AGENDA
Fort Smith Board of Directors
STUDY SESSION
July 9, 2019 ~ 12:00 Noon
Fort Smith Public Library Community Room
3201 Rogers Avenue

THIS MEETING IS BEING TELECAST LIVE AT THE FOLLOWING LINK:
http://www.ustream.tv/channel/XqbsvFPFApS

CALL TO ORDER

1. Discussion regarding water rates charged to churches within the city of Fort Smith
2. Discuss Act 812 of 2019 regarding entertainment districts
3. Review preliminary agenda for the July 16, 2019 regular meeting

ADJOURN
INTER-OFFICE MEMO

TO: Carl Geffken, City Administrator
FROM: Jerry Walters, Utility Director

DATE: June 13, 2019

SUBJECT: Utility Billing Church Accounts

Account audits were performed while implementing the new billing system. One of the items found is the discrepancy on 38 of the 358 “church” account classifications. While the majority of these accounts are classified as commercial, these 38 were found to be classified as residential. This discussion provides an update on the results of the audit. We propose changing church establishments to commercial account status.

Attached are the slides that will be covered at the June 25, 2019, Study Session.

Please contact me if you have any questions pertaining to this change.

attachment

pc: Jeff Dingman
Review of Utility Billing
Church Accounts
Summary of Analysis

- The following church account summary reflects data gathered as of June 07, 2019 using information pulled from the Munis billing system.

- There were a total of 358 services identified, of which 316 are active accounts.
  - Church accounts were identified based on their account names.
  - Of the 358 accounts, 42 were terminated accounts or inactive status.
• Commercial accounts amounted to 88% of the total
• Residential Accounts amounted to 12% of the total
• Of the 38 active Residential Church accounts, 26 were identified as houses based on their addresses using Google Street View.
• 2 are located in South Sebastian County Area
• 4 of these accounts would include as day care facilities, child education center, or mission.
• 6 of these accounts have been identified as an established Church
Summary of Evaluation

• All church establishments set to Commercial
  • This will include:
    • All places of worship*
    • Day Care Facilities
    • Missions
    • Education Centers
    • (Irrigation for all Sites)
• All residential parsonages set to Residential
• The most significant change moving all accounts to commercial
  would be NO winter averaging.

*Place of worship is a specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study. Temples, churches, and mosques are examples of structures created for worship.
Discussion
On the agenda for the July 9, 2019 study session meeting is a discussion regarding the possible establishment of designated Entertainment Districts in the City of Fort Smith.

The 2019 Arkansas General Assembly adopted Act 812 (attached), which amends state law to allow the establishment of both permanently designated and temporary “Entertainment Districts.” The Act is intended to promote hospitality and tourism by establishing areas of a city or town that highlight restaurant, entertainment, and hospitality options.

Under the Act, the City may create such Entertainment Districts by ordinance. The Act provides that state law or administrative rules that prohibit a person from possessing an alcoholic beverage outside of the establishment from which it was purchased do not apply within such entertainment districts. The Act specifically states that rules prohibiting the consumption of alcohol in public when consumed within the physical boundaries of a designated entertainment district also do not apply.

Entertainment Districts are to be located in a “contiguous area” in a part of a city that is “zoned or customarily used for commercial purposes” that contains any number or combinations of restaurants, taprooms, taverns, entertainment establishments, hospitality establishments, music venues, theaters, art galleries, art studios, tourist destinations, distilleries, dance clubs, cinemas, or concert halls. For clarification, the Act allows the consumption of alcoholic beverages on public rights-of-way within designated districts but does not relax or supersede any other rule or regulation regarding alcohol, including public intoxication.

In Fort Smith, two areas that readily come to mind that fit the above description are Downtown Fort Smith and Chaffee Crossing’s Warehouse District.

Because traffic cannot be regularly interrupted on Garrison Avenue/US Hwy 64, there are pedestrian safety concerns related to creating one single downtown entertainment district. As such, there could be three distinct areas identified downtown as potential permanent entertainment districts: East End/Cisterna district; the Central/Convention Center district; and the West End/Pavilion district.

Any special events that would use the entire footprint of downtown could be accommodated by permitting temporary entertainment districts for such things as the St. Patrick’s Day Pub Crawl or the Steel Horse Rally. The city could identify by ordinance a larger footprint encompassing all three areas mentioned above and additional downtown areas as a temporary Entertainment District that can be enabled through an administrative permit process. Such process would accommodate larger festivals, celebrations, or events such as the St. Patrick’s Day Pub Crawl or the Steel Horse Rally.

