

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

August 2, 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, except Director Mike Lorenz
- 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 JULY 19, 2016 REGULAR MEETING

APPROVED as written

ITEMS OF BUSINESS:

1. Ordinance rezoning identified property and amending the zoning map (*from Transitional (T) to Residential Single Family Medium/High Density (RS-3) by classification located at 1216 Hendricks Boulevard; and, from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Single Family Medium/High Density (RS-3) by classification located at 1216, 1220, 1314, 1402, 1404, 1414, 1510, 1514, 1516 and 1528 Hendricks Boulevard and 1531 South 37th Street; and, from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Single Family High Density (RS-4) by extension located at*

1411, 1415, 1503, 1507, 1509, 1532 Hendricks Boulevard and 3909, 3911 and 3915 South "N" Street and 1404, 1405, 1408, 1409, 1414, 1415, 1500, 1505, 1508, 1510, 1515, 1516, 1517, 1520, 1521, 1525, 1529, 1530, 1531 and 1532 South 40th Street and 1535 South 37th Street) ♦

APPROVED 6 in favor, 0 opposed / Ordinance No. 42-16

2. Ordinance rezoning identified property and amending the zoning map (*from Commercial Heavy (C-5) to Transitional (T) by extension located at 1208 & 1216 Mesa Drive*)

APPROVED 6 in favor, 0 opposed / Ordinance No. 43-16

3. Ordinance rezoning identified property and amending the zoning map (*from Commercial Heavy (C-5) to Residential Single Family Medium Density (RS-2) by extension located at 5900 South 92nd Street*)

APPROVED 5 in favor, 0 opposed, 1 abstention (Lau) / Ordinance No. 44-16

4. Consent Agenda

- A. Ordinance authorizing the appropriation of donated funds for Fire Department equipment purchases (\$35,528.00 / Fire Department / Not Budgeted – Unobligated balance of the General Fund)

APPROVED 6 in favor, 0 opposed / Ordinance No. 45-16

- B. Resolution accepting Change Order No. 1 with Rodebush Construction, Inc. for construction of the press box and dugouts at Martin Luther King, Jr. Park (\$350.00 / Parks Department / Budgeted – 1/8% Sales and Use Tax & Arkansas Department of Parks and Tourism Grant)

APPROVED 6 in favor, 0 opposed / Resolution No. R-107-16

- C. Resolution accepting completion of and authorizing final payment to Rodebush Construction, Inc. for construction of the press box and dugouts at Martin Luther King Jr. Park (\$5,987.50 / Parks Department / Budgeted – 1/8% Sales and Use Tax & Arkansas Department of Parks & Tourism Grant)

APPROVED 6 in favor, 0 opposed / Resolution No. R-108-16

- D. Resolution naming the softball field at the Martin Luther King Jr. Park, *Grizzly Field* and the press box, *Lawrence Buzz Wood Press Box*

APPROVED 6 in favor, 0 opposed / Resolution No. R-109-16

- E. Resolution authorizing the Mayor to execute a lease agreement with the Special School District of Fort Smith for the softball field at Martin Luther King, Jr. Park

APPROVED 6 in favor, 0 opposed / Resolution No. R-110-16

- F. Resolution authorizing the acquisition of real property interests for the Lake Fort Smith 48-Inch Water Transmission Line, Project No. 08-07-P (\$6,450.00 / Utility Department / Budgeted – 2012 & 2014 Sales and Use Tax) ♦

APPROVED 6 in favor, 0 opposed / Resolution No. R-111-16

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.

ORDINANCE NO. 42-16

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

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:

From Transitional (T) to Residential Single Family Medium/High Density (RS-3) by Classification

South 25 feet, Lot 2, Block 2, Hendricks Hills #1 (1216 Hendricks Boulevard)

From Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Single Family Medium/High Density (RS-3) by Classification

Lots 3-7, Block 2, Hendricks Hills #2; and Lots 1-13 and Lot 18, Block 3, Hendricks Hills #1 (1216, 1220, 1314, 1402, 1404, 1414, 1510, 1514, 1516, 1528 Hendricks Boulevard and 1531 South 37th Street)

From Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Single Family High Density (RS-4) by Extension

