

## **MINUTES**

### **BOARD OF DIRECTORS MEETING**

**OCTOBER 15, 2007, AT 7:00 P.M.**

The regular meeting of the Board of Directors was held on Monday, October 15, 2007, at 7:00 p.m., Board Chambers, City Hall, with Mayor Mike Bush presiding.

The invocation was given by Ms. Ricki Davis, and Pledge of Allegiance to the Flag was led by Mayor Bush.

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 Edwards, duly seconded by Director Maruthur, that the agenda be approved; and upon voice vote, the motion unanimously carried.

#### **3 Approval of Minutes of October 1, 2007 Board Meeting**

A motion was made by Director Weatherford, duly seconded by Director Edwards, that the minutes of the October 1, 2007 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

#### **4 Recognition of Guests**

Mayor Bush recognized the following members of the Mayor's Youth Council: Haleigh Parks, senior at Lakeside; Jeanne Parrett, senior at Lake Hamilton; Emma Henson, junior at Lake Hamilton; Ryan Jordan, sophomore at Hot Springs High School; Robbie Kimple, senior at Cutter Morning Star; Danielle Moody, Lake Hamilton; Josh Allen, Lakeside; Julie Anderson, Lake Hamilton; Clara Ugbade, sophomore at Hot Springs High School; and Jessica Shamel, senior at Lakeside.

Mr. Dan Bugg, with Animal Services, reported that over a year ago, he came to the Board discussing a dog park project; and currently, they are looking at a piece of property owned by the City between Scott and Vista Streets off Shady Grove. He stated the issue was that they would have the money for the dog park but did not have the money to maintain it, and a group of people have been formed to maintain and manage the dog park on a regular basis. He then introduced Ms. Mary Moore, 551 North Shore Drive, who stated the City has a leash law, which prevents the dogs from getting the exercise they need. She pointed out the Hot Springs area has many individuals who do not live in a fenced area and a confined run area for the dogs. She reported that several cities in the State, such as Jonesboro, Little Rock, and Fayetteville, have such areas that have been successful. She said she has a list of people who would be interested in helping with this endeavor.

### **CONSENT AGENDA**

The Consent Agenda consisted of the following:

- 5 Public Safety Report** (October 3, 2007).
- 6 Budget Transfer - Arlington Lawn Holiday Light Display** (\$6,200).
- 7 Proposed Resolution No. R-07-230** Accepting Certain Bid Awards (a) Pest Control - All Departments [annual supply contract awarded to Terminix.].
- 8 Proposed Resolution No. R-07-231** Authorizing the Filing of a Grant Application with the State Aeronautics Department for Certain Repairs and Improvements to Various Locations at the Airport.
- 9 Proposed Resolution No. R-07-232** Confirming the Appointment of Larry DeWitt to the Hot Springs Advertising and Promotion Commission.
- 10 Proposed Resolution No. R-07-233** Appointing Aaron Burroughs to the Construction Trades Advisory Committee.

- 11 Proposed Resolution No. R-07-234** Waiving the Facility Use Fees for a Truck/Trailer/Rodeo and BBQ to be Held at the Transportation Plaza on Saturday, November 3, 2007.
- 12 Proposed Resolution No. R-07-235** Authorizing Revisions to the 2007 Budget by Appropriating Funding for Nuisance Abatement.
- