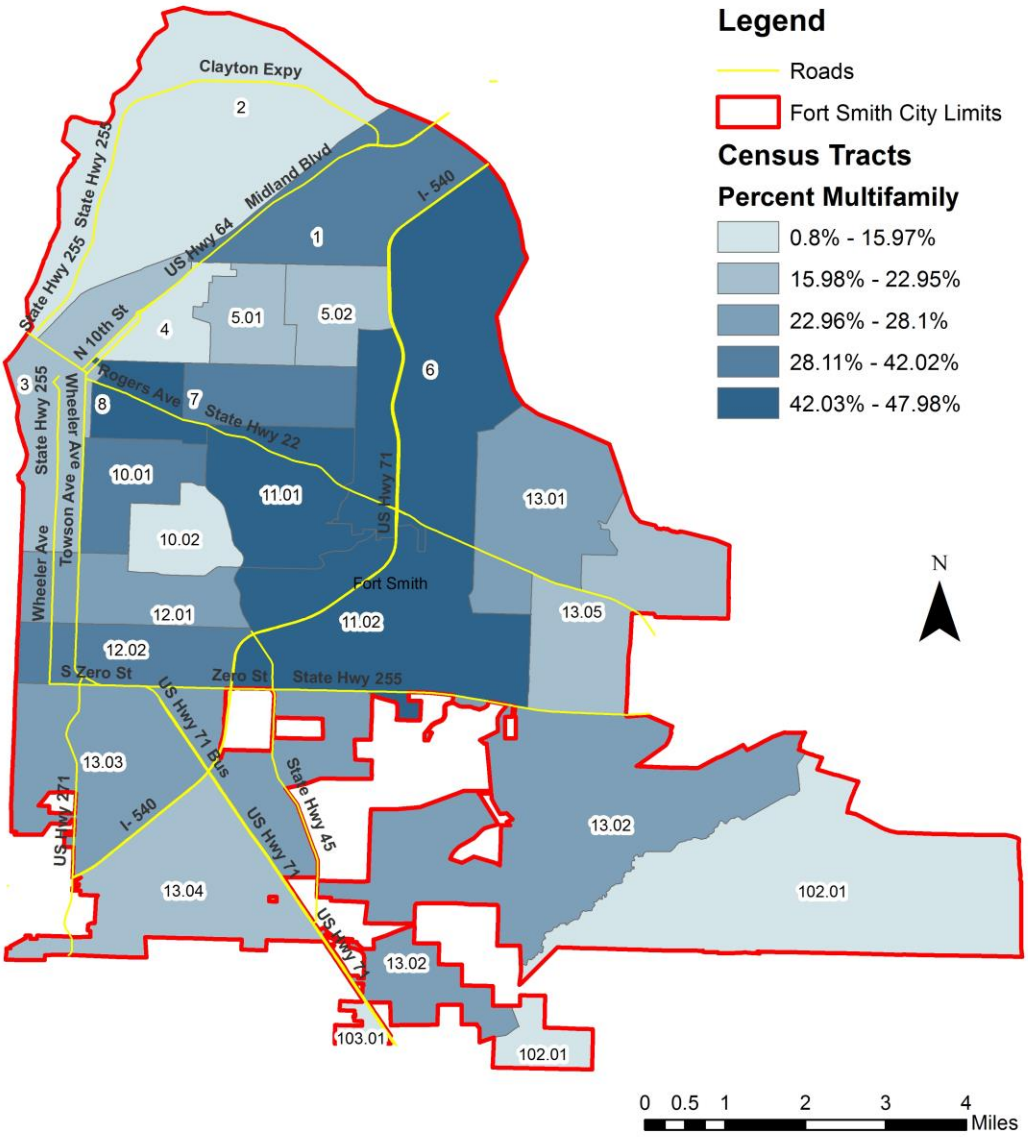
Data Source: 2008-2012 ACS

Percent Single-Family



Percent Single-Family

Percent Multifamily



Percent Multifamily

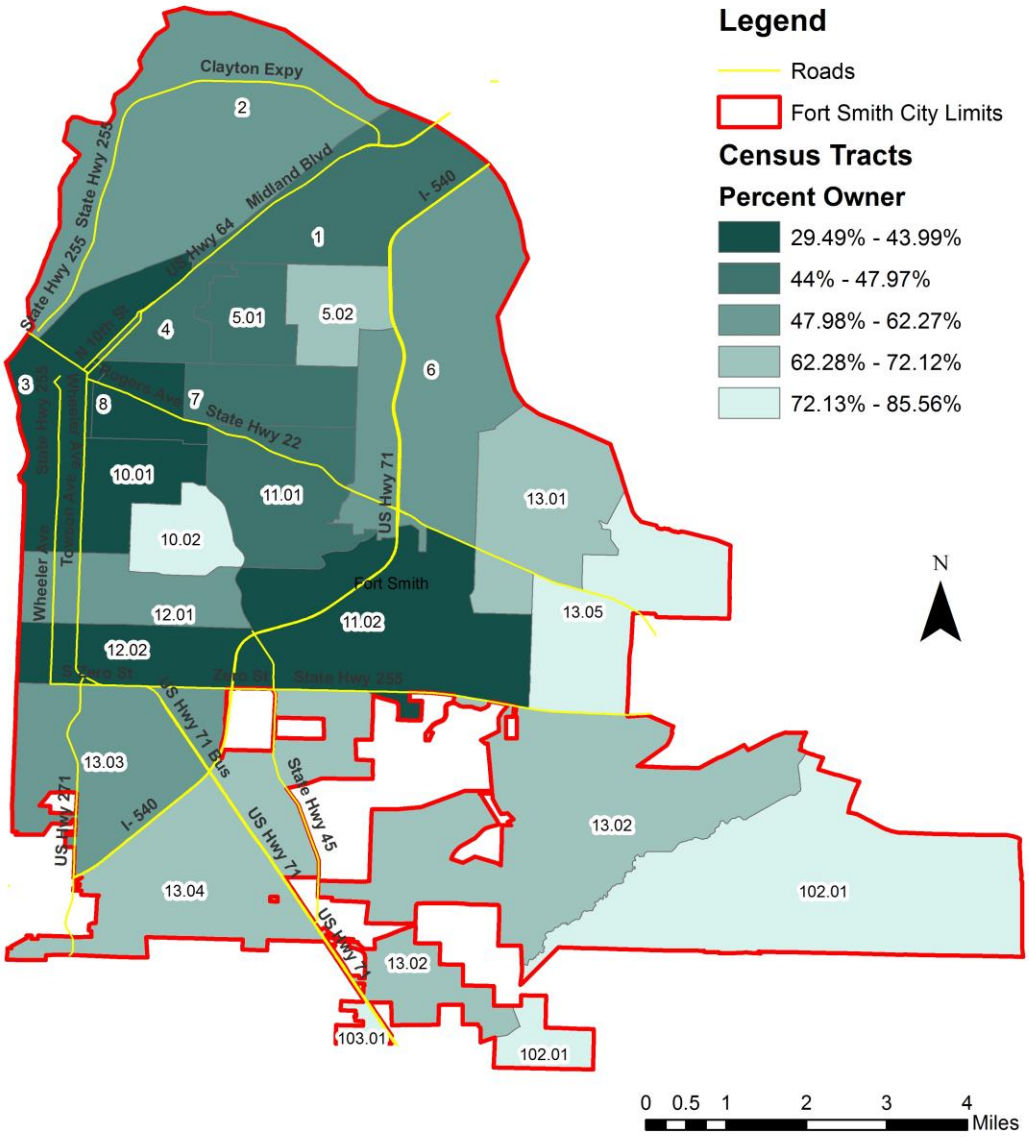
Unit Size by Tenure

	Owners		Renters	
	Number	**%**	**Number**	**%**
No bedroom	52	0%	426	3%
1 bedroom	98	1%	4,557	31%
2 bedrooms	2,935	15%	6,302	42%
3 or more bedrooms	16,000	84%	3,638	24%
Total	***19,085***	***100%***	***14,923***	***100%***

Table 28 – Unit Size by Tenure

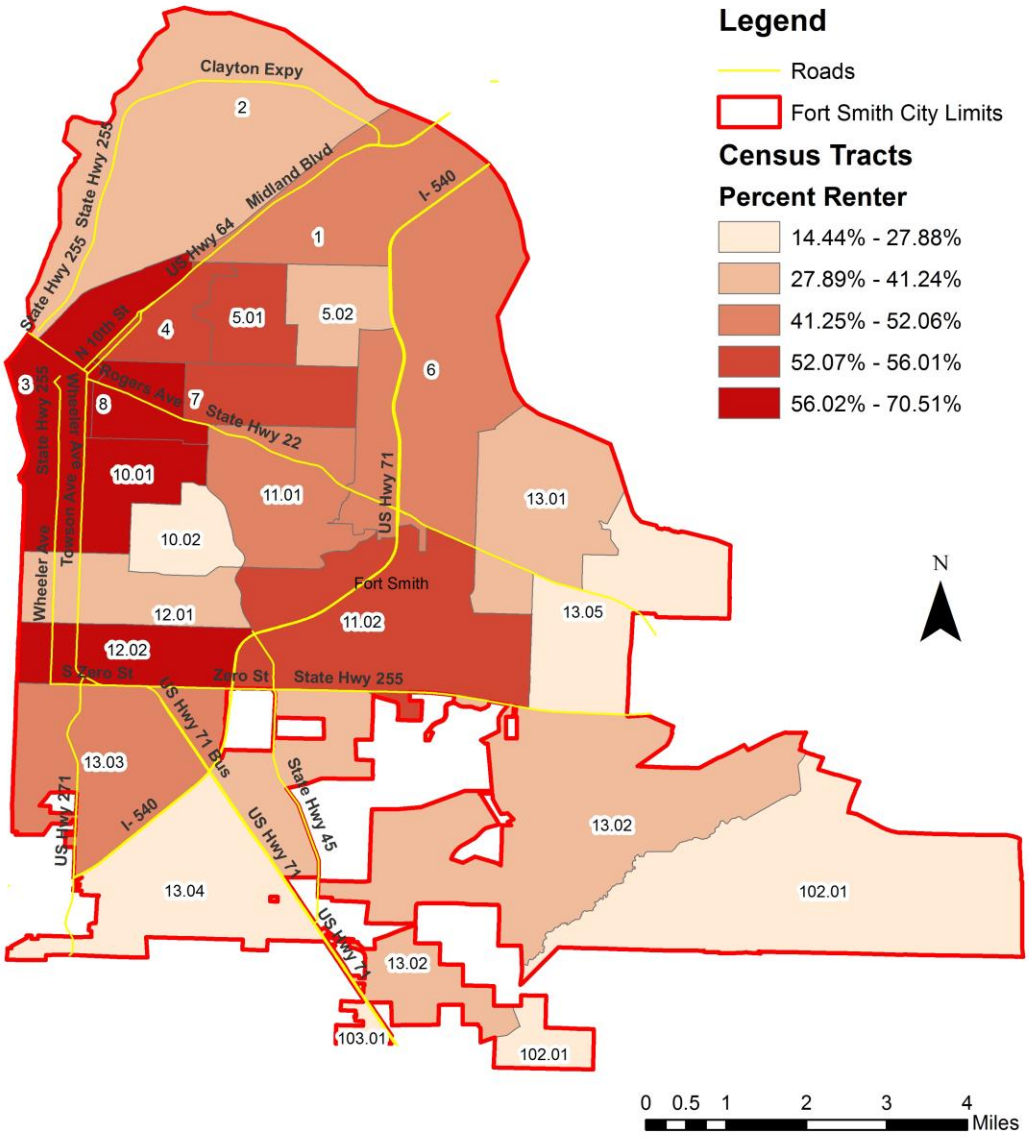
Data Source: 2008-2012 ACS

Percent Owner-Occupied



Percent Owner-Occupied

Percent Renter-Occupied



Percent Renter-Occupied

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

According to affordablehousingonline.com, there are a total of 1,176 assisted housing units in Fort Smith, not counting 288 public housing units. The site indicates a total of 679 Section 8 units in six properties, 509 units in eight Low Income Housing Tax Credit (LIHTC) developments, 150 units in one Section 202 development, and no Section 811 developments. Tax credit units are typically limited to 60 percent of the area median income or below. Other properties listed are limited to no more than 80 percent of the area median income.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

Data available online indicate that there are a total of 799 federally subsidized housing units in eight properties serving lower income households in Fort Smith. Expiration date for these HUD contracts range from 2035 to 2054. From these data, the risk of losing units to contract expiration is low.

Does the availability of housing units meet the needs of the population?

Seventy percent of all households in Fort Smith reside in single-family homes, either detached or attached. While this is often considered the ideal in terms of raising a family, the growing senior population may require a reconsideration of what is ideal with respect to housing type. In the coming years, the growing senior population may put more market pressure on smaller apartment units, particularly efficiencies and one-bedroom units, as they look to downsize from the single-family home in which they raised their families. Future development of units designed with retirees in mind and active senior apartment communities may take on a larger presence in the housing market.

Describe the need for specific types of housing:

As shown in the Units by Tenure data, the vast majority of owner households reside in homes with three or more bedrooms (84%). By comparison, only 24 percent of renter households reside in units with three or more bedrooms. While many renter households contain single person or couple households with no children, a number of larger renter households are overcrowded in smaller rental units, less than three bedrooms.

Discussion

The largest sector of housing units in Fort Smith are in single-family structures (70%). Of renter households, most (76%) live in units with two or fewer bedrooms. As the demographics of the city and state start reflecting the aging of the baby boom generation, the housing market will need to adapt to provide new housing opportunities for those seeking to downsize from their family home to smaller units, some of which might be in senior's communities where residents can participate in a variety of

community activities, including meals, exercise, shopping, and entertainment. The housing stock also needs additional supplies of larger rental units, some of which may come from the baby boomers moving to smaller units. The rental stock is 24 percent larger units (three or more bedrooms) compared to 84 percent for owner occupied units. There is a modest inventory of HUD insured rental units in Fort Smith (799 units) with maturity dates in 2034 through 2054, suggesting little risk of loss of affordable housing units in the near future.

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

Housing costs are a major portion of any households' monthly budget. In 2000, the median home value in Fort Smith was $72,900. By 2012, the median value had increased by 56 percent to $113,700. Rental costs had similar, though somewhat lower, increases rising 30 percent from $339 in 2000 to $442 in 2012. In Fort Smith, 64 percent of renter households paid less than $500 per month in rent. Just over six percent of the rental housing stock was affordable to households earning less than 30 percent of the area median income. No homes were priced in a range that would be affordable for a household earning less than 30 percent of the area median income.

Cost of Housing

	Base Year: 2000	Most Recent Year: 2012	% Change
Median Home Value	72,900	113,700	56%
Median Contract Rent	339	442	30%

Table 29 – Cost of Housing

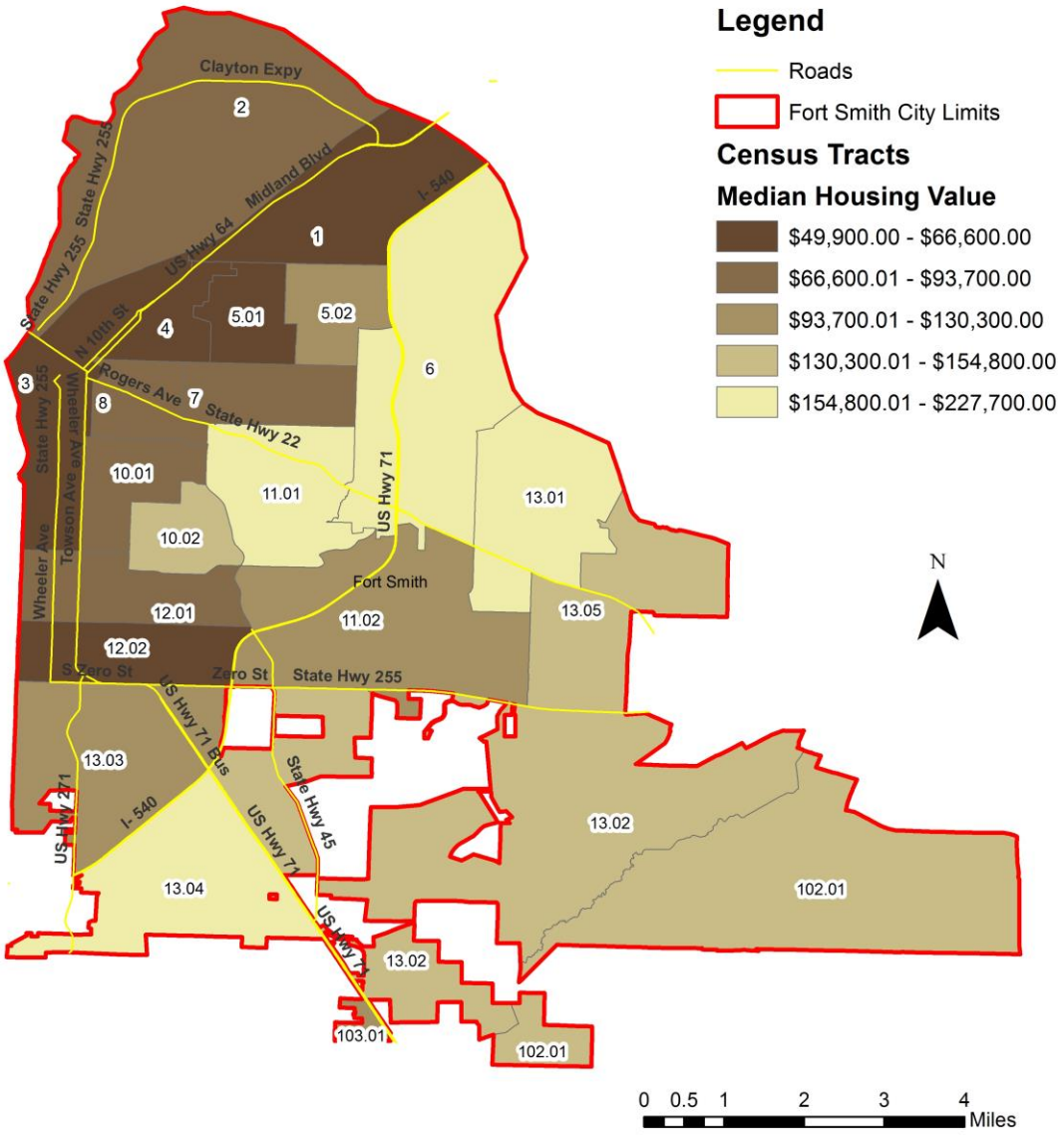
Data Source: 2000 Census (Base Year), 2008-2012 ACS (Most Recent Year)

Rent Paid	Number	%
Less than $500	9,581	64.2%
$500-999	4,975	33.3%
$1,000-1,499	249	1.7%
$1,500-1,999	32	0.2%
$2,000 or more	86	0.6%
Total	***14,923***	***100.0%***

Table 30 - Rent Paid

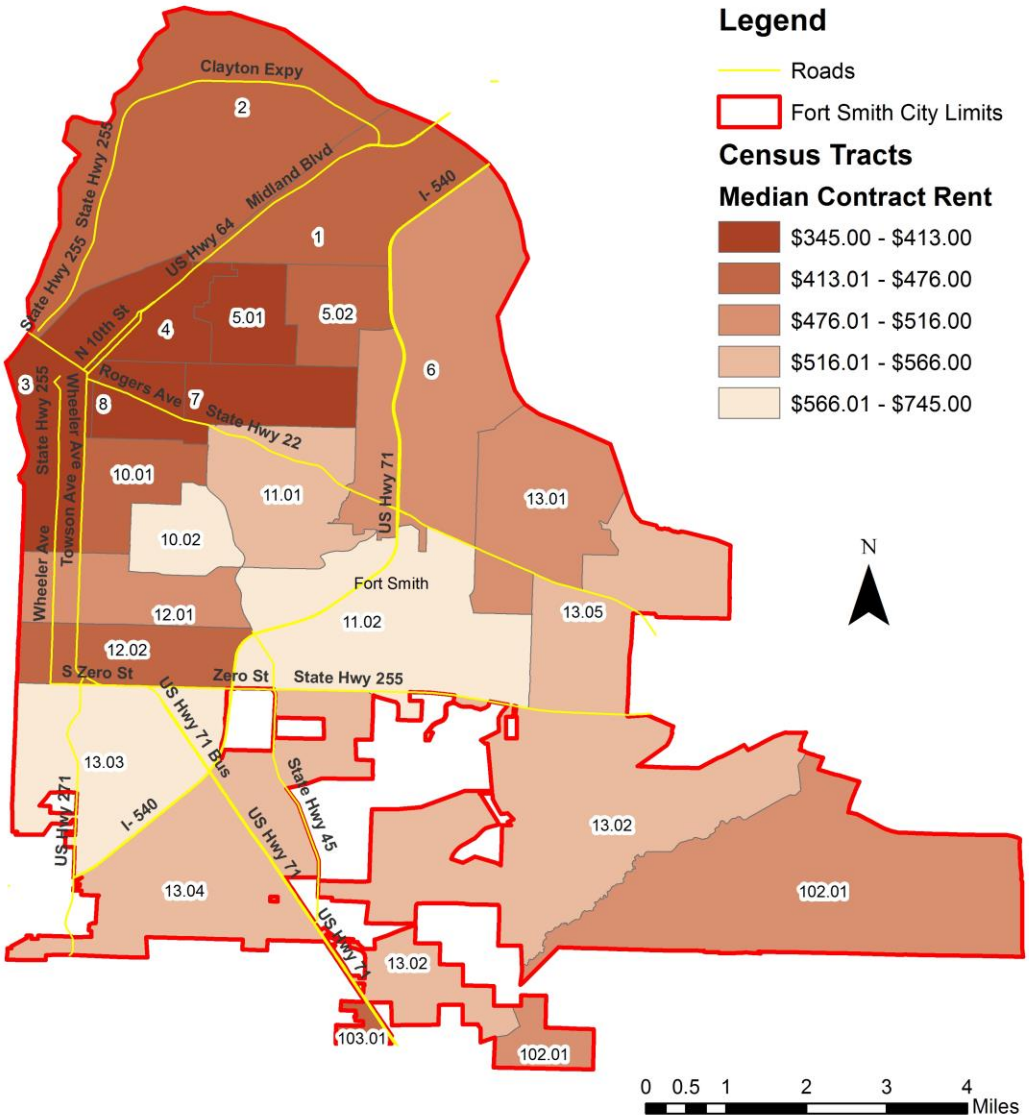
Data Source: 2008-2012 ACS

Median Housing Value



Median Home Value

Median Contract Rent



Median Contract Rent

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	705	No Data
50% HAMFI	2,880	630
80% HAMFI	7,500	1,455
100% HAMFI	No Data	1,944
Total	***11,085***	***4,029***

Table 31 – Housing Affordability

Data Source: 2008-2012 CHAS

Monthly Rent

Monthly Rent ($)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	484	487	638	850	0
High HOME Rent	484	487	638	804	878
Low HOME Rent	423	454	545	629	702

Table 32 – Monthly Rent

Data Source: HUD FMR and HOME Rents

Is there sufficient housing for households at all income levels?

As would be expected, the lowest income households have the least housing stock from which to choose, clearly not enough to meet the needs of the community. With no homes priced at a level affordable to those earning below 30 percent of the area median income, rental properties are their only option. The data show that six percent of rental units are affordable to those earning less than 30 percent of the area median income. With this limited housing stock, many households are forced to spend more of their income on housing expenses, moving up to higher priced rental housing. This creates a cost burden for those households, requiring that they spend more than 30 percent of their household income on housing expenses. In many cases it creates a severe cost burden, requiring more than 50 percent of their income for housing. In some cases households are forced to double-up with other families, sharing housing units that were designed for only one household.

How is affordability of housing likely to change considering changes to home values and/or rents?

With a 56 percent increase in median home value between 2000 and 2012, homeownership is becoming less affordable. With an improving economy, that pressure on homeownership is likely to increase as the housing market recovers from the mortgage foreclosure situation of the recent past and home prices return to pre-2008 levels and grow even more. On the other hand, mortgage interest rates are at

historic lows, which make home purchases more affordable than would have been possible in 2000 when rates were higher. The lower interest rates are, to some extent, responsible for the rise in home prices since 2000 as an individual household is able to afford a higher home price with the lower interest rate. Rents, however, rose at a slower pace, 30 percent between 2000 and 2012. Rents are less affordable than in 2000 and the demand for rental housing is most likely higher than in 2000 with former homeowners who lost their homes to foreclosure looking for rental housing instead of looking to buy.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

High HOME rents are identical to Fair Market Rents, with the exception of a higher fair market rent for 3-bedroom units, and all HOME rents, with the exception of efficiencies, are higher than the area median rents as shown for 2012. These data suggest that the development of new rental housing units may increase the area median rent, while possibly remaining within the fair market rents for the area.

Discussion

Competing factors in the housing market, rising prices and historically low mortgage interest rates, have kept homeownership affordability somewhat constant over the past decade. The mortgage market, however, created a situation through "liar" loans and adjustable rate mortgage products where large numbers of homeowners lost their homes to foreclosure. This resulted in a bubble in the supply of homes on the market and a dip in home prices, but many were unable to take advantage of the market conditions because of a tightening of mortgage requirements and the inability of many to qualify for mortgage under the more stringent rules. Rents, on the other hand, increased by 30 percent since 2000, putting pressure on lower income households looking for rental opportunities.

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

The condition of housing units is highly correlated to the income of the household residing within those housing units. In Fort Smith, 79 percent of owner-occupied housing units and 54 percent of renter-occupied housing units have no housing problems reported. Four conditions are represented as housing problems, including lack of complete kitchen facilities, lack of complete plumbing facilities, more than one person per room, and cost burden (paying more than 30% of household income on housing expenses). The data show that 21 percent of owner households and 43 percent of renter households have one housing problem or condition. Presumably, this one housing problem is most likely either cost burden or substandard housing, with the latter more likely for renter housing than for owner housing. Sixty-six percent of owner-occupied housing and 64 percent of renter-occupied housing was built prior to 1980, making those units potential sources of lead-based paint contamination. While not all will have lead-based paint, the age of the units suggests that at one time lead-based paint may have been used on the unit and provides a potential hazard, particularly for households with children present. Over 1,800 units in Fort Smith were built before 1980 and have children present in the household. It is reasonable to assume that a large number of these households are lower income households due to the fact that older housing stock is often filtered down through the income categories to the lowest income households.

Definitions

Substandard condition is defined as a combination of incomplete kitchen or plumbing facilities, missing windows or exterior doors, severely compromised foundations, outdated electrical infrastructure, holes in floors or walls, and holes in roof or severely compromised roofing materials preventing closure from weather penetration. Many units with a combination that includes all these conditions may be unfit for human occupation. Some may be candidates for rehabilitation, others may not be. Substandard condition suitable for rehabilitation would be units where the home is determined to be less than 60 percent deteriorated or the cost of the combination of needed repairs of all conditions does not exceed the estimated after-rehabilitation value of the house.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	4,007	21%	6,365	43%
With two selected Conditions	51	0%	401	3%
With three selected Conditions	0	0%	29	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	15,027	79%	8,128	54%
Total	***19,085***	***100%***	***14,923***	***100%***

Table 33 - Condition of Units

Data Source: 2008-2012 ACS

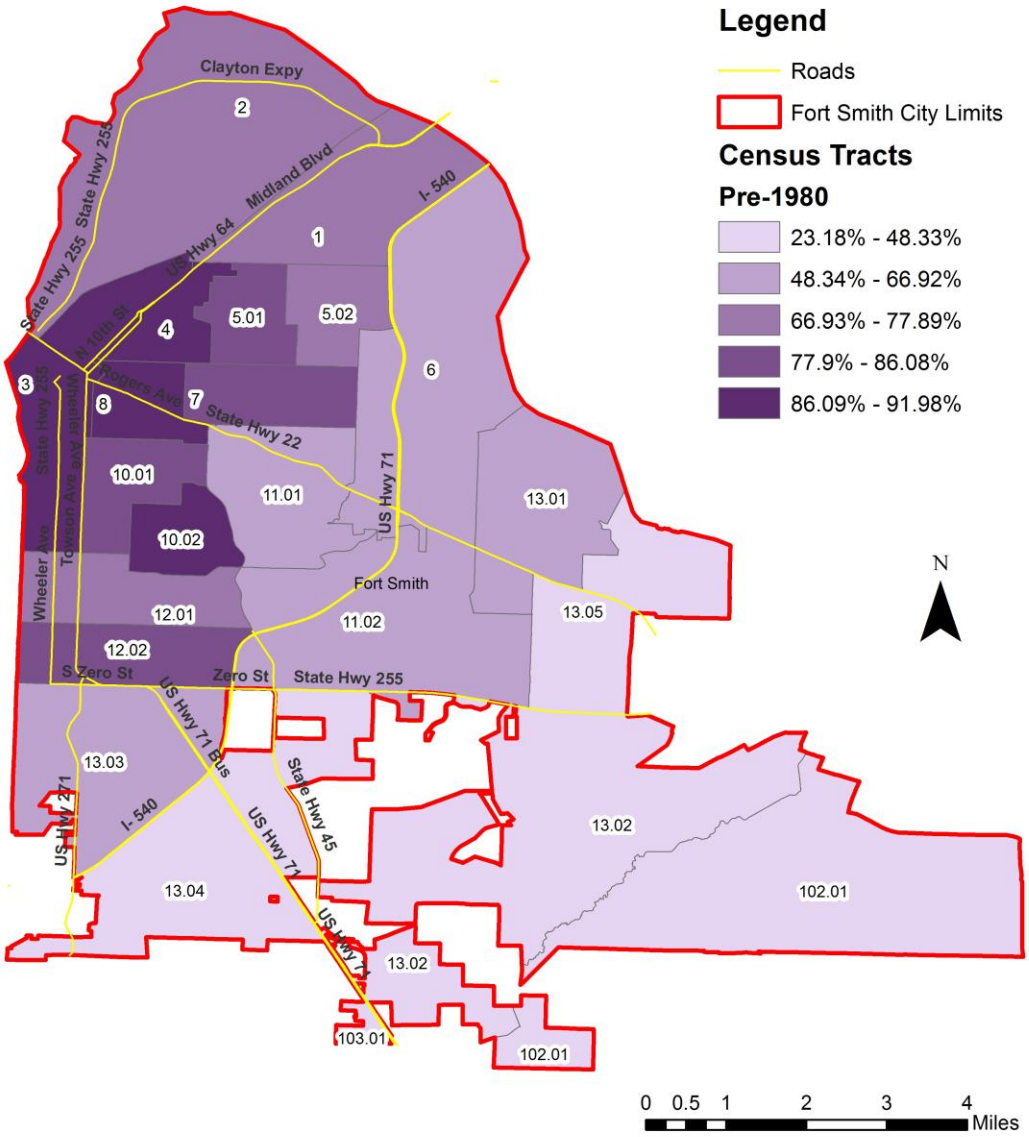
Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	1,906	0%	1,284	9%
1980-1999	4,515	24%	4,104	28%
1950-1979	9,538	50%	7,586	51%
Before 1950	3,126	16%	1,949	13%
Total	***19,085***	***90%***	***14,923***	***101%***

Table 34 – Year Unit Built

Data Source: 2008-2012 CHAS

Percent Pre-1980 Housing Stock



Percent Pre-1980 Housing Stock

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	12,664	66%	9,535	64%
Housing Units build before 1980 with children present	954	5%	855	6%

Table 35 – Risk of Lead-Based Paint

Data Source: 2008-2012 ACS (Total Units) 2008-2012 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units	0	0	0
Abandoned Vacant Units	0	0	0
REO Properties	0	0	0
Abandoned REO Properties	0	0	0

Table 36 - Vacant Units

Data Source: 2005-2009 CHAS

Need for Owner and Rental Rehabilitation

Sixty-six percent of the owner-occupied housing stock and 64 percent of the renter-occupied housing was built prior to 1980, placing the age of that housing at more than 30 years old, much of it many years older. As the housing stock ages, water infiltration and many other factors can cause rapid deterioration of housing units, particularly where the residents don't or can't provide needed maintenance. In some areas of Fort Smith, the housing stock may exceed 50 years of age and the median income of the residents of those areas may be less than 50 percent of the area median income. In these situations, it is likely that housing conditions generally throughout these areas are poor.

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

The data show that the number of housing units in Fort Smith built prior to 1980, and potentially where lead-based paint hazards might be found, include 66 percent of all owner housing and 64 percent of rental housing. Five percent of owner housing units and six percent of rental housing units built prior to 1980 are occupied by families with children present, a total of over 1,800 housing units. As housing units and neighborhoods age, they typically fall through the income classes from middle- or moderate-income households to lower income households. Neighborhoods that were once middle class become home to lower income groups as they age. Typically, with some exceptions, the oldest neighborhoods found are where the poorest residents are found. As a result, it is reasonable to assume that most of the 1,800 units in Fort Smith built prior to 1980 and occupied by families with children are likely occupied by low- or moderate-income families.

Discussion

There is an extensive need for rehabilitation programs in Fort Smith targeting the improvement of the city's oldest housing stock. These programs, which are currently ongoing through the City of Fort Smith with the City's CDBG and HOME funding, provide owners of owner-occupied, single-family housing with loans and/or grants to facilitate needed repairs which have not been effected by current or previous owners. These repairs include structural repairs both inside the unit and on the exterior and testing for and remediation of lead-based paint hazards in older housing units.

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

As of July 2014, the only remaining public housing development in Fort Smith transitioned to private ownership through the Rental Assistance Demonstration (RAD) program.

Totals Number of Units

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	104	287	2,478	75	2,403	0	0	0
# of accessible units									
***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**									

Table 37 – Total Number of Units by Program Type

Alternate Data Source Name:
Corrections

Data Source Comments: The analyst used PHA data to correct eCon download of number of public housing units.

Describe the supply of public housing developments:

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

As of July 2014, the only remaining public housing development in Fort Smith transitioned to private ownership through the Rental Assistance Demonstration (RAD) program.

Public Housing Condition

Public Housing Development	Average Inspection Score

Table 38 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

As of July 2014, the only remaining public housing development in Fort Smith transitioned to private ownership through the Rental Assistance Demonstration (RAD) program.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

As of July 2014, the only remaining public housing development in Fort Smith transitioned to private ownership through the Rental Assistance Demonstration (RAD) program.

Discussion:

As of July 2014, the only remaining public housing development in Fort Smith transitioned to private ownership through the Rental Assistance Demonstration (RAD) program.

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

The following data are the most current count of homeless facilities in Fort Smith taken from HUD's report for the Fort Smith Continuum of Care.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	50	0	6	0	0
Households with Only Adults	103	0	15	0	0
Chronically Homeless Households	0	0	0	0	0
Veterans	0	0	15	0	0
Unaccompanied Youth	0	0	0	0	0

Table 39 - Facilities and Housing Targeted to Homeless Households

Data Source Comments: 2015 Fort Smith CoC Housing Inventory County Report

Describe mainstream services, such as health, mental health, and employment services to the extent those services are use to complement services targeted to homeless persons

Homeless service providers in Fort Smith provide a wide range of housing and services to their clients, including shelters and transitional housing facilities, substance abuse treatment, case management, job training, clothes closets to provide clothing suitable for job interviews, food, and transportation. All depend, to some extent, on mainstream services to supplement those offered in-house. These include transportation services, dental care, legal assistance, health and mental health care, job training, and childcare. Some of these services are offered pro bono from caring professionals. Other services require some payment from the client.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

Fort Smith is served by a wide range of organizations that address the needs of homeless individuals and families. Included are:

- Crisis Intervention Center- domestic violence shelter
- Community Rescue Mission – emergency shelter for mixed populations
- Gospel Rescue Mission - emergency shelter, basic needs, clothes closet, homeless services
- Salvation Army - emergency shelter, food, clothes, advocacy, and services
- Next Step Homeless Services - transitional housing for adults and mixed populations, hot lunch, day room, job counseling, psychological assessment, life-skills training, bicycle rentals
- Harbor Housing - substance abuse treatment

These facilities and programs address housing and service needs of homeless individuals and families by offering beds and a variety of much needed services. Contained within this group of programs are emergency shelters and transitional housing, drug treatment programs, services for victims of domestic violence, mental health treatment, healthcare, and numerous associated services that attempt to address the continuum of needs of homeless persons.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

Special needs populations in Fort Smith include the elderly; frail elderly; persons with mental, physical, or developmental disabilities; persons with HIV/AIDS; and persons with substance abuse problems. Considering the non-homeless special needs population, many in these populations are currently having their housing and service needs met without or with limited public assistance. Circumstances, however, are subject to change and the more the community prepares for future needs, the better it will be able to meet those needs when they occur.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

The supportive housing needs of special needs populations in Fort Smith vary according to the population. In coming years, the needs of the elderly and frail elderly will increase as the over 65 year old population grows with the aging of the baby boom population. These needs may include nursing care facilities targeted to lower income households who cannot afford private nursing home care. Permanent supportive housing options for persons with mental, physical, and developmental disabilities may also become a pressing issue as persons with disabilities who previously have been taken care of by parents lose those caregivers to death or incapacity. With healthcare systems enabling persons with disabilities to live longer, many are now outliving their caregivers, increasing demand for group housing that provides the care this population needs.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

Many homeless shelters operate under a rapid re-housing structure for clients coming into the system. Local participants in the Fort Smith Continuum of Care structure have recognized the need for discharge planning within the service provision structure in Fort Smith regarding returning patients from mental and physical health institutions. At a minimum, institutions agree not to discharge individuals into homelessness. Individual mental and physical health institutions may have their own discharge planning protocols in place, but they are not coordinated with any citywide planning effort. The CoC supports efforts at a more formal discharge planning protocol.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

The City funds housing rehabilitation and emergency repair programs that work with the elderly, among other populations, in an attempt to maintain their home so they can continue to reside in their own homes. As a homeowner ages he/she is often unable to continue to provide the maintenance needed to keep the home habitable. The City's programs work with those homeowners to address pressing issues that arise, such as roof leaks or plumbing failures, and also more extensive rehabilitation needed to bring a home completely up to current building code.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

Public service funding is primarily dedicated to programs that address the needs of children and the provision of other services to low-income households. The City operates housing rehabilitation and emergency repair programs that target elderly households in need of assistance with housing maintenance and safety issues.

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

There are no known barriers to affordable housing resulting from public policies of the City of Fort Smith.

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

Housing preferences are fulfilled by a household's ability to meet the financial needs of owning or renting their desired housing unit. The economic health of a community has a large impact on that ability through the job market, business activity, and the household's relative place in the economy determined by their level of education and employment status. The data below provide a look at where jobs and economic activity in Fort Smith provide employment opportunities and some descriptive consideration of education and employment levels.

Economic Development Market Analysis - Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	688	1,582	2	3	1
Arts, Entertainment, Accommodations	3,313	5,164	11	10	-1
Construction	1,116	1,833	4	4	0
Education and Health Care Services	5,150	10,332	18	20	2
Finance, Insurance, and Real Estate	1,379	2,303	5	5	0
Information	479	917	2	2	0
Manufacturing	7,584	12,958	26	26	0
Other Services	765	1,280	3	3	0
Professional, Scientific, Management Services	2,056	3,571	7	7	0
Public Administration	0	0	0	0	0
Retail Trade	3,790	6,695	13	13	0
Transportation and Warehousing	1,220	1,400	4	3	-1
Wholesale Trade	1,462	2,641	5	5	0
Total	29,002	50,676	--	--	--

Table 40 - Business Activity

Data Source: 2008-2012 ACS (Workers), 2011 Longitudinal Employer-Household Dynamics (Jobs)

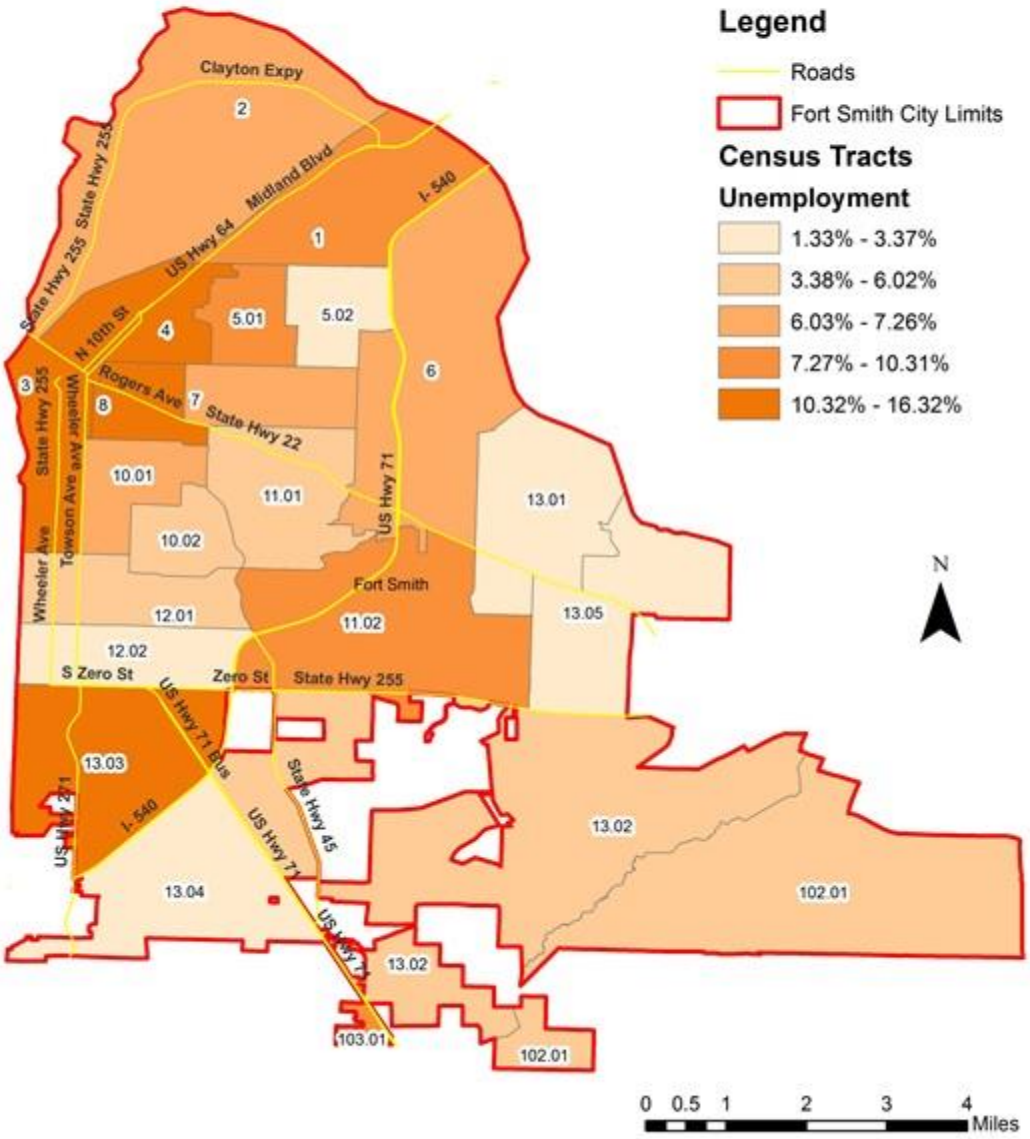
Labor Force

Total Population in the Civilian Labor Force	40,536
Civilian Employed Population 16 years and over	37,993
Unemployment Rate	6.27
Unemployment Rate for Ages 16-24	11.42
Unemployment Rate for Ages 25-65	4.29

Table 41 - Labor Force

Data Source: 2008-2012 ACS

Percent Unemployed



Unemployment Rate

Occupations by Sector	Number of People
Management, business and financial	7,485
Farming, fisheries and forestry occupations	1,090
Service	3,766
Sales and office	8,828
Construction, extraction, maintenance and repair	2,830
Production, transportation and material moving	3,494

Table 42 – Occupations by Sector

Data Source: 2008-2012 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	33,824	92%
30-59 Minutes	2,152	6%
60 or More Minutes	758	2%
Total	***36,734***	***100%***

Table 43 - Travel Time

Data Source: 2008-2012 ACS

Education:

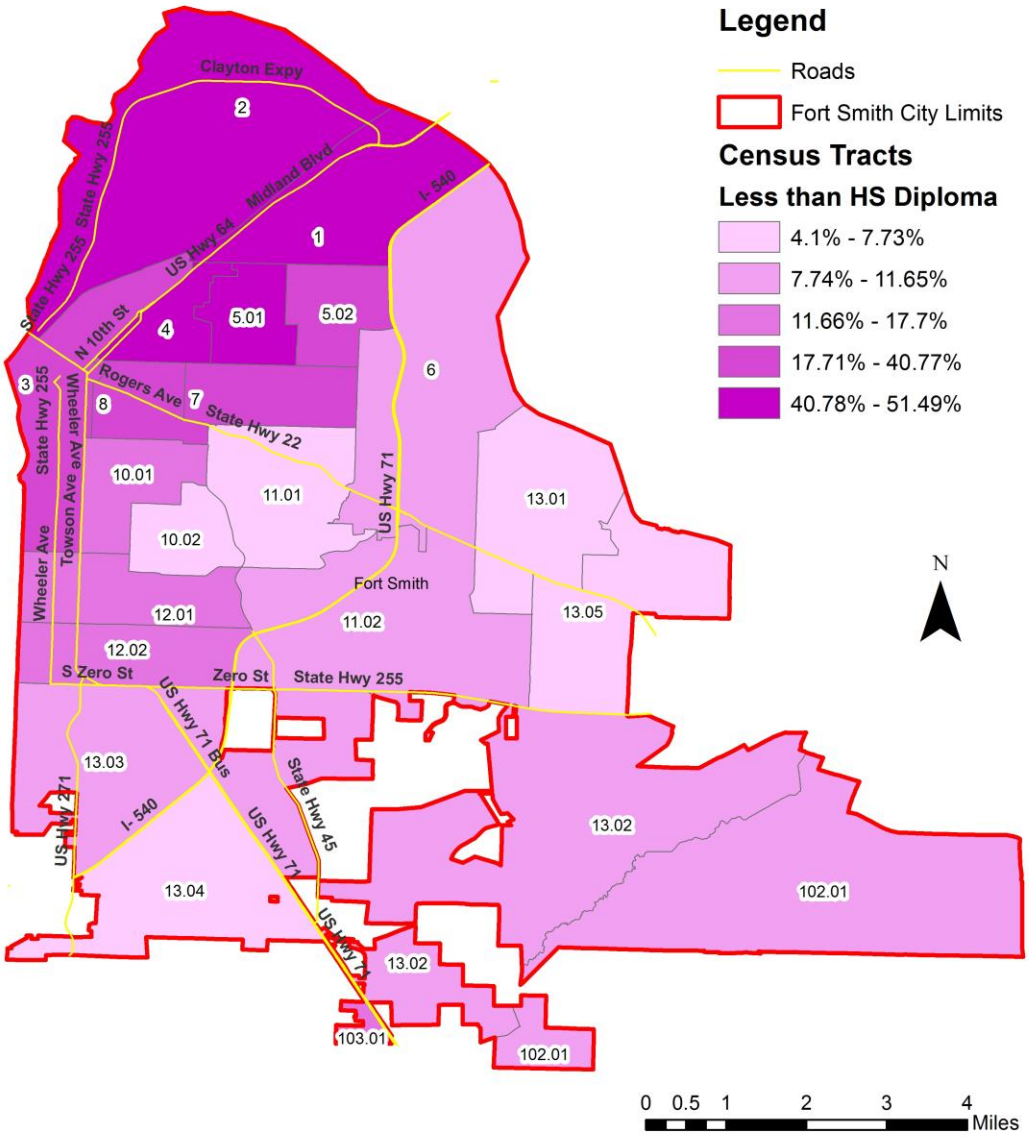
Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		
	Civilian Employed	Unemployed	Not in Labor Force
Less than high school graduate	4,666	326	3,915
High school graduate (includes equivalency)	8,143	721	4,043
Some college or Associate's degree	9,985	728	2,798
Bachelor's degree or higher	7,754	141	1,351

Table 44 - Educational Attainment by Employment Status

Data Source: 2008-2012 ACS

Percent with Less than a High School Diploma



Percent with Less than a High School Diploma

Educational Attainment by Age

	Age				
	18–24 yrs	**25–34 yrs**	**35–44 yrs**	**45–65 yrs**	**65+ yrs**
Less than 9th grade	326	1,176	1,128	1,760	1,022
9th to 12th grade, no diploma	1,645	1,683	1,204	1,956	1,092
High school graduate, GED, or alternative	2,799	3,274	3,228	6,406	3,934
Some college, no degree	3,074	2,746	2,394	4,756	2,177
Associate's degree	307	845	689	2,099	528
Bachelor's degree	402	1,635	1,632	2,781	1,394
Graduate or professional degree	17	463	871	1,893	848

Table 45 - Educational Attainment by Age

Data Source: 2008-2012 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	19,854
High school graduate (includes equivalency)	23,085
Some college or Associate's degree	29,754
Bachelor's degree	40,178
Graduate or professional degree	55,633

Table 46 – Median Earnings in the Past 12 Months

Data Source: 2008-2012 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

The most active business sector in Fort Smith, in terms of the number of workers in the various industries, is Manufacturing with 24 percent of all workers. That sector is followed by Education and Health Care Services, Retail Trade, and Arts, Entertainment, Accommodations with 16, 12, and 11 percent respectively. Professional, Scientific, etc. has a seven percent share of workers, followed by Wholesale Trade with five percent and Finance, Insurance, Real Estate, Construction, and Transportation and Warehousing with four percent each.

Describe the workforce and infrastructure needs of the business community:

Federal funding will not be used for these activities.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

Some recent economic development successes in Fort Smith include:

Furniture Factory Outlet (2015) Furniture Factory Outlet (FFO) announced the company will relocate its corporate headquarters and manufacturing operations to Fort Smith from Muldrow, Oklahoma. As part of the relocation, FFO will create 64 new, full-time jobs in Fort Smith. The company owns and operates 36 retail stores in the Midwest, including 17 in Arkansas employing 151 people.

ArcBest Corporation (2014) ArcBest Corporation announced that it is under contract to purchase 40 acres of land at Chaffee Crossing, for construction of a new corporate headquarters facility.

ArcBest, a holistic provider of transportation and logistics solutions, has exceeded the capacity at its current Fort Smith general office on Old Greenwood Road and has been leasing supplemental office space at a separate location since early 2012. The company has since outgrown the capacity at that location, which currently houses the ABF Logistics subsidiary personnel, as well.

Osteopathic Medical College (2013) Fort Smith could soon be home to Arkansas' first college of osteopathic medicine and one of just 31 in the U.S., thanks to a more than $58 million investment from the Fort Smith Regional Healthcare Foundation (FSRHF) and a grant of 200 acres from the Fort Chaffee Redevelopment Authority (FCRA).

A fully operational school would serve about 600 students, and employ around 65 (full-time equivalent jobs) with an average salary of $103,000. That impact does not include adjunct professors that will be needed for the school.

The school is targeted to accept its first cohort of students in the fall of 2017.

Walther Arms (2012) Umarex and Walther Arms, Inc., the maker of the world famous Walther PPK handgun used by James Bond, announced they would co-locate at 7700 Chad Colley Blvd. in the city's Chaffee Crossing development.

Combined, the companies plan to invest more than $7 million toward expansion and operations, with new jobs adding to an existing staff of 71 employees in the next five years.

The existing facility broke ground in 2008 during which time it employed 22. If Umarex and Walther are able to maximize planned job creation that would move employment growth at the facility to around 700% in less than 10 years.

Health Management Associates Health Management Associates (HMA) will operate a regional service center in Fort Smith that will employ more than 500 with average annual salaries potentially exceeding $40,000.

The almost 90,000-square-foot facility will be housed in what is now the Phoenix Expo Center in what was once a portion of Phoenix Village Mall. HMA estimates the annual payroll will be $21.5 million, with the center at full employment within 12 months. The company is also investing $4 million in furniture, fixtures and equipment for the new center.

Nestlé Nutrition (2010) Nestlé Nutrition announced the most significant expansion and re-design of its GERBER facility in Fort Smith, Arkansas since its installation in 1964. The expansion will generate an anticipated 50 local full-time jobs, plus potential incremental demand for local contractors during the construction period.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

Generally, there is a wide range of jobs in Fort Smith with a variety of education and skill requirements. The largest industry in Fort Smith, based on share of workers, is Manufacturing. This sector has a wide variety of jobs, some requiring high levels of education and skills, other with less demanding entry requirements. The industry with the second most workers in Fort Smith is the Education and Health Care Services sector, which typically has stringent education and skill requirements for the most visible portion of the workforce, the educators, doctors, and nurses. The sector also has a large support staff with lower education and skill requirements, including maintenance workers, drivers, and many other job classifications. Fort Smith's third and fourth largest sectors are Retail Trade and Arts, Entertainment, Accommodations, typically calling for a less educated, less skilled workforce, though many Arts positions demand high skill levels. A large share of the Fort Smith population over the age of 16 did not graduate from high school, as demonstrated in the table on page 81.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

Arkansas Manufacturing Solutions

Arkansas Manufacturing Solutions (AMS) was established in 1995 and is a program of the Arkansas Economic Development Commission. AMS is an affiliate of the National Institute of Standards and Technology (NIST) Manufacturing Extension Partnership (MEP).

AMS provides executive level leadership and management consultative services to Arkansas companies in the areas of **Innovation, Growth Services (including Export), Operational Excellence (Lean, Toyota Kata, TWI) and Sustainability (Green & Energy)**. AMS has business consultants and offices in

Fayetteville, Jonesboro, and Fort Smith.

The vision of AMS is to be the preferred partner and trusted advisor serving Arkansas manufacturers that pursue growth and excellence.

Arkansas Department of Workforce Services

Employment Assistance, Unemployment Insurance, Health Related Assistance, Educational Assistance, Welfare and Food Stamps Assistance, Transitional Employment Assistance (TEA), Medicaid, Child Care and Housing Assistance, Utilities Assistance, Counseling Assistance, and Training Assistance. Employer Assistance, including registration, job orders, recruitment, selection, referral, testing, on-the-job training, employer tax information, interview scheduling, labor force statistics, occupational employment projections, growth occupations in Arkansas, licensed occupational information and local employer advisory committee information.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

Yes

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

Fort Smith and Sebastian County are part of a six county planning district (Western Arkansas Planning and Development District), which developed a Comprehensive Economic Development Strategy and updated that CEDS in 2013. A summary or recommendations for charges in planning and strategy development is listed below.

- Continuation of the committed local funding sources that will sustain the work of the Fort Smith Regional Economic Development Alliance and the Fort Smith Regional Council.
- Promote continued improvements in the area's educational attainment of its residents through better support and accountability of its educational institutions, most specifically the area's public schools, colleges and university.
- Address educational content issues for the next generation or be prepared to compete with developing countries on the basis of lowest cost rather than innovation and intellectual resources.
- Explore new sources of local development funding from dedicated sales taxes and improvement authorities.
- Support the roles of regional authorities for the development and for combined efforts on shared projects of major impact – such as the Western Arkansas Regional Intermodal Transportation Authority.

Fort Smith does not typically utilize CDBG funding for economic development activities and has no plans for that use in the near future.

Discussion

The City of Fort Smith has been participating in economic development efforts through their partnerships with the Fort Smith Chamber of Commerce and the Western Arkansas Planning and Development District to expand opportunities in the region.

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

The census block groups that are identified as eligible for CDBG area benefit (median income below 80 percent of the area median income) include some of the oldest neighborhoods in the city. The housing in these neighborhoods are often in poor condition and many are in need of extensive rehabilitation or removal. These neighborhoods are also where the lowest income households in the city live, in housing stock that is in poor condition, and, therefore, offered at lower rents or sales prices. Despite the lower rents or purchase price, the lower income households pay a large portion of their income on housing expenses. In this case, concentrated would mean that a large portion (more than 50%) of the neighborhood shows the impact of these housing problems.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

The population of Fort Smith is 8.7 percent African-American. Seventeen percent of the population is Hispanic. Concentration means the population of a given census tract exceeds twice the percentage minority population as the city as a whole. As the attached map of the African-American population shows, some census tracts in the city show concentrations of 15 to 26 percent. These tracts are primarily in the northern portions of the city. Hispanic, likewise, show concentrations within the city. The attached map shows concentrations ranging up to 90 percent, also in the northern parts of the city. Low-income areas are also impactful in Fort Smith. As shown in the Percent Living in Poverty map, lower income populations are concentrated in older neighborhoods surrounding and north of the central city, coincident to areas of minority concentrations.

What are the characteristics of the market in these areas/neighborhoods?

These neighborhoods, as mentioned above, contain much of the poorest housing stock in the city. As a result, the housing market contains much of the lowest cost housing as well. Code enforcement officials worked extensively in these areas in an attempt to maintain the integrity of the community in past years.

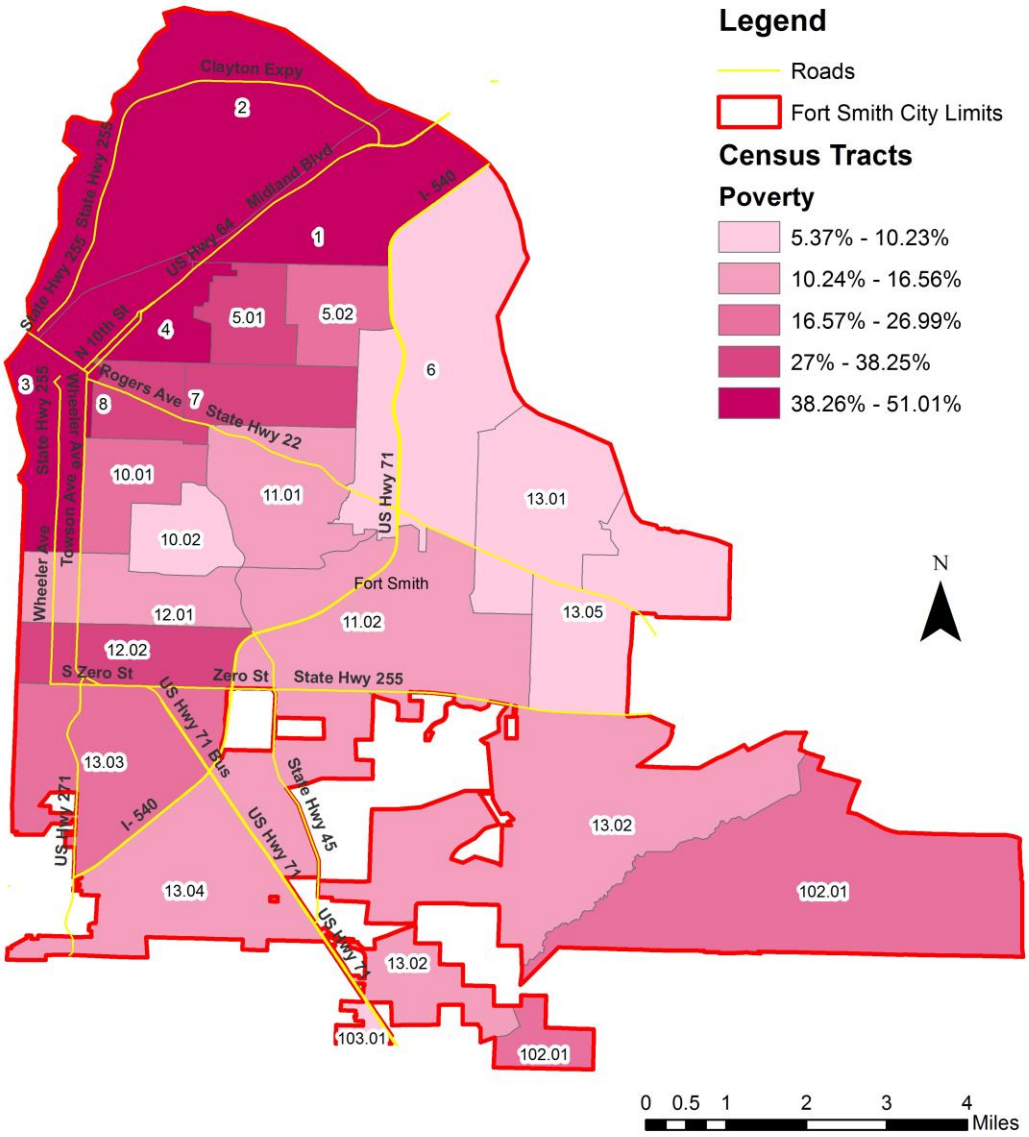
Are there any community assets in these areas/neighborhoods?

These areas do have community assets, including community and senior centers, parks, and other public facilities.

Are there other strategic opportunities in any of these areas?

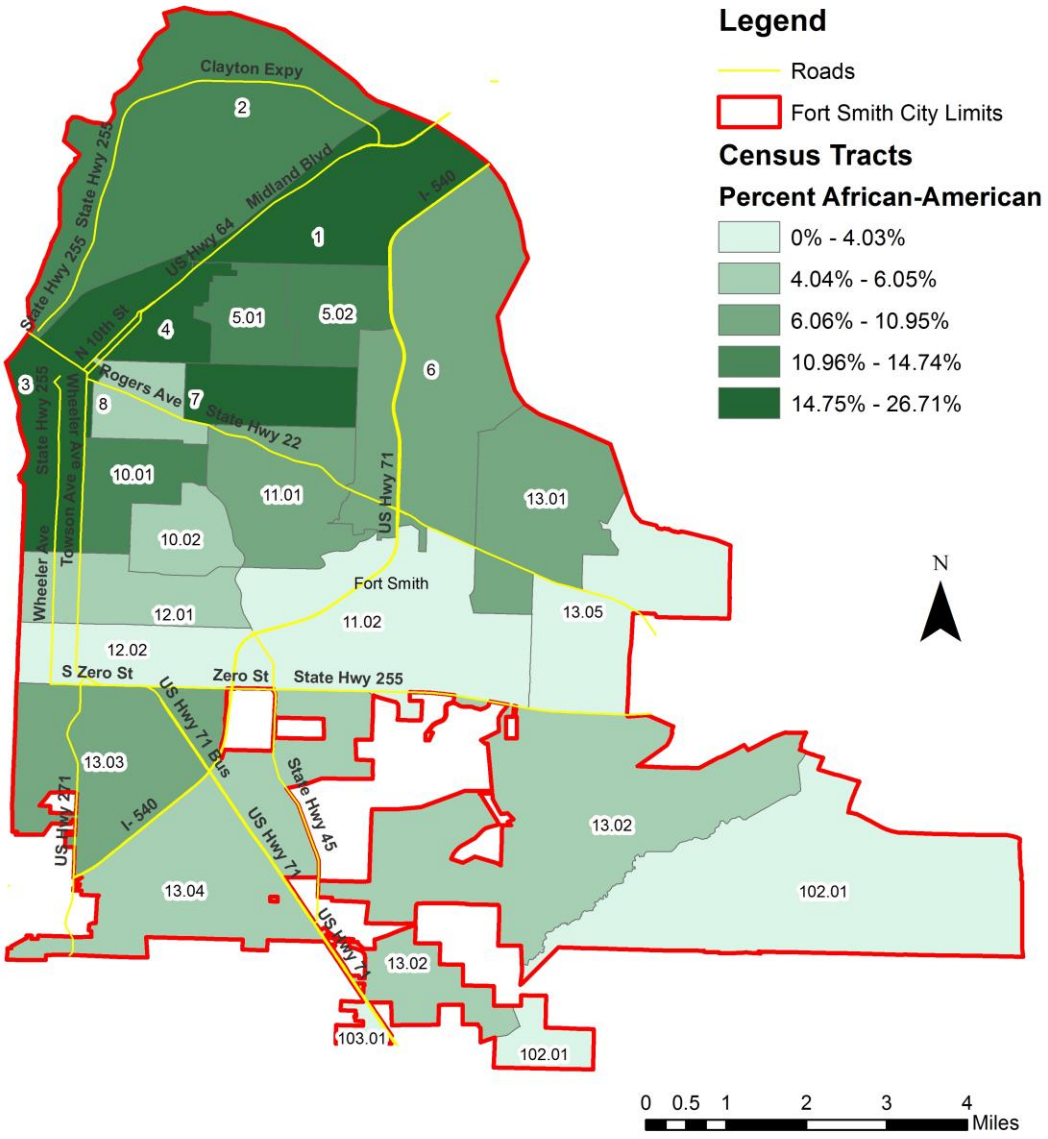
In neighborhoods where many homes have been removed, there may be opportunities for development of new housing units. In areas where brownfield issues are not a concern, private and non-profit developers can find appropriate redevelopment sites to provide homes for a range of household incomes, including lower and upper income households. These efforts would aid in sustainability efforts, bringing more people into the neighborhoods and improving the housing stock available in the market.

Percent Living in Poverty



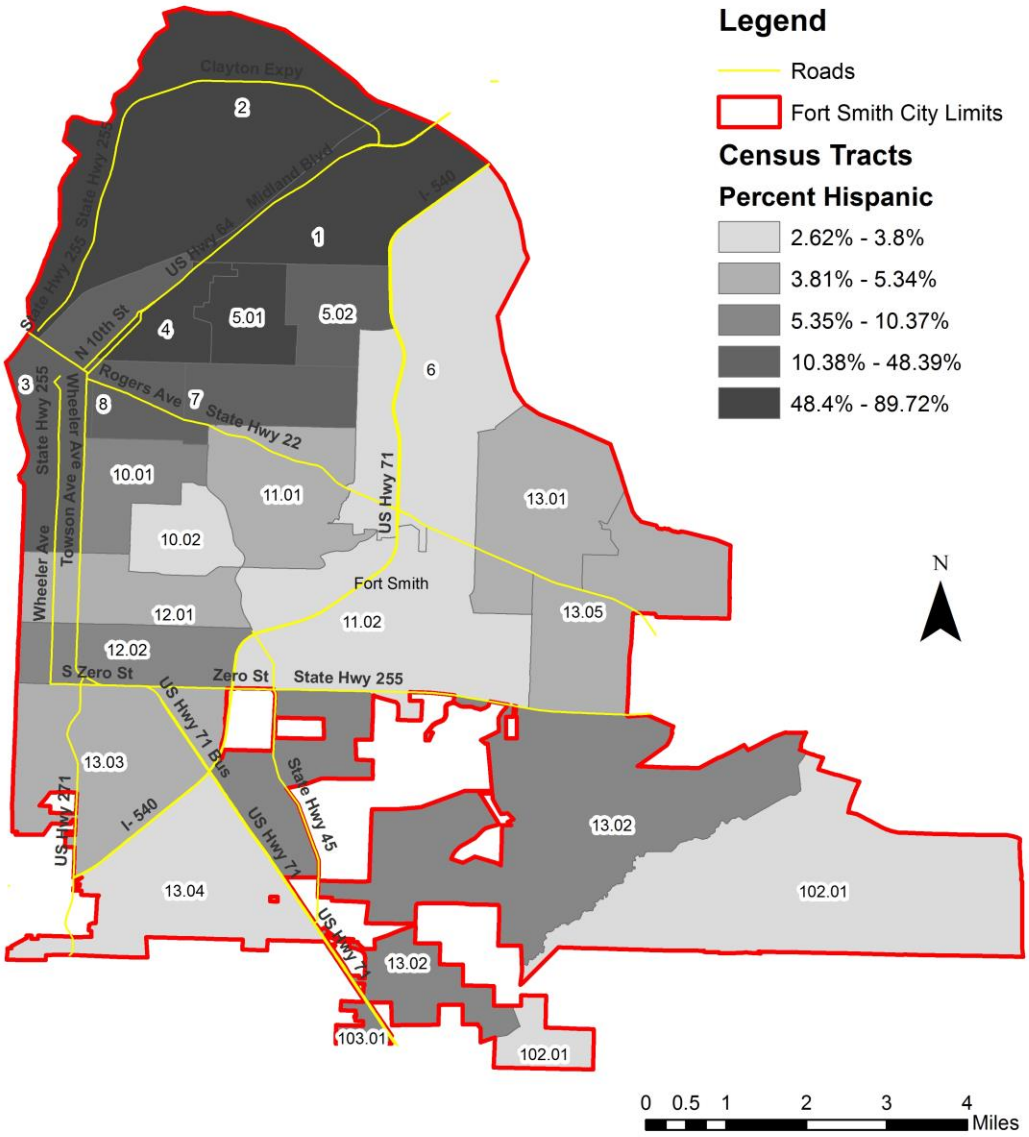
Percent Living in Poverty

Percent African-American



Percent African-American

Percent Hispanic



Percent Hispanic

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The Strategic Plan lays out the direction the City intends to take in the distribution of the Community Development Block Grant and HOME funding for the next five years. The priorities listed were determined through consultation with service providers and consideration of a community survey that was conducted in the development of the Consolidated Plan. Some of the activities included will be targeted to individual households who qualify for the programs according to their income status (individual benefit). Other programs are directed toward particular areas within Fort Smith where the median incomes of the census tracts involved are below 80 percent of the area median income (area benefit). The City's goals and objectives are summarized in Section SP-45.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

Table 47 - Geographic Priority Areas

1	**Area Name:**	CDBG Eligible
	Area Type:	Areas eligible for CDBG area benefit
	Other Target Area Description:	Areas eligible for CDBG area benefit
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
2	**Area Name:**	Citywide
	Area Type:	Non-CDBG Area Eligible
	Other Target Area Description:	Non-CDBG Area Eligible
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	

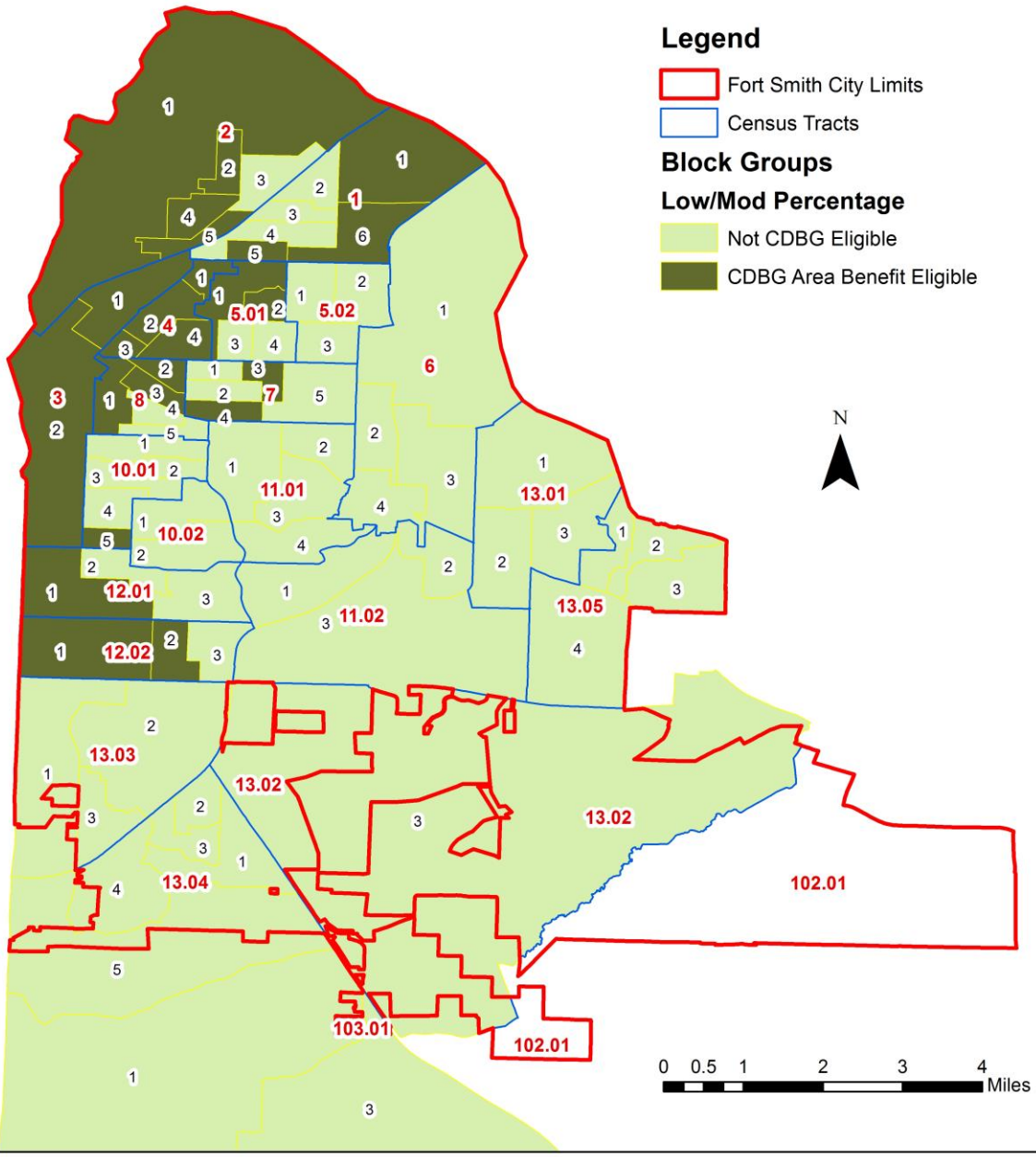
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

Investments will be allocated according to responses to programmatic opportunities and client response to funding availability. Rehab programs may be targeted to the CDBG Eligible Areas or as individual benefit to low-income households. Public services, likewise, may be offered in low-income areas or generally to all qualified residents.

CDBG Area Benefit Eligible Block Groups



SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

Table 48 – Priority Needs Summary

1	**Priority Need Name**	Housing Assistance
	Priority Level	High
	Population	Low Moderate Large Families Families with Children
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Aff. Hsg. 3 - Down Payment Assistance
	Description	Down payment and closing cost assistance for lower income homebuyers.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
2	**Priority Need Name**	Housing Rehabilitation
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Aff. Hsg. 1 - Rehabilitation Aff. Hsg. 2 - CHDO
	Description	Support for programs that assist homeowners and landlords with minor and major home repairs.

	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
3	**Priority Need Name**	Housing Development and Reconstruction
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Aff. Hsg. 2 - CHDO Aff. Hsg. 4 - Lot Acquisition
	Description	Support for new housing development activities and programs that remove dilapidated structures and replace with newly constructed housing units.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
4	**Priority Need Name**	Emergency Assistance
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	
	Description	Support for programs that work to keep households in their homes, including utility and rent assistance.

	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
5	**Priority Need Name**	Emergency Home Repairs
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	
	Description	Support for programs that work with homeowners to provide emergency home repairs.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
6	**Priority Need Name**	Rental Housing Subsidies
	Priority Level	High
	Population	Extremely Low Low Large Families Families with Children Elderly
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	
	Description	Support for programs that provide assistance with rent payments.

	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
7	**Priority Need Name**	Youth Services
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Public Services
	Description	Support for programs that provide services to youth, including anger management, skilled learning opportunities (nursing and healthcare and other professions), youth sports, parks and recreation sports training and programming.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
8	**Priority Need Name**	Senior Services
	Priority Level	High
	Population	Extremely Low Low Moderate Elderly Frail Elderly
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Public Services
	Description	Support for programs that provide services to seniors, including adult daycare, transportion, and safety and security.

	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
9	**Priority Need Name**	Child Care Services
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Public Services
	Description	Support for programs that provide child care services, including after school tutoring and educational enrichment services.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
10	**Priority Need Name**	Homebuying Counseling
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Public Services
	Description	Support for programs that provide homebuying counseling and financial literacy education to potential homebuyers.

	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
11	**Priority Need Name**	Disability Services
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Public Services
	Description	Support for programs providing services to persons with disabilities.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
12	**Priority Need Name**	Crime Prevention
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	Areas eligible for CDBG area benefit
	Associated Goals	Public Services

	Description	Support for programs providing crime prevention activities, including Neighborhood Watch and safety and security programs.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
13	**Priority Need Name**	Health Services
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Persons with HIV/AIDS and their Families
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Public Services
	Description	Support for programs providing health services to lower income residents, including health screening and HIV/AIDS treatment.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
14	**Priority Need Name**	Domestic Violence/Child Abuse
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Victims of Domestic Violence
	Geographic Areas Affected	Non-CDBG Area Eligible

	Associated Goals	Public Services
	Description	Support for programs offering shelter and services to victims of domestic violence and child abuse.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
15	**Priority Need Name**	Senior Nutrition
	Priority Level	High
	Population	Extremely Low Low Moderate Elderly Frail Elderly
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Public Services
	Description	Support for programs providing meals/food and nutrition advice to seniors.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
16	**Priority Need Name**	Transportation
	Priority Level	High
	Population	Extremely Low Low Moderate Individuals Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities

	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Public Services
	Description	Support for programs providing transportation services to lower income individuals and persons with disabilities.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
17	**Priority Need Name**	Recycling Programs
	Priority Level	High
	Population	Non-housing Community Development
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Public Services
	Description	Support for programs providing recycling services.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
18	**Priority Need Name**	Fair Housing Outreach and Education
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Public Services

	Description	Support for programs providing education and outreach around fair housing issues.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
19	**Priority Need Name**	Legal Services
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Public Services
	Description	Support for programs providing legal services to lower income individuals and households.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
20	**Priority Need Name**	Administration
	Priority Level	High
	Population	Non-housing Community Development
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Administration
	Description	Support for administering federal assistance grants.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.

21	**Priority Need Name**	Public and Community Facilities
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	Areas eligible for CDBG area benefit
	Associated Goals	Public and Community Facilities
	Description	Support for improvements and repairs to public and community facilities in CDBG eligible areas.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
22	**Priority Need Name**	Infrastructure
	Priority Level	High
	Population	Non-housing Community Development
	Geographic Areas Affected	Areas eligible for CDBG area benefit
	Associated Goals	
	Description	Support for improvements to streets, roads, curbs, gutters, and sidewalks in CDBG eligible areas.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
23	**Priority Need Name**	Parks and Recreation Facilities
	Priority Level	High
	Population	Non-housing Community Development

	Geographic Areas Affected	Areas eligible for CDBG area benefit
	Associated Goals	
	Description	Support for improvements and repairs to parks and recreation facilities in CDBG eligible areas.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
24	**Priority Need Name**	Other Infrastructure
	Priority Level	High
	Population	Non-housing Community Development
	Geographic Areas Affected	Areas eligible for CDBG area benefit
	Associated Goals	
	Description	Support for improvements and repairs to water, sewer, culverts and drainage, utility, and other upgrades and replacements of infrastructure in CDBG eligible areas.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
25	**Priority Need Name**	Modifications to Buildings and Infrastructure
	Priority Level	High
	Population	Non-housing Community Development
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	
	Description	Support for modifications to buildings and infrastructure to assure ADA compliance.

	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
26	**Priority Need Name**	Downtown Infrastructure
	Priority Level	High
	Population	Non-housing Community Development
	Geographic Areas Affected	Areas eligible for CDBG area benefit
	Associated Goals	
	Description	Support for infrastructure improvements, including water, sewer, utilities and other upgrades, in support of housing and mixed-use development in downtown Fort Smith.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
27	**Priority Need Name**	Demolition and Site Clearance
	Priority Level	High
	Population	Non-housing Community Development
	Geographic Areas Affected	Areas eligible for CDBG area benefit
	Associated Goals	Aff. Hsg. 4 - Lot Acquisition
	Description	Support for programs targeting the removal of dilapidated building and clearing of vacant parcels in CDBG eligible areas.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
28	**Priority Need Name**	Homeless Facilities
	Priority Level	High
	Population	Individuals Families with Children

	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	
	Description	Support for facilities that provide shelter and services to homeless individuals and families.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
29	**Priority Need Name**	Code Enforcement
	Priority Level	High
	Population	Non-housing Community Development
	Geographic Areas Affected	Areas eligible for CDBG area benefit
	Associated Goals	
	Description	Support for code enforcement activities in CDBG eligible areas.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
30	**Priority Need Name**	Job Training
	Priority Level	High
	Population	Extremely Low Low Moderate Non-housing Community Development
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	
	Description	Support for job training, workforce development, and educational enrichment programs.

	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
31	**Priority Need Name**	Employment Training
	Priority Level	High
	Population	Extremely Low Low Moderate Non-housing Community Development
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	
	Description	Support for programs offering assistance to individuals looking for employment.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
32	**Priority Need Name**	Business Technical Assistance
	Priority Level	High
	Population	Extremely Low Low Moderate Non-housing Community Development
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	
	Description	Support for businesses owner and operated by lower income individuals.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
33	**Priority Need Name**	HMIS

	Priority Level	High
	Population	Individuals Families with Children
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Homelessness
	Description	Support for the Homeless Management Information System (HMIS).
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
34	**Priority Need Name**	Homeless Case Management
	Priority Level	High
	Population	Individuals Families with Children
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Homelessness
	Description	Support for programs that assist homeless individuals and families locate appropriate services.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
35	**Priority Need Name**	Homeless Supportive Services, Transportation
	Priority Level	High
	Population	Individuals Families with Children
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Homelessness

	Description	Support for programs providing transportation services to homeless individuals and families.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
36	**Priority Need Name**	Homeless Prevention and Emergency Assistance
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Homelessness
	Description	Support for programs providing assistance to individuals and families at risk of homelessness to keep them in their homes.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
37	**Priority Need Name**	Mental Health/Supportive Services
	Priority Level	High
	Population	Chronic Homelessness Individuals Mentally Ill
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Homelessness
	Description	Support for programs providing mental health and supportive services to homeless individuals.

	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
38	**Priority Need Name**	Domestic Violence Shelters
	Priority Level	High
	Population	Victims of Domestic Violence
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Homelessness
	Description	Support for agencies providing shelter for victims of domestic violence.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.
39	**Priority Need Name**	Transitional Housing
	Priority Level	High
	Population	Individuals Families with Children
	Geographic Areas Affected	Non-CDBG Area Eligible
	Associated Goals	Homelessness
	Description	Support for facilities providing transitional housing for individuals and families.
	Basis for Relative Priority	Priorities were established through an evaluation of community surveys, forum input, and staff analysis.

Narrative (Optional)

The City conducted a survey of residents through a survey instrument posted on the City's website and hard copy surveys distributed at all Consolidated Plan forums. The results of these surveys were used by City staff to allocate priorities among the various facility, infrastructure, service, housing, and economic development needs listed above.

SP-30 Influence of Market Conditions – 91.215 (b)

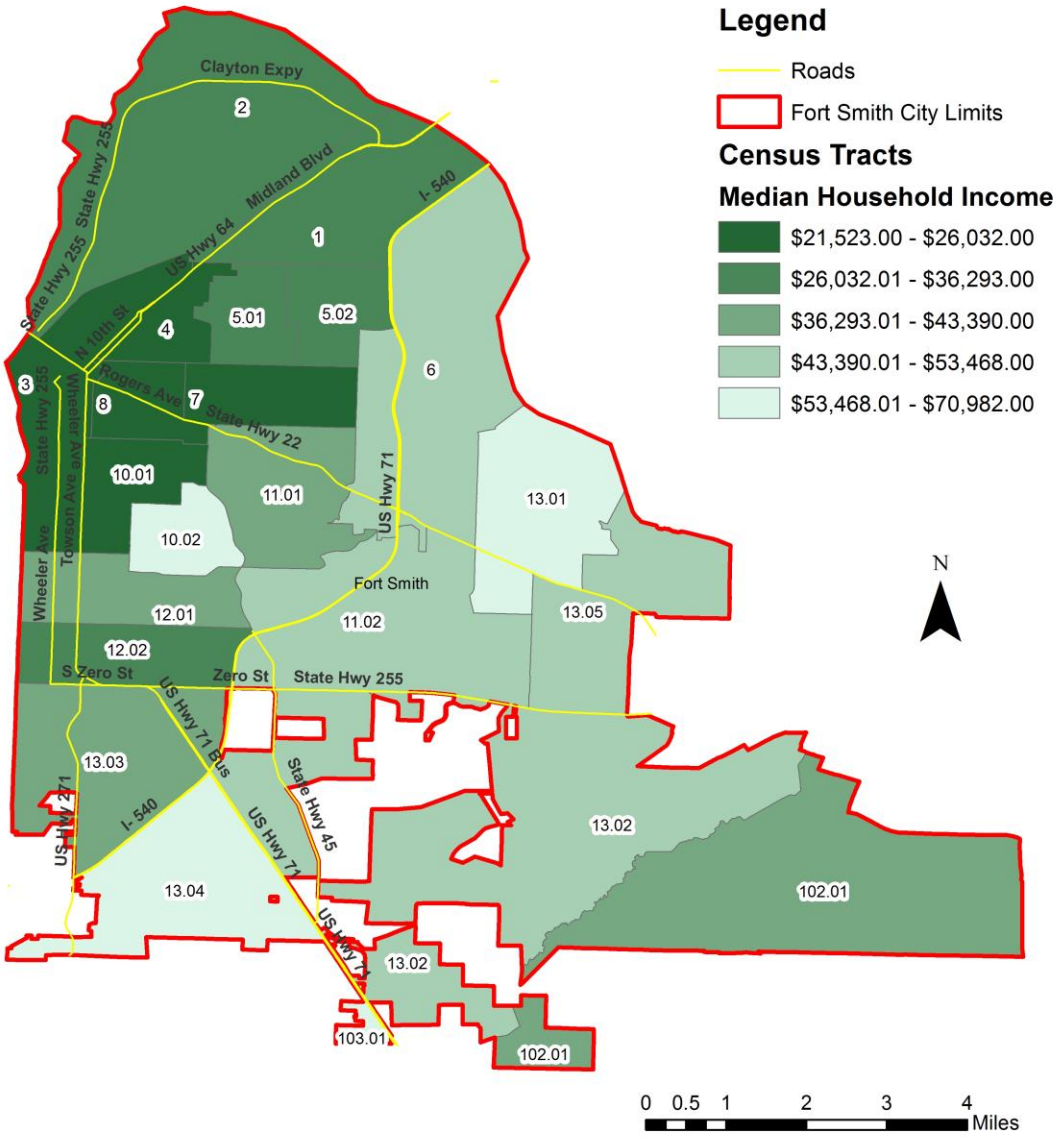
Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	The use of tenant-based rental assistance is dependent on rental property owner's willingness to rent their units to TBRA clients. In many communities, landlords are reluctant to rent to these clients due to the reputation they have that the clients do not take care of the property as well as other renters do. Other market conditions that could influence the use of TBRA have to do with rents being asked for rental property. If rents are too high, the rental assistance might not be enough to allow clients to lease the units, even if the landlord was willing.
TBRA for Non-Homeless Special Needs	Added to the description of TBRA market characteristics above, non-homeless special needs clients may also encounter housing units that do not meet their accessibility needs. Most housing in any community has not had accessibility improvements that allow persons with mobility issues ease of access. While landlords are obligated to make reasonable accommodations for such renters, many need more accommodations than typical landlords would consider reasonable.
New Unit Production	The production of new housing units is influenced by several market conditions, including the cost of land, the cost of construction, and prevailing interest rates. While rates are currently at historic lows, the mortgage markets are still recovering from the recent mortgage foreclosure crisis and restrictions placed on lending institutions that resulted. In many areas lenders are not making new loans as freely as before and some well qualified buyers are finding it difficult to navigate the new mortgage processes that have been instituted. The resulting delays in securing loans can burden housing developers and restrict their activities.
Rehabilitation	Rehabilitation activities can be influenced by the cost of materials and labor. In Fort Smith, these costs are relative low in comparison to other areas of the country. The efficiency of rehabilitation is dependent on the after rehabilitation value of the home. If the market value of the home does not support the extent of rehabilitation required, it's not worth the effort to repair the home.

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Acquisition, including preservation	Acquisition, including preservation, can be influenced by the market value of the structure. With home purchases by private individuals, the historic low interest rates off-set increases in the market value of the housing stock. Monthly housing costs of higher priced homes at lower interest rates approximate the monthly housing costs of lower priced homes at higher interest rates. In the case of a City agency or non-profit organization buying housing stock for rehabilitation and resale or for preservation, the costs of purchasing a home outright at higher prices can reduce the number of homes that can be purchased or reduce the funds available for rehabilitation activities.

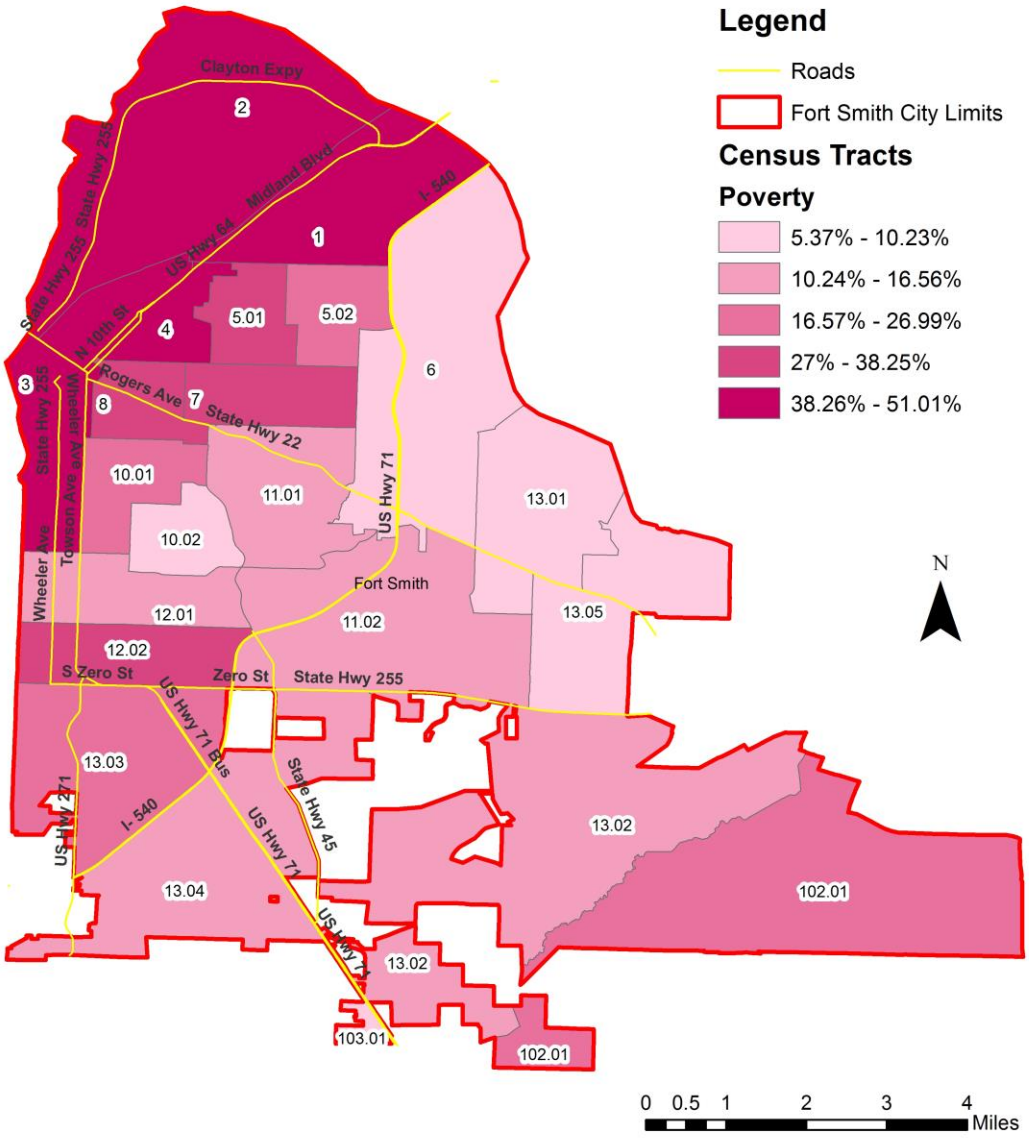
Table 49 – Influence of Market Conditions

Median Household Income



Median Household Income

Percent Living in Poverty



Percent Living in Poverty

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

Fort Smith receives funding from the Community Development Block Grant and HOME Investment Partnership Programs. Together, these programs will bring $1.076 million into the City to support affordable housing, homeless, and community development programs and projects in the first program year. Additional funding will come from unspent program funds and program income carrying forward into the 2016-2017 program year.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	767,897	40,000	57,817	865,714	3,071,588	Expected amount for remainder of Con Plan equals the Year 1 Annual Allocation times four.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	308,315	40,000	0	348,315	1,233,260	Expected amount for remainder of Con Plan equals the Year 1 Annual Allocation times four.

Table 50 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Federal funds will be leveraged through the ability of service organizations to raise program funds through outside sources, other loan sources needed for housing development activities, and the City's General Fund, where appropriate.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

None currently identified. The City will continue to evaluate opportunities to use public lands for future development.

Discussion

The City has allocated $1,214,029 for the 2016-2017 CDBG/HOME program year. This amount includes $1,076,212 from 2016 entitlement funds, $57,817 in prior year resources and $80,000 in estimated program income. These funds will be used to operate a range of private and public services as described later in the Annual Action Plan.

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
FORT SMITH	Government	Economic Development Non-homeless special needs Ownership Planning Rental neighborhood improvements public facilities public services	Jurisdiction
HOUSING AUTHORITY OF THE CITY OF FORT SMITH	PHA	Public Housing	Jurisdiction
CRAWFORD-SEBASTIAN COMMUNITY DEVELOPMENT COUNCIL, INC.	Regional organization	Ownership Rental	Region
Crisis Intervention Center	Non-profit organizations	Homelessness Non-homeless special needs	Jurisdiction
FORT SMITH BOYS AND GIRLS CLUB, INC.	Non-profit organizations	Non-homeless special needs	Jurisdiction
Fort Smith Children's Emergency Shelter, Inc.	Non-profit organizations	Homelessness	Jurisdiction
FOUNTAIN OF YOUTH ADULT DAY CARE CENTER, INC.	Non-profit organizations	Non-homeless special needs	Jurisdiction
Girls, Inc. of Fort Smith	Non-profit organizations	Non-homeless special needs	Jurisdiction
THE GOOD SAMARITAN CLINIC, INC.	Non-profit organizations	Non-homeless special needs	Jurisdiction
HARBOR HOUSE	Non-profit organizations	Homelessness Non-homeless special needs	Jurisdiction

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
NEXT STEP DAY ROOM, INC.	Non-profit organizations	Homelessness	Jurisdiction
WestArk - RSVP - a program of Western AR Counseling and Guidance Center, Inc.	Non-profit organizations	Homelessness Non-homeless special needs	Jurisdiction

Table 51 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

The institutional delivery system in Fort Smith is well coordinated and spans a range of community needs. The City has many years of experience managing and implementing the programs addressed in the Consolidated Plan, as well as working with outside agencies that fill some of the needs as outlined in the Consolidated Plan.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	
Legal Assistance	X	X	
Mortgage Assistance	X		
Rental Assistance	X		
Utilities Assistance	X		
Street Outreach Services			
Law Enforcement	X	X	
Mobile Clinics			
Other Street Outreach Services			
Supportive Services			
Alcohol & Drug Abuse	X	X	
Child Care	X	X	
Education	X	X	
Employment and Employment Training	X	X	
Healthcare	X	X	
HIV/AIDS	X	X	X
Life Skills	X	X	
Mental Health Counseling	X	X	
Transportation	X	X	
Other			

Table 52 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

The services targeted to homeless persons and persons with HIV/AIDS and mainstream services are made available through the coordination of services provided by the array of non-profit service providers that constitute Fort Smith Continuum of Care. These organizations partner with each other, the City, and mainstream service providers to provide a wide ranging response to the service needs of homeless persons and persons with HIV/AIDS, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

The service providers in Fort Smith work closely together to provide a continuum of services in response to needs identified through surveys of homeless persons and general observations of the providers. Providers in Fort Smith are particularly strong in the areas of mental health services, employment training, and life skills training. Gaps exist in emergency shelter capacity. There are not enough beds on a typical night.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

1. Work with non-profit organizations to address community needs and provide support to federal and non-federal funding initiatives.

2. Work with private industry to address important issues that hamper housing and community development efforts.

3. Identify opportunities to create private/public partnerships for project finance and development to leverage federal funds.

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Administration	2016	2020	Administration	Citywide	Administration	CDBG: $767,875 HOME: $174,150	Other: 5 Other
2	Aff. Hsg. 1 - Rehabilitation	2016	2020	Affordable Housing	Citywide	Housing Rehabilitation	CDBG: $1,185,005	Homeowner Housing Rehabilitated: 250 Household Housing Unit
3	Aff. Hsg. 2 - CHDO	2016	2020	Affordable Housing	Citywide	Housing Rehabilitation Housing Development and Reconstruction	HOME: $1,012,425	Homeowner Housing Added: 5 Household Housing Unit
4	Aff. Hsg. 3 - Down Payment Assistance	2016	2020	Affordable Housing		Housing Assistance	HOME: $375,000	Direct Financial Assistance to Homebuyers: 75 Households Assisted
5	Aff. Hsg. 4 - Lot Acquisition	2016	2020	Affordable Housing	Citywide	Housing Development and Reconstruction Demolition and Site Clearance	CDBG: $274,750	Homeowner Housing Added: 15 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
6	Public Services	2016	2020	Non-Homeless Special Needs	Citywide	Youth Services Senior Services Child Care Services Homebuying Counseling Disability Services Crime Prevention Health Services Domestic Violence/Child Abuse Senior Nutrition Transportation Recycling Programs Fair Housing Outreach and Education Legal Services	CDBG: $575,920	Public service activities other than Low/Moderate Income Housing Benefit: 50000 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
7	Homelessness	2016	2020	Homeless Non-Homeless Special Needs	Citywide	HMIS Homeless Case Management Homeless Supportive Services, Transportation Homeless Prevention and Emergency Assistance Mental Health/Supportive Services Domestic Violence Shelters Transitional Housing	CDBG: $404,863	Homeless Person Overnight Shelter: 246 Persons Assisted
8	Public and Community Facilities	2016	2020	Non-Housing Community Development	CDBG Eligible	Public and Community Facilities	CDBG: $98,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2600 Persons Assisted

Table 53 – Goals Summary

Goal Descriptions

1	**Goal Name**	Administration
	Goal Description	**Goal:** Plan, Monitor and Administer Entitlement Grant Programs. Evaluate upcoming needs related to affordable housing, fair housing, non-housing and the non-homeless special needs populations. **Objective 1:** Continue to Plan, Monitor and Administer Entitlement Grant Programs and insure compliance with Federal Regulations. **Strategy 1.1:** Program Administration: Develop, Administer, revise, implement and evaluate the day-to-day operation of entitlement program. Activities include program design; grant administration, Sub recipient compliance monitoring, program outreach, public relations and training. **Performance Goal1.1** $161,575 CDBG Funding allocated 1st Year ($153,575 Entitlement (20% and $8,000 Program Income); and 20% of Grant will be allocated for each of the remaining 5 years for General Program Administration, Coordination, and Oversight; **Performance Goal1.2:** $34,830 HOME Entitlement 10% of HOME Funding allocated 1st year for Program Administration; and 10% of HOME will be allocated for each of the remaining 4 years.

2	**Goal Name**	Aff. Hsg. 1 - Rehabilitation
	Goal Description	**Goal:** Improve the condition and availability of affordable housing over a five-year period. **Objective 1:** Improve the condition of housing for low-income homeowners. **Strategy 1.1:** Provide Housing Rehabilitation funding to homeowners with housing repair needs. Activities include Demolition, Rehabilitation and Reconstruction. **Performance Goal:** $257,801 ($231,801 Entitlement and $26,000 Program Income) CDBG Funds allocated Citywide for the 1st Year – to assist 50 low-moderate income persons; $927,204 for 200 low-moderate households ($231,800 allocated for each of the remaining 4 years).
3	**Goal Name**	Aff. Hsg. 2 - CHDO
	Goal Description	**Goal:** Improve the condition and availability of affordable housing over a five-year period. **Objective 2:** Increase Development of units and affordability of housing for homeownership. **Strategy 2.1:** Provide funding to CHDO organization for program cost and development fees to develop affordable housing for low-moderate income homeownership and rental housing. **Performance Goal 2.1:** $202,485 HOME Funds allocated for CHDO assisted housing program to CSCDC assist one low-moderate income household with construction/ rehabilitation / purchase / new construction; $809,940 ($202,485 each of the remaining 4 years and assistance to eligible CHDO projects assisting one household each year) to assist four low-moderate income persons to achieve single family home ownership.

4	**Goal Name**	Aff. Hsg. 3 - Down Payment Assistance
	Goal Description	**Goal:** Improve the condition and availability of affordable housing over a five-year period. **Objective 2:** Increase Development of units and affordability of housing for homeownership. **Strategy 2.2:** Provide down-payment and closing cost to low-moderate income households purchasing single family homes for home ownership. **Performance Goal 2.2:** $75,000 HOME Funds allocated the 1st year to assist 15 low-moderate income households with home purchase; $300,000 ($75,000 each of the remaining 4 years and assistance to 15 households each year) to assist 60 low-moderate income persons to achieve single family home ownership.
5	**Goal Name**	Aff. Hsg. 4 - Lot Acquisition
	Goal Description	**Goal:** Improve the condition and availability of affordable housing over a five-year period. **Objective 2:** Increase Development of units and affordability of housing for homeownership. **Strategy 2.3:** Provide funding for lot acquisition / Demolition for new construction to CHDO to assist low-moderate income households purchasing single family homes for home ownership. **Performance Goal 2.3: $**54,950 CDBG Funds allocated to CSCDC for the 1st year to assist 3 low-moderate income households with home purchase; $219,800 will be allocated for eligible CHDO Projects ($54,950 each of the remaining 4 years and assistance to 3 households each year) to assist 12 low-moderate income persons to achieve single family home ownership.

6	**Goal Name**	Public Services
	Goal Description	**Goal:** Improve living conditions in by addressing non-housing community development for special needs populations over a five-year period. **Objective 1:** Address community needs through community-based public service programs. **Strategy 1.1:** Utilize CDBG public service funding cap to assist public service programs, including, but limited to, fair housing, senior services, health care services, youth services, and child care services. **Performance Goal 1.1:** $115,184 in CDBG Funding allocated to public services in the 1st Year to assist approximately 10,000 low-moderate income individuals and $460,736 in years 2 through 5 to assist approximately 40,000 low-moderate income individuals.
7	**Goal Name**	Homelessness
	Goal Description	**Goal:** Facilitate an expansion of housing and supportive services offered to homeless families and individuals over a five year period. **Objective 1:** Support projects and services targeted to transitional housing, homeless prevention, and the elimination of homelessness and Rapid Re-housing. **Strategy 1.1:** Provide CDBG funds to support Transitional Housing, facility repairs/ renovations, Operations and Supportive services for facilities that provide transitional housing for homeless persons and families and persons at risk of becoming homeless. **Performance Goal 1.1:** $84,863 from the 1st Year CDBG funding to assist 46 individuals and allocate approximately $320,000 in years 2 through 5 to assist approximately 200 individuals.

8	**Goal Name**	Public and Community Facilities
	Goal Description	**Goal:** Facilitate an improvements to public and community facilities over a five year period. **Objective 1:** Support projects that provide improvements and repairs to public and community facilities. **Strategy 1.1:** Provide CDBG funds to support public and community facilities that serve residents of Fort Smith. **Performance Goal 1.1:** $18,000 from the 1st Year CDBG funding to assist 600 individuals and allocate approximately $80,000 in years 2 through 5 to assist approximately 2000 individuals.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

During the five-year course of this Consolidated Plan, Fort Smith anticipates assisting with:

- 250 rehabilitation projects for single-family homes,
- 5 new construction single-family housing units,
- 75 downpayment assistance projects for single-family homes, and
- 15 lot acquisition/demolition projects for the development of new single-family homes.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

There are no public housing units in the City of Fort Smith.

Activities to Increase Resident Involvements

There are no public housing units in the City of Fort Smith.

Is the public housing agency designated as troubled under 24 CFR part 902?

N/A

Plan to remove the 'troubled' designation

There are no public housing units in the City of Fort Smith.

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

There are no known barriers to affordable housing resulting from public policies of the City of Fort Smith.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

NA

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

City staff will continue its work with the Fort Smith Continuum of Care, the local coalition that organizes the Continuum of Care and submits grant applications for homeless initiatives. The coalition also conducts yearly point-in-time counts of the homeless and conducts a bi-yearly survey of the homeless. City staff participates in the counts and surveys. The point-in-time counts and the surveys work to reach out to homeless persons, including unsheltered persons, and assess individual and family needs, contributing to the consultation brought to the Consolidated Plan forums and survey from which priorities are formed.

Addressing the emergency and transitional housing needs of homeless persons

The City provides some funding for emergency shelter and transitional housing needs of homeless persons, primarily through support for specific programmatic objectives of the agencies and through funding assistance for repair needs of shelter and transitional housing facilities.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

No funding is proposed in the Strategic Plan to address issues relating to homelessness. The City supports the efforts of the Continuum of Care to address homelessness issues through their funding venues.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

No funding is proposed in the Strategic Plan to address issues relating to homelessness. The City supports the efforts of the Continuum of Care to address homelessness issues through their funding venues.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

Goal: Increase the inventory of lead safe housing units.

Strategies:

- Continue to meet HUD lead-based paint abatement standards in housing rehabilitation programs.
- Expand the stock of lead safe housing units through housing initiatives.
- Obtain training for program staff on lead hazard evaluation and reduction
- Establish working relationships with lead professionals and key partners, such as risk assessors and clearance technicians, public health departments, and HUD lead grantees.
- Create procedures for determining when it is more cost effective to presume that lead hazard are present, and when it makes sense to evaluate a property.
- Perform visual assessments and gather samples for testing.

How are the actions listed above related to the extent of lead poisoning and hazards?

The effectiveness of the programs operated by Fort Smith work through the City's housing rehabilitation programs. These programs target some of the oldest housing stock in the city, which is typically in the worst condition and most likely to have lead-based paint hazards. To the extent that lead-based paint hazards are found in the older housing stock, these programs address the issue directly.

How are the actions listed above integrated into housing policies and procedures?

Fort Smith currently performs visual inspections of housing units included in their housing programs. Where defective paint is observed, surfaces are prepped and repainted, following abatement guidelines provided by HUD. All rehabilitation and down-payment assistance programs include provisions requiring that all painted surfaces be in good condition.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

Several of the City's Consolidated Plan goals and objectives address issues related to poverty and assisting those who fall below the poverty level. Examples include:

- Address non-housing community development for special needs populations through public service programs;
- Programs targeting youth, providing education enrichment and job preparedness activities, and
- Continue to collaborate with homeless providers to support Continuum of Care services.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

Activities to reduce the number of poverty-level families will center around strengthening existing collaborations and seeking new ways to partner with agencies and organizations that work directly with poverty-level households to provide intervention and assistance services. Such services may include but are not limited to: counseling, substance abuse, mental health treatment, health services, adult education and job re/training, employment assistance, financial management and credit counseling, parenting programs, after-school and day care assistance programs, and interim cash assistance programs with respect to paying for food, shelter and utility bills.

The City will continue to notify such agencies of funding opportunities to enable them to continue providing and/or expanding their services.

Given the City's limited financial resources and that the majority of factor's affecting a family's poverty-level status are typically beyond the control of City policies, the extent to which the proposed strategies will reduce and/or assist in reducing the number of poverty-level families is difficult to gauge. In the coming future, the Community Development Department will work with the community to address deficiencies and attempt to measure the impact of the CDBG and HOME programs in reducing and/or preventing poverty.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The purpose of monitoring and coordination is to ensure the community input and participation throughout the development of the Consolidated Plan, build public/private partnerships to implement the Plan, while monitoring and evaluating the goals, strategies and program outcomes.

The coordination of various resources, including funding sources, departments, agencies, people and organizations, facilities and programs, to achieve the stated objectives is addressed in detail in the adopted Citizen Participation Plan. Starting with the identification of needs and ending with specific funding allocations for priority strategies, the process involves citizen participation and agencies representing housing, community development, and human services interests, both public and private, throughout Fort Smith.

The City of Fort Smith Community Development Department is responsible for monitoring activities related to the Community Development Block Grant and HOME Programs. The programs and activities proposed for the 2016-2020 Consolidated Plan will be monitored on a quarterly basis in each given program year. The City will monitor its performance in meeting the strategic goals outlined in the Consolidated Plan by referring back to the Annual Action Plan at least quarterly.

Timeliness of expenditures is of utmost importance. A comprehensive implementation schedule has been developed to ensure that CDBG and HOME funding on the specific projects and activities is spent in a timely fashion. Sub- recipients will be monitored at least on a bi-annual basis. Sub-recipients who fail to report to the Community Development Department as required in their grant agreements may be monitored more often. If an organization has been monitored and found to be out of compliance, the Department will provide additional assistance to that organization to address any deficiencies identified. Progress notes and findings will be noted in the CDBG and HOME files maintained by the Department to document monitoring activities.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Fort Smith receives funding from the Community Development Block Grant and HOME Investment Partnership Programs. Together, these programs will bring $1.076 million into the City to support affordable housing, homeless, and community development programs and projects in the first program year. Additional funding will come from unspent program funds and program income carrying forward into the 2016-2017 program year.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	767,897	40,000	57,817	865,714	3,071,588	Expected amount for remainder of Con Plan equals the Year 1 Annual Allocation times four.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	308,315	40,000	0	348,315	1,233,260	Expected amount for remainder of Con Plan equals the Year 1 Annual Allocation times four.

Table 54 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Federal funds will be leveraged through the ability of service organizations to raise program funds through outside sources, other loan sources needed for housing development activities, and the City's General Fund, where appropriate.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

None currently identified. The City will continue to evaluate opportunities to use public lands for future development.

Discussion

The City has allocated $1,214,029 for the 2016-2017 CDBG/HOME program year. This amount includes $1,076,212 from 2016 entitlement funds, $57,817 in prior year resources and $80,000 in estimated program income. These funds will be used to operate a range of private and public services as described later in the Annual Action Plan.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Administration	2016	2020	Administration	Citywide	Administration	CDBG: $161,575 HOME: $34,830	Other: 1 Other
2	Aff. Hsg. 1 - Rehabilitation	2016	2020	Affordable Housing	Citywide	Housing Rehabilitation Demolition and Site Clearance	CDBG: $263,801	Homeowner Housing Rehabilitated: 50 Household Housing Unit
3	Aff. Hsg. 2 - CHDO	2016	2020	Affordable Housing	Citywide	Housing Development and Reconstruction	HOME: $202,485	Homeowner Housing Added: 3 Household Housing Unit
4	Aff. Hsg. 3 - Down Payment Assistance	2016	2020	Affordable Housing	Citywide	Housing Assistance	HOME: $111,000	Direct Financial Assistance to Homebuyers: 15 Households Assisted
5	Aff. Hsg. 4 - Lot Acquisition	2016	2020	Affordable Housing	Citywide	Housing Development and Reconstruction Demolition and Site Clearance	CDBG: $54,950	Homeowner Housing Added: 3 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
6	Public Services	2016	2020	Non-Homeless Special Needs	Citywide	Youth Services Senior Services Child Care Services Homebuying Counseling Disability Services Crime Prevention Health Services Domestic Violence/Child Abuse Senior Nutrition Transportation Recycling Programs Fair Housing Outreach and Education Legal Services	CDBG: $115,184	Public service activities other than Low/Moderate Income Housing Benefit: 10000 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
7	Homelessness	2016	2020	Homeless Non-Homeless Special Needs	Citywide	HMIS Homeless Case Management Homeless Supportive Services, Transportation Homeless Prevention and Emergency Assistance Mental Health/Supportive Services Domestic Violence Shelters Transitional Housing	CDBG: $84,863	Homeless Person Overnight Shelter: 46 Persons Assisted
8	Public and Community Facilities	2016	2020	Non-Housing Community Development	CDBG Eligible	Public and Community Facilities	CDBG: $18,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 600 Persons Assisted

Table 55 – Goals Summary

Goal Descriptions

1	**Goal Name**	Administration
	Goal Description	Administration of federal grant programs.
2	**Goal Name**	Aff. Hsg. 1 - Rehabilitation
	Goal Description	Provide Housing Rehabilitation funding to homeowners with housing repair needs. Activities include Demolition, Rehabilitation and Reconstruction.
3	**Goal Name**	Aff. Hsg. 2 - CHDO
	Goal Description	Provide funding to CHDO organization for program cost and development fees to develop affordable housing for low-moderate income homeownership and rental housing
4	**Goal Name**	Aff. Hsg. 3 - Down Payment Assistance
	Goal Description	Provide down-payment and closing cost to low-moderate income households purchasing single family homes for home ownership.
5	**Goal Name**	Aff. Hsg. 4 - Lot Acquisition
	Goal Description	Provide funding for lot acquisition / Demolition for new construction to CHDO to assist low-moderate income households purchasing single family homes for home ownership.
6	**Goal Name**	Public Services
	Goal Description	Utilize the public service cap from CDBG to support public services programs, including, but not limited to, fair housing, senior services, youth services, health care services, and child care services.
7	**Goal Name**	Homelessness
	Goal Description	Provide CDBG funds to support Transitional Housing, facility repairs/ renovations, Operations and Supportive services for facilities that provide transitional housing for homeless persons and families and persons at risk of becoming homeless.

8	**Goal Name**	Public and Community Facilities
	Goal Description	Support for repairs and improvements to public and community facilities.

Projects

AP-35 Projects – 91.220(d)

Introduction

The following projects were developed by staff with consultation from non-profit service providers and community input through priorities established with involvement of the community survey.

Projects

#	Project Name
1	Beautiful Smile
2	Fort Smith Homebuyer Assistance Program
3	Land Acquisition for New Construction
4	New Construction and Acquisition/Rehab
5	Case Management for Victims of Domestic Violence
6	Summer Program Support
7	Children's Emergency Shelter - Fencing
8	Children's Emergency Shelter - Roof
9	Fountain of Youth Adult Day Care Center
10	Girls Incorporated of Fort Smith
11	Good Samaritan Clinic
12	Kistler Charitable Care
13	Gateway Recovery Center
14	Specialized Women's Services Program
15	Next Step Homeless Services
16	RSVP Community Outreach Medicare Assistance
17	RSVP Community Outreach Tax Assistance
18	Fort Smith Housing Assistance Program
19	Administration
20	Rehabilitation Program Administration
21	Fair Housing Outreach and Education

Table 56 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The projects listed above were selected from the total of project proposals received in accordance with their consistency with the priorities established through the Consolidated Plan forums and community survey process. These projects meet needs enumerated in the Needs Assessment and prioritization process to the extent that funding was available. Organizational competencies were also considered

when selecting one project over another, leaning toward those organizations with long-standing histories of successful project management.

AP-38 Project Summary

Project Summary Information

1	**Project Name**	Beautiful Smile
	Target Area	Citywide
	Goals Supported	Public Services
	Needs Addressed	Health Services
	Funding	CDBG: $16,149
	Description	The clinic provides oral cancer screening, examinations, panoramic x-ray, extractions, cleanings, and dentures.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 267 lower income patients living in Fort Smith will benefit from these services.
	Location Description	Community Dental Clinic 3428 Armour St. and 109 N 17th St. Fort Smith, AR
	Planned Activities	The clinic provides oral cancer screening, examinations, panoramic x-ray, extractions, cleanings, and dentures.
2	**Project Name**	Fort Smith Homebuyer Assistance Program
	Target Area	Citywide
	Goals Supported	Aff. Hsg. 3 - Down Payment Assistance
	Needs Addressed	Housing Assistance
	Funding	HOME: $111,000
	Description	Funding to provide down payment assistance, counseling fees, and inspections fees for low/moderate-income homebuyers.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 15 low- and moderate-income households will benefit from these services.

	Location Description	Crawford-Sebastian Community Development Council 4831 Armour St. Fort Smith, AR
	Planned Activities	Funding to provide down payment assistance, counseling fees, and inspections fees for low/moderate-income homebuyers.
3	**Project Name**	Land Acquisition for New Construction
	Target Area	Citywide
	Goals Supported	Aff. Hsg. 4 - Lot Acquisition
	Needs Addressed	Housing Development and Reconstruction
	Funding	CDBG: $54,950
	Description	CSCDC will find the very best deals in places where affordable housing is needed and where families want to live. They will purchase at least three lots for the development of new housing.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated three low- and moderate-income households will benefit from these activities.
	Location Description	Crawford-Sebastian Community Development Council 4831 Armour St. Fort Smith, AR
	Planned Activities	CSCDC will find the very best deals in places where affordable housing is needed and where families want to live. They will purchase at least three lots for the development of new housing.
4	**Project Name**	New Construction and Acquisition/Rehab
	Target Area	Citywide
	Goals Supported	Aff. Hsg. 2 - CHDO
	Needs Addressed	Housing Development and Reconstruction
	Funding	HOME: $202,485
	Description	Three homes at an average of $80,000 construction costs per house, developer fees of 10%, and other fees are to be paid in support of the development of new housing units.
	Target Date	6/30/2017

	Estimate the number and type of families that will benefit from the proposed activities	An estimated three low- and moderate-income households will benefit from these activities.
	Location Description	Crawford-Sebastian Community Development Council 4831 Armour St. Fort Smith, AR
	Planned Activities	Three homes at an average of $80,000 construction costs per house, developer fees of 10%, and other fees are to be paid in support of the development of new housing units.
5	**Project Name**	Case Management for Victims of Domestic Violence
	Target Area	Citywide
	Goals Supported	Public Services
	Needs Addressed	Domestic Violence/Child Abuse
	Funding	CDBG: $12,500
	Description	Case management for victims of domestic violence.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 41 victims of domestic violence will benefit from these activities.
	Location Description	Crisis Intervention Center 5603 S. 14th St. Fort Smith, AR
	Planned Activities	Case management for victims of domestic violence.
6	**Project Name**	Summer Program Support
	Target Area	Citywide
	Goals Supported	Public Services
	Needs Addressed	Youth Services
	Funding	CDBG: $4,620
	Description	Support for the Fort Smith Boys and Girls Clubs summer programs for the Jeffrey and Stephens Units.
	Target Date	6/30/2017

	Estimate the number and type of families that will benefit from the proposed activities	An estimated 184 youth will benefit from these activities.
	Location Description	Fort Smith Boys & Girls Clubs 3101 N. 6th St., 4905 N. O St. Fort Smith, AR
	Planned Activities	Support for the Fort Smith Boys and Girls Clubs summer programs for the Jeffrey and Stephens Units.
7	**Project Name**	Children's Emergency Shelter - Fencing
	Target Area	Citywide
	Goals Supported	Homelessness
	Needs Addressed	Transitional Housing
	Funding	CDBG: $61,193
	Description	Funding to provide a wrought iron fence that will encircle the entire 24-unit Children's Emergency Shelter, which provides housing for youth aging out of foster care. The fence will include a security gate with key code pad to ensure secure access to the property.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 23 youth aging out of foster care will benefit from these activities.
	Location Description	Fort Smith Children's Emergency Shelter 3015 S. 14th St. Fort Smith, AR
	Planned Activities	Funding to provide a wrought iron fence that will encircle the entire 24-unit Children's Emergency Shelter, which provides housing for youth aging out of foster care. The fence will include a security gate with key code pad to ensure secure access to the property.
8	**Project Name**	Children's Emergency Shelter - Roof
	Target Area	Citywide
	Goals Supported	Homelessness
	Needs Addressed	Transitional Housing

	Funding	CDBG: $23,670
	Description	Funding to replace the roof of the apartment complex for youth aging out of foster care.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 23 youth aging out of foster care will benefit from these activities.
	Location Description	Fort Smith Children's Emergency Shelter 3015 S. 14th St. Fort Smith, AR
	Planned Activities	Funding to replace the roof of the apartment complex for youth aging out of foster care.
9	**Project Name**	Fountain of Youth Adult Day Care Center
	Target Area	Citywide
	Goals Supported	Public Services
	Needs Addressed	Senior Services Transportation
	Funding	CDBG: $7,500
	Description	Funding for client fees and transportation services for the Fountain of Youth Adult Day Care Center.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated seven seniors will benefit from these activities.
	Location Description	Fountain of Youth Adult Day Care Center 2409 S. 56th St., #121 Fort Smith, AR
	Planned Activities	Funding for client fees and transportation services for the Fountain of Youth Adult Day Care Center.
10	**Project Name**	Girls Incorporated of Fort Smith
	Target Area	Citywide

	Goals Supported	Public Services
	Needs Addressed	Youth Services
	Funding	CDBG: $7,350
	Description	Support for low-/moderate-income participation in the Girls Inc. Experience.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 50 girls from low- and moderate-income families will benefit from these activities.
	Location Description	Girls Inc. 1415 Old Greenwood Rd. Fort Smith, AR
	Planned Activities	Support for low-/moderate-income participation in the Girls Inc. Experience.
11	**Project Name**	Good Samaritan Clinic
	Target Area	Citywide
	Goals Supported	Public Services
	Needs Addressed	Health Services
	Funding	CDBG: $15,117
	Description	Funding in support of lab testing, medical supplies, and prescribed pharmaceuticals at the Good Samaritan Clinic.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 6,000 lower income individuals will benefit from these activities.
	Location Description	Good Samaritan Clinic 615 N. B St. Fort Smith, AR
	Planned Activities	Funding in support of lab testing, medical supplies, and prescribed pharmaceuticals at the Good Samaritan Clinic.
12	**Project Name**	Kistler Charitable Care

	Target Area	Citywide
	Goals Supported	Public Services
	Needs Addressed	Child Care Services Health Services
	Funding	CDBG: $9,825
	Description	Funding to support therapy sessions for children.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 150 lower income children will benefit from these activities.
	Location Description	Gregory Kistler Treatment Center 3304 S. M St. Fort Smith, AR
	Planned Activities	Funding to support therapy sessions for children.
13	**Project Name**	Gateway Recovery Center
	Target Area	Citywide
	Goals Supported	Public Services
	Needs Addressed	Health Services
	Funding	CDBG: $9,472
	Description	Funding to support the purchase and installation of beds at Harbor House's Gateway Recovery Center, a residential treatment center.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 150 individuals will benefit from these activities.
	Location Description	Gateway Recovery Center 615 N. 19th St. Fort Smith, AR
	Planned Activities	Funding to support the purchase and installation of beds at Harbor House's Gateway Recovery Center, a residential treatment center.
14	**Project Name**	Specialized Women's Services Program

	Target Area	Citywide
	Goals Supported	Public and Community Facilities
	Needs Addressed	Public and Community Facilities
	Funding	CDBG: $18,000
	Description	Funding in support of the installation of security gate and camera installation for the Gateway Recovery Center.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 600 individuals will benefit from these activities.
	Location Description	Gateway Recovery Center 615 N. 19th St. Fort Smith, AR
	Planned Activities	Funding in support of the installation of security gate and camera installation for the Gateway Recovery Center.
15	**Project Name**	Next Step Homeless Services
	Target Area	Citywide
	Goals Supported	Public Services
	Needs Addressed	Homeless Case Management
	Funding	CDBG: $16,149
	Description	Support for Next Step Homeless Services through the payment of case management fees.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 1,400 individuals will benefit from these activities.
	Location Description	Next Step Day Room 123 N. 6th St. Fort Smith, AR
	Planned Activities	Support for Next Step Homeless Services through the payment of case management fees.

16	**Project Name**	RSVP Community Outreach Medicare Assistance
	Target Area	Citywide
	Goals Supported	Public Services
	Needs Addressed	Senior Services Job Training
	Funding	CDBG: $9,000
	Description	Funding in support of the Western Arkansas Counseling & Guidance Center (dba West Ark RSVP) RSVP Community Outreach Medicare Assistance Program.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 200 individuals will benefit from these activities.
	Location Description	WestArk RSVP 401 N. 13th St. Fort Smith, AR
	Planned Activities	Funding in support of the Western Arkansas Counseling & Guidance Center (dba West Ark RSVP) RSVP Community Outreach Medicare Assistance Program.
17	**Project Name**	RSVP Community Outreach Tax Assistance
	Target Area	Citywide
	Goals Supported	Public Services
	Needs Addressed	Senior Services Job Training
	Funding	CDBG: $7,502
	Description	Funding in support of the Western Arkansas Counseling & Guidance Center (dba WestArk RSVP) RSVP Community Outreach Tax Assistance Program.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 200 individuals will benefit from these activities.

	Location Description	WestArk RSVP 401 N. 13th St. Fort Smith, AR
	Planned Activities	Funding in support of the Western Arkansas Counseling & Guidance Center (dba WestArk RSVP) RSVP Community Outreach Tax Assistance Program.
18	**Project Name**	Fort Smith Housing Assistance Program
	Target Area	Citywide
	Goals Supported	Aff. Hsg. 1 - Rehabilitation
	Needs Addressed	Housing Rehabilitation
	Funding	CDBG: $263,801
	Description	Funding for the rehabilitation of owner-occupied single-family housing units.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 50 households will benefit from these activities.
	Location Description	City of Fort Smith 623 Garrison Ave., Room 331 Fort Smith, AR
	Planned Activities	Funding for the rehabilitation of owner-occupied single-family housing units.
19	**Project Name**	Administration
	Target Area	Citywide
	Goals Supported	Administration
	Needs Addressed	Administration
	Funding	CDBG: $161,575 HOME: $34,830
	Description	Support for program administration expenses for CDBG and HOME.
	Target Date	6/30/2017

	Estimate the number and type of families that will benefit from the proposed activities	NA.
	Location Description	City of Fort Smith 623 Garrison Ave., Room 331 Fort Smith, AR
	Planned Activities	Support for program administration expenses for CDBG and HOME.
20	**Project Name**	Rehabilitation Program Administration
	Target Area	Citywide
	Goals Supported	Aff. Hsg. 1 - Rehabilitation
	Needs Addressed	Housing Rehabilitation
	Funding	CDBG: $60,000
	Description	Support for administrative expenses (direct program costs) for the rehabilitation program.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	NA
	Location Description	City of Fort Smith 623 Garrison Ave., Room 331 Fort Smith, AR
	Planned Activities	Support for administrative expenses (direct program costs) for the rehabilitation program.
21	**Project Name**	Fair Housing Outreach and Education
	Target Area	Citywide
	Goals Supported	Public Services
	Needs Addressed	Fair Housing Outreach and Education
	Funding	CDBG: $5,000
	Description	Funding to provide bus advertisements, billboards, and newspaper ads as outreach and education for fair housing issues.
	Target Date	6/30/2017

	Estimate the number and type of families that will benefit from the proposed activities	An estimated 100 lower income families will benefit from these activities.
	Location Description	City Hall 623 Garrison Ave. Rm. 331 Fort Smith, AR
	Planned Activities	Funding to provide bus advertisements, billboards, and newspaper ads as outreach and education for fair housing issues.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Much of the funding from the CDBG and HOME programs is available for use in any of the CDBG neighborhoods or citywide, depending on the specifics of the designated activities. Also, most funding is available according to individual benefit rather than area benefit. It is, therefore, difficult to provide reasonable projections of the distribution of funds by target area. The numbers below are strictly estimates based on experience.

Geographic Distribution

Target Area	Percentage of Funds
Citywide	100
CDBG Eligible	0

Table 57 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The proposed allocation of funds is based on federal funding requirements for each formula-allocated grant. Areas of low to moderate-income concentration and certain areas of high minority concentration are targeted. Areas of low homeownership and deteriorating housing conditions were also considered in the targeting process.

Discussion

The distribution of funds by target area is projected to be primarily citywide due to use of funds for administrative, non-profit support, and individual benefit-oriented programmatic uses of the funds. The remaining funds are estimated to be spread through smaller CDBG-eligible areas.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The annual goals listed previously specify the following production numbers for housing assistance and for homelessness, non-homeless, and special needs populations.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	71
Special-Needs	0
Total	71

Table 58 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	6
Rehab of Existing Units	50
Acquisition of Existing Units	15
Total	71

Table 59 - One Year Goals for Affordable Housing by Support Type

Discussion

These figures relate to production targets specified in the annual goals for 2016. CDBG and HOME funding for these activities may target more households.

AP-60 Public Housing – 91.220(h)

Introduction

There are no public housing units in Fort Smith.

Actions planned during the next year to address the needs to public housing

There are no public housing units in Fort Smith.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

There are no public housing units in Fort Smith.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

There are no public housing units in Fort Smith.

Discussion

There are no public housing units in Fort Smith.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Fort Smith is active in the Fort Smith Continuum of Care, addressing issues related to homeless in the region. Funding for homeless projects and services are sources primarily through that process.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Fort Smith Continuum of Care, the coalition of local homeless service agencies, conducts annual surveys of homeless individuals, including unsheltered persons. These surveys serve to help focus agency activities for the coming year, as well as provide documentation in response to HUD program requirements.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Fort Smith has no plans that would affect the emergency shelter or transitional housing needs of homeless persons in the coming year beyond projects identified above that provide for repairs of shelter and transitional housing facilities.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Fort Smith has no plans that would help homeless persons transition to permanent housing and independent living in the coming year.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Homeless prevention is a major focus of the participants in the Continuum of Care. Agencies include homeless prevention as a support program in conjunction with the provision of shelter and other support services.

Discussion

The participants in the Continuum of Care work closely together to meet the needs of homeless individuals and families through the continuum of services coordinated through the partnership.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

There are no identified public policy barriers to affordable housing development in Fort Smith.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

None.

Discussion:

The Community Development Department will continue to work with the Planning Department to ensure that there are no undue land use controls and zoning ordinances that would negatively affect affordable hosing.

AP-85 Other Actions – 91.220(k)

Introduction:

The City currently provides a variety of services to the residents of Fort Smith, some funded by CDBG and HOME allocations, with private, State, and City funding bringing additional assets to bear on these problems. Below are some of the actions currently performed by the City or under consideration for the future.

Actions planned to address obstacles to meeting underserved needs

The City will continue to look for new funding sources for programs to address underserved needs. Funding is the major obstacle in providing the services needed to focus on the vast variety of issues that prevent families from breaking out of poverty and from living in the best, most affordable housing possible.

Actions planned to foster and maintain affordable housing

The City will provide financial assistance for acquisition, soft costs and site development to be used for affordable housing development.

Actions planned to reduce lead-based paint hazards

- Continue to meet HUD lead-based paint abatement standards in housing rehabilitation programs.
- Seek funding as it becomes available to provide testing and abatement of lead-based paint hazards in single-family housing where young children are present.
- Expand the stock of lead safe housing units through housing initiatives.
- Seek funding as it becomes available to provide for testing, abatement, training, and educational awareness.

Actions planned to reduce the number of poverty-level families

The City will continue its efforts in conjunction with the Fort Smith Continuum of Care to reduce the number of poverty-level families through the development of services needed to assist those families with educational opportunities, job growth, and life skills training through the various social service agencies operating in the city.

Actions planned to develop institutional structure

- Work with non-profit organizations to address community needs and provide support to federal and non-federal funding initiatives.
- Work with private industry to address important issues that hamper housing and community

development efforts.

- Identify opportunities to create private/public partnerships for project finance and development to leverage federal funds.

Actions planned to enhance coordination between public and private housing and social service agencies

The City will continue to coordinate planning activities with private housing and social service agencies, including participation in the Continuum of Care meetings, development of the Continuum of Care, and enumeration of point-in-time and homeless surveys. City staff will also continue its participation in other coalitions and study groups as the opportunity arises.

Discussion:

These actions are primarily the continuation of what the City is currently doing in the various areas. No major obstacles in the institutional structure have been identified that need to be addressed. The City is also satisfied with its efforts to coordinate with private housing and social service agencies.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

The following addresses the program specific requirements for the Annual Action Plan. It includes required information for CDBG and HOME.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**0**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. **2014, 2015, and 2016**	80.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

   The City of Fort Smith does not use other forms of investment beyond those identified in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

   Recapture Restrictions

   In the event of a failure of a HOME Program beneficiary to satisfactorily adhere to all applicable affordability requirements, City of Fort Smith will use the following recapture provision to ensure that the intent of the HOME funded activity is accomplished or that the unforgiven portion of the HOME funds are recaptured and used for other activities eligible under the HOME Program.

   Home Owner Housing

   1. acquisition/rehabilitation/saleof affordable housing
   2. new construction/sale of affordable housing
   3. provision of mortgage subsidy
   4. provision of down payment assistance/closing cost subsidy

   Recapture Option

   1. Recapture that portion of HOME Program investment unforgiven by the elapsed affordability period or recapture the maximum net proceeds from sale of property (whether recapture is effected through foreclosure or no foreclosure action)
   2. Net proceeds recovered will be used to:

   - Reimburse the HOME Program (Approved Activity) for the outstanding balance of HOME funds not repaid or forgiven during the applicable affordability at the time of recapture.
   - Reimburse the HOME Program (Administration) for “holding costs” or other costs associated with the recapture action (legal fees, insurance, taxes, realtor fees, appraisal / BPO costs, etc.)

   If net proceeds recaptured are less than the outstanding balance of HOME funds invested in the property (for all approved activities and holding costs incurred), the loss will be absorbed by the HOME Program and all HOME Program requirements would be considered to have been satisfied.

   If net proceeds recaptured are greater than the outstanding balance of HOME funds invested in the

property (for all approved activities and holding costs incurred), the balance of net proceeds would be distributed to the homeowner (or his/her estate). If the recapture of proceeds is effectuated through a completed foreclosure action, and the property is legally owned by City of Fort Smith, the balance of net proceeds recaptured will inure to City of Fort Smith.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

   Duration of Affordability Restrictions

   The housing being constructed or rehabilitated will qualify as affordable housing pursuant according to the requirements of 24 CFR 92.254, for the "Affordability Period" and after the completion of the project, covenants and restrictions in the deed restriction would terminate without any further action required by the owner or the City.

   Termination of Affordability Restrictions

   The affordability restrictions will terminate due to foreclosure or a transfer of the property in lieu of a foreclosure; however, if the owner obtains an ownership interest in the property before the foreclosure or deed in lieu of foreclosure, during the original affordability period, the affordability restrictions shall be reviewed.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

   The City does not intend to use HOME funds to refinance existing debt secured by multifamily housing that is being rehabilitated with HOME funds. In addition, the funds will not be used to refinance multifamily loans made or insured by any federal program. The City is aware that HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG.

Discussion:

The City strives to meet all program specific requirements as detailed in the enabling legislation and program guidelines. City staff work with subgrantees to ensure that these requirements are met and oversees internal operations towards the same goal.

Appendix - Alternate/Local Data Sources

1	**Data Source Name** Corrections
	List the name of the organization or individual who originated the data set. City of Fort Smith
	Provide a brief summary of the data set. Some items do not appear to be properly reported either through CHAS totals or public housing information. Corrections are made to reflect accurate totals.
	What was the purpose for developing this data set? Correcting eCon data downloads.
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? These corrections are specifc to data reported through eCon.
	What time period (provide the year, and optionally month, or month and day) is covered by this data set? These corrections are specifc to data reported through eCon.
	What is the status of the data set (complete, in progress, or planned)? These corrections are specifc to data reported through eCon.

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. 9-4-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on April 12, 2016, that said change be made;

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

SECTION 1: That the following properties to-wit:

Part of Government Lot 1 of the Southwest Quarter, and part of the Southwest Quarter of the Southeast Quarter of Section6, part of Government Lot 1 of the Northwest Quarter, and part of the Northwest Quarter of the Northeast Quarter of Section 7, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at an existing ½“ rebar in concrete at the Northeast Corner of said Government Lot 1 of the Southwest Quarter of Section 6; Thence along the East Line of said Government Lot 1, S02□46’17”W, 2158.46 feet to the southeasterly line of the Sebastian County Bike Trail Property; Thence along said southeasterly line, S67□53’40”W, 64.95 feet; Thence continuing along said southeasterly line, S57□28’42”W, 1.16 feet to an existing ½” rebar and the Point of Beginning; Thence along said southeasterly line, N57□28’42”E, 1.16feet; Thence continuing along said southeasterly line, N67□53’40”E, 87.75 to a set ½” rebar with cap stamped MWC 1369; Thence leaving said southeasterly line, S67□02’32”E, 138.21 feet to a set ½” rebar with cap stamped MWC 1369; Thence N36□51’05”E, 46.41 feet to a set ½” rebar with cap stamped MWC 1369; Thence S53□08’55”E, 288.03 feet to a set ½” rebar with cap stamped MWC 1369; Thence 57.34 feet along the arc of a curve to the right, said curve having a radius of 965.00 feet and being subtended by a chord having a bearing of S51□26’48”E and a distance of 57.33 feet to a set ½” rebar with cap stamped MWC 1369; Thence S49□44’40”E, 204.05 feet to a set ½” rebar with cap stamped MWC 1369; Thence 671.39 feet along the arc of a curve to the left, said curve having a radius of

1035.00 feet and being subtended by a chord having a bearing of S68□19’41”E and a distance of 659.68 feet to a set ½” rebar with cap stamped MWC 1369; Thence S86□54’42”E, 29.52 feet to the extended west line of the Blake River, LLC property, as described in document 7253884; Thence S04□41’35”W, 823.66 feet along said line to the southwest corner of said property and an existing ½” rebar with cap stamped MWC 1369, and said point also being on the northerly line of the Arkansas Game and Fish Commission Property; Thence along said northerly line the following bearings and distances: N81□15’35”W, 119.53 feet to an existing ½” rebar; N42□30’40”W, 1156.19 feet to an existing ½” rebar; N87□33’42”W, 333.55 feet to an existing ½” rebar; N01□14’05”W, 505.04 feet to the Point of Beginning, containing 17.58 acres, more or less.

more commonly known as 8501 McClure Drive, should be, and is hereby rezoned from

Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification.

PASSED AND APPROVED THIS_____DAY OF_____, 2016.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to form:

_____

Publish One Time

The City of Fort Smith
ARKANSAS

April 26, 2016

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

Re: A request by Crafton Tull, agent for Fort Chaffee Redevelopment Authority and developer ERC, for a zone change from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 8501 McClure Drive.

On April 12, 2016, the City Planning Commission held a public hearing to consider the above request.

Ms. Brenda Andrews read the staff report indicating that the purpose of this rezoning request is to allow for the development of a 10.78 acre tract into a 30 lot single family subdivision.

Ms. Caroline Gardner with Crafton Tull was present to speak on behalf of this request.

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

Chairman Sharpe then called for the vote on the rezoning request. The vote was 5 in favor and 2 abstentions (Cooper and Keesee).

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall L. Sharpe

Marshall Sharpe
Chairman

MS/lp

cc: File
City Administrator

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Printed on 100% Recycled Paper

Memo

To: City Planning Commission

From: Planning Staff

Date: March 29, 2016

Re: Rezoning #9-4-16 - A request by Crafton Tull, agent for Fort Chaffee Redevelopment Authority and developer ERC, for Planning Commission consideration of a zone request from Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 8501 McClure Drive

PROPOSED ZONING

Approval of the zoning will allow for the development of a 10.78 acre tract into a 30 lot single family subdivision.

LOT LOCATION AND SIZE

The subject property is on the south side of McClure Drive. The tract contains an area of 10.78 acres and will have approximately 1,300 feet of street frontage along McClure Drive.

REQUESTED ZONING

The requested zoning on this tract is Residential Single Family Medium/High Density (RS-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium-to-high density, compact single family detached development on new sites or as infill construction. Adequate public services and facilities shall be available with sufficient capacity to serve the proposed development. This zoning district is intended to serve as a transition between the lower density single family districts and the multifamily of commercial districts. RS-3 zoning as appropriate in urban and suburban areas and primarily applies to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family dwellings and family group homes are examples of permitted uses.

2A

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet
Maximum Density – 6.7 Dwelling Units/Acre
Minimum Lot Width at Building Line – 60 feet
Minimum Street Frontage – 20 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 25 feet
Side Yard Setback – 7.5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The area to the north is zoned as a Planned Zoning District and is being developed as Arc Best Corporation. The remaining area to the north is not zoned and undeveloped.

The areas to the east, west, and south are not zoned and are undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies McClure Drive as a local road.

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Future Land Use Plan classifies the site as Park/Open Space. The applicant is currently seeking a Land Use Map Amendment from the Fort Chaffee Redevelopment Authority to Single Family Residential. This classification is intended to encourage development that promotes internal and external connectivity, reinforces walkability through street layout that limits cul-de-sacs with no external connections, and establish entry features for neighborhoods with signage, landscaping and lighting.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday, April 5, 5:30 p.m., at the ERC offices at 4107 Massard Road. No surrounding property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application.

2B

Rez. #9-4-16

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)

   PLEASE SEE ATTACHED BOUNDARD DESCRIPTION

2. Address of property: McCLURE DRIVE

3. The above described property is now zoned: UNZONED

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

5. Why is the zoning change requested?

   REDEVELOPMENT OF FORT CHAFFEE

   *PLEASE SEE ATTACHED PRELIMINARY PLAT

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

Signed:

CRAFTON TULL & ASSOCIATES
Owner or Agent Name
(please print)

10825 FINANCIAL CENTRE PKWY
SUITE 300, LITTLE ROCK, AR 72211
Owner or Agent Mailing Address

(501)664-3245
Owner or Agent Phone Number

Owner

or

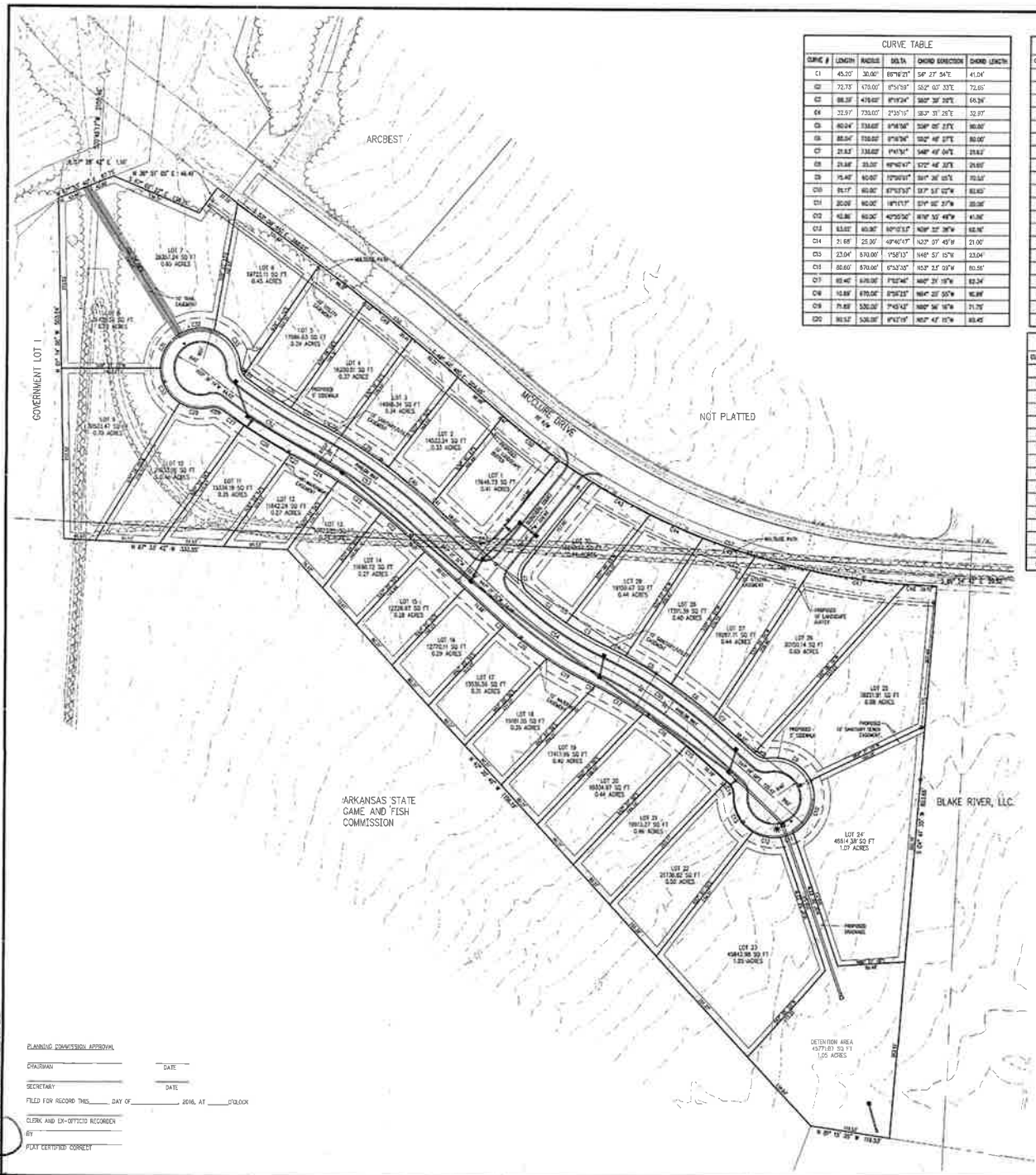
Agent

2C

Boundary Description

Part of Government Lot 1 of the Southwest Quarter, and part of the Southwest Quarter of the Southeast Quarter of Section6, part of Government Lot 1 of the Northwest Quarter, and part of the Northwest Quarter of the Northeast Quarter of Section 7, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at an existing ½" rebar in concrete at the Northeast Corner of said Government Lot 1 of the Southwest Quarter of Section 6; Thence along the East Line of said Government Lot 1, S02°46'17"W, 2158.46 feet to the southeasterly line of the Sebastian County Bike Trail Property; Thence along said southeasterly line, S67°53'40"W, 64.95 feet; Thence continuing along said southeasterly line, S57°28'42"W, 1.16 feet to an existing ½" rebar and the Point of Beginning; Thence along said southeasterly line, N57°28'42"E, 1.16feet; Thence continuing along said southeasterly line, N67°53'40"E, 87.75 to a set ½" rebar with cap stamped MWC 1369; Thence leaving said southeasterly line, S67°02'32"E, 138.21 feet to a set ½" rebar with cap stamped MWC 1369; Thence N36°51'05"E, 46.41 feet to a set ½" rebar with cap stamped MWC 1369; Thence S53°08'55"E, 288.03 feet to a set ½" rebar with cap stamped MWC 1369; Thence 57.34 feet along the arc of a curve to the right, said curve having a radius of 965.00 feet and being subtended by a chord having a bearing of S51°26'48"E and a distance of 57.33 feet to a set ½" rebar with cap stamped MWC 1369; Thence S49°44'40"E, 204.05 feet to a set ½" rebar with cap stamped MWC 1369; Thence 671.39 feet along the arc of a curve to the left, said curve having a radius of 1035.00 feet and being subtended by a chord having a bearing of S68°19'41"E and a distance of 659.68 feet to a set ½" rebar with cap stamped MWC 1369; Thence S86°54'42"E, 29.52 feet to the extended west line of the Blake River, LLC property, as described in document 7253884; Thence S04°41'35"W, 823.66 feet along said line to the southwest corner of said property and an existing ½" rebar with cap stamped MWC 1369, and said point also being on the northerly line of the Arkansas Game and Fish Commission Property; Thence along said northerly line the following bearings and distances: N81°15'35"W, 119.53 feet to an existing ½" rebar; N42°30'40"W, 1156.19 feet to an existing ½" rebar; N87°33'42"W, 333.55 feet to an existing ½" rebar; N01°14'05"W, 505.04 feet to the Point of Beginning, containing 17.58 acres, more or less.



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	45.20'	30.00'	86°16'27"	S49° 27' 54"E	41.04'
C2	72.73'	470.00'	8°51'29"	S52° 03' 33"E	72.65'
C3	88.39'	470.00'	9°19'24"	S60° 38' 29"E	88.26'
C4	32.97'	730.00'	2°35'16"	S63° 31' 28"E	32.97'
C5	80.04'	730.00'	6°16'58"	S66° 05' 27"E	80.00'
C6	80.04'	730.00'	6°16'58"	S72° 46' 27"E	80.00'
C7	21.83'	730.00'	1°43'12"	S48° 49' 04"E	21.83'
C8	21.68'	25.00'	49°40'47"	S72° 46' 23"E	21.00'
C9	75.40'	60.00'	72°00'00"	S61° 36' 05"E	70.53'
C10	89.17'	60.00'	87°53'30"	S17° 53' 02"W	83.83'
C11	30.00'	60.00'	28°11'17"	S74° 16' 37"W	29.96'
C12	42.86'	60.00'	40°55'06"	N76° 32' 49"W	41.96'
C13	83.03'	60.00'	80°01'12"	N28° 32' 28"W	76.46'
C14	21.68'	25.00'	49°40'47"	N22° 07' 45"W	21.00'
C15	23.04'	570.00'	1°55'13"	N46° 57' 15"W	23.04'
C16	80.60'	570.00'	8°05'35"	N52° 23' 03"W	80.58'
C17	83.40'	570.00'	8°22'46"	N60° 21' 19"W	83.34'
C18	10.88'	570.00'	0°39'23"	N64° 32' 55"W	10.88'
C19	71.83'	530.00'	7°45'42"	N60° 36' 16"W	71.78'
C20	90.52'	530.00'	9°47'19"	N52° 47' 15"W	90.45'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C21	8.13'	530.00'	0°52'14"	N47° 51' 28"W	8.13'
C22	30.14'	730.00'	4°52'16"	N49° 22' 28"W	30.13'
C23	80.82'	730.00'	6°20'45"	N54° 36' 28"W	80.77'
C24	80.36'	730.00'	6°18'12"	N60° 12' 03"W	80.32'
C25	30.14'	730.00'	1°18'42"	N67° 37' 05"W	30.14'
C26	80.22'	730.00'	6°18'28"	N73° 46' 33"W	80.22'
C27	26.23'	730.00'	2°03'07"	N81° 50' 26"W	26.22'
C28	21.68'	25.00'	49°40'47"	S72° 46' 23"E	21.00'
C29	46.62'	60.00'	44°31'07"	N07° 51' 20"W	45.46'
C30	83.14'	60.00'	79°23'17"	N29° 34' 18"W	76.72'
C31	80.54'	60.00'	57°40'30"	N32° 31' 37"E	77.20'
C32	34.19'	60.00'	32°39'04"	N62° 32' 34"E	33.73'
C33	63.54'	60.00'	60°41'36"	S37° 37' 42"E	60.62'
C34	14.22'	25.00'	32°34'48"	S20° 13' 32"E	14.03'
C35	7.58'	25.00'	17°21'15"	S45° 11' 54"E	7.56'
C36	77.40'	894.93'	5°25'27"	S04° 18' 57"E	77.37'
C37	51.40'	870.93'	3°22'42"	S02° 49' 25"E	51.44'
C38	83.36'	790.00'	6°02'38"	S01° 23' 17"E	83.32'
C39	84.80'	790.00'	6°14'28"	S07° 32' 03"E	84.80'
C40	89.12'	790.00'	6°28'12"	S02° 47' 46"E	89.08'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C41	4.45'	790.00'	0°17'32"	S41° 30' 40"E	4.45'
C42	49.19'	25.00'	93°50'22"	S40° 38' 58"E	43.86'
C43	88.45'	1020.00'	5°02'46"	S01° 16' 01"E	88.41'
C44	96.42'	1020.00'	5°41'53"	S06° 33' 38"E	96.42'
C45	82.48'	1020.00'	4°53'58"	S11° 04' 29"E	82.46'
C46	84.93'	1020.00'	4°46'30"	S15° 41' 42"E	84.91'
C47	144.38'	1020.00'	8°06'56"	S22° 31' 34"E	144.28'
C48	73.88'	1020.00'	4°08'47"	S30° 26' 14"E	73.86'
C49	57.24'	945.00'	3°28'15"	S31° 25' 46"E	57.23'
C50	88.41'	1025.00'	4°56'35"	S31° 38' 36"E	88.37'
C51	133.77'	850.00'	9°01'01"	N28° 06' 45"W	133.63'
C52	188.71'	730.00'	14°48'24"	N34° 24' 13"W	188.12'
C53	152.32'	500.00'	17°27'15"	S35° 05' 29"E	151.73'
C54	205.88'	700.00'	16°50'59"	S35° 23' 36"E	205.13'
C55	57.24'	865.00'	3°47'13"	N31° 26' 46"W	57.23'
C56	671.26'	1020.00'	37°42'02"	S60° 19' 41"E	659.08'

LEGEND (EXISTING SYMBOLS)

SYMBOLS	LINEWORK
FOUND IRON PIN	EASEMENT
LIGHT POLE	CURB
POWER POLE	DITCH
TELEPHONE PEDESTAL	INTERMITTENT CONTOUR
TV PEDESTAL	INDEX CONTOUR
MANHOLE	SANITARY SEWER LINE — SS —
SANITARY SEWER CLEANOUT	GAS LINE — G —
GAS METER	WATER LINE SPECIFY SIZE & TYPE — W —
GAS VALVE	UNDERGROUND TELEPHONE — UGT —
STORM SEWER PIPE	UNDERGROUND ELECTRIC — UGE —
CURB INLET	OVERHEAD ELECTRIC — OHE —
WATER VALVE	UNDERGROUND TELEVISION — UGTV —
FIRE HYDRANT ASSEMBLY	OVERHEAD TELEVISION — OHTV —
AIR RELEASE VALVE	CHAIN LINK FENCE
FIRE SEPARATION CONNECTION	WOOD FENCE
WATER METER	BARBED WIRE FENCE — X —
SPRINKLER HEAD	FIBER OPTIC
ELECTRIC PEDESTAL	RIGHT OF WAY
CRATED INLET	ROAD CENTERLINE
DROP INLET	
TREE	
CROP, FD. OR REMOVED	

LEGEND (CONSTRUCTI)

SYMBOLS	LINEWORK
SET IRON PIN	EASEMENT
LIGHT POLE	CURB
POWER POLE	DITCH
TELEPHONE PEDESTAL	INTERMITTENT CONTOUR
TV PEDESTAL	INDEX CONTOUR
MANHOLE	SANITARY SEWER LINE
SANITARY SEWER CLEANOUT	GAS LINE
GAS METER	WATER LINE
GAS VALVE	UNDERGROUND TELEPHONE
STORM SEWER PIPE	UNDERGROUND ELECTRIC
STRUCTURE MARKER	OVERHEAD ELECTRIC
WATER VALVE	FIBER OPTIC
FIRE HYDRANT ASSEMBLY	UNDERGROUND TELEVISION
AIR RELEASE VALVE	OVERHEAD TELEVISION
FIRE SEPARATION CONNECTION	CHAIN LINK FENCE
WATER METER	WOOD FENCE
BACK FLOW PREVENTER	BARBED WIRE FENCE
REDUCER	BUILDING SET BACK
RECTANGULAR DROP INLET, TRAPED INLET OR JUNCTION BOX SPECIFY ON PLAN SHEETS	RIGHT OF WAY
CIRCULAR DROP INLET, TRAPED INLET OR JUNCTION BOX SPECIFY ON PLAN SHEETS	PAVEMENT LINE
	ROAD CENTERLINE

BOUNDARY DESCRIPTION

Part of Government Lot 1 of the Southwest Quarter, and part of the Southwest Quarter of the Southwest Quarter of Section 6, part of Government Lot 1 of the Northwest Quarter, and part of the Northwest Quarter of the Northwest Quarter of Section 7, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at an existing 1/2" rebar in concrete at the northeast Corner of said Government Lot 1 of the Southwest Quarter of Section 6; Thence along the East Line of said Government Lot 1, S02°58'11"W, 2730.46' feet to the southeasterly line of the Arkansas County line Tract Property; Thence along said southeasterly line, S67°26'43"W, 64.08 feet; Thence continuing along said southeasterly line, S37°26'43"W, 1.16 feet to an existing 1/2" rebar and the Point of Beginning; Thence along said south County line, S67°26'43"W, 1165.00' feet; Thence continuing along said southeasterly line, N87°53'40"E, 67.76' to a set 1/2" rebar with cap stamped MNC 1369; Thence leaving said southeasterly line, N02°53'40"E, 1320.0' feet to a set 1/2" rebar with cap stamped MNC 1369; Thence N02°06'40.41" feet to a set 1/2" rebar with cap stamped MNC 1369; Thence S53°06'35"E, 268.03 feet to a set 1/2" rebar with cap stamped MNC 1369; Thence S7°30' feet along the arc of a curve to the right, said curve having a radius of 955.00 feet and being subtended by a chord having a bearing of S03°45'41"E, and a distance of 112.34 feet; Thence S00°42'42"E, 1420.00' feet to a set 1/2" rebar with cap stamped MNC 1369; Thence S71°26'19"W, 1.00' feet to a set 1/2" rebar with cap stamped MNC 1369; Thence S71°26'19"W, 1.00' feet to a set 1/2" rebar with cap stamped MNC 1369; Thence 671.26' feet along the arc of a curve to the left, said curve having a radius of 1020.00 feet and being subtended by a chord having a bearing of S60°19'41"E, and a distance of 659.08 feet to a set 1/2" rebar with cap stamped MNC 1369; Thence S00°34'43"E, 19.32' feet to the extended east line of the Blake River, LLC property, as described in document 2203004; Thence S00°35'06"E, 812.53' feet along said line to the southeast corner of said property and an existing 1/2" rebar with cap stamped MNC 1369, and said point also being on the northerly line of the Arkansas Game and Fish Commission Property; Thence along said northerly line the following bearing and distances: N87°53'37"W, 119.50' feet to an existing 1/2" rebar; N62°30'45"W, 1104.15' feet to an existing 1/2" rebar; N53°34'40"W, 303.36' feet to an existing 1/2" rebar; N07°14'00"W, 305.04' feet to the Point of Beginning, containing 17.08 acres, more or less.

GENERAL INFORMATION:
1. OWNER: ROD COLEMAN, MANAGER
ERC HOLDINGS, LLC
813 FORT STREET
BARLING, ARKANSAS 72923
479-478-5103
2. ENGINEER: BRAD PETERSON
CRAFTON TULL
10825 FINANCIAL CENTRE PKWY, SUITE 300
LITTLE ROCK, ARKANSAS 72211
501-664-3245
3. SURVEYOR: JASON GRATHAM
CRAFTON TULL
10825 FINANCIAL CENTRE PKWY
LITTLE ROCK, ARKANSAS 72211
501-664-3245
4. ALL UNMARKED RADII ARE 25'.
5. BOUNDARY SURVEY COMPLETED BY MICKLE WAGNER COLEMAN
6. TOPOGRAPHIC INFORMATION SHOWN IS FROM CITY OF FORT SMITH TOPOGRAPHIC MAPS DATED 2014.

ZONING INFORMATION

EXISTING ZONING: NOT ZONED
PROPOSED ZONING: RS-3

BUILDING SETBACK TABLE

ZONING	BUILDING SETBACK			
	FRONT	REAR	SIDE (PRIMARY)	SIDE (SECONDARY)
RS-3	25'	10'	5'	15'

PHASE INFORMATION:

PHASE I: LOTS 1-30 (30 LOTS)

GRAPHIC SCALE IN FEET
60' 0 60'

BASIS OF BEARING: GRID NORTH, ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE (0301). DETERMINED BY GPS OBSERVATIONS. APPROXIMATE CONVERGENCE ANGLE IS -0°17'01.6" MAP. DISTANCES ARE STATE PLANE GRID DISTANCES. COMBINED ADJUSTMENT FACTOR = 0.999994292.

FLOOD PLAIN STATEMENT
NO PORTION OF THE PROPERTY SHOWN HEREON IS LOCATED WITHIN THE 100-YEAR FLOOD PLAIN AS DESIGNATED BY THE FLOOD INSURANCE RATE MAP, PANEL NO. 05131C0174DE, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DATED MAY 20, 2010. ALL OF THE PROPERTY SHOWN HEREON IS IN ZONE X.

PLANNING COMMISSION APPROVAL

CHAIRMAN _____ DATE _____

SECRETARY _____ DATE _____

FILED FOR RECORD THIS_____ DAY OF_____, 2016, AT _____ O'CLOCK

CLERK AND EX-OFFICIO RECORDER

BY

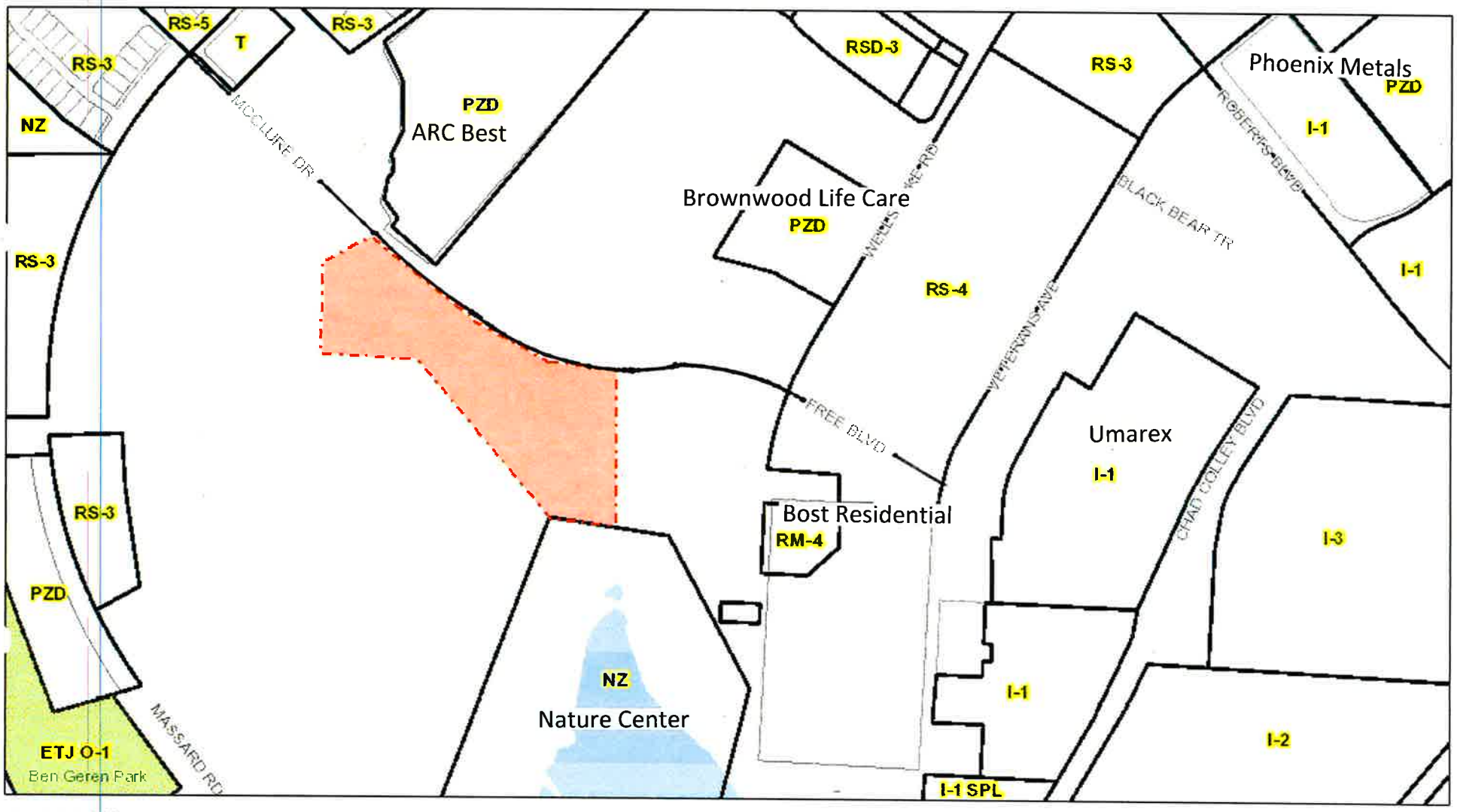
PLAT CERTIFIED CORRECT

Crafton Tull

PRELIMINARY PLAT OF AVALON SUBDIVISION

FT CHAFFEE, ARKANSAS

Rezoning #9-4-16: from Not Zoned to Residential Single Family Medium/High Density (RS-3)
8501 McClure Drive



March 22, 2016

Fort Smith City Limts

Zoning

Subdivisions

1:8,046

0 370 740 1,480 ft

0 112.5 225 450 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

Blake River, LLC
109 North 6th Street
Fort Smith, AR 72901

ArcBest Corporation
3801 Old Greenwood Road
Fort Smith, AR 72903

City of Fort Smith/McClure
Ampitheatre

Fort Chaffee Redevelopment Trust
P. O. Box 11165
Fort Smith, AR 72917

Ms. Brenda Andrews read the staff report indicating that the purpose of this variance request is to facilitate the subdivision of the property into two lots and allow the sale of the building at 120 North 13th Street. Ms. Andrews noted that the affected buildings cannot be sold separately unless the variances are approved. It was also noted that approval of these setback variance requests would bring the structures into compliance with the UDO and avoid future issues should the buildings be destroyed or damaged more than 50% of their value.

Mr. Ricky Hill was present to speak on behalf of this request.

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

Motion was then made by Commissioner Howard, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to the existing development and building locations.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 7 in favor and 0 opposed.

RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISSION

1. **Preliminary Plat – Avalon at Chaffee Crossing – Crafton Tull**

2. **Rezoning #9-4-16; A request by Crafton Tull, agent for ERC and Fort Chaffee Redevelopment Authority, for a zone change from Unzoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 8501 McClure Drive.**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for the development of a 10.78 acre tract into a 30 lot single family subdivision.

Ms. Caroline Gardner with Crafton Tull was present to speak on behalf of these requests.

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

Chairman Sharpe then called for the vote on these requests.

1. **Preliminary Plat – Avalon at Chaffee Crossing – Crafton Tull**

Chairman Sharpe called for the vote on the preliminary plat. Motion was made by Commissioner Howard, seconded by Commissioner Carson and carried by a vote of 5 in

favor and 2 abstentions (Cooper and Keesee) to make approval of the plat subject to the following:

- Developer agreeing to meet all franchise and City utility easement requirements.
- Compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction
- Approval by the Board of Directors of the rezoning application.

Chairman Sharpe then called for the vote on the preliminary plat as amended. The vote was 5 in favor and 2 abstentions (Cooper and Keesee).

2. **Rezoning #9-4-16; A request by Crafton Tull, agent for ERC and Fort Chaffee Redevelopment Authority, for a zone change from Unzoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 8501 McClure Drive.**

   Chairman Sharpe called for the vote on the rezoning request. The vote was 5 in favor and 2 abstentions (Cooper and Keesee)

3. **A request by Crafton Tull, agent for Rod Coleman, for development plan approval for a retail development located at 6000 Hutcheson Court. (companion item to item #4)**

4. **Variance #12-4-16; A request by Crafton Tull, agent for Rod Coleman, for a variance from Section 27-601-14(B)(3)-required passing aisle; from Section 27-602-4(C)(8)-required 6 foot screening fence along residentially zoned property and from Section 27-414(4)-from three (3) to four (4) maximum number of wall signs allowed on a principal structure located at 6000 Hutcheson Court. (companion item to item #3)**

   Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for a four (4) unit 4,778 square foot retail building with 24 parking spaces and landscaping

   Ms. Caroline Gardner with Crafton Tull and Ms. Mary McGetrick with ERC, was present to speak on behalf of these requests.

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

   Chairman Sharpe then called for the vote on these requests.

3. **A request by Crafton Tull, agent for Rod Coleman, for development plan approval for a retail development located at 6000 Hutcheson Court. (companion item to item #4)**

4.

ORDINANCE NO. _____

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

WHEREAS, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on April 12, 2016, that said change be made; and,

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

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 8-4-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on April 12, 2016, that said change be made;

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

SECTION 1: The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Residential Attached to Office, Research and Light Industrial is hereby amended to reflect said amendment to-wit:

Lot 2 Southland Industrial Park less and except:

Part of Southland Industrial Park, more particularly described as follows: Part of the Southwest Quarter of the Southwest Quarter, Section 4 Township 7 North, Range 32 West, Sebastian County, Arkansas, more particularly described as follows: Commencing at the Northeast corner of said Forty; thence South 900.0 feet; thence North 89 degrees 19 minutes 38 seconds West, 1095.71 feet to the point of beginning; thence continuing

North 89 degrees 19 minutes 38 seconds West, 186.72 feet to the East right of way of Arkansas Highway 271; thence North 02 degrees 01 minutes 48 seconds West along said right of way 105.65 feet; thence South 89 degrees 18 minutes East 191.5 feet; thence South 00 degrees 33 minutes 47 seconds West, 105.44 feet to the point of beginning, subject to a 30 foot ingress and egress easement across the North side. Less and except public roads, easements and rights of way.

more commonly known as 7423 US Highway 271.

SECTION 2: The hereinafter described property is hereby rezoned from Commercial Heavy (C-5) to Industrial Light (I-1) by Extension:

Lot 2 Southland Industrial Park less and except:

Part of Southland Industrial Park, more particularly described as follows: Part of the Southwest Quarter of the Southwest Quarter, Section 4 Township 7 North, Range 32 West, Sebastian County, Arkansas, more particularly described as follows: Commencing at the Northeast corner of said Forty; thence South 900.0 feet; thence North 89 degrees 19 minutes 38 seconds West, 1095.71 feet to the point of beginning; thence continuing North 89 degrees 19 minutes 38 seconds West, 186.72 feet to the East right of way of Arkansas Highway 271; thence North 02 degrees 01 minutes 48 seconds West along said right of way 105.65 feet; thence South 89 degrees 18 minutes East 191.5 feet; thence South 00 degrees 33 minutes 47 seconds West, 105.44 feet to the point of beginning, subject to a 30 foot ingress and egress easement across the North side. Less and except public roads, easements and rights of way.

more commonly known as 7423 US Highway 271.

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

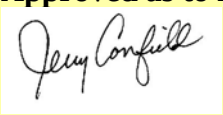
PASSED AND APPROVED THIS_____DAY OF _____, 2016.

ATTEST: **APPROVED:**

_____ _____

City Clerk **Mayor**

Approved as to form:



_____

Publish One Time

The City of Fort Smith
ARKANSAS

April 26, 2016

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

Re: A request by Thomas Shankle, owner and agent for Donnie and Peggy Kratzberg for a Master Land Use Plan Amendment from Residential Attached to Office, Research and Light Industrial and a zone change from Commercial Heavy (C-5) to Industrial Light (I-1) by Extension located at 7423 US Highway 271.

On April 12, 2016, the City Planning Commission held a public hearing to consider the above requests.

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is a corrective rezoning which should not change how the property is developed and would allow the buildings to be rented and used for the purpose of their original construction.

Mr. Thomas Shankle was present to speak on behalf of these requests.

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

Chairman Sharpe then called for the vote on the Master Land Use Plan amendment. The vote was 7 in favor and 0 opposed.

Chairman Sharpe then called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

Respectfully Submitted,

Marshall L. Sharpe

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

623 GARRISON AVENUE
P.O. BOX 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: March 31, 2016

Re: Proposed Master Land Use Plan Amendment by Thomas Shankle, owner and agent for Donnie and Peggy Kratzberg, at 7423 US Highway 271 from Residential Attached to Office, Research and Light Industrial

The Planning Department is in receipt of an application from Thomas Shankle, agent, to amend the Master Land Use Map from Residential Attached to Office, Research and Light Industrial to accommodate a proposed Industrial Light (I-1) zoning request. The subject property is on the east side of US Highway 271 just north of Cavanaugh Road. The tract contains an area of 2.48 acres.

The property is currently zoned Commercial Heavy (C-5). A companion zoning application requests an Industrial Light (I-1) zoning district. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES:

The area to the north is classified as Residential Attached and is developed as a mini storage facility and undeveloped.

The area to the east is classified as Residential Attached and is undeveloped.

The area to the south is classified as General Commercial & Mixed-Use-E and is undeveloped.

The area to the west is classified as General Commercial and is developed as a lawn mower repair.

The existing Land Use Classification is Residential Attached. This classification is to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values

The proposed Land Use Classification of Office, Research and Light Industrial is described as follows:

5A

To provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services"

Characteristics and Use:

Criteria for Designation:	**Compliance Noted**
• Compatible with and complimentary to surrounding uses.	Yes
• Located on high volume arterials and collectors	Yes
• Located as a cluster of like services	Yes
• Accessible by most modes of transportation	Yes
• Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use	Yes

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies US Highway 271 as a Major Arterial.

NEIGHBORHOOD MEETING

The neighborhood meeting was waived due to the fact that there will be minimum impact on neighboring properties.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application.

5B

Master Land Use Amendment: from Residential Attached and General Commercial to Office, Research and Light Industrial at 7423 US Highway 271 (Lot 2, Southland Industrial Park, only)

5C

March 23, 2016

Fort Smith City Limts

Subdivisions

Building Footprints

Land Use

1:1,770

0 80 160 320 ft

0 25 50 100 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

Master Land Use and Rezoning
7423 US Highway 271

50

April 5, 2016

Fort Smith City Limts

Zoning

Subdivisions

1:2,011

0 90 180 360 ft

0 25 50 100 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

Application Type

○ **Minor Amendment** ⊗ **Standard Amendment** ○ **Major Amendment**
(See Section 27-328-5 C. (Criteria)

Request to Amend Map ☒ **Request to Amend Text** ☐

Applicant Name:	Thomas Shankle
Firm Name:	
Address:	P.O. Box 180818, Fort Smith, AR 72918
Phone # (day):	Phone # (cell): 479.651.0999 Fax #:
Owner Name:	Thomas Shankle
Owner Address:	P.O. Box 180818 Fort Smith, AR 72918
Phone # (day):	Phone # (cell): 479.651.0999 Fax #:
Property Address (subject property):	7423 Highway 271 S
Subject Property	
Current Land Use:	Light Industrial
Existing MLUP Classification:	Residential Attached / General Commercial
Proposed MLUP Classification:	Office, Research and Light Industrial
Existing Zoning Classification:	Commercial 5
Proposed Zoning Classification:	Industrial 1
Surrounding Property	
Current Land Use: north-	Auto Service, Storage & Vacant
south-	vacant
east-	vacant
west-	Highway R/W - then residential
Existing MLUP Classification: north:	General Commercial & Residential Attached
south:	General Commercial & Mixed use E
east:	Residential Attached (then Residential Detached)
west:	Hwy R/W (then Residential Detached)
Existing Zoning Classification: north:	C-5 & I-1
south:	C-5
east:	I-1
west:	C-5
Pre-Application Meeting Date:	

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

5E

1. A legal description of the subject property that is to be amended (reclassified).
   Lot 2 Southland Industrial Park
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location. See Attached Boundary Plat
3. The area dimensions of the property in square feet or acres. 2.93 Acres
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:
   An existing 27' Wide Private Asphalt Road serves the property, the access is from Highway 271 S being an asphalt road.
   No additional development is requested
5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:
   The property is developed with existing infrastructure already in place - public water, electric and sewer services,
   City of Fort Smith Fire & Police
6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:
   Maximum Lot coverage is 75%
   Units per Acre is Not Applicable
7. Identify any known or anticipated environmental concerns:
   NONE

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

5F

a. Describe potential changes to development patterns in terms of local and regional impacts:

The requesetd amendment is proposed in order to more accurately fit the actual use of the property. No changes to development pattern is anticipated.

b. Describe the consistency in zoning between existing and planned uses:

The proposed Zone change and proposed Land use change will be more consistent with each other as well as with the actual uses of the property.

c. Provide explanation of the need for and demand in the proposed uses:

Currently the existing Zone and Land Use do not relate to the actual use of the property or to each other. The proposed change is needed to correct the maps and eliminate the need for 'conditional use' applications

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

Currently 11 buildings exist on the property with the maximum potential of 4 additional buildings. The uses of the buildings are all in compliance with the permitted uses of the proposed zoning and proposed land use with the exception of a liquor store occupying a part of one building. Access to the site is from U.S. Highway 271 which is a major arterial street. The existing and proposed uses typically generate very low volumes of traffic. The existing and proposed uses will have a very low impact on the City water and sewer systems due to very low water demands. The proposed land use is much more suitable to the existing use of the property than the existing use. Any anticipated future development will comply with the proposed zoning and proposed land use classification.

For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

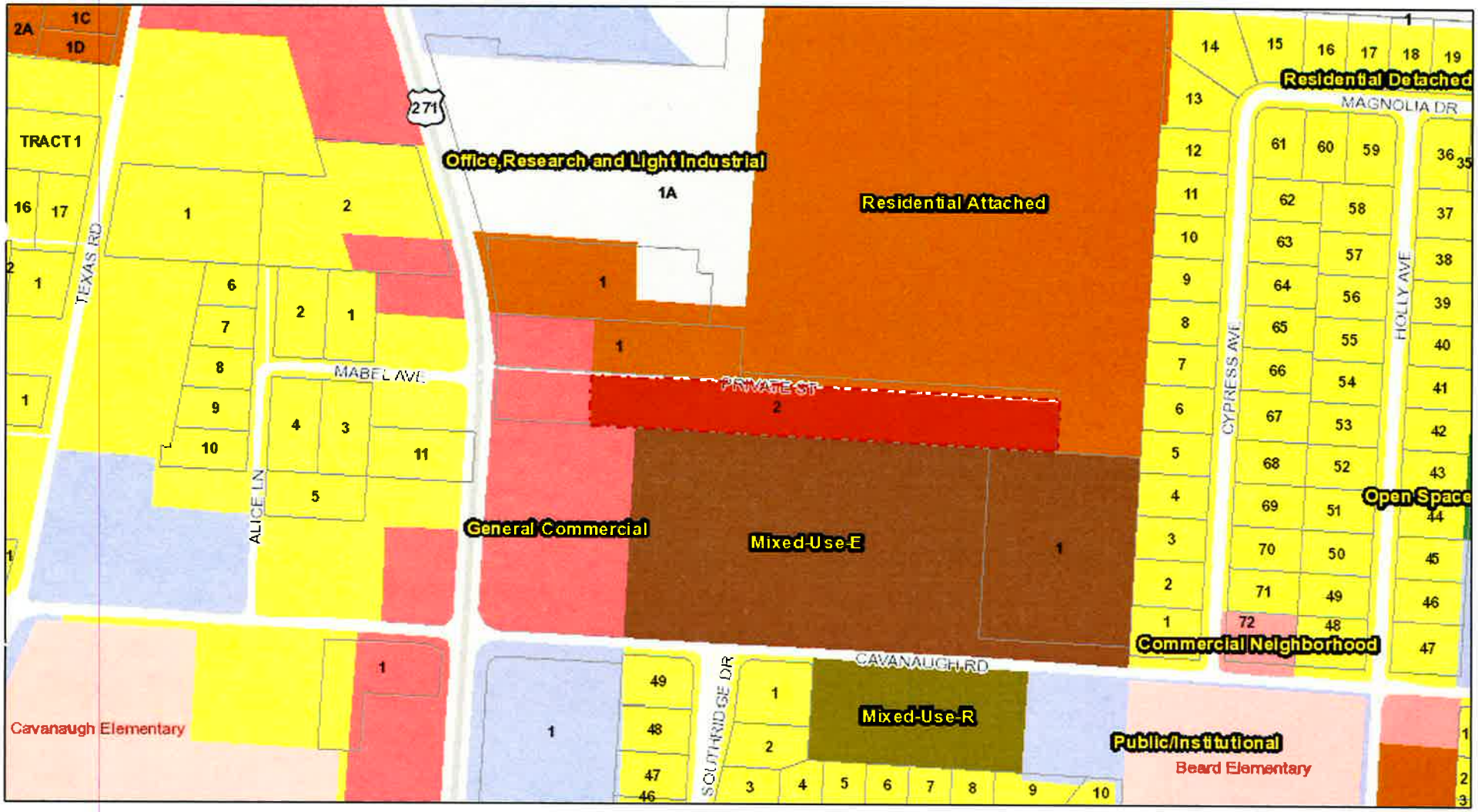
1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.

2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

AUTHORIZATION OF AGENT

5G

Master Land Use Amendment: from Residential Attached to Office, Research and Light Industrial at 7423 US Highway 271 (Part of Lot 2, Southland Industrial Park, only)



April 14, 2016

1:3,198

0 150 300 600 ft

0 40 80 160 m

Fort Smith City Limts

Subdivisions

Land Use

Commercial

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

Memo

To: City Planning Commission

From: Planning Staff

Date: March 31, 2016

Re: Rezoning #8-4-16 - A request by Thomas Shankle, owner and agent for Donnie and Peggy Kratzberg, for Planning Commission consideration of a zone request from Commercial Heavy (C-5) to Industrial Light (I-1) by extension at 7423 US Highway 271

PROPOSED ZONING

The proposed zoning on this tract is Industrial Light (I-1).
Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 20,000 square feet

6A

Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

LOT LOCATION AND SIZE

The subject property is on the east side of US Highway 271 just north of Cavanaugh Road. The tract contains an area of 2.48 acres.

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. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet

6B

Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Heavy (C-5) & Industrial Light (I-1) and are developed as a mini storage facility and Water Tech.

The areas to the east are zoned Industrial Light (I-1) and are undeveloped.

The areas to the south are zoned Commercial Heavy (C-5) and are undeveloped.

The area to the west is zoned Commercial Heavy (C-5) and is a lawn mower repair business.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies US Highway 271 as Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

A companion Master Land Use Plan application is requesting the site be classified as Office, Research and Light Industrial. This classification is to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

NEIGHBORHOOD MEETING

The Neighborhood Meeting was waived due to the fact that there will be a minimum impact on neighboring properties.

STAFF COMMENTS AND RECOMMENDATIONS

This property is located on a private street. It is completely developed with heavy commercial and light industrial uses. In some respects, this is a corrective rezoning. The effect of the rezoning should not change how the property has developed. The rezoning will allow the buildings to be rented and used for the purpose of their original construction.

Staff recommends approval of the application contingent upon approval of the Master Land Use Plan amendment.

6C

Rez. #8-4-16

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)

   Lot 2 Southland Industrial Park

2. Address of property: 7423 Highway 271 S

3. The above described property is now zoned: Commercial Heavy (C-5)

4. Application is hereby made to change the zoning classification of the above described property to Industrial Light (I-1) by Extension.
   (Extension or classification)

5. Why is the zoning change requested?
   To open the rental property to a broader range of uses for which the existing buildings are suited and bring the use of existing buildings into compliance with the zoning permitted uses, eliminating the conditional use classification.

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

Signed:

Thomas Shankle
Owner or Agent Name
(please print)

Owner

P.O. Box 180818, Fort Smith AR 72918
Owner or Agent Mailing Address

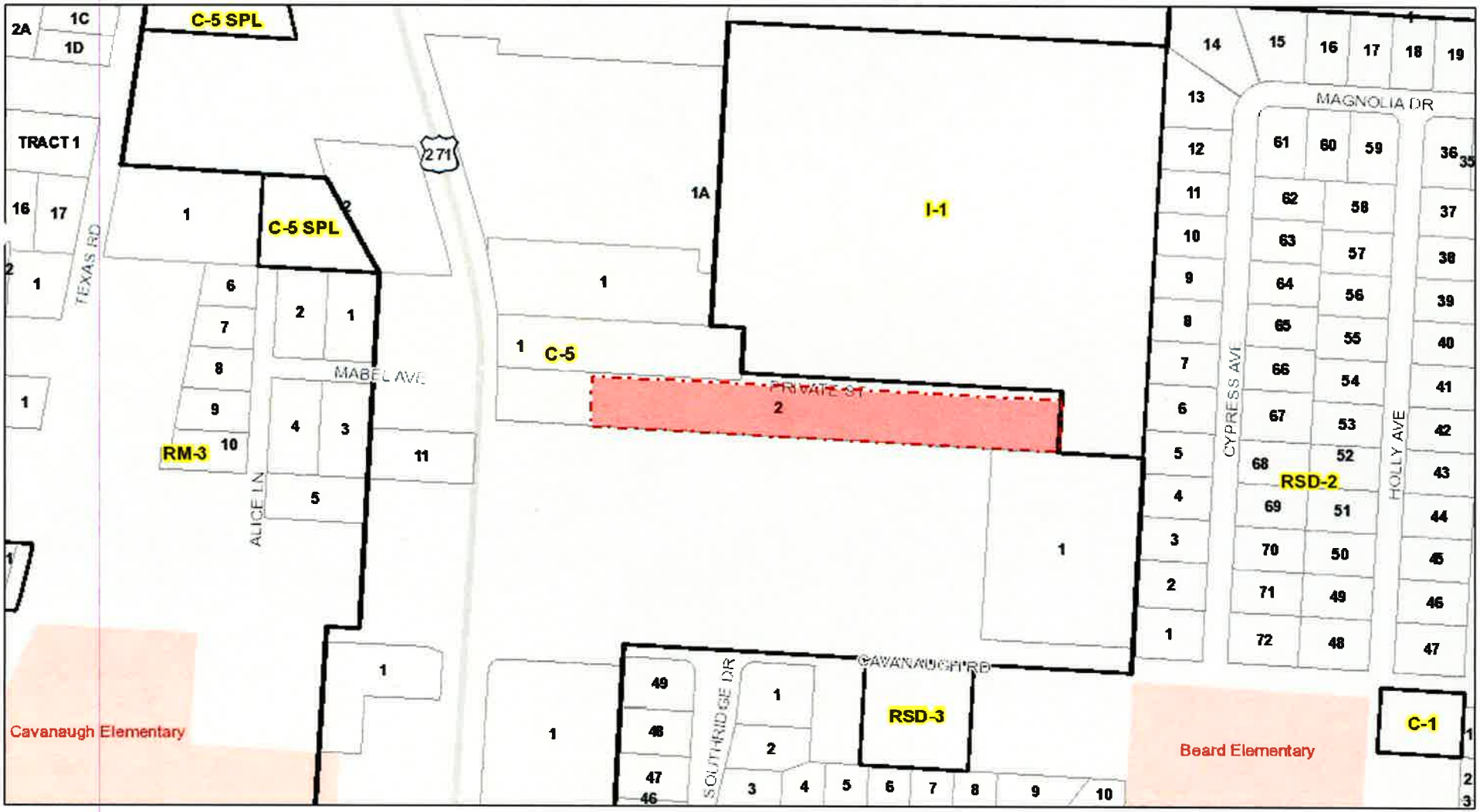
or

Agent

479-651-0999
Owner or Agent Phone Number

6D

Rezoning #8-4-16: from Commercial Heavy (C-5) to Industrial Light (I-1)
7423 US Highway 271 (Part of Lot 2, Southland Industrial Park, only)



April 14, 2016

Fort Smith City Limts

Zoning

Subdivisions

1:3,198

0 150 300 600 ft

0 40 80 160 m

City of Fort Smith GIS
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Master Land Use and Rezoning
7423 US Highway 271

April 5, 2016

Fort Smith City Limts

Zoning

Subdivisions

1:2,011

0 90 180 360 ft

0 25 50 100 m

City of Fort Smith GIS
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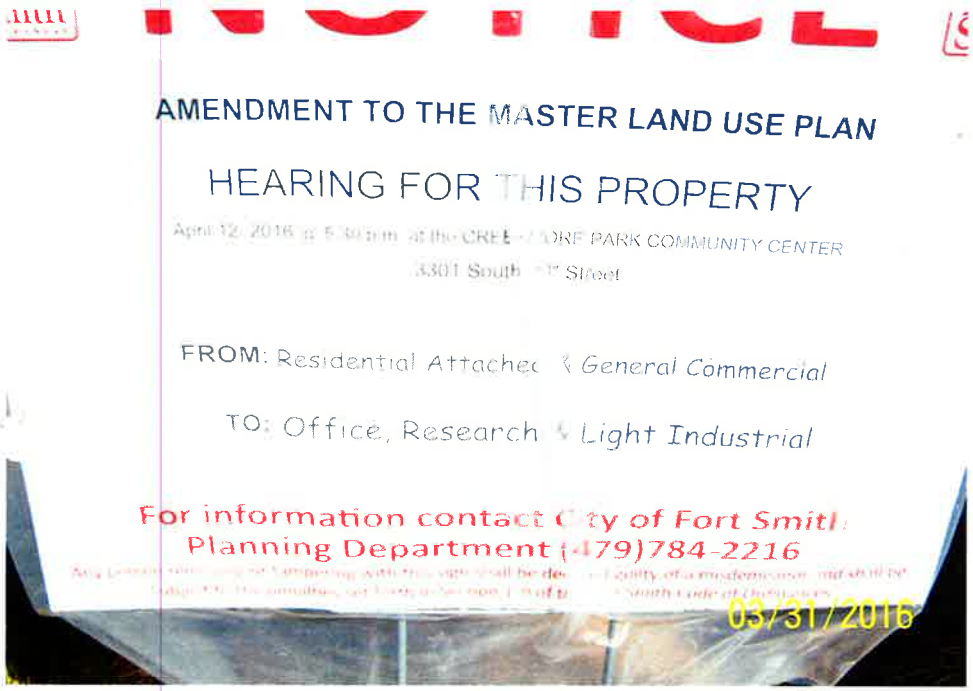
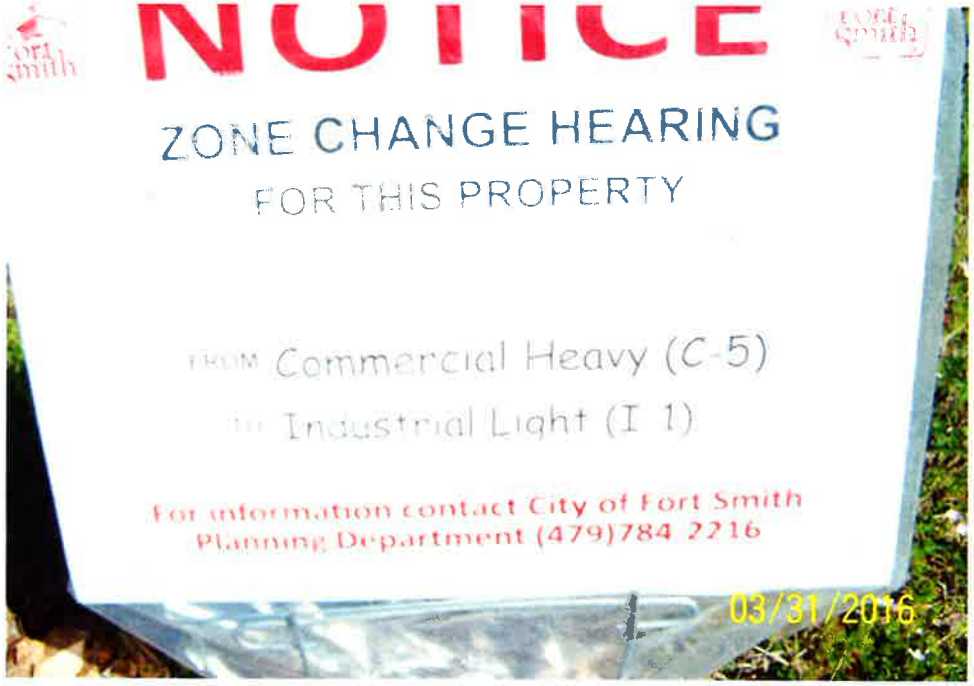

AMENDMENT TO THE MASTER LAND USE PLAN
HEARING FOR THIS PROPERTY
FROM: Residential Attached & General Commercial
TO: Office, Research & Light Industrial
For information contact City of Fort Smith
Planning Department (479)784-2216
03/31/2016


NOTICE
ZONE CHANGE HEARING
FOR THIS PROPERTY
Commercial Heavy (C-5)
Industrial Light (I 1)
For information contact City of Fort Smith
Planning Department (479)784 2216
03/31/2016

NOTICE
03/31/2016

03/31/2016

03/31/2016

03/31/2016

03/31/2016

03/31/2016

03/31/2016

03/31/2016

Denny Ramsey
7606 Cypress Avenue
Fort Smith, AR 72908

Dennis & Jeanne Flett
7600 Cypress Avenue
Fort Smith, AR 72908

Ha & Sanh & Aaron Tran
723 South 38th Street
Van Buren, AR 72956

Raymond Deuster
406 Brownwood Estates
Fort Smith, AR 72916

Larry & Jessie McClure
7500 Cypress Avenue
Fort Smith, AR 72908

William & Velta Burrows
101 Georgetown Lane
Fort Smith, AR 72908

Ruby Madden
8612 Hwy. 271 South
Fort Smith, AR 72903

Wayne & Janet Fitch
7311 Cypress Avenue
Fort Smith, AR 72908

Ken Farris Family LLC
7415 Highway 271 South
Fort Smith, AR 72908

Frances White
7409 Highway 271 South
Fort Smith, AR 72908

Shawn & Amanda Meeker
P. O. Box 3542
Greenwood, AR 72936

Doyle & Lois Janette Rainwater
2500 South 87th Drive
Fort Smith, AR 72903

Judy & Brent & Kimberly Pearce
1220 Mabel Avenue
Fort Smith, AR 72908

George Harrison
P. O. Box 1971
Tahlequah, OK 74465

Donald Brown & Shelly Kitterman
1221 Mabel Avenue
Fort Smith, AR 72908

Mary Maxine & leon Fulgham
1023 Vicksburg
Fort Smith, AR 72901

Joseph Ray Dickson
1211 Mabel Avenue
Fort Smith, AR 72908

Goodwin Family Trust
8009 Texas Road
Fort Smith, AR 72908

5. **A request by Thomas Shankle, agent for Donnie and Peggy Kratzberg, for a Master Land Use Plan Amendment from Residential Attached to Office, Research & Light Industrial located at 7423 Highway 271 South: Units 102B, 106, 110, 112, 114, 116, 118, 120, 122 and 130.**

6. **Rezoning #8-4-16; A request by Thomas Shankle, agent for Donnie and Peggy Kratzberg, for a zone change from Commercial Heavy (C-5) to Industrial Light (I-1) by Extension located at 7423 Highway 271 South: Units 102B, 106, 110, 112, 114, 116, 118, 120, 122 and 130.**

   Ms. Maggie Rice read the staff reports indicating that the purpose of these requests in some respects is a corrective rezoning. It was noted that the effect of the rezoning should not change how the property has development and will allow the buildings to be rented and used for the purpose of their original construction.

   Mr. Thomas Shankle was present to speak on behalf of these requests.

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

   Chairman Sharpe then called for the vote on these requests.

5. **A request by Thomas Shankle, agent for Donnie and Peggy Kratzberg, for a Master Land Use Plan Amendment from Residential Attached to Office, Research & Light Industrial located at 7423 Highway 271 South: Units 102B, 106, 110, 112, 114, 116, 118, 120, 122 and 130.**

   Chairman Sharpe called for the vote on the master land use plan amendment. The vote was 7 in favor and 0 opposed.

6. **Rezoning #8-4-16; A request by Thomas Shankle, agent for Donnie & Peggy Kratzberg, for a zone change from Commercial Heavy (C-5) to Industrial Light (I-1) by Extension located at 7423 Highway 271 South: Units 102B, 106, 110, 112, 114, 116, 118, 120, 122 and 130.**

   Chairman Sharpe called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

7. **Conditional Use #7-4-16; A request by James Reddick and Salvation Army, agents for First Asset Holdings, LLC, for a conditional use for a recycling collection station and a community food service located at 2900 North 50th Street.**

RESOLUTION _____

A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE A CONTRACT FOR THE 2016 STREET STRIPING REPLACEMENT PROJECT NO. 16-85-A

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

SECTION 1: The bid of Time Striping, Inc. received April 19, 2016, for the 2016 Street Striping Replacement, Project No. 16-85-A, in the amount of $85,124.45 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Time Striping, Inc. subject to the terms set forth in Section 1 above.

SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this _____ day of May, 2016.

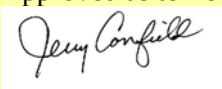
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form



_____

☐ No Publication Required

Memorandum

TO: Jeff Dingman, Acting City Administrator

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

DATE: April 28, 2016

SUBJECT: 2016 Street Striping Replacement
Project No. 16-85-A

The above subject project includes the replacement of street striping at various locations as noted on the attached list. The total length of street striping is approximately 174,000 feet (33 miles).

The striping list was prepared by the Street Operations Department. Contract bid documents were prepared by the Engineering Department. An advertisement was published and bids were received on April 19, 2016. One contractor requested the bid documents and one bid was received which is summarized as follows:

CONTRACTOR	**AMOUNT**
1. Time Striping, Inc. Van Buren, AR	$ 85,124.45
Engineer's Estimate	*$ 87,500.00*

I recommend that the lowest bid be accepted and that the contract be awarded to Time Striping, Inc. The estimated notice to proceed date for this contract is June 6, 2016. Based on the contract duration of 120 days, the estimated completion date would be October 3, 2016.

Attached is a Resolution to accomplish the above recommendation. Funds are available in the Sales Tax Program (1105) for the construction.

Attachments

ATTACHMENT A
STRIPING LIST

CONTRACT STRIPING (MEASURED IN FEET)

YELLOW	GRINDING LIST				DOUBLE-Y	SKIP-Y	TOTAL
S 23RD ST	FROM	SOUTH I ST	TO	SOUTH Z ST		1,330	1330
JACKSON ST	FROM	TOWSON AV	TO	JENNY LIND RD	716	480	1196
DALLAS ST	FROM	JENNY LIND RD	TO	2225 DALLAS ST	2,556	269	2825
INDEPENDENCE	FROM	S 25TH ST	TO	OLD GREENWOD RD	8,246	165	8411
SOUTH I ST	FROM	WHEELER AV	TO	HOSPITAL SIDE	1,462	160	1622
SOUTH P ST	FROM	GREENWOOD AV	TO	OLD GWD RD		320	320
SOUTH S ST	FROM	OLD GWD	TO	BALLPARK DR	1,170		1170
HENDRICKS	FROM	ROGERS AV	TO	GARY ST	754	1,940	2694
CLIFF DR	FROM	OLD GWD RD	TO	CRUCE HILL DR	612	1,400	2012
MASSARD RD	FROM	PHOENIX AV	TO	ZERO ST	14,699	3,690	18389
S 62ND ST	@	PHOENIX AV			176	46	222
PLANTERS RD	FROM	BALL RD	TO	HWY 71		600	600
OLD HWY 71	FROM	HWY 45	TO	HWY 71	10,788		10788
CHAD COLLEY	FROM	RYE HILL RD S	TO	FRONTIER RD	27,099	890	27989
DALLAS ST	FROM	MASSARD RD	TO	S 80TH ST	2,004	410	2414
EUPER LN	@	S 74TH ST			1,690	157	1847
BURNHAM RD	FROM	FREE FERRY RD	TO	ROGERS AV		1,220	1220
WALDRON RD	FROM	NORTH O ST	TO	GORDON LN	10,409	2,380	12789
N 62ND ST	FROM	KELLEY HWY	TO	END OF ROAD	5,992	300	6292
N 32ND ST	FROM	KELLEY HWY	TO	DIVISION ST	310		310
N 32ND ST	FROM	MIDLAND BLVD	TO	N 6TH ST		460	460
GRAND AV	FROM	ALBERT PIKE AV	TO	N 16TH ST	13,570	2,850	16420
GRAND AV	FROM	I-540	TO	WALDRON RD	3,895	700	4595

CONTRACT STRIPING (MEASURED IN FEET)

WHITE	GRINDING LIST				SOLID	SKIP	TOTAL
DALLAS ST	FROM	JENNY LIND RD	TO	2225 DALLAS ST	269		269
INDEPENDENCE ST	FROM	25TH ST	TO	OLD GWD RD	165		165
SOUTH I ST	FROM	WHEELER AV	TO	HOSPITAL SIDE	266		266
SOUTH S ST	FROM	OLD GWD RD	TO	BALLPARK DR	116		116
CLIFF DR	FROM	OLD GWD RD	TO	CRUCE HILL DR	77		77
S 70TH ST	FROM	ROGERS AV	TO	INDEPENDENCE ST	380		380
MASSARD RD	FROM	PHOENIX AV	TO	ZERO ST	224	3,920	4144
CHAD COLLEY	FROM	RYE HILL RD S	TO	FRONTIER RD	635	700	1335
DALLAS ST	FROM	MASSARD RD	TO	S 80TH ST	144		144
EUPER LN	@	S 74TH ST			157		157
HORAN DR	FROM	S 74TH ST	TO	WEDGEWOOD BLVD	100		100
DODSON AVE.	FROM	TOWSON AVE.	TO	GREENWOOD AVE.	974		974
WALDRON RD	FROM	NORTH O ST	TO	GORDON LN	1,541	2,600	4141
N 62ND ST	FROM	KELLEY HWY	TO	END OF ROAD	1,910	1,100	3010
N 32ND ST	FROM	KELLEY HWY	TO	DIVISION ST		270	270
GRAND AV	FROM	ALBERT PIKE AV	TO	N 16TH ST	786	3,400	4186
GRAND AV	FROM	I-540	TO	WALDRON RD	254	940	1194

ATTACHMENT A
STRIPING LIST

CONTRACT STRIPING (MEASURED IN FEET)

YELLOW					DOUBLE-Y	SKIP-Y	TOTAL
JACKSON ST	FROM	TOWSON AV	TO	JENNY LIND RD	716	480	1196
SOUTH Y ST	FROM	TOWSON AV	TO	STATE LINE RD	6,252	263	6515
TULSA ST	FROM	S 24TH ST	TO	S 31ST ST	686	1,176	1862
NORTH H ST	FROM	N 2ND ST	TO	N 4TH ST		160	160
NORTH P ST	FROM	RIVER FRONT DR	TO	N 5TH ST		700	700
WHITE					SOLID	SKIP	TOTAL
SOUTH Y ST	FROM	TOWSON AV	TO	STATELINE RD	263		263

Grinding Total:	**161,528 Feet**
Yellow Paint:	**150,621 Feet**
White Paint:	**23,310 Feet**

5B

RESOLUTION NO. _____

A RESOLUTION APPROVING PAY ESTIMATE 8 PRE-FINAL WITH REFERENCE TO WEST RIVER FRONT TRAIL PROJECT AND AUTHORIZING CITY ADMINISTRATOR TO SECURE THE COMPLETION OF THE SUBJECT PROJECT

WHEREAS, by Resolution R-16-16 on February 16, 2016, Dixon Contracting, Inc. was terminated as contractor regarding the West River Front Trail Project, and the City Administrator was authorized to investigate all reasonable methods of obtaining completion of the contracted work; and

WHEREAS, negotiations with Dixon Contracting, Inc. have failed to achieve an executed settlement agreement, and the performance bond surety on the contract with Dixon Contracting, Inc. has failed to present an acceptable proposal for the completion of the contracted work on the project;

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

SECTION 1: The attached Pay Estimate 8 Pre-Final on the West River Front Trail Project is hereby approved authorizing identified change orders, withholding of flood damage costs, withholding of retainage, liquidated damages (48 days times the contracted sum of $250.00 per day) and pre-final payment to the contractor/surety on the project.

SECTION 2: The City Administrator and the Administrator's designated agents are hereby authorized to obtain completion of the contracted work on the project by use of City forces, negotiated work by the current subcontractors and material providers on the project, or by

contracting, with compliance with all applicable procurement procedures, the completion of project work. Final resolution of contract retainage and final payment for contractor/surety shall be submitted to this Board for final payment approval.

This Resolution adopted this _____ day of May, 2016.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
City Attorney
No Publication Required

PARKS
RECREATION
FORT SMITH

Memo:

April 29, 2016

To: Jeff Dingman, Acting City Administrator
From: Doug Reinert, Director of Parks and Recreation DSR
Re: Greg Smith River Walk Pre-final Pay Estimate

Attached is correspondence between Daily & Woods and SureTec Insurance Company regarding Dixon Contracting, Inc. and the City's proposed pre-final pay estimate 8. To date, the Administration of the City of Fort Smith and Dixon Contracting have been unable to come to an agreement regarding the terms of services rendered. After many meetings and deliberations, the City Administration would like to propose a pre-final pay of $70,521.33 to SureTec Insurance Company in exchange for the contractor and surety giving up all claims regarding the contract. Once this is achieved the City will be able to contract the soil grading and sod placement that will essentially finish the project. Regaining control and completing punch list items with City forces and subcontracted services will enable the City of Fort Smith to resolve the issues and finalize the work.

Should you have any questions or need additional information please feel free to contact me.

attachments

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

JERRY L. CANFIELD, P.A.
THOMAS A. DAILY, P.A.
WYMAN R. WADE, JR., P.A.
DOUGLAS M. CARSON, P.A.
C. MICHAEL DAILY, P.A. † ●
COLBY T. ROE, P.A.
MICHAEL A. LAFRENIERE

† Also Licensed in Oklahoma
● Also Licensed in Wyoming & North Dakota

KMW BUILDING
58 SOUTH SIXTH STREET
P.O. BOX 1446
FORT SMITH, AR 72902
TELEPHONE (479) 782-0361
FAX (479) 782-6160

www.dailywoods.com

JAMES E. WEST
OF COUNSEL

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

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

April 25, 2016

Mr. Scott Olson
Vice President & Director of
Contract Support Services
SureTec Insurance Company
9737 Great Hills Trail, Suite 320
Austin, TX 78759

Via Electronic Mail solson@suretec.com

Re: Principal: Dixon Contracting, Inc.
Bond No.: 4397264
Penal Sum: $1,893,210.00
Obligee: City of Fort Smith, Arkansas
Project: West River Front Trail

Dear Mr. Olson:

Based on default of the contractor's duties, Dixon Contracting, Inc. was terminated as contractor of the above identified contract by Resolution R-16-16 of the Fort Smith Board of Directors on February 16, 2016. That Resolution directed the City's administration to proceed with obtaining completion of the contracted work regarding the West River Front Trail project. By letter dated April 4, 2016, the City provided its response to Mr. Dixon's refusal to proceed with an agreed settlement regarding contract issues (your letter of April 13, 2016, asserts that Mr. Dixon misunderstood the terms of that agreement), and the City provided its proposed Pay Estimate 8 Pre-Final. By your letter of April 13, 2016, you requested the City delay approval of the pay estimate. The City did so. By e-mail of April 20, 2016, you sent a discussion of numerous contract administration issues which have been discussed on multiple occasions previously. This letter is submitted in response to your e-mail of April 20, 2016 and as an effort to summarize the City's administrative position regarding the task of completing the contracted work on this project.

The City disputes much of the information contained in your e-mail of April 20, 2016. The information is often outdated and does not identify all relevant discussions with reference to identified issues.

Please be advised that the administration of the City intends to proceed as set forth in the numbered paragraphs below with reference to the task of obtaining completion of the contracted work with reference to this project.

1. Until 5:00 p.m. on Monday, May 2, 2016, the City is willing to receive and consider any proposals made by the surety for the completion of contract work, which the City has not already performed as a part of its efforts to reasonably protect the project site and existing project work.

2. Subject to review of any surety proposal, the City intends to submit for approval Pay Estimate 8 Pre-Final, a copy of which was provided by our letter of April 4, 2016, at the May 3, 2016 meeting of the Fort Smith Board of Directors. Pertinent to your discussion of the $48,500 estimate for December flood damage repair costs, it is the City's administrative position that, if the actual cost to perform the identified work is less than the estimated amount ($48,500), the difference will be recognized as contract funds payable to Dixon Contracting, Inc./surety. The City will continue to inform surety of anticipated costs of completing contract work, and the City reserves all rights and claims under the contract and associated bonds.

3. As noted in our letter of April 4, 2016 and as you mention in your e-mail of April 20, 2016, there is a $15,000 retainage figure in Pay Estimate 8 Pre-Final. Some or all of the retainage funds can be earned by the contractor's delivery of the identified items. The City is willing to discuss those items individually or collectively. The City is willing to make appropriate payment to Dixon Contracting, Inc./surety upon satisfactory completion of an identified item.

4. The City is still willing to resolve all contract issues with Dixon Contracting, Inc./surety on the terms previously agreed (which your letter of April 13, 2016, asserts was misunderstood by Mr. Dixon). The City's administration and its engineers have had further discussions regarding many of the issues of contract administration, including, without limitation, the Geotextile fabric and shot rock issues. For a complete resolution of all issues (stated in an agreed writing which you had indicated you would draft but which has not yet been drafted), the City's administration is willing to recommend the early March settlement which involved a waiver of liquidated damages in the amount of $12,000 and, additionally, the City's administration will recommend an additional $5,000 payment to the contractor/surety. The City of Fort Smith considers the settlement discussion portion of this letter to be privileged communication under Arkansas law.

Thank you for your attention to this matter.

Very truly yours,

Jerry L. Canfield
cmm
cc: Mr. Jeff Dingman, Acting City Administrator (via electronic mail)
Mr. Doug Reinert (via electronic mail)

Scott Olson
Direct (512) 314-3650
solson@suretec.com

April 13, 2016

Mr. Jerry L. Canfield
Daily & Woods
P.O. Box 1446
Fort Smith, Arkansas 72902

VIA EMAIL & USPS

Mr. Colby Roe
Daily & Woods
P.O. Box 1446
Fort Smith, Arkansas 72902

VIA EMAIL & USPS

Re:	Principal:	Dixon Contracting, Inc.
	Bond No.:	4397264
	Obligee:	City of Fort Smith, Arkansas
	Project:	West River Front Trail

Dear Mr. Canfield and Mr. Roe:

This correspondence shall confirm receipt of Mr. Canfield's correspondence dated April, 4, 2016 in regards to the above referenced matter

Mr. Canfield's correspondence addresses a phone conversation that I had with Mr. Bobby Aldridge, wherein I advised Mr. Aldridge that Morlin Dixon misunderstood the verbal agreements that were made during prior meetings in an attempt to reach a settlement of the termination of Dixon Contracting's ("Dixon") contract on the above referenced project. Mr. Dixon and Mr. Aldridge met again last Friday, April 8, 2016 at the project to discuss some of those concerns. Please note that Dixon and SureTec are still willing to settle this matter amicably, however there are multiple issues that remain unresolved which I will address herein.

First and foremost is the estimate in the amount of $48,500 for flood damage which occurred during the December 2015 flood. The estimate being used was prepared by Dixon's subcontractor, Raggio Excavating upon review of the debris and re-grading required in order to return the project back to its original condition prior to the flood. This was the second or third time that flooding occurred on the project and at no time was Dixon at fault. This project is built alongside a river and flooding is inevitable. Further, per the contract specifications, specifically section 107.13 Contractor's Responsibility for Work, which sates in pertinent part *"The Contractor shall rebuild, repair, restore, and make good all injuries, thefts, or damages to any portion of the work occasioned by any of the above causes before final acceptance and shall bear the expense thereof except damage to the work due to unforeseeable causes beyond the control of and without the fault and negligence of the Contractor, including but not restricted to acts of God,…"*

9737 Great Hills Trail • Suite 320 • Austin, Texas 78759 • 512.732.0099 • Toll Free 866.732.0099 • Fax 512.732.2663

The flooding that occurred on the project was caused by heavy rains, which is considered an act of God. The flooding was not caused by Dixon, or its subcontractors, nor was it preventable. It's been mentioned that had Dixon been farther along with construction, the damage may have been lessened during the December floods. That is pure speculation at best and would be difficult for any party to prove in litigation. There is no way of knowing what damage could have occurred if sod was in place.

Furthermore, there are items on the puchlist for which Dixon would be owed additional funds upon completion. How those funds are to be paid to Dixon has yet to be addressed. We are also in receipt of documentation from Raggio Excavating to support the actual quantity of aggregate base delivered and installed on the project. This is an item that was originally paid 100%, though was reduced on C.O. #4 after actual measurement. If we can address how to fund those items and reach a reasonable amount for the flood damage repairs, I feel we can close this matter properly with a settlement agreement between all parties.

Accordingly, we request that the City delay the approval of Pay Estimate No. 8 Pre-Final at next week's Board of Directors meeting so that we can first attempt to reach a global settlement of all items.

As per my phone conversation with Mr. Roe yesterday, I can be available for a phone conversation to discuss this matter and/or can be available for a meeting in Fort Smith as early as Wednesday of next week. I look forward to hearing from you.

This correspondence and all prior or subsequent communications and/or investigative efforts are made with the express reservation of all rights and defenses the Surety or our Principal has or may have at law, equity or under the terms and provisions of the bond and contract documents. This reservation includes, without limitation, defenses that may be available under any applicable notice and suit limitation provisions.

Respectfully,

Scott Olson
Vice President

cc: Mr. Morlin Dixon, Dixon Contracting (*via email only*)
Mr. Doug Reinert, City of Fort Smith (via email only)
Mr. Bobby Aldridge, P.E., Frontier Engineering, Inc. (*via email only*)

WEST RIVER FRONT TRAIL
PERIODIC PAY ESTIMATE

OWNER:
City of Fort Smith
Parks & Recreation Department
Fort Smith, Ar.

ENGINEER
Frontier Engineering, Inc.
P.O. Box 11988
Fort Smith, AR 72971

CONTRACTOR:
Dixon Contracting, Inc.
P.O. Box 10917
rt Smith, AR 72917

PAY ESTIMATE NO. **8 PRE-FINAL**

PROJECT: West River Front Trail
Greg Smith Riverwalk
Fort Smith, Arkansas

Period Ending Date: February 16, 2016

Notice to Proceed Date: March 24, 2015

ORIGINAL CONTRACT AMOUNT : $1,893,210.00

Item No.	Spec No.	DESCRIPTION OF ITEM	CONTRACT QUANTITIES				COMPLETED AT LAST PAY ESTIMATE		COMPLETED SINCE LAST PAY ESTIMATE		TOTAL COMLETED TO DATE	
			UNIT	QTY	UNIT COST	TOTAL COST	QTY	$ EARNED	QTY	$ EARNED	QTY	$ EARNED
1	101.010	Performance & Payment Bond	LS	1	$54,000.00	$54,000.00	1	$54,000.00	0	$0.00	1	$54,000.00
2	141.000	Construction Erosion Control	LS	1	$45,000.00	$45,000.00	1	$45,000.00	0	$0.00	1	$45,000.00
3	202.050	Clearing & Grubbing	AC	9	$1,000.00	$9,000.00	9	$9,000.00	0	$0.00	9	$9,000.00
4	203.030	Unclassified Excavation	CY	6,700	$6.00	$40,200.00	6091	$36,546.00	0	$0.00	6091	$36,546.00
5	203.050	Undercut, Exc. & Backfill (Select Mat.) As Directed	CY	750	$20.00	$15,000.00	326	$6,520.00	0	$0.00	326	$6,520.00
6	203.200	Select Material (Borrow/Compacted Fill)	CY	4,700	$10.00	$47,000.00	4176	$41,760.00	0	$0.00	4176	$41,760.00
7	203.310	Topsoil (4" Thickness)	CY	1,300	$20.00	$26,000.00	650	$13,000.00	-390	-$7,800.00	260	$5,200.00
8	230.010	Geotextile Fabric for Soils (HP 320)	SY	13,500	$5.00	$67,500.00	13500	$67,500.00	0	$0.00	13500	$67,500.00
9	290.020	Seeding, Fertilizer & Mulch	AC	4.6	$2,800.00	$12,880.00	1	$2,800.00	-1	-$2,800.00	0	$0.00
10	290.030	Solid Sodding	SY	10,635	$2.00	$21,270.00	1600	$3,200.00	0	$0.00	1600	$3,200.00
11	290.050	Irrigation System Relocation (Node #1)	LS	1	$3,000.00	$3,000.00	0.50	$1,500.00	0	$0.00	0.5	$1,500.00
12	290.SP	Trees & Boulders (Beyond Node Limits)	LS	1	$18,000.00	$18,000.00	0	$0.00	0.10	$1,800.00	0.10	$1,800.00
13	305.020	Aggregate Base Course	CY	2,100	$55.00	$115,500.00	2100	$115,500.00	-180	-$9,900.00	1920	$105,600.00
14	350.02SP	P.C. Concrete Pavement (5" Thickness)	SY	10,635	$28.00	$297,780.00	9730	$272,440.00	205	$5,740.00	9935	$278,180.00
15	501.SP	15" Corrugated Plastic Pipe (CCP), Soil Tight	LF	360	$28.00	$10,080.00	360	$10,080.00	0	$0.00	360	$10,080.00
16	601.500	1" Gate Valve w/box	EA	5	$60.00	$300.00	0	$0.00	0	$0.00	0	$0.00
17	602.020	1" PE Tubing (SDR9) Service Line	LF	1,900	$3.00	$5,700.00	1125	$3,375.00	-140	-$420.00	985	$2,955.00
18	SP	Pedestrian Bridge (Incl. Abut., Piles, Strct., & Erec.)	LS	1	$525,000.00	$525,000.00	1	$525,000.00	0	$0.00	1	$525,000.00
19	SP	Event Node #1	LS	1	$55,000.00	$55,000.00	0.90	$49,500.00	-0.069	-$3,800.00	0.83	$45,700.00
20	SP	Event Node #2	LS	1	$30,000.00	$30,000.00	0.80	$24,000.00	0.102	$3,050.00	0.90	$27,050.00
21	SP	Event Node #5	LS	1	$40,000.00	$40,000.00	0.75	$30,000.00	0.148	$5,900.00	0.90	$35,900.00
22	SP	Event Node #6	LS	1	$45,000.00	$45,000.00	0.90	$40,500.00	0.007	$300.00	0.91	$40,800.00
23	SP	Event Node #7	LS	1	$100,000.00	$100,000.00	0.85	$85,000.00	-0.073	-$7,300.00	0.78	$77,700.00
24	SP	Electrical Lighting Systems	LS	1	$310,000.00	$310,000.00	0.90	$279,000.00	0.10	$31,000.00	1	$310,000.00
		TOTAL COST				$1,893,210.00		$1,715,221.00		$15,770.00		$1,730,991.00

CO2.A		Understory and Limb Clearing	LS	1	$8,500.00	$8,500.00	1	$8,500.00	0	$0.00	1	$8,500.00
CO3.A		May Flood Damage Repairs	LS	1	$15,385.28	$15,385.28	0	$0.00	1	$15,385.28	1	$15,385.28
CO3.B		December Flood Tree Replacement	LS	1	$3,400.00	$3,400.00	0	$0.00	1	$3,400.00	1	$3,400.00
CO3.C		December Flood Electrical Repair	LS	1	$4,070.75	$4,070.75	0	$0.00	1	$4,070.75	1	$4,070.75
CO3.D		Electrical Connector Size Upgrade	LS	1	$2,662.25	$2,662.25	0	$0.00	1	$2,662.25	1	$2,662.25
CO3.E		Tree Well at Node 7	LS	1	$3,500.00	$3,500.00	0	$0.00	1	$3,500.00	1	$3,500.00
CO3.F		Handrail at Node 7 Bridge	LS	1	$6,322.00	$6,322.00	0	$0.00	1	$6,322.00	1	$6,322.00
CO3.G		Shot Rock at Node 7	LS	1	$8,725.00	$8,725.00	0	$0.00	1	$8,725.00	1	$8,725.00
CO4.A		Original Contract Items Reconciliation				-$162,219.00						
		TOTAL COST INCLUDING CO2, CO3, & CO4				$1,783,556.28		$1,723,721.00		$59,835.28		$1,783,556.28

Line 1	**ORIGINAL CONTRACT AMOUNT**		**$1,893,210.00**
Line 2	TOTAL APPROVED CHANGE ORDERS (CO2 $8,500)(CO3 $44,065.28)(CO4 -$162,219.00)		-$109,653.72
Line 3	ADJUSTED CONTRACT AMOUNT (Line 1 + Line 2)		$1,783,556.28
Line 4	TOTAL COMPLETED TO DATE ORIGINAL CONTRACT		$1,730,991.00
Line 5	TOTAL EARNED TO DATE ON CHANGE ORDERS	(CO2 $8,500)(CO3 $44,065.28)	$52,565.28
Line 6	TOTAL AMOUNT EARNED TO DATE (Line 4 + Line 5)		$1,783,556.28
Line 7	TOTAL LD's (48 Days @ $250.00 / Day)		-$12,000.00
Line 8	DECEMBER FLOOD DAMAGE REPAIR*		-$48,500.00
Line 9	TOTAL RETAINAGE (As-Builts, O&M's, Drinking Foutain, Bollards)		$15,000.00
Line 10	**TOTAL DUE TO DATE** (Line 6 + Line 7 + Line 8) - Line 9		**$1,708,056.28**
Line 11	LESS PREVIOUS PAYMENTS APPROVED		$1,637,534.95
Line 12	***TOTAL AMOUNT PAYABLE THIS ESTIMATE*** (Line 10 - Line 11)		***$70,521.33***

*December flood debris clean-up and disposal, site subgrade regrading and preparation for topsoil, ditch regrading, and site access restoration. Clean/remove silt and debris from storm drains.

APPROVED _____ DATE _____

Frontier Engineering, Inc.

APPROVED _____ DATE _____

Dixon Contracting,Inc.

APPROVED _____ DATE _____

City of Fort Smith

WRFT PA 8 Pre-Final w/ LD's

ORDINANCE NO._____

AN ORDINANCE AUTHORIZING A SEVEN MONTH EXTENSION ON AN EXISTING CONTRACT FOR SERVICE BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND BAIR ANALYTICS, A LEXISNEXIS COMPANY, TO PROVIDE CRIME ANALYSTS, TECHNICAL PERSONNEL, ANALYTICAL SOFTWARE AND SERVICES FOR CRIME ANALYSES FOR THE CITY OF FORT SMITH THROUGH THE FORT SMITH POLICE DEPARTMENT

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

The Mayor of Fort Smith is hereby authorized to sign a contract extending by seven months the current contract with BAIR Analytics, a LexisNexis Company, to provide crime analysts, technical personnel, analytical software and services for crime analyses for the City of Fort Smith through the Fort Smith Police Department. A copy of the contract extension is attached.

This ordinance passed and approved this _____ day of _____, 2016.

APPROVED:

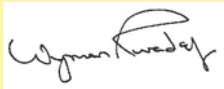
MAYOR

ATTEST:

_____

CITY CLERK

Approved as to form



_____ npr

City Attorney

BAIR ANALYTICS
A LexisNexis® Company

4/8/2016

Dean Pitts, Chief of Police
Fort Smith Police Department
100 South 10th Street
Fort Smith, Arkansas 72901

Dear Chief Pitts,

I hope this letter finds you well. We are very pleased with the relationship between BAIR Analytics, A LexisNexis Company and the Fort Smith Police Department. We hear great things from Christina and trust that she is providing your department with the analytical services that you need. Your current contract is coming up for renewal in May 2016. We are trying to align the Analyst for Hire service terms with your agency's ATACRAIDS service terms. To do this, we would like to set the new terms of the contract from June 1, 2016 through December 31, 2016.

We will continue to charge the current price of **$5,833.33 per month** ($40,833.31 over the seven month period) for the embedded crime analyst. We will continue to invoice your department at the same interval we have done so for the past year. This letter will serve as an addendum to our current contract, keeping all agreements in place, and will simply extend the expiration date to **December 31, 2016** at which point we can work to do a formal renewal.

We look forward to continuing our work with you and the Fort Smith Police Department. Please let us know if there is ever anything we can do to enhance the analytical services that we provide you.

Confirmed by CLIENT by:

Signature:_____

Name:_____

Title:_____

Date:_____

640 Plaza Drive, Suite 340, Highlands Ranch, Colorado 80129
Tel: 303.346.6000 | Fax: 303.346.6001 | Toll free: 800.380.1138 | www.bairanalytics.com

STATEMENT OF WORK

In accordance with the Client Services Agreement signed between BAIR Analytics, a LexisNexis Company (“Firm”) and the City of Fort Smith ("Client") on the 1st day of June 2016, it is agreed as follows:

1. This Statement of Work ("SOW") incorporates by reference all of the terms and conditions of the Client Agreement.

2. Services/Crime Analysts/Technical Personnel to be provided by FIRM:

Police Crime Analyst – BAIR Analytics will place one fully trained and capable subject matter expert on Strategic, Tactical, Operational and Administrative Crime Analysis, employed by BAIR Analytics and embedded at the City of Fort Smith’s place of operations, to perform all functions of Crime Analysis Services deemed necessary by the City of Fort Smith to work full-time: 1224 hours during the seven month period minus 6 observed Federal holidays and up to 18 hours of Personal Time Off (PTO).

Reachback Analytic Support – BAIR Analytics will make available offsite, remote support of Crime Analysis functionality for Strategic, Tactical, Operational and Administrative Crime Analysis against data provided by the City of Fort Smith. These Reachback Services will be available as a supplementary resource to the City of Fort Smith, on an as-needed basis agreed upon by both BAIR Analytics and the City of Fort Smith in cases of illness, vacation or other absence of an embedded BAIR Analytics analyst, or during a temporary, critical operational need. The availability of these Reachback Service will be for a period that will run contemporaneous with the placement of the analysts with the City of Fort Smith.

In addition, BAIR Analytics will provide a Project Manager (PM) with whom any issues, concerns, requests or changes relating to BAIR Analytics embedded analyst resources or reachback support can be addressed by management at the City of Fort Smith. The BAIR PM for this contract will be:

Josh Levin
Pattern Analyst Manager
Phone: 303.346.6000
Email: josh.levin@bairanalytics.com

3. These services will be for a period of seven (7) months **June 1, 2016 through December 31, 2016**

4. Fee to CLIENT for the Services/Crime **US $5,833.33** per month.

   Total cost for the seven month contract will be **US $40,833.31.**

ANALYST FOR HIRE AGREEMENT

This ANALYST FOR HIRE AGREEMENT ("Agreement") made effective as of 06/01/16 (the "Effective Date") between BAIR Analytics, a LexisNexis Company ("Firm"), with the City of Fort Smith, Arkansas, for its Police Department ("Customer").

WHEREAS FIRM is in the business of providing analytical software and services dedicated to providing public safety, national security and defense entities the innovative tools and subject-matter expertise needed to identify, analyze and resolve problems created by the actions of offenders and their networks that threaten citizens and communities; and

WHEREAS Customer is the municipal law enforcement agency and utilizes FIRM's products in its law enforcement efforts; and

WHEREAS Customer has determined it would be in Customer's best interest to have dedicated full-time crime analysts and technical personnel to support its law enforcement efforts; and

WHEREAS FIRM and Customer wish to enter into an agreement pursuant to which FIRM will arrange with such crime analysts and technical personnel for them to provide their services to Customer;

NOW, THEREFORE, in consideration of the covenants and agreements contained herein, FIRM and Customer agree as follows:

1. SERVICES PROVIDED UNDER STATEMENT OF WORK. For any analysts/technical personnel who will be performing services for Customer pursuant to this Agreement, FIRM will issue and Customer will execute a Statement of Work in the form attached as Appendix A hereto referencing its incorporation of the terms and conditions of this Agreement and stating the name(s) and the payment rate(s) and/or Fee for the personnel, duration of services, brief description of project, authorization of additional costs beyond the payment rate(s) (such as travel, parking, drug testing), and any other terms to which FIRM and the Customer may choose to agree. In the event of a conflict between the terms of this Agreement and the terms of any Statement of Work, the terms of this Agreement shall control unless the Statement of Work specifically (and not generally) identifies the conflicting terms in this Agreement and explicitly states that such terms shall not apply but shall instead be superseded by the Statement of Work. The Statement of Work will be signed by an authorized representative of Customer. Upon expiration of a Statement of Work, to the extent that any services performed by one or more analysts/technical personnel are thereafter provided on the same or a different project, they shall be provided under the terms of this Agreement.

2. BILLING AND PAYMENT. FIRM will bill Customer through invoices issued to Customer in arrears on a monthly basis, along with such other associated costs, as approved by Customer, except that FIRM has sole discretion to bill on a less frequent basis if it deems it appropriate to do so. Customer will pay FIRM within **30** days from the date of such invoice, unless some other time has been agreed to in the Statement of Work, according to the rates and terms of the Statement of Work. Customer agrees that it may be electronically invoiced for those fees. Payments must be received by FIRM within thirty (30) days of the invoice date. Any balance not timely paid will accrue interest at the rate of eighteen percent (18%) per annum or the highest rate allowed by applicable law, whichever is less.

3. ACCEPTANCE OF SERVICES. Customer's project manager or other agent shall review at regular intervals the time records and work product of analysts and/or technical personnel. Customer's approval of such time records (including, but not limited to, costs of any applicable overtime rates, travel, per diem and other costs stated thereon) and/or work product shall be deemed granted unless Customer provides notice to FIRM of some objection to the time records or work product of the analysts and/or technical personnel. Acceptance by Customer shall not be unreasonably withheld and any refusal to accept shall be noted on the time record for the relevant period, with a written explanation of the reasons that the work was not acceptable and failure to so note such refusal shall constitute acceptance. Nothing herein shall eliminate Customer's obligation to pay FIRM for any services provided by analysts/technical personnel which Customer has approved by some other means.

4. ANALYSTS/TECHNICAL PERSONNEL NOT EMPLOYEES OF CUSTOMER. FIRM and Customer agree that for purposes of FICA, FUTA and income tax withholding, as well as for purposes of any pension plan or health benefit plan

maintained by Customer for its own employees; the analysts/technical personnel supplying services under this Agreement are not employees of Customer.

5. EMPLOYMENT OR CONTRACTING OF PERSONNEL. During the period covered by any Statement of Work and extensions thereof pursuant to this Agreement, or when Customer is provided with the name of any analysts/technical personnel but determines not to use the services of such personnel so that no Statement of Work is written covering that personnel, and for seven months thereafter, Customer will not directly or indirectly, other than through FIRM, solicit for hire, contract with, or engage or receive the services of, any analysts/technical personnel located by FIRM for Customer.

6. DUTIES AND SUBSTITUTION OF ANALYSTS/TECHNICAL PERSONNEL. FIRM will locate analysts/technical personnel for Customer according to the qualifications, experience, and project requirements set forth by Customer and given to FIRM. The work to be performed by the analysts/technical personnel providing services under this Agreement shall be set out by Customer and stated in the Statement of Work. The analysts/technical personnel shall report the results of the work, to the extent required by Customer, to Customer's Project Manager or other designated official, but the primary control over such personnel shall be exercised by FIRM or, in the case of such personnel who is a valid independent contractor, by that personnel itself. Because Customer has the opportunity to interview all analysts/technical personnel located by FIRM prior to their commencement of any services for Customer, FIRM shall have no liability to Customer if such personnel are determined by Customer not to meet its requirements and Customer shall not be relieved of making payments to FIRM for the services provided by such personnel up to the time that they are terminated in accordance with this Agreement.

7. NOTICE OF TERMINATION OF SERVICES. Customer agrees to notify FIRM prior to its termination of any services of the analysts/technical personnel covered by this Agreement regardless of whether such termination comes before, is coincident with, or follows the duration date set forth in a written Statement of Work covering such services**.** If any analysts/technical personnel providing services under this Agreement has terminated the relationship with FIRM, and whether or not such termination is in violation of such personnel's agreement with FIRM, FIRM shall notify Customer of such termination within three days of receipt of notice from such personnel.

8. INTELLECTUAL PROPERTY RIGHTS. Customer agrees that all material, documentation, deliverables and other tangible expressions of information including but not limited to software programs and software documentation, designs, technical data, formulae, and processes, whether in final production or draft, which result from any work performed by any analysts/technical personnel providing services under this Agreement and all rights, title and interest, including any copyright, patent rights and all other intellectual property rights, shall belong exclusively to FIRM unless some other arrangements have been agreed to by both parties in writing.

9. CONFIDENTIALITY. Customer and FIRM acknowledge that they each may have access to confidential information of the disclosing party ("Disclosing Party") relating to the Disclosing Party's business including, without limitation, technical, financial, strategies and related information, computer programs, algorithms, know-how, processes, ideas, inventions (whether patentable or not), schematics, Trade Secrets (as defined below) and other information (whether written or oral), and in the case of FIRM's information, product information, pricing information, product development plans, forecasts, the FIRM Services, and other business information ("Confidential Information"). Confidential Information shall not include information that: (i) is or becomes (through no improper action or inaction by the Receiving Party (as defined below) generally known to the public; (ii) was in the Receiving Party's possession or known by it prior to receipt from the Disclosing Party; (iii) was lawfully disclosed to Receiving Party by a third-party and received in good faith and without any duty of confidentiality by the Receiving Party or the third-party; or (iv) was independently developed without use of any Confidential Information of the Disclosing Party by employees of the Receiving Party who have had no access to such Confidential Information. "Trade Secret" shall be deemed to include any information which gives the Disclosing Party an advantage over competitors who do not have access to such information as well as all information that fits the definition of "trade secret" set forth under applicable law. Each receiving party ("Receiving Party") agrees not to divulge any Confidential Information or information derived therefrom to any third-party and shall protect the confidentiality of the Confidential Information with the same degree of care it uses to protect the confidentiality of its own confidential information and trade secrets, but in no event less than a reasonable degree of care. Notwithstanding the foregoing, the Receiving Party may disclose Confidential Information solely to the extent required by subpoena, court order or otherwise required by law, provided that the Receiving Party shall give, if permitted by law, the Disclosing Party prompt written notice of such subpoena, court order or other request for disclosure of Confidential Information, so as to allow the Disclosing Party to have an opportunity to obtain a protective order to prohibit or restrict such disclosure at its sole cost and expense. Confidential Information disclosed pursuant to subpoena, court order or other requirement of law, shall otherwise remain subject to the terms applicable to Confidential Information. Each party's obligations with respect to

Confidential Information shall continue for the term of this Agreement and for a period of five (5) years thereafter, provided however, that with respect to Trade Secrets, each party's obligations shall continue for so long as such Confidential Information continues to constitute a Trade Secret. Notwithstanding the foregoing, if Customer is bound by the Freedom of Information Act, 5 U.S.C. 552, or other federal, state, or municipal open records laws or regulations which may require disclosure of information, and disclosure thereunder is requested, Customer agrees that it shall notify FIRM in writing and provide FIRM an opportunity to object, if so permitted thereunder, prior to any disclosure.

Customer shall not request of the analysts/technical personnel providing services under this Agreement any information regarding the rate(s) and other terms of remuneration agreed to between FIRM and such analysts/technical personnel, nor shall Customer induce such analysts/technical personnel to provide such information, nor shall Customer disclose or permit to be disclosed to such personnel, directly or through another party, any information regarding the rate(s) or other terms of remuneration agreed to between Customer and FIRM. As FIRM considers such information to be "Confidential", Customer agrees to notify FIRM immediately if such rate(s) or other terms are disclosed to it by any analysts/technical personnel or any other party, or if it learns that any analysts/technical personnel have received information about the rate(s) or other such terms agreed to between Customer and FIRM.

10. EXCISE, SALES, ETC. TAXES ON SERVICES. The charges for all services under this Agreement are exclusive of any state, local, or otherwise applicable sales, use, or similar taxes. If any such taxes are applicable, they shall be charged to Customer's account.

11. LIABILITY AND INDEMNIFICATION. FIRM shall not be liable for any damages whatsoever caused by any acts or omissions beyond its control or not due to its fault. In the event that FIRM performs or omits to perform any act which may support a claim for liability or for indemnification by Customer, Customer shall give prompt written notice to FIRM upon its initial receipt of information that could reasonably support such claim. FIRM shall have the right to defend, or cause Customer to defend, any claim for indemnification and Customer shall extend reasonable cooperation in connection with such defense, which shall be at FIRM's expense. FIRM or its designated representative shall also have the sole right to settle any such claim for indemnification if such settlement includes a complete release of Customer. Customer may at its expense participate in the defense of any such claim for indemnification if its position is not materially inconsistent with that of FIRM and if in its reasonable judgment such claim or the resolution thereof would have an ongoing material effect on Customer. In the event FIRM fails to defend the same within a reasonable length of time, Customer shall be entitled to assume the sole defense thereof, and FIRM shall be liable to repay Customer for all expenses reasonably incurred in connection with said defense (including reasonable attorneys' fees and settlement payments) if it is determined that such request for indemnification was proper.

12. TERMINATION OF THIS AGREEMENT. This Agreement will continue in effect until terminated by Customer or FIRM which termination shall occur only at the expiration of the term provided for in the Statement of Work or otherwise for a material breach of this Agreement.

13. ASSIGNMENT. Neither this Agreement nor any interest hereunder may be assigned or otherwise transferred by either party to third parties other than affiliates of either party without the prior written consent of the other party which shall not be unreasonably withheld. This Agreement shall be binding upon and inure to the benefit of the heirs, successors, assigns, and delegates of the parties hereto.

14. NOTICES. Any requirement to "notify" , or for "notice" or "notification", in connection with the subject matter of this Agreement shall be in writing and shall be effective when delivered personally (including by Federal Express, Express Mail, or similar courier service) to the party for whom intended, or five (5) days following deposit of the same into the United States mail, certified mail, return receipt requested, first class postage prepaid, addressed to such party at the address set forth below its signature to this Agreement. Either party may designate a different address by notice to the other given in accordance herewith.

15. SEVERABILITY. If any term or provision of this Agreement shall be found to be illegal or otherwise unenforceable, the same shall not invalidate the whole of this Agreement, but such term or provision shall be deemed modified to the extent necessary by the adjudication to render such term or provision enforceable, and the rights and obligations of the parties shall be construed and enforced accordingly, preserving to the fullest permissible extent the intent and agreements of the parties herein set forth.

16. ECONOMIC SANCTIONS LAWS. Customer acknowledges that FIRM is subject to economic sanctions laws, including but not limited to those enforced by the U.S. Department of the Treasury's Office of Foreign Assets Control ("**OFAC**"), the European Union, and the United Kingdom. Accordingly, Customer shall comply with all economic

sanctions laws of the United States, the European Union, and the United Kingdom. Customer shall not provide access to FIRM Services to any individuals identified on OFAC's list of Specially Designated Nationals ("**SDN List**"), the UK's HM Treasury's Consolidated List of Sanctions Targets, or the EU's Consolidated List of Persons, Groups, and Entities Subject to EU Financial Sanctions. Customer shall not take any action which would place FIRM in a position of non-compliance with any such economic sanctions laws.

17. COMPLETE AGREEMENT AND AMENDMENT. This Agreement and any written Statement of Works executed hereunder contain the entire agreement between the parties hereto with respect to the matters covered herein. Customer acknowledges that it is entering into this Agreement solely on the basis of the agreements and representations contained herein. This Agreement shall not be modified in any way except in writing signed by both parties and stating expressly that it constitutes a modification of this Agreement.

18. LAW AND DISPUTES. This Agreement shall be governed by the laws of the State of Arkansas its conflict of laws provisions notwithstanding. Any lawsuit pertaining to this agreement shall be brought in State or Federal courts in the State of Arkansas. The prevailing party in any action brought to enforce the terms of this Agreement shall be entitled to recover its attorney's fees and costs.

AUTHORIZATION AND ACCEPTANCE

I HEREBY CERTIFY that I am authorized to execute this Agreement on behalf of Customer.

CUSTOMER: _____

Signature: _____

Print: _____

Title: _____

Date: _____

Fort Smith Police Department

Dean Pitts, Interim Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: **Jeff Dingman, Acting City Administrator**

From: **Dean Pitts, Interim Chief of Police**

Subject: **AN ORDINANCE AUTHORIZING A SEVEN MONTH EXTENSION ON AN EXISTING CONTRACT FOR SERVICE BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND BAIR ANALYTICS, A LEXISNEXIS COMPANY, TO PROVIDE CRIME ANALYSTS, TECHNICAL PERSONNEL, ANALYTICAL SOFTWARE AND SERVICES FOR CRIME ANALYSES FOR THE CITY OF FORT SMITH THROUGH THE FORT SMITH POLICE DEPARTMENT**

Date: **April 12, 2016**

Our existing annual contract with BAIR Analytics is expiring May 2016. BAIR Analytics has since merged to become a LexisNexis Company. This contract is for seven months and will expire December 31, 2016. The goal of this seven month contract is to allow BAIR Analytics to align the Analyst for Hire services terms such that the dates are January 1 to December 31. The Analyst for Hire Agreement and Statement of Work are attached.

The annual cost of the service has been $70,000, with the monthly payment of $5,833.33, which will remain the same for the next seven months. The terms of the Agreement include an embedded analyst and Reachback Analytic Support, supplemental resources for the City including absence of embedded analyst or critical operational need.

Please advise if you have any questions.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING EXECUTION OF JOINT USE AGREEMENT WITH ARKANSAS AND MISSOURI RAILROAD CO. REGARDING JENNY LIND ROAD AND INGERSOLL AVENUE WIDENING PROJECT, AHTD JOB 040471, CITY OF FORT SMITH PROJECT NO. 07-01-A

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

Section 1: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the attached Joint Use Agreement between the City of Fort Smith and Arkansas and Missouri Railroad Co. regarding the joint use of certain railroad crossing right-of-way in conjunction with the Jenny Lind Road and Ingersoll Avenue Widening Project, AHTD Job 040471, City of Fort Smith Project No. 07-01-A.

Section 2: The City Administrator and his authorized agents are authorized to pay to Arkansas and Missouri Railroad Co. the sum of $14,840.00 as permit and administrative fees associated with the Joint Use Agreement approved by Section 1 of this Resolution.

This Resolution adopted this _____ day of May, 2016.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
City Attorney
No Publication Required

Memorandum

TO: Jeff Dingman, Acting City Administrator

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

DATE: April 28, 2016

SUBJECT: Jenny Lind Road & Ingersoll Avenue Widening
AHTD Job 040471, City Project No. 07-01-A

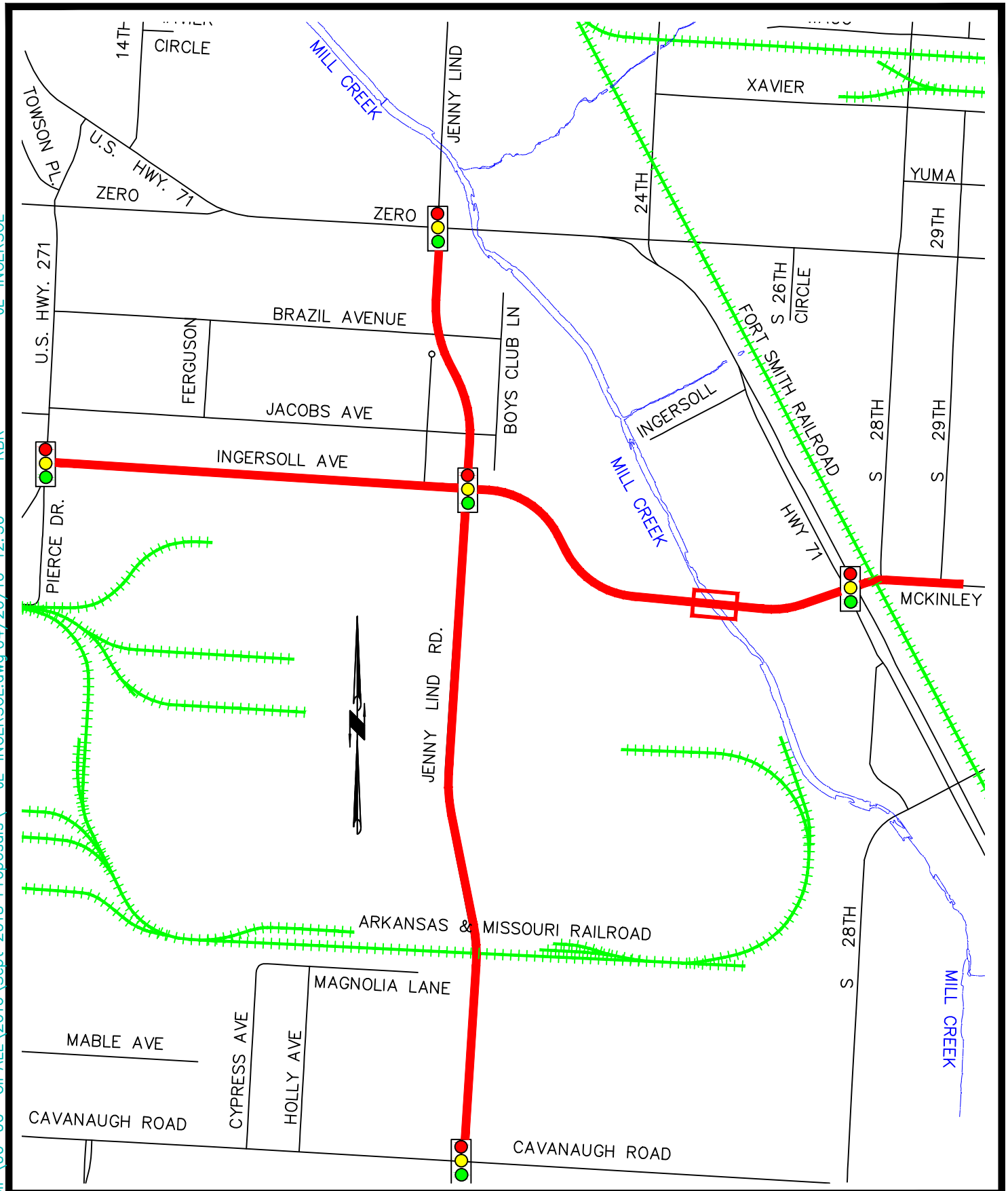
This project includes widening and improvements to Jenny Lind Road between Zero and Cavanaugh Road, and Ingersoll Avenue from Hwy 271 to Jenny Lind Road. It also includes the extension of Ingersoll Avenue from Jenny Lind Road to Highway 71B. A location map showing the area of the proposed improvements is attached.

The street improvements along Jenny Lind Road will cross the Arkansas and Missouri (A&M) railroad tracks which are located north of Cavanaugh Road (see attached location map). Our work at this crossing will include installation of a sanitary sewer line, water line, storm sewer culvert, and concrete surface panels for the new street crossing.

Legal counsel for A&M and the City have prepared the attached Joint Use Agreement which will allow for our construction at this railroad crossing. There is a fee in the amount of $14,840.00 for permit and administrative fees associated with the Joint Use Agreement. A similar agreement for the crossing of the Fort Smith railroad tracks on McKinley Avenue is currently being finalized and will be brought to the Board for approval at a later date.

Attached is a Resolution authorizing execution of the Joint Use Agreement with the Arkansas and Missouri Railroad Company. I recommend that the Resolution be accepted by the Board of Directors at the next regular meeting.

Attachments



2016 CAPITAL IMPROVEMENTS PROGRAM

JENNY LIND – INGERSOLL

ZERO STREET TO CAVANAUGH ROAD

The City of Fort Smith ARKANSAS

Project:	
Date:	APR. 2016
Scale:	NONE
Drawn By:	RBR

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CITY OF FORT SMITH
AND
ARKANSAS AND MISSOURI RAILROAD CO.

JOINT USE AGREEMENT

This agreement is entered into ___ day of _____, 2016, between the City of Fort Smith, hereinafter referred to as the "City," and the Arkansas and Missouri Railroad Company, a Virginia corporation hereinafter referred to as the "Carrier."

This agreement involves the installation of underground sanitary sewer line and underground water line each within steel casing pipe, an underground reinforced concrete pipe for storm water drainage, and surface railroad crossing concrete panels in conjunction with the reconstruction of Jenny Lind Road at the existing tracks of Carrier between Jenny Lind Road Stations 23+00 and 24+00 as shown on attached Construction Plan Sheet 14 in the City of Fort Smith, Sebastian County, Arkansas.

The City desires that Carrier grant it the right for a joint use area of right-of-way in and to certain parcels of Carrier's property described in Exhibit "A" (permanent use of Tract 67E-1 and temporary use during project construction of Tracts 67-E2 and 67-E3 – 4 pages) below for the construction, maintenance, and use thereon of public street and public sewer water and drainage improvements as described in the attached Permits #010815A and Construction Plan Sheets 1, 246, 138, 4, 14, 310 and 311. The City shall perform certain work as set forth in the Construction Plan Sheets which are made a part of this Agreement. The City and the Carrier agree to the following upon the terms and conditions set forth:

1. The City has caused to be prepared adequate plans and specifications for the construction of subject project. All work to be performed on or affecting Carrier's right-of-way shall be subject to approval of the Carrier. The Work performed to relocate, replace and widen the surface crossing, together with installation of a public utility water line, shall be by a contractor, or subcontractor, approved by the Carrier.

2. The Carrier, solely to the extent of their right, title and interest, without any warranty expressed or implied, hereby grants to the City, its successors and assigns, the right to construct, maintain and use the described public street improvements, including public utility water line, on Carrier's right-of-way being more particularly described as part of the joint use area as shown on the attachments. It is expressly understood that this grant is made subject and subordinate to the right of Carrier, their successors and assigns, lessees and licensees, to maintain, operate and renew on, beneath or above said premises of any telephone, telegraph, power and signal lines and poles, tracks, roadways, pipelines and facilities of similar or different character as now located thereon, and to construct or

install and maintain, operate and renew any or all of said facilities; provided however, that with the exception of any tracks which Carrier shall have the right to install, construct, maintain, and operate at any and all times, no such facilities shall be constructed or installed on said parcel of land which shall materially inferfere with City's use thereof as a public street.

3. The City agrees to cause any contractor it employs to perform any of the work enumerated in the plans, to agree to the following:

   a. To secure in Carrier's behalf a Railroad Protective Liability Policy insuring against Bodily Injury and Property Damage before entering into construction. The Carrier shall be designated as the Named Insured in the policy, and the policy shall conform to the Railroad Protective Liability Form approved by the American Association of State Highway and Transportation Officials, the Association of American Railroads, and the Federal Highway Administration. The dollar amounts of coverage of liability under the policy with respect to bodily injury, death and property damage, shall be a combined amount of $2 million per occurrence with an aggregate limit of $6 million of the term of the policies.

   b. Coverage under the Railroad Protective Liability Policy as set forth in paragraph above, shall be afforded the Carrier until such time as all work required to be performed under the contract is completed and formally accepted by the City.

4. In addition to securing the Railroad Protective Liability Policy, and before entering upon construction of the project, the contractor shall furnish to the City satisfactory evidence that the contractor has secured Bodily Injury and Automobile Policy or similar coverage for each carrier, in his own behalf and in behalf of any subcontractor under him covering their operations in the performance of work on the project. However, any subcontractor may in his own behalf secure and furnish to the City satisfactory evidence of insurance covering his individual operations. The total amount of coverage of liability under the policy, with respect to bodily injury, death and property damage, shall be a combined amount $2 million per occurrence. There shall not be any exclusions for contractor's equipment and/or personnel working on railroad right-of-way.

5. The City has provided to Carrier the original Railroad Protective Liability Policy and one certified copy of all other insurance policies. The insurance specified shall be kept in force until all work required to be performed is satisfactorily completed and accepted in accordance with the contract under which the construction work is undertaken. Carrier shall be notified at least 30 days in advance of termination of the policy.

6. Fiber optic cable systems may be buried on the Carrier's property. The City or any contractor performing any part of the work shall telephone the Carrier at the phone numbers as contained in the Underground Pipe Permit to determine if fiber optic cable is

buried anywhere on the Carrier's premises within the project termini. If it is, the contractor will telephone the telecommunication company(ies) involved, arrange for a cable locator, and make arrangements for relocation or other protection of the fiber optic cable prior to beginning any work on the Carrier's premises.

7. The Carrier's grant herein is limited to its right, title and interest in the premises and no damages shall be recoverable from Carrier because of any dispossession of the City, or because of failure, defect in, or extinction of Carrier's title. It is expressly stipulated however, that this permission is granted solely for use as a public street (and associated public utility water line), and if the City, its successors or assigns, shall cease to use the premises, or any part thereof, for said purposes, this grant as to the portion so abandoned, shall terminate at the time such portion is abandoned; whereupon, carrier, its successors and assigns, shall have the same complete title to the land as though this Agreement had never been executed, and such have the right to reenter thereon and to exclude the City therefrom.

8. The City shall give or agrees to require that any contractor employed by it to perform any of the work hereunder shall give at least 7 days advance written notice to Carrier's Chief Engineer or Superintendent of Track of its intent to start any work whatsoever in the vicinity of Carrier's Track. No work shall commence until and unless City or its contractor receives written notice to proceed, which may contain certain instructions and conditions regarding safety. If it is determined that such work will or might involve workers or equipment to be within twenty-five (25) feet of any track, then City or its contractor may be required to enter into a written Agreement for Flagging Services, which shall require the payment of flagging services. This requirement shall include situations where the equipment may be more than twenty-five (25) feet from the tracks but a boom or arm on such equipment (i.e. backhoe or crane), when fully extended, would be within twenty-five (25) feet of the tracks. Accordingly, the City agrees that it or its contractor shall keep stored material and equipment at least twenty-five (25) feet (as provided above) from the nearest rail of Carrier's tracks and shall cross over tracks only at an open existing public crossing observing any signals thereat or as otherwise permitted by Carrier.

9. The Underground Pipe Permits #010815A (16 pages) attached hereto are hereby incorporated herein and made a part hereof by reference.

10. The City shall not assign the Agreement, in whole or in part, or any rights herein granted, without the written consent of the Carrier, and it is agreed that any transfer or assignment or attempted transfer or assignment of this Agreement or any of the rights herein granted, whether voluntary, by operation of law, or otherwise, without such consent in writing, shall be absolutely void and, at the option of the Carrier, terminate this agreement. Specifically, except as expressly provided in the following portions of this paragraph, this Agreement shall not be assigned to or inure to the benefit of any third party including

public utility companies. Irrespective of the foregoing, the installation of the sewer, water, drainage and surface panel installations, and the continued maintenance and use thereof, are authorized as a part of the work permitted by this Agreement.

The provision of this indenture shall inure to the benefit of and be binding upon the successors and assigns of Carrier and the assigns of the City.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

ARKANSAS AND MISSOURI RAILROAD CO.	CITY OF FORT SMITH, ARKANSAS
_____	_____ Mayor
_____ Title	Attest: _____ City Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF SEBASTIAN)

On this _____ day of May 2016, before me, the undersigned notary public, personally appeared Sandy Sanders and Sherri Gard, known to me or satisfactorily proven to be the person(s) whose name(s) is(are) subscribed to the within instrument and they acknowledged that they signed the same as the duly authorized agents of the City of Fort Smith, and that the same is the free and voluntary act and deed of the City of Fort Smith, for the purposes therein contained.

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

_____
Notary Public

My Commission Expires:

_____

ACKNOWLEDGMENT

STATE OF _____)
)SS
COUNTY OF _____)

On this _____ day of May, 2016, before me, the undersigned notary public, personally appeared _____, personally known to me to be the _____ of Arkansas and Missouri Railroad Co., and he signed the above and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and that he was authorized to execute said instrument on behalf of the corporation.

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

_____
Notary Public

My Commission Expires:

_____

LEGAL DESCRIPTION

Job 040471
Tract 67E-1

Part of Northwest Quarter of the Southeast Quarter of Section 4, Township 7 North, Range 32 West, Sebastian County, Arkansas, more particularly described as follows:

Commencing at a railroad spike being used as the Quarter Section Corner of Sections 4 and 9, Township 7 North, Range 32 West; thence North 02°47'07" East a distance of 1326.95 feet to the Center South Sixteenth Corner of said Section 4, said point lying on the South right of way line of Arkansas & Missouri Railroad Company as established by Document No. 7187999 recorded in Sebastian County, Arkansas, on April 26, 2006; thence South 86°59'34" East a distance of 149.41 feet along said right of way line to the point of beginning; thence North 05°44'03" West a distance of 63.05 feet to a point on the North right of way line of said Arkansas & Missouri Railroad Company; thence South 86°57'57" East a distance of 8.85 feet along said right of way line to a point; thence South 86°57'44" East a distance of 88.39 feet along said right of way line to a point; thence South 86°57'33" East a distance of 50.00 feet along said right of way line to a point; thence South 04°33'58" East a distance of 60.53 feet to a point on the South right of way line of said Arkansas & Missouri Railroad Company; thence North 86°57'33" West a distance of 48.50 feet along said right of way line to a point; thence North 88°34'21" West a distance of 82.02 feet along said right of way line to a point; thence North 86°59'34" West a distance of 15.14 feet along said right of way line to the point of beginning and containing 0.20 acres, more or less, or 8,927 square feet, more or less, as shown on plans referenced as AHTD Job 040471.

CTA/fls
9/30/15

LEGAL DESCRIPTION

Job 040471
Tract 67E-2

Part of Northwest Quarter of the Southeast Quarter and part of the Northeast Quarter of the Southwest Quarter of Section 4, Township 7 North, Range 32 West, Sebastian County, Arkansas, more particularly described as follows:

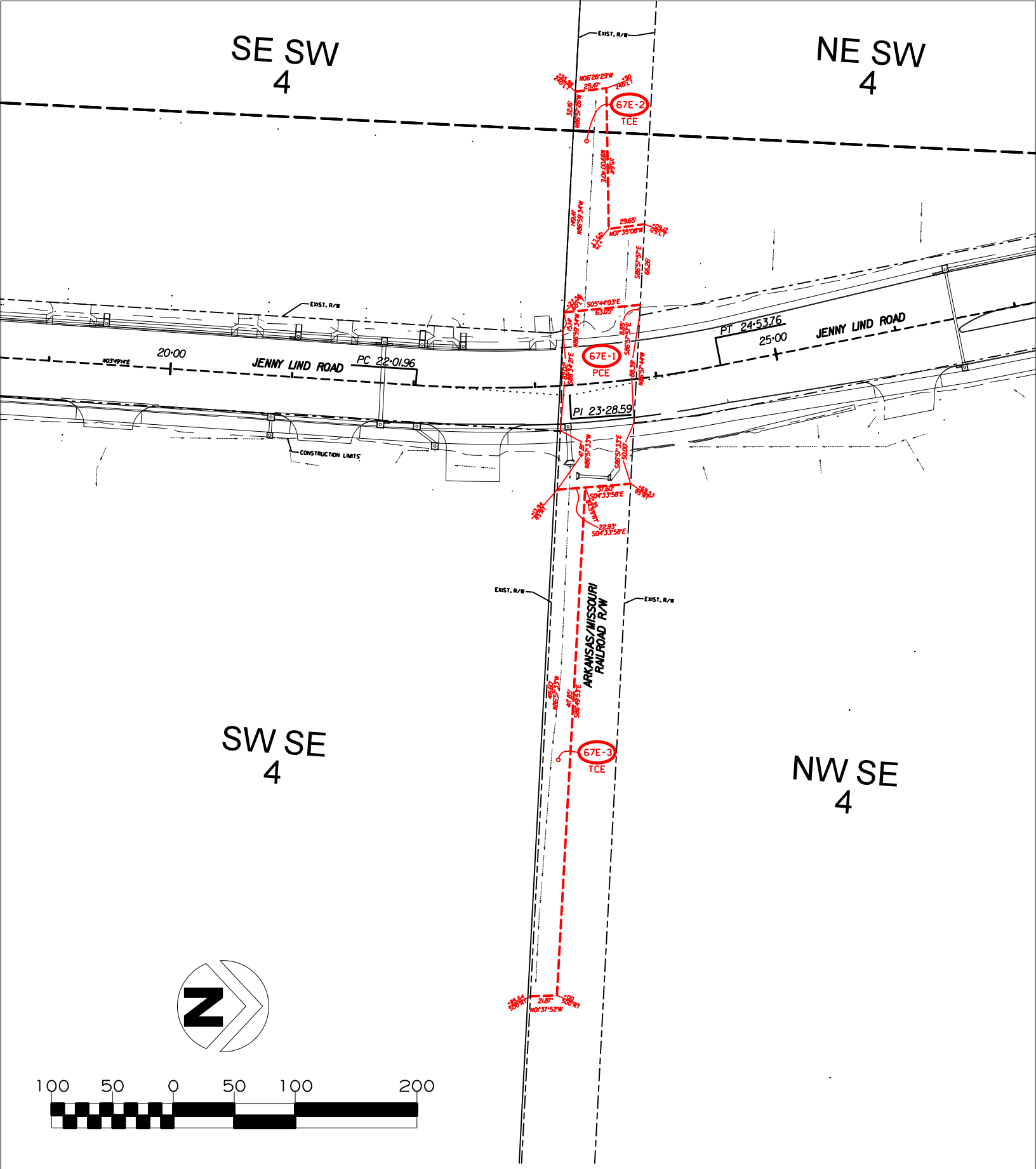
Commencing at a railroad spike being used as the Quarter Section Corner of Sections 4 and 9, Township 7 North, Range 32 West; thence North 02°47'07" East a distance of 1326.95 feet to the Center South Sixteenth Corner of said Section 4, said point lying on the South right of way line of Arkansas & Missouri Railroad Company as established by Document No. 7187999 recorded in Sebastian County, Arkansas, on April 26, 2006, for the Point of Beginning; thence North 86°57'26" West a distance of 32.16 feet along said right of way line to a point; thence North 06°26'29" West a distance of 25.47 feet to a point; thence North 89°00'40" East a distance of 115.64 feet to a point; thence North 07°35'08" West a distance of 29.65 feet to a point on the North right of way line of said Arkansas & Missouri Railroad Company; thence South 86°57'57" East a distance of 66.27 feet along said right of way line to a point; thence South 05°44'03" East a distance of 63.05 feet to a point on the South right of way line of said Arkansas & Missouri Railroad Company; thence North 86°59'34" West a distance of 149.41 feet along said right of way line to the Point of Beginning, containing 7,481 square feet or 0.17 acres, more or less.

LEGAL DESCRIPTION

Job 040471
Tract 67E-3

Part of Northwest Quarter of the Southeast Quarter of Section 4, Township 7 North, Range 32 West, Sebastian County, Arkansas, more particularly described as follows:

Commencing at a railroad spike being used as the Quarter Section Corner of Sections 4 and 9, Township 7 North, Range 32 West; thence South 87°03'04" East a distance of 1295.88 feet to the East One Sixteenth Corner of said Sections 4 and 9; thence North 03°04'22" East a distance of 1325.61 feet to the Southeast One Sixteenth Corner of said Section 4; thence North 86°59'34" West a distance of 1032.40 feet along the North line of the Southwest Quarter of the Southeast Quarter of said Section 4 to a point on the East right of way line of Jenny Lind Road as established by AHTD Job 040471; thence along said right of way line and an arc of 2.26 feet to the left, having a radius of 1014.93 feet, the chord of which is North 02°58'53" West for a distance of 2.26 feet to a point on the South right of way line of Arkansas & Missouri Railroad Company as established by Document No. 7187999 recorded in Sebastian County, Arkansas, on April 26, 2006; thence South 86°57'33" East a distance of 25.14 feet along said right of way line to the Point of Beginning; North 04°33'58" West a distance of 22.93 feet to a point; thence South 86°49'53" East a distance of 417.85 feet to a point; thence South 01°37'52" East a distance of 21.87 feet to a point on said South right of way line; thence North 86°57'33" West a distance of 416.60 feet to the Point of Beginning, containing 9,288 square feet or 0.21 acres, more or less.

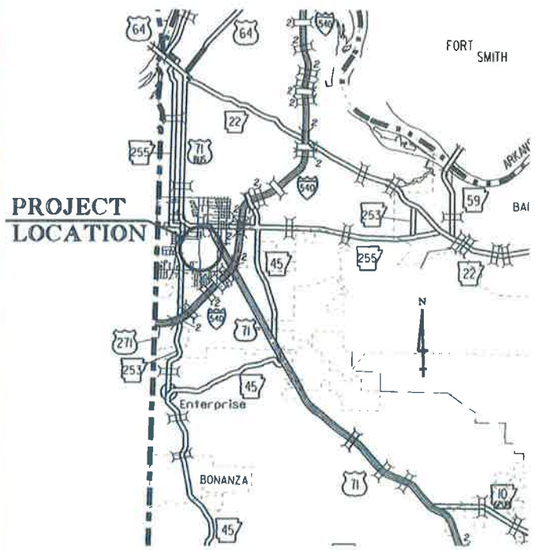


EASEMENT EXHIBIT
ARKANSAS/MISSOURI RAILROAD

REVISION NO.	DATE	DESCRIPTION	JENNY LIND RD. / INGERSOLL AVE.	SHEET NO.	TOTAL SHEETS
			CFS JOB NO. 07-01-A AHTD JOB NO. 040471 CTA JOB NO. 071014-01	1	460
			JENNY LIND RD. / INGERSOLL AVE. (FT. SMITH)		

CITY OF FORT SMITH, ARKANSAS
CONSTRUCTION PLANS

JENNY LIND RD. & INGERSOLL AVE. WIDENING (FORT SMITH) (S)



VICINITY MAP

SEBASTIAN COUNTY

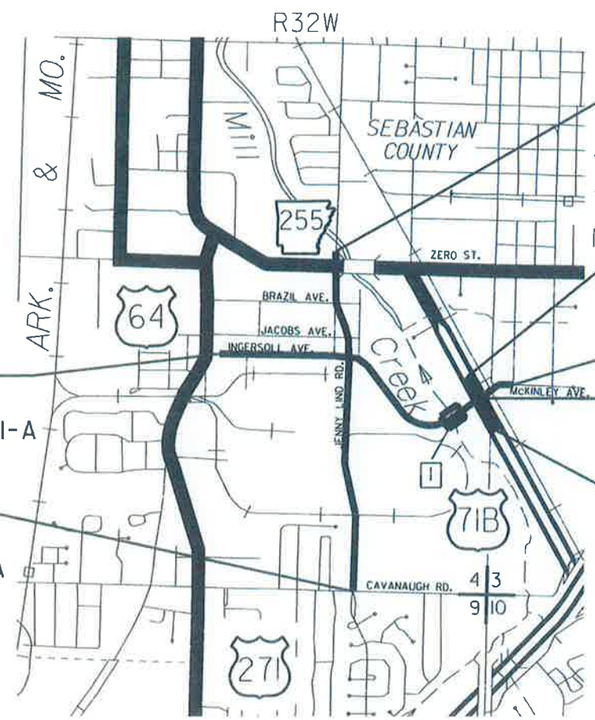
FED. AID PROJ. SECT-9150(17), HPP2-3204(1) & HPP2-3753(1)

AHTD JOB 040471
CFS JOB 07-01-A

ARKANSAS HIGHWAY DIST. 4

• DESIGN TRAFFIC DATA •

	JENNY LIND RD.	INGERSOLL AVE.
DESIGN YEAR	2030	2030
2010 ADT	10,600	5,300
2030 ADT	16,400	8,700
2030 DHV	1,800	960
DIRECTIONAL DISTRIBUTION	0.60	0.60
TRUCKS (DURING DHV)	7%	5%
DESIGN SPEED	40 MPH	35 MPH



STA. 72+63.08
JENNY LIND RD.
END JOB 07-01-A

STA. 670+55.00 - US HWY. 71
END JOB 07-01-A

STA. 15+00.00 - McKINLEY AVE.
END JOB 07-01-A

STA. 63+44.23 - INGERSOLL AVE. BACK =
STA. 9+96.77 - McKINLEY AVE. AHEAD
STA. 665+80.68 - US HWY. 71

STA. 661+10.00 - US HWY. 71
BEGIN JOB 07-01-A

STA. 11+86.41
INGERSOLL AVE.
BEGIN JOB 07-01-A

STA. 10+00.00
JENNY LIND RD.
BEGIN JOB 07-01-A

BRIDGE DATA

1 INGERSOLL AVE. OVER MILL CREEK
STA. 53+42.89 - BRIDGE END
CONT. COMP. W-BEAM UNIT SPAN = 172'-0"
TOTAL LENGTH = 175'-0 3/8"
38'-0" CLEAR ROADWAY
STA. 55+57.52 - BRIDGE END

	JOB 07-01-A / 040471			
GROSS LENGTH OF PROJECT:				
JENNY LIND RD.	6263.08	FEET	1.186	MILES
INGERSOLL AVE.	5157.82	FEET	0.977	MILES
MCKINLEY AVE.	503.23	FEET	0.095	MILES
US HWY. 71B	945.00	FEET	0.179	MILES
TOTAL	12869.13	FEET	2.437	MILES
NET LENGTH OF PROJECT:				
NET LENGTH OF ROADWAY	12697.13	FEET	2.404	MILES
NET LENGTH OF BRIDGES	172.00	FEET	0.033	MILES
TOTAL	12869.13	FEET	2.437	MILES

BEGIN JOB
LAT.: N 35° 18' 43.1"
LONG.: W 94° 24' 47.4"

MID JOB (AP-11)
LAT.: N 35° 19' 19.2"
LONG.: W 94° 24' 46.0"

END JOB
LAT.: N 35° 19' 44.0"
LONG.: W 94° 24' 50.8"

1/2 1/4 0 1/4 1/2 1
SCALE IN MILES

CERTIFICATE OF AUTHORIZATION
CRAFTON, TULL & ASSOCIATES, INC.
No. 109
ARKANSAS ENGINEER

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9620
7/13/15
HUBERT BURNS

P.E. JOB 040471
NON-PART.

FINAL PLANS
JULY 13, 2015

Crafton Tull

USER: fs513
DESIGN FILE: G:\071014-01\Eng\dgn\misc\071014-01 Title Sheet.dgn
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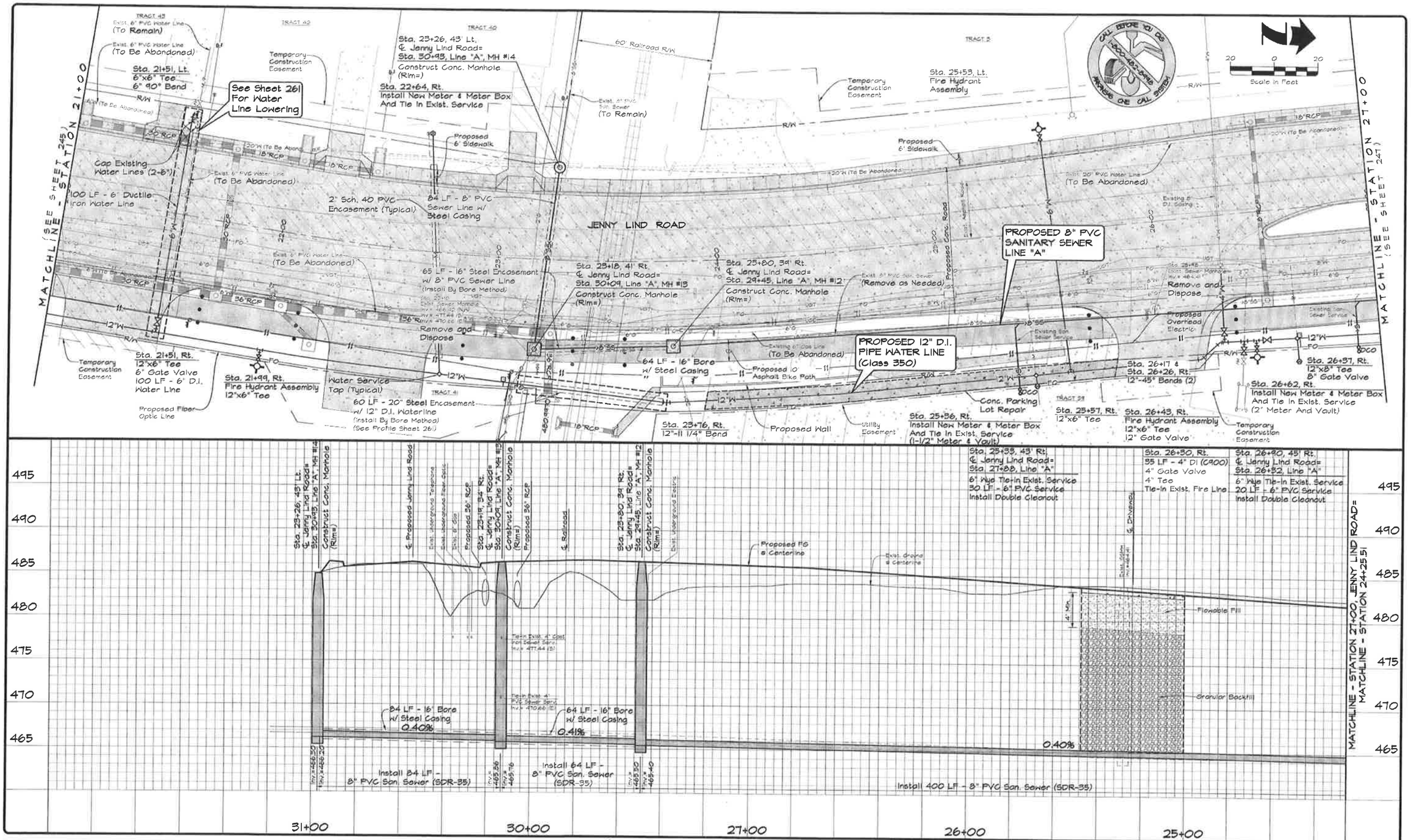


Revision	By	Date

MORRISON SHIPLEY
ENGINEERS ▪ SURVEYORS
P.O. Box 10064 ▪ Fort Smith, AR 72917 ▪ 479.452.1933 ▪ morrisonshipley.com

STATE OF ARKANSAS LICENSED PROFESSIONAL ENGINEER No. 10420 BRADLEY L. BRISENDINE 7/10/15

Drawn By:	Vertical Scale:
DRC	1"=5'
Approved By:	Horizontal Scale:
TLB	1"=20'
Date:	Plotting Scale:
7.10.15	1
Project No.:	Drawing Name:
FSE-20	PLAN WS

UTILITY IMPROVEMENT PLANS

Fort Smith, Sebastian County, Arkansas

WATER and SANITARY SEWER PLAN
JENNY LIND ROAD
(Sta. 21+00 to STA. 27+00)

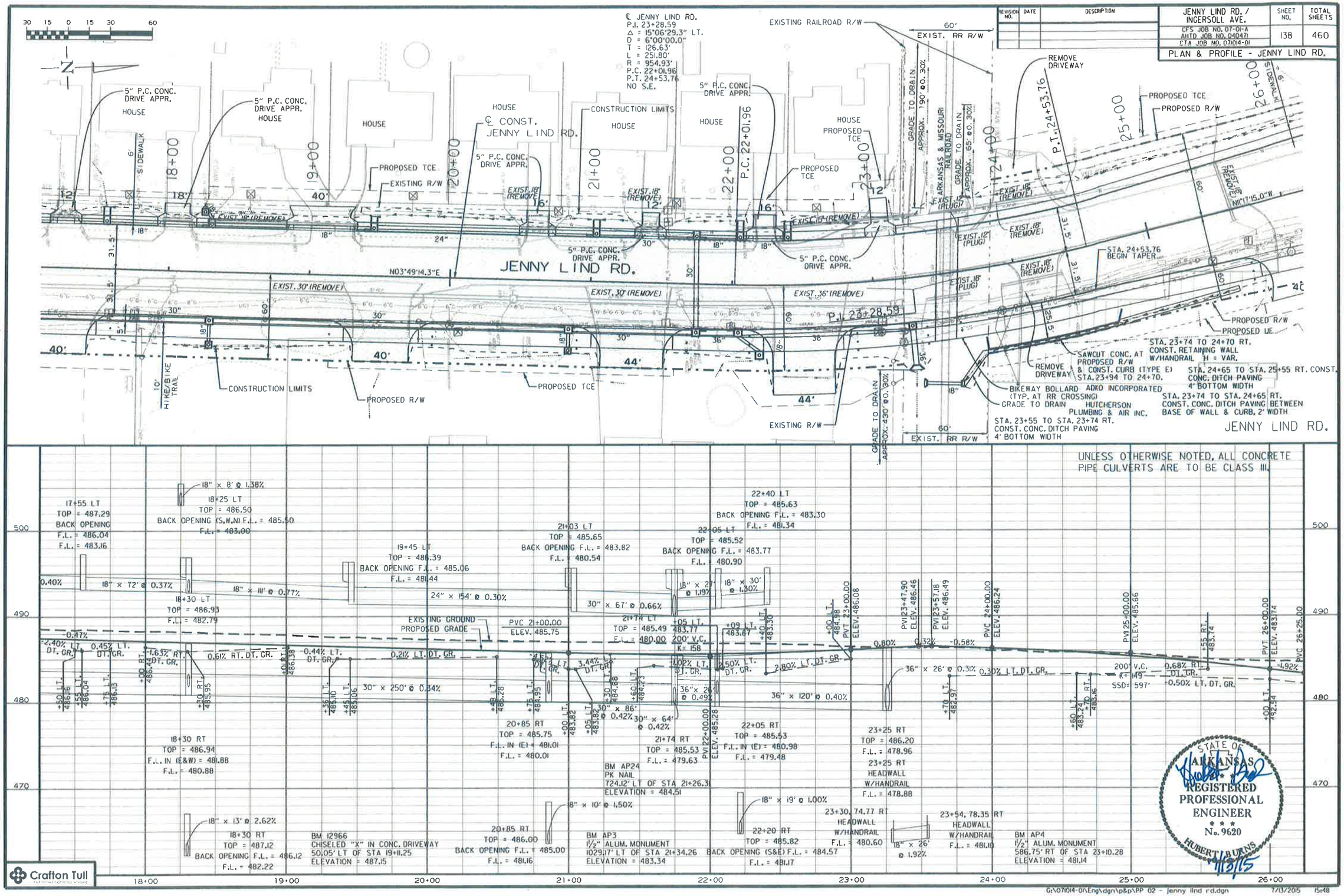
Issued for Review - Not For Construction

Sheet No: 246 of 460

REVISION NO.	DATE	DESCRIPTION

JENNY LIND RD. / INGERSOLL AVE.	SHEET NO.	TOTAL SHEETS
CFS JOB NO. 07-01-A AHTD JOB NO. 040471 CTA JOB NO. 07014-01	138	460

PLAN & PROFILE - JENNY LIND RD.



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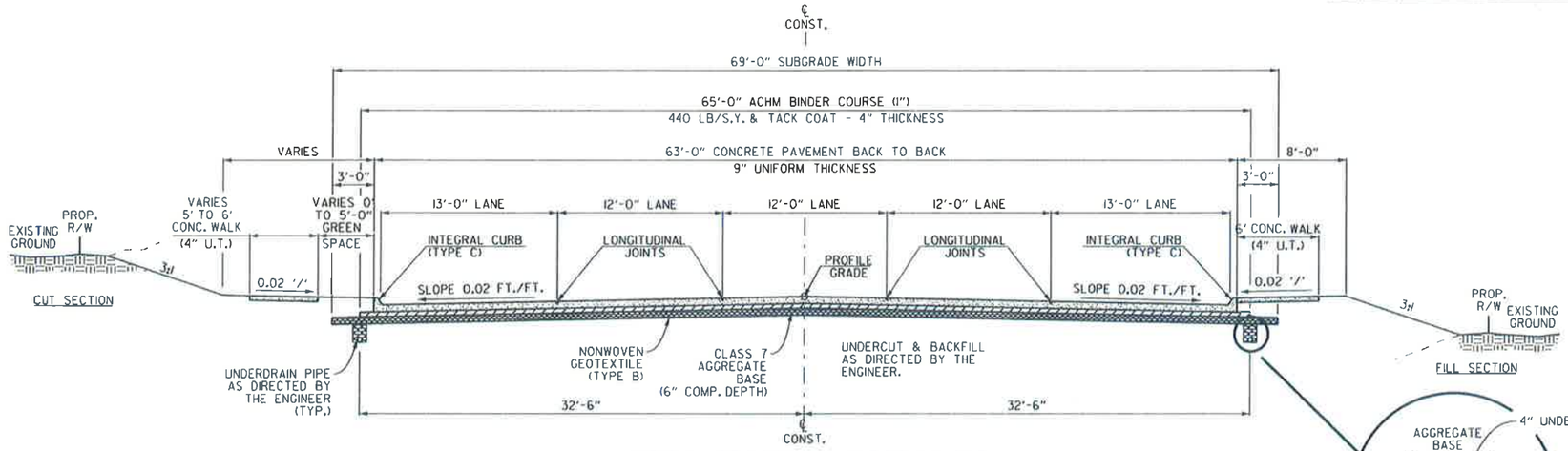
REVISION NO.	DATE	DESCRIPTION

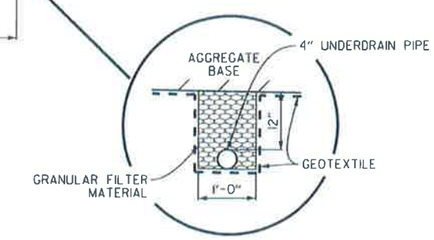
JENNY LIND RD. / INGERSOLL AVE.	SHEET NO.	TOTAL SHEETS
CFS JOB NO. 07-01-A AHTD JOB NO. 040471 CTA JOB NO. 071014-01	4	460
TYPICAL SECTIONS		

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9620
HUBERT BURNS
7/13/15



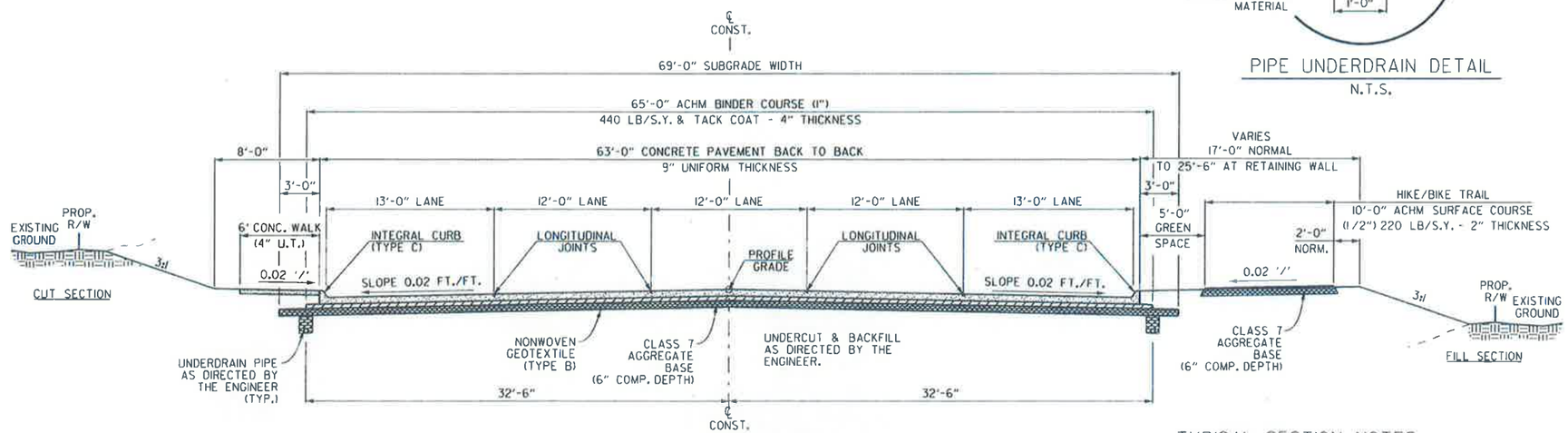
TYPICAL SECTION OF IMPROVEMENT
FIVE LANES - JENNY LIND ROAD

STA. 64+19.54 TO 68+57.20



PIPE UNDERDRAIN DETAIL

N.T.S.



TYPICAL SECTION OF IMPROVEMENT
FIVE LANES - JENNY LIND ROAD

STA. 10+00.00 TO 24+53.76

NOTE:
6' MIN. SIDEWALK WITH 0' GREEN SPACE ON LT. FROM:
STA. 10+00.00 TO 52+81.27, 64+19.54 TO 64+70.00,
66+15.00 TO 68+57.20

5' SIDEWALK WITH 4' GREEN SPACE ON LT. FROM:
STA. 52+97.89 TO 61+77.56

5' SIDEWALK WITH 5' GREEN SPACE ON LT. FROM:
STA. 64+70.00 TO 66+05.00

SIDEWALK & GREEN SPACE VARIES AT OTHER LOCATIONS.

NOTE:
10' HIKE/BIKE TRAIL ON RT. FROM:
STA. 10+41.00 TO 51+25.55, 53+21.57 TO 55+54.06

5' SIDEWALK WITH 5' GREEN SPACE ON RT. FROM:
STA. 55+54.06 TO 61+03.24

6' MIN. SIDEWALK WITH 0' GREEN SPACE ON RT. FROM:
STA. 62+52.74 TO 68+33.31

SIDEWALK & GREEN SPACE VARIES AT OTHER LOCATIONS.

TYPICAL SECTION NOTES:

1. REFER TO CROSS SECTIONS FOR DEVIATIONS FROM THE NORMAL SLOPES. NO CHANGES SHALL BE MADE FROM THE PLANNED SLOPES WITHOUT THE APPROVAL OF THE ENGINEER.
2. PRIOR TO AND DURING PLACEMENT OF PAVEMENT IN FRONT OF THE CURB AND GUTTER, THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AT ALL TIMES. THE METHOD(S) USED SHALL BE APPROVED BY THE ENGINEER. PAYMENT FOR THIS WORK SHALL BE CONSIDERED INCLUDED IN THE PRICE BID FOR THE VARIOUS CONTRACT ITEMS.
3. ALL PROFILE ELEVATIONS SHOWN ON THE PLANS WILL BE ON THE CENTERLINE UNLESS OTHERWISE NOTED.
4. USE 0.05 GAL/SQ TACK COAT BETWEEN BASE & BINDER COURSES AND ALSO BETWEEN BINDER AND SURFACE COURSES.
5. TOP OF CURB ELEVATION FOR 63'-0" WIDE STREET EQUALS CENTERLINE ELEVATION MINUS 0.12 FT.
6. DRAINABLE BASE TO INCLUDE 2" CLASS 7 CHOKE (TYPICAL). PAYMENT FOR THIS MATERIAL AND IT'S PLACEMENT IS TO BE INCLUDED IN THE PRICE BID FOR DRAINABLE BASE.
7. WHEN ADJACENT TO CURB, THE MINIMUM SIDEWALK WIDTH IS 6'-0". SIDEWALK & GREEN SPACE WIDTHS VARY, SEE PLANS.

TYPICAL SECTIONS

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Crafton Tull

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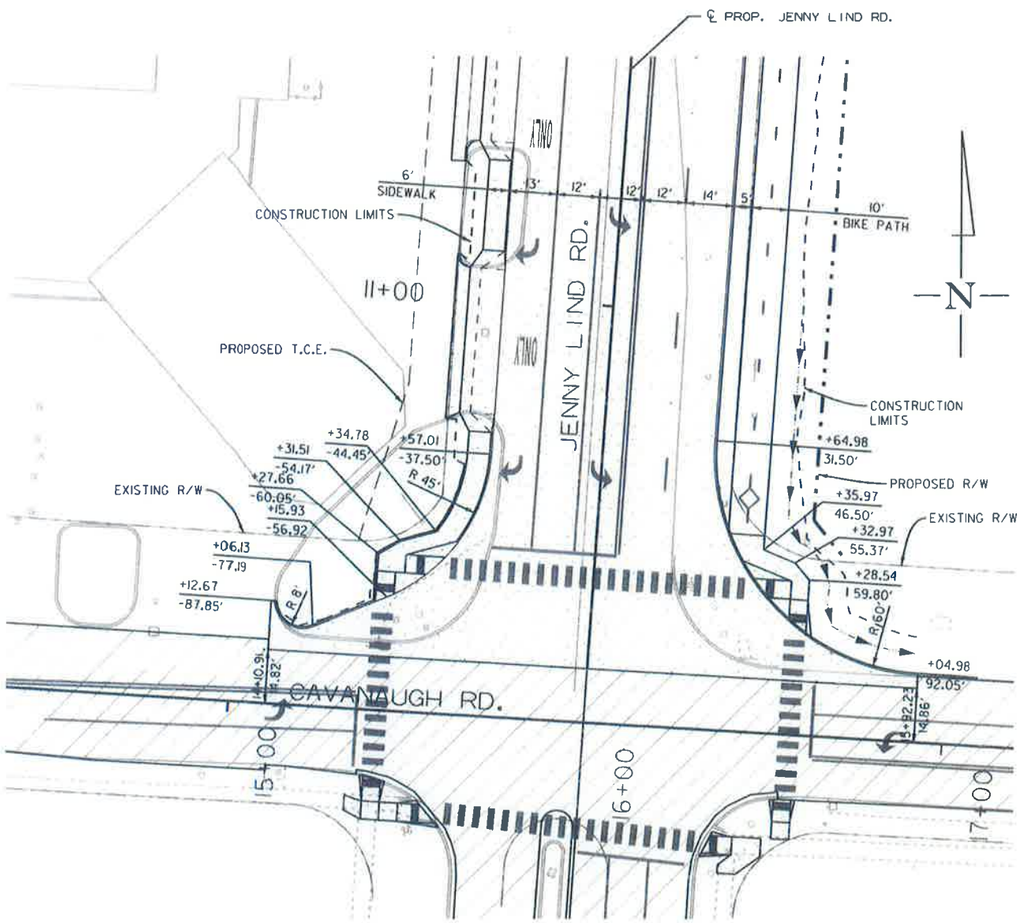
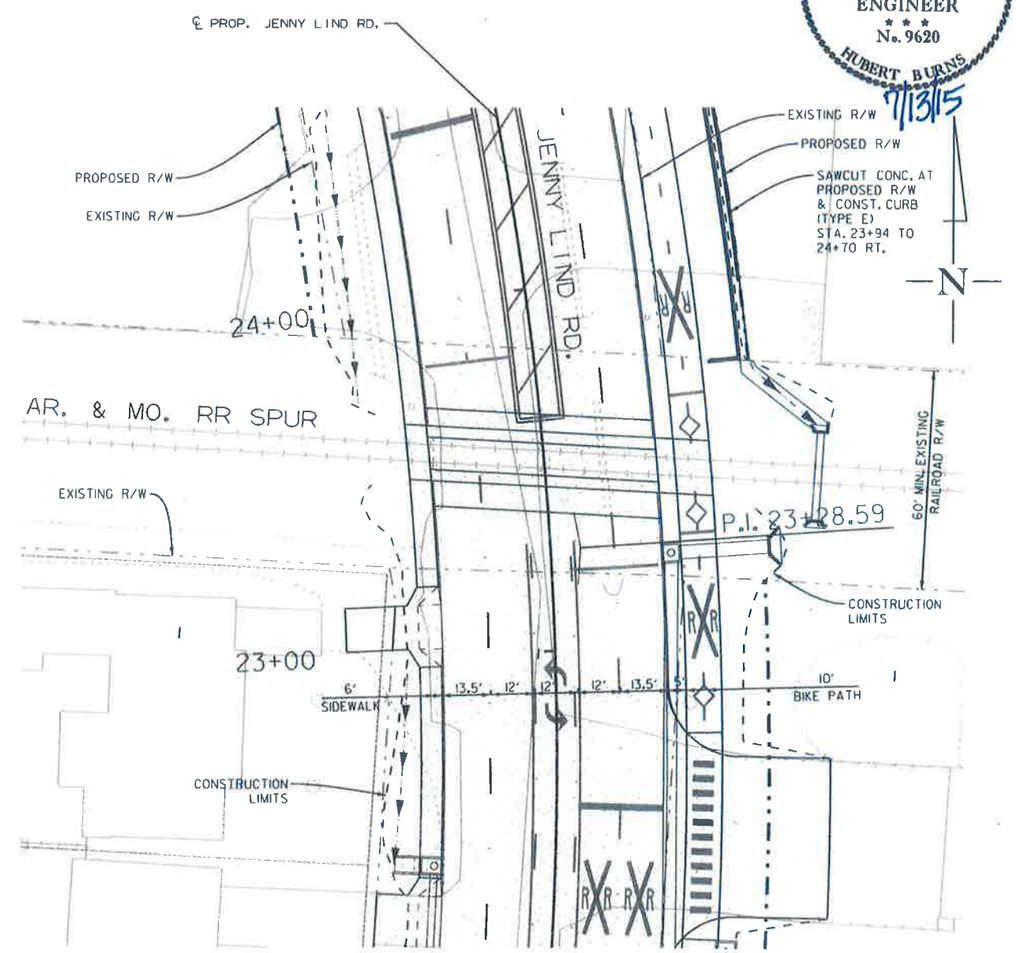
REVISION NO.	DATE	DESCRIPTION

JENNY LIND RD. / INGERSOLL AVE.	SHEET NO.	TOTAL SHEETS
CFS JOB NO. 07-01-A AHTD JOB NO. 040471 CTA JOB NO. 071014-01	14	460
SPECIAL DETAILS		

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9620
HUBERT BURNS
7/13/15



JENNY LIND RD. / CAVANAUGH RD.
INTERSECTION DETAIL



JENNY LIND RD. / RAILROAD
INTERSECTION DETAIL

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Crafton Tull

SPECIAL DETAILS

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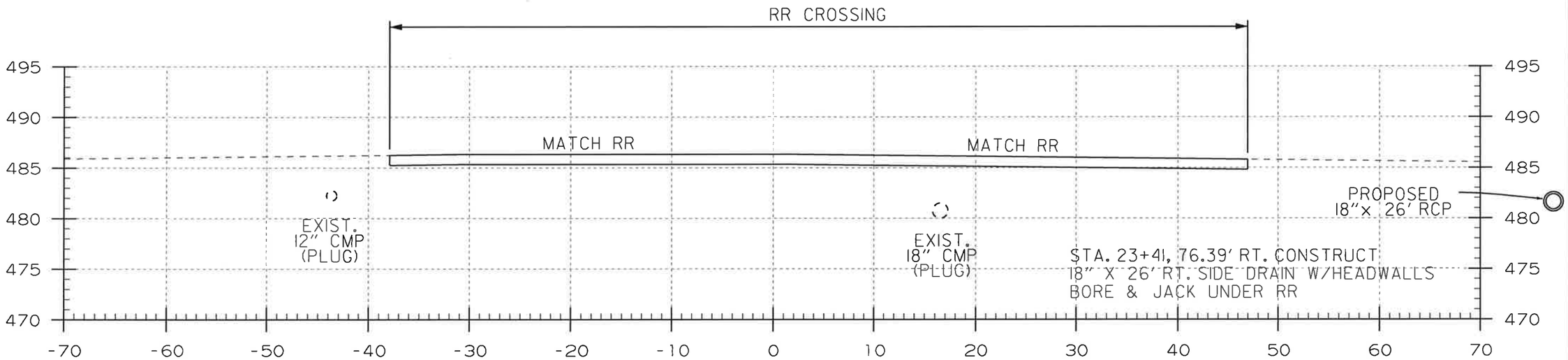
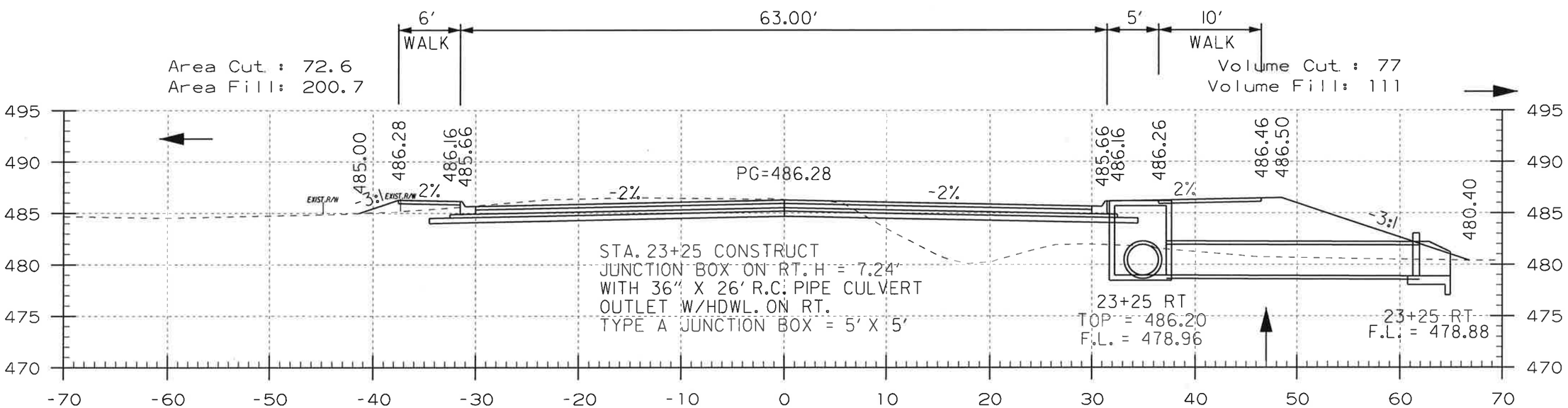
REVISION NO.	DATE	DESCRIPTION

JENNY LIND RD. / INGERSOLL AVE.	SHEET NO.	TOTAL SHEETS
CFS JOB NO. 07-01-A AMTD JOB NO. 040471 CTA JOB NO. 071014-01	310	460
CROSS SECTIONS		



23+52.58 RR CROSSING (8°17' 14" LT FWD SKEW)



23+25.00

JENNY LIND RD. - STA. 23+25.00 TO STA. 23+52.58

Crafton Tull

USER: fs513
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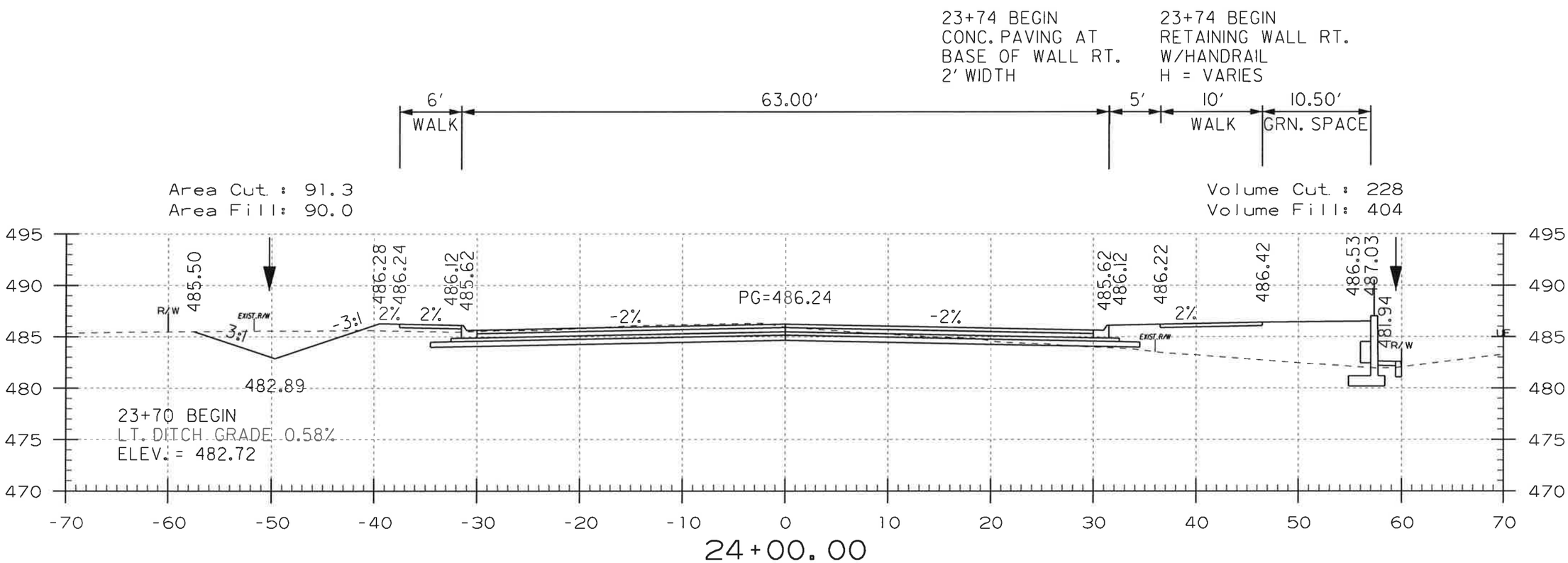
REVISION NO.	DATE	DESCRIPTION

JENNY LIND RD. / INGERSOLL AVE.	SHEET NO.	TOTAL SHEETS
CFS JOB NO. 07-01-A AHTD JOB NO. 040471 CTA JOB NO. 071014-01	311	460
CROSS SECTIONS		



REFER TO SPECIAL DETAILS
FOR RETAINING WALL DIMENSIONS.

JENNY LIND RD. - STA. 24+00.00 TO STA. 24+00.00

Crafton Tull

USER: fs513
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FORSINC-05 DEBBIE

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 3/10/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
BHC Insurance
5500 Euper Lane
P.O. Box 3529
Fort Smith, AR 72913-3529

CONTACT NAME:
PHONE (A/C, No, Ext): (479) 452-4000 FAX (A/C, No): (479) 484-5185
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : United Fire & Casualty Company	13021
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Arkansas & Missouri Railroad
306 East Emma
Springdale, AR 72764

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 2,000,000
	CLAIMS-MADE OCCUR			20322051	04/01/2016	04/01/2017	DAMAGE TO RENTED PREMISES (Ea occurrence)	$
	X Railroad Protective						MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 6,000,000
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS / NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Re: AHTD Job 040471 Jenny Lind Rd. & Ingersoll Ave. Widening, F.A.P. SECT-9015(17), HPP2-3204(1) & HPP2-3753(1), Fort Smith (S) Sebastian County
Project No. 07-01-A
Contractor: Forsgren, Inc.

CERTIFICATE HOLDER

City of Fort Smith
P.O. Box 1908
Fort Smith, AR 72902

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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FORSINC-05 DEBBIE

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 3/10/2016

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IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
BHC Insurance
5500 Euper Lane
P.O. Box 3529
Fort Smith, AR 72913-3529

CONTACT NAME:
PHONE (A/C, No, Ext): (479) 452-4000 FAX (A/C, No): (479) 484-5185
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : United Fire & Casualty Company	13021
INSURER B : Accident Fund Ins Co of America	10166
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Forsgren, Inc
C.F. Stocks Excavating, Inc.
Gastony Directional Boring, Inc.
P.O. Box 368
Fort Smith, AR 72902

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:	X	X	60397541	11/01/2015	11/01/2016	EACH OCCURRENCE	$	1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$	100,000
							MED EXP (Any one person)	$	5,000
							PERSONAL & ADV INJURY	$	1,000,000
							GENERAL AGGREGATE	$	2,000,000
							PRODUCTS - COMP/OP AGG	$	2,000,000
								$	
A	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS	X	X	60397541	11/01/2015	11/01/2016	COMBINED SINGLE LIMIT (Ea accident)	$	1,000,000
							BODILY INJURY (Per person)	$	
							BODILY INJURY (Per accident)	$	
							PROPERTY DAMAGE (Per accident)	$	
								$	
A	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $			60397541	11/01/2015	11/01/2016	EACH OCCURRENCE	$	10,000,000
							AGGREGATE	$	10,000,000
								$	
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	X	WCV6069791	11/01/2015	11/01/2016	X PER STATUTE OTH-ER		
							E.L. EACH ACCIDENT	$	1,000,000
							E.L. DISEASE - EA EMPLOYEE	$	1,000,000
							E.L. DISEASE - POLICY LIMIT	$	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: AHTD Job 040471 Jenny Lind Rd. & Ingersoll Ave. Widening, F.A.P. SECT-9015(17), HPP2-3204(1) & HPP2-3753(1), Fort Smith (S) Sebastian County Project No. 07-01-A. City of Fort Smith, Fort Smith Railroad Company and Union Pacific Railroad Company are additional insureds primary with regard to General Liability and Auto Liability when required by written contract. Waiver of Subrogation applies in favor of City of Fort Smith, Fort Smith Railroad Company and Union Pacific Railroad Company with regard to General Liability, Auto Liability and Workers Compensation when required by written contract. Please refer to the following forms which apply and are attached: CG71030215 Ultra Liability Plus Endorsement, CG72280215 Additional Insured-Owners, Lessees or Contractors-Automatic Status for Other Parties Endorsement, CG71500312 Contractors Blanket Additional Insured-Limited Products-Completed Ops Endorsement, IL71051014 Primary and Non-contributory Endorsement, CA71090106 Business Auto Ultra Endorsement, CA73340915 Primary and Non-contributory Endorsement.

CERTIFICATE HOLDER

City of Fort Smith
P.O. Box 1908
Fort Smith, AR 72902

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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UNDERGROUND PIPE PERMIT # 010815A

THIS AGREEMENT, made this _____ day of _____**, 2016**, between **THE ARKANSAS AND MISSOURI RAILROAD COMPANY, A VIRGINA CORPORATION**, hereinafter called "Railroad," address is **306 EAST EMMA, SPRINGDALE AR. 72764** and **CITY OF FT. SMITH ARKANSAS,** whose address 623 Garrison Avenue, FORT SMITH ARKANSAS 72901 hereinafter called "Permittee."

WITNESSETH:

Railroad, for and in consideration of the fee herein provided to be paid to it by Permittee and of the covenants and promises hereinafter made to be observed and performed by Permittee, does hereby grant to Permittee license and permission to excavate for, construct, maintain and operate

CONCRETE PANELS AT CROSSING

Hereinafter referred to as the "facility," upon, along or across the right of way of Railroad, underneath the surface thereof, and under the tracks of its railroad, as the case may be, at or near FT. SMITH Station, in the County of **SEBASTIAN,** State of **ARKANSAS**, to be located as follows, to-wit:

As shown on MAPS PROVIDED BY THE CITY OF FT. SMITH on the plat hereto attached, marked Exhibit "A", dated by this reference thereto made a part hereof.

Permittee in consideration of such license and permission hereby covenants and promises as follows:

1. Permittee will pay in advance to Railroad for this permit the sum of $800.00 ADMINISTRATIVE FEE.

2. Permittee, at Permittee's sole cost and expense, shall excavate for, construct, reconstruct, maintain and repair the heretofore described Facility at crossing to the approval of the Railroad's Chief Engineer or Superintendent of Track at the site identified on Exhibit A.

Permittee shall fill in the excavation and restore the surface of the ground to its previous condition subject to the approval of the said Engineer or Superintendent upon which the Facility is located.

3. Permittee shall give to the said Engineer or Superintendent at least seven (7) days' advance notice of any work to be done by Permittee in the excavation, construction, any reconstruction, maintenance, repair, change of location or removal of the Facility, and shall conduct such work in such manner as not to interfere with the maintenance and operation of the railway of Railroad.

