

MINUTES

BOARD OF DIRECTORS MEETING

OCTOBER 1, 2007, AT 7:00 P.M.

The regular meeting of the Board of Directors was held on Monday, October 1, 2007, at 7:00 p.m., Board Chambers, City Hall, with Mayor Mike Bush presiding.

The invocation was given by Mr. Ted Mahn, and Pledge of Allegiance to the Flag was led by Mayor Bush.

Mr. Mahn reminded the Board that the Garland County Prayer Breakfast will be held on October 2, at 6:20 a.m., Hot Springs Civic and Convention Center, Horner Hall.

At this time, Director Edwards expressed appreciation to everyone who helped him during his time in the hospital with pneumonia through their cards and prayers.

Mayor Bush called the meeting to order at 7:00 p.m.

1 Roll Call

Roll call was as follows: Present: Directors Peggy Maruthur, Elaine Jones, Steve Smith, Carroll Weatherford, Bill Edwards, Tom Daniel, and Mike Bush, total 7.

2 Approval of Agenda

A motion was made by Director Smith, duly seconded by Director Weatherford, that the agenda be approved; and upon voice vote, the motion unanimously carried.

3 Approval of Minutes of September 17, 2007 Board Meeting

A motion was made by Director Daniel, duly seconded by Director Jones, that the minutes of the September 17, 2007 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

4 Recognition of Guests

City Manager Kent Myers recognized Ms. Carole Katchen, chairperson of the Arts Advisory Committee, who expressed appreciation to the Board for its support of the arts community. She stated she was invited to speak at an international conference last year in Taiwan and was the only representative from the United States. The conference was on public art and with the help of Mr. Jeff Fields, Public Information Assistant, she presented a slide show that gave some of the history of Hot Springs, what the City looks like, and what has been added to the City in the way of the arts. After the presentation, she said people approached her commenting on the beauty of Hot Spring. She reported that in the last year, they have continued to add to the City's collection, and there are new sculptures along Convention Boulevard. Also, they held the annual art sculpture competition and had an exhibit in front of the Exchange Street Parking Facility. That exhibit will be coming down soon and will be getting ready for next year's exhibit. They have chosen one of those sculptures which will be added to the other pieces that are now in the sculpture garden near the Transportation Depot. There are now seven pieces of sculpture from all over the country and will be adding one more in a few weeks and hope to keep adding every year. She reported there was an article in a national magazine regarding the photography exhibits that Mr. Steve Arrison has been curating for the Convention Center.

CONSENT AGENDA

The Consent Agenda consisted of the following:

- 5** **Public Safety Report** (September 19, 2007). [**Item No. 07-142(b)** Enforce the 30 mph speed limit on Trivista Right and install "Children Playing" signs along 122 Trivista Right removed from the Public Safety Report for separate consideration].

- 6** **Proposed Resolution No. R-07-218** Approving Certain Bid Awards (a) Air Compressor - Fire Department [awarded to Casco in the amount of \$32,300]; (b) Side Pockets (2,300) for refuse containers -Sanitation [awarded to N.E.O. Fab in the amount of \$85,330]; (c) Ballistic Vests - Police [rescind annual supply contract to Arkansas Police Supply]; (d) Ballistic Vests - Police [annual supply contract awarded to Teeco Safety, Inc.]; (e) Compost Grinding-Utilities [annual supply contract awarded to GWG Wood Group, Inc.]; (f) Wastewater Testing Services [annual supply contract awarded to American Interplex]; (g) Chlorine - Utilities [annual supply contract awarded to Harcros Chemicals, Inc.]; (h) Cornell

Sludge Pump - Utilities [awarded to Jack Tyler Engineering in the amount of \$20,862]; (l) Pickup - Sanitation [awarded to Landers Ford in the amount of \$20,374]; and (j) Compact Pickup - Utilities [awarded to Landers Ford in the amount of \$11,798.50].

- 7** **Proposed Resolution No. R-07-219** Accepting a Grant from the State Aeronautics Department for Certain Airport Improvements.
- 8** **Proposed Resolution No. R-07-220** Appropriating Funds for Downtown Light Pole Painting Project.
- 9** **Proposed Resolution No. R-07-221** Awarding a Contract to DCJ Construction, Inc. for Imprinted Crosswalks Within the Central Business Improvement District No. 3.
- 10** **Proposed Resolution No. R-07-222** Accepting a Grant from the State of Arkansas (D.W.I. and Other Drug Countermeasures and Occupant Protection Program).
- 11** **Proposed Resolution No. R-07-223** Appointing Ricky Hood and Marvin Lewis to the Construction Trades Advisory Committee.
- 12** **Proposed Resolution No. R-07-224** Levying Zero Mills of Ad Valorem Taxes for the Purpose of Paying Firemen's Pensions.
- 13** **Proposed Resolution No. R-07-225** Levying Zero Mills of Ad Valorem Taxes for the Purpose of Paying Policemen's Pensions.
- 14** **Proposed Resolution No. R-07-226** Levying Zero Mills of Ad Valorem Taxes for the General Fund.

A motion was made by Director Daniel, duly seconded by Director Maruthur, that the Consent Agenda be approved.

Upon discussion, City Manager Kent Myers stated that four citizens have signed to speak Item No. 07-142(b) of the Public Safety Report (enforce the 30 mph speed limit on Trivista Right and to install "Children Playing" signs along 122 Trivista Right) and suggested that this item be removed from the Consent Agenda for separate consideration.

Director Maruthur said that she did not want to remove Item No. 8 (Proposed Resolution No. R-07-220 Appropriating Funds for Downtown Light Pole Painting Project) but announced that the downtown light poles and signal light poles are finally going to be painted since 1988. She requested that Public Works Director Steve Mallett take before and after photos. She noted the light signal poles at Court, Reserve and Central are rusted, and this has been a request that was placed years ago. She expressed appreciation to Public Works Director Steve Mallett for all of his work.

Mayor Bush asked how many years ago she had made this request, and Director Maruthur stated that it was four or five years ago.

Mayor Bush then called for a vote on the motion to approve the Consent Agenda, with the removal of Item No. 07-142(b) of the Public Safety Report (enforce the 30 mph speed limit on Trivista Right and to install "Children Playing" signs along 122 Trivista Right) for separate consideration; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried.

5 **Public Safety Report** **(Item No. 07-142[b])** Enforce the 30 mph speed limit on Trivista Right and install "Children Playing" signs along 122 Trivista Right.

City Manager Kent Myers announced that citizens have signed to speak to Item No. 07-142(b) which is a request to enforce the 30 mph speed limit on Trivista Right and to install "Children Playing" signs along 122 Trivista Right.

Ms. Malka Ivy, 122 Trivista Right, said on the first block in Trivista Right, there are 11 children and is unsafe for people to go for bike rides or walks with their children. She noted that the majority of the drivers do not speed; however, they are concerned with the drivers who do speed. She spoke of numerous accidents on their street and requested lowering the speed limit to 25 mph and a posted sign. Also, they would like to have speed bumps, if possible. She stated they understand this is a connector street and have been told this is not possible; however, they feel they should not be punished even though they live on a connector street. She expressed appreciation for the

increased police presence noting that speed traps are effective but would need to be enforced long-term to make a difference. She mentioned they have heard the City cannot take any action since this is a connector street, and ambulances and fire trucks need to get through. However, they believe the Board has the power to change the laws.

Director Edwards pointed out that the Board cannot install "Children at Play" signs because children are not allowed to play in the street. Ms. Ivy stated they do not want their children playing in the street; but when they are on the sidewalk, the cars are coming so fast that it is frightening. She suggested some type of sign that alerted drivers there are young children on this street. She pointed out that Trivista Right has traditionally been an older neighborhood, and people do not realize that there are 11 or more children in this area.

Mr. Donald Ivy, 122 Trivista Right, pointed out each year there are 50,000 children from two or three years old up to their teens who get hit by cars. He noted they have put out the "Children at Play" signs, which people hit with their car; and in the last year, they have had two cars in residents' yards. Twice, they had one that drove into someone's house at a high rate of speed and crunched their car into their garage. Therefore, if this 30 mph speed limit were enforced, it would be better. However, it is still a problem. He stated the police are welcome to sit in their driveways; and if they did that in a concentrated effort for a month or longer, then people would be aware they could not drive down that street without the police enforcing the speed limit. He mentioned that he believes signage would be a help, but there is a need to lower the speed limit. He noted during the race season, motorists use this area as a cut-thru to avoid the Oaklawn traffic. He pointed out it is a known corridor to get from Central Avenue to Shady Grove Road to Malvern Avenue. He said if the City could decrease the speed limit to 25 mph and give out warnings for a month, then the message would get around.

