



MAYOR

George B McGill

CITY ADMINISTRATOR

Carl E Geffken

CITY CLERK

Sherri Gard

BOARD OF DIRECTORS

Ward 1 - Jarred Rego

Ward 2 - Andre' Good

Ward 3 - Lavon Morton

Ward 4 - George Catsavis

At-Large Position 5 - Christina Catsavis

At-Large Position 6 - Kevin Settle

At-Large Position 7 - Neal Martin

AGENDA ~ Summary

Fort Smith Board of Directors

REGULAR MEETING

May 16, 2023 ~ 6:00 p.m.

Blue Lion

101 North 2nd Street

Fort Smith, Arkansas

THIS MEETING IS BEING TELECAST LIVE AT THE FOLLOWING LINK:

<https://video.ibm.com/channel/XqbsvFPFAPs>

INVOCATION & PLEDGE OF ALLEGIANCE

Invocation given by Director Lavon Morton

Pledge of Allegiance led by Director Kevin Settle

ROLL CALL

- All physically present
- Mayor George McGill 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 the Fort Smith Municipal Code*)

Information available by viewing rebroadcast of the meeting on the City Access Channel (Cox Channel 214), the City website, or <http://www.ustream.tv/channel/XqbsvFPFAPs>

APPROVE MINUTES OF THE MAY 2, 2023 REGULAR MEETING

APPROVED as written

PRESENTATION:

Proclamation for Public Works Week (*May 21-27, 2023 / Connecting the World through Public Works*)

Mayor McGill read the aforementioned Proclamation and Deputy City Administrator Jeff Dingman recognized the following City of Fort Smith Public Works Departments and Directors:

DEPARTMENT	DIRECTOR	REPRESENTING EMPLOYEES
Water Utilities	Lance McAvoy	264
Solid Waste Services	Nicole Riley	92
Streets and Traffic Control	Matt Meeker	65
Engineering	Stan Snodgrass	19
Transit	Ken Savage	33
Parks & Recreation	Doug Reinert	33

ITEMS OF BUSINESS

1. Ordinance rezoning identified property and amending the zoning map (*Planned Zoning District (PZD) to Planned Zoning District (PZD) at 7301 and 7323 Terry Street, 7300-7313 Buckhorn Street, 7317, 7401, 7404, 7405, and 7409 Buckhorn Street, 7412 -7429 Buckhorn Street, 7300, 7308, 7312, 7402, 7412 and 7428 Ellis Street, and 11821 Darby Street*) ~ *Tabled pending final determination of FCRA lawsuit at the May 2, 2023 regular meeting ~ (Planning & Zoning)*
APPROVED 7 in favor, 0 opposed / Ordinance No. 47-23
2. Resolution requesting that the Fort Chaffee Redevelopment Authority donate the real property currently in use as the Deer Trail Golf Course at Chaffee Crossing to the City of Fort Smith ~ *Settle/Martin placed on agenda at the May 2, 2023 regular meeting ~ (City Administrator)*
APPROVED 7 in favor, 0 opposed / Resolution No. R-87-23
3. Resolution authorizing the Mayor to execute Change Order No. 1 with Goodwin and Goodwin, Inc. for the 2015 Sanitary Sewer Assessment Remedial Measures, Upsizing 6- inch Sewer Main (*add 146 days / n/a / Water Utilities - Time Only*) (*Water Utilities*) ♦ ●
APPROVED 7 in favor, 0 opposed / Resolution No. R-88-23
4. Resolution accepting the project as complete and authorizing final payment to Goodwin and Goodwin, Inc. for the 2015 Sanitary Sewer Assessment Remedial Measures, Upsizing 6-inch Sewer Main (\$82,696.35 / *Budgeted / Water Utilities - 2018 Revenue Bonds*) (*Water Utilities*) ♦ ●
APPROVED 7 in favor, 0 opposed / Resolution No. R-89-23
5. Resolution authorizing the Mayor to execute Change Order No. 1 with McKee Utility Contractors, Incorporated for the Basin 10 and 14 Capacity Improvements, Schedule I (\$158,706.11 / *Budgeted / Water Utilities - American Rescue Plan Act*) (*Water Utilities*) ♦ ●
APPROVED 7 in favor, 0 opposed / Resolution No. R-90-23
6. Resolution amending Resolution No. R-67-23 accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the Sanitary Sewer Assessment Remedial Measures Basin 12, Phase I (\$600.00 / *Budgeted / Water Utilities - Excess Sales Tax and American Rescue Plan Act Funds*) (*Water Utilities*) ♦ ●
APPROVED 7 in favor, 0 opposed / Resolution No. R-91-23

7. Resolution amending Resolution No. R-76-22 for Tract 2 and Tract 3, Basin 10 & 14 Capacity Improvement - Phase 1A (\$400.00 / Budgeted / Water Utilities - 2018 Revenue Bonds) (Water Utilities) ♦ ●
APPROVED 7 in favor, 0 opposed / Resolution No. R-92-23

8. Consent Agenda
 - 8A. Resolution to accept the bid and authorize a contract for the 2020 Drainage Improvements, Phase C, Project No. 20-06-C (\$2,035,955.00 / Budgeted / Engineering - Sales Tax Program) (Engineering) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-93-23

 - 8B. Resolution authorizing the Mayor to execute an agreement with Schnabel Engineering, LLC for the Lee Creek Dam Analyses, Phase I (\$151,503.00 / Budgeted / Water Utilities - 2023 Operating Funds) (Water Utilities)
APPROVED 7 in favor, 0 opposed / Resolution No. R-94-23

 - 8C. Resolution expressing the willingness of the City of Fort Smith to utilize federal-aid transportation alternatives program or recreational trails program funds (Parks & Recreation) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-95-23

 - 8D. Resolution authorizing the Mayor to enter into a lease agreement with the Sebastian County Aquatics Association for the diving well pool at Creekmore Park (Parks & Recreation) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-96-23

 - 8E. Resolution authorizing the Mayor to execute an engineering services agreement with Crafton Tull for Creekmore Park pool bathhouse (\$169,800 / Budgeted / Parks & Recreation - Excess Sales Tax Revenue) (Parks & Recreation) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-97-23

 - 8F. Resolution authorizing the Mayor to execute an agreement with Mickle Griffin for final design and construction observation services for Chaffee Crossing Trail Segment Two (\$98,108.00 / Budgeted / Parks & Recreation - 1/8% Sales and Use Tax) (Parks & Recreation) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-98-23

 - 8G. Resolution accepting the bid and authorizing the Mayor to execute a contract with CXT, Inc. for the purchase of a multiuser fully accessible flush restroom building for Woodlawn Park (\$110,793.10 / Budgeted / Parks & Recreation - 1/8% Sales and Use Tax) (Parks & Recreation) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-99-23

 - 8H. Resolution accepting Change Order No. 1 with Goodwin & Goodwin, Inc. for construction of Carol Ann Cross Park Improvements (\$62,636.00 / Budgeted / Parks & Recreation - 1/8% Sales and Use Tax) (Parks & Recreation) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-100-23

- 8I. Resolution repealing Resolution No. R-79-23 and authorizing acquisition of permanent trail easements for Chaffee Crossing Trail System Segment Two (*Parks & Recreation*) ♦

APPROVED 7 in favor, 0 opposed / Resolution No. R-101-23

- 8J. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Waste Management of Arkansas, Inc. (*Solid Waste Services*)

APPROVED 7 in favor, 0 opposed / Resolution No. R-102-23

- 8K. Resolution accepting the bid for the purchase of a 30 cubic yard residential automated side load vehicle (\$478,079.00 / *Not Budgeted / Solid Waste Services - Landfill Construction & Sinking Fund*) (*Solid Waste Services*) ♦

APPROVED 7 in favor, 0 opposed / Resolution No. R-103-23

9. Discussion regarding the plan and process on how and when to release the Animal Haven Audit ~ *Unanimously placed on the agenda by the Board at the beginning of the meeting* ~

APPROVED 7 in favor, 0 opposed to finalize and publish the Animal Haven Audit on June 16, 2023.

OFFICIALS FORUM

- Mayor
- Board of Directors
- City Administrator

Information available by viewing rebroadcast of the meeting on the City Access Channel (Cox Channel 214), the City website, or <http://www.ustream.tv/channel/XqbsvFPFApS>

EXECUTIVE SESSION (approximately 8:36 p.m.)

Appointment: **Housing Assistance Board**
Mike Jacimore (reappointment)
Bruce Shaw
Terms expire April 30, 2025

- Performance evaluation – City Administrator ~ *Directors Lavon Morton, Neal Martin, Andre' Good, and George Catsavis added to the April 18, 2023 regular meeting on April 12, 2023 / Tabled to the May 2, 2023 regular meeting at the April 18, 2023 regular meeting / Tabled to the May 16, 2023 regular meeting to include the discussion regarding 2023 salary increase at the May 2, 2023 regular meeting* ~ **TABLED** 6 in favor (Rego, Good, Morton, G. Catsavis, Settle, Martin), 1 opposed (C. Catsavis) to the June 13, 2023 regular meeting with inclusion of discussion regarding a salary increase effective in 2023.

- Performance evaluation – Internal Auditor ~ *Directors Lavon Morton, Neal Martin, Andre' Good, and George Catsavis added to the April 18, 2023 regular meeting on April 12, 2023 / Tabled to the May 2, 2023 regular meeting at the April 18, 2023 regular meeting / Tabled to the May 16, 2023 regular meeting with provision to include discussion regarding 2023 salary increase at the May 2, 2023 regular meeting ~*
APPROVED 7 in favor, 0 opposed to authorize a five-percent (5%) salary adjustment to the Internal Auditor Tracey Shockley retroactively effective on April 3, 2023.

ADJOURN

8:36 p.m.