The City of Mountain Home, Arkansas was the first in the state to adopt an ordinance establishing an Entertainment District as permitted by the Act. Such ordinance goes into effect later this month, and
established that the Entertainment District is in effect every day from 4:30 p.m. to midnight, as well as other rules such as only one beverage per person, in paper or plastic cups with the logo of the restaurant or bar from which it was purchased printed on it. No bottles, glass or cans are allowed. The public is not allowed to bring alcohol into the district for consumption. All of these are items that we have discussed in concept to include in such an ordinance for Fort Smith.

From the study session discussion, staff hopes to get specific feedback from the Board regarding the following:

1. Is there a general interest in considering an Entertainment District ordinance in Fort Smith?
2. What geographical designation of permanent or temporary Entertainment Districts is preferred?
3. What local rules would be included in such an ordinance, such as hours of operation, use of identifiable cups, etc.
4. What additional information or feedback is needed?

Feedback from the Board will be used to draft an ordinance for further review. Such draft ordinance will be shared with the public, particularly interested parties in the proposed districts, for further feedback.

Please contact me if you have questions regarding this item.
Stricken language would be deleted from and underlined language would be added to present law.

Act 812 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill
SENATE BILL 492

By: Senators T. Garner, Bond, B. Sample, G. Leding, L. Chesterfield, Elliott
By: Representatives Barker, A. Collins, McCullough, Scott

For An Act To Be Entitled
AN ACT TO PROMOTE HOSPITALITY AND TOURISM; TO
ESTABLISH AREAS OF A CITY OR TOWN THAT HIGHLIGHT
RESTAURANT, ENTERTAINMENT, AND HOSPITALITY OPTIONS;
TO ESTABLISH TEMPORARY OR PERMANENT DESIGNATED
ENTERTAINMENT DISTRICTS; AND FOR OTHER PURPOSES.

Subtitle
TO PROMOTE HOSPITALITY AND TOURISM; TO
ESTABLISH AREAS OF A CITY OR TOWN THAT
HIGHLIGHT RESTAURANT, ENTERTAINMENT, AND
HOSPITALITY OPTIONS; TO ESTABLISH
TEMPORARY OR PERMANENT DESIGNATED
ENTERTAINMENT DISTRICTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 3-2-206, concerning the rulemaking
authority of the Alcoholic Beverage Control Division, is amended to add an
additional subsection to read as follows:
(f) A rule promulgated under this title that prohibits a person from
possessing an alcoholic beverage outside of an establishment that holds a
permit for on-premises consumption and from which the alcoholic beverage was
purchased does not apply within a designated entertainment district as
defined in § 14-54-1412.

SECTION 2. Arkansas Code § 5-71-212(e), concerning the exceptions to
consuming alcohol in public, is amended to read as follows:

   (e) The provisions of this section shall not be construed to prohibit or restrict the consumption of an alcoholic beverage when consumed:

   (1) As a part of a recognized religious ceremony or ritual; or
   (2) Within the physical boundaries of a designated entertainment district as defined in § 14-54-1412.

SECTION 3. Arkansas Code Title 14, Chapter 54, Subchapter 14, is amended to add an additional section to read as follows:

14-54-1412. Designated entertainment districts.

(a) As used in this section, "designated entertainment district" means a contiguous area located in a part of a city, a municipality, or an incorporated town that:

   (1) Is zoned for or customarily used for commercial purposes; and
   (2) Contains any number and any combination of restaurants, taprooms, taverns, entertainment establishments, hospitality establishments, music venues, theaters, bars, art galleries, art studios, tourist destinations, distilleries, dance clubs, cinemas, or concert halls.

(b)(1) A city, a municipality, or an incorporated town collecting a gross receipts tax on prepared food or hotel and motel accommodations under §§ 26-75-602 – 26-75-613 and located in a county authorized to sell alcoholic beverages may by ordinance create a designated entertainment district.

   (2) A designated entertainment district may be permanent or temporary.

   (3)(A) A city, a municipality, or an incorporated town that creates a designated entertainment district under this section shall set by ordinance reasonable standards for the regulation of alcohol possession within the boundaries of the designated entertainment district.

   (B) An ordinance enacted under this subsection does not diminish the requirements of the Alcoholic Beverage Control Division concerning permits issued within the designated entertainment district.

   (4) A city, a municipality, or an incorporated town that creates a designated entertainment district under this section shall notify the division within ten (10) days of the issuance or removal of a permanent or temporary designation as a designated entertainment district.