Mr. Patrick Nolan, 115 Trivista Right, said he and his wife purchased their home in 1997 and had no children and were the youngest residents in the neighborhood. He mentioned there were no children in the neighborhood, but it has grown; and there are 14 homes with 11 children on the street. He stated there are two signs on the entire block - one is a neighborhood watch sign and one is a "No Trucks" sign. He noted between 4:03 and 4:08 every morning, they hear City trucks traveling through this area, which continues throughout the day and questioned if the City uses that as a major thoroughfare. He spoke of numerous accidents prior to the ones addressed by the Ivy's when a speeding vehicle broke a telephone pole in their front yard causing a

major outage. He stated it is not uncommon to see a vehicle traveling 70 mph to 80 mph. He suggested painting 25 mph on the street surface in large print and bright colors as the city of Maumelle has done. Also, he said that he was in favor of speed bumps.

Ms. Gina Capps, 114 Trivista Right, said that reckless driving has been a problem on their street; and there are five children in their household. She stated she has been aware of three accidents in the two years she has lived there, and one was a hit-and-run accident that involved their yard and driveway. Also, the driver drove through their neighbor's yard and then jumped their driveway tearing up their rock wall and barely missing one of their cars. She stated that is the location where their children had been selling lemonade from a lemonade stand two hours prior to the hit- and-run accident. She commented that their children are not allowed in their front yard, except to be mowed by their 13 year old son. She stated they have to take their children to the Greenway to ride their bicycles since they are not allowed on the sidewalks. Also, they are in favor of speed bumps.

Director Maruthur said it appears this neighborhood has enjoyed a revitalization, and the Public Safety Committee recommended posting the speed for the area, which is 30 mph. She stated she would like to see it posted in several places with the speed limit on the street and asked if the street would qualify for "Quiet, Residential." Deputy City Manager Lance Hudnell replied there is not such a sign; and if the City did post such a sign, every neighborhood in town would want one. Director Maruthur said there needs to be some passive security, such as boulders put up if cars have gone into somebody's yard; then as part of their landscaping, they could install decorative boulders.

A motion was made by Director Maruthur, duly seconded by Director Jones, that the City reduce the speed limit to 25 mph, place it on the pavement, have it placed where speed limit signs are installed, and encourage residents to install passive security.

Upon discussion, Director Jones stated in a workshop she attended, this was done with a different type of paint and was done in neighborhoods where there were a lot of children playing. She said it was painted on the street in bright yellow; and in this workshop, it showed how residents had come together.

Director Daniel pointed out that Public Works Director Steve Mallett has done some research on a certain type of speed bump. Mr. Mallett reported that it is an

illusional speed bump, which means it is flat to the ground but gives the appearance when approaching it, that it is actually cone-shaped with three different colors. He said from what he has heard, it is effective; but it does not impede rescue vehicles. He explained it is not a physical speed bump; and after a period of time, the local people get used to it being there and do not pay attention to it. However, it does get the attention of people who are not used to the area. He added there are some tougher grade paints that the City can use, but most of the paints the City uses are somewhat temporary and do not last very long. In a situation like this, he said the City usually goes with some type of thermo-plastic, which is melted in the road. However, they are very expensive. He mentioned if the City receives more requests, he will be returning to the Board to get additional funding.

Director Maruthur reported there was a seminar at the Transportation Depot regarding traffic calming, and they spoke of fluorescent paint and reflective paints and that is what she was recommending for the speed.

A motion was made by Director Maruthur, duly seconded by Director Daniel, to amend her motion to include the installation of illusional speed bumps; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried.

Mayor Bush then called for a vote on the previous amendment which is to reduce the speed to 25 mph that would be posted with two street signs and would also be labeled on the street itself and would include the illusional speed bump; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried.

UNFINISHED BUSINESS

15 Proposed Resolution No. R-07-207

A resolution entitled, "A RESOLUTION AMENDING THE 1997 COMPREHENSIVE PLAN FUTURE LAND USE MAP BY RECLASSIFYING CERTAIN REAL PROPERTY (2009 PARK AVENUE)," was taken from the agenda and read by title only. (Hilltop Manor Bed and Breakfast)

A motion was made by Director Jones, duly seconded by Director Maruthur, that the resolution be adopted as read.

