



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 ~ Revised

Fort Smith Board of Directors SPECIAL MEETING & STUDY SESSION

June 27, 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>

SPECIAL MEETING

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING (*Section 2-37 of the Fort Smith Municipal Code*)

ITEMS OF BUSINESS - SPECIAL MEETING

1. Resolution accepting and filing the External Auditor's Report on the City's financial statements, Uniform Guidance Audit, and report on the City's compliance with certain State Acts for the year ended December 31, 2022 (*Finance*)

ADJOURN

STUDY SESSION

CALL TO ORDER

ITEMS OF BUSINESS - STUDY SESSION

1. Report of 64.6 Downtown's activities regarding the City's contract with 64.6 Downtown
(City Administrator) ♦
2. Discuss amending the 2019 Unified Development Ordinance of the City of Fort Smith to require submission of a development plan for Planned Zoning Districts ~ *Settle/G.Catsavis placed on future agenda at the March 28, 2023 study session ~ (Planning & Zoning)*
3. Discuss amending the 2019 Unified Development Ordinance of the City of Fort Smith regarding inclusion of height restrictions in certain zoning districts ~ *Settle/G.Catsavis placed on future agenda at the March 28, 2023 study session ~ (Planning & Zoning)*
4. Discuss proposed amendment to the 2019 Unified Development Ordinance of the City of Fort Smith regarding residential fowl regulations ~ *Ordinance tabled pending study session discussion at the April 4, 2023 regular meeting ~ (Planning & Zoning)*
5. Review preliminary agenda for the July 11, 2023 regular meeting *(City Clerk)*

CITIZENS FORUM

ADJOURN



City of Fort Smith Board of Directors Special Meeting Called for June 27, 2023

Fort Smith, Arkansas sent this bulletin at 06/27/2023 03:25 PM CDT

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Board of Directors Special Meeting Called for June 27, 2023

Pursuant to Section 2-27(3) of the Fort Smith Municipal Code, Directors Lavon Morton, Andre' Good, Kevin Settle, and Neal Martin have called for a special meeting to be held at 6:00 p.m., Tuesday, June 27, 2023 at the Blue Lion, 101 North 2nd Street, to consider the following item:

Resolution accepting and filing the External Auditor's Report on the City's financial statements, Uniform Guidance Audit, and report on the City's compliance with certain State Acts for the year ended December 31, 2022

Although not required, Director Jarred Rego also concurred with the request. Director George Catsavis did not consent to calling the special meeting and Director Christina Catsavis could not be reached.

The study session previously scheduled for said date and time will convene immediately following adjournment of the aforementioned special meeting.

A revised agenda to include the special meeting will be uploaded to the city website as soon as possible.

Brittney Bottoms
Assistant City Clerk

POWERED BY





MEMORANDUM

TO: Carl E. Geffken, City Administrator
CC: Jeff Dingman, Deputy City Administrator
FROM: Andrew Richards, Finance Director
DATE: June 27, 2023
SUBJECT: Resolution to Accept the 2022 Annual Audit Report

SUMMARY

The proposed resolution for the Board to accept the 2022 Annual Comprehensive Financial Report (ACFR) is attached. The Audit Advisory Committee met June 22, 2023, to review the draft of the report and discussed the audit with the City’s external audit firm. The audit firm is currently finalizing its engagement quality review of the audit.

One of the reporting requirements which the ACFR fulfills is the City’ annual financial disclosure requirements due June 30, 2023. The reporting can be done in final form if the audit opinions have been issued or in unaudited draft form, until the auditors issue their opinions on the audit. City staff are prepared to submit the ACFR by June 30, 2023, whether it is in draft or final form dependent on the timing of the issuance of the auditors’ opinions.

Please call with any questions.

ATTACHMENTS

1. [Audit_Resolution.pdf](#)

RESOLUTION NO. _____

RESOLUTION ACCEPTING AND FILING THE EXTERNAL AUDITOR'S REPORT ON THE THE CITY'S FINANCIAL STATEMENTS, UNIFORM GUIDANCE AUDIT, AND REPORT ON THE CITY'S COMPLIANCE WITH CERTAIN STATE ACTS FOR THE YEAR ENDED DECEMBER 31, 2022

WHEREAS, the City of Fort Smith, Arkansas ("City") is a public corporation created in 1842, operating since 1967 under the City Administrator Form of Municipal Government, as authorized in Title 14, Chapter 48 of the Arkansas Code of 1987 Annotated; and