ORDINANCE NO. 47-23

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

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request 9-4-23 to rezone certain properties hereinafter described, and, having considered said request, recommended on April 11, 2023, that said change be made;

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

That the following properties to-wit:

19 Barracks 7304, 7308, 7309, 7312, 7313, 7317, 7401, 7405, 7409, 7412, 7413, 7416, 7417, 7420, 7421, 7424, 7425, 7428, 7429 Buckhorn, 7312 Ellis (Parking Lot 2)

Part of the Northwest Quarter of the Northeast Quarter, Section 9 and part of the South Half of the Southeast Quarter, Section 4, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter of Section 4, said point being marked with an existing railroad spike; Thence N87°17'08"W, 1329.91 feet; Thence N87°19'35"W, 216.08 feet; Thence S44°04'49"W, 26.48 feet to the northerly right-of-way of Darby Avenue and the Point of Beginning, said point being marked with an existing magnetic nail; Thence along said right-of-way, N46°00'33"W, 135.04 feet to a set magnetic nail; Thence leaving said right-of-way, N44°11'46"E, 132.66 feet to a set magnetic nail; Thence N45°48'20"W, 130.45 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence N44°04'49"E, 383.75 feet to an existing magnetic nail; Thence S46°01'44"E, 105.14 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence N44°04'49"E, 333.49 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N46°03'13"W, 105.14 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N44°04'49"E, 184.90 feet to a set magnetic nail; Thence N46°02'39"W, 1.88 feet to a set magnetic nail; Thence N43°57'21"E, 122.14 feet to the southerly right-of-way of Ward Avenue; Thence along said right-of-way, S45°54'26"E, 156.47 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence leaving said right-of-way, S44°04'49"W, 161.73 feet to and existing 1/2" rebar; Thence S45°55'35"E, 110.22 feet to a set magnetic nail; Thence S44°04'49"W, 80.00 feet to an existing magnetic nail; Thence S45°55'35"E, 186.76 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence S44°04'49"W, 153.55 feet to an existing 1/2" rebar; Thence N46°02'00"W, 186.09 feet to an existing magnetic nail; Thence S44°04'49"W, 761.29 feet to the Point of Beginning. Containing 265,376 square feet or 6.09 acres, more or less.

7301 Terry (Building 800)

Part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 4, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas and being more particularly described as follows:
Commencing at an existing railroad spike found at the Southeast Corner of said SE ¼ of the SE ¼; Thence N 02° 45'16" E, 148.25 feet along the east line of said SE ¼ of the SE ¼ to a point on the southeasterly right of way

extended of Ward Avenue, Thence N 46° 02'39"W, 1329.34 feet along said right of way and right of way extended to the Point of Beginning and a set ½" rebar; Thence S 43° 57'21" W, 121.67 feet to a set ½" rebar; Thence N 46° 02'39" W, 162.93 feet to a set ½" rebar on the southeasterly right of way of Terry Street; Thence N 43° 57'21" E, 121.67 feet along said right of way to its intersection with said southeasterly right of way line of Ward Avenue; Thence S 46° 02'39"E, 162.93 feet along said southeasterly right of way line of Ward Avenue to the Point of Beginning, Containing 19,823 square feet, or 0.46 acres.

7428 Ellis Tract 1 (Building 866) and 11821 Darby Tract 2 (Building 868)

SURVEY DESCRIPTION TRACT 1

Part of the South One Half (S/2) of the Southeast Quarter (SE/4) of Section 04 and Part of the North One Half (N/2) of the Northeast Quarter (NE/4) of Section 09, All in Township 07 North, Range 31 West, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at an Existing Railroad Spike marking the Southeast Corner of said Section 4; thence N 87°16'51" W, 1314.70 feet to a point on the Westerly Right of Way line of Ellis Street being the Point Of Beginning; thence S 44°05'15" W, 61.37 feet along said Right of way line to a Set Rebar; thence N 46°05'46" W, 173.50 feet to an Existing Chiseled 'X' in a concrete walk; thence N 44°05'15" E, 79.96 feet to an Existing P/K Nail; thence S 46°01'41" E, 173.50 feet to an Existing Rebar on said Westerly right of way line of Ellis Street; thence S 44°05'15" W, 18.38 feet along said right of way line to the point of beginning, containing 0.27 acre in said S/2 of the SE/4 Section 04 & 0.05 acre in said N/2 of the NE/4 Section 09, in Aggregate containing 0.32 Acre more or less, being subject to public road rights of way and any easements of record.

SURVEY DESCRIPTION TRACT 2

Part of the South One Half (S/2) of the Southeast Quarter (SE/4) of Section 04 and Part of the North One Half (N/2) of the Northeast Quarter (NE/4) of Section 09, All in Township 07 North, Range 31 West, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at an Existing Railroad Spike marking the Southeast Corner of said Section 4; thence N 87°16'51" W, 1314.70 feet to a point on the Westerly Right of Way line of Ellis Street; thence S 44°05'15" W, 61.37 feet along said Right of Way line to a Set Rebar being the Point Of Beginning; thence S 44°05'15" E, 117.83 feet to an Existing Rebar W/Cap #1369 on the Northerly Right of Way line of Darby Avenue; thence N 46°00'18" W, 173.50 feet along said Right of Way line to an Existing P/K Nail; thence N 44°05'15" E, 117.55 feet to an Existing Chiseled 'X' in a concrete walk; thence S 46°05'46" E, 173.50 feet to the point of beginning, containing 0.11 acre in said S/2 of the SE/4 Section 04 & 0.36 acre in said N/2 of the NE/4 Section 09, in Aggregate containing 0.47 Acre more or less, being subject to public road rights of way and any easements of record.

7412 Ellis (Parking Lot 3)

Part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of the Southeast Quarter of Section 4, Township 7 North, Range 31 West; Thence northerly along the western boundary of said quarter N02°43'06"E, 246.11 feet to the northwestern boundary line of Honeycomb Properties, LLC, Thence northeasterly along side property line N44°03'55"E, 15.95 feet to the north corner of said Honeycomb Properties, LLC boundary, said corner being an existing magnetic nail and the Point of Beginning; Thence N44°03'55"E, 223.77 feet to an existing magnetic nail; Thence S46°38'21"E, 186.43 feet to a set 1/2" iron pin with cap stamped MWC 1369; Thence S44°10'12"W, 225.73 feet to the east corner of said Honeycomb Properties, LLC, said corner being an existing magnetic nail; Thence along the easterly boundary of said Honeycomb Properties, LLC N46°02'11"W 186.00 feet to the north corner of Honeycomb Properties, LLC, said corner being an existing magnetic nail and the Point of Beginning. Containing 0.96 acres, more or less.

7323 Terry and 7404 Buckhorn (0.96 acres of Vacant Land)

Part of the South Half of the Southeast Quarter of Section 4, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter, said point being marked with an existing railroad spike; Thence N87°17'08"W, 1276.76 feet; Thence N00°00'00"E, 520.42 feet to a set 1/2" rebar with cap stamped MWC 1369 and the Point of Beginning; Thence N46°01'44"W, 138.65 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence S44°04'49"W, 61.73 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence N46°01'44"W, 141.50 feet to an existing 1/2" rebar with cap stamped MWC 1369 on the easterly right-of-way line of Terry Street; Thence along said right-of-way line, N44°04'28"E, 179.56 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence leaving said right-of-way line, S46°01'44"E, 280.17 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence S44°04'49"W, 117.85 feet to the Point of Beginning. Containing 41,474 square feet or 0.96 acres, more or less.

7308 Ellis and 7300 Ellis (Parking Lot 1)

Part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, Being more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter of the Southeast Quarter, said point being marked with an existing railroad spike; Thence along the south line of said Southeast Quarter of the Southeast Quarter, N 87°17'45" W, 959.02 feet; Thence leaving said south line, N 00°00'00" W, 365.54 feet to a Existing 1/2" Rebar with cap stamped MWC 1369, Thence N 44° 04'49" E, 238.05 feet to the Point of Beginning, said point being marked with an Existing 1/2" rebar with cap stamped MWC 1369; Thence N 45° 55'35" W, 186.76 feet to an Existing Mag Nail; Thence N 44°04'49" E, 241.69 feet to a Set Mag Nail; Thence S 45°54'26" E, 186.48 feet to an Existing Mag Nail; Thence S 44°04'49" W, 241.63 feet to the Point of Beginning. Containing 1.04 acres, more or less.

7402 Ellis Street (Building 859)

Part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, Being more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter of the Southeast Quarter, said point being marked with an existing railroad spike; Thence along the south line of said Southeast Quarter of the Southeast Quarter, N 87° 17'45" W, 959.02 feet; Thence leaving said south line, North 00°00'00" W, 365.54 feet to the Point of Beginning, said point being marked with a set magnetic nail; Thence N 16°02'00" W, 186.09 feet to a set magnetic nail in a concrete sidewalk; Thence along said sidewalk, N 44°04'49" E, 84.50 feet to a set magnetic nail; Thence leaving said sidewalk, S 46°02'00" E, 186.09 feet to a set magnetic nail; Thence S 44°04'49" W, 84.50 feet to the Point of Beginning. Containing 0.36 acres, more or less.

7301 Buckhorn (Building 836)

Part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, Being more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter of the Southeast Quarter, said point being marked with an existing railroad spike; Thence along the south line of said Southeast Quarter of the Southeast Quarter, N 87°17'45"W, 959.02 feet; Thence leaving said south line, N 00°00'00" W, 365.54 feet to a Existing 1/2" Rebar with cap stamped MWC 1369; Thence N 44°04'49" E, 238.05 feet to an Existing 1/2" Rebar with cap stamped MWC 1369; Thence N 45°55'35" W, 186.76 feet to an Existing Mag Nail; Thence S 44°04'49" W 160.00 feet to the Point of Beginning, said point being an Existing Mag Nail; Thence N 45° 55'35"W 136.48 feet to an existing Mag Nail; Thence N 44° 05'45" E 81.73 feet to an Existing Mag Nail; Thence S 45° 54'26" 136.46 feet to a Set Mag Nail; Thence S 44° 04'49" W 81.69 feet to the Point of Beginning. Containing 0.26 acres, more or less.

7305 Buckhorn (Building 837)

Part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter of the Southeast Quarter, said point being marked

with an existing railroad spike; Thence along the south line of said Southeast Quarter of the Southeast Quarter, N 87°19'35"W, 793.62 feet; Thence leaving said south line, N 00°00'00" E, 544.14 feet to an Existing ½" rebar with cap stamped MWC 1369; Thence N 45°55'35" W, 186.76 feet to Existing Magnetic Nail; Thence N 44°04'49" E, 80.00 feet to the Point of Beginning, said point being marked with an Existing Magnetic Nail; Thence N 45°55'35" W, 110.22 feet to a set ½" rebar with cap stamped MWC 1369; Thence N 44° 04'49" E, 80.00 feet to a set ½" rebar with cap stamped MWC 1369, said course being along the west face of an existing building; Thence S 45°55'35" E, 110.22 feet to an Existing Magnetic Nail; Thence S 44°04'49" W, 80.00 feet to the Point of Beginning. Containing 0.20 acres, more or less.

more commonly known as 7301 and 7323 Terry Street, 7300-7313 Buckhorn Street, 7317, 7401, 7404, 7405, and 7409 Buckhorn Street, 7412 -7429 Buckhorn Street, 7300, 7308, 7312, 7402, 7412 and 7428 Ellis Street, and 11821 Darby Street, should be, and are hereby rezoned to a Planned Zoning District (PZD). The approved zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zoning District 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 16th DAY OF May, 2023.

ATTEST:



City Clerk, Acting

APPROVED:



Mayor

Approved as to form:



Publish One Time

Project Booklet

Lloyd Sumpter

7301 and 7323 Terry Street, 7300-7313 Buckhorn Street, 7317, 7401, 7404, 7405, and 7409 Buckhorn Street, 7412 -7429 Buckhorn Street, 7300, 7308, 7312, 7402, 7412 and 7428 Ellis Street, and 11821 Darby Street Fort Smith, AR

Rezoning to PZD

March 21, 2023

**Planned Zoning District
Certification Statement**

Lloyd Sumpter property owner of multiple properties, hereby certifies that the Project Booklet for a Planned Zoning District complies with the City of Fort Smith's Planned Zoning District Regulations as defined in Section 27-341 of the Fort Smith Unified Development Ordinance.

I hereby agree to the terms and conditions within the Project Booklet, and I therefore request the City of Fort Smith to approve the rezoning.

Lloyd Sumpter

3-27-2023

Signature

Date

Project Booklet

Lloyd Sumpter

7301 and 7323 Terry Street, 7300-7313 Buckhorn Street, 7317, 7401, 7404, 7405, and 7409 Buckhorn Street, 7412 -7429 Buckhorn Street, 7300, 7308, 7312, 7402, 7412 and 7428 Ellis Street, and 11821 Darby Street Fort Smith, AR

The proposed planned zoning district (PZD) for the property located at (See attached list) in Fort Smith, AR will be permitted to utilize only the permitted uses as shown in the attached Fort Smith Use Matrix. (See attached Excel Chart)

- 1.) The application fee of \$350 will be paid by the owner.
- 2.) The project booklet has been submitted and comments are listed below:
 - a. *Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District: To develop additional empty buildings on property and to align with other uses in adjacent buildings.*
 - b. *Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales: The current owner of the property is Lloyd Sumpter.*
 - c. *Summary description of the scope, nature, and intent of the proposal: The scope of the project is to redeveloped multiple buildings and adjacent parking lots and drives. The buildings will be used for shopping, restaurants, and hotel/motel boutiques and overnight rentals to support wedding chapel. Vacant land will be used for parking lot.*
 - d. General Project concept:
 - i. Street and Lot layout – No new development is proposed, and existing structures will remain.
 - ii. Site plan showing proposed improvements - No new development is proposed at this time other than interior remodel.
 - iii. Buffer areas, screening, and landscaping - No new development is proposed. All new development will comply with the will comply with the City's UDO and the Chaffee Crossing Design Guidelines.
 - iv. Storm water retention areas are not required – all drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards
 - v. Undisturbed natural areas – No undisturbed natural areas are proposed.
 - vi. Existing and proposed Utility connections are existing; the connections are existing. Any new connections will be along Ward Avenue and Terry Street and will connect to existing Utilities.
 - vii. Development and architectural design standards
 - viii. Building elevations
 - ix. All future signage will be monument style and wall signs will comply with the UDO and Chaffee Crossing Master Development Guidelines. No signage is proposed at this time.
 - e. *Proposed development phasing and timeframe: The project construction will begin immediately after the rezoning is approved.*

- f. *Identify land use designations:* See attached land use designations. The property is located within the "Mixed Use" – Historical Area land use classification.
- g. *Identify area and bulk regulations:* Area and bulk regulations will be as follows: Minimum lot size = 3,600 s.f., Minimum lot width = 40', Maximum lot coverage = 100%, Minimum Street frontage = 0', Front setback = 0', Side setback = 0', rear setback = 0', Exterior side setback = 0', Maximum height = 45'. Minimum building separation shall be determined by the current building and fire codes.
- h. *A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.):* The property is currently zoned – PZD.
- i. *A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.* See attached land use chart.
- j. *A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.):* The project will exceed the UDO requirements by providing 100% HQ material on all façades.
- k. *Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage:* The buildings will blend seamlessly into the surrounding development already present in this area. There will be minimal traffic impacts due to the development. Adequate parking shall be provided. The appearance will utilize high quality materials and landscaping. The proposed architectural elements will be similar in nature to the existing building and its surroundings.
- l. *A traffic study when required by the Engineering Department (consult with staff prior to submittal):* The proposed construction will not generate a large amount of additional traffic – the engineering department does not require a traffic study of this property
- m. *Statement of availability of water and sewer (state sizes of lines):* All New construction shall connect to existing utility lines at Darby, Terry, Ellis, and Ward Avenue.

Appendix A

Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
DP = Development Plan review by the PC and approval by the City Board																											
P = Permitted Use, C = Conditional Use, A = Accessory Use																											
	Auto and vehicle dealer			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	I-1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
	Auto and vehicle dealer (indoors)																				P	P	C	P	P	P	
	Auto and vehicle towing (wrecker)																					P		P	P	P	
	Auto auction																							P	P	P	
	Auto body shop and paint (new parts)																					C		P	P	P	
	Auto detailing service																		C	P	P	P	C	P	P	P	
	Auto glass, muffler, and seatcover shop																		C	C	C	P		P	P	P	
	Auto parts and accessories sales																		C	P	P	P	P	P	P	P	
	Auto quick lube																			P	P	P	P	P	P	P	
	Auto repair																					P		P	P	P	
	Auto repair or assembly (salvage parts)																									P	
	Boat or marine craft dealer																					P		P	P	P	
	Car wash - full service																					P		P			
	Car wash self-service																		C	P	P	P	C	P			
	Gasoline service station																				P	P		P	P	P	
	Motorcycle or ATV sales & service																					P		P	P	P	
	Tire sales																					P		P	P	P	
	Truck stop/travel plaza																					C		C	C		
	Heavy Consumer Goods Sales or Service																										
	Agricultural equipment and supplies (sales & service)																					P	P	P	P	P	
	Appliance repair - (Large)																					P		P	P	P	
	Appliance repair (Small)																				P	P	P	P	P	P	
	Bus, truck sales and service																					P		P	P	P	
	Cellular phone and accessory sales																		P	P	P	P	P	P			P
	Clothing and personal items (repair)																		P	P	P	P	P				P
	Commercial, industrial machinery & equipment (sales & service)																					P		P	P	P	
	Department store, warehouse club or superstore																					P		P			
	Computer and software shop																		P	P	P	P	P	P			P
	Electronics and appliances (new)																			P	P	P	P	P			P
	Electronics and appliances (used) INDOOR ONLY																					P		P			P
	Floor, paint, wall coverings, window treatments																				P	P	P	P			P
	Furniture or home furnishings (new)																			P	P	P	P	P			P
	Furniture or home furnishings (used) INDOOR ONLY																					P	P	P			P

Appendix A

Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
DP = Development Plan review by the PC and approval by the City Board																												
P = Permitted Use, C = Conditional Use, A = Accessory Use																												
				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4		
	Furniture repair and upholstery shop																					P		P	P	P		
	Greenhouse (sales)																				P	P	P				P	
	Hardware store																			P	P	P						
	Hardware store (neighborhood)		INDOOR ONLY																P				P	P			P	
	Home improvement center																				P	P		P				
	Lawn and garden supplies																		C	P	P	P	P	P			P	
	Locksmith																	P	P	P	P	P	P	P				P
	Lumber yard and building materials																							P	P	P		
	Mall																				P	P						
	Manufactured home and mobile home sales and service																					P		P	P	P		
	Oil and gas equipment (sales and service)																							P	P	P		
	Sand, gravel, stone, or earth sales and storage																					C		P	P	P		
	Shopping center																			P	P	P	P					
	Swimming pool sales and supply store (w/o storage yard)																						P	P				
	Truck or tractor sales and service facility																					P		P	P	P		
	Durable Consumer Goods Sales or Service																											
	Bait and tackle shop																				P	P	P	P				P
	Bicycle sales and service																	C	C	P	P	P	C	P			P	
	Bicycle sales and service (no outside storage)																			P	P	P	P	P				
	Bookstore																			P	P	P	P	P				P
	Bridal shop																P	P	P	P	P	P	P	P				P
	Cameras, photographic supplies and services																P			P	P	P	P	P				P
	Clothing, jewelry, luggage, shoes, accessories																C			P	P	P	P	P				P
	Gift shop																			P	P	P	P	P				P
	Sewing machine store (sales & service)																				P	P	P	P				P
	Sporting goods, toys, & musical instruments																				P	P	P	P				P
	Thrift store																				P	P	P	P				
	Consumer Goods, Other																											
	Antique shop																P			P	P	P	P	P				P
	Art dealers, art studio, galleries, supplies																P			C	P	P	P	P				P
	Arts and craft shop																P			P	P	P	P	P				P
	Flea market (indoor)																						P	P				P
	Flea market (outdoor)																											

