

MAYOR

George B. McGill

CITY ADMINISTRATOR

Carl 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 – Robyn Dawson

At-Large Position 6 – Kevin Settle

At-Large Position 7 – Neal Martin

AGENDA ~ SUMMARY

Fort Smith Board of Directors

REGULAR MEETING

May 11, 2021 ~ 6:00 p.m.

Fort Smith Convention Center

55 South 7th Street

Exhibit Hall A1 and A2

(May 4, 2021 regular meeting rescheduled to May 11, 2021)

THIS MEETING IS BEING TELECAST LIVE AT THE FOLLOWING LINK:

<https://video.ibm.com/channel/city-of-fort-smith-board-of-directors-meetings>

INVOCATION & PLEDGE OF ALLEGIANCE

Invocation given by Director Jarred Rego

Pledge of Allegiance led by Director Andre' Good

ROLL CALL

- All physically present, except Director Lavon Morton, who was absent
- Mayor George McGill presiding

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING

(Section 2-37 of Ordinance No. 24-10)

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

APPROVE MINUTES OF THE APRIL 20, 2021 REGULAR MEETING

APPROVED as written

ITEMS OF BUSINESS:

1. Ordinance to ratify and confirm the rescheduling of the Board of Directors May 4, 2021 regular meeting to May 11, 2021 (*City Clerk*)
APPROVED 6 in favor, 0 opposed / Ordinance No. 42-21
2. Items regarding appeal of the Planning Commission's denial of Conditional Use Request to operate a technical or trade school for truck driving (*5111 Rogers Avenue / appeal of CDL Academy – TriState Career Center*) (*Planning*):
 - A. Resolution affirming the action of the Planning Commission's ~~approval~~ denial of the Conditional Use for a technical or trade school (truck driving) at 5111 Rogers Avenue
NO ACTION due to adoption of Item No. 2B
 - B. Resolution approving an appeal of the Conditional Use for a technical or trade school (truck driving) at 5111 Rogers Avenue
APPROVED 5 in favor, 1 opposed (Settle) as amended to include that the Conditional Use is granted for a period of two (2) years / Resolution No. R-59-21
3. Ordinance zoning identified property and amending the zoning map (*from Transitional (T) to a Planned Zoning District (PZD) by classification at 3223 Old Greenwood Road*) (*Planning*)
APPROVED 6 in favor, 0 opposed / Ordinance No. 43-21
4. Ordinance zoning identified property and amending the zoning map (*from Planned Zoning District (PZD) to Planned Zoning District (PZD) by classification at 3123 Jenny Lind Road*) (*Planning*)
APPROVED 6 in favor, 0 opposed / Ordinance No. 44-21
5. Ordinance amending the 2019 Unified Development Ordinance of the City of Fort Smith (*Planning*)
APPROVED 6 in favor, 0 opposed / Ordinance No. 45-21
6. Resolution to accept the bid and authorize a contract for the Cell A-6 construction, wheel wash pad construction, and culvert/road repair at the Fort Smith Sanitary Landfill, Project No. 016-001-35197320 (*\$9,576,634.25 / Solid Waste Services / Budgeted – Solid Waste Sinking Fund*)
TABLED 6 in favor, 0 opposed to the November 2, 2021 regular meeting with discussion at a future study session
7. Consent Agenda
 - A. Resolution setting a public hearing date on petition to vacate a portion of North 21st Street right-of-way in Geo S. Birnie Addition, an addition to the city of Fort Smith, Arkansas (*Planning*)
APPROVED 6 in favor, 0 opposed / Resolution No. R-60-21

- B. Resolution authorizing a change order for the 2019 Traffic Signal Improvements, Project No. 19-09-A (*add 34 days*) (*Engineering*) ♦
APPROVED 6 in favor, 0 opposed / Resolution No. R-61-21
- C. Resolution accepting completion of and authorizing final payment for the 2019 Traffic Signal Improvements, Project No. 19-09-A (\$36,934.38 / *Engineering Department / Budgeted – Sales Tax Program*) ♦
APPROVED 6 in favor, 0 opposed / Resolution No. R-62-21
- D. Resolution accepting completion of and authorizing final payment for the 2020 Street Overlays/Reconstruction, Phase A, Project No. 20-03-A (\$354,619.78 / *Engineering Department / Budgeted – Sales Tax Program*) ♦
APPROVED 6 in favor, 0 opposed / Resolution No. R-63-21
- E. Resolution authorizing the execution of an Assignment of Claim against Micromobility Transition, Inc. f/k/a Zagster, Inc. (*Administration*)
APPROVED 6 in favor, 0 opposed / Resolution No. R-64-21

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

- Mayor
- Directors
- City Administrator

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

ADJOURN
7:22 p.m.

ORDINANCE NO. 42-21

AN ORDINANCE TO RATIFY AND CONFIRM THE CANCELATION AND RESCHEDULING OF THE MAY 4, 2021 BOARD OF DIRECTORS REGULAR MEETING

WHEREAS, the first regular meeting of the Board of Directors in May 2021 was scheduled to occur at 6:00 p.m., Tuesday, May 4, 2021, at the Fort Smith Convention Center; and,

WHEREAS, the National Weather Service has confirmed that two (2) tornados rated as EF-1 hit the River Valley in the evening of May 3, 2021, which resulted in multiple power outages; and,

WHEREAS, the regular meeting location of the Fort Smith Convention Center was without power during the set meeting time of the May 4, 2021 regular meeting; and,

WHEREAS, the City Administrator recommended said regular meeting be canceled and rescheduled to occur at 6:00 p.m., Tuesday, May 11, 2021, at the Fort Smith Convention Center, 55 South 7th Street, Exhibit Halls A1 and A2; and,


WHEREAS, the Board of Directors concurred with aforementioned recommendation, and notification of cancelation and rescheduling of the May 4, 2021 regular meeting to May 11, 2021 was duly extended;

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

SECTION 1: The cancelation and rescheduling of the May 4, 2021 regular meeting of the Board of Directors to 6:00 p.m., Tuesday, May 11, 2021, at the Fort Smith Convention Center, 55 South 7th Street, Exhibit Halls A1 and A2 is hereby ratified and confirmed.

THIS ORDINANCE ADOPTED this 11th day of May, 2021.

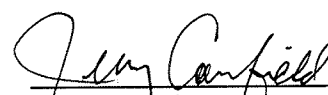
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


Publish one time

2B

as amended

RESOLUTION NO. R-59-21

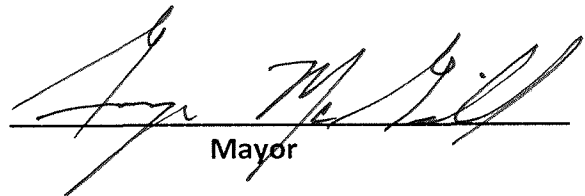
A RESOLUTION APPROVING AN APPEAL OF
THE CONDITIONAL USE FOR A TECHNICAL OR TRADE SCHOOL (TRUCK DRIVING)
AT 5111 ROGERS AVENUE

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

The Board of Directors hereby reverses the Planning Commission's denial of the conditional use for a technical or trade school (truck driving) at 5111 Rogers Avenue. The Board of Directors' approval of the conditional use shall expire two years from the date of adoption of this Resolution.

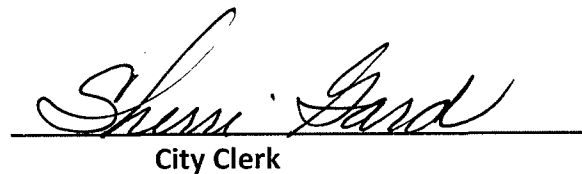
THIS RESOLUTION ADOPTED THIS 11th DAY OF May, 2021.

APPROVED:



Mayor

ATTEST:



City Clerk

Approved as to form:



ORDINANCE NO. 43-21

AN ORDINANCE ZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request 10-4-21 to zone certain property hereinafter described, and, having considered said request, recommended on April 13, 2021, that said change be made;

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

SECTION 1: That the following property to-wit:

A part of the N 1/2 of the SW 1/4 of the NE 1/4 of Section 27, Township 8 North, Range 32 West, being more particularly described as follows: Beginning at a point which is 404.7 feet South and 347 feet West of the NE Corner of said N 1/2 of the SW 1/4 of the NE 1/4 running; thence South 120 feet; thence West 126.8 feet to the East side of Old Greenwood Road, thence in a northwesterly direction along the East side of said road, 100.7 feet; thence in a northeasterly direction 174.4 feet to the point of beginning. Less and except minerals and mineral rights. Less and except public roads, easements and rights of way.

more commonly known 3223 Old Greenwood Road, should be, and is hereby zoned to a Planned Zoning District (PZD). The approved zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zoning District Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

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

PASSED AND APPROVED THIS 11th DAY OF May, 2021.