WHEREAS, § 14-48-123 of the Arkansas Code of 1987 Annotated, states, "The board of directors shall have the financial affairs of the city audited annually by the Division of Legislative Audit of the State of Arkansas or by an independent certified public accountant who is not otherwise in the service of the city"; and

WHEREAS, the City's External Auditor, FORVIS, LLP, is finalizing the audit and is prepared to issue its Audit Report on the City's Financial Statements for the year ended December 31, 2022 ("Audit Report"), its report on the City's compliance with requirements for each of the City's major federal programs ("Uniform Guidance Audit"), and its report on the City's compliance with certain state acts for the year ended December 31, 2022 ("State Compliance Report"); and

WHEREAS, on June 22, 2023, the Audit Advisory Committee ("Committee") met, reviewed, accepted, and recommended that the Board accept and file the External Auditor's Audit Report either in draft or final; and

WHEREAS, staff recommends the Board accept and file the External Auditor's Audit Report, the Uniform Guidance Audit, and the State Compliance Report either in draft or final.

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

That the Board of Directors of the City of Fort Smith, Arkansas, hereby accepts and files either in draft or final the External Auditor's Audit Report, the Uniform Guidance Audit, and the State Compliance Report, copies of which are on file with the Office of the City Clerk.

THIS RESOLUTION ADOPTED THIS ____ DAY OF JUNE, 2023.

APPROVED:

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM:



City Attorney



MEMORANDUM



TO: Honorable Mayor and Board of Directors
FROM: Carl E. Geffken, City Administrator
DATE: June 22, 2023
SUBJECT: Report of 64.6 Downtown's Activities regarding the City's Contract with 64.6 Downtown

SUMMARY

Talicia Richardson, Executive Director of the 64.6 Downtown non-profit will provide a report regarding the activities of 64.6 Downtown and the contract the City and 64.6 Downtown.



MEMORANDUM

TO: Carl Geffken, City Administrator
CC: Jeff Dingman, Deputy City Administrator
FROM: Maggie Rice, Director of Development Services
DATE: June 22, 2023
SUBJECT: Planned Zoning Districts

SUMMARY

On March 28, 2023, the Board of Directors requested a study session regarding Planned Zoning Districts and the requirement of a development plan. Following adoption and implementation of the UDO in 2009, all zoning applications required the submittal of a thorough and detailed development plan requiring many design decisions be made early in the process. At the time, several developers expressed concern about the requirement to submit such a detailed plan. This was particularly problematic on larger developments such as projects with multiple phases, subdivisions, or annexations.

In 2013, staff proposed the Planned Zoning District process. The option of a PZD provided the applicant a hybrid zoning district for a development that may not fit well in a conventional zoning district and allows zoning to take place without the significant expense of a development plan. In lieu of a development plan the applicant submits a project booklet which cannot be less than any of the design requirements or development standards found in the UDO.

The Planning Commission and Board of Directors have the option of approving, amending, or denying the application. Additional information, including the requirement of a development plan, may always be added to a request. Requiring a development plan with each PZD application is counter to its purpose which provides applicants a means of gaining zoning commitment without the undue financial risk.

Some of the benefits of a PZD for the city and developers include the following:

- A curated list of land uses that focuses on those that are the most appropriate for the location and omitting uses that are not appropriate
- Allows for the possibility of a better development by requiring standards that exceed the UDO, such as upgraded landscaping, exterior materials, and monument signs.
- Encourages land development by eliminating the requirement for up-front construction and utility plans and the costs associated with those plans
- Provides developers an easier and less costly zoning method for mixed-use developments as opposed to multiple conventional zoning applications

- Surrounding property owners are made aware at the beginning of the process of what land uses are permitted by right or conditional use

Please contact me should you have any questions.



MEMORANDUM

TO: Carl Geffken, City Administrator
CC: Jeff Dingman, Deputy City Administrator
FROM: Maggie Rice, Director of Development Services
DATE: June 22, 2023
SUBJECT: Height Restrictions in Zoning Districts

SUMMARY

On March 28, 2023, the Board of Directors requested a study session regarding height restrictions in zoning districts. At present, each zoning district has a height maximum. Height limits are generally utilized in zoning codes to preserve the character of an area. The maximum building heights in Fort Smith’s code range from 35 feet to 45 feet in the conventional zoning districts. The Central Business Improvement District which is zoned Form Based Code allows for a range of maximum heights from 35 feet to 100 feet. Additionally, all of the conventional zoning districts have a one-for-one or a step-back provision which allows for an additional vertical foot of height in excess of the maximum for each additional foot of horizontal setback from all setback lines.

Building height or step-back provisions allow developers additional height and density while limiting the impacts of buildings on surrounding structures thus maintaining the size and character of areas. This type of provision is commonly used in cities across Arkansas and the country. Below are some examples of step-back provisions:

City	Maximum Height	Step-back provision
Fort Smith	45’	One vertical foot for one horizontal foot
Rogers	85’	One vertical foot for two horizontal feet
Jonesboro	Determined by Fire Code	One vertical foot for five horizontal feet
Oklahoma City	75’	One vertical foot for two horizontal feet

If the Board of Directors is interested in amending the step-back provision for height, some options include:

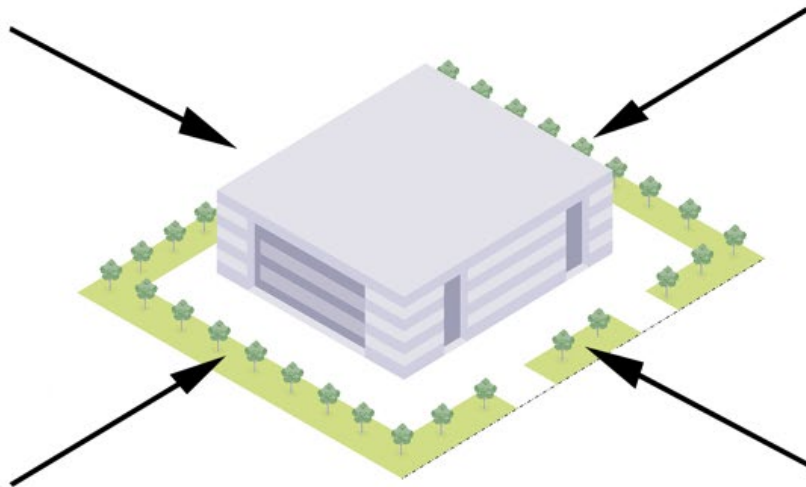
- Increasing the horizontal to vertical ratio
- Disallowing the step-back provision if adjacent to residential zoning districts
- Allow a certain percentage of height increase based on the tallest structure within 500’ of the proposed site
- Allowing an increase conditioned upon maintaining a prescriptive natural buffer

Please contact me should you have any questions.

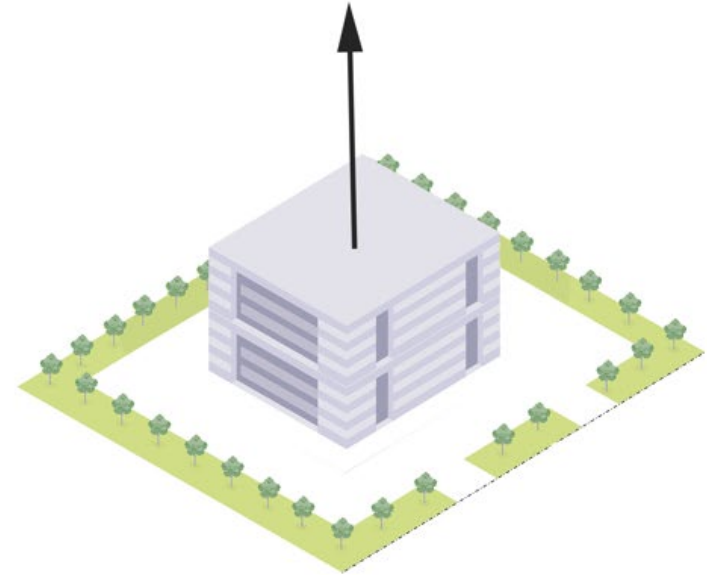
ATTACHMENTS

1. [Step back provision image.pdf](#)

Example of Step-back Provision



**Additional Horizontal
setback**



**Additional Vertical
setback**



MEMORANDUM

TO: Carl Geffken, City Administrator
CC: Jeff Dingman, Deputy City Administrator
FROM: Maggie Rice, Director of Development Services
DATE: June 22, 2023
SUBJECT: Amendments to the Unified Development Ordinance–Residential Fowl Regulations

SUMMARY

On April 4, 2023, the Board of Directors tabled the residential fowl regulations to review additional options. The proposed amendment approved by the Planning Commission on March 14, 2023, with a vote of 9 in favor and 0 opposed recommended the following amendments:

- Fowl is limited to ducks and/or female chickens only
- Roosters are prohibited
- Four (4) fowl allowed on lots that are at least 5,000 sq. ft.
- A maximum of 10 fowl allowed within city limits on appropriately sized lots
- All fowl shall be kept in a fenced rear yard
- If coops, roosts, or a water feature are utilized they shall not be located closer than 25' to an adjacent residential structure

The current regulations in the Municipal Code require property owners to have a minimum of one-half acre of property to have fowl. Roosters are permitted and fowl are unlimited if a property owner has one-half acre. Staff researched several city codes including Fayetteville, Rogers and Conway during the drafting of the ordinance. Staff's primary objective with the amendment was to: 1) eliminate roosters due to the noise associated with such, 2) reduce odor issues associated with too many fowl on properties; and 3) allow property owners with smaller lots to have a reasonable number of fowl.

Additional options for consideration include:

- Prohibiting roosters only
- Changing the property size threshold
- Placing maximums on the number of fowl
- Prohibiting fowl entirely
- Leave the existing ordinance unchanged
- Limit fowl to the rear yard within a privacy fence

These are just a few examples of ways the ordinance could be modified. Please contact me if you have any questions.

ATTACHMENTS

1. [UDO Amendment revised.pdf](#)

6. UDO Amendments (Residential Fowl Regulations)

Chairman Keesee introduced item 6. Ms. Rice presented the staff report indicating the UDO amendment would include the following:

- Fowl is limited to ducks and/or female chickens only
- Roosters are not permitted
- Four (4) fowl allowed on lots that are at least 5000 sq. ft.
- A maximum of 10 fowl allowed within city limits on appropriately sized lots
- All fowl shall be kept in a fenced rear yard
- If coops, roosts, or a water feature are utilized they shall not be located closer than 25' to an adjacent residential structure

Ms. Rice explained that the City Municipal Code currently requires property owners to have a minimum of one-half acre of property to have fowl. Roosters are also permitted and there is no limit on the number of fowl a property owner can have. The Planning Commission discussed the amendment. They were in favor of the changes as presented by staff.

Chairman Keesee called for a motion on item 6. Vice chair Taylor moved, seconded by Commissioner Hanna, to approve. Chairman Keesee called for a vote. The vote was 9 in favor and 0 opposed.

27-701-3 Small Domestic Animals

Small domestic animals, including household pets (not including pot-bellied pigs; please see other regulations for chickens and rabbits), may be kept according to the following conditions:

- A. No other ordinance of the city prohibits such use.
- B. The number of such animals is confined to reasonable size so as to be compatible with conditions of the zone in which they are kept. The intent of this section is to recognize that a nuisance may be caused in a more densely occupied area by the keeping of a number of small animals but that the same condition may not cause nuisance to adjacent property owners in a less densely occupied area.
- C. No prevailing noises or odors which would constitute a nuisance at common law shall be allowed.
- D. The existence of a health hazard as defined by the City-County Health Department shall be cause for immediate abatement of the existing conditions. See also Fort Smith Municipal Code, Chapter 4, Animals.
- E. No keeping or raising of small domestic animals for commercial purposes or retail sales shall be allowed in residential zones.
- F. For swine, including pot bellied pigs, see Chapter 4-5 of the Fort Smith Municipal Code.
- ~~G. For poultry see Chapter 4-8 of the Fort Smith Municipal Code.~~

27-701-4 Fowl

- A. This section shall not supersede or invalidate any sections of the Fort Smith Municipal Code. Section 4.4 shall take precedence over any conflicting provisions of this section.
- B. It shall be lawful to keep fowl within the corporate limits of the City under the following conditions:
 - 1. Allowed fowl shall include ducks and/or female chickens only. No roosters shall be allowed. All fowl shall be a breed that cannot fly or must be wing-clipped to prevent flight.
 - 2. The principal use of the property shall be educational or residential.
 - 3. A maximum of four (4) fowl shall be allowed on lots at least 5,000 square feet. For lots larger than 5,000 square feet, one (1) additional fowl shall be allowed for every additional 1,250 square feet, up to a maximum of ten (10) fowl.

4. All fowl shall be kept in a fenced rear yard.

5. If coops, roosts, or a water feature are utilized they must be kept in a sanitary condition and shall not be located closer than 25 feet to an adjacent residential structure

6. The City may further restrict or prohibit the keeping of fowl if the fowl have created a public nuisance or public health issue. Order of Abatement of nuisance/health issue shall be issued by City-County Health Official, shall be served on offending owner, and shall be subject to review by the City Administrator if requested by the owner within three (3) days of service of Order of Abatement

7. Nothing in this section shall be deemed or construed to prevent the keeping of fowl within a school property for the purposes of study or education.







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