South 10 feet of Lot 3 and all of Lots 4, 5, 6, and Lots 10, 11, 12, Block 5, Hendricks Hills #3 (1411 & 1415 Hendricks Boulevard and 3909, 3911 and 3915 South "N" Street)

Lots 1 thru 4, Block 6, Hendricks Hills #3 (1503, 1507, 1509 Hendricks Boulevard)

Lots 1 thru 4 and the South 25 feet of Lot 5, Block 2, Hendricks Hills #3 (1404, 1408, & 1414 South 40th Street)

North 33.3 feet, Lot 2 and Lots 3-12, Block 3, Hendricks Hills #3 (1500, 1508, 1510, 1516, 1520, 1530, and 1532 South 40th Street)

North 30 feet of Lot 2 and Lot 3-17 and the south 10 feet of Lot 18, Block 4, Hendricks Hills #3 (1405, 1409, 1415, 1505, 1515, 1517, 1521, 1525, 1529, and 1531 South 40th Street)

Street)

Lots 14-17, Block 3, Hendricks Hills #1 (1532 Hendricks Boulevard and 1535 South 37th Street)

Part of the West half of the West half of the Northeast Quarter of the Northeast Quarter of Section 22, Township 8 North, Range 32 West, Sebastian County, Fort Smith District, Arkansas, being more particularly described as follows:

Beginning at an existing post at the Southeast corner of the West half of the West half of the Northeast Quarter of the Northeast Quarter; thence North 89 degrees 59 minutes 42 seconds West, 330.49 feet; thence North 00 degrees 16 minutes 40 seconds West, 188.26 feet; thence East, 230.90 feet to an existing iron pin; thence North 00 degrees 04 minutes 10 seconds West; 75.00 feet to an existing iron pin; thence South 89 degrees 58 minutes 49 seconds East, 100.09 feet to an existing iron pin; thence South 00 degrees 06 minutes 34 seconds East; 263.26 feet to the point of beginning. Except public roads. (1523 Hendricks Boulevard)

AND

A part of the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 8 North, Range 32 West, Sebastian County, Arkansas, as follows: Beginning at a point 263.26 feet North of the SW corner of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence East, 330.9 feet, more or less, to the East line of said W $\frac{1}{2}$ of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence South 75 feet; thence West 330.9 feet to the West line of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence North 75 feet to the point of beginning. Less and except the East 100 feet of the above described property. Less and except public roads, easements and rights of way. (1519 Hendricks Boulevard)

AND

Part of the West half of the West half of the Northeast Quarter of the Northeast Quarter of Section 22, Township 8 North, Range 32 West, Sebastian County, Arkansas, being more particularly described as follows: Commencing at the Southwest corner of the West half of the West half of the Northeast Quarter of the Northeast Quarter, said point being the centerline of Hendricks Boulevard; thence East along the South line of said West half, 25.00 feet to the East right of way line of Hendricks Boulevard; thence along said right-of-way line North, 263.26 feet to the point of beginning; thence continue North along said right of way line, 66.54 feet; thence leaving said right of way line South 89 degrees 48 minutes 15 seconds East, 225.30 feet; thence South 00 degrees 04 minutes 09 seconds East 66.14 feet; thence North 89 degrees 55 minutes 53 seconds West, 225.38 feet to the point of beginning. Except public roads. (1515 Hendricks Boulevard)

AND

Part of the Northeast Quarter of the Northeast Quarter, Section 22, Township 8 North, Range 32 West, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at a point marking the Southwest Corner of the Northeast Quarter of the Northeast Quarter; thence along the south line of said forty, North 89 degrees 34 minutes 05 seconds East, 25.00 feet to a point on the east right of way line of Hendricks Boulevard. Thence leaving said south line and along said east right of way line, North 00 degrees 25 minutes 55 seconds West, 329.80 feet to a ½ inch existing rebar and the Point

of Beginning. Thence continue along said east right of way line, North 00 degrees 25 minutes 55 seconds West, 64.87 feet to a ½ inch existing iron pin marking the Southwest Corner of Lot 4, Block 6, Hendricks Hills No. 3 (Revised). Thence leaving said east right of way line and along the south line of Lots 4 thru 6, Block 6, South 89 degrees 38 minutes 56 seconds East, 226.33 feet to a ½ inch set rebar with cap. Thence leaving said south line, South 00 degrees 28 minutes 50 seconds West, 64.26 feet to a ½ inch existing iron pin; thence North 89 degrees 48 minutes 15 seconds West, 225.30 feet to the point of beginning. Subject to all easements, covenants and restrictions. Subject to all previous reservations, exceptions and conveyances of oil, gas and other minerals. Subject to any oil and gas leases. (1511 Hendricks Boulevard)

AND

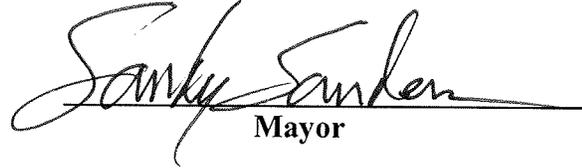
Lot 8 and the North 17.3 feet of Lot 7 in Block 3, in Hendricks Hills No. 3 Addition to the City of Fort Smith, Arkansas, according to the revised plat. Also, Part of the West Half of the West Half of the Northeast Quarter of the Northeast Quarter of Section 22, Township 8 North, Range 32 West, described as follows: Beginning at a point 394.65 feet North and 250.9 feet East of the Southwest Corner of said W/2 W/2 NE/4 NE/4; thence East 80 feet, more or less to the East line of said W/2 W/2 NE/4 NE/4; thence South 65 feet; thence West 80 feet, more or less; thence North 65 feet to the point of beginning. ALSO, part of the W/2 W/2 NE/4 NE/4, Section 22-8-32 as follows: Beginning at a point 263.26 feet North and 250.5 feet East of the SE corner of said W/2 W/2 NE/4 NE/4 thence North 66.64 feet; thence East 80.4 feet; thence South 66.64 feet; thence West 80.4 feet to the point of beginning. (Part of 1510 South 40th Street)

more commonly known as 1216-1404 Hendricks, 1411-1532 Hendricks, 1404-1532 South 40th Street, 1531 and 1535 South 37th Street and 3909, 3911 and 3915 South "N" Street, should be,

and is hereby rezoned from Residential Single Family Duplex Low/Medium Density (RSD-2) and Transitional (T) to Residential Single Family Medium/High Density (RS-3) by Classification and from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Single Family High Density (RS-4) by Extension.

PASSED AND APPROVED THIS 2nd DAY OF August, 2016.

APPROVED:



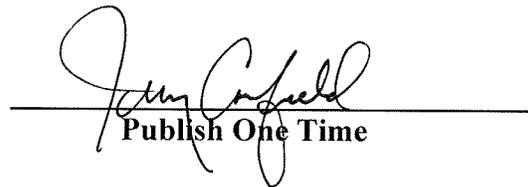
Mayor

ATTEST:



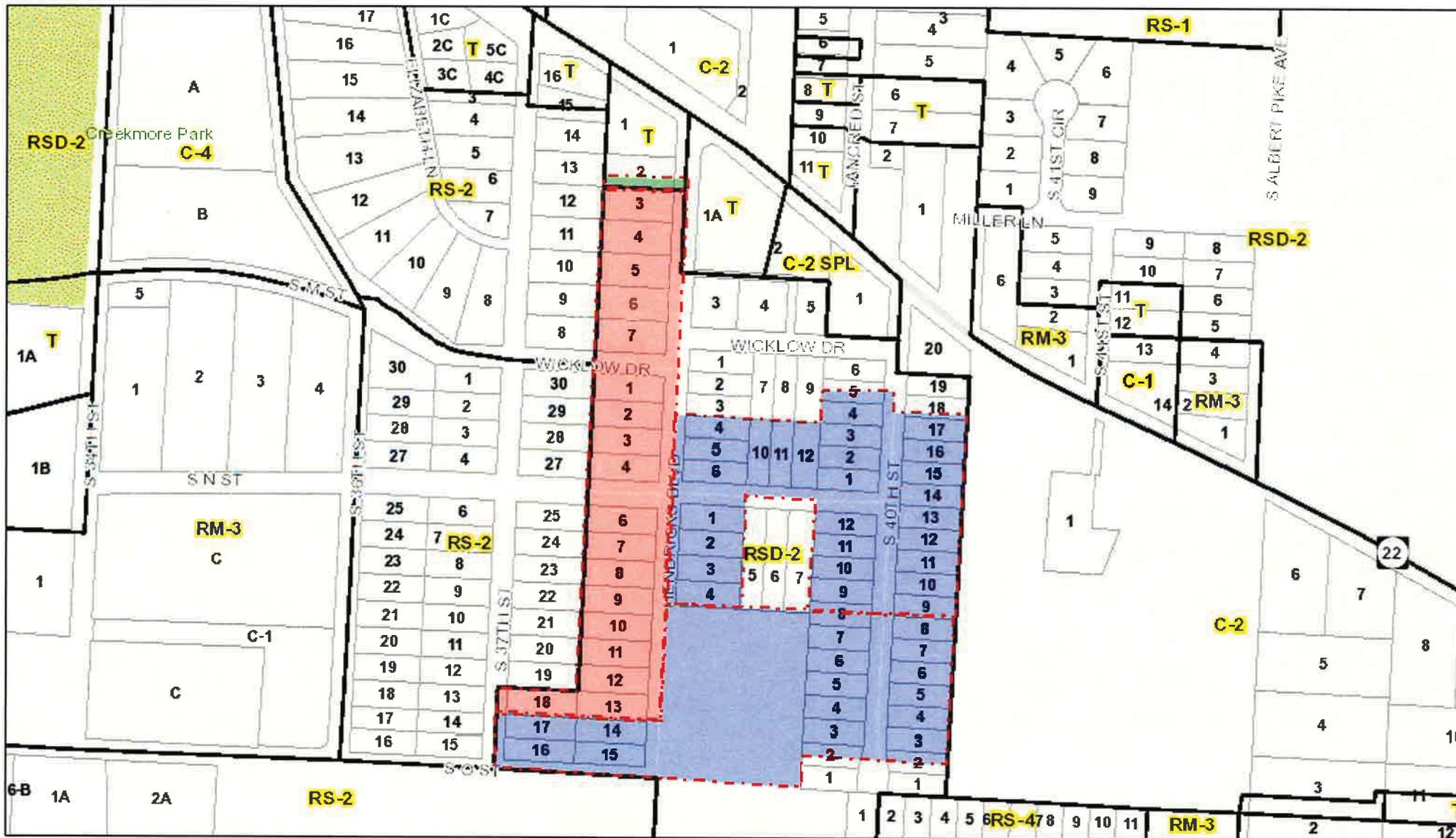
City Clerk

Approved as to form:



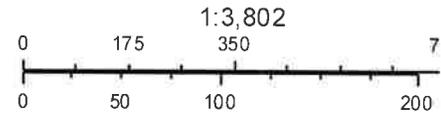
Publish One Time

Revised Map Rezoning #14-7-16: from RSD-2 to RS-3 (red), from RSD-2 to RS-4 (blue) & from T to RS-3 (Green)



July 29, 2016

- Fort Smith City Limits
- Parks
- Zoning
- Subdivisions



ORDINANCE NO. 43-16

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

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No.15-7-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 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:

Lots 2 & 3, South Haven No. 2 Annex, an addition to the City of Fort Smith, Arkansas more commonly known as 1208 & 1216 Mesa Drive, should be, and is hereby rezoned from Commercial Heavy (C-5) to Transitional (T) by Extension.

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

PASSED AND APPROVED THIS 2nd DAY OF August, 2016.

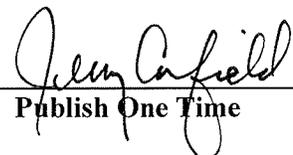
ATTEST:

City Clerk

APPROVED:

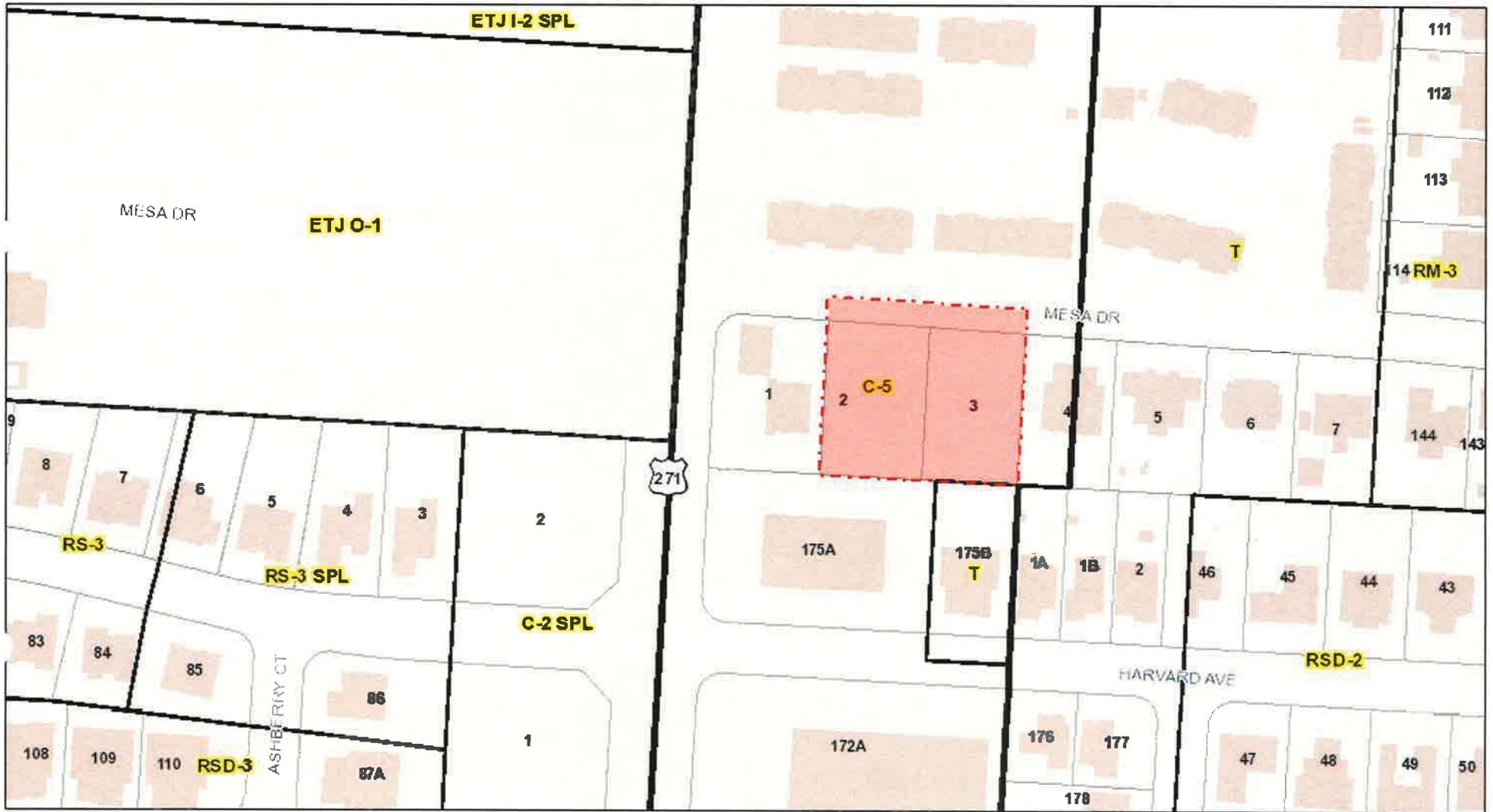
Mayor

Approved as to form


Publish One Time

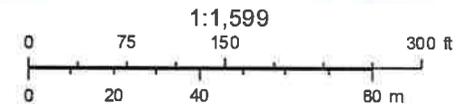
Rezoning #15-7-16: From Commercial Heavy (C-5) to Transitional (T) 1208 & 1216 Mesa Drive

EH



June 21, 2016

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



ORDINANCE NO. 44-16

AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No.16-7-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 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:

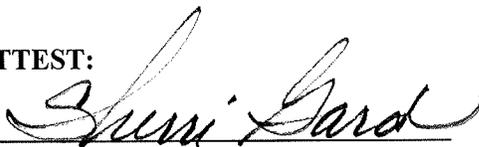
SECTION 1: That the following properties to-wit:

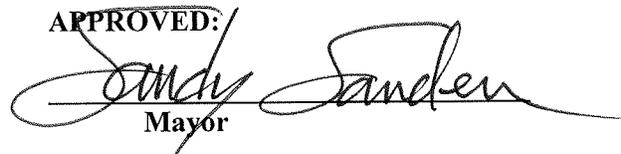
Lot 1B, Big "D" Addition

more commonly known as 5900 South 92nd Street, should be, and is hereby rezoned from Commercial Heavy (C-5) to Residential Single Family Medium Density (RS-2) by Extension.

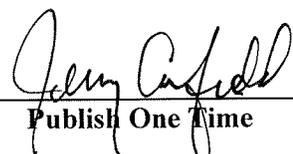
The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS 2nd DAY OF August, 2016.

ATTEST:

City Clerk

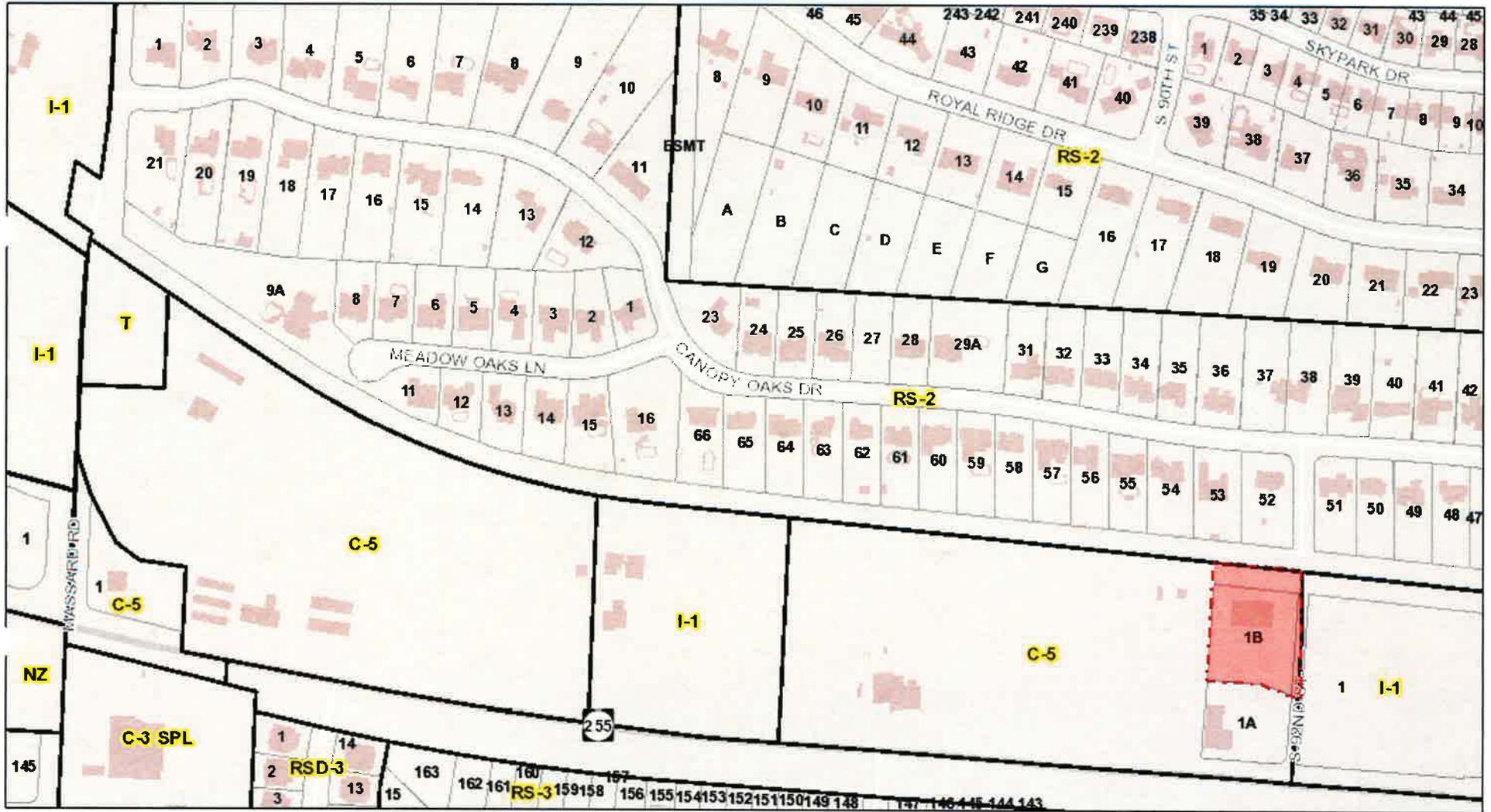
APPROVED:

Mayor

Approved as to form


Publish One Time

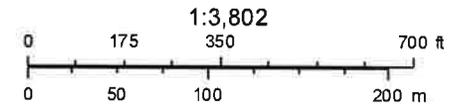
Rezoning #16-7-16: From Commercial Heavy (C-5) to Residential Single Family Medium Density (RS-2) 5900 South 92nd Street

5E



July 8, 2016

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



ORDINANCE NO. 45-16

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF DONATED FUNDS FOR FIRE DEPARTMENT EQUIPMENT PURCHASES

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

WHEREAS, the Fire Department has received earmarked donations totaling \$35,528 from two local businesses, Firehouse Subs and Shared Services Center;

NOW THEREFORE, there is hereby appropriated the sum of \$35,528 from the unobligated balance of the General Fund to purchase Fire Department Equipment and the current fiscal year budget is amended to make the following appropriations to the identified Fire Department accounts in the General Fund as follows:

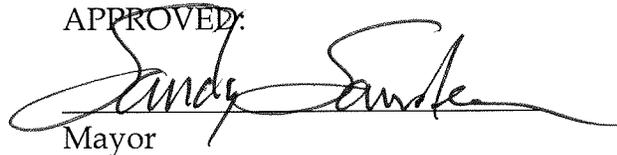
GENERAL FUND:

FIRE DEPARTMENT

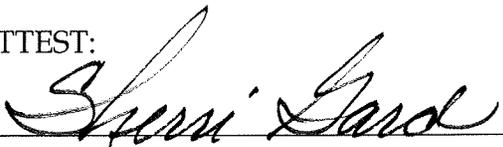
4802-302-0101	Hydraulic rescue spreader and pump	\$20,533
4801-304-0101	Digital fire extinguisher trainer	\$14,995

PASSED AND APPROVED THIS 2nd DAY OF AUGUST, 2016.

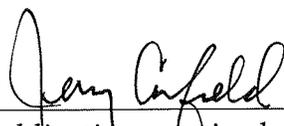
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


No publication required

RESOLUTION NO. R-107-16

RESOLUTION ACCEPTING CHANGE ORDER NUMBER ONE
WITH RODEBUSH CONSTRUCTION, INC. FOR CONSTRUCTION
OF THE PRESS BOX AND DUGOUTS AT MARTIN LUTHER KING, JR. PARK

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

The Mayor is hereby authorized to execute Change Order No. 1 with Rodebush
Construction, Inc., increasing the contract amount by \$350.00.

This Resolution adopted this 2nd day of August, 2016.

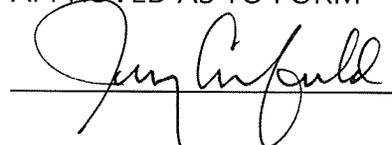
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 npr

RESOLUTION NO. R-108-16

RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT TO RODEBUSH
CONSTRUCTION, INC., FOR CONSTRUCTION OF THE
PRESS BOX AND DUGOUTS AT MARTIN LUTHER KING, JR. PARK

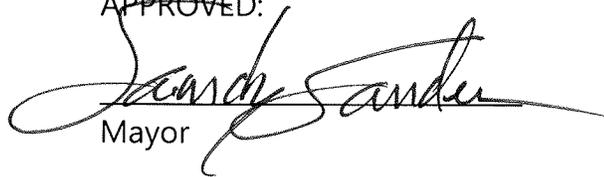
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH,
ARKANSAS THAT:

SECTION 1: The City of Fort Smith hereby accepts construction of the press box
and dugouts at Martin Luther King, Jr. Park as complete.

Section 2: Final payment is hereby authorized in the amount of \$5,987.50 to
the contractor, Rodebush Construction, Inc., for the construction accepted by Section 1
of this Resolution.

This Resolution adopted this 2nd day of August, 2016.

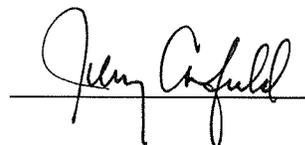
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 npr

RESOLUTION NO. R-109-16

RESOLUTION NAMING THE SOFTBALL FIELD AT MARTIN LUTHER KING JR PARK GRIZZLY FIELD AND THE PRESS BOX LAWRENCE BUZZ WOOD PRESS BOX

WHEREAS, nominations for naming the softball field at Martin Luther King Jr. Park were solicited by public notice in the Times Record newspaper on May 1 & May 8, 2016; and

WHEREAS, the Parks and Recreation Commission considered all nominations received; and

WHEREAS, notice of the initial selection was published in the Times Record newspaper on June 5 & 12, 2016 as required by the city's naming policy; and

WHEREAS, the Parks and Recreation Commission has considered all public comments received and recommend to the Board of Directors that the softball field at Martin Luther King Jr. Park be named Grizzly Field and that the press box at Martin Luther King Jr. Park be named Lawrence Buzz Wood Press Box;

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

Section 1: The softball field at Martin Luther King Jr. Park is hereby named "Grizzly Field," and the press box at Martin Luther King Jr. Park is hereby named "Lawrence Buzz Wood Press Box."

Section 2: The city administrator and his staff are directed to place the appropriate signage to recognize the naming authorized by Section 1 of this Resolution.

This Resolution passed this 2nd day of August, 2016.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 NPR

RESOLUTION NO. R-110-16

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE
AGREEMENT WITH THE SPECIAL SCHOOL DISTRICT OF FORT SMITH
FOR THE SOFTBALL FIELD AT MARTIN LUTHER KING, JR. PARK

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

The Mayor and is hereby authorized to execute the attached lease agreement with the Special School District of Fort Smith for the use of the softball field at Martin Luther King, Jr. Park.

This Resolution passed this 2nd day of August, 2016.

APPROVED:



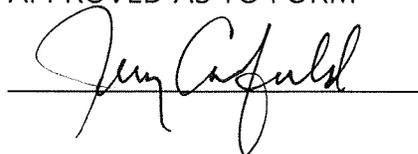
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM



RESOLUTION R-111-16

4 F

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL
PROPERTY INTERESTS FOR THE LAKE FORT SMITH 48-INCH
WATER TRANSMISSION LINE PROJECT NO. 08-07-P

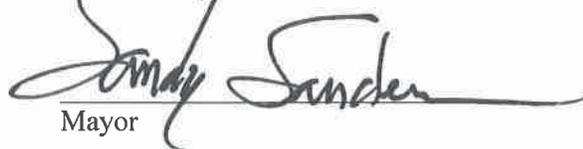
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH,
ARKANSAS, THAT:

Section 1: The offer made by Jimmie Seratt and Melissa Seratt to convey the Tract 11-30-10-03 property interests for the captioned project for a consideration of \$6,450.00 is hereby accepted. The City agrees to abandon its easement for and in its interest the existing 27-Inch water transmission line that crosses Tract 11-30-10-03 subsequent to the new 48-Inch line becoming fully operational.

Section 2: The City Administrator and the City Attorney are hereby authorized to take any and all necessary action including the dismissal of the pending eminent domain action, Crawford County Circuit Case No. CV-12-559 (I), to effectuate the Agreement accepted by Section 1 of this Resolution.

This Resolution adopted this 2nd day of August, 2016.

APPROVED:


Mayor

ATTEST:


City Clerk, acting

APPROVED AS TO FORM:


No Publication Required