ATTEST:

Sheri Gard
City Clerk

APPROVED:

[Signature]
Mayor

Approved as to form:

[Signature]
Publish One Time

ORDINANCE NO. 44-21

AN ORDINANCE ZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request 12-4-21 to zone certain property hereinafter described, and, having considered said request, recommended on April 13, 2021, that said change be made;

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

SECTION 1: That the following properties to-wit:

Lots 1, 2, and 3 Wedge Place, an addition to the City of Fort Smith, Sebastian County, Arkansas more commonly known as 3123 Jenny Lind Road, should be, and are hereby zoned to a Planned Zoning District (PZD). The approved zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zoning District Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

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

PASSED AND APPROVED THIS 11th DAY OF May, 2021.

ATTEST:

Sherril Gard
City Clerk

APPROVED:

Arze McNeil
Mayor

Approved as to form:

Jerry Campbell
Publish One Time

ORDINANCE NO. 45-21**AN ORDINANCE AMENDING THE 2019 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH**

WHEREAS, the Board of Directors passed and approved Ordinance No. 87-19 which adopted the Unified Development Ordinance on October 15, 2019, and,

WHEREAS, is it necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflict with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding the amendment and recommended on April 13, 2021, that changes be made; and,

WHEREAS, three (3) copies of May 2021 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

WHEREAS, the May 2021 Amendments to the Unified Development Ordinance includes an amendment to allow business park or multi-tenant signage when certain criteria is met; and,

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

SECTION 1: The May 2021 Amendments to the Unified Development are hereby adopted.

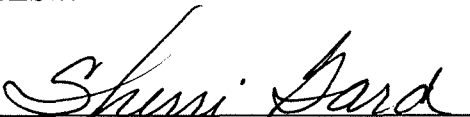
SECTION 2: The codifier shall codify the adopted amendments by amending existing sections and by adding new sections of the UDO at the discretion of the codifier.

SECTION 3: It is hereby found and determined that the adoption of the amendments to the

Unified Development Ordinance are necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendments are hereby made effective, as of date of approval of the Ordinance.

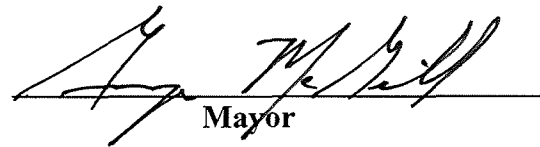
PASSED AND APPROVED THIS 11th DAY OF May, 2021.

ATTEST:



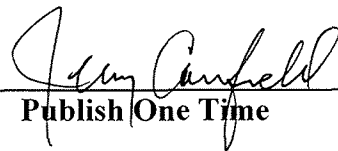
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

**MAY 2021 AMENDMENTS TO THE
UNIFIED DEVELOPMENT ORDINANCE**

Shelter for abused persons

shall mean a facility for providing a protective sanctuary for a person physically or mentally abused by family or other persons.

Shoe repair shop

shall mean a facility for repair or reconditioning of footgear, handbags and other leather articles such as shoes, boots, sandals, wallets, purses and other similar products.

Sign

shall mean a structure or device designed or intended to convey information to the public in written, pictorial or three dimensional form. Signs erected by the state highway department, county road department or the city street department are not subject to the regulations.

Sign area

shall mean the entire area within a single continuous perimeter enclosing the outer dimensions of the actual message or copy area. It does not include customary extensions or embellishments, nor any structural elements outside the limits of such display surface and not forming an integral part of the display. For double-face or V-type sign structures, only one (1) display face shall be counted in computing the actual sign area. The sign area permitted on any piece of property refers to the permitted combined total area of all signs on that property.

Sign (back-to-back)

shall mean a structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions and spaced no more than three (3) feet apart.

Sign (bench)

shall mean a sign located on any part of and contained within the perimeter of the bench or seat.

Sign (bus shelter)

shall mean a sign located on any part of and contained within the perimeter walls of the shelter.

Sign (business)

shall mean a sign which directs the attention of the general public to a business, product, service or activity which is conducted upon the premises where such sign is located.

Sign (business park/retail center)

shall mean a sign that directs the attention of the general public to businesses in a business park/retail center located on a multi-lot of single lot parcel.

Sign (electronic message center/digital)

shall mean a sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

Sign (flashing)

shall mean a sign, the illumination of which is not constant in intensity when in use; except that illuminated signs which indicate the time, date, temperature and other public service information shall not be considered to be flashing signs.

cause the allowable pedestal or monument sign area to be reduced by the amount of directional signage area.

(Ord. No. 3391, as amended, § 10-10(C), 11-1-76; Ord. No. 49-92, §§ 1, 2, 8-4-92; Ord. No. 60-95, § 1, 9-5-95)

27-704-3 Permitted signs in open, commercial and industrial zones

The following types of signs are permitted in open, commercial or industrial zones.

- (1) All free-standing signs shall not exceed one (1) square foot in area per linear foot of frontage with a maximum area not to exceed three hundred (300) square feet.
- (2) All single face, facade (wall) signs are unlimited in size if placed directly on and are contained totally within the dimensions of the outside wall.
- (3) Outdoor advertising signs shall comply with section 27-704-4.

(4) Multi-tenant or business park signs may be allowed when the following criteria are met:

- a) the tenants are located within the same development, subdivision, lot, tract, or parcel
- b) business park/retail centers shall be limited to one sign and shall comply with the general sign standards as well as the sign standards for the specific zoning district or overlay district
- c) business park/retail centers with more than six (6) lots or tenants may increase the sign area by an additional twenty (20) percent provided the sign area does not exceed 300 s.f. and the height does not exceed 30 feet

(Ord. No. 3391, as amended, § 10-10(D), 11-1-76; Ord. No. 64-99, § 3, 10-5-99)

27-704-4 Outdoor advertising signs

- (a) Outdoor advertising signs are to be considered as a specific use, rather than an incidental use to an existing land use, in that outdoor advertising signs produce a revenue to the property owner as a land use while the advertising message carried by business signs does not produce a revenue but is incidental to a revenue-producing land use. Because of the special characteristics of outdoor advertising signs as compared with other types of land uses and structures, certain qualifications and requirements are set forth below in connection with outdoor advertising signs as a permitted use.
- (b) Outdoor advertising signs are permitted in all Industrial zones, Commercial-4 zones, Commercial-5 zones, ETJ Industrial Light

RESOLUTION NO. R-60-21

**RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION
TO VACATE PORTION OF NORTH 21ST STREET RIGHT OF WAY IN
GEO S. BIRNIE ADDITION,
AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS**

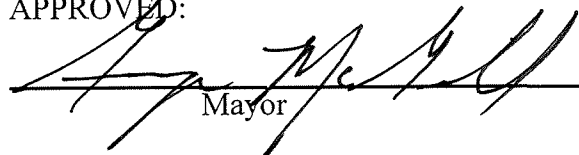
WHEREAS, a petition to vacate a portion of North 21st Street right of way has been filed with the Office of the City Clerk in the manner and form as provided by law.

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

Said petition is hereby set for hearing on the June 1, 2021, 6:00 p.m. at the regular meeting of the Board of Directors of the City of Fort Smith, and the city clerk is hereby directed to give notice of said meeting by publication once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fort Smith, Arkansas.

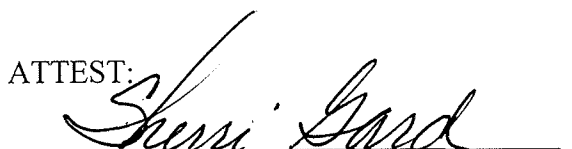
THIS RESOLUTION ADOPTED THIS 11th DAY OF May, 2021.

APPROVED:



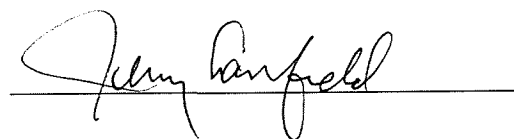
Mayor

ATTEST:



City Clerk

Approved as to form:



RESOLUTION NO. R-61-21

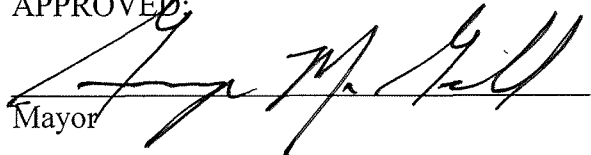
**A RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE
2019 TRAFFIC SIGNAL IMPROVEMENTS
PROJECT NO. 19-09-A**

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

SECTION 1: Change Order No. 2 with All Service Electric, Inc., for the 2019 Traffic Signal Improvements, Project 19-09-A, which increases the contract time by 34 calendar days, is hereby approved.


This resolution adopted this 11th day of May, 2021.

APPROVED:



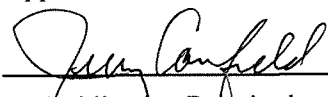
Mayor

ATTEST:



City Clerk

Approved as to Form



No Publication Required

RESOLUTION NO. R-62-21

**A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE
2019 TRAFFIC SIGNAL IMPROVEMENTS
PROJECT NO. 19-09-A**

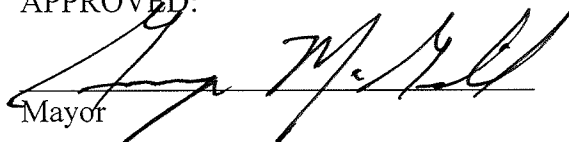
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The City of Fort Smith hereby accepts the 2019 Traffic Signal Improvements, Project No. 19-09-A, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$36,934.38 to the contractor, All Service Electric, Inc., for the 2019 Traffic Signal Improvements, Project No. 19-09-A.

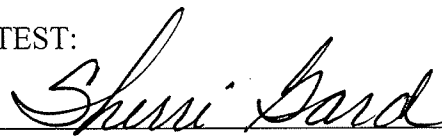
This Resolution adopted this 11th day of May, 2021.

APPROVED:



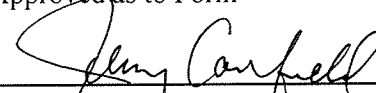
Mayor

ATTEST:



City Clerk

Approved as to Form



No Publication Required

RESOLUTION NO. R-63-21

**A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE
2020 STREET OVERLAYS/RECONSTRUCTION, PHASE A
PROJECT NO. 20-03-A**

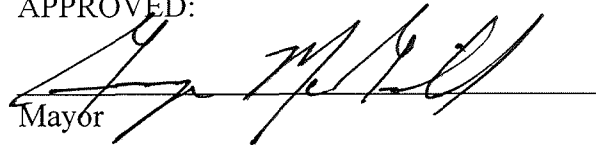
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The City of Fort Smith hereby accepts the 2020 Street Overlays/Reconstruction, Phase A, Project No. 20-03-A, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$354,619.78 to the contractor, Forsgren, Inc., for the 2020 Street Overlays/Reconstruction, Phase A, Project No. 20-03-A.

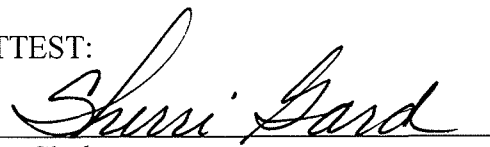
This Resolution adopted this 11th day of May, 2021.

APPROVED:



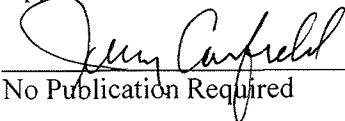
Mayor

ATTEST:



City Clerk

Approved as to Form



No Publication Required

RESOLUTION NO. R-64-21

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ASSIGNMENT OF CLAIM AGAINST MICROMOBILITY TRANSITION, INC. F/K/A ZAGSTER, INC.

WHEREAS, the City of Fort Smith and the Frontier Metropolitan Planning Organization at the Western Arkansas Planning and Development District worked collaboratively to seek funding to provide a bike share program in Downtown Fort Smith; and

WHEREAS, Zagster, Inc. was chosen to provide two bike stations and the bicycles for the program; and

WHEREAS, Zagster, Inc ceased operations in 2020, due mostly to the impact of COVID on their business; and

WHEREAS, the City of Fort Smith paid \$18,000 for one year of service and is now owed \$6,000 for the four months remaining in the contract for which Zagster did not provide services; and

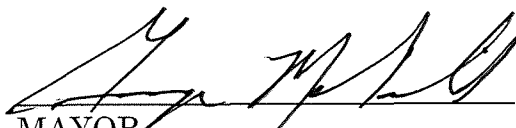
WHEREAS, the City of Fort Smith filed a claim to receive the \$6,000 it is owned: and,

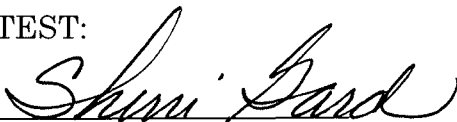
WHEREAS, the accounting firm of Schneider Downs, acting as the liquidation trustee, has offered \$1,200 as full compensation to the City of Fort Smith in exchange for the City of Fort Smith assigning its claim.

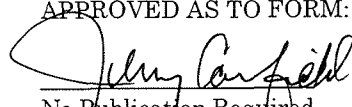
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH THAT:

The Mayor is hereby authorized to execute the assignment of claim against Micromobility Transition, Inc. F/K/A Zagster, Inc.

PASSED and APPROVED this ^{11th}~~4th~~ day of May, 2021.


MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

No Publication Required