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, stated this was remanded to the Planning Commission by the Board at their August meeting for the purpose of considering other options. The Planning Commission has held three hearings on this application and has voted to change its recommendation, which is to change the zoning on the front half (Park Avenue portion). She noted this is a split-zoned property. Also, this is a comprehensive plan change and will enable a change to R-3 and is a change of the designation to Residential, Medium High.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

16 Proposed Ordinance No. O-07-81

An ordinance entitled, "AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF HOT SPRINGS, ARKANSAS, BY REZONING 2009 PARK AVENUE FROM R-2, SUBURBAN RESIDENTIAL, TO R-3, LOW MEDIUM DENSITY RESIDENTIAL," was taken from the agenda for consideration.

A motion was made by Director Weatherford, duly seconded by Director Maruthur, that the rules be suspended and the ordinance be read for the first time by title only; and upon voice vote, the motion unanimously carried. The ordinance was then read for the first time by title only; and upon the question "Shall the ordinance be passed as read?" and upon motion of Director Daniel, duly seconded by Director Weatherford, that the ordinance be passed as read.

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, explained this is for the Hilltop Manor Bed and Breakfast. The portion that is under consideration is the front portion, which is now zoned R-2; and the Planning Commission's recommendation is to approve zoning to R-3, Residential Low to Medium Density.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the ordinance was declared passed.

17 Proposed Resolution No. R-07-217

A resolution entitled, "A RESOLUTION AWARDING A CONTRACT TO COAKLEY COMPANY, INC. FOR PARK AVENUE AREA WATER LINE RELOCATION, PHASE I," was taken from the agenda and read by title only.

A motion was made by Director Weatherford, duly seconded by Director Maruthur, that the resolution be adopted as read.

Upon discussion, Public Works Director Steve Mallett explained this is awarding a contract to Coakley Company in the amount of \$289,888.50, which was the low bid. He stated this is included in this year's capital budget to replace old, two-inch deteriorated pipe in the Park Avenue area around Tom Ellsworth, Ramble, and Edgewood.

Director Smith questioned how long there will be a delay for people who travel through this area, and Mr. Mallett stated this is a 90-day contract. For two to three months, they will be in and around that area. Also, they will be in the road, and there will be detouring around that area.

Director Maruthur pointed out that the original estimate was for \$534,000; and the current bid is \$289,888.50, which is a \$249,495.50 savings. She said she hoped some of this savings can be applied to the Park Avenue area in the future as people want to connect onto city sewer and have different issues. She reported that she received a few calls about septic tanks in the area that are still working, and they are very concerned if their septic tanks no longer work because of the perk that there would be a large cost. She reiterated that she hoped the Board will help the residents as they do need to tie onto the City's system. She pointed out the City is saving almost \$250,000 because of some of the costs going down, but there was a provision made for almost \$540,000.

Public Works Director Steve Mallett added there are also two other phases in and around the Park Avenue area that the City can utilize this for in 2008.

Director Maruthur reported that she had an individual call her who lived near Mineral and Mountain Valley, who said he just had a repair to his septic but has noticed some run-off and has had to install some french drains. He said that it looks like a matter of time before he is going to have to go to city sewer and is very concerned about it. She stated she made sure he was aware there is a provision in there for the

City to exercise, if it so chooses. She added the City is going to be saving about \$250,000 for reasons that Mr. Mallett explained at the work session, and some of this money needs to go to the residents to help them enjoy the basic services that the City provides.

Director Edwards commented that Director Maruthur mentioned this several years ago, and some of the people did not want anything to do with the city sewer. Director Maruthur pointed out that was several years ago, and that area is adjacent to the National Park. She added they could not put another septic tank in should the ground not accept their septic, and it is no longer legal.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

NEW BUSINESS

18 Request from Ms. Doris Chrestman Regarding Proposed City Hall

Ms. Doris Chrestman was recognized and said she has been a resident of Hot Springs for 17 years but chooses not to give her address because her comments might be held against her. She stated her reason for being here is three-pronged (1) proposed city hall; (2) a need for a new jail; and (3) Harrah's Casino. However, her urgent concern is the proposed City Hall. She noted she received a communique from the Board of Directors; and after reading it, she believes there are other things needed rather than a new City Hall. She said that she called City Manager Kent Myers and questioned the two references to the current property owner and who is the property owner. He informed her there is no reason to be concerned because the City lost its option for that particular building and the City will have to start looking for another property. She had questioned if the residents were aware of that, and he told her the City is getting the word out. However, she said she has not received anything on it. She stressed the need for a jail and more police protection; and if a casino comes in, she stated there will be more problems. She urged the voters to vote against a new City Hall on October 9.

Mayor Bush stressed there is not a casino coming in since it is against the law.

Mr. Blake Robertson, 415 Oakwood, commended the Board for giving up the option of the old hospital and spoke of the future of a Holiday Inn coming into the City, which will provide tax revenue. He said he has not seen a need assessment for the right size city hall, and the City is not going to build the City Hall for the present but for the future. Therefore, until that happens, he is going to be against it. He stated the main thing he is telling the voters is to just go vote.

Mr. Wayne Roberts, 515 Jerome, said that early voting starts tomorrow (Tuesday to Friday, from 8 a.m. to 6 p.m.) on this bond issue. On Saturday, the hours are from 10 a.m. to 4 p. m. and on Monday, from 8 a.m. to 5 p.m.; and Election Day is Tuesday. He stated the ballot reads "Ordinance No. 5556 an ordinance authorizing the issuance and sale of capital improvement revenue bonds." Underneath that it says, "For Ordinance 5556 and under that it says Against Ordinance 5556." He commented that residents have asked questions about that; and if they mark a vote "for," it means "yes" to sell the bonds; and if they mark "against," it means "no" do not sell the bonds. He reminded everyone that their vote is needed and asked that everyone who is a registered voter to ask their family and friends to go and vote, for or against.

Ms. Diane Silverman, 1404 Cedar Glades Road, said it is important that the Board and residents realize when Garland Good Government Group got the petition signed to have the election on October 9, there was at that time a plan for a new City Hall. However, there is not now a definite plan for a new City Hall. Therefore, to approve a bond that will end up being \$14 million or \$15 million over 25 years is ridiculous to vote for. She noted if voters vote "yes," they are voting for \$15 million, 25-year bond; if they are voting against, they are voting against that bond. She noted there are other situations in this area that are more pressing and a much greater priority, such as public safety. She urged residents to vote "no" on October 9.

Mayor Bush asked if she lived in the City, and Ms. Silverman replied that her residence is not in the City; but she actually lives in the City because there is no place she can go that she does not go through the City. Also, there is nothing that she buys that she does not buy in the City.

Mayor Bush asked if she can vote, and Ms. Silverman replied that she cannot vote on this issue.

There being no action taken on this item, Mayor Bush called for the next order of business.

19 Proposed Resolution No. R-07-227

A resolution entitled, "A RESOLUTION REQUESTING THAT THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT REDEFINE PHASE 2 OF THE HIGHWAY 88 IMPROVEMENT PROJECT (HIGDON FERRY ROAD)," was taken from the agenda and read by title only.

A motion was made by Director Jones, duly seconded by Director Maruthur, that the resolution be adopted as read.

Upon discussion, City Manager Kent Myers explained this is a proposal that the City staff has discussed with the Highway Department because of the increased construction activity in the area around Lakeshore Drive. Several weeks ago, there was a public input meeting at St. Joseph's Hospital on the Phase 2 project; and it was obvious from that meeting that there are a number of right-of-way issues down Central Avenue around the steak house and other restaurants, which will be a number of costly pieces of property that will have to be acquired. Regarding that section of roadway, he said it will be five or six years before the City will have the resources to acquire all of the property and do that section. Therefore, rather than wait five or six years to do Lakeshore Road intersection, City staff felt it would be beneficial to do that section in advance and is recommending Phase 2 extend past Lakeshore intersection and start purchasing the property in that area. He said the actual boundary the Highway Department recommended is to extend it down to Printers Place because it allows some transition from a five-lane to a two-lane down to that point so that the City defines Phase 2 as being from Printers Place to the Expressway, and the remainder of Higdon Ferry Road from Printers Place back into Central by Golf Links Road would be Phase 3. He added the realignment of Higdon Ferry as proposed down the road once the property is acquired is that Higdon Ferry Road would tie into Central Avenue at the intersection of Golf Links Road and that would form a two-way intersection. He pointed out that Director Edwards was instrumental in getting this discussion started earlier this year when he made a motion to allocate \$500,000 to the Higdon Ferry Road project, and the Board unanimously approved it and will give the City the resources to do this Lakeshore/Higdon Ferry Road intersection.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

20 Proposed Resolution No. R-07-228

A resolution entitled, "A RESOLUTION AWARDED A PROFESSIONAL SERVICES AGREEMENT TO CARTER BURGESS, INC. FOR CERTAIN ENGINEERING SERVICES (HOT SPRING WATER SYSTEM EXPANSION)," was taken from the agenda and read by title only.

A motion was made by Director Maruthur, duly seconded by Director Smith, that the resolution be adopted as read.

Upon discussion, Public Works Director Steve Mallett stated this contract is in the amount of \$181,434.28, which is for Phase 1-A of a multi-phase project. He mentioned a presentation was received from Carter and Burgess at the Board Work Session. Originally, the City started with the expansion of one of the smaller water treatment plants but decided to look at it from a larger scale. He stated this will start that process, and every phase of this construction will have results; and staff will bring back each phase individually to the Board. He added this is for the water plants and water supply for long-term for the next 25 years where the City will get its drinking water from. He stated this is a study to look at that and make recommendations.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

21 Proposed Ordinance No. O-07-90

An ordinance entitled, "AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF HOT SPRINGS, ARKANSAS, BY REZONING 321 NASH STREET FROM R-3, LOW MEDIUM DENSITY RESIDENTIAL, TO C-4, REGIONAL COMMERCIAL OPEN DISPLAY DISTRICT," was taken from the agenda for consideration.

A motion was made by Director Weatherford, duly seconded by Director Daniel, that the rules be suspended and the ordinance be read for the first time by title only; and upon voice vote, the motion unanimously carried. The ordinance was then read for the first time by title only; and upon the question "Shall the ordinance be passed as read?" and upon motion of Director Daniel, duly seconded by Director Weatherford, that the

ordinance be passed as read; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the ordinance was declared passed.

22 Proposed Ordinance No. O-07-91

An ordinance entitled, "AN ORDINANCE ANNEXING CERTAIN LANDS THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED LIMITS OF THE CITY OF HOT SPRINGS, ARKANSAS; ASSIGNING SAID LANDS TO A ZONING DISTRICT AND BOARD DISTRICT; REVISING THE FUTURE LAND USE MAP; AND FOR OTHER PURPOSES," was taken from the agenda for consideration. (Salazar Island Property)

A motion was made by Director Smith, duly seconded by Director Maruthur, that the rules be suspended and the ordinance be read for the first time by title only; and upon voice vote, the motion unanimously carried. The ordinance was then read for the first time by title only; and upon the question "Shall the ordinance be passed as read?" and upon motion of Director Jones, duly seconded by Director Maruthur, that the ordinance be passed as read; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the ordinance was declared passed.

23 Proposed Ordinance No. O-07-92

An ordinance entitled, "AN ORDINANCE AMENDING HOT SPRINGS ZONING CODE (ORDINANCE NO. 5158, AS AMENDED) BY DELETING CERTAIN LANGUAGE REGARDING SPLIT PARCEL ZONING; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

A motion was made by Director Smith, duly seconded by Director Maruthur, that the rules be suspended and the ordinance be read for the first time by title only; and upon voice vote, the motion unanimously carried. The ordinance was then read for the first time by title only; and upon the question "Shall the ordinance be passed as read?" and upon motion of Director Smith, duly seconded by Director Daniel, that the ordinance be passed as read.

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, explained this is a request to delete a section from the Zoning Code and is a less

restrictive section of the Code that conflicts with a more restrictive section. She said the Code provides that when there is a more restrictive section that is the one that guides them. Since this section cannot be used, the Planning Commission is recommending that it be deleted. She stated the Planning Commission heard this at their hearing last month and recommend unanimously that the Board consider approving this amendment deleting the section.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the ordinance was declared passed.

24 Proposed Resolution No. R-07-229

A resolution entitled, "A RESOLUTION AUTHORIZING REVISIONS TO THE 2007 BUDGET BY APPROPRIATING FUNDING FOR A JAIL CAPACITY STUDY," was taken from the agenda and read by title only.

A motion was made by Director Maruthur, duly seconded by Director Daniel, that the resolution be adopted as read.

Upon discussion, Mr. Casey Jones, 133 Circle Drive, commended the Board for the effort it is putting forward to try to be a part of resolving the issues of some of the crime in the City. In watching the agenda meeting, he said the Directors seemed to be concerned about getting input for the planning and joining in this study capacity. He pointed out this is a very large structure, very similar to the same amount of money that would be proposed to build a new City Hall. He said he wished this same amount of energy and effort had been put into the planning of City Hall. He stated if there is any way he can take part in the planning of the jail and helping out with this on any level, he would be more than willing to contribute.

Mayor Bush questioned the cost, and City Manager Kent Myers advised this is a joint project between the City and the County. He added the jail capacity study will be around \$34,000, and the City is suggesting that be a partnership between the City and County (approximately \$17,250 each).

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel,

and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

OTHER BUSINESS

25 Board of Directors Items

Director Edwards said that he continuously removes illegal signs on utility poles. He showed a sign that was removed today, but the yard sale ended Saturday. He urged that the City continue to educate the citizens on the law.

Director Maruthur announced that Hot Dogs Will Travel, which has been a colorful addition to the downtown area on Reserve and Central, is terminating due to health reasons of the owner. She then gave the following report for the town hall meeting held on September 15, 2007, at St. Michael's School.

Director Maruthur said this is what the people had on their minds about Hot Springs. This was an open meeting and was open to every district, to City officials and to the County. She explained it was open to the County since the City has adopted the Extraterritorial Jurisdiction (ETJ), and the City does have some authority over people in the County. They have to pull permits, and the City charges for inspections, etc. She stated this was an open meeting with no agenda. She read the following items that were brought up: (1) code issues, weedy lots not being cleaned up in a timely fashion in the neighborhood, and there were concerns this was stemming from rental problems and a decrease in owner/occupied homes. She said that she has requested many times for a proactive Code Department; (2) police issues. Major concerns regarding motorcycle noise, i.e., enforcement of the noise ordinance that is in place. Purchasing a decimeter and training and hiring more police to accommodate the different motorcycle activities; (3) no access to the Board or the agenda meetings. Some people do not have cable television, and she would like to see the DVD made available to the public so those who cannot afford the cable can watch the Board Meetings and the agenda meetings from their homes; (4) contractor verification. A citizen brought up that they had a list of contractors who really did not do a good job, and they would like

the City to help verify the contractors or work with them with the issuance of permits because if one contractor or a worker does not say what they are going to do, they do not have any relief as far as permits are concerned; (5) the ballot title for the October 9 election. She submitted the ballot title and asked that it be placed on the city's website so the people who vote will see what they are going to be voting on. She pointed out it will not say "City Hall" but will say "the issuance of revenue bonds for capital improvements"; (6) she was told that the drug task force has just received a budget cut, which was a concern; (7) concerns regarding retribution if a person takes a position on an issue that is different from the Board; (8) crime concerns. People said that places they go during the day, they do not feel comfortable going in at night because they do not feel there is enough police; (9) formation of community to go to City Hall meetings; (10) it was stated that City officials should have been at this meeting. She said she had announced the meeting and held up her poster regarding the meeting, and anyone who wanted to attend was invited; (11) stonewalling by city officials. The way it was presented at the meeting, there was not a clarification as to why they were voting; and they were putting off explaining their position. She said they did not require that people give their names, but there was a sign-up sheet; (12) expressed concerns regarding the way people were cut off at City Hall meetings (residents and Directors); (13) expressed a need for real economic development. It was mentioned that children who complete their education must relocate to other cities if they are to utilize their abilities; (14) panhandlers. They are becoming very aggressive and more abundant, and they wanted to know why; (15) they were concerned about inconsistent decisions from the Board of Directors. There was a lot of support for recommendations made by the Planning Commission. They felt the Board was not doing what it needed to do and had no specific basis for changing the vote from the conclusion of the Planning Commission. She said she could not answer that because most of the time she votes with the Planning Commission; (16) there was an expressed need for a mural at the Jones School on Linwood. There was a school board member present who responded; (17) traffic at Ouachita and Central is not satisfactory. They mentioned the bump-out, and the audience responded with sounds of disapproval; (18) it was asked if a referendum could be done; (19) a need for more children's programs. This came from someone who said they lived in District No. 2; (20) another citizen expressed desire for a public swimming pool and made a comment about not having one available at the Webb Center. Another person asked about the Quapaw Community Center and said the children were not allowed to swim or use the pool just to swim; (21) a person asked where the \$50,000 that was refunded for the Option for City Hall had been placed, and she told them she believed it was in the General Fund; (22) people asked about more input into city government; they felt left out; (23) people wanted to know the timeframe for the Majestic Hotel development; (24) there was a person there who was

upset that she took sides after a five-year issue about drainage on Loden. City Manager Kent Myers, Engineering and Code were involved in this. Director Maruthur asked if this resolved, and City Manager Kent Myers advised that it was; and (25) there was a dissatisfaction with the amount of Board travel and where the taxpayers' money is being spent.

Director Smith responded that was not true and is incorrect that children cannot swim at the Quapaw Community Center. Director Maruthur asked if children can come over there and swim, and Director Smith stated they could come over everyday and swim.

Director Maruthur expressed appreciation to the St. Michael's Daycare Facility and to the Sisters who opened their doors, hearts and minds to all the citizens in the area. She said this meeting was open to all Board Districts and the County. She pointed out what happens in Hot Springs affects everyone; and if there is a crime, criminals do not care what district people live in and whether or not they live in or out of the City or even out of the State. She added there are many tourists who are affected by everything that the City provides. She commented another town hall meeting was requested, but no date or place has been set. She stated the first order of business is to look into these issues that were expressed at this meeting and try to get some resolution on them. She said she is going to the different department heads and begin contacting people. She expressed appreciation to all of the people who attended this meeting. She stated there was no agenda and found it noteworthy that not one person in attendance expressed a need for a new City Hall at this time.

Mayor Bush asked if anything positive came out of this meeting and is sure that she is quoting those who attended her open session, and Director Maruthur said that is correct. Mayor Bush requested when she has another meeting that she inform the Directors because they will attend. Director Maruthur replied that she held up a homemade sign in front of the Board and invited everyone to come - City and County. She added that she did not know most of the people who attended. She reminded everyone to vote on October 9 and asked that the ballot title to be placed on the City's website so that all who go to vote will understand. Regarding the downtown light pole painting project, she stated the people in the CBID No. 2 who are assessed used to have maintenance over the benches, lights, trash receptacles; but that has changed. She said it was after that changed when she started placing requests for that because it makes it sound like it was only a couple of years ago. She stressed she has been concerned about this for many years.

Director Daniel congratulated Mr. Steve Mallett, his staff and the Street Department on the outstanding job down Belding Street and take a drive down Shady Grove Road through Golf Links. He said they even tried to widen and make it wider to get through the railroad trestle by the Hot Springs Boys' and Girls' Club. Also, on Malvern Avenue where they are installing the fiber optic, they are in the last 100 yards.

26 City Manager's Report

City Manager Kent Myers gave the following report:

1. On the Consent Agenda, the Board approved the appointment of Ricky Hood and Marvin Lewis to the Construction Trades Advisory Committee. The painting of the downtown light poles was approved, which costs about \$20,000. The Board also approved the bids for installation of the crosswalks downtown. This is for eight crosswalks within the CBID No. 3 area, and the total bid was \$33,728. However, the State is picking up the tab for \$26,000 of that. Mr. Mallett and his staff will be circulating a notice to all of the downtown merchants informing them of all the upcoming projects downtown, the work around Confederate Square, and the recent work completed in the Exchange Street Parking Facility.

2. He congratulated Mr. Jeff Winter and Ms. Mary Donaldson, who attended a State GIS Conference last week. This organization is called the Arkansas GIS Users Forum, and they received the Certificate of Recognition for Excellence in GIS.

3. He expressed appreciation to the Board Members, Planning Commission members and CDAC members for attending the work session last week at the Hot Springs Civic and Convention Center.

4. A brief work session has been scheduled immediately following the agenda meeting next Tuesday to identify the Board's budget priorities for 2008.

5. Regarding the Operation Clean Sweep Program and starting this week, the City is initiating its Clean Sweep Program in the 5th neighborhood. This will be in District No. 2, and the area staff will be working is bordered by Grand Avenue on the north, Hobson on the south, Central Avenue on the west, and Valley Street on the east.

The Code Enforcement Department will be working throughout those areas in the next couple of weeks. Sanitation crews will be in there with dumpsters, and the Police Department is doing increased drug enforcement effort. Staff is going to try one

additional neighborhood in December and then report back to the Board and see what the Board would like to do in terms of continuing the program for next year.

Director Maruthur responded to the comment by Mayor Bush regarding negative comments, and said this is what the people who attended the meeting had the opportunity to express. She stated they really felt shut out and did not have a voice and is why they wanted more meetings. She noted it would be a wonderful if everybody could attend. She mentioned they asked her questions, but she said that she was only one vote, and this was her position on this. However, she could not speak for the other Directors.

Mayor Bush reminded everyone to vote on October 9, and particularly for the 300 or 400 city employees who are going to be directly affected by this City Hall.

27 ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 8:30 p.m., to meet again on Monday, October 15, 2007, at 7:00 p.m.

ATTEST: _____

APPROVED: _____

Lance Hudnell, City Clerk

Mike Bush,

Mayor