

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**

**July 5, 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**

Director Don Hutchings

**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, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-ofdirectors-meetings>

**APPROVE MINUTES OF THE JUNE 21, 2016 REGULAR MEETING**

**APPROVED** as written

**ITEMS OF BUSINESS:**

1. Items regarding annexation and land use of 11512 Old Highway 71 South:
  - A. Ordinance accepting certain territory into the city of Fort Smith, Arkansas  
*(Rye Hill Baptist Church, 11512 Old Highway 71 South)*  
**APPROVED** 7 in favor, 0 opposed / Ordinance No. 38-16

B. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Unclassified / Extraterritorial Jurisdiction Commercial Neighborhood to General Commercial / Rezoning: from not zoned (NZ) / Extraterritorial Open-1 (ETJ O-1) to Commercial Moderate (C-3) by classification located at 11512 Old Highway 71 South*)

**APPROVED** 7 in favor, 0 opposed as revised to correct a typographical error within the ordinance (Highway 271 South to Highway 71 South) / Ordinance No. 39-16

2. Ordinance rezoning identified property and amending the zoning map (*from Industrial Light (I-1) to Industrial Moderate (I-2) by extension located at 400 Phoenix Avenue*)

**APPROVED** 7 in favor, 0 opposed / Ordinance No. 40-16

3. Resolution authorizing execution of telecommunications services agreement with Cox Arkansas Telcom, LLC (\$18,386.75 / *Information & Technology Department / Budgeted – Communications 4401-210*)

**APPROVED** 6 in favor, 0 opposed, 1 abstention (Settle) / Resolution No. R-99-16

4. Resolution authorizing an amendment to an agreement with River Valley Sports Complex altering the language of the draw schedule

**APPROVED** 6 in favor, 0 opposed, 1 abstention (Catsavis) / Resolution No. R-100-16

#### **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**

6:22 p.m.

1A.

ORDINANCE NO. 38-16

**AN ORDINANCE ACCEPTING CERTAIN TERRITORY INTO  
THE CITY OF FORT SMITH, ARKANSAS**

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

**WHEREAS**, on the 20<sup>th</sup> day of May, 2016, before the County Court of Sebastian County, Arkansas, Greenwood District, there came to be heard a Petition, in proper form and substance, executed by all of the real estate owners in the territory to be annexed;

**WHEREAS**, the property desired to be annexed was described accurately as follows:

**TRACT 1:**

Part of the Southeast Quarter of the Northeast Quarter of Section 23, Township 7 North, Range 32 West, Greenwood District, Sebastian County, Arkansas being more particularly described as follows: Commencing at an existing P/K Nail marking the Southeast corner of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 19 minutes 59 seconds West, 437.51 feet along the East line of said Southeast Quarter of the Northeast Quarter; thence North 89 degrees 47 minutes 00 seconds West, 256.65 feet to a set rebar being the Point of Beginning; thence North 89 degrees 47 minutes 00 seconds West, 104.00 feet to an existing rebar; thence North 00 degrees 46 minutes 00 seconds East, 208.70 feet to an existing rebar; thence South 89 degrees 47 minutes 00 seconds East, 104.00 feet to a set rebar; thence South 00 degrees 46 minutes 00 seconds West 208.70 feet to the point of beginning.

**TRACT 2**

Part of the Southeast Quarter of the Northeast Quarter of Section 23, Township 7 North, Range 32 West, Greenwood District, Sebastian County, Arkansas being more particularly described as follows: Commencing at an existing P/K nail marking the Southeast corner of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 19 minutes 59 seconds West, 437.51 feet along the East line of said Southeast Quarter of the Northeast Quarter; thence North 89 degrees 47 minutes 00 seconds West, 360.65 feet to an existing rebar being the point of beginning; thence North 89 degrees 47 minutes 00 seconds West, 337.44 feet to an existing rebar on the Easterly right of way line of U.S. Highway 71;

thence North 30 degrees 42 minutes 46 seconds East, 555.75 feet to a set rebar; thence South 89 degrees 43 minutes 49 seconds East, 60.00 feet to an existing rebar; thence South 00 degrees 46 minutes 00 seconds West, 478.84 feet to the point of beginning.

**WHEREAS**, the County Court for Sebastian County, Arkansas, Greenwood District approved the Petition and ordered the annexation of the described property.

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

The territory above described be accepted into the City of Fort Smith, Arkansas, annexed to the City of Fort Smith, Arkansas, and made a part thereof for all purposes as provided by law.

PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF July, 2016.

APPROVED:

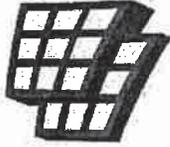
  
\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to form:

  
\_\_\_\_\_  
Publish One Time



ARKANSAS  
GIS OFFICE

April 19, 2016

Mr. Joshua Carson  
Jones, Jackson & Moll, PLC  
401 N. 7<sup>th</sup> Street  
P.O. Box 2023  
Fort Smith, AR 72902

RE: City of Fort Smith Annexation Coordination Requirement

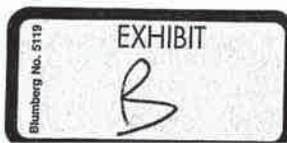
Mr. Carson,

Thank you for coordinating with our office as you seek to annex property into the City of Fort Smith, AR situated in the southeast quarter of the northeast quarter of section 23, township 7 north, range 32 west. This letter represents confirmation that you have properly coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90<sup>th</sup> General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by the County Clerk.

Thank you,

Richie Pierce, Sr. GIS Analyst  
/rp



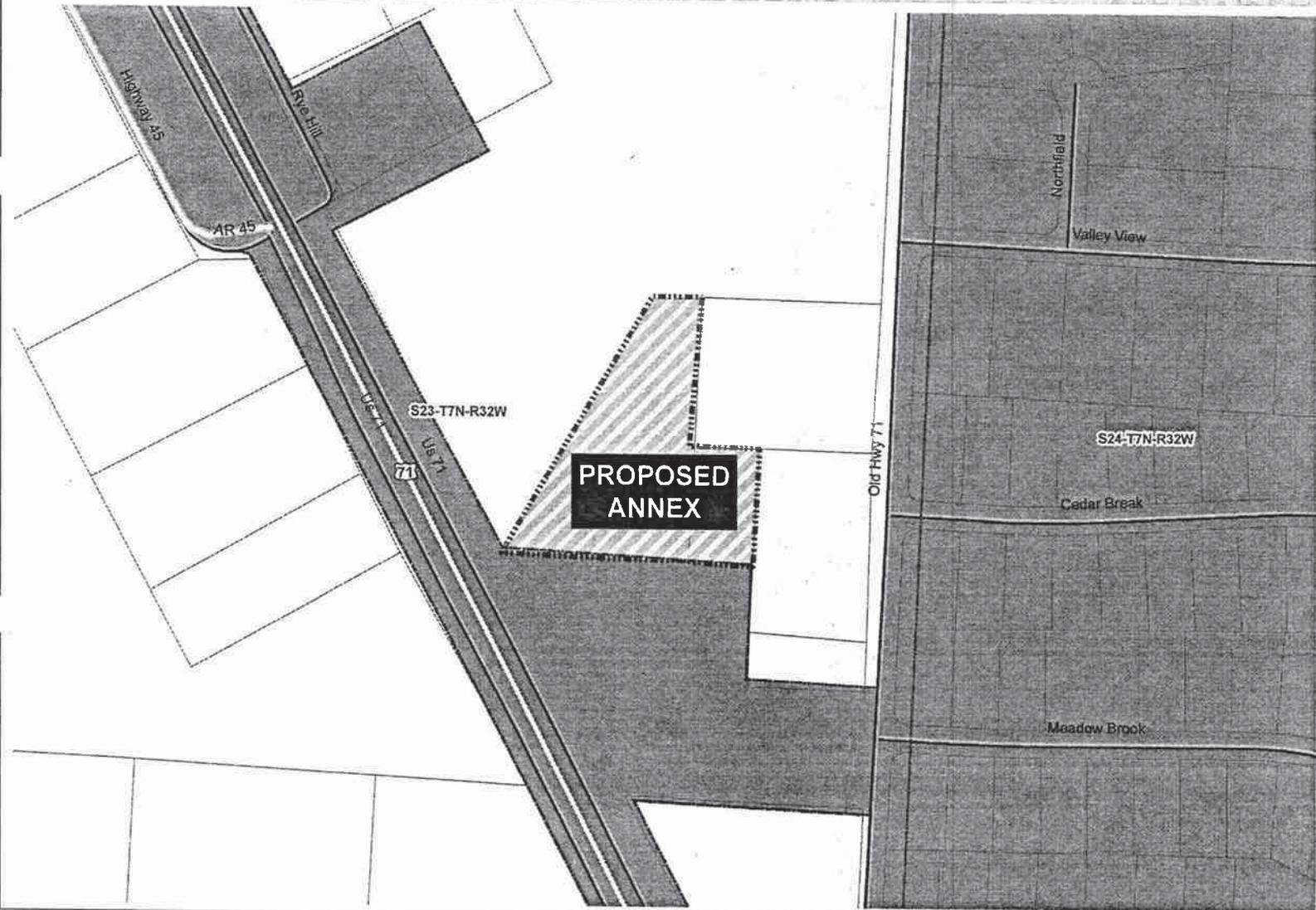
Proposed Annex: City of Forth Smith  
April 2016

City: Forth Smith  
Mayor: Sandy Sanders

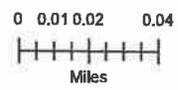
Arkansas Code 14-40-101.

Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015



- Proposed Annex
- Township-Range
- Sections
- Parcels
- Highway
- Minor Road
- Existing City
- Neighboring City
- County Boundary



ARKANSAS  
GIS OFFICE

ORDINANCE NO. 39-16

1B.  
As Revised

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

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**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 June 14, 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. 13-6-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on June 14, 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 Unclassified and Extra Territorial Jurisdiction Neighborhood Commercial to General Commercial is hereby amended to reflect said amendment to-wit:

Part of the Southeast Quarter of the Northeast Quarter of Section 23, Township 7 North, Range 32 West, Sebastian County, Arkansas. Being more particularly described as follows:

Beginning at the Southeast Corner of said Southeast Quarter of the Northeast Quarter; Thence along the south line of said Southeast Quarter of the Northeast Quarter, N86°58'05"W, 437.98 feet to the easterly right-of-way of U.S. Highway 71; Thence along said easterly right-of-way, N27°53'30"W, 306.93 feet; Thence continuing along said easterly right-of-way, N28°03'12"W, 205.23 feet; Thence leaving said right-of-way, N33°38'34"E, 555.59 feet; Thence S86°50'50"E, 60.58 feet; Thence S03°49'34"W, 270.20 feet; Thence S86°50'56"E, 104.00 feet; Thence S03°38'52"W, 208.65 feet; Thence S86°54'10"E, 12.79 feet; Thence S02°36'14"W, 208.75 feet; Thence S86°51'42"E, 243.78 feet to a point on the east line of said Southeast Quarter of the Northeast Quarter; Thence S02°46'17"W, 228.86 feet to the Point of Beginning. Containing 7.23 acres, more or less.

More commonly known as 11512 Old Highway 71 South.

**SECTION 2:** The hereinafter described property is hereby rezoned from Not Zoned (NZ) and Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Commercial Moderate (C-3) by Classification.

Part of the Southeast Quarter of the Northeast Quarter of Section 23, Township 7 North, Range 32 West, Sebastian County, Arkansas. Being more particularly described as follows:

Beginning at the Southeast Corner of said Southeast Quarter of the Northeast Quarter; Thence along the south line of said Southeast Quarter of the Northeast Quarter, N86°58'05"W, 437.98 feet to the easterly right-of-way of U.S. Highway 71; Thence along said easterly right-of-way, N27°53'30"W, 306.93 feet; Thence continuing along said easterly right-of-way, N28°03'12"W, 205.23 feet; Thence leaving said right-of-way, N33°38'34"E, 555.59 feet; Thence S86°50'50"E, 60.58 feet; Thence S03°49'34"W, 270.20 feet; Thence S86°50'56"E, 104.00 feet; Thence S03°38'52"W, 208.65 feet; Thence S86°54'10"E, 12.79 feet; Thence S02°36'14"W, 208.75 feet; Thence S86°51'42"E, 243.78 feet to a point on the east line of said Southeast Quarter of the Northeast Quarter; Thence S02°46'17"W, 228.86 feet to the Point of Beginning. Containing 7.23 acres, more or less.

more commonly known as 11512 Old Highway 71 South.

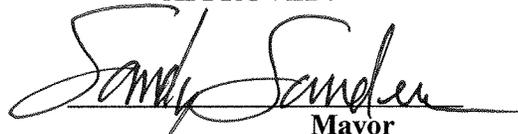
The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF July, 2016.

**ATTEST:**

  
City Clerk

**APPROVED:**

  
Mayor

**Approved as to form:**

  
Publish One Time

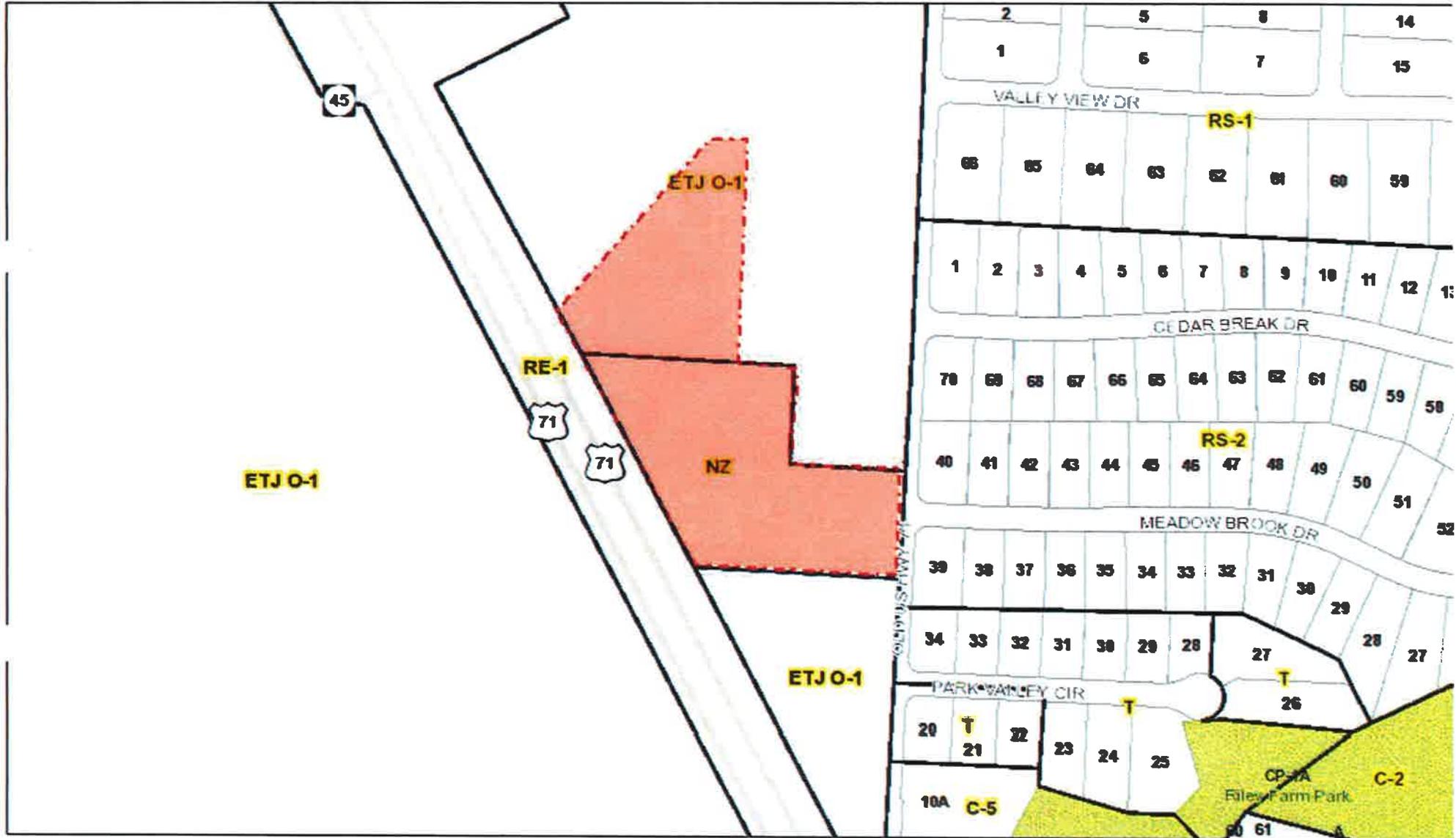
MLUPA - from ETJ Neighborhood Commercial & Unclassified to General Commercial  
 11512 Old Highway 71

56



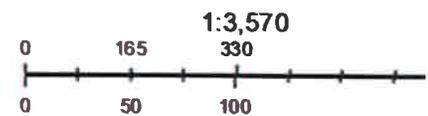
# Rezoning #13-6-16: From Not Zoned & ETJ Open-1 to Commercial Moderate (C-3)

## 11512 Old Hwy 71 South



May 24, 2016

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



ORDINANCE NO. 40-16

**AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP**

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**WHEREAS**, the City Planning Commission has heretofore held a public hearing upon request No. 12-6-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on June 14, 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:

Tract 1, Valmont Addition – Lot split as filed for record on September 21, 1982

AND

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

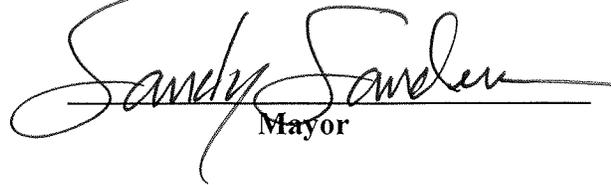
Commencing at the Northwest Corner of said SE/4, NW/4; thence S 86°30'36"E, 68.08 feet along the North line of said SE/4, NW/4; thence S 03°25'53"W, 30.18 feet to the Point of Beginning; thence S 86°36'43"E, 272.32 feet; thence S 02°03'32"W, 105.33 feet to a point on the North line of Tract 1, Valmont Addition – Lot Split; thence N 86°31'30"W, 324.68 feet along said North line to a point on the Easterly right-of-way of State Line Road; thence N 02°24'55"E, 35.02 feet along said right-of-way line; thence S 86°50'46"E, 50.45 feet; thence N 03°25'53"E, 69.58 feet to the Point of Beginning, containing 0.70 acres more or less.

more commonly known as 400 Phoenix Avenue, should be, and is hereby rezoned from

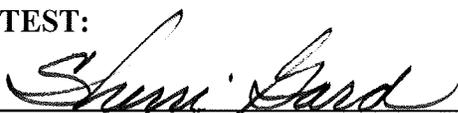
Industrial Light (I-1) to Industrial Moderate (I-2) by Extension.

PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF July, 2016.

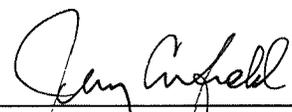
APPROVED:

  
\_\_\_\_\_  
Mayor

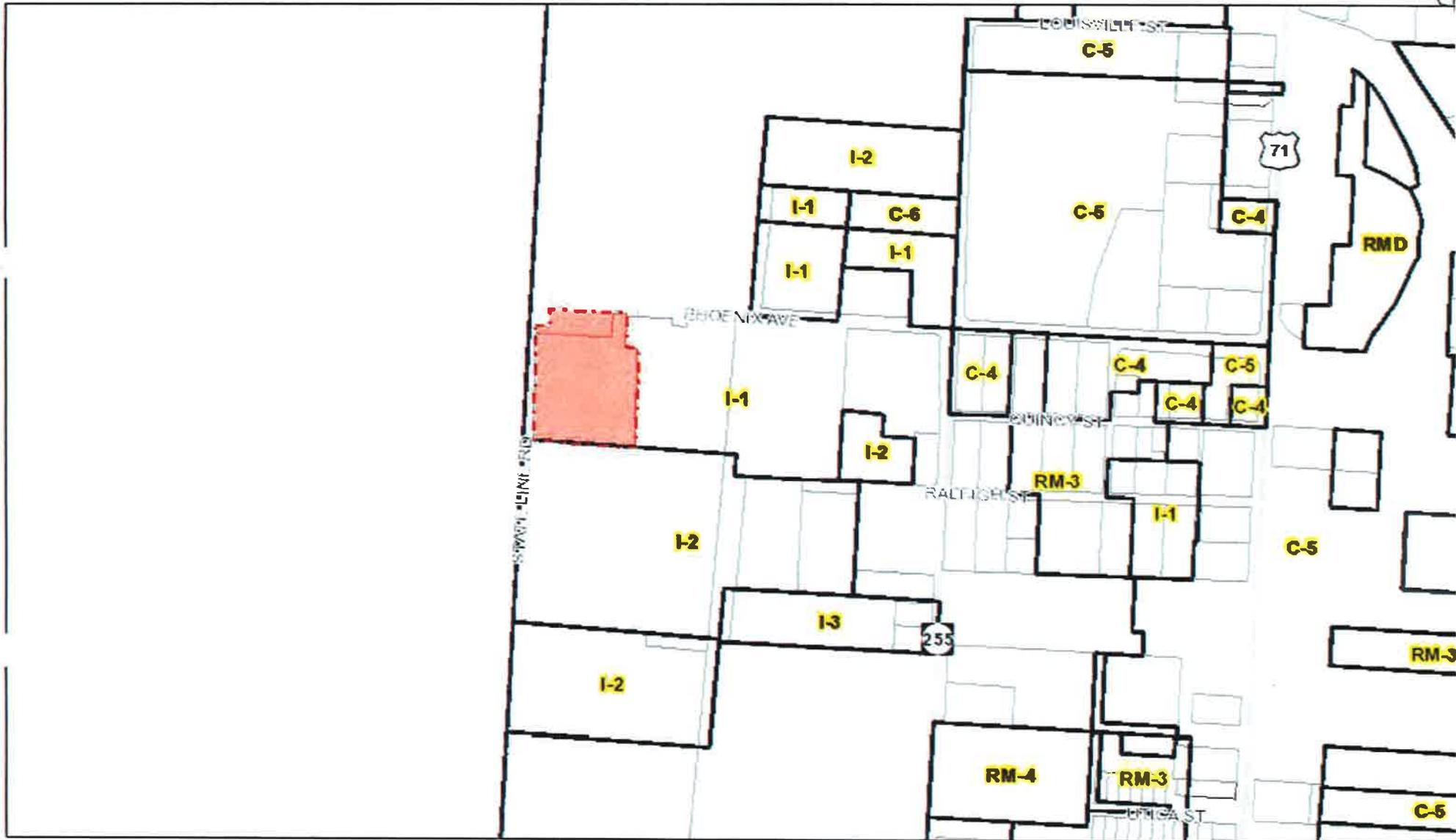
ATTEST:

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

Approved as to form:

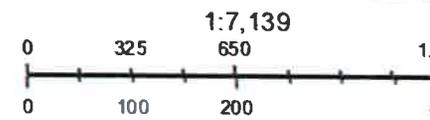
  
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Publish One Time

# Rezoning #12-6-16: From Industrial Light (I-1) to Industrial Moderate (I-2) by extension 400 Phoenix Avenue



May 24, 2016

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



RESOLUTION NO. R-99-16

**A RESOLUTION AUTHORIZING EXECUTION OF TELECOMMUNICATIONS SERVICES AGREEMENT WITH COX ARKANSAS TELCOM, LLC**

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

The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the Master Retail Services Agreement (MSA) # 4401-210-16 between Cox Arkansas Telcom, LLC and the City of Fort Smith providing for the purchase by the City of Fort Smith of telecommunications (voice and data) services provided by Metro Ethernet Fiber, Optical Internet, and Switched Digital/Interconnected iVoIP Voice Services at twenty-seven (27) City-operated locations for a monthly cost of \$18,386.75 with the agreement having a term of thirty-six (36) months.

THIS RESOLUTION ADOPTED this 5<sup>th</sup> day of July, 2016.

APPROVED:

*Sandy Fausch*  
Mayor

ATTEST:

*Sherril Ford*  
City Clerk

Approved as to form:

*John Conrath*  
No Publication Required

RESOLUTION NO. R-100-16 **4**

A RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE RIVER VALLEY SPORTS COMPLEX ALTERING THE LANGUAGE OF THE DRAW SCHEDULE

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WHEREAS, the City of Fort Smith and the River Valley Sports Complex (the "Seller") entered into an Agreement Regarding Construction and Purchase of River Valley Sports Complex for the development of a tournament quality eight-field sports complex on city-owned real property in the Chaffee Crossing area of Fort Smith, such Agreement being effective March 4, 2014 and authorized by Resolution No. R-20-14; and

WHEREAS, such Agreement was modified in May, 2015 as authorized by Resolution No. R-96-15, and was again modified in April, 2016 as authorized by Resolution No. R-53-16; and

WHEREAS, such Agreement sets forth specific performance milestones for the disbursement of a maximum of \$1.6 million from the City to the Seller; and

WHEREAS, the City and the Seller have agreed to amend the disbursement schedule in order to achieve efficiencies in time and expense in order to meet the established completion date of July 31, 2016.

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

Section 1. Section 7 of the disbursement schedule enumerated in the Amended Agreement authorized by Resolution No. R-96-15 is amended to authorize disbursement of \$150,000 upon completion of infield playing surfaces and topsoil installation work on all eight fields.

Section 2. Section 8 of the disbursement schedule enumerated in the Amended Agreement authorized by Resolution No. R-96-15 is amended to authorize disbursement of \$150,000 upon completion of playing surfaces, including installation of all irrigation and sod, on all eight fields.

Section 3. All other provisions of the Amended Agreement remain in full force and effect as adopted and subsequently amended.

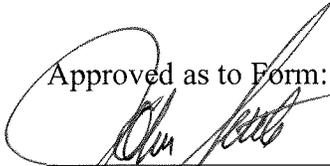
This Resolution adopted this 5<sup>th</sup> day of July, 2016.

  
Mayor

ATTEST:

  
City Clerk

Approved as to Form:

  
City Attorney