4. In the event that Railroad, at the request of Permittee or any agent or contractor of Permittee, or for the protection of Railroad's property and operations, does any work, furnishes any material or flagging service, or incurs any expense whatsoever on account of the excavation

for, construction, any reconstruction, maintenance, repair, change of location, removal of the Facility or otherwise, Permittee shall reimburse Railroad for the cost thereof within twenty (20) days after bills are tendered therefor. If the excavation for construction, any reconstruction, maintenance, repair, change of location, or removal of the Facility, requires any or all of the following work: removal and replacement of track, bridging, protection of track or other railway facilities by work or flagging, engineering and/or supervision, such work is to be performed by Railroad employees and the cost borne by Permittee.

5. Permittee agrees that the Facility shall not involve the installation of any cathodic electrolysis, electrical grounding system, or other electronics. Permittee acknowledges that such electronics may interfere with train signals, telephone or telegraph lines, or other facilities of Railroad.

6. Permittee shall and hereby releases and discharges Railroad of and from any and all liability for damage to or destruction of the said Facility, and any other property of Permittee located on or near Railroad's premises. Permittee agrees that it shall cause the installation of the Facility to be performed by a licensed contractor. Permittee shall cause its licensed contractor to assume any and all liability for injury to or death of any and all persons whomsoever, including officers, employees and agents of the parties hereto, or loss of or damage to property to whomsoever belonging, including property owned by, and leased to or in the care, custody and control of the parties hereto, in any manner arising from or during the construction however such injury or damage may occur or be caused; and shall cause its licensed contractor to agree to indemnify and save harmless Railroad of and from any and all claims, demands, suits, actions, damages, recoveries, judgments, costs or expenses arising or growing out of or in connection with any such injury, death, loss, damage or destruction aforesaid. Permittee agrees to cause its licensed contractor to appear and defend in the name of Railroad, and to pay and satisfy any final judgment that may be rendered against the Railroad in any such suit or action. The liability assumed by the licensed contractor herein shall not be affected or diminished by the fact, if it be a fact, that any such suit or action brought against Railroad may arise out of negligence of Railroad, its officers, agents, servants or employees, or be contributed to by such negligence. Permittee shall cause such liability insurance to be issued for the benefit of Railroad that Railroad may require in its permitting process.

The obligation of indemnity by licensed contractor shall include damages incurred by Railroad for delays to its operations proximately caused by the failure of such Permittee or Licensed Contractor, as the case may be, to comply with its obligations herein.

7. The provisions of this permit are for the benefit of the parties hereto (and their contractors and agents) and there is no intention of the parties to create a third party beneficiary contract. In particular, with reference to the public and third parties, the Permittee retains its sovereign immunity (immunity from claims under Arkansas law) to the full extent as provided by law.

8. Permittee shall not transfer or assign this permit without the written consent of Railroad. This permit shall not be effective until and unless Permittee obtains its licensed contractor's agreement hereinbelow to be bound by the terms and provisions of this Permit.

9. Permittee must have a copy of this permit on the job site when working. Permittee must also notify the Railroad seven (7) days before project begins and call in every morning before work begins and call to let the Railroad know when the job is finished. Such notice shall be in writing to Chief Engineer John Cummings at john@amrailroad.com or Randell James at randellj@amrailroad.com. Such "call in" shall be to either John Cummings at 479-871-3471 or Randell James at 479-790-0647. Initial work on such project shall not commence until Permittee has received a "notice to proceed" in writing from either the Chief Engineer or the Superintendent of Track. Calls for determining if fiber optics are buried shall be to the above phone numbers. If these requirements are not met Railroad can pull the Permittee's permit and/or charge a fine for non-compliance of these stipulations. Work that will cause workers or equipment to be within 25 feet of Railroad's tracks may require Permittee or its Contractor to enter into an Agreement for Flagging Services, which may require flagging at the expense of Permittee or Contractor and may delay construction.

10. Nothing herein shall imply or import a covenant on the part of Railroad for quiet enjoyment.

11. It is expressly understood and agreed that Railroad may at any time cancel and terminate this license and permission by giving to Permittee thirty (30) days notice in writing of its intention to cancel the same and at the expiration thereof, Permittee, under the supervision and direction of the said Superintendent of Railroad. If Permittee shall fail to remove the same and restore the said right of way to its previous condition, Permittee shall pay the cost and expense thereof to Railroad.

12. Upon any failure of Permittee punctually and strictly to observe and perform the covenants and promises, herein by Permittee to be kept and performed, Railroad may terminate this agreement on ten (10) day notice to Permittee, remove the Facility, and restore the right of way to its previous condition at the cost and expense of Permittee.

13. Any notices given under the provisions of this agreement shall be good if deposited postpaid in a United States post office addressed to Permittee at Permittee's post office address above stated or as otherwise directed by Permittee.

14. The license and permission herein granted is subject to permits, leases and licenses, if any, heretofore granted by Railroad affecting the premises upon which said facility is located. Permittee shall cause its licensed contractor to comply with Arkansas law as it relates to checking for utilities before excavation. Subject to the foregoing provisions, this agreement and all the covenants and promises thereof, shall inure to the benefit of and be binding upon the parties hereto, their respective executors, administrators, successors and assigns.

IN WITNESS WHEREOF, Railroad and Permittee have executed this agreement the day and year first above written.

In presence of:

CITY OF FT. SMITH ARKANSAS	**THE ARKANSAS AND MISSOURI RAILROAD COMPANY**
_____	_____
City Representative	**President**
DATE _____	DATE _____

LICENSED CONTRACTOR

The undersigned licensed contractor engaged by Permittee to construct and install the Facility described hereinabove, agrees to be bound by the provisions of this permit as it pertains to installation, notices, insurance requirements, and indemnity and agrees that Railroad is a third party beneficiary of any construction contracts entered into with Permittee, but also acknowledges that Railroad assumes no obligations of Permittee under such construction contract.

LICENSED CONTRACTOR

_____
Name

By:_____
Title

UNDERGROUND PIPE PERMIT # 010815A

THIS AGREEMENT, made this _____ day of _____**, 2016**, between **THE ARKANSAS AND MISSOURI RAILROAD COMPANY, A VIRGINA CORPORATION**, hereinafter called "Railroad," address is **306 EAST EMMA, SPRINGDALE AR. 72764** and **CITY OF FT. SMITH ARKANSAS,** whose address 623 Garrison Avenue, FORT SMITH ARKANSAS 72901 hereinafter called "Permittee."

WITNESSETH:

Railroad, for and in consideration of the fee herein provided to be paid to it by Permittee and of the covenants and promises hereinafter made to be observed and performed by Permittee, does hereby grant to Permittee license and permission to excavate for, construct, maintain and operate

REINFORCED CONCRETE PIPE

Hereinafter referred to as the "facility," upon, along or across the right of way of Railroad, underneath the surface thereof, and under the tracks of its railroad, as the case may be, at or near FT. SMITH Station, in the County of **SEBASTIAN,** State of **ARKANSAS**, to be located as follows, to-wit:

As shown on MAPS PROVIDED BY THE CITY OF FT. SMITH on the plat hereto attached, marked Exhibit "A", dated by this reference thereto made a part hereof.

Permittee in consideration of such license and permission hereby covenants and promises as follows:

1. Permittee will pay in advance to Railroad for this permit the sum of $800.00 ADMINISTRATIVE FEE, $3880.00 PERMIT FEE for a total of $4680.00.

2. Permittee, at Permittee's sole cost and expense, shall excavate for, construct, reconstruct, maintain and repair the heretofore described Facility at crossing to the approval of the Railroad's Chief Engineer or Superintendent of Track at the site identified on Exhibit A.

Permittee shall fill in the excavation and restore the surface of the ground to its previous condition subject to the approval of the said Engineer or Superintendent upon which the Facility is located.

3. Permittee shall give to the said Engineer or Superintendent at least seven (7) days' advance notice of any work to be done by Permittee in the excavation, construction, any reconstruction, maintenance, repair, change of location or removal of the Facility, and shall conduct such work in such manner as not to interfere with the maintenance and operation of the railway of Railroad.

4. In the event that Railroad, at the request of Permittee or any agent or contractor of Permittee, or for the protection of Railroad's property and operations, does any work, furnishes any material or flagging service, or incurs any expense whatsoever on account of the excavation

for, construction, any reconstruction, maintenance, repair, change of location, removal of the Facility or otherwise, Permittee shall reimburse Railroad for the cost thereof within twenty (20) days after bills are tendered therefor. If the excavation for construction, any reconstruction, maintenance, repair, change of location, or removal of the Facility, requires any or all of the following work: removal and replacement of track, bridging, protection of track or other railway facilities by work or flagging, engineering and/or supervision, such work is to be performed by Railroad employees and the cost borne by Permittee.

5. Permittee agrees that the Facility shall not involve the installation of any cathodic electrolysis, electrical grounding system, or other electronics. Permittee acknowledges that such electronics may interfere with train signals, telephone or telegraph lines, or other facilities of Railroad.

6. Permittee shall and hereby releases and discharges Railroad of and from any and all liability for damage to or destruction of the said Facility, and any other property of Permittee located on or near Railroad's premises. Permittee agrees that it shall cause the installation of the Facility to be performed by a licensed contractor. Permittee shall cause its licensed contractor to assume any and all liability for injury to or death of any and all persons whomsoever, including officers, employees and agents of the parties hereto, or loss of or damage to property to whomsoever belonging, including property owned by, and leased to or in the care, custody and control of the parties hereto, in any manner arising from or during the construction however such injury or damage may occur or be caused; and shall cause its licensed contractor to agree to indemnify and save harmless Railroad of and from any and all claims, demands, suits, actions, damages, recoveries, judgments, costs or expenses arising or growing out of or in connection with any such injury, death, loss, damage or destruction aforesaid. Permittee agrees to cause its licensed contractor to appear and defend in the name of Railroad, and to pay and satisfy any final judgment that may be rendered against the Railroad in any such suit or action. The liability assumed by the licensed contractor herein shall not be affected or diminished by the fact, if it be a fact, that any such suit or action brought against Railroad may arise out of negligence of Railroad, its officers, agents, servants or employees, or be contributed to by such negligence. Permittee shall cause such liability insurance to be issued for the benefit of Railroad that Railroad may require in its permitting process.

After construction and installation, Permittee shall keep and maintain Facility in as good of a condition as when first installed, normal wear and tear excepted, and Permittee shall repair and replace any loss of or damage to property to whomsoever belonging, including property owned by, and leased to or in the care, custody and control of the parties hereto, in any manner arising from or during the existence of the Facility however such damage may occur or be caused; and shall hereby indemnify and save harmless Railroad of and from any and all claims, demands, suits, actions, damages, recoveries, judgments, cost or expenses arising or growing out of or in connection with such property damage. The obligation of indemnity by licensed contractor and Permittee shall include damages incurred by Railroad for delays to its operations proximately caused by the failure of such Permittee or Licensed Contractor, as the case may be, to comply with its obligations herein.

7. The provisions of this permit are for the benefit of the parties hereto (and their

contractors and agents) and there is no intention of the parties to create a third party beneficiary contract. In particular, with reference to the public and third parties, the Permittee retains its sovereign immunity (immunity from claims under Arkansas law) to the full extent as provided by law.

8. Permittee shall not transfer or assign this permit without the written consent of Railroad. This permit shall not be effective until and unless Permittee obtains its licensed contractor's agreement hereinbelow to be bound by the terms and provisions of this Permit.

9. Permittee must have a copy of this permit on the job site when working. Permittee must also notify the Railroad seven (7) days before project begins and call in every morning before work begins and call to let the Railroad know when the job is finished. Such notice shall be in writing to Chief Engineer John Cummings at john@amrailroad.com or Randell James at randellj@amrailroad.com. Such "call in" shall be to either John Cummings at 479-871-3471 or Randell James at 479-790-0647. Initial work on such project shall not commence until Permittee has received a "notice to proceed" in writing from either the Chief Engineer or the Superintendent of Track. Calls for determining if fiber optics are buried shall be to the above phone numbers. If these requirements are not met Railroad can pull the Permittee's permit and/or charge a fine for non-compliance of these stipulations. Work that will cause workers or equipment to be within 25 feet of Railroad's tracks may require Permittee or its Contractor to enter into an Agreement for Flagging Services, which may require flagging at the expense of Permittee or Contractor and may delay construction.

10. Nothing herein shall imply or import a covenant on the part of Railroad for quiet enjoyment.

11. It is expressly understood and agreed that Railroad may at any time cancel and terminate this license and permission by giving to Permittee thirty (30) days notice in writing of its intention to cancel the same and at the expiration thereof, Permittee, under the supervision and direction of the said Superintendent of Railroad. If Permittee shall fail to remove the same and restore the said right of way to its previous condition, Permittee shall pay the cost and expense thereof to Railroad.

12. Upon any failure of Permittee punctually and strictly to observe and perform the covenants and promises, herein by Permittee to be kept and performed, Railroad may terminate this agreement on ten (10) day notice to Permittee, remove the Facility, and restore the right of way to its previous condition at the cost and expense of Permittee.

13. Any notices given under the provisions of this agreement shall be good if deposited postpaid in a United States post office addressed to Permittee at Permittee's post office address above stated or as otherwise directed by Permittee.

14. The license and permission herein granted is subject to permits, leases and licenses, if any, heretofore granted by Railroad affecting the premises upon which said facility is located. Permittee shall cause its licensed contractor to comply with Arkansas law as it relates to checking for utilities before excavation. Subject to the foregoing provisions, this agreement and

all the covenants and promises thereof, shall inure to the benefit of and be binding upon the parties hereto, their respective executors, administrators, successors and assigns.

IN WITNESS WHEREOF, Railroad and Permittee have executed this agreement the day and year first above written.

In presence of:

CITY OF FT. SMITH ARKANSAS	**THE ARKANSAS AND MISSOURI RAILROAD COMPANY**
_____	_____
City Representative	**President**
DATE _____	DATE _____

LICENSED CONTRACTOR

The undersigned licensed contractor engaged by Permittee to construct and install the Facility described hereinabove, agrees to be bound by the provisions of this permit as it pertains to installation, notices, insurance requirements, and indemnity and agrees that Railroad is a third party beneficiary of any construction contracts entered into with Permittee, but also acknowledges that Railroad assumes no obligations of Permittee under such construction contract.

LICENSED CONTRACTOR

_____
Name

By:_____
Title

UNDERGROUND PIPE PERMIT # 010815A

THIS AGREEMENT, made this _____ day of _____**, 2016**, between **THE ARKANSAS AND MISSOURI RAILROAD COMPANY, A VIRGINA CORPORATION**, hereinafter called "Railroad," address is **306 EAST EMMA, SPRINGDALE AR. 72764** and **CITY OF FT. SMITH ARKANSAS,** whose address 623 Garrison Avenue, FORT SMITH ARKANSAS 72901 hereinafter called "Permittee."

WITNESSETH:

Railroad, for and in consideration of the fee herein provided to be paid to it by Permittee and of the covenants and promises hereinafter made to be observed and performed by Permittee, does hereby grant to Permittee license and permission to excavate for, construct, maintain and operate

UNDERGROUND SEWER LINE

Hereinafter referred to as the "facility," upon, along or across the right of way of Railroad, underneath the surface thereof, and under the tracks of its railroad, as the case may be, at or near FT. SMITH Station, in the County of **SEBASTIAN,** State of **ARKANSAS**, to be located as follows, to-wit:

As shown on MAPS PROVIDED BY THE CITY OF FT. SMITH on the plat hereto attached, marked Exhibit "A", dated by this reference thereto made a part hereof.

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Permittee shall fill in the excavation and restore the surface of the ground to its previous condition subject to the approval of the said Engineer or Superintendent upon which the Facility is located.

3. Permittee shall give to the said Engineer or Superintendent at least seven (7) days' advance notice of any work to be done by Permittee in the excavation, construction, any reconstruction, maintenance, repair, change of location or removal of the Facility, and shall conduct such work in such manner as not to interfere with the maintenance and operation of the railway of Railroad.

4. In the event that Railroad, at the request of Permittee or any agent or contractor of Permittee, or for the protection of Railroad's property and operations, does any work, furnishes any material or flagging service, or incurs any expense whatsoever on account of the excavation

for, construction, any reconstruction, maintenance, repair, change of location, removal of the Facility or otherwise, Permittee shall reimburse Railroad for the cost thereof within twenty (20) days after bills are tendered therefor. If the excavation for construction, any reconstruction, maintenance, repair, change of location, or removal of the Facility, requires any or all of the following work: removal and replacement of track, bridging, protection of track or other railway facilities by work or flagging, engineering and/or supervision, such work is to be performed by Railroad employees and the cost borne by Permittee.

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After construction and installation, Permittee shall keep and maintain Facility in as good of a condition as when first installed, normal wear and tear excepted, and Permittee shall repair and replace any loss of or damage to property to whomsoever belonging, including property owned by, and leased to or in the care, custody and control of the parties hereto, in any manner arising from or during the existence of the Facility however such damage may occur or be caused; and shall hereby indemnify and save harmless Railroad of and from any and all claims, demands, suits, actions, damages, recoveries, judgments, cost or expenses arising or growing out of or in connection with such property damage. The obligation of indemnity by licensed contractor and Permittee shall include damages incurred by Railroad for delays to its operations proximately caused by the failure of such Permittee or Licensed Contractor, as the case may be, to comply with its obligations herein.

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9. Permittee must have a copy of this permit on the job site when working. Permittee must also notify the Railroad seven (7) days before project begins and call in every morning before work begins and call to let the Railroad know when the job is finished. Such notice shall be in writing to Chief Engineer John Cummings at john@amrailroad.com or Randell James at randellj@amrailroad.com. Such "call in" shall be to either John Cummings at 479-871-3471 or Randell James at 479-790-0647. Initial work on such project shall not commence until Permittee has received a "notice to proceed" in writing from either the Chief Engineer or the Superintendent of Track. Calls for determining if fiber optics are buried shall be to the above phone numbers. If these requirements are not met Railroad can pull the Permittee's permit and/or charge a fine for non-compliance of these stipulations. Work that will cause workers or equipment to be within 25 feet of Railroad's tracks may require Permittee or its Contractor to enter into an Agreement for Flagging Services, which may require flagging at the expense of Permittee or Contractor and may delay construction.

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11. It is expressly understood and agreed that Railroad may at any time cancel and terminate this license and permission by giving to Permittee thirty (30) days notice in writing of its intention to cancel the same and at the expiration thereof, Permittee, under the supervision and direction of the said Superintendent of Railroad. If Permittee shall fail to remove the same and restore the said right of way to its previous condition, Permittee shall pay the cost and expense thereof to Railroad.

12. Upon any failure of Permittee punctually and strictly to observe and perform the covenants and promises, herein by Permittee to be kept and performed, Railroad may terminate this agreement on ten (10) day notice to Permittee, remove the Facility, and restore the right of way to its previous condition at the cost and expense of Permittee.

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all the covenants and promises thereof, shall inure to the benefit of and be binding upon the parties hereto, their respective executors, administrators, successors and assigns.

IN WITNESS WHEREOF, Railroad and Permittee have executed this agreement the day and year first above written.

In presence of:

CITY OF FT. SMITH ARKANSAS	**THE ARKANSAS AND MISSOURI RAILROAD COMPANY**
_____	_____
City Representative	**President**
DATE _____	DATE _____

LICENSED CONTRACTOR

The undersigned licensed contractor engaged by Permittee to construct and install the Facility described hereinabove, agrees to be bound by the provisions of this permit as it pertains to installation, notices, insurance requirements, and indemnity and agrees that Railroad is a third party beneficiary of any construction contracts entered into with Permittee, but also acknowledges that Railroad assumes no obligations of Permittee under such construction contract.

LICENSED CONTRACTOR

_____
Name

By:_____
Title

UNDERGROUND PIPE PERMIT # 010815A

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WITNESSETH:

Railroad, for and in consideration of the fee herein provided to be paid to it by Permittee and of the covenants and promises hereinafter made to be observed and performed by Permittee, does hereby grant to Permittee license and permission to excavate for, construct, maintain and operate

WATERLINE WITH STEEL ENCASEMENT

Hereinafter referred to as the "facility," upon, along or across the right of way of Railroad, underneath the surface thereof, and under the tracks of its railroad, as the case may be, at or near FT. SMITH Station, in the County of **SEBASTIAN,** State of **ARKANSAS**, to be located as follows, to-wit:

As shown on MAPS PROVIDED BY THE CITY OF FT. SMITH on the plat hereto attached, marked Exhibit "A", dated by this reference thereto made a part hereof.

Permittee in consideration of such license and permission hereby covenants and promises as follows:

1. Permittee will pay in advance to Railroad for this permit the sum of $800.00 ADMINISTRATIVE FEE, $3880.00 PERMIT FEE for a total of $4680.00.

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Permittee shall fill in the excavation and restore the surface of the ground to its previous condition subject to the approval of the said Engineer or Superintendent upon which the Facility is located.

3. Permittee shall give to the said Engineer or Superintendent at least seven (7) days' advance notice of any work to be done by Permittee in the excavation, construction, any reconstruction, maintenance, repair, change of location or removal of the Facility, and shall conduct such work in such manner as not to interfere with the maintenance and operation of the railway of Railroad.

4. In the event that Railroad, at the request of Permittee or any agent or contractor of Permittee, or for the protection of Railroad's property and operations, does any work, furnishes any material or flagging service, or incurs any expense whatsoever on account of the excavation

for, construction, any reconstruction, maintenance, repair, change of location, removal of the Facility or otherwise, Permittee shall reimburse Railroad for the cost thereof within twenty (20) days after bills are tendered therefor. If the excavation for construction, any reconstruction, maintenance, repair, change of location, or removal of the Facility, requires any or all of the following work: removal and replacement of track, bridging, protection of track or other railway facilities by work or flagging, engineering and/or supervision, such work is to be performed by Railroad employees and the cost borne by Permittee.

5. Permittee agrees that the Facility shall not involve the installation of any cathodic electrolysis, electrical grounding system, or other electronics. Permittee acknowledges that such electronics may interfere with train signals, telephone or telegraph lines, or other facilities of Railroad.

6. Permittee shall and hereby releases and discharges Railroad of and from any and all liability for damage to or destruction of the said Facility, and any other property of Permittee located on or near Railroad's premises. Permittee agrees that it shall cause the installation of the Facility to be performed by a licensed contractor. Permittee shall cause its licensed contractor to assume any and all liability for injury to or death of any and all persons whomsoever, including officers, employees and agents of the parties hereto, or loss of or damage to property to whomsoever belonging, including property owned by, and leased to or in the care, custody and control of the parties hereto, in any manner arising from or during the construction however such injury or damage may occur or be caused; and shall cause its licensed contractor to agree to indemnify and save harmless Railroad of and from any and all claims, demands, suits, actions, damages, recoveries, judgments, costs or expenses arising or growing out of or in connection with any such injury, death, loss, damage or destruction aforesaid. Permittee agrees to cause its licensed contractor to appear and defend in the name of Railroad, and to pay and satisfy any final judgment that may be rendered against the Railroad in any such suit or action. The liability assumed by the licensed contractor herein shall not be affected or diminished by the fact, if it be a fact, that any such suit or action brought against Railroad may arise out of negligence of Railroad, its officers, agents, servants or employees, or be contributed to by such negligence. Permittee shall cause such liability insurance to be issued for the benefit of Railroad that Railroad may require in its permitting process.

After construction and installation, Permittee shall keep and maintain Facility in as good of a condition as when first installed, normal wear and tear excepted, and Permittee shall repair and replace any loss of or damage to property to whomsoever belonging, including property owned by, and leased to or in the care, custody and control of the parties hereto, in any manner arising from or during the existence of the Facility however such damage may occur or be caused; and shall hereby indemnify and save harmless Railroad of and from any and all claims, demands, suits, actions, damages, recoveries, judgments, cost or expenses arising or growing out of or in connection with such property damage. The obligation of indemnity by licensed contractor and Permittee shall include damages incurred by Railroad for delays to its operations proximately caused by the failure of such Permittee or Licensed Contractor, as the case may be, to comply with its obligations herein.

7. The provisions of this permit are for the benefit of the parties hereto (and their

contractors and agents) and there is no intention of the parties to create a third party beneficiary contract. In particular, with reference to the public and third parties, the Permittee retains its sovereign immunity (immunity from claims under Arkansas law) to the full extent as provided by law.

8. Permittee shall not transfer or assign this permit without the written consent of Railroad. This permit shall not be effective until and unless Permittee obtains its licensed contractor's agreement hereinbelow to be bound by the terms and provisions of this Permit.

9. Permittee must have a copy of this permit on the job site when working. Permittee must also notify the Railroad seven (7) days before project begins and call in every morning before work begins and call to let the Railroad know when the job is finished. Such notice shall be in writing to Chief Engineer John Cummings at john@amrailroad.com or Randell James at randellj@amrailroad.com. Such "call in" shall be to either John Cummings at 479-871-3471 or Randell James at 479-790-0647. Initial work on such project shall not commence until Permittee has received a "notice to proceed" in writing from either the Chief Engineer or the Superintendent of Track. Calls for determining if fiber optics are buried shall be to the above phone numbers. If these requirements are not met Railroad can pull the Permittee's permit and/or charge a fine for non-compliance of these stipulations. Work that will cause workers or equipment to be within 25 feet of Railroad's tracks may require Permittee or its Contractor to enter into an Agreement for Flagging Services, which may require flagging at the expense of Permittee or Contractor and may delay construction.

10. Nothing herein shall imply or import a covenant on the part of Railroad for quiet enjoyment.

11. It is expressly understood and agreed that Railroad may at any time cancel and terminate this license and permission by giving to Permittee thirty (30) days notice in writing of its intention to cancel the same and at the expiration thereof, Permittee, under the supervision and direction of the said Superintendent of Railroad. If Permittee shall fail to remove the same and restore the said right of way to its previous condition, Permittee shall pay the cost and expense thereof to Railroad.

12. Upon any failure of Permittee punctually and strictly to observe and perform the covenants and promises, herein by Permittee to be kept and performed, Railroad may terminate this agreement on ten (10) day notice to Permittee, remove the Facility, and restore the right of way to its previous condition at the cost and expense of Permittee.

13. Any notices given under the provisions of this agreement shall be good if deposited postpaid in a United States post office addressed to Permittee at Permittee's post office address above stated or as otherwise directed by Permittee.

14. The license and permission herein granted is subject to permits, leases and licenses, if any, heretofore granted by Railroad affecting the premises upon which said facility is located. Permittee shall cause its licensed contractor to comply with Arkansas law as it relates to checking for utilities before excavation. Subject to the foregoing provisions, this agreement and

all the covenants and promises thereof, shall inure to the benefit of and be binding upon the parties hereto, their respective executors, administrators, successors and assigns.

IN WITNESS WHEREOF, Railroad and Permittee have executed this agreement the day and year first above written.

In presence of:

CITY OF FT. SMITH ARKANSAS	**THE ARKANSAS AND MISSOURI RAILROAD COMPANY**
_____	_____
City Representative	**President**
DATE _____	DATE _____

LICENSED CONTRACTOR

The undersigned licensed contractor engaged by Permittee to construct and install the Facility described hereinabove, agrees to be bound by the provisions of this permit as it pertains to installation, notices, insurance requirements, and indemnity and agrees that Railroad is a third party beneficiary of any construction contracts entered into with Permittee, but also acknowledges that Railroad assumes no obligations of Permittee under such construction contract.

LICENSED CONTRACTOR

_____
Name

By:_____
Title

May 2016

May 2016

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June 2016

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 1	2	3 11:30am Planning Com. Study Ses. (Creekmore) 6:00pm Bd. of Directors (FSM Public Schools)	4 12:00pm Transit Advisory Commission (6821 Jenny Lind Avenue)	5 12:00pm Streets, Bridges and Associated Drainage (Planning Conference Room)	6	7
8	9 11:00am Property Owners Appeal Board (Planning Conf. Rm. (TENTATIVE))	10 12:00pm Board Study Session (River Park Events Building West Room) 5:30pm Planning Com. (Creekmore)	11 12:00pm Parks Commission (Creekmore)	12 12:15pm Oak Cemetery Com. (Creekmore)	13	14
15	16	17 9:30am CBID (Area Agency) 4:30pm Library Board of Trustees (Main Library) 6:00pm Board of Directors (FSM Public Schools Service Center)	18	19	20	21
22	23	24 12:00pm Board Study Session (Library) 4:00pm A & P Com. (Convention Center) 5:30pm Airport Com. (Airport)	25	26 5:30pm Historic District Study Session (220 North 7 Street)	27	28
29	30 8:00am CITY OFFICES CLOSED (OBSERVANCE OF MEMORIAL WALL)	31 8:00am NO STUDY SESSION (Library)	Jun 1	2	3	4

Mayor – Sandy Sanders

City Administrator – Carl Geffken

City Clerk – Sherri Gard

Board of Directors
Ward 1 – Keith Lau
Ward 2 – Andre' Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Tracy Pennartz
At Large Position 6 – Kevin Settle
At Large Position 7 – Don Hutchings

AGENDA ~ SUMMARY

Fort Smith Board of Directors
REGULAR MEETING
May 3, 2016 ~ 6:00 p.m.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214 AND ONLINE AT http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings

INVOCATION & PLEDGE OF ALLEGIANCE
City Attorney Jerry Canfield

ROLL CALL
- All present, except for Directors Lau and Hutchings
- Vice-Mayor Kevin Settle presiding

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING
(Section 2-37 of Ordinance No. 24-10)
Information available by viewing rebroadcast of the meeting on the City Access Channel 214, the City website or http://www.ustream.tv/channel/city-of-fort-smith-board-ofdirectors-meetings

APPROVE MINUTES OF THE APRIL 19, 2016 REGULAR MEETING
APPROVED as written

ITEMS OF BUSINESS:

1. Presentation: Darby Legacy Project Update
   Postponed to the May 17, 2016 regular meeting

2. Public hearing and resolution approving the Five-Year Consolidated Plan for Program Years 2016-2020 for the City of Fort Smith, Arkansas and authorizing its submission to the United States Department of Housing and Urban Development ♦
   APPROVED 5 in favor, 0 opposed / Resolution No. R-59-16

3. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 8501 McClure Drive)*
APPROVED 5 in favor, 0 opposed / Ordinance No. 29-16

4. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: from Residential Attached to Office, Research & Light Industrial / Rezoning: from Commercial Heavy (C-5) to Industrial Light (I-1) by extension located at 7423 Highway 271)*
APPROVED 5 in favor, 0 opposed / Ordinance No. 30-16

5. Consent Agenda

   A. Resolution to accept the bid and authorize a contract for the 2016 Street Striping Replacement, Project No. 16-85-A *($85,124.45 / Engineering Department / Budgeted – Sales Tax Program Fund)*
   APPROVED 5 in favor, 0 opposed / Resolution No. R-60-16

   B. Resolution approving Pay Estimate 8 Pre-Final with reference to West River Front Trail Project and authorizing City Administrator to secure the completion of the subject project *($75,521.33 / Parks Department / Budgeted – 1/8% Sales and Use Tax)*
   APPROVED 5 in favor, 0 opposed (by separate vote) as amended to authorize a settlement of $130,171.33 and authorize City Administrator and City Attorney to effectuate all necessary documents regarding same / Resolution No. R-62-16

   C. Ordinance authorizing a seven month extension on an existing contract for service between the City of Fort Smith, Arkansas, and Bair Analytics, a LexisNexis Company, to provide crime analysts, technical personnel, analytical software and services for crime analyses for the city of Fort Smith through the Fort Smith Police Department *($40,833.31 / Police Department / Budgeted – Support Services 4702-108)*
   APPROVED 5 in favor, 0 opposed / Ordinance No. 31-16

   D. Resolution authorizing execution of a joint use agreement with Arkansas and Missouri Railroad Company regarding Jenny Lind Road and Ingersoll Avenue Widening Project, AHTD Job 040471, City of Fort Smith Project No. 07-01A *($14,840.00 / Engineering Department / Budgeted – Sales Tax Program Fund)*
   APPROVED 5 in favor, 0 opposed / Resolution No. R-61-16

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

- Mayor
- Directors
- City Administrator

Information available by viewing rebroadcast of the meeting on the City Access Channel 214, the City website or http://www.ustream.tv/channel/city-of-fort-smith-board-ofdirectors-meetings

ADJOURN
6:49 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MAY 3, 2016 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Vice-Mayor Kevin Settle, presiding. Invocation was given by City Attorney Jerry Canfield, followed by the Pledge of Allegiance.

On roll call the following members of the Board were present: Directors Andre' Good, Mike Lorenz, George Catsavis, Tracy Pennartz and Kevin Settle; absent Keith Lau and Don Hutchings. The Vice-Mayor declared a quorum present.

Vice-Mayor Settle announced that Mayor Sandy Sanders will not be in attendance; therefore, he will preside over the meeting. He further noted the absence of Director Lau, who is out of town, and Director Hutchings, who is recovering from a motorcycle accident. Due to the aforementioned, Vice-Mayor Settle extended a speedy recovery to Director Hutchings.

Vice-Mayor Settle inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

The minutes of the April 19, 2016 regular meeting was presented for approval.

Lorenz, seconded by Good, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, the Vice-Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side, and two (2) minutes for comments only.

Vice-Mayor Settle announced that Item No. 1 is an update regarding the Darby Legacy Project; however, such has been postponed and moved to the May 17, 2016 regular meeting.

May 3, 2016 Regular Meeting

The Vice-Mayor announced that this was the time and place set for a public hearing regarding the Five-Year Consolidated Plan for Program Years 2016-2020 for the City of Fort Smith, Arkansas and authorizing its submission to the United States Department of Housing and Urban Development (HUD) ♦ *Future Fort Smith Item.* Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of a resolution authorizing same would be given (Item No. 2).

Director of Community Development Matt Jennings briefed the Board on the item as discussed at the March 8, 2016 study session. The Community Development Advisory Committee (CDAC) has reviewed the proposed Five-Year Consolidated Plan and recommend its approval.

There being no individual present to speak on the item, Vice-Mayor Settle closed the public hearing.

Pennartz, seconded by Good, moved adoption of the resolution. Prior to the vote, Director Good acknowledged the process requires the opportunity of public input via public hearings; therefore, he questioned the level of citizen participation.

Mr. Jennings noted the opportunity for public input was publicized via newspaper advertisements, public notices emailed to the media, and notices mailed to those included on a mailing list that the Community Development Department maintains; however and unfortunately, although the opportunity for public input was adequately provided, citizen participation was minimal.

Director Pennartz inquired where the public hearings were held citing the location (Elm Grove Community Center) could possibly be the issue for minimal citizen participation. Regarding the consultant cost-sharing agreement, she questioned why the

cost has almost doubled for Fort Smith. The State of Arkansas provides some allowance for adjustment in percentages per category; therefore, she inquired if the CDAC has discussed possible re-prioritization of said percentages.

Mr. Jennings noted the cost-sharing amount for the Consolidated Plan (2011-2015) was $20,358.28; however, the cost-sharing amount for the proposed Consolidated Plan (2016-2020) is $14,625.00. He clarified the cost-sharing amount for the Consolidated Plan (2011-2015) was in an increase from previous years due no other entities wishing to participate in the analysis for Impediments to Fair Housing, which increased the City of Fort Smith's share. With regard to allocated percentages, the matter has not been considered or discussed by the CDAC.

Vice-Mayor Settle extended much appreciation to City staff and the CDAC for their time and service associated with the item.

The motion remaining on the floor and the members present all voting affirmatively, the Vice-Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-59-16.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map *(from Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 8501 McClure Drive).*

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Crafton Tull, agent for Fort Chaffee Redevelopment Authority and the developer, ERC Properties. The purpose of the rezoning is to allow for the development of a 10.78 acre tract into a thirty (30) lot, single-family subdivision. The Planning Commission held a public hearing on April 12, 2016 with no individual present to

speak in opposition. The Planning Commission approved the request by a vote of five (5) in favor and two (2) abstentions (Cooper and Keesee).

Good, seconded by Lorenz, 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. There being no discussion among the Board and the members present all voting affirmatively, the Vice-Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 29-16.

Item No. 4 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: from Residential Attached to Office, Research & Light Industrial / Rezoning: from Commercial Heavy (C-5) to Industrial Light (I-1) by extension located at 7423 Highway 271).*

Mr. Bailey briefed the Board on the item advising such is per the request of Thomas Shankle, owner and agent for Donnie and Peggy Kratzberg. The proposed is a corrective rezoning, which should not change how the property is developed; however, such will allow the buildings on the subject property to be rented and used for the purpose of their original construction. The Planning Commission held a public hearing on April 12, 2016 with no individual present to speak in opposition. The Planning Commission approved both the Master Land Use Plan amendment and rezoning by a vote of seven (7) in favor and zero (0) opposed.

Lorenz, seconded by Catsavis, 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. There being no discussion among the Board and the members present all voting affirmatively, the Vice-Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 30-16.

Vice-Mayor Settle reminded all that immediately following adjournment, a Town Hall meeting will be held; therefore, he encouraged those who have not yet signed to speak at said meeting to sign the Town Hall sign-in sheet at the City Clerk's desk.

The Consent Agenda (Item No. 5) was introduced for consideration, the items being as follows:

A. Resolution to accept the bid and authorize a contract for the 2016 Street Striping Replacement, Project No. 16-85-A *($85,124.45 / Engineering Department / Budgeted - Sales Tax Program Fund)*

B. Resolution approving Pay Estimate 8 Pre-Final with reference to West River Front Trail Project and authorizing City Administrator to secure the completion of the subject project *($75,521.33 / Parks Department / Budgeted - 1/8% Sales and Use Tax)*

C. Ordinance authorizing a seven month extension on an existing contract for service between the City of Fort Smith, Arkansas, and Bair Analytics, a LexisNexis Company, to provide crime analysts, technical personnel, analytical software and services for crime analyses for the city of Fort Smith through the Fort Smith Police Department *($40,833.31 / Police Department / Budgeted - Support Services 4702-108)*

D. Resolution authorizing execution of a joint use agreement with Arkansas and Missouri Railroad Company regarding Jenny Lind Road and Ingersoll Avenue Widening Project, AHTD Job 040471, City of Fort Smith Project No. 07-01A *($14,840.00 / Engineering Department / Budgeted - Sales Tax Program Fund)*

Regarding Item No. 5B, the following individual was present to address the Board:

- Sean O'Kelley
  Barling, Arkansas

  Re: Advised he's the electrical contractor for the project citing his work was completed at the end of January; however, he's yet to be paid for his services. The bonding company was contacted regarding such; however, they *"blamed the City."* He then called the City, who in-turn *"blamed the bonding company"* for non-payment. Due to such, he merely requested the Board's assistance in assuring payment is received for services rendered.

Due to the concerns presented by Mr. O'Kelley and potential for lengthy discussion, Director Settle requested Item No. 5B be removed from the consent agenda and voted on as a separate item.

Catsavis, seconded by Good, moved adoption of all remaining consent agenda items, i.e. Items 5A, 5C & 5D. There being no discussion among the Board regarding said items and the members all voting affirmatively, Vice-Mayor Settle declared the motion carried and the ordinance and resolutions were adopted with the ordinance given Ordinance No. 31-16 and the resolutions numbered Resolution No. R-60-16 through R-61-16 respectively.

Regarding Item No. 5B, Acting City Administrator Jeff Dingman advised the proposed item authorizes pre-final pay estimate 8 for the subject project; however, due to a proposed settlement received today, he requested City Attorney Jerry Canfield address the Board regarding the matter.

Mr. Canfield briefed the Board reminding all that the contract with Dixon Contracting for the subject project was recently terminated, which included Board direction that the City Administrator and City Attorney pursue negotiations to conclude the contract. There have

been multiple meetings and deliberations with the contractor's surety, i.e. SureTec Insurance Company; however, such was unsuccessful, which prompted the proposed resolution to be presented for consideration. Section 1 of the proposed resolution authorizes payment in the amount the City feels is currently due to the contractor. Section 2 authorizes the City to proceed with completion of the contracted work on the project by use of City forces, negotiated work by the current subcontractors and material providers, or by contracting, with compliance with all applicable procurement procedures, the completion of project work. Notice was provided to the surety that if they wish to complete the work, a proposal to accomplish such must be provided to the City by Monday, May 2. Said proposal was not received; however, as of this afternoon, a final settlement offer was extended to conclude all matters relating to the contract termination. Upon acceptance, such would resolve all disputes between the City, the contractor and the surety, which would conclude the matter in its entirety and dismiss any potential for future litigation. The proposed settlement includes the proposed pre-final pay estimate of $70,521.33 plus an additional $59,650 authorizing a final settlement of $130,171.33. A detailed comparison regarding adoption of the resolution as presented and acceptance of the proposed settlement was provided. If the Board opts to accept the proposed settlement to conclude the matter in its entirety, the proposed resolution must be amended to reflect same and also include authorization for the City Administrator and City Attorney to effectuate all documents to accomplish such.

Pennartz, seconded by Lorenz, moved adoption of the resolution. Prior to the vote, Directors Catsavis and Pennartz inquired of the procedure to ensure all subcontractors receive payment for services rendered.

Mr. Canfield advised the City maintains no privity regarding payment to subcontractors or material providers citing such is the initial responsibility of the contractor. If the contractor does not provide payment, a claim must then be submitted to the surety, who holds the performance bond on the project. If the issue of non-payment remains and unpaid subcontractors do not wish to wait until conclusion of the matter, he encouraged they seek legal counsel. The surety has acknowledged existence of multiple unpaid subcontractors and material providers, and they have further acknowledged they must *"in good faith"* ensure payment is made. Upon approval of the proposed settlement, he conveyed assurance the settlement agreement will include a provision that all unpaid subcontractors and material providers will receive payment.

Regarding the proposed settlement, Director Good requested confirmation that such will preclude any future legal claim against the City.

Mr. Canfield confirmed that upon said acceptance, such will remove all possibility for future litigation regarding the matter.

Lorenz, seconded by Pennartz, offered a secondary motion to amend the resolution accepting the proposed settlement offer of $130,171.33 and to authorize the City Administrator and City Attorney to effectuate all necessary documents regarding same. The members present all voting affirmatively, the Vice-Mayor declared the motion carried and the resolution stood amended.

The main motion remaining on the floor and the members present all voting affirmatively, the Vice-Mayor declared the motion carried and the resolution was adopted as amended and given Resolution No. R-62-16.

Due to the aforementioned adoption of Resolution No. R-62-16, Director Pennartz

questioned the anticipated completion date of the project and requested an estimated cost to accomplish such.

Director of Parks and Recreation Doug Reinert advised completion will depend on weather and availability of contractors; however, he's *"hopeful"* the project will be completed by the end of May or early June. A preliminary cost estimate will be calculated and provided as requested.

Director Good extended much appreciation to Parks Department staff for *Tales of the Crypt*, held last weekend at Oak Cemetery, citing attendance was good on both Saturday and Sunday. He recently heard on the news that funding for the event could potentially be cut in future years.

Mr. Reinert noted he's been advised of the matter as well; however, he conveyed assurance there is no validity to the report as such information did not come from the Parks Department.

Vice-Mayor Settle opened the Officials Forum with the following wishing to comment:

- Vice-Mayor Settle

  Re:
  1. Extended *"Happy Anniversary"* to Director Lorenz and his wife, Wendy.
  2. Noted May is Western Heritage Month and encouraged all to attend many upcoming events commemorating same.
  3. Acknowledged placement and donation of the Darby Statue in Cisterna Park the previous weekend and extended much appreciation to Joe and Liz Armstrong, and Darby Junior High School Principle Darren McKinney for their efforts in bringing the Darby Legacy Project to fruition.

4. Noted the Steel Horse Rally also held the previous weekend citing the event was a success with a lot of visitors in Fort Smith.

- Director Pennartz

  Re: Extended appreciation to University of Arkansas Fort Smith students, *"Hannah, Jay and Jesse"*, who created videos for several community based organizations at no cost.

There being no further business to come before the Board, Good moved that the meeting adjourn. The motion was seconded by Lorenz and the members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:49 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK