

MAYOR

George B. McGill

CITY ADMINISTRATOR

Carl Geffken

CITY CLERK

Sherri Gard

BOARD OF DIRECTORS

Ward 1 – Keith Lau

Ward 2 – Andre' Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At-Large Position 5 – Robyn Dawson

At-Large Position 6 – Kevin Settle

At-Large Position 7 – Neal Martin

AGENDA

Fort Smith Board of Directors

REGULAR MEETING

March 5, 2019 ~ 6:00 p.m.

Fort Smith Public Schools Service Center

3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON GOVERNMENT ACCESS CHANNEL 214 AND ONLINE AT <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

INVOCATION & PLEDGE OF ALLEGIANCE

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 Ordinance No. 24-10)

APPROVE MINUTES OF THE FEBRUARY 19, 2019 REGULAR MEETING

ITEMS OF BUSINESS:

1. Ordinance establishing a Recycling Advisory Committee as a standing committee to review or recommend projects or policies related to the City of Fort Smith's residential and commercial recycling programs; setting membership and procedural requirements for same; and, providing for inclusion in the Fort Smith Municipal Code ~ *Martin/Settle placed on agenda at the February 26, 2019 study session ~*
2. Ordinance establishing a Public Facilities Board Advisory Committee as an ad hoc committee to review or recommend the roles and responsibilities of a public facilities board created for the administration of public funds and publicly owned property; and, setting membership and procedural requirements for same ~ *Martin/Settle placed on agenda at the February 26, 2019 study session ~*

3. Items regarding amendments to the Fort Smith Municipal Code ~ *Placed on agenda by Board concurrence at the February 26, 2019 study session ~*
 - A. Ordinance repealing and replacing Section 10-91 of the Fort Smith Municipal Code regarding fireworks
 - B. Ordinance amending specific provisions of Chapter 13 of the Fort Smith Municipal Code related to licenses, taxation, and miscellaneous business regulations
 - C. Ordinance amending the title of Chapter 15 of the Fort Smith Municipal Code from Municipal Court to District Court to reflect the provisions of Amendment 80 to the Constitution of the State of Arkansas
 - D. Ordinance amending specific sections of the Fort Smith Municipal Code to remove references to a Public Works Department
 - E. Ordinance amending the Fort Smith Municipal Code to remove regulations for railroads in Chapter 21; and, reserving Chapter 21 for future use
 - F. Ordinance amending Section 24-14 of the Fort Smith Municipal Code regarding the filing for accident reports
 - G. Ordinance amending Appendix B (Code of Business Conduct) to the Fort Smith Municipal Code regarding conflicts of interest
4. Consent Agenda
 - A. Resolution to accept the bid and authorize a contract for the 2018 Street Overlays/Reconstruction, Phase B, Project No. 18-03-B (\$2,454,223.91 / *Engineering Department / Budgeted – Sales Tax Program*) ♦
 - B. Resolution to accept the bid and authorize a contract for the construction of Traffic Signal Improvements, Project No. 18-09-A (\$423,332.50 / *Engineering Department / Budgeted – Sales Tax Program*) ♦
 - C. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Central Arkansas Recycling & Disposal Services

OFFICIALS FORUM ~ presentation of information requiring no official action
(Section 2-36 of Ordinance No. 24-10)

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

Appointment: Civil Service Commission (1) ~ *Administrator Geffken placed on agenda at the February 26, 2019 study session ~*

ADJOURN

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RECYCLING ADVISORY COMMITTEE AS A STANDING COMMITTEE TO REVIEW OR RECOMMEND PROJECTS OR POLICIES RELATED TO THE CITY OF FORT SMITH'S RESIDENTIAL AND COMMERCIAL RECYCLING PROGRAMS; SETTING MEMBERSHIP AND PROCEDURAL REQUIREMENTS FOR SAME; AND PROVIDING FOR INCLUSION IN THE FORT SMITH MUNICIPAL CODE

WHEREAS, the City of Fort Smith through its Sanitation Department offers residential, industrial and commercial recycling programs as a means to divert recyclable material from the stream of municipal solid waste that is deposited in the city's sanitary landfill; and

WHEREAS, the economics of the recycling industry are constantly changing and evolving as local, regional, national, and international market-driven demand for recyclable materials greatly impacts the market value of the materials collected through such recycling programs; and

WHEREAS, the continued education of the public on both the economic and environmental benefits of recycling through all outreach sources is a critical component in increasing the rates of participation in residential, industrial or commercial recycling programs; and

WHEREAS, the City of Fort Smith values the provision of efficient recycling programs as a key component to maximizing the lifespan of the sanitary landfill asset and relies on increased public education, awareness, and participation to make such recycling programs worthwhile; and

WHEREAS, the Board has deemed it desirable that a standing Recycling Advisory Committee be formed in order to review programs, policy changes or other recommendations from Administration and the Sanitation Department; and

WHEREAS, such committee shall study, advise and/or recommend recycling initiatives or policy adjustments to the Board of Directors as needed or requested by the Board.

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

Section 1. There is hereby established in and for the city a Recycling Advisory Committee administered by the Sanitation Department for the purpose of serving as a standing committee in an advisory capacity to the Board of Directors for evaluating, planning, analyzing, updating and recommending policies or programs related to the Sanitation Department's residential, industrial and commercial recycling programs.

Section 2. The Recycling Advisory Committee shall be comprised of seven (7) members who are qualified electors of the city. Appointments shall be made by the Board of Directors. At all times the membership of the Advisory Committee shall include at least one resident from each of the four city wards.

Section 3. Upon appointment and at the first organizational meeting of the Advisory Committee, the members shall draw lots for one (2 positions), two (2 positions), or three (3 positions) year terms. Thereafter, appointments to fill expired terms on the Advisory Committee shall be for three year terms.

Section 4. The Recycling Advisory Committee shall select a chairperson from its own membership on an annual basis. The chairperson's duty shall be to preside at all meetings of the Advisory Committee. If the chairperson is absent from a particular meeting, the members in attendance shall elect an acting chairperson for that meeting.

Section 5. The Recycling Advisory Committee shall establish a regular meeting schedule for the discussion and consideration of projects or policies related to the city's recycling programs, including policies regarding public outreach and education programs related to recycling services and any other items referred by the Board of Directors for the committee's discussion and recommendation.

Section 5. This Ordinance shall be codified and included in Chapter 25 (Utilities), Article VII (Solid Waste) of the Fort Smith Municipal Code.

PASSED AND APPROVED this _____ day of _____, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



City Attorney
Publish One Time



Memo

To: Carl Geffken, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 3/1/2019
Re: Recycling Advisory Committee

The agenda for the March 5 regular meeting includes an ordinance establishing a Recycling Advisory Committee as a standing committee for periodic review of issues or policies related to recycling as the Board may desire. Such item was discussed at the February 26 study session and placed on the March 5 agenda for consideration.

The proposal for a standing Recycling Advisory Committee is an evolution of the internal advisory committee previously established by the City Administrator to review and provide staff with recommendations to address recycling program issues encountered by the department. The Recycling Advisory Committee will be administered by the Sanitation Department and will conduct regular public meetings and periodically review the policies, economics and prospects of the residential curbside recycling program, the commercial/Industrial recycling efforts, the evaluation of a city-owned Material Recovery Facility, and/or the continued practice of contracting with a third party recycling partner to take the city's recyclable materials. The Recycling Advisory Committee will also review the city's public education and outreach efforts regarding recycling and waste diversion, as well as any other recycling-related issues referred by the Board of Directors.

Staff recommends approval of the ordinance establishing the standing Recycling Advisory Committee.

Please contact Administration if there are any questions related to this agenda item.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A PUBLIC FACILITIES BOARD ADVISORY COMMITTEE AS AN AD HOC COMMITTEE TO REVIEW OR RECOMMEND THE ROLES AND RESPONSIBILITIES OF A PUBLIC FACILITIES BOARD CREATED FOR THE ADMINISTRATION OF PUBLIC FUNDS AND PUBLICLY OWNED PROPERTY; AND SETTING MEMBERSHIP AND PROCEDURAL REQUIREMENTS FOR SAME

WHEREAS, a special election to consider a temporary (nine-month) one-percent sales and use tax for the purpose of generating public funds to be specifically used for the completion of the United States Marshal Museum (USMM) project in the City of Fort Smith will be held on March 12, 2019 in accordance with the provisions of Ordinance No. 99-18; and

WHEREAS, upon approval of the sales and use tax levy by voters at such special election, City of Fort Smith Ordinance No. 98-18 provides for the establishment of a Public Facilities Board under the authority of the Public Facilities Board Act (codified at A.C.A. §§14-137-11 et seq.) for the purpose of acquiring, leasing, contracting concerning and otherwise dealing in recreational and tourist facilities; and

WHEREAS, recognizing the importance of transparency in this process, the Board of Directors deems it desirable to establish an ad hoc advisory committee to contemplate, discuss, and recommend the rules, roles, and procedures for the creation and operation of such a Public Facilities Board in the City of Fort Smith for the express purpose of facilitating the USMM project; and

WHEREAS, the Board of Directors will consider the rules, roles and recommendations for the establishment of such a Public Facilities Board as submitted by the ad hoc committee upon the approval of the levy of the proposed temporary sales and use tax to support the USMM project. The ad hoc committee will dissolve upon the approval of an ordinance establishing the Public Facilities Board or upon the defeat of the sales and use tax levy at the special election.

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

Section 1. There is hereby established in and for the city an ad hoc Public Facilities Board Advisory Committee for the purpose of advising on the establishment of a Public Facilities Board in accordance with state law and providing for the rules, roles, and responsibilities of such Public Facilities Board upon the approval of the levy of a temporary (nine-month) one-percent sales and use tax for administering the proceeds from such taxes for the completion of the United States Marshal Museum project. The recommendations of the committee shall include, but are not limited to, the following:

- a. How the membership of the Public Facilities Board are determined qualified and appointed, and how will this process be as transparent to the public as possible;
- b. The specific duties and responsibilities of the Public Facilities Board, specifically related to the USMM project or any other project;

- c. Clarification of why such Public Facilities Board is needed;
- d. Considerations for public input or public comment into the contract or lease agreement established between the Public Facilities Board and the USMM project.

Section 2. The ad hoc Public Facilities Board Advisory Committee shall be comprised of seven (7) members who are qualified electors of the city. Appointments shall be made by the Board of Directors. As this is an ad hoc (temporary) committee, the members shall serve until either of the following occurs:

- a. The levy of the temporary (nine-month) sales and use tax for the purpose of providing public funds for the completion of the US Marshal Museum project is approved by the voters of the City of Fort Smith at the March 12, 2019 special election; and an ordinance outlining the role, responsibilities, rules, and operation of a Public Facilities Board established under the provisions of the Public Facilities Board Act (codified at A.C.A. §§14-137-101 et seq.) to administer the US Marshal Museum project is adopted by the city's Board of Directors; or
- b. The levy of the temporary (nine-month) sales and use tax for the purpose of providing public funding for the completion of the US Marshal Museum project is defeated by the voters of the City of Fort Smith at the March 12, 2019 special election.

Section 3. The ad hoc Public Facilities Board Advisory Committee shall select a chairperson from its own membership at its first meeting. The chairperson's duty shall be to preside at all meetings of the Advisory Committee. If the chairperson is absent from a particular meeting, the members in attendance shall elect an acting chairperson for that meeting.

Section 4. The ad hoc Public Facilities Board Advisory Committee shall establish a regular meeting schedule devised in such a way as to provide for the establishment of a Public Facilities Board by the Board of Directors before the levy of the temporary (nine-month) sales and use tax is effective on July 1, 2019 and revenues from such taxes are received.

PASSED AND APPROVED this _____ day of _____, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



City Attorney

Publish ____ Time

Memo



To: Carl Geffken, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 3/1/2019
Re: Discussion regarding proposed Advisory Committees

The agenda for the March 5 regular meeting includes an ordinance establishing an ad hoc committee to outline the role and responsibilities of a Public Facilities Board (PFB) in the City of Fort Smith as it specifically relates to the US Marshal Museum (USMM) project. This temporary committee will make recommendations to the Board of Directors regarding the PFB's administration of the temporary one-cent sales and use tax if such tax is approved by voters at the March 12 special election. Such item was discussed at the February 26 study session and placed on the March 5 agenda for consideration.

The proposed ordinance will establish a temporary advisory committee for the express purpose of developing a recommendation for the establishment of the PFB that is contemplated in order to facilitate the completion of the US Marshal Museum (USMM) project. Pending the potential success of the initiative for a temporary one-percent sales tax during the upcoming special election, the city and the public will need to have a clear understanding of how the suggested PFB would operate, and a temporary advisory committee would provide recommendations on the following questions:

1. Who will be appointed to the PFB, and how will they be appointed?
2. What will be the duties and responsibilities of the PFB, specifically related to the facilitation of the USMM project, or any other project?
3. Why is a PFB needed?
4. Will the citizens have direct input into the contract/lease between the PFB and the USMM?
5. The city recognizes a need for transparency in the PFB appointments, responsibilities and recommendations. How will this transparency best be achieved and protected in this process?
6. Depending on the outcome of the special election, this Temporary Advisory Committee will dissolve upon the establishment of the PFB or the defeat of the sales tax initiative.

Staff recommends approval of the ordinance establishing the ad hoc Public Facilities Board Advisory Committee.

Please contact Administration if there are any questions related to this agenda item.

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REPLACING
SECTION 10-91 OF THE FORT SMITH MUNICIPAL CODE
REGARDING FIREWORKS

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas, that Section 10-91 of the Fort Smith Municipal Code is hereby amended to read as follows:

The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, bottle rockets, Roman candles, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance; except the term "fireworks" shall not include model rockets and model rocket engines designed, sold and used for the purpose of propelling recoverable aero models and shall not include toy pistols, toy canes, toy guns or other devices in which paper and/or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper and/or plastic caps are used and toy paper and/or plastic caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. Nothing contained in this article shall prohibit the sale or use of blank cartridges for theatrical purposes, signal purposes, military or police purposes. Nothing contained in this article shall prohibit any resident wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited or the sale of any kind of fireworks provided the same are to be shipped to a location outside the city for sale. Nothing contained in this article shall prohibit the sale or offering for sale of firearms or ammunition therefor.

PASSED and APPROVED this _____ day of March, 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
Publish 1 time

ORDINANCE NO. _____

AN ORDINANCE AMENDING SPECIFIC PROVISIONS OF
CHAPTER 13 OF THE FORT SMITH MUNICIPAL CODE
RELATED TO LICENSES, TAXATION, AND MISCELLANEOUS
BUSINESS REGULATIONS

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas, that:

SECTION 1: Section 13-210 (Hours of Operation) of the Fort Smith Municipal Code is hereby amended to read as follows:

It shall be unlawful for any person, whether the registration provided for in this article has been accomplished or not, to engage in the activity of residential door-to-door selling or soliciting before 8:00 a.m. or after 7:00 p.m. of each day of the week except Sunday. It shall be unlawful for any person to engage in such activities at any time on Sundays.

SECTION 2: Section 13-228 (Fee) of the Fort Smith Municipal Code is hereby amended to read as follows:

As reimbursement of the cost of maintenance of such register of persons engaging in such activities, the city revenue collector, or other agent of the city designated by the city administrator, shall charge a fee in the amount of one hundred fifty dollars (\$150.00) for each registration required by this division.

SECTION 3: Section 13-229 (Duration) of the Fort Smith Municipal Code is hereby amended to read as follows:

The registration provided for in this division shall be effective for no longer than fourteen (14) calendar days.

SECTION 4: Section 13-230 (Reserved) of the Fort Smith Municipal Code is hereby amended to read as follows:

Section 13-230. – Revocation of Permit.

Any permit issued pursuant to the provisions of this section may be suspended or revoked for good cause. Good cause for such suspension or revocation shall include any violation of this section.

SECTION 5: Section 13-232 (Reserved) of the Fort Smith Municipal Code is hereby amended to read as follows:

Section 13-232. – No Solicitation.

No transient merchant, peddler, or solicitor subject to this Article shall approach a residence or business that has a “No Solicitation” or “No Solicitors” sign posted.

SECTION 6: Section 13-316(a) (License) of the Fort Smith Municipal Code is hereby amended to read as follows:

A transient business license shall be issued hereunder only when all requirements, including payment of the two hundred fifty dollars (\$250.00) license fee, of this article have been met.

PASSED and APPROVED this _____ day of March, 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
Publish 1 time

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TITLE OF CHAPTER 15 OF THE FORT SMITH MUNICIPAL CODE FROM MUNICIPAL COURT TO DISTRICT COURT TO REFLECT THE PROVISIONS OF AMENDMENT 80 TO THE CONSTITUTION OF THE STATE OF ARKANSAS

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas, that:

SECTION 1: The title for Chapter 15 of the Fort Smith Municipal Code shall be changed from "Municipal Court" to "District Court".

SECTION 2: All references to "Municipal Court" within Chapter 15 of the Fort Smith Municipal Code shall be changed to "District Court."

PASSED and APPROVED this _____ day of March, 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
Publish 1 time

ORDINANCE NO. _____

AN ORDINANCE AMENDING SPECIFIC SECTIONS OF THE FORT SMITH
MUNICIPAL CODE TO REMOVE REFERENCES TO A PUBLIC WORKS
DEPARTMENT

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas, that:

SECTION 1: Section 17-29 (Conditions and restrictions upon permit) of the Fort Smith Municipal Code shall be hereby amended to read as follows:

The city administrator, or his/her designee, may impose reasonable conditions and restrictions upon the application under consideration, with the intent of minimizing the impact of the special use permit operation upon nearby property or public property. The limitations placed upon a special use permit may include, but are not limited to:

- (1) The method for cleaning materials used in the operations that are dropped, shifted, leaked or otherwise escape onto a roadway from the vehicle transporting such materials, and such material shall be removed as necessary each day.
- (2) The method of controlling traffic (flagman or traffic-control devices may be required at the contractor's expense).
- (3) Weight limits may be placed on all haulers to minimize damage to public facilities (reasonable weight limits to be determined by the city administrator, or designated agent).
- (4) The number of hours that site preparation work may be conducted on the premises may be regulated by the public works department to minimize harmful effects on nearby property owners.

However, nothing herein shall prevent the owner, its agent or any independent contractor from drilling, completing and operating the proposed well.

SECTION 2: Section 22-106 (Denial of future work) of the Fort Smith Municipal Code shall be hereby amended to read as follows:

If any contractor consistently does faulty backfill, the city administrator or his/her designee shall reserve the right to refuse to allow said contractor to do any further work in the streets of the city.

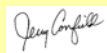
PASSED and APPROVED this _____ day of March, 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
Publish 1 time

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FORT SMITH MUNICIPAL
CODE TO REMOVE REGULATIONS FOR RAILROADS IN
CHAPTER 21; AND RESERVING CHAPTER 21 FOR FUTURE USE

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith,
Arkansas, that:

SECTION 1: All provisions in Chapter 21 (Railroads) of the Fort Smith Municipal Code are
hereby removed and repealed, in deference to state and federal laws regulating railroads.

SECTION 2: Chapter 21 of the Fort Smith Municipal Code shall be designated as reserved for
future use.

PASSED and APPROVED this _____ day of March, 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
Publish 1 time

ORDINANCE NO. _____

AN ORDINANCE AMENDING
SECTION 24-14 OF THE FORT SMITH MUNICIPAL CODE
REGARDING THE FILING FOR ACCIDENT REPORTS

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas, that Section 24-14(a) – Reports of Accidents – Required. of the Fort Smith Municipal Code is hereby amended to read as follows:

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of one thousand dollars (\$1,000.00) or more shall forward a copy of the report required to be filed with the state police department within forty-eight (48) hours after the accident.

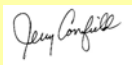
PASSED and APPROVED this _____ day of March, 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
Publish 1 time

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX B (CODE OF BUSINESS CONDUCT) TO THE FORT SMITH MUNICIPAL CODE REGARDING CONFLICTS OF INTEREST

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas, that Appendix B – Code of Business Conduct, Section II(A) – Conflicts of Interest is hereby amended to read as follows:

Municipal representatives must avoid conflicts of interest involving the city or its business. A conflict of interest occurs when an individual's private interest or relationship, be it financial, legal, professional, business, or personal, interferes in any way, or even appears to interfere, with the interests of the city as a whole. A conflict situation can arise when a municipal representative takes actions or has interests that may make it difficult to perform his or her work for the city objectively and effectively. Conflicts of interest also arise when a municipal representative or their relatives receive improper personal benefits with the city. In accordance with state laws, officers will disclose financial interests and they will abstain from participating in deliberations and decision-making where conflicts may exist.

In the event that a municipal representative considers that a personal association may cause or appear to cause a potential conflict of interest, he or she may declare such in writing and request that the declaration be kept on file.

PASSED and APPROVED this _____ day of March, 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
Publish 1 time

Memo



To: Carl Geffken, City Administrator
 From: Jeff Dingman, Deputy City Administrator
 Date: 3/1/2019
 Re: Recommended Amendments to Fort Smith Municipal Code regarding antiquated, outdated and unenforced ordinances

Included on the March 5, 2019 regular meeting agenda are several ordinances devised to clean up sections of the Fort Smith Municipal Code and remediate or clarify obsolete, antiquated, outdated and unenforced ordinances as discussed at the February 26 study session.

Such ordinances to amend the Fort Smith Municipal Code include:

- 3A. An ordinance amending Chapter 10 of the Fort Smith Municipal Code regarding fireworks. Specifically, amending Section 10-91 by deleting the language for definition of “dago bombs” in the list of fireworks.
- 3B. An ordinance amending Chapter 13 of the Fort Smith Municipal Code regarding door-to-door sales. Specifically, amending Section 13-210 (Hours of Operation) by changing the ending time for door-to-door sales or soliciting from 9:00 p.m. to 7:00 p.m.; amending Section 13-228 (Fee) regarding the fee for door-to-door sales or soliciting permits; and amending Section 13-229 (Duration) limiting the duration of a door-to-door sales or soliciting permit to 14 days. Further, the ordinance adds new provisions authorizing suspension or revocation of permits issued under this section for good cause; and providing that no transient merchant, peddler or solicitor shall approach a residence or business that posts a sign indicating “No Soliciting” or “No Solicitors”. The ordinance also amends Section 13-316 (License) to correct a typographical error in subsection (a), as “Transit” should be “Transient.”
- 3C. An ordinance amending Chapter 15 of the Fort Smith Municipal Code regarding Municipal Court. The name of Chapter 15 (Municipal Court) is amended from “Municipal Court” to “District Court” to reflect the change in name of the court as directed by Amendment 80 to the Arkansas Constitution.
- 3D. An ordinance amending Chapters 17 and 22 of the Fort Smith Municipal Code to delete references to a Public Works Department. Specifically, Section 17-29 and 22-106 need to change references to a “public works department” to read “city administrator or his/her designee.”
- 3E. An ordinance amending Chapter 21 of the Fort Smith Municipal Code regarding railroads. Specifically, deleting all of the provisions of the Chapter, as such language is pre-empted by State and Federal law regarding railroads.

- 3F. An ordinance amending Chapter 24 of the Fort Smith Municipal Code regarding reports of accidents. Specifically, Section 24-14 (Traffic) needs to be amended to change the state fine from \$50 to \$1,000 per the provisions in A.C.A. §27-53-202.
- 3G. An ordinance amending Appendix B of the Fort Smith Municipal Code regarding the Code of Business Conduct. Specifically, provision A regarding Conflict of Interest needs to be amended. In the second sentence, insert after "private interest" this specific language: "or relationship, be it financial, legal, professional, business, or personal."

Please direct any questions related to these items to Administration.

RESOLUTION NO. _____

**A RESOLUTION TO ACCEPT THE BID AND
AUTHORIZE A CONTRACT FOR THE
2018 STREET OVERLAYS/RECONSTRUCTION, PHASE B
PROJECT NO. 18-03-B**

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

SECTION 1: The bid of Forsgren, Inc. received February 26, 2019 for the 2018 Street Overlays/Reconstruction, Phase B, Project No. 18-03-B, in the amount of \$2,454,223.91 be accepted.

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

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

This resolution adopted this _____ day of March, 2019.

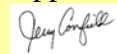
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required



Memorandum

TO: Carl Geffken, City Administrator

CC: Jeff Dingman, Deputy City Administrator

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: February 27, 2019

SUBJECT: 2018 Street Overlays/Reconstruction, Phase B
Project No. 18-03-B

The above subject project consists of asphalt street overlays/reconstruction for the streets shown on the attached exhibit. The total length of streets to be improved is approximately 1.8 miles. This project also includes railroad crossing repairs on South I Street and High Street as shown on the exhibit. The railroad crossing repair work includes the installation of concrete panels to improve the street driving surface at those railroad crossings.

Construction plans and specifications were prepared by Mickle Wagner Coleman Engineering, Inc. of Fort Smith. An advertisement was published and bids were received on February 26, 2019. Eight contractors requested plans and specifications, and three bids were received which are summarized as follows:

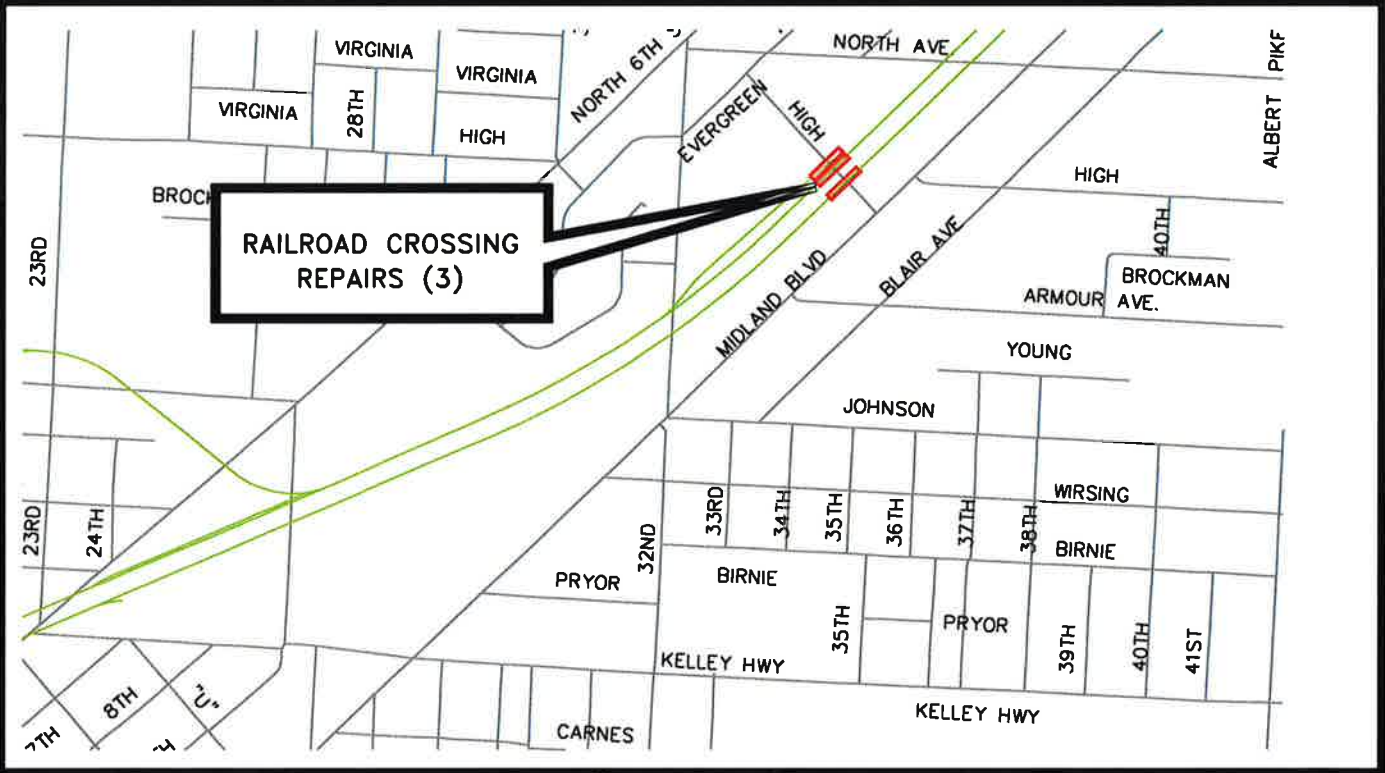
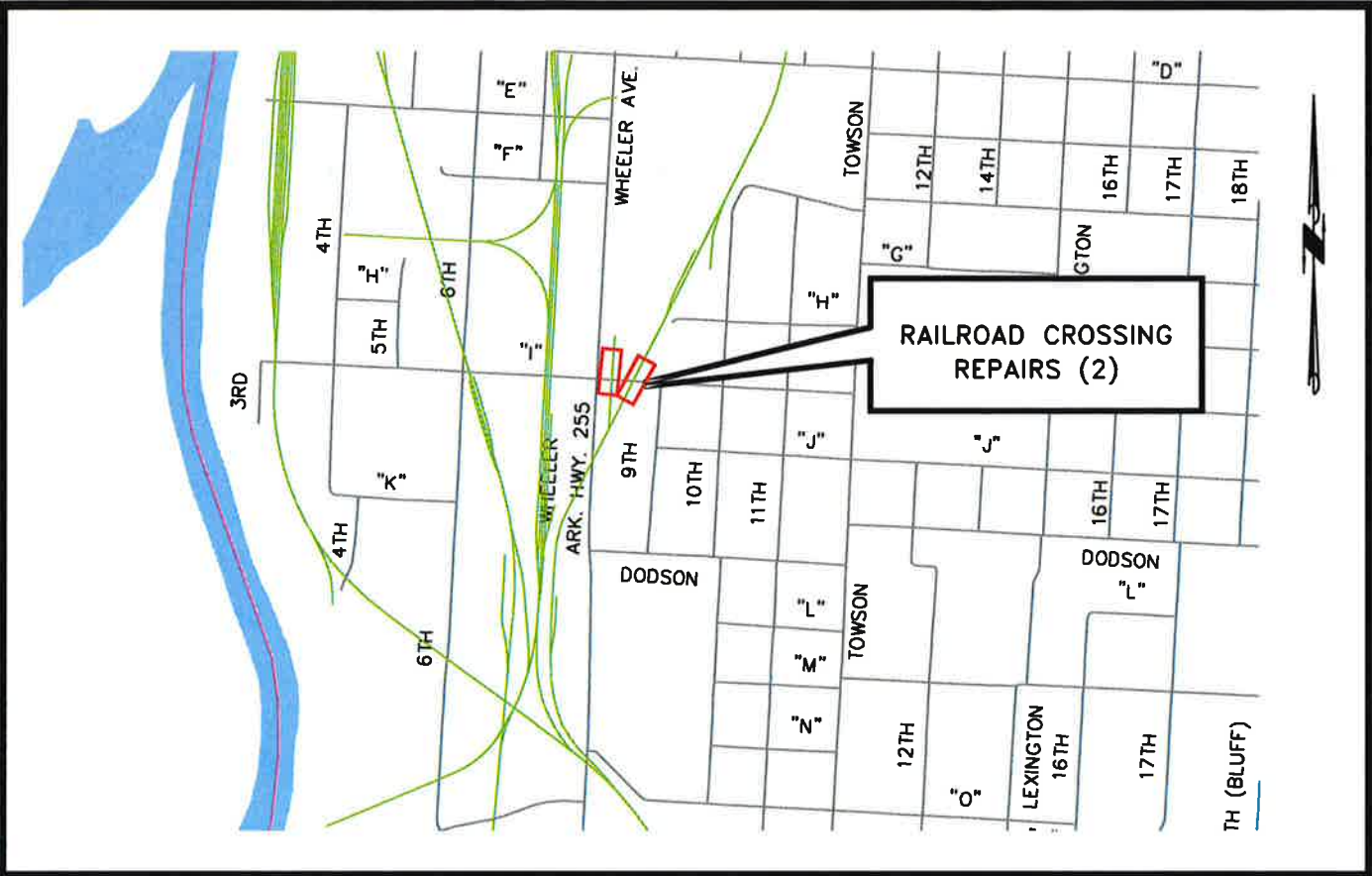
| CONTRACTOR | AMOUNT | CONTRACTOR | AMOUNT |
|---|----------------|---|----------------------|
| 1. Forsgren, Inc. Fort Smith, AR | \$2,454,223.91 | 2. Crawford Construction Co. Van Buren, AR | \$2,778,571.50 |
| 3. Township Builders, Inc. Little Rock, AR | \$3,092,345.00 | <i>Engineer's Estimate</i> | <i>\$2.5 million</i> |

I recommend that the contract be awarded to Forsgren, Inc. in the amount of \$2,454,223.91. The estimated notice to proceed date for this contract is March 25, 2019. Based on the contract duration of 210 days, the estimated completion date would be October 20, 2019.

This project is in alignment with the comprehensive plan policies FLU-1.4 (Ensure adequate, well-maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision), TI-5.1 (Continue to ensure that customers within Fort Smith have access to reliable water, sewer, drainage, solid waste services by reducing or eliminating deficiencies and gaps in infrastructure systems) and TI-5.2 (Ensure that utility and infrastructure systems can meet the city's long-term needs).

Attached is a Resolution to accomplish the above recommendation. Funds are available in the Sales Tax Program (1105).

Attachments



| | | |
|--|--|------------------|
| <p>2018 CAPITAL IMPROVEMENTS PROGRAM</p> <p>RAILROAD CROSSING IMPROVEMENTS</p> | | Project: 18-03-B |
| | | Date: JAN 2018 |
| | | Scale: NONE |
| | | Drawn By: RBR |

RESOLUTION NO. _____

**A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE A
CONTRACT FOR THE CONSTRUCTION OF
TRAFFIC SIGNAL IMPROVEMENTS
PROJECT NO. 18-09-A**

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

SECTION 1: The bid of All Service Electric, Inc., received February 19, 2019, for the construction of Traffic Signal Improvements, Project No. 18-09-A, in the amount of \$423,332.50 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with All Service Electric, Inc., subject to the terms set forth in Section 1 above.

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

This resolution adopted this _____ day of March, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required



Memorandum

TO: Carl Geffken, City Administrator
CC: Jeff Dingman, Deputy City Administrator
FROM: Stan Snodgrass, P.E., Director of Engineering
DATE: February 27, 2019
SUBJECT: Traffic Signal Improvements
 Project No. 18-09-A

The above subject project includes the complete replacement of all outdated traffic signal equipment and poles at the following two intersections: Grand Avenue & North 32nd Street and Grand Avenue & North 39th Street. A location map is attached.

Construction plans and specifications were prepared by Traffic Engineering Consultants, Inc., of Oklahoma City, Oklahoma. An advertisement was published and bids were received on February 19, 2019. Five contractors requested plans and specifications and three bids were received which are summarized as follows:

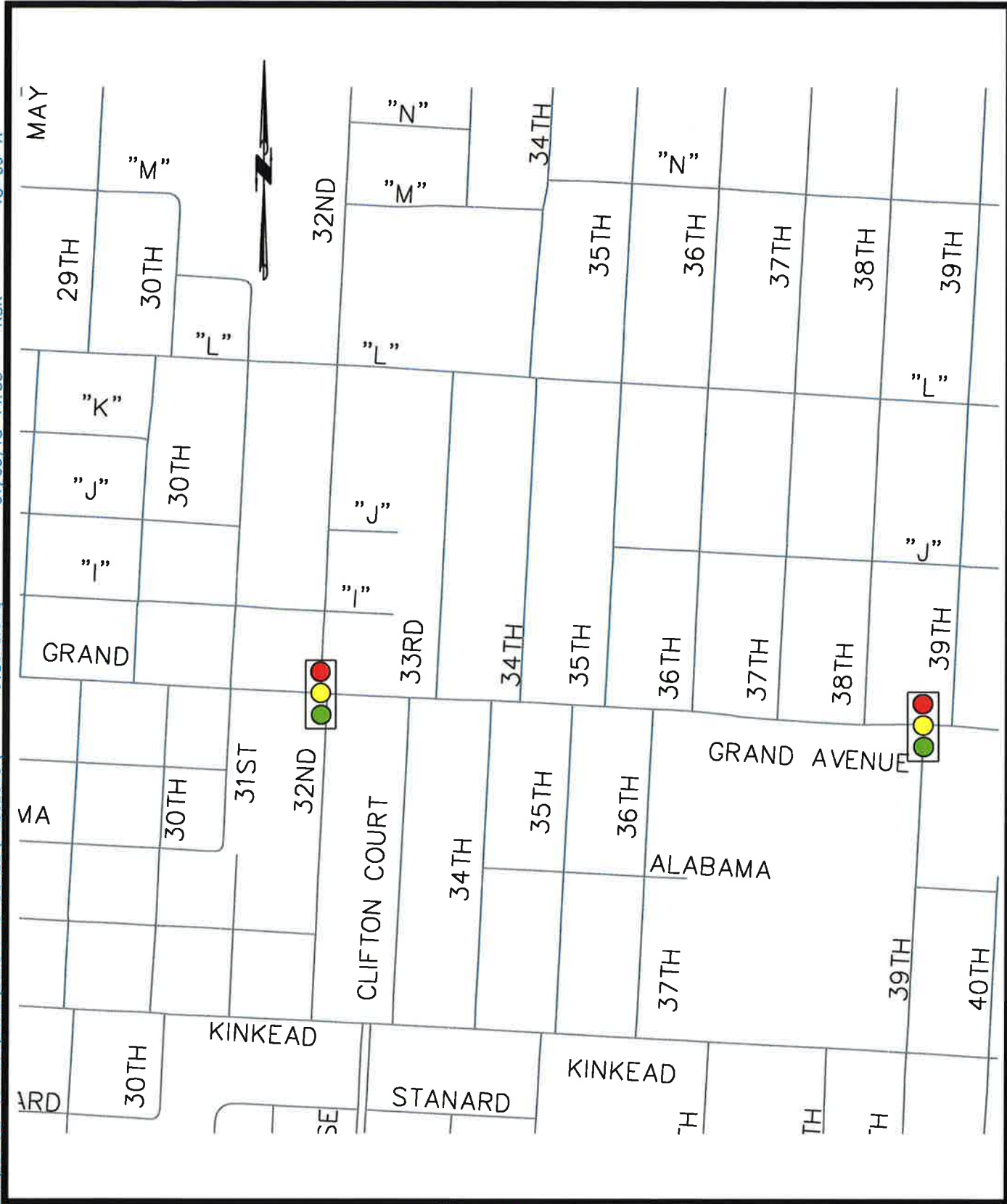
| CONTRACTOR | AMOUNT |
|--|---------------------|
| 1. All Service Electric, Inc. Hot Springs, AR | \$423,332.50 |
| 2. Township Builders, Inc. Little Rock, AR | \$503,034.00 |
| 3. Midstate Traffic Control, Inc. Oklahoma City, OK | \$505,000.00 |
| <i>Engineer's Estimate</i> | <i>\$425,000.00</i> |

I recommend that the lowest bid be accepted and that the construction contract be awarded to All Service Electric, Inc. The estimated notice to proceed date for this contract is March 25, 2019. Based on the contract duration of 180 days, the estimated completion date would be September 20, 2019.

This project is also in alignment with the comprehensive plan policies FLU-1.4 (Ensure adequate, well maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision) and TI-5.2 (Ensure that utility and infrastructure systems can meet the city's long-term needs).

Attached is a Resolution to accomplish the above recommendation. Funds are available in the Sales Tax Program (1105).

Attachments



| | |
|--|------------------|
| <p>2018 CAPITAL IMPROVEMENTS PROGRAM SIGNAL IMPROVEMENTS</p>  | Project: 18-09-A |
| | Date: JAN 2018 |
| | Scale: NONE |
| | Drawn By: RBR |

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXECUTION OF A NON-RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL PERMIT AND AGREEMENT WITH CENTRAL ARKANSAS RECYCLING & DISPOSAL SERVICES

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 Non-Residential Solid Waste Collection and Disposal Permit and Agreement with Central Arkansas Recycling & Disposal Services for the period of March 5, 2019 through February 28, 2021.

This resolution adopted this _____ day of _____, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:




NPR



MEMORANDUM

TO: Carl E. Geffken, City Administrator

FROM: Serina Tustin, Sanitation Administrative Superintendent 

DATE: February 27, 2019

RE: Non-Residential Solid Waste Collection and Disposal Permit and Agreement

Central Arkansas Recycling & Disposal Services desires to obtain a non-residential solid waste collection and disposal permit and agreement with the City of Fort Smith in order to comply with the City of Fort Smith Municipal Code and continue hauling non-residential solid waste within Fort Smith. It is a two-year permit for the period of March 5, 2019 through February 28, 2021.

Staff recommends this agreement be accepted and approved. Please contact me should you have any questions.

NON-RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL PERMIT AND AGREEMENT

THIS AGREEMENT, made and entered on the date set forth below by and between the City of Fort Smith, Arkansas (hereinafter referred to as the "City"), and Central Arkansas Recycling & Disposal Services, an Arkansas corporation.

WITNESSETH:

WHEREAS, the City is a municipal corporation of the first class of the State of Arkansas and, in its government capacity, owns and operates the City of Fort Smith Solid Waste Disposal Facility (the "Facility"), which is currently operated as a Class I landfill; and

WHEREAS, the City currently provides solid waste collection and disposal service to residential and non-residential customers within the City; and

WHEREAS, Central Arkansas Recycling & Disposal Services, has the consent of the City to collect and dispose of solid waste for non-residential customers within the corporate limits of the City; and

WHEREAS, the City has evaluated the possibility of exercising its governmental option of providing solid waste collection and disposal services to non-residential customers; and

WHEREAS, Central Arkansas Recycling & Disposal Services, desires to provide non-residential solid waste collection and disposal services for customers located in Sebastian County within and without the corporate limits of the City.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, and intending to be legally bound hereby, the parties agree as follows:

1. Definitions

- a. **"Solid Waste,"** when used in this Agreement, shall have the meaning given to it in Section 25-261 of the Fort Smith Code of Ordinances.
- b. **"Residential Customers,"** when used in this Agreement, shall have the meaning given in Section 25-261 of the Fort Smith Code of Ordinances.
- c. **"Non-residential Customers,"** when used in this Agreement, shall refer to all solid waste customers who are not residential customers as defined by Section 25-261 of the Fort Smith Code of Ordinances.

2. Disposal of Waste Generated Within the City

- a. **Solid Waste Disposal:** Central Arkansas Recycling & Disposal Services agrees that all solid waste generated within the City and which is collected by Central Arkansas Recycling & Disposal Services for disposal shall be hauled by Central Arkansas Recycling & Disposal Services to the Facility, except as otherwise provided herein. Excepted from this requirement are: (i) any categories of solid waste that the City does not accept for disposal at the Facility; (ii) any customers to which the City may consent in writing executed by the Fort Smith City Administrator to allow to use alternative disposal facilities; and (iii) any recyclables as defined in Section 25-261 of the Fort Smith Code of Ordinances and any other recycling program identified in writing and approved as an exception by the Fort Smith City Administrator. The City will use reasonable efforts to enforce the designation of the Facility against all waste haulers.

- b. **Rates for Disposal:** The rates for disposal of solid waste generated within the City and disposed of at the Facility shall be those rates, established from time to time, by the City for the customers of the Facility (the "Fort Smith Published Rates"). The City agrees that all waste haulers servicing Non-Residential customers within the City and delivering solid waste to the Facility shall be charged the same disposal rates (subject to the right of the City to contract for special volume rates).
3. **Disposal of Waste Generated Outside the City**
- a. **Rates for Disposal:** The base rates charged for solid waste generated outside the City "External Rate" and delivered to the Facility by Central Arkansas Recycling & Disposal Services shall be the Fort Smith published rates.
 - b. The rates may be adjusted on the anniversary of each year of the term provided for in this paragraph. On each anniversary date, the rates set forth in the Fort Smith Published Rates may be adjusted by the percentage that the Consumer Pricing Index for All Urban Areas ("CPI-U") for the first calendar month of the preceding contract year was exceeded by the CPI-U at the beginning of the next contract year. (The CPI-U is based on the U.S. Department of Labor, Bureau of Labor and Statistics, Consumer Price Index for all urban customers in the U.S. city average, with all items having been computed based on 1982-84 = 100.0)
 - c. The rates provided for in this paragraph 3 shall be subject to adjustment by the governing body of the City of Fort Smith upon determination of the governing body that federal or state regulatory agencies have adopted and implemented regulations which have a significant, adverse effect on the rates charged for waste disposal at the Facility (the percentage in change in the rates provided for in paragraph 3 of the Agreement shall not exceed the percentage of rate change published by the City of Fort Smith for waste generated within the City of Fort Smith).
4. **Permit:** This Agreement shall constitute a permit issued by the Central Arkansas Recycling & Disposal Services pursuant to Section 25-321 of the Fort Smith Code of Ordinances.
5. **Billing and Payment:** Central Arkansas Recycling & Disposal Services shall be subject to the City's standard billing and payment terms and procedures for customers of the Facility.
6. **Compliance with Laws:** All waste provided by Central Arkansas Recycling & Disposal Services to the Facility for disposal shall comply with all current and future applicable Arkansas Department of Environmental Quality Regulations, including Regulation 22 and Regulation 23; and all other applicable federal, state and local environmental requirements. In the event that Central Arkansas Recycling & Disposal Services delivers waste to the Facility that does not conform to the identified regulations and requirements, Central Arkansas Recycling & Disposal Services shall be responsible for any cost incurred by the City in the treatment and handling of the non-conforming waste.
7. **Vehicles**
- a. **License:** All vehicles utilized by Central Arkansas Recycling & Disposal Services to deliver solid waste to the Facility pursuant to this Agreement shall have a hauler's license issued by the Sebastian County Regional Solid Waste Management District.

- b. **Covered Loads:** All solid waste delivered by Central Arkansas Recycling & Disposal Services to the Facility pursuant to this Agreement, shall be delivered in vehicles in which all loaded solid waste is covered and secured to prevent blowing or dropping on public rights-of-way or City-owned property from the point of location to the point of disposal at the Facility.
8. **Inspection of Records:** Both parties shall have access to the governmental and business records of the other party relevant to this Agreement, for the purpose of verifying any information pertinent to this Agreement. Any exercise of such right of inspection shall occur at the normal business office and during the normal business hours of the party who holds the information. Central Arkansas Recycling & Disposal Services acknowledges that it will comply with reasonable requests of the City for information regarding the types and amounts of solid waste being disposed of at the Facility, as well as the location of the collection of the waste, as relevant to this Agreement.
9. **Dispute Resolution:** In the event that either party believes that the other party is in violation of any provision of this Agreement that party shall provide to the other party, in writing, a notice of the alleged breach. Within ten (10) days of receipt of notice, the notified party shall respond to the allegations. If the response does not resolve the issue, either party may request, in writing, that a meeting of the parties and/or their authorized representatives, be held. Such meeting shall be held within thirty (30) days of this request, at the Office of the Fort Smith City Administrator. Except in an emergency situation, neither party may initiate litigation regarding the alleged breach until the dispute resolution provisions, as set forth herein, have been completed. If this meeting does not result in a resolution of the dispute, either party may pursue any appropriate legal or equitable remedies, including rescission, with a court of competent jurisdiction.
10. **Term:** This permit and agreement shall have a term of two (2) years commencing on the first day of the calendar month which begins following the date of execution of this Agreement by the City.
11. **Choice of Law:** This Agreement shall be governed by the laws of the State of Arkansas.
12. **Assignment:** The provisions of this Agreement are not assignable by either party without the prior, written consent of the other party.
13. **Cancellation:** This permit and agreement shall be cancellable upon ten (10) days notice by the City when, in the opinion of the designated agent of the Fort Smith City Administrator, the work being performed by Central Arkansas Recycling & Disposal Services is being performed in such a manner as to constitute a public menace or nuisance or to be detrimental to the health, safety, and welfare of the citizens of the City.
14. **Indemnification:** Central Arkansas Recycling & Disposal Services agrees to indemnify and hold harmless the City from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, and reasonable attorneys' fees resulting from Central Arkansas Recycling & Disposal Services operations hereunder. Provided, however, that Central Arkansas Recycling & Disposal Services shall not be liable for any suits, actions, legal

proceedings, claims, demands, damages, costs, expenses, or attorneys' fees solely caused by the willful or negligent acts or omissions of the City's employees.

15. **Insurance:** Central Arkansas Recycling & Disposal Services shall at all times during the term of this Agreement maintain in full force and effect Employer's Liability, Workmen's Compensation, Public Liability, and Property Damage Insurance. Before commencement of work under this Agreement, Central Arkansas Recycling & Disposal Services agrees to furnish to the City certificates of insurance or other evidence to the effect that such insurance has been procured and is in force. For the purpose of this Agreement, Central Arkansas Recycling & Disposal Services shall carry the following types of insurance in at least the amounts specified below:

| | |
|--|---|
| Workmen's Compensation | Statutory |
| Employer's Liability | \$ 500,000.00 |
| Bodily Injury Liability (except automobile) | \$ 500,000.00/occurrence \$ 1,000,000.00/aggregate |
| Property Damage Liability (except automobile) | \$ 500,000.00/occurrence \$ 1,000,000.00/aggregate |
| Automobile Bodily Injury Liability | \$ 500,000.00/person \$ 1,000,000.00/occurrence |
| Automobile Property Damage Liability | \$ 500,000.00/occurrence |
| Excess Umbrella Liability | \$ 2,000,000.00/occurrence |

16. **Force Majeure:** Neither party hereto shall be liable for its failure to perform hereunder due to circumstances beyond its reasonable control, including, but not limited to, strikes or other labor disputes, riots, civil disturbances or sabotage, fires, floods, explosions, accidents, weather or acts of God affecting either party hereunder. In the event any of the circumstances listed in the preceding sentence, or if any federal, state or local court or authority takes any action which would (i) close or restrict operations at the Facility, (ii) limit the quantity or prohibit the disposal of waste at the Facility or, (iii) limit the ability of or prohibit Central Arkansas Recycling & Disposal Services from delivering waste to the Facility. Central Arkansas Recycling & Disposal Services shall have the right, at its option, to reduce, suspend or terminate delivery of waste to the Facility, as set forth hereunder, immediately, without prior notices and without any additional liabilities between the parties.
17. **Severability:** If any provision of this Agreement shall be held to be invalid, illegal or unenforceable in any respect, this Agreement shall remain in effect and be construed without regard to such provision.
18. **Entire Agreement:** This Agreement constitutes the entire understanding between the parties, replacing and amending any prior agreements between the parties, and shall be

binding upon all parties hereto, their successors, heirs, representatives and approved assigns. Any provision, term or condition in any acknowledgment, purchase order or other response by the City to Central Arkansas Recycling & Disposal Services or by Central Arkansas Recycling & Disposal Services to the City, which is in addition to or different from the provisions of this Agreement shall be deemed objected to by the other party and shall be of no effect.

19. **Notices:** Any notice required to be given pursuant to the provisions of this Agreement shall be considered to be validly delivered, if it is sent by U.S. Certified Mail or if it is hand delivered and a signed receipt is obtained. Such notice should give the following:

If to the City:

City of Fort Smith
City Administrator
P.O. Box 1908
Fort Smith, AR 72902

If to Central Arkansas Recycling & Disposal Services:

Central Arkansas Recycling & Disposal Services
P.O. Box 3723
Little Rock, AR 72203

This Agreement is executed as of this _____ day of _____, 2019 by the authorized representatives of the parties.

CITY OF FORT SMITH, ARKANSAS

By: _____
George B. McGill, Mayor

ATTEST:

City Clerk

CENTRAL ARKANSAS RECYCLING & DISPOSAL SERVICES

By: 
Jason Fitzgerald



MEMORANDUM

To: Mayor and Board of Directors
From: Wendy Mathis, Executive Assistant
Date: February 28, 2019
Subject: Civil Service Commission

The term of Mr. Orval Smith of the Civil Service Commission will expire March 31, 2019. Mr. Smith wishes to be considered for reappointment.

The applicants available at this time are:

| | |
|----------------------|-----------------------|
| Kenneth Spears | 608 Dugan Mill Circle |
| Jackie Flake | 10101 Hanover Court |
| Bobbie Woodard Jones | 3216 Blair Ave #3 |
| Chris Chaney | 500 North 12 Street |
| Taneka Tate | 506 Torrington Way |

Appointments are by the Board of Directors, one appointment is needed. The term will expire March 31, 2025.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
www.fortsmithar.gov

Printed on 100% Recycled Paper

CIVIL SERVICE COMMISSION

The **Civil Service Commission** is responsible for writing and enforcing rules and regulations governing the fire and police departments. The rules provide for the qualifications for applicants for appointment to the police and fire department and provide for open, competitive examination to test the fitness of applicants. In addition, the **Civil Service Commission** hears appeals by employees of the fire and police department concerning disciplinary actions.

The **Civil Service Commission** consists of seven citizens of the city appointed by the **Board of Directors** to serve six year terms. Members shall be citizens of the State of Arkansas and residents of the city for at least three years preceding their appointment. Members shall not hold or be a candidate for any political office under any national, state, county or municipal government, or be connected in any official capacity with any political party or organization. The commission meets on call.

| | <u>DATE APPOINTED</u> | <u>TERM EXPIRES</u> |
|--|-----------------------|---------------------|
| Orval Smith 6700 Highland Park (16) 629-3761 (h) 226-3212 (w) Smithco82@gmail.com | 01/18/12 | 03/31/19 |
| Robert Patrick Cooper 2601 Athlone Road (03) 783-9692 (h) 646-4366 (w) rcooper@farrellcooper.com | 11/16/04 | 03/31/21 |
| Sam Sexton P.O. Box 1971 (02) 434-6282 (h) 783-0036 (w) Csexton@mccutchenlawfirm.com | 06/15/10 | 03/31/21 |
| Marty Shell Terminal Operator 11107 Vista Ridge Court (16) 649-9067 (h) 410-1557 (w) marty@fiveriversdist.com | 03/15/11 | 03/31/23 |

| | | |
|--|----------|----------|
| Charolette Tidwell Retired 1728 North 46 Circle (04) 459-0669 (h) Cftidwell9793@att.net | 02/21/17 | 03/31/23 |
| John Walker 409 Garrison Av (01) 269-876-7439 (h) 785-7462 (w) John.walker@ssc-fortsmith.com | 12/19/17 | 12/19/23 |
| Matthew Garner Finance - Baldor 12100 Sapling Drive (16) 431-8618 (h) Matthew.garner@baldor.abb.com | 06/19/18 | 12/19/23 |

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 1-11-19

Name: DRUAI Smith

Home Telephone: 479-629-3761

Home Address: 6700 Highland Park Dr

Work Telephone: 479-226-3212

Zip: 72914

Email: Smithco82@gmail.com

Occupation: Post Control Business Owner
 (If retired, please indicate former occupation or profession)

Education: _____

Professional and/or Community Activities: Realtor, Ft. Smith Board of Realtor
Board Member, V.P. The Steel Horse Rally

Additional Pertinent Information/References: Current Civil Service Member

Are you a registered voter in the City of Fort Smith? Yes No

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?

Yes No

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Driver's License 0000000000 Date of Birth 00000000

(This information will be used to conduct a criminal background check of all applicants.)

I am interested in serving on the (please check):

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Animal Services Advisory Board | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Board |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Building Board of Adjustment and Appeals | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Comprehensive Plan Improvement Committee | |
| <input type="checkbox"/> Convention Center Commission | |
| <input checked="" type="checkbox"/> Civil Service Commission | |
| <input type="checkbox"/> CIP Committee (Streets, Bridges, & Drainage) | |
| <input type="checkbox"/> Community Development Advisory Comm. | |
| <input type="checkbox"/> County Equalization Board | |
| <input type="checkbox"/> Electric Code Board of Appeals | |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | |
| <input type="checkbox"/> Historic District Commission | |
| <input type="checkbox"/> Housing Assistance Board | |
| <input type="checkbox"/> Library Board of Trustees | |
| <input type="checkbox"/> Mechanical Board of Adjustments and Appeals | |
| <input type="checkbox"/> Oak Cemetery Commission | |
| <input type="checkbox"/> Outside Agency Review Panel | |
| <input type="checkbox"/> Parking Authority | |
| <input type="checkbox"/> Parks & Recreation Commission | |

CITY OF FORT SMITH Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: January 17, 2019

Name: Kenneth A. Spears Home Telephone: 1479 629 0907

Home Address: 608 Dugan Mill Cir. Work Telephone: 1479 782 5756

Zip: 72908 Email: kspears@StJamesbc.org

Occupation: US ARMY, SSG
(If retired, please indicate former occupation or profession)

Education: UAFS, Brent Seminary Masters of Divinity

Professional and/or Community Activities: Assistant Pastor of Ministry Development
St James Missionary Baptist Church

Additional Pertinent Information/References: _____

Are you a registered voter in the City of Fort Smith? Yes No

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration. (Circled text)

Drivers Licer information w (Circled text) Date of Birth (Circled text)
:k ground check of all applicants).

I am interested in serving on the (please check):

- Audit Committee
- Advertising & Promoting Commission
- Airport Commission
- Animal Services Advisory Board
- Arkansas Fair & Exhibition Facilities Bd
- Benevolent Fund Board
- Bldg. Bd. Of Adjustment and Appeals
- Central Business Improvement District
- Comprehensive Plan Imp. Committee
- Convention Center Commission
- Civil Service Commission
- CIP Committee (Streets, Bridges, & Drainage)
- Community Development Advisory Com.
- County Equalization Board
- Electric Code Board of Appeals
- Fire Code Board of Appeals & Adjustments
- Historic District Commission
- Housing Assistance Bd.
- Library Bd of Trustees
- Mechanical Bd of Adjustments and Appeals
- Oak Cemetery Commission
- Outside Agency Review Panel
- Parking Authority
- Parks & Recreation Commission
- Planning Commission
- Plumbing Advisory Board
- Port Authority
- Property Owners Appeals Board
- Sebastian County Reg. Solid Waste Mgmt. Bd.
- Sister Cities Committee
- Transit Advisory Commission
- Residential Housing Facilities Board

Please return this form to Wendy Mathis, P.O. Box 1908, FSM, AR 72902
wmathis@fortsmithar.gov

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Name: Jackie Flake Date: 1/28/19
 Home Address: 10101 HANOVER COURT Home Telephone: 479.431.8401
 Zip: 72908 72908 Work Telephone: 479.452.9201
 Occupation: PASTOR Email: jackie@communitychurch.com
 (If retired, please indicate former occupation or profession)

Education: MASTER of Divinity, B.S. in Business Adm

Professional and/or Community Activities: Active pastor within the River Vally Community, Leadership F.S. (2015), Advisor Team member of *ft sm. th school district vision 2023*

Additional Pertinent Information/References: Future School Board member, CIT Training presenter for L.E., FBI Citizen's Academy

Are you a registered voter in the City of Fort Smith? Yes No

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense? Yes NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from c

Drivers Lic 0000000000 Date of B 00000000
 information will be use to conduct a criminal check and check of all applica....

I am interested in serving on the (please check):

- | | |
|---|---|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Housing Assistance Bd. |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Animal Services Advisory Board | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Comprehensive Plan Imp. Committee | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Port Authority |
| <input checked="" type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> CIP Committee (Streets, Bridges, & Drainage) | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Electric Code Board of Appeals | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | |
| <input type="checkbox"/> Historic District Commission | |

Please return this form to Wendy Mathis, P O. Box 1908, FSM, AR 72902
 wmathis@fortsmithar.gov

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: January 24th 2019
 Name: Bobbie Woodard & Jones Home Telephone: 479 7694813
 Home Address: 3216 Blair Ave #3 Work Telephone: _____
 Zip: 72904 Email: Shakeyjns1958@gmail.com
 Occupation: Retired Administrator Assistant
 (If retired, please indicate former occupation or profession)
 Education: Northside 1976 Westark
 Professional and/or Community Activities: Director of Mercy Outreach Center
Assist with the Sebastian County Amnesty Program
 Additional Pertinent Information/References: Bill Hollinbeck, Hope Union,
Sandy Sanders, Mr. Barrett, UAFS Mr. George Cox UAFS
 Are you a registered voter in the City of Fort Smith? Yes No _____
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
 Yes _____ No
 If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.
 Driver's License: AR.C 000000 Date of B: 00000000
 (This information will be use to conduct a criminal back ground check of all applicants).

I am interested in serving on the (please check):

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Housing Assistance Board |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Library Board d of Trustees |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Mechanical Board of Adjustments and Appeals |
| <input type="checkbox"/> Animal Services Advisory Board | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Board | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Building Board of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Comprehensive Plan Improvement Committee | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Port Authority |
| <input checked="" type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> CIP Committee (Streets, Bridges, & Drainage) | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Board |
| <input type="checkbox"/> Community Development Advisory Comm. | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Electric Code Board of Appeals | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | |
| <input type="checkbox"/> Historic District Commission | |

Please return this form to Wendy Mathis, P.O. Box 1908, FSM, AR 72902
 wmathis@fortsmithar.gov

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 1/25/19

Name: Chris Chaney

Home Telephone: 479.653.1792

Home Address: 500 N. 12th St

Work Telephone: 479.308.3880

Zip: 72902

Email: iamfortsmith@yahoo.com

Occupation: Marketing Manager
(If retired, please indicate former occupation or profession)

Education: High School Graduate

Professional and/or Community Activities: Member of the Fort Smith Rotary Club, 16B,

Phoenix Partners (community men's group), A community mentor, Adult Education Center Advisory Board

Additional Pertinent Information/References: Citizens Youth Police Academy graduate

Citizens Police Academy Graduate

Are you a registered voter in the City of Fort Smith? Yes x No

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?

Yes NO x

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License information will [Signature]

Date of Birth and check of all applicar [Signature]

I am interested in serving on the (please check):

- () Audit Committee
() Advertising & Promoting Commission
() Airport Commission
() Animal Services Advisory Board
() Arkansas Fair & Exhibition Facilities Bd
() Benevolent Fund Board
() Bldg Bd Of Adjustment and Appeals
() Central Business Improvement District
() Comprehensive Plan Imp Committee
() Convention Center Commission
(x) Civil Service Commission
() CIP Committee (Streets, Bridges, & Drainage)
() Community Development Advisory Com
() County Equalization Board
() Electric Code Board of Appeals
() Fire Code Board of Appeals & Adjustments
() Historic District Commission
() Housing Assistance Bd.
() Library Bd of Trustees
() Mechanical Bd of Adjustments and Appeals
() Oak Cemetery Commission
() Outside Agency Review Panel
() Parking Authority
() Parks & Recreation Commission
(x) Planning Commission
() Plumbing Advisory Board
() Port Authority
() Property Owners Appeals Board
() Sebastian County Reg. Solid Waste Mgmt Bd.
() Sister Cities Committee
() Transit Advisory Commission
() Residential Housing Facilities Board

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CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 1/24/19
 Name: Tanaka Tate Home Telephone: (479) 459 6039
 Home Address: 506 Torrington Way Work Telephone: (479) 646 3612
 Zip: 72908 Email: tate@fortsmithschools.org
 Occupation: Principal, Carnall Elem., FS Public Schools
 (If retired, please indicate former occupation or profession)
 Education: Educational Doctorate Educational Leadership
 Professional and/or Community Activities: coached girls basketball,
adjunct prof @ ATM, LIFE coach (college ministry)
teaching @ House of Restoration
 Additional Pertinent Information/References: _____

Are you a registered voter in the City of Fort Smith? Yes No
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
 Yes NO
 If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from considering for the position.
 Drivers License XXXXXXXXXX Date of Birth XXXXXXXXXX
 Information will be used to conduct a criminal background check of all applicants.

I am interested in serving on the (please check):

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Housing Assistance Bd. |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Animal Services Advisory Board | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Comprehensive Plan Imp. Committee | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Port Authority |
| <input checked="" type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> CIP Committee (Streets, Bridges, & Drainage) | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Electric Code Board of Appeals | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | |
| <input type="checkbox"/> Historic District Commission | |

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February 28, 2019

TO: Members of the Board of Directors
Members of the Community Development Advisory Committee

RE: Appointment:

Ms. Kathy Davis of the Community Development Advisory Committee has resigned her position February 23, 2019. In accordance with Ordinance No. 2926 applications for this prospective vacancy are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on March 28, 2019. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

A handwritten signature in blue ink that reads "Carl E. Geffken". The signature is fluid and cursive, with a large, stylized "G" at the end.

Carl E. Geffken
City Administrator

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
www.fortsmithar.gov

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OFFICE OF THE CITY CLERK
Sherri Gard, CMC, City Clerk
Heather James, Assistant City Clerk

MEDIA RELEASE

March 1, 2019

The City of Fort Smith Board of Directors monthly Town Hall meeting will be held immediately following adjournment of the regular meeting set for 6:00 p.m., March 5, 2019, Fort Smith Public Schools Service Center, Building "B", 3205 Jenny Lind Road.

The Town Hall meeting provides citizens with the opportunity to introduce issues involving city government with each citizen granted up to five (5) minutes to present his or her matters.

For more information, please contact the City Clerk's Office at 784-2208.

A handwritten signature in blue ink that reads "Sherri Gard".

Sherri Gard, City Clerk

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 784-2208
FAX (479) 784-2256
E-mail: cityclerk@fortsmithar.gov
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March 5, 2019 Regular Meeting