Appendix A

Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
DP = Development Plan review by the PC and approval by the City Board																												
P = Permitted Use, C = Conditional Use, A = Accessory Use																												
	Florist shop			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4		P
	Hobby shop															P		P	P	P	P	P	P	P				P
	Office supply store																			P	P	P	P	P				P
	Pawnshop																					P		P				
	Pawnshop (no outside storage)																				P	P	P	P				
	Tobacco shop																	P	P	P	P	P	P	P				
	Grocery, Food, Beverage, Dairy																											
	Bakery or confectionery shop															P		P	P	P	P	P	P	P				P
	Beer, wine and liquor store (with drive-through)																		C	P	P	P	P	P				P
	Beer, wine and liquor store (without drive-through)																		P	P	P	P	P	P				
	Convenience store (with gasoline sales)																		C	P	P	P	P	P				
	Farmer's market																			P	P	P	P	P				P
	Fruit and vegetable store															P		C	P	P	P	P	P	P				P
	Grocery store or supermarket															P		P	P	P	P	P	P	P				P
	Neighborhood store															P		P	P	P	P	P	P	P				P
	Health and Personal Care																											
	Cosmetics, beauty supplies, and perfume stores																		P	P	P	P	P	P				P
	Medical appliance services																			P	P	P	P	P				P
	Optical shop																		P	P	P	P	P	P				P
	Pharmacy or drug store																		P	P	P	P	P	P	P	P		P
	Finance and Insurance																											
	Auto insurance claims office																			P	P	P	P		P			P
	Automatic teller machine																			P	P	P	P	P	P			P
	Bank, credit union, or savings institution																			P	P	P	P	P	P			P
	Credit and finance establishment																			P	P	P	P	P				P
	Fund, trust, or other financial establishment																			P	P	P	P	P				P
	Insurance office																			P	P	P	P	P				P
	Investment banking, securities, and brokerages																			P	P	P	P	P				P
	Rental and Leasing																											
	Auto (rental and leasing)																					P		P	P	P		C
	Commercial, industrial machinery & equipment																					P		P	P	P		
	Consumer rental center																			P	P	P	P					
	Oil and gas field equipment																							P	P	P		

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Appendix A

Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
DP = Development Plan review by the PC and approval by the City Board																												
P = Permitted Use, C = Conditional Use, A = Accessory Use				R-1	R-2	R-3	R-4	R-5	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4		
	Video, music, software																		P	P	P	P	P	P				
	Business, Professional, Scientific, and Technical Services																											
	Professional Services																											
	Abstract services															P	P	P	P	P	P	P	P	P			P	
	Accounting, tax, bookkeeping, payroll															P	P	P	P	P	P	P	P	P			P	
	Advertising and media services															P	P	P	P	P	P	P	P	P			P	
	Architectural, engineering															P	P	P	P	P	P	P	P	P			P	
	Carpet and upholstery cleaning																			P	P	P	P	P	P	P		
	Consulting services															P	P	P	P	P	P	P	P	P			P	
	Extermination and pest control																					P	P	P	P			
	Graphic, industrial, interior design															P	P	C	P	P	P	P	P	P			P	
	Investigation and security services																			P	P	P	P	P	P			
	Janitorial services																			P	P	P	P	P	P			
	Legal services															P	P	P	P	P	P	P	P	P			P	
	Medical laboratory																							P	P	P		
	Medical laboratory (no animal research/testing)																			C	C	C	C	P	P			
	Offices, corporate															P	P	P	P	P	P	P	P	P			P	
	Offices, general															P	P	P	P	P	P	P	P	P	P	P		
	Property management services (office only)															P	P	P	P	P	P	P	P	P			P	
	Real estate agency															P	P	P	P	P	P	P	P	P			P	
	Travel arrangement and reservation services															P	P		P	P	P	P	P	P			P	
	Administrative Services																											
	Business support services															P	P	P	P	P	P	P	P	P			P	
	Collection agency															P	P	P	P	P	P	P	P	P			P	
	Employment agency																			P	P	P	P	P			P	
	Employment agency (day labor)																						P	P				
	Facilities support services															P	P	P	P	P	P	P	P	P			P	
	Office and administrative services															P	P	P	P	P	P	P	P	P			P	
	Telemarketer/call center																			P	P	P	P	P				
	Food Services																											
	Bar or tavern																			C	C	C	P	P	P			P
	Beer garden																			C	C	C	P	C			P	
	Catering service																			P	P	P	P	P			P	

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Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
DP = Development Plan review by the PC and approval by the City Board																											
P = Permitted Use, C = Conditional Use, A = Accessory Use																											
	Food distribution center			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
	Microbrewery/microwinery/microdistillery																		C	C	P	P	P	P	P	P	P
	Mobile food services																					P		P	P		P
	Restaurant															P		C	P	P	P	P	P	P			P
	Restaurant (with drive-in services)																			P	P	P	P	P			P
	Restaurant (with drive-through services)																		C	P	P	P	P	P			P
	Restaurant (with outdoor dining)																		P	P	P	P	P	P			P
	Restaurant (with outdoor dining within 300 feet of property zoned or developed for residential purposes)																		C	C	C	C	P	C			P
	Specialty Manufacturing																		C	C	P	P	C	P			P
	Vending																					P		P	P		
	Personal Services																										
	Bail bonds office																					P	P	P	P		
	Barber shop/salon/spa/massage services															P		C	P	P	P	P	P	P			P
	Laundry (commercial/industrial)																							P	P	P	
	Laundry and cleaning facilities (self-service)																		P	P	P	P	P	P			
	Laundry, cleaner																							P			
	Laundry, cleaner (drop-off station)																		P	P	P	P	P	P			P
	Photocopy shop																		P	P	P	P	P	P			P
	Photography studio																P		P	P	P	P	P	P			P
	Print shop																		P	P	P	P	P	P	P		P
	Shoe repair shop																		P	P	P	P	P	P			P
	Tailor shop																		P	P	P	P	P	P			P
	Tanning salons																		P								P
	Tattoo/body piercing parlor																		C	P	P	P	P	P			P
	Weight loss centers																		P	P	P	P	P	P			P
	Pet and animal services																										
	Animal and pet services (indoor)																		P	P	P	P	P	P	P	P	P
	Animal and pet services (outdoor)																					P		P	P	P	
	Animal shelter																							P	P	P	
	Equestrian facilities																				P			P	P	P	
	Kennels																					P		P	P	P	
	Pet cemetery																		C	C	C	C	C	C	C	C	
	Pet shop																		C	P	P	P	P	P			P

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	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
DP = Development Plan review by the PC and approval by the City Board																											
P = Permitted Use, C = Conditional Use, A = Accessory Use																											
	Pet supply store			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	P
	Veterinary clinic (no outdoor kennels)																		P	P	P	P	P	P	P	P	P
	Veterinary clinic (with outdoor kennels)																					P		P	P	P	
Automobile Parking Facilities																											
	Parking garage																				C	C	P	C	P	P	P
	Parking lot (commercial)																					P	C	P	P	P	P
	Parking lot (off site) (See Section 27-601-11)															C	C	C	P	P	P	P	C	P	P	P	P
Manufacturing and Wholesale Trade																											
Food, Textiles and Related Products																											
	Animal food processing																							C	C	P	
	Clothing manufacturing																							P	P	P	
	Food and beverage processing																							P	P	P	
	Leather and allied products																										P
	Textiles																								P	P	
	Tobacco manufacturing																								P	P	
Wood, Paper and Printing Products																											
	Cabinet and woodwork shop																								P	P	P
	Furniture or home furnishings																									P	P
	Manufacturing, boxes/containers/corrugated																									P	P
	Manufacturing, packaging material																									P	P
	Paper and printing materials																									P	P
	Wood products manufacturing plant																									P	P
Chemicals, Metals, Machinery, and Electronics Mfg.																											
	Acid manufacturing																										P
	Asphalt or concrete batching plant (permanent)																										P
	Chemicals, plastics and rubber industry																									C	P
	Electrical equipment, appliance and components mfg.																							P	P	P	
	Explosives manufacturing																										C
	Foundry or metal-works facility																									P	P
	Laboratory (manufacturing)																									P	P
	Machine, welding, or sheet metal shop																									P	P
	Nonmetallic manufacturing																									C	P
	Petroleum and coal products																										C

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Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
DP = Development Plan review by the PC and approval by the City Board																											
P = Permitted Use, C = Conditional Use, A = Accessory Use				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
	Pharmaceutical manufacturing																							P	P	P	
	Refinery																										C
	Tire retreading																										P
	Miscellaneous Manufacturing																										
	Auto manufacturing																									P	P
	Barge and ship manufacturing																										P
	Boat manufacturing																							P	P	P	
	Dolls, toys, games, musical instruments																							P	P	P	
	Jewelry and silverware																							P	P	P	
	Manufacturing, batteries																							P	P	P	
	Manufacturing, fiberglass																									P	P
	Manufacturing, foam products																									P	P
	Manufacturing, heavy																										P
	Manufacturing, light																							P	P	P	
	Manufacturing, medium																									P	P
	Manufacturing, motors, drives, and generators																									P	P
	Office supplies																								P	P	P
	Wholesale Trade Establishment																										
	Durable goods																						P	P	P	P	P
	Electrical, plumbing, heat & air conditioning																								P	P	P
	Nondurable goods																						P	P	P	P	P
	Warehouse and Storage Services																										
	Auto salvage yard																										P
	Building materials salvage yard																									P	P
	Bulk petroleum storage																										P
	Container storage																						P	P	P	P	
	Mini storage warehouse (climatized) See section 27-707																							DP	DP	DP	
	Mini storage warehouse (non-climatized) See section 27-707																							DP	DP	DP	
	Packaging and distribution center																							P	P	P	
	Petroleum distribution facility																								P	P	P
	Portable storage Unit																							P	P	P	
	Vehicle storage yard																							P	P	P	
	Warehouse																							P	P	P	

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Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
DP = Development Plan review by the PC and approval by the City Board																											
P = Permitted Use, C = Conditional Use, A = Accessory Use				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
Transportation, Communication, Information and Utilities																											
Transportation Services																											
	Airport																								P	P	P
	Bus station and terminal																						C	C	C	C	C
	Courier and messenger services																										
	Ferry boat facility																										
	Heliport																										
	Limousine service																										
	Mail services																										
	Marina																										
	Motor freight terminal																										
	Moving and storage																										
	Moving company																										
	Pipeline transportation																										
	Port facility																										
	Rail transportation																										
	Taxicab service																										
Communications and Information																											
	Commercial communication towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C												
	Data processing facility																										
	Motion pictures and sound recording studios																										
	Printing commercial/industrial																										
	Telecommunications and broadcasting studios																										
Utilities and Utility Services																											
	Amateur radio transmitting towers																										
	Electric power plant																										
	Hazardous waste treatment and disposal																										
	Incinerator																										
	Nuclear power plant																										
	Radio, television, and microwave transmitting towers																										
	Recycling center																										
	Recycling collection station																										
	Sanitary landfill																										

Appendix A

Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
DP = Development Plan review by the PC and approval by the City Board																												
P = Permitted Use, C = Conditional Use, A = Accessory Use																												
Solid waste collection				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4		
Utility shop, storage yard or building																						C			P	P	P	
Utility substation		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		P	P	P	
Wastewater treatment plant																										P	P	
Arts, Entertainment, and Recreation																												
Performing Arts or Supporting Establishments																												
Drive-in theater																							C		C			
Movie theater																						P	P	P	P			P
Performance theater																	P					P	P	P	P			P
Carnival or circus (temporary with permit)																				P	P	P	P	P	P	P		
Fairground/rodeo ground																							P	P	P			
Museums and Other Special Purpose Recreational Institutions																												
Historical or archaeological institution																	P							C	C			P
Museum																	P			C	C	C	C	P	C			P
Zoos, botanical gardens, arboreta																							C	P	C	C		
Amusement, Sports, or Recreation Establishment																												
Amusement center (indoor)																				P	P	P	P	P	P			P
Amusement center (outdoor)																							C	C	C	C		
Convention/Event center																				C	C	P	P	P	P			P
Bingo parlor																						P	P	P	P			
Casino gaming business																									C	C	C	
Country club		C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C						
Dance hall/night club																							P	P	P	P		P
Private club																							P	P	P	P		P
Race track																										C	C	
Fitness, Recreational Sports, Athletic Club																												
Bowling alley																												P
Community recreation center												C	C	C	C	C			C	C	C	C	C	C	C			P
Driving range (outdoor)																							C	P	P	P	P	P
Golf course				C	C	C	C	C	C	C	C	C	C	C	C				C	C	C	C	C	C	C	C	C	
Pistol Range (Indoor)																							C	C	C	C	C	
Health club																	P			C	C	P	P	P	P	P		P
Fitness studio																	P			P	P	P	P	P	P			P

Appendix A

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
DP = Development Plan review by the PC and approval by the City Board																											
P = Permitted Use, C = Conditional Use, A = Accessory Use																											
Indoor Games Facility			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4		
Miniature golf course																			P	P	P	P	P				
Pool hall																		C	C	C	P	P					
Sexually oriented business (see Ft. Smith Muni. Code Sec.14-141)																					P			P	P		
Skating rink																					P	P	P				
Sports complex/athletic field																					C	C	C	C			
Swimming pool																		C	C	C	P	C	C	C			
Water park																					C		C				
Camps, Camping, and Related Establishments																						C		P	P		
Camps, camping, and related establishments																											
Natural and Other Recreational Parks																											
Park or playground (public and nonpublic)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Education, Public Administration, Health Care and Other Institutions																											
Educational Services																											
College, university, or seminary	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		C	C	C	C	C	C			P	
Fine art and performance education															C	C	C	C	C	C	C	C	C			P	
Library or public arts complex			C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C			C	
Nursery school	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				
Preschool	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	
Primary and secondary school	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	
School, business professional														C	C	C	C	C	C	C	C	C				P	
School, technical or trade																				C	C	C	C			P	
Public Administration - Government																											
Criminal justice facility																						C	C	C			
Detention facility																						C	C	C			
Government office															P		P	P	P	P	P	P	P			P	
Public Safety																											
Emergency response station																C	P	P	P	P	P	C	P	P	P	C	
Fire and rescue station	C	C	C	C	C	C	C	C	C	C	C	C	C	C			P	P	P	P	P	P	P	P	P	C	
Police station																C	C	C	C	C	C	C	C	C	C	C	
Police substation (no incarceration)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P	P	
Health and Human Services																											
Community health and welfare clinic																				C	C	C	C				

Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
DP = Development Plan review by the PC and approval by the City Board																												
P = Permitted Use, C = Conditional Use, A = Accessory Use																												
	Diagnostic laboratory testing facility			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T,1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	P	
	Doctor office and clinic															P	C		P	P	C	P	C	P	P		P	
	Hospice residential care facility																P		P	P	P	P	P	P	P			
	Hospital																C		P	P	P	P	P	P				
	Mental health hospital																C		P	P	P	P	P					
	Nursing home																C		C	C	C	C	C	C				
	Substance abuse treatment facility																C		C	C	C	C						
	Substance abuse treatment facility (outpatient only)																C		C	C	C	P		P	P			
Social Assistance, Welfare, and Charitable Services																												
	Child and youth services (office)																C											
	Day care Home (12 or less)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P					
	Day care center															C			C	C	C	C	C	C	C		C	
	Shelter for abused persons																		C	C	C	C	C	C	C			
	Community food services																				C	C	C	C				
	Emergency and relief services																			P	P	P	P	P				
	Family support services																					P	P	P				
	Senior citizen center											C	C	C	C	C	C	C	C	C	C	C	C	P				
	Vocational rehabilitation																					C		C	C			
Religious Institutions																												
	Church, synagogue, temple, mosque	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C
	Rectory, convent, monastery											C	C	C	C	C	C	A	A	A	A	A	A	A				
Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership																												
	Wedding chapel															P			P	P	P	P	P	P			P	
Death Care Services																												
	Cemetery, mausoleum, crematorium, funeral home, & mortuary																		C	C	C	C		C				
	Monument (manufacturing)																							P	P			
	Monument (sales)																		P	P	P	P		P	P			
Associations, Nonprofit Organizations																												
	Lodge or fraternal organization															C			C	C	C	C	C	P	P		P	
Construction-Related Businesses																												
	Contractor's office																P	P	P	P	P	P	P	P	P	P	C	
	Contractor's shop and storage yard																					C		P	P	P		

Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
DP = Development Plan review by the PC and approval by the City Board																											
P = Permitted Use, C = Conditional Use, A = Accessory Use				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T 1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
	Glass sales and service																					P		P	P	P	
	Landscaping contractor																					C		P	P	P	
	Sign contractor																					C		P	P	P	
Mining and Extraction Establishments																											
	Coal mining																										C
	Metallic mining																									C	P
	Non-metallic manufacturing and mining																									C	P
Agriculture, Forestry, Fishing, and Hunting																											
	Grain storage and processing																									C	P
	Livestock yard, feed lot, holding pens, and auction facility																									C	C
	Commercial grower																							P		P	P
Tanning and Slaughtering of Animals or Fowl																											
	Animal slaughter and processing																									C	C
Note: Section 4-5 of the Fort Smith Municipal Code prohibits the collection or keeping of hogs or swine within the Fort Smith city limits																											
Forestry and Logging																											
Fishing, Hunting and Trapping, Game Preserves																											
	Taxidermy shop																						P		P	P	

RESOLUTION NO. R-87-23

RESOLUTION REQUESTING THAT THE FORT CHAFFEE REDEVELOPMENT AUTHORITY DONATE THE REAL PROPERTY CURRENTLY IN USE AS THE DEER TRAILS GOLF COURSE AT CHAFFEE CROSSING TO THE CITY OF FORT SMITH

WHEREAS, the Fort Chaffee Redevelopment Authority (FCRA) currently owns the real property at 11707 Custer Drive that contains the Deer Trails Golf Course at Chaffee Crossing; and

WHEREAS, the Deer Trails Golf Course at Chaffee Crossing has operated as a golf course for many years, both before and after the FCRA took ownership of the property; and

WHEREAS, FCRA leases operation of the golf course to Deer Trails Country Club at Chaffee Crossing, a not for profit corporation in good standing with the Arkansas Secretary of State; and

WHEREAS, the operators and patrons of the Deer Trails Golf Course at Chaffee Crossing wish for the property to remain a public golf course and not be sold by FCRA for development or other uses; and

WHEREAS, the City’s Board of Directors acknowledges the public’s interest in the continued operation of the property as a public golf course.

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

Section 1. The City of Fort Smith hereby requests that the FCRA donate ownership of the real property currently in use as the Deer Trails Golf Course at Chaffee Crossing to the City of Fort Smith.

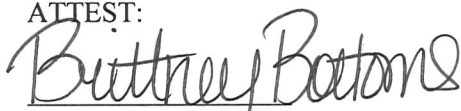
Section 2. The City of Fort Smith intends to continue use of the property as a public golf course.

Passed and Approved this 16th day of May, 2023.

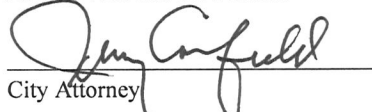
APPROVED


MAYOR

ATTEST:


CITY CLERK, Acting

APPROVED AS TO FORM:


City Attorney

RESOLUTION NO. R-88-23

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER ONE WITH GOODWIN & GOODWIN, INC., FOR THE 2015 SSA REMEDIAL MEASURES, UPSIZING 6-INCH SEWER MAINS

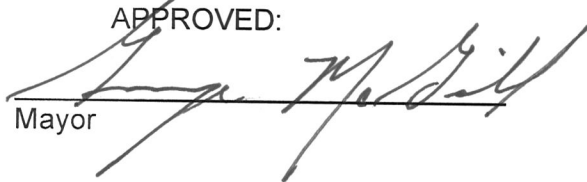
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Change Order Number One with Goodwin & Goodwin, Inc., for the construction of 2015 SSA Remedial Measures, Upsizing 6 Inch Sewer Mains, Project 19-26-C1, is hereby approved.

SECTION 2: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute Change Order Number One with Goodwin & Goodwin, Inc., in the deductive amount of \$10,577.00 and adding 146 days, adjusting the total contract amount to \$871,526.00 and for a period of 416 days for completion.

This Resolution adopted this 16th day of May 2023.

APPROVED:



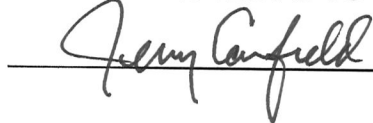
Mayor

ATTEST:



City Clerk, Acting

APPROVED AS TO FORM:



npr

RESOLUTION NO. R-89-23

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO GOODWIN & GOODWIN, INC., FOR THE 2015 SSA REMEDIAL MEASURES, UPSIZING 6 INCH SEWER MAINS

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

SECTION 1: The construction of 2015 SSA Remedial Measures, Upsizing 6 Inch Sewer Mains, Project Number 19-26-Construction (C1), is hereby accepted as complete.

SECTION 2: Final payment to Goodwin & Goodwin, Inc., in the amount of \$82,696.35, for Project Number 19-26-Construction (C1) is hereby authorized.

This Resolution adopted this 16th day of May 2023.

APPROVED:



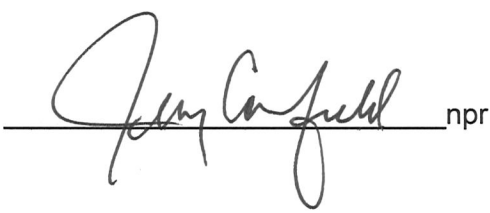
Mayor

ATTEST:



City Clerk, Acting

APPROVED AS TO FORM:



npr

RESOLUTION NO. R-90-23

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER ONE, WITH MCKEE UTILITY CONTRACTORS, INC., FOR THE BASIN 10 & 14 CAPACITY IMPROVEMENTS, SCHEDULE 1

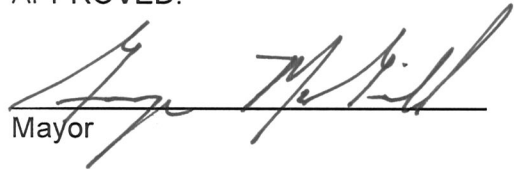
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Change Order Number One, with McKee Utility Contractors, Inc., for the construction of Basin 10 & 14 Capacity Improvements, Schedule 1, Project Number 21-22 Construction (C1), is hereby approved.

SECTION 2: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute Change Order Number One, with McKee Utility Contractors, Inc., in the amount of \$158,706.11, adjusting the total contract amount to \$12,982,797.11.

This Resolution adopted this 16th day of May 2023.

APPROVED:



Mayor

ATTEST:



City Clerk, Acting

APPROVED AS TO FORM:



npr

RESOLUTION NO. R-91-23

RESOLUTION AMENDING RESOLUTION R-67-23 ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH FORSGREN, INC., FOR THE SANITARY SEWER ASSESSMENT REMEDIAL MEASURES BASIN 12, PHASE 1

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

SECTION 1: The contract amount approved by Resolution R-67-23 is hereby amended to \$2,299,925.30.

SECTION 2: The bid of Forsgren, Inc., for the construction of the Sanitary Sewer Remedial Measures Basin 12, Phase 1, Project 17-10 Construction (C1), is hereby approved.

SECTION 3: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute a contract with Forsgren, Inc., in the amount of \$2,299.925.30 and for a contract period of 270 days, for performing said construction.

This Resolution adopted this 16th day of May 2023.

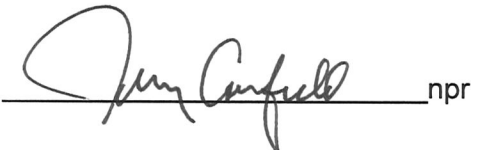
APPROVED:


Mayor

ATTEST:


City Clerk, Acting

APPROVED AS TO FORM:


npr

RESOLUTION NO. R-92-23

RESOLUTION AMENDING RESOLUTION R-76-22 FOR
TRACT 2 AND TRACT 3,
BASIN 10 & 14 CAPACITY IMPROVEMENT – PHASE 1A

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

SECTION 1: The appraised value of the easements authorized to be acquired by
Resolution No. R-76-22 for the completion of Basin 10 & 14 Capacity Improvement has
changed due to time. The appraised value for Tract 2 (PARCEL# 12746-0016-00012-00) is
\$2,200.00, and the appraised value for Tract 3 (PARCEL# 12746-0036-00012-00) is \$800.00.
Easement size and scope of work will remain the same.

SECTION 2: Resolution No. R-76-22 is amended to reflect the revised appraised value
of the above easements.

SECTION 3: All such actions previously taken regarding Project 18-16 are hereby
confirmed.

This Resolution adopted this 16th day of May 2023.

APPROVED:



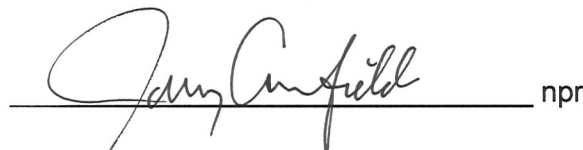
Mayor

ATTEST:



City Clerk, Acting

APPROVED AS TO FORM:



npr

RESOLUTION NO. R-93-23

**A RESOLUTION TO ACCEPT THE BID AND
AUTHORIZE A CONTRACT FOR THE
2020 DRAINAGE IMPROVEMENTS, PHASE C
PROJECT NO. 20-06-C**

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

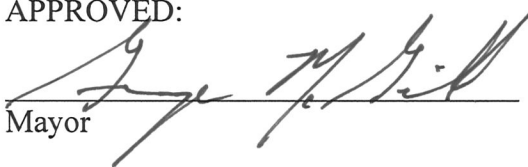
SECTION 1: The bid of Royal Ridge Construction, LLC, received May 2, 2023, for the 2020 Drainage Improvements, Phase C, Project No. 20-06-C, in the amount of \$2,035,955.00 be accepted.

SECTION 2: The Mayor, his signature being attested by the City Clerk, is authorized to execute a contract with Royal Ridge Construction, LLC, 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 16th day of May, 2023.

APPROVED:



Mayor

ATTEST:



City Clerk, Acting

Approved as to Form



No Publication Required

RESOLUTION NO. R-94-23

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SCHNABEL ENGINEERING, LLC FOR THE LEE CREEK DAM ANALYSES, PHASE I

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

SECTION 1: An Agreement with Schnabel Engineering, LLC for analyses of the dam at Lee Creek is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the Agreement for the Lee Creek dam analyses, Phase I for \$151,503.00 and an Agreement period of 180 days, for performing said services.

This Resolution adopted this 16th day of May, 2023.

APPROVED:


MAYOR

ATTEST:


CITY CLERK, Acting

APPROVED AS TO FORM:


npr

RESOLUTION NO. R-95-23

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF FORT SMITH TO
UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM OR
RECREATIONAL TRAILS PROGRAM FUNDS

WHEREAS the Board of Directors understands Federal-aid Transportation Alternatives Program or Recreational Trails Program Funds are available at 80% federal participation and 20% local match to develop or improve Chaffee Crossing Trails Segment Three, and

WHEREAS, City of Fort Smith understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS THAT:

SECTION 1: City of Fort Smith will participate in the Federal-Aid programs identified above in accordance with its designated responsibility, including maintenance of the Chaffee Crossing Trails Segment Three.

SECTION 2: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, all appropriate agreements necessary to participate in the identified programs, and the Mayor is designated as the official of the City for execution of construction contracts in the programs.

SECTION 3: The Board of Directors pledges its full support and hereby authorizes the Arkansas Department of Transportation to initiate action to implement the Chaffee Crossing Trails Segment Three Project.

This Resolution adopted this 16th day of May, 2023.

APPROVED:



Mayor

ATTEST:



City Clerk, Acting

Approved as to form:



City Attorney

RESOLUTION NO. R-96-23

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE
AGREEMENT WITH THE SEBASTIAN COUNTY AQUATICS ASSOCIATION FOR THE
DIVING WELL POOL AT CREEKMORE PARK

WHEREAS, Sebastian County Aquatics Association, Inc. (SCAA), Fort Smith, Arkansas has requested to lease the diving well pool at Creekmore Park;

Whereas, the City of Fort Smith Parks and Recreation Commission recommends the approval of the lease agreement with SCAA for the use of diving well pool at Creekmore Park;

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

The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the attached lease agreement with SCAA for an initial period of five (5) years.

This Resolution adopted this 16th day of May, 2023.

APPROVED:



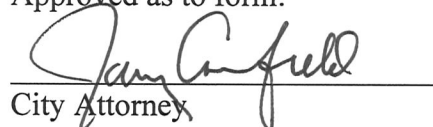
Mayor

ATTEST:



City Clerk, Acting

Approved as to form:



City Attorney

RESOLUTION NO. R-97-23

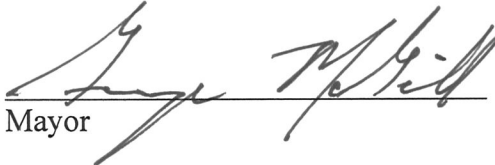
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN ENGINEERING SERVICES AGREEMENT WITH CRAFTON TULL FOR
CREEKMORE PARK POOL BATHHOUSE

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,
an engineering services agreement with Crafton Tull for design and construction observation
services for Creekmore Park pool bathhouse for an amount not to exceed \$169,800.00.

This Resolution adopted this 16th day of May, 2023.

APPROVED:




Mayor

ATTEST:



City Clerk, Acting

Approved as to form:



City Attorney

RESOLUTION NO. R-98-23

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH MICKLE GRIFFIN FOR FINAL DESIGN AND CONSTRUCTION OBSERVATION SERVICES FOR CHAFFEE CROSSING TRAIL SYSTEM SEGMENT TWO

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, an agreement for professional services with Mickle Griffin for final design and construction observation services for Chaffee Crossing Trail System Segment Two for an amount not to exceed \$98,108.00.


This Resolution adopted this 16th day of May, 2023.

APPROVED:



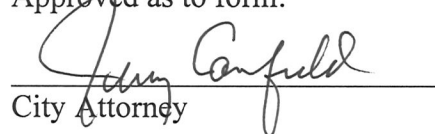
Mayor

ATTEST:



City Clerk, Acting

Approved as to form:



City Attorney

RESOLUTION NO. R-99-23

RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE MAYOR TO EXECUTE
A CONTRACT WITH CXT, INC. FOR THE PURCHASE OF A MULTIUSER FULLY
ACCESSIBLE FLUSH RESTROOM BUILDING FOR WOODLAWN PARK

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

SECTION 1: The bid of CXT, Inc. for the delivery of a Cortez Flush Building is hereby
approved.

SECTION 2: The Mayor, his signature being attested by the City Clerk, is hereby
authorized to execute a contract with CXT, Inc. in the amount of \$110,793.10 for the delivery of
two restroom buildings within 120 days.

This Resolution adopted this 16th day of May, 2023.

APPROVED:



Mayor

ATTEST:



City Clerk, Acting

Approved as to form:



City Attorney

RESOLUTION NO. R-100-23

A RESOLUTION ACCEPTING CHANGE ORDER NUMBER ONE WITH GOODWIN & GOODWIN, INC. FOR CONSTRUCTION OF CAROL ANN CROSS PARK IMPROVEMENTS

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 Goodwin & Goodwin, Inc. increasing the contract amount by \$62,636.00 for construction of Carol Ann Cross Park Improvements.

This Resolution adopted this 16th day of May, 2023.

APPROVED:



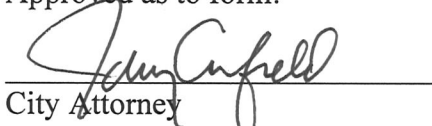
Mayor

ATTEST:



City Clerk, Acting

Approved as to form:



City Attorney

RESOLUTION NO. R-101-23

RESOLUTION REPEALING RESOLUTION NO. R-79-23 AND AUTHORIZING ACQUISITION OF PERMANENT TRAIL EASEMENTS FOR CHAFFEE CROSSING TRAIL SYSTEM SEGMENT TWO

WHEREAS, the City of Fort Smith, Arkansas acquired trail easements for construction of Chaffee Crossing Trails Segment Two; and

WHEREAS, it is the desire of certain landowners to grant permanent trail easements to the City of Fort Smith, Arkansas for trail purposes.

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

SECTION 1: Resolution R-79-23 is hereby repealed.

SECTION 2: The attached Trail Easement Grant from River Valley Church, Inc. for the donation of real property described therein is hereby accepted.

SECTION 3: The attached Trail Easement Grant from Museum of The Hardwood Tree for the donation of real property described therein is hereby accepted.

SECTION 4: The City Administrator and the City Attorney are hereby authorized to take any and all reasonable actions to complete the acceptance of the permanent trail easements of real properties identified in Section 2 and Section 3 above.

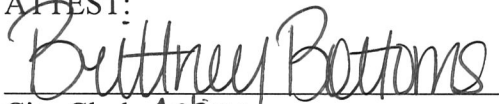
This Resolution adopted this 16th day of May, 2023.

APPROVED:



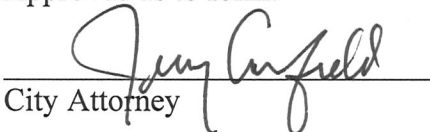
Mayor

ATTEST:



City Clerk, Acting

Approved as to form:



City Attorney

RESOLUTION NO. R-102-23

RESOLUTION AUTHORIZING THE EXECUTION OF A NON-RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL PERMIT AND AGREEMENT WITH WASTE MANAGEMENT OF ARKANSAS, INC

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

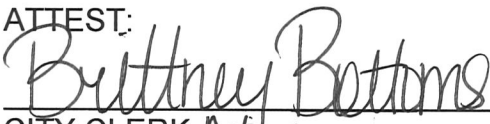
The Mayor, his signature attested by the City Clerk, is hereby authorized to execute the attached two (2) year Non-Residential Solid Waste Collection and Disposal Permit and Agreement with Waste Management of Arkansas, Inc. for the period of June 1, 2023 through May 18th, 2025.

This Resolution adopted this 16th day of May, 2023.

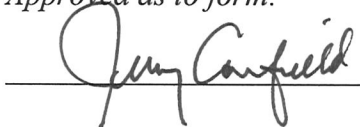
APPROVED:


MAYOR

ATTEST:


CITY CLERK, Acting

Approved as to form:


NPR

RESOLUTION NO. R-103-23

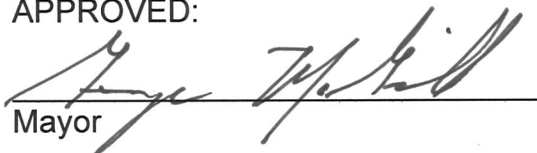
**RESOLUTION ACCEPTING THE BID FOR THE PURCHASE OF A 30 CUBIC YARD
RESIDENTIAL SIDE LOAD VEHICLE**

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

The bid, as indicated by enclosure for the purchase of a 30 cubic yard automated side load residential collection vehicle from Labrie Environmental Group ULC for \$478,079, is accepted.

This Resolution adopted this 16th day of May, 2023.

APPROVED:




Mayor

ATTEST:



City Clerk, Acting

APPROVED AS TO FORM:



No publication required



Seller

Labrie Environmental Group ULC

175B Rte Marie Victorin

Lévis, Québec

Canada

G7A 2T3

Phone : 418-831-8250
 Toll-Free : 1-800-463-6638
 Website : www.labriegrup.com

QUOTE FORM		
Quote #	Reference #	Quoted Date
104		2022-08-12
Price List / Currency	Terms	Quote Valid Until
2023-SW01 / USD	Net 30 Days	2022-10-11
Regional Sales Manager	Customer Service Rep.	Product Specialist
Rich Jones	Tracie Mauthe	Olivier Longuépée
Opportunity Type	Carrier	
SW End Client	To Be Determined	

SOLD TO	SHIP TO	END CLIENT
J & R Equipment LLC 8800 SW 8th St dba J&R Environmental Trucks Oklahoma City, OK 73128 United States Email : Phone : 405-495-5110	J & R Equipment LLC 8800 SW 8th St dba J&R Environmental Trucks Oklahoma City, OK 73128 United States Email : Phone :	City of Fort Smith 623 Garrison Ave Room 101 Fort Smith, AR 72901 United States Email : Phone : 479-784-2262

CHASSIS INFORMATION	
Chassis Provided By : Supplied by Customer Chassis Manufacturer : Crane Carrier Company Chassis Model : LET2 Cab Style : Cab Over Drivetrain : 6X4 Auxiliary Axle : Without Auxiliary Axle CNG System Upon Arrival : CNG Management Module Only Driving Configuration at Delivery : Sit-Down from Company on Curbside Only Chassis Delivery Address : Canada: 175-B Rte. Marie-Victorin, Lévis, QC, Canada G7A 2T3	Engine Make : Cummins Engine Model : ISX12N Engine Power : 350 HP Engine Torque : 1150 LB-FT @ 1200 RPM Transmission Make : Allison Transmission Model : RDS 4000 Series WTEC 4 & 5 Transmission Type : Automatic Transmission

COLOR INFORMATION	
Cab Color : Blue (Light) from Factory Body Color : Blue (Light) Chassis Color : Black from Factory Paint Scheme Number : Without	Cab Color Code : To Be Confirmed Body Color Code : To Be Confirmed Chassis Color Code : Code NOT Required Match Cab : Yes

CARTS INFORMATION	
Cart Make : Cart Capacity :	Cart Type :

BODY CONFIGURATION	
Body Model : Automizer FE (Full Eject) Arm Model : Single Right-Hand (Curb) Body Type : Standard Body Division : Without Divison	Total Capacity : 30yd³ (26+4) Body Capacity : 26yd³ Tailgate Capacity : 4yd³

BASE PRICE	311 440,00\$
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OPTIONS			
#	Category	Option Description	Price
0	CNG	CCNG-0003 CNG System Behind Cab - 5 Tanks 82 DGE (BLACK Covers)	94 160,00 \$
1	CNG	CNGP-0050 CNG Filling Port on Front Bumper Streetside	3 060,00 \$
2	CNG	CNGA-0000 In-cab CNG Alarm	4 500,00 \$



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Rich Jones	Tracie Mauthe	Olivier Longu�p�e
Opportunity Type	Carrier	
SW End Client	To Be Determined	

Seller

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#	Category	Option Description	Price
3	Lifting	ALHG-STD01 Standard Height Gripper	0,00 \$
4	Lifting	AGRA-0010 Heavy Duty Arm & Gripper, "32 to 95 US gal"	7 080,00 \$
5	Lifting	EAOA-STD01 Arm out alarm at 11 km/h - 7 mph	0,00 \$
6	Lifting	EADB-6213 Auto Dump Cycle for Right-Hand or Alley-Hand Arm on Curbside	3 240,00 \$
#	Category	Option Description	Price
7	Hopper Area	BCPH-0000 Crusher Panel (1)	8 400,00 \$
8	Hopper Area	QUSS-0000 Crusher Panel Full Width	0,00 \$
#	Category	Option Description	Price
9	Consoles & Controls	AAAC-0050 Auxiliary Arm Controls Inside Cab on Curbside	2 140,00 \$
10	Consoles & Controls	AAJC-STD01 Single Arm Joystick NON-Moveable	0,00 \$
#	Category	Option Description	Price
11	Hydraulic	HPSO-0000 Automatic Pump shutoff at 50 km/h- 32 mph	620,00 \$
12	Hydraulic	HCON-STD01 JIC	0,00 \$
13	Hydraulic	HHOC-STD01 Hydraulic Oil Cooler	0,00 \$
14	Hydraulic	CCPM-STD02 Dual Pump Denison T6DC Work-at-Idle (Front)	0,00 \$
15	Hydraulic	CHFT-STD03 Hydraulic Tank Mounted on the Front of the Body	0,00 \$
16	Hydraulic	EBCV-STD02 Electric Over Hydraulic Body Main Valve	0,00 \$
#	Category	Option Description	Price
17	Accessories	BCOT-0000 Broom and Shovel Front of Hopper on Curbside & Hoe Front of Hopper on Streetside	800,00 \$
18	Accessories	BFEX-0010 Fire Extinguisher 20 lbs (1) on Rubrail Curbside (Rear) Vertical	780,00 \$
19	Accessories	BBTS-STD01 Standard Tailgate Seal	0,00 \$
#	Category	Option Description	Price
20	Lighting	LLPA-0010 Add. Lights on Tg.: 2/3 Lightbar + Central Brake Light + Multifunctions Lights (4) (X Pattern)	2 260,00 \$
21	Lighting	LBLR-0025 Backup Lights on Rubrails Mid-Body - LED (2)	1 400,00 \$
22	Lighting	LBLT-0005 Backup Lights on Tailgate 2/3 Centered - LED (2)	1 400,00 \$
23	Lighting	LWLK-0025 Work Light Package - LED (2)	1 400,00 \$
24	Lighting	WL01-0000 Hopper Streetside (1)	0,00 \$
25	Lighting	WL04-0000 Rail Curbside (4)	0,00 \$
#	Category	Option Description	Price
26	Electronic	CCCC-0023 Triple Zone Defense Cameras (3) With Heater/With Shutter	6 500,00 \$
27	Electronic	CL01-0000 Tailgate Center 2/3 (1) - Pointing Back	0,00 \$
28	Electronic	CL04-0000 Hopper Streetside (4) - Pointing Curbside	0,00 \$
29	Electronic	CL15-0000 Mirror Streetside (15) - Pointing Back	0,00 \$
30	Electronic	CCCM-0022 Zone Defense 9" Color Monitor	260,00 \$
31	Electronic	CCML-INC01 On Ceiling, Centered, Near the Windshield	0,00 \$
32	Electronic	AGCD-0000 Cart/Container Counting Device on Arm(s)	600,00 \$



Seller

Labrie Environmental Group ULC

175B Rte Marie Victorin

Lévis, Québec

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Opportunity Type	Carrier	
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#	Category	Option Description	Price
33	Service & Maintenance	BRLS-STD01 Ground Level Grease Point for Follower Panel Rollers (Centralized)	0,00 \$
34	Service & Maintenance	BALS-0010 Ground Level Grease Points for Tailgate (Centralized) & Hopper Door(s)	2 540,00 \$
#	Category	Option Description	Price
35	Structure, Liners & Materials	BHFL-STD01 Hopper and Body Floor Liner Full Length 1/4" - Hardox 500	0,00 \$
#	Category	Option Description	Price
36	Unit Appearance	PCBP-0000 Base Coat/Clear Coat Body Paint	4 540,00 \$
37	Unit Appearance	UAPP-STD01 One (1) Coat of Urethane Primer	0,00 \$
38	Unit Appearance	PCCP-STD01 Paint Chassis Components same Color as Chassis	0,00 \$
39	Unit Appearance	PSSS-0010 CAUTION VEHICLE STOPS [...] FREQUENTLY, 74-1/2" x 23-1/2" (Black on Yellow)	480,00 \$
40	Unit Appearance	BASA-STD01 Rubber Mud Guards - Rear of Rear Axle	0,00 \$
41	Unit Appearance	BASN-STD01 Mud Guards with Labrie Logo	0,00 \$
42	Unit Appearance	BODL-STD01 Informative Decals English	0,00 \$
#	Category	Option Description	Price
43	Chassis	CFTD-STD01 Diesel Tank from Company or CNG/Electric	0,00 \$
SUBTOTAL OPTIONS :			146 160,00\$

NON-STANDARD OPTIONS	
2022-4706; 8520\$USD; CNG, Transfer hose, Truck to truck, 25' long	
2020-7619; 0\$USD; CNG- Move the PRD tubes to the back and add guards to prevent damages from tree limbs (Behind cab systems)	
2020-7620; 2160\$USD; CNG- Supply and install garter vents to the vent tubes.	
2017-7045; 2040\$USD; Hopper wall plastic shield	
2017-5709; 580\$USD; Electrical- Joystick buttons- Functions location- Right button closes & left button opens	
SUBTOTAL NON-STANDARD OPTIONS :	
13 300,00\$	

COMMENTS	



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 Website : www.labriegrup.com

Expected Delivery Date :		Subtotal Base Price and Options :	470 900,00 \$
		Discount (51,00%) :	240 159,00 \$
		Subtotal Base Price and Options (Net) :	230 741,00 \$
		Body Miscellaneous Charges :	0,00 \$
		Body Miscellaneous Charges :	0,00 \$
		Body Miscellaneous Charges :	0,00 \$
		Sourcewell Fee :	0,00 \$
		Material Surcharge :	4 600,00 \$
		Extended Warranty :	0,00 \$
		Extended Warranty Other :	0,00 \$
		Additional Trade Discount :	0,00 \$
		Subtotal Body (Net) :	235,341.00 \$
		Chassis Price :	232,334.00 \$
		Subtotal Unit (Net) :	467,675.00\$
		FET (12%) :	0,00 \$
		Miscellaneous Charges :	0,00 \$
		Miscellaneous Charges :	0,00 \$
		Miscellaneous Charges :	0,00 \$
		Freight Charges :	10,404.00 \$
		Total Unit (Net) :	478,079.00\$
		Number of Units :	1
		Grand Total :	478,079.00\$
		Currency :	USD

Chassis Terms (if applicable) :
 Net on delivery for release of MSO.

Weight Distribution:
 Quotes and pricing are subject to changes according to WD analysis which can alter specs.
 Upon receipt of PO and chassis specs, WD will be conducted and a confirmation of acceptance will be issued.

Taxes :
 Not Included.

Disclaimer :
 It is the quoting distributor's responsibility to verify the accuracy of this quote versus the specifications for the body and chassis.
 Labrie Environmental Group will not be responsible for any price differential between this quotation and what is required by the provided specifications. Interest fees on past due account of 1.5% per month (18% annual). Price list subject to change at all time due to the steel price index.

Labrie Environmental Group (LEG) does not accept floorplan charges, back charges, liquidated damages or third-party claims for any reason or cause, whether expressed or implied by specifications or other form of communication, including purchase order terms and conditions unless approved in writing by CEO or CFO at time of quotation.

Labrie Environmental Group (LEG) and/or seller shall not be responsible for any failure to perform, or delay in performance of, its obligations resulting from the COVID-19 pandemic or any future epidemic.

Labrie Representative :

Customer : J & R Equipment LLC

MOTION

A MOTION TO FINALIZE AND PUBLISH THE ANIMAL HAVEN AUDIT ON JUNE 16, 2023

WHEREAS, at the beginning of the May 16, 2023 regular meeting, the Board of Directors unanimously placed a discussion on the same meeting's agenda, regarding the plan and process on how and when to release the Animal Haven Audit, to be held after the meeting's regular items of business; and,

WHEREAS, said discussion was held and the Board determined that an additional thirty (30) days would be sufficient time to resolve any remaining issues with finalization and publishing of the Animal Haven Audit; and,

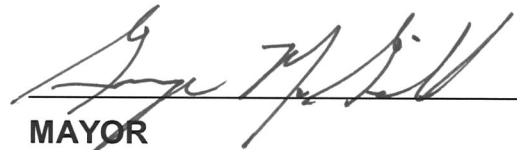
WHEREAS, the thirty (30) day time extension would extend the audit's finalization and publishing deadline to Friday, June 16, 2023;

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

The Animal Haven audit will be finalized and published on June 16, 2023.

THIS MOTION PASSED this 16th day of May, 2023.

APPROVED:


MAYOR

ATTEST:


ACTING CITY CLERK

MOTION

A MOTION TO AUTHORIZE A SALARY ADJUSTMENT FOR INTERNAL AUDITOR

WHEREAS, a performance evaluation of Internal Auditor Tracey Shockley was held during an executive session at the May 16, 2023 regular meeting of the Board of Directors; and,

WHEREAS, said performance evaluation was originally added to an executive session on the April 18, 2023 regular meeting but was tabled to the May 2, 2023 regular meeting and tabled again to the May 16, 2023 regular meeting respectively; and,

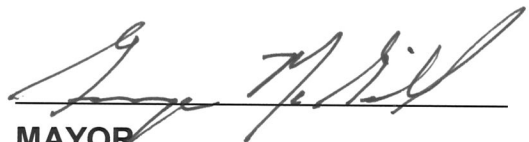
WHEREAS, discussion regarding a 5% salary adjustment for the Year 2023 was accomplished during an executive session at the May 16, 2023 regular meeting of the Board of Directors;

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

A five-percent (5%) salary adjustment is hereby authorized for Internal Auditor Tracey Shockley, retroactively effective April 3, 2023.

THIS MOTION PASSED this 16th day of May, 2023.

APPROVED:


MAYOR

ATTEST:


ACTING CITY CLERK