

Mayor – Sandy Sanders

City Administrator – Ray Gosack

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 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

AGENDA ~ Summary

Fort Smith Board of Directors

REGULAR MEETING

August 5, 2014 ~ 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

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Jerry Jennings, Mount Moriah Missionary Baptist Church

ROLL CALL

- All present
- Mayor Sandy Sanders 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 or City website

APPROVE MINUTES OF THE JULY 15, 2014 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned (NZ) to a Planned Zoning District (PZD) by classification located at 11701 Custer Boulevard, 7201 Fort Chaffee Boulevard and 12201 Roberts Boulevard*)
Approved 7 in favor, 0 opposed / Ordinance No. 36-14
2. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned (NZ) to Commercial Light (C-2) by classification located at 8801 Wells Lake Road*)
Approved 7 in favor, 0 opposed / Ordinance No. 37-14

3. Ordinance prohibiting and regulating the placement and maintenance of signs in public rights-of-way *~Lau/Settle placed on agenda at the July 22, 2014 study session~*
[Approved 6 in favor, 1 opposed \(Settle\) / Ordinance No. 38-14](#)
4. Ordinances updating construction and life safety codes:
 - A. Ordinance for the purpose of adopting the 2012 Edition of the International Fire Code known as the 2012 Arkansas Fire Prevention Code Volume I and other provisions relating thereto
[Approved 7 in favor, 0 opposed / Ordinance No. 39-14](#)
 - B. Ordinance for the purpose of adopting the 2012 Edition of the International Building Code known as the 2012 Arkansas Fire Prevention Code Volume II and other provisions relating thereto
[Approved 7 in favor, 0 opposed / Ordinance No. 40-14](#)
 - C. Ordinance amending Section 6-2 of the Fort Smith Municipal Code for the purpose of adoption of the International Residential Code for One and Two Family Dwellings known as the 2012 Edition of the Arkansas Fire Prevention Code Volume III
[Approved 7 in favor, 0 opposed / Ordinance No. 41-14](#)
 - D. Ordinance amending Section 10-2(b) and (c) of the Fort Smith Municipal Code
[Approved 7 in favor, 0 opposed / Ordinance No. 42-14](#)
5. Resolution authorizing the Mayor to execute a non-exclusive fiber optics network franchise agreement with Vantage Telecom, LLC d/b/a Newroads Telecom
[Approved 7 in favor, 0 opposed / Resolution No. R-92-14](#)
6. Consent Agenda
 - A. Resolution setting public hearing date on petition to vacate an alley located in East Heights Block 1 and Block 2, an addition to the City of Fort Smith, Arkansas
[Approved 7 in favor, 0 opposed / Resolution No. R-93-14](#)
 - B. Resolution to accept the bids and authorize a contract for the construction of Drainage Improvements, Project No. 13-06-B2 (\$510,379.00 / Engineering Department / Budgeted – Sales Tax Program Fund)
[Approved 7 in favor, 0 opposed / Resolution No. R-94-14](#)
 - C. Resolution authorizing the early redemption of outstanding Parking Facilities Refunding and Improvement Revenue Bonds, Series 1998
[Approved 7 in favor, 0 opposed / Resolution No. R-95-14](#)

- D. Resolution authorizing the Mayor to execute a lease agreement with Smith Automotive Accounting, LLC for parking spaces in the proximity of 720 Garrison Avenue
[Approved 7 in favor, 0 opposed / Resolution No. R-96-14](#)
- E. Resolution accepting the bid and authorizing a contract with Richardson Roofing, LLC for re-roofing of the Creekmore pool building and roof replacement of the Creekmore Community Center (\$87,000.00 / Parks Department / Budgeted – Capital Outlay Improvements)
[Approved 7 in favor, 0 opposed / Resolution No. R-97-14](#)
- F. Resolution authorizing the Mayor to execute an electric utility easement with OG&E for the aquatic facility at Ben Geren Regional Park
[Approved 7 in favor, 0 opposed / Resolution No. R-98-14](#)
- G. Resolution authorizing the City Administrator to accept an offer made by a property owner for the acquisition of real property interests for the Lake Fort Smith Water Supply (\$4,000.00 / Utility Department / Budgeted – 6505 Capital Improvement Fund)
[Approved 7 in favor, 0 opposed / Resolution No. R-99-14](#)
- H. Resolution authorizing the City Administrator to accept offer made by a property owner for the acquisition of real property interests for the Mill Creek Interceptor Improvements – Phase II (Charitable Donation / Utility Department)
[Approved 7 in favor, 0 opposed / Resolution No. R-100-14](#)
- I. Resolution authorizing Amendment No.1 to Authorization No. 3 with Mickle Wagner Coleman, Inc. for engineering services for the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines (\$76,600.00 / Utility Department / Budgeted - 2012 Sales Tax and Use Tax Bonds)
[Approved 7 in favor, 0 opposed / Resolution No. R-101-14](#)
- J. Resolution authorizing the Mayor to execute Amendment No. 1 to the agreement with Hawkins Weir Engineers, Inc. for engineering services for the Massard Interceptor Access Improvements (\$27,000.00 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bonds)
[Approved 7 in favor, 0 opposed / Resolution No. R-102-14](#)
- K. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Goodwin & Goodwin, Inc. for the Massard Interceptor Access Improvements (\$197,560.00 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bonds)
[Approved 7 in favor, 0 opposed / Resolution No. R-103-14](#)

- L. Resolution authorizing the Mayor to execute an agreement with CDM Smith, Inc. for providing engineering services for the “P” Street Sewer Basin Hydraulic Model Update (\$108,436.00 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bonds)
Approved 7 in favor, 0 opposed / Resolution No. R-104-14

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 or City website

ADJOURN

6:59 p.m.

ORDINANCE NO. 36-14

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 17-7-4 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 8, 2014, 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 the West Half of Section 10, part of the East Half of Section 9, and part of the Southwest Quarter of Section 3, all in Township 7 North, Range 31 W, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southeast Corner of said Section 9, said corner being marked with an existing 2" aluminum cap stamped PLS 883; Thence along the south line of said Section 9, N87°11'16"W, 2273.47 feet; Thence leaving said south line, N03°09'54"E, 597.29 feet to the intersection of the right-of-way centerlines of Taylor Avenue and Custer Boulevard, said right-of-way being dedicated with ordinance number 69-12, said intersection also being the Point of Beginning; Thence along said right-of-way centerline of Taylor Avenue the following courses: N03°09'54"E, 1005.06 feet; 1375.71 feet along the arc of a curve to the right, said curve having a radius of 2883.75 feet and being subtended by a chord having a bearing of N16°49'54"E and a distance of 1362.70 feet; N30°29'54"E, 417.35 feet; N33°47'11"E, 106.49 feet; N41°35'41"E, 172.73 feet; N44°06'22"E, 61.53 feet to the intersection with the right-of-way centerline of Roberts Boulevard; Continuing N44°06'22"E, 2461.57 feet to the intersection with the right-of-way centerline of Ward Avenue; Continuing N44°06'22"E, 22.19 feet; N02°06'37"E, 1028.53 feet to the intersection with the right-of-way centerline of Fort Chaffee Boulevard; Thence along said right-of-way centerline of Fort Chaffee Boulevard the following courses: N44°05'07"E, 1342.85 feet; 435.66 feet along the arc of a curve to the right, said curve having a radius of 1153.53 feet and being subtended by a chord having a bearing of N54°54'17"E and a distance of 433.08 feet; N65°43'28"E, 226.36 feet to a point on the Fort Smith-Barling City Limit Line; Thence along said City Limit Line, S69°20'17"E, 482.65 feet to the northwest corner of a 2.0 acre parcel as described in Deed 2012F-20238; Thence leaving said City Limit Line and along the west line of said

parcel, S20°35'42"W, 279.50 feet to the southwest corner of said parcel; Thence along the south line of said parcel, S69°24'18"E, 83.07 feet; Thence leaving said south line, S20°41'04"W, 743.58 feet to the north line of a 4.59 acre parcel as described in Deed 2011F-07068; Thence along said north line, N68°48'30"W, 355.99 feet to the northwest corner of said parcel; Thence along the west line of said parcel the following courses: S15°30'44"E, 75.04 feet; S03°24'42"E, 378.77 feet to the southwest corner of said parcel; Thence S68°48'30"E, 157.03 feet along the south line of said parcel; Thence leaving said south line, S20°41'04"W, 275.00 feet; Thence S68°48'30"E, 138.05 feet; Thence S18°10'34"W, 227.02 feet to the northwest corner of a 3.68 acre parcel as described in Deed 7064762; Thence along the west line of said parcel, S18°10'34"W, 592.15 feet to the southwest corner of said parcel; Thence S72°28'41"E, 429.14 feet along the south line of said parcel to the centerline of Mahogany Avenue; Thence along said centerline, S12°48'50"W, 98.40 feet to a point on the Military Boundary; Thence along said Military Boundary the following courses: N77°32'11"W, 258.74 feet; S69°57'38"W, 799.16 feet; S54°38'24"W, 100.68 feet to the intersection with the right-of-way centerline of Ward Avenue; Continuing S54°38'24"W, 99.28 feet; S19°53'57"W, 2160.04 feet; S02°54'26"W, 50.86 feet to the intersection with the right-of-way centerline of Roberts Boulevard; Continuing S02°54'26"W, 1462.90 feet; N87°10'46"W, 24.98 feet; S03°21'20"W, 231.77 feet; S86°05'25"E, 24.96 feet; S03°54'54"W, 226.22 feet to the intersection with the right-of-way centerline of Custer Boulevard; Thence along said right-of-way centerline, N86°43'31"W, 2325.30 feet to the Point of Beginning. Containing 289.14 acres, more or less.

Less and except:

A part of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 3 and a part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 9 and a part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 10, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. More particularly described as follows:

Commencing at an existing railroad spike at the Northeast (NE) corner of said NE1/4 of the NE1/4; Section 9, T-7-N, R-31-W, thence S02°41'35"W, 292.03 feet along the East line of said NE1/4 of the NE1/4 to a set iron pin and the Point of Beginning, said point being on the easterly boundary of the City of Fort Smith (CFS) Maintenance Facility; thence N45°58'03"W, 143.38 feet along said easterly boundary, to a set iron pin and the southeasterly right-of-way of Taylor Avenue; thence N44°01'57"E, 317.51 feet along said southeasterly right-of-way to a set iron pin and the southwesterly right-of-way of Fort Smith Boulevard; thence S45°58'21"E, 328.65 feet along said right-of-way to a set iron pin; thence S41°49'29"E, 166.44 feet along said right-of-way to a set iron pin; thence S35°12'39"E, 181.84 feet along said right-of-way to a set iron pin; thence S54°47'21"W, 205.19 feet to a set iron pin; thence N35°12'39"W, 198.00 feet to a set iron pin; thence N77°19'54"W, 205.49 feet to an existing iron pin being the southeast corner of said CFS Maintenance Facility; thence N45°58'03"W, 121.64 feet along the easterly boundary of

said CFS Maintenance Facility to the Point of Beginning. Containing 174,484 square feet or 4.00 acres more or less.

Containing in aggregate 285.14 acres, more or less.

more commonly known as 11701 Custer Boulevard, 7201 Fort Chaffee Boulevard and 12201 Roberts Boulevard is hereby rezoned from Not Zoned (NZ) to a Planned Zoning District (PZD) by Classification. The approved change in zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zone Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

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

PASSED AND APPROVED THIS 5th DAY OF August, 2014.

APPROVED:



Mayor

ATTEST:



City Clerk

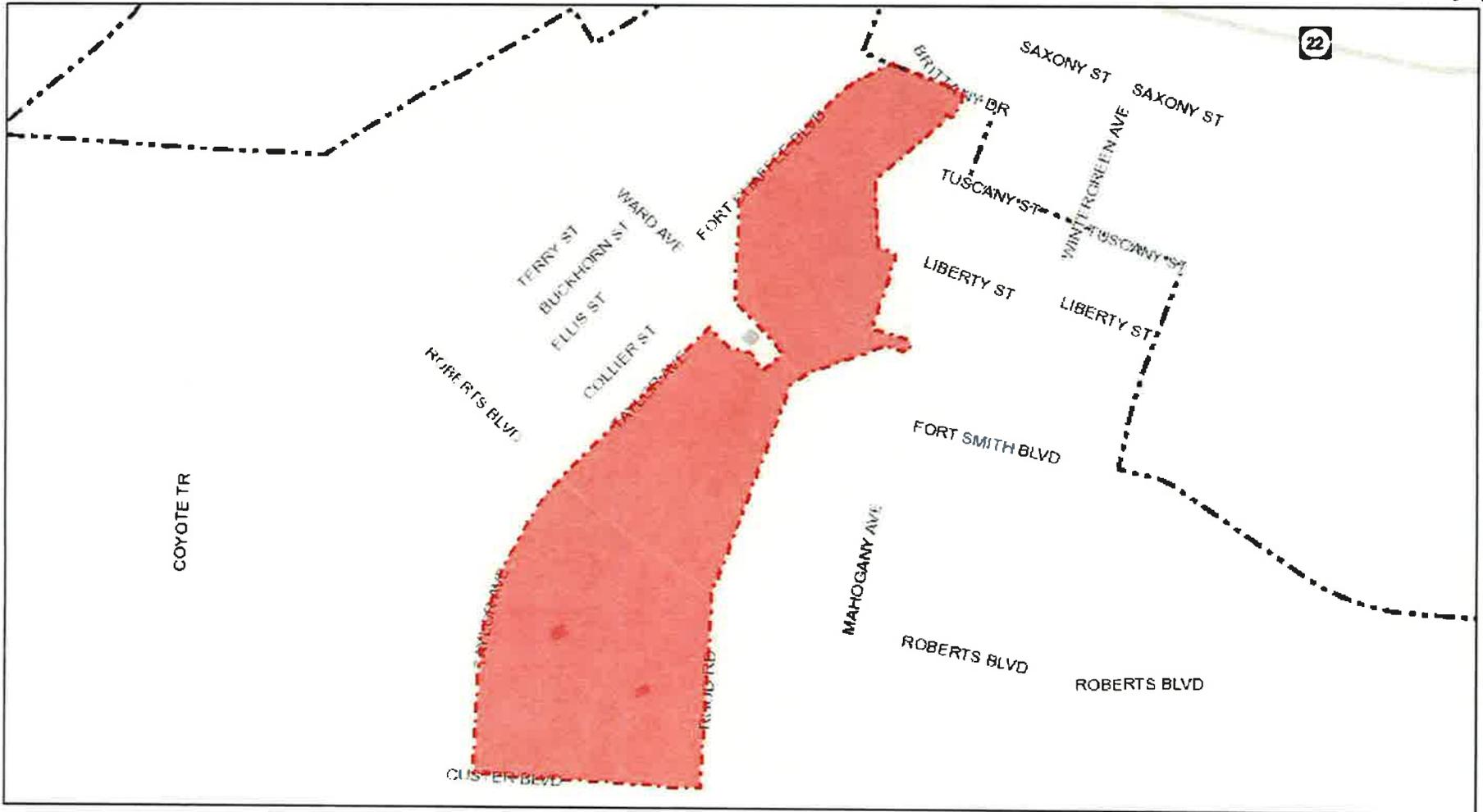
Approved as to form:



Publish One Time

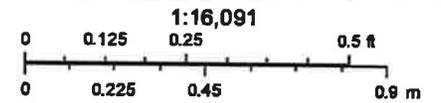
Rezoning #17-7-14: From not Zoned to Planned Zoning District (PZD)

HF



June 16, 2014

[] Fort Smith City Limits



ORDINANCE NO. 37-14AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 16-7-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 8, 2014, 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 the Southeast Quarter of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southeast Corner of said Section 7; thence along the East line of said Section 7, N 02°38'26"E, 259.27 feet to the northerly right-of-way line of Massard Road; thence along said northerly right-of-way line the following courses: N 47°55'39"W, 909.65 feet; 298.68 feet along the arc of a curve to the left, said curve having a radius of 2070.00 feet and being subtended by a chord having a bearing of N 52°03'49"W and a distance of 298.43 feet; N 33°48'10"E, 29.47 feet; N 59°17'16" W, 43.82 feet to the Point of Beginning; continuing along said northerly right-of-way line, N 59°17'16"W, 375.65 feet; 4.36 feet along the arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of N 55°07'23"W and a distance of 4.36 feet; thence leaving said northerly right-of-way line, N 39°15'46"E, 236.11 feet to a point on the easterly right-of-way line of Wells Lake Road; thence along said easterly right-of-way line, N 58°59'55"E, 140.00 feet; thence leaving said easterly right-of-way line, S 43°49'09"E, 289.02 feet; thence S 30°42'44"W, 280.00 feet to the Point of Beginning, containing 2.58 acres, more or less.

more commonly known as 8801 Wells Lake Road, should be, and is hereby rezoned from

Not Zoned (NZ) to Commercial Light (C-2) by Classification, subject to the development plan

approval by the Planning Commission.

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

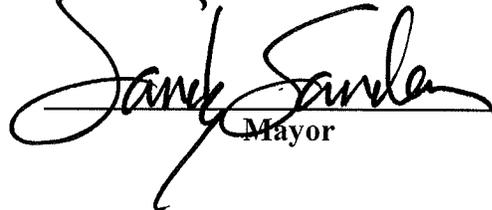
PASSED AND APPROVED THIS 5th DAY OF August, 2014.

ATTEST:



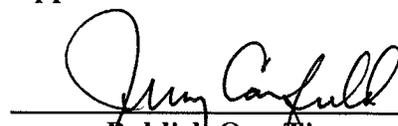
City Clerk

APPROVED:



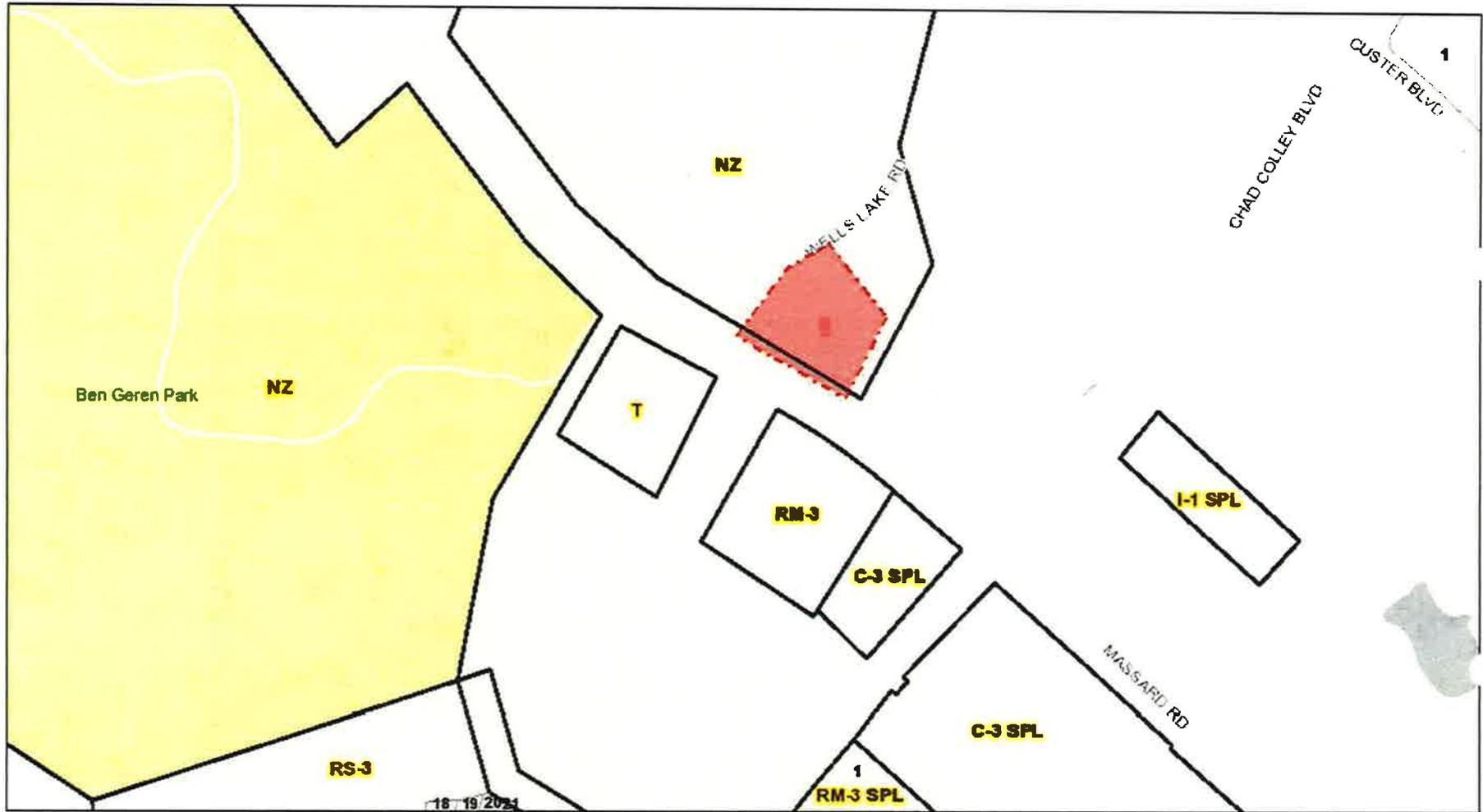
Mayor

Approved as to form:



Publish One Time

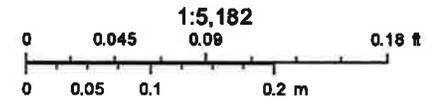
Rezoning #16-7-14: From Not Zoned to Commercial Light (C-2) 8801 Wells Lake Road



June 16, 2014

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions

SF



ORDINANCE NO. 38-14**AN ORDINANCE PROHIBITING AND REGULATING THE PLACEMENT AND MAINTENANCE OF SIGNS IN PUBLIC RIGHTS-OF-WAY**

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

SECTION 1: Except for traffic signs installed or authorized by the City of Fort Smith, and except as is provided in Sections 2, 3 and 4 of this Ordinance, it is unlawful for any person or entity to place, cause to be placed, or maintain any sign or banner in any public right-of-way or upon any utility pole, traffic sign, signal or device in any public right-of-way in the City of Fort Smith. The term public right-of-way includes the entire width of all dedicated public rights-of-way as well as all right-of-way used for public purposes by prescription. Subject to contrary determination, there is a presumption that all areas between a public sidewalk and the edge of the adjacent paved street, all drainage ditch areas, and all areas within ten (10) feet of the adjacent paved street are within a public right-of-way.

SECTION 2: The following temporary signs are exempt from the provisions of Section 1 above under the conditions, but only under the conditions stated:

(i) With permission of the adjacent property owner, if any, who maintains the right-of-way area, temporary signs no greater than four (4) square feet in size may be placed in public right-of-way, but not on a utility pole, sign or other device in the right-of-way, in an area not used for vehicular traffic at a time no earlier than Friday at 12:00 noon and, if so placed, shall be removed by the first following Monday at 12:00 noon.

(ii) With permission of the adjacent property owner, if any, who maintains the

right-of-way area, nonprofit organizations may place in public right-of-way, but not on a utility pole, sign or other device in the right-of-way, in an area not used for vehicular traffic temporary signs of a noncommercial nature for the purpose of directing the public to the location of an event or activity which promotes the general public welfare; provided no more than three (3) signs directing the general public to such event or activity shall be placed in public rights-of-way and further provided no such temporary sign shall be allowed to remain on public right-of-way for more than seven (7) consecutive days.

(iii) Sandwich board signs are permitted on the sidewalks in the Garrison Avenue Historic District area that is within the Central Business Improvement District. The sandwich board signs must comply with the CBID Design Guidelines.

SECTION 3: (a) Except as permitted by Section 2 and 4 any person or entity desiring to place a sign within public right-of-way on a temporary basis may petition the Board of Directors of the City of Fort Smith for a temporary revocable license for such use of the public right-of-way. The petition seeking a temporary revocable license for such use shall be filed with the Fort Smith City Clerk, shall be in writing, shall contain a map depicting the proposed location of the use of the public right-of-way, shall identify the dimensions of the sign proposed for temporary placement in the public right-of-way, shall identify the type of the sign by a general category such as "religious", "political", "business advertising", "special event advertising", etc., and shall be submitted in advance of any placement of a sign for which the temporary revocable license is requested. The City Clerk shall cause the petition for a temporary revocable license to be scheduled for review by the Board of Directors. The petitioned temporary sign shall not be placed prior to the issuance of an approved temporary revocable license and its continued placement shall be subject to the terms of the temporary revocable license.

(b) The City Administrator is hereby authorized and directed to prepare a form for potential issuance of a "temporary revocable license" which might be issued by the Board of Directors to authorize a temporary location of a sign in a public right-of-way and setting the conditions for the removal of the sign upon completion of the term of the license.

SECTION 4: Section 27-704-5(c) of the Fort Smith Code is hereby amended to read:

(c) No permanent sign base or support shall be erected or maintained in any public right-of-way. After obtaining an appropriate sign permit from the city, signs may be installed so that a portion of the sign occurs in the air space of a public right-of-way, subject to the following requirements:

- (1) The sign face may not be more than thirty-six (36) inches in height; and,
- (2) Any portion of the sign occurring in the public right-of-way shall be at least twelve (12) feet above the ground surface of the right-of-way; and,
- (3) The supportive post(s) (which may not be located in the right-of-way) for any such sign shall not be more than two (2) and shall not be more than sixteen (16) inches in width or diameter.
- (4) Such heights of thirty-six (36) inches and twelve (12) feet are to be measured from the elevation of the center of the street at the point of the overhanging portion of sign. If the sign occurs in or over the rights-of-way of two (2) streets, such heights of thirty-six (36) inches and twelve (12) feet are to be measured from the higher street.
- (5) All signage that is placed at intersecting streets in the triangular area (known as the sight triangle) shall be governed by (c)(1) and (c)(2) above. The sight triangle is described as the area delineated by a distance of twenty-five (25) feet along the intersecting property lines, beginning at the property corner point and extending said twenty-five (25) feet in both directions away from the corner point of intersection and then connecting the terminus points by a line to form the triangular area.

SECTION 5: Section 27-704-5(f) of the Fort Smith Code is hereby repealed on the basis that its requirement has been included within the provision adopted by Section 4 above.

SECTION 6: Enforcement.

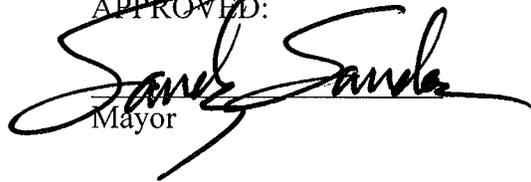
(a) Any person or entity violating the provisions of Section 1 or causing a sign to be located in the public rights-of-way in violation of the provisions of Sections 3 or 4 shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties set forth in Section 1-9 of the Fort Smith Code of Ordinances.

(b) The City Administrator, by his designated agents, is hereby authorized and directed to remove any sign violating the provisions of this Ordinance from the public rights-of-way. Any such sign removed from the public right-of-way is subject to immediate destruction. The City Administrator may develop procedures for the temporary impounding of such signs and reasonable efforts of notifying the owners of the signs of their availability of removal from impoundment by the City.

SECTION 7: The codifier of the Fort Smith Municipal Code will codify the provisions of Sections 1, 2, 3, 4, 5 and 6 of this Ordinance within the previously reserved sections of Article I of Chapter 22 of the Fort Smith Municipal Code.

This Ordinance adopted this 5th day of August, 2014.

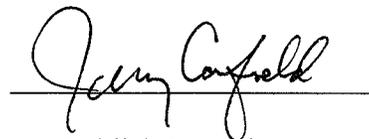
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


Publish One Time

ORDINANCE NO. 39-14

**AN ORDINANCE FOR THE PURPOSE OF ADOPTING THE 2012 EDITION OF THE
INTERNATIONAL FIRE CODE KNOWN AS THE 2012 ARKANSAS FIRE
PREVENTION CODE VOLUME I AND OTHER PROVISIONS RELATING THERETO**

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

SECTION 1: Section 10-31 of the Fort Smith Municipal Code is amended to read as follows:

There is hereby adopted by the Board of Directors for the purpose of establishing rules and regulations governing conditions hazardous to life and property from fire and explosion that certain code known as the Fire Prevention Code adopted by the Fire Marshal Section of the Arkansas State Police, being particularly the 2012 edition of the Arkansas Fire Prevention Code Volume I of such code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been incorporated as fully as if set out at length herein; and the provisions thereof shall be controlling within the City.

SECTION 2: Section 10-32 of the Fort Smith Municipal Code is amended to read as follows:

The code adopted by this article is amended and changed in the following respects:

- (3) Delete this paragraph in its entirety.
- (4) Appendixes B, C, D, E, F, G and K are adopted.
- (5) Delete Appendixes A, H, I and J.

SECTION 3: Effective Date:

The Ordinance shall be effective commencing on September 2, 2014.

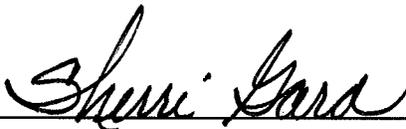
PASSED AND APPROVED THIS 5th DAY OF August, 2014.

APPROVED:



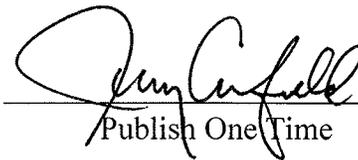
Mayor

ATTEST:



City Clerk

Approved as to form:



Publish One Time

ORDINANCE NO: 40-14

AN ORDINANCE FOR THE PURPOSE OF ADOPTING THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODE KNOWN AS THE 2012 ARKANSAS FIRE PREVENTION CODE VOLUME II AND OTHER PROVISIONS RELATING THERETO

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

SECTION 1: Section 6-26 of the Fort Smith Municipal Code is amended to read as follows:

There is hereby adopted by the Board of Directors for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the International Building Code being particularly the 2012 edition of the Arkansas Fire Prevention Code Volume II of such code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been incorporated as fully as if set out at length herein; and the provisions thereof shall be controlling within the city.

SECTION 2: Section 6-27 of the Fort Smith Municipal Code is amended to read as follows:

The code adopted by this article is amended and changed in the following respects:

(4) Section 109.4 is amended to read as follows:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing before obtaining the necessary permits shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fee.

(6) Section 3408.2 is mended to read as follows:

A certificate of occupancy for an existing building will be required only when a change of occupancy shall be made in a building, and a building permit required. "Occupancy" is defined as the purpose for which a building, or part thereof, is used or intended to be used. Change of ownership does not necessarily indicate change of occupancy. A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with this code, for the occupancy intended. Where necessary, in the opinion of the building official, two sets of detailed

drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of this code for such occupancy, a certificate of occupancy shall be issued.

- (7) Appendix D is adopted:
- (8) Delete Appendixes A, B, C, E, F, G, H, I, J, K, L and M.

SECTION 3: Effective Date:

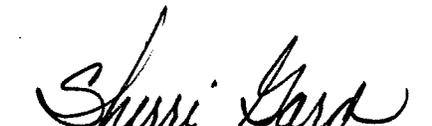
The ordinance shall be effective commencing September 2, 2014.

PASSED AND APPROVED THIS 5th DAY OF August, 2014.

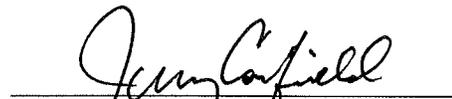
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


Publish One Time

ORDINANCE NO. 41-14

**AN ORDINANCE AMENDING SECTION 6-2 OF THE FORT SMITH
MUNICIPAL CODE FOR THE PURPOSE OF ADOPTION OF THE
INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY
DWELLINGS KNOWN AS THE 2012 EDITION OF THE ARKANSAS FIRE
PREVENTION CODE VOLUME III.**

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

SECTION 1: Section 6-2 of the Fort Smith Municipal Code is hereby amended to read as follows:

For the purpose of prescribing regulations governing the minimum standards applicable to one and Two Family Dwellings in the City, there is hereby adopted that certain code known as the 2012 Edition of the International Residential One and Two Family Dwellings Code Known as the 2012 Edition of the Arkansas Fire Prevention Code Volume III less and except the identified chapters and appendixes of which code not less than three (3) copies have been and are now filed in the office of the City Clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlled in the limits of the City of Fort Smith, Arkansas.

SECTION 2: Section 6-3 Amendments of the Fort Smith Municipal Code is amended to read as follows:

The code adopted by this article is amended and changed in the following respects:

(3) A New Section R105.10 - Contractors Licensing is added to the Code:

It shall be the duty of every contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every contractor or builder making such contracts and subletting the same, or any part thereof, to obtain a license from the applicable state agency and obtain a city occupational license as provided in the general license ordinance.

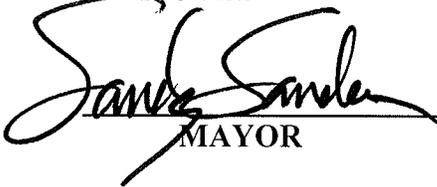
(6) The following chapters and appendixes are to be deleted in their entirety and not adopted:

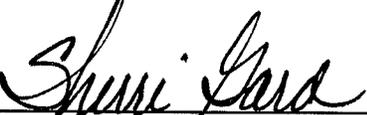
Chapters 11 through 42 and Appendixes A through Q.

SECTION 3: Effective Date:

This Ordinance shall be effective commencing September 2, 2014.

PASSED AND APPROVED THIS 5th DAY OF August 2014

APPROVED

MAYOR

ATTEST:

CITY CLERK

Approved as to form:


Publish One Time

ORDINANCE NO. 42-14

AN ORDINANCE AMENDING SECTION 10-2, SUBSECTIONS (b) AND (c) OF THE FORT SMITH MUNICIPAL CODE

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

SECTION 1: Section 10-2 (b) and (c) of the Fort Smith Municipal Code is amended to read as follows:

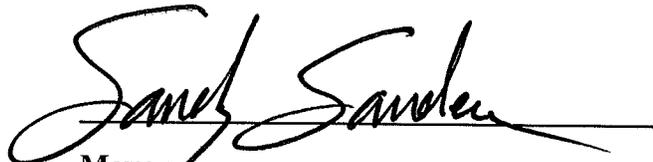
- (b) The fire code board of appeals referred to in this section is the board of appeals provided for by the Arkansas State Fire Prevention Code, Volume 1, currently in force in the city as adopted in Section 10-31. It is expressly determined that such fire code board of appeals has those powers and duties provided for in Volume 1, section 108, of the 2012 Arkansas State Fire Prevention Code.
- (c) Except as expressly set forth in this section, the procedure for the handling of such appeals from the decisions of the fire official/building official to the fire code board of appeals, including the finality of decisions thereof, shall be those procedures which are specified in the 2012 Arkansas State Fire Prevention Code.

SECTION 2: Effective Date:

The Ordinance shall be effective commencing September 2, 2014.

PASSED AND APPROVED THIS 5th DAY OF August, 2014.

APPROVED:

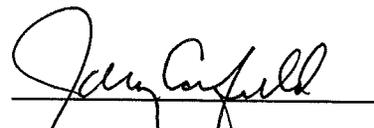

Mayor

ATTEST:



City Clerk

Approved as to form:



Publish One Time

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A NON-EXCLUSIVE FIBER OPTICS NETWORK FRANCHISE
AGREEMENT WITH VANTAGE TELECOM, LLC D/B/A
NEWROADS TELECOM

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that the Mayor is authorized to execute the attached Non-Exclusive Fiber Optics Network Franchise Agreement with Vantage Telecom, LLC d/b/a Newroads Telecom. A copy of said Franchise Agreement has been on file with the City Clerk's office for one (1) week prior to passage.

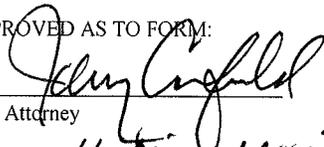
This Resolution adopted this 5th day of August, 2014.


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney
No publication required

RESOLUTION NO. R-93-14

**RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION
TO VACATE AN ALLEY LOCATED IN
EAST HEIGHTS BLOCK 1 AND BLOCK 2
AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS**

WHEREAS, a petition to vacate an alley located in East Heights, Block 1 and Block 2, an addition to the City of Fort Smith, Arkansas, has been filed with the Office of the City Clerk in the manner and form as provided by law.

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

Said petition is hereby set for hearing on the 19th day of August 2014, at 6:00 p.m. at the regular meeting of the Board of Directors of the City of Fort Smith, and the city clerk is hereby directed to give notice of said meeting by publication once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fort Smith, Arkansas.

THIS RESOLUTION ADOPTED THIS 5th DAY OF AUGUST 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:

no publication required

RESOLUTION R-94-14

**A RESOLUTION TO ACCEPT THE BIDS AND
AUTHORIZE A CONTRACT FOR THE CONSTRUCTION OF
DRAINAGE IMPROVEMENTS
PROJECT NO. 13-06-B2**

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

SECTION 1: The bid of Brothers Construction, Inc., received July 29, 2014 for the construction of Drainage Improvements, Project No. 13-06-B2, in the amount of \$510,379.00 be accepted.

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

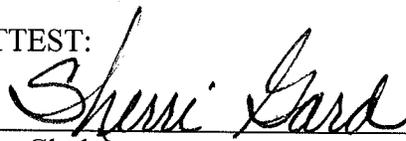
SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this 5th day of August, 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form


 No Publication Required
 Publish ___ Times

A RESOLUTION AUTHORIZING THE EARLY REDEMPTION
OF OUTSTANDING PARKING FACILITIES REFUNDING AND
IMPROVEMENT REVENUE BONDS, SERIES 1998

WHEREAS, it has been determined that the Parking Authority Fund has sufficient cash on hand to redeem all remaining bonds associated with the Parking Facilities Refunding and Revenue Improvement Bonds, Series 1998; and

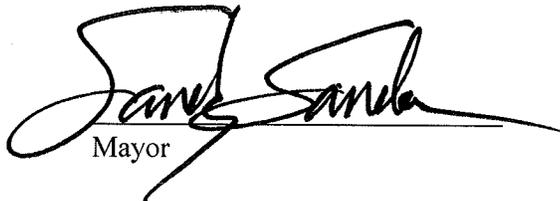
WHEREAS, it has been determined that the remaining bonds, due for redemption in 2017, may be called early without penalty upon providing the required notice to the shareholders; and

WHEREAS, early redemption of said bonds with unobligated cash on hand will net a savings by avoiding interest payments associated with the scheduled debt service; and

WHEREAS, the Fort Smith Parking Authority met on July 17, 2014 and unanimously recommended that the remaining bonds be redeemed as soon as possible.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that the City Administrator, or his designee, is duly directed to seek early redemption of all outstanding Parking Facilities Refunding and Improvement Revenue Bonds, Series 1998.

This Resolution adopted this 5th day of August, 2014.


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney
No publication required

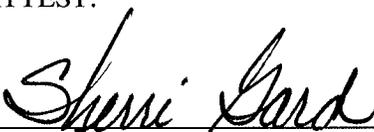
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A LEASE AGREEMENT WITH SMITH AUTOMOTIVE
ACCOUNTING, LLC FOR PARKING SPACES IN THE PROXIMITY
OF 720 GARRISON AVENUE

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that the Mayor is authorized to execute the attached Lease Agreement with Smith Automotive Accounting, LLC for the purpose of providing parking spaces for employees at 720 Garrison Avenue in keeping with the Board's stated objective of supporting job creation and downtown development.

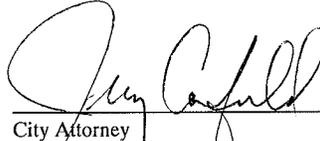
This Resolution adopted this 5th day of August, 2014.


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney
No Publication Required

RESOLUTION NO. R-97-14

A RESOLUTION ACCEPTING THE BID AND
AUTHORIZING A CONTRACT WITH RICHARDSON ROOFING LLC
FOR RE-ROOFING OF THE CREEKMORE POOL BUILDING AND THE
ROOF REPLACEMENT OF THE CREEKMORE COMMUNITY CENTER

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

SECTION 1: The bid of Richardson Roofing LLC for the Re-roofing of the
Creekmore Pool Building and the Roof Replacement of the Creekmore Community
Center is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with
Richardson Roofing LLC for an amount not to exceed \$87,000.00, for performing said
project.

This Resolution adopted this 5th day of August, 2014.

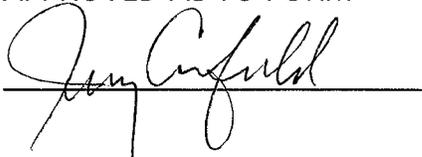
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM


npr

RESOLUTION NO. R.98-14

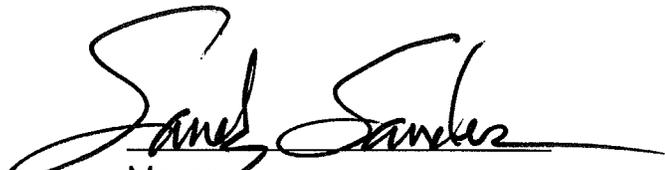
A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE AN ELECTRIC UTILITY EASEMENT WITH OG&E
FOR THE AQUATIC FACILITY AT BEN GEREN REGIONAL PARK

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

The Mayor is hereby authorized to execute, his signature being attested by the
City Clerk, the attached electric utility easement with OG&E for the aquatic facility at Ben
Geren Regional Park, subject to concurrence by the authorized officials of Sebastian
County.

This Resolution adopted this 5th day of August, 2014.

APPROVED:



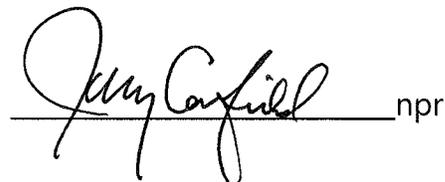
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM



npr

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AN OFFER MADE BY A PROPERTY OWNER FOR THE ACQUISITION OF REAL PROPERTY INTERESTS FOR THE LAKE FORT SMITH WATER SUPPLY

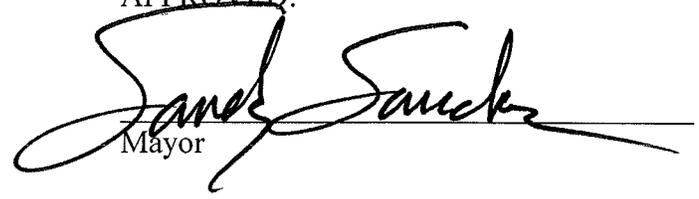
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

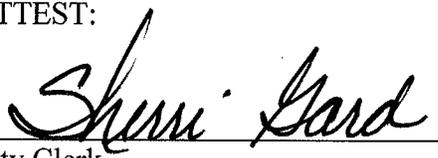
The City Administrator is hereby authorized to accept an offer for the acquisition of real property made by the following property owner:

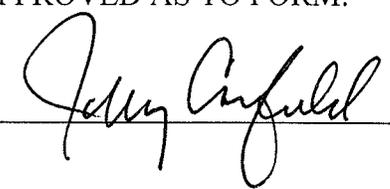
<u>Tract Number</u>	<u>Property Owner</u>	<u>Amount</u>
12-1	Roger D. Pense and Diana K. Pense	\$4,000.00

and to make payment for same in connection with the acquisition of 0.93 acres of real property designated as 99-01-P for the Lake Fort Smith Water Supply, Project 99-01, said property being located on Highway 71 North, Mountainburg, Arkansas 72946, being a part of Section 12, Township 12 North, Range 30 West, Crawford County, Arkansas.

This Resolution adopted this 5th day of August 2014.

APPROVED: 
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
 npr

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT
OFFER MADE BY PROPERTY OWNER FOR THE ACQUISITION OF
REAL PROPERTY INTERESTS FOR THE MILL CREEK
INTERCEPTOR IMPROVEMENTS - PHASE II

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

The City Administrator is hereby authorized to accept a settlement offer made by the following
property owner:

<u>Tract No.</u>	<u>Owner</u>	<u>Amount of Charitable Donation</u>
Tract 31	Richard Griffin & Robert Viguet	\$17,232.00

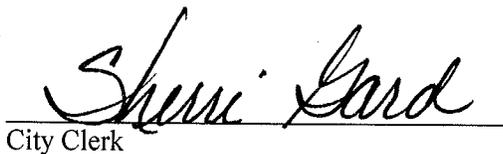
and to accept a charitable donation of 2.21 acres of real property at the appraised value of \$17,232.00 in
connection with the following property designated as 12-12-P, Tract 31, for the Mill Creek Interceptor
Improvements - Phase II, Project 12-12-C1, said property being located near the 4200 block of Towson
Avenue, Fort Smith, Arkansas.

This Resolution adopted this 5th day of August 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION AUTHORIZING AMENDMENT NUMBER ONE TO AUTHORIZATION NUMBER THREE WITH MICKLE WAGNER COLEMAN, INC., FOR THE ENGINEERING SERVICES FOR CHAFFEE CROSSING WATER SUPPLY IMPROVEMENTS - GEREN ROAD AND MASSARD ROAD WATER LINES

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

SECTION 1: Amendment Number One to Authorization Number Three under the Agreement with Mickle Wagner Coleman, Inc., for providing construction phase services for the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines, Project Number 12-04-EC2, is hereby approved.

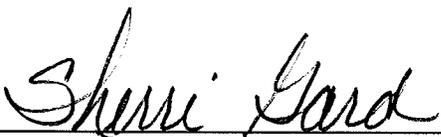
SECTION 2: The Mayor is hereby authorized to execute Amendment Number One in the amount of \$76,600.00, for construction phase services, adjusting Authorization Number Three to the amount of \$307,952.00.

This Resolution adopted this 5th day of August 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER ONE TO THE AGREEMENT WITH HAWKINS WEIR ENGINEERS, INC., FOR ENGINEERING SERVICES FOR THE MASSARD INTERCEPTOR ACCESS IMPROVEMENTS

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

SECTION 1: Amendment Number One to the Agreement dated April 2, 2013, with Hawkins Weir Engineers Inc., for providing construction management services associated with the construction of the Massard Interceptor Access Improvements, Project Number 13-03-EC1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number One for construction phase services in the amount of \$27,000.00.

This Resolution adopted this 5th day of August 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 npr

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE
MAYOR TO EXECUTE A CONTRACT WITH GOODWIN & GOODWIN, INC.,
FOR THE MASSARD INTERCEPTOR ACCESS IMPROVEMENTS

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

SECTION 1: The bid of Goodwin & Goodwin, Inc., for the construction of the Massard
Interceptor Access Improvements, Project Number 13-03-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Goodwin &
Goodwin, Inc., for an amount of \$197,560.00, for performing said construction.

This Resolution adopted this 5th day of August 2014.

APPROVED:

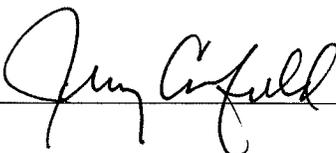

Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CDM SMITH, INC., FOR PROVIDING ENGINEERING SERVICES FOR THE "P" STREET SEWER BASIN HYDRAULIC MODEL UPDATE

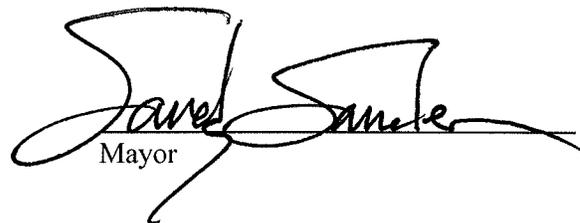
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: An Agreement with CDM Smith, Inc., for providing engineering services for the "P" Street Sewer Basin Hydraulic Model Update, Project Number 14-07-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement for professional engineering services in the amount of \$108,436.00.

This Resolution adopted this 5th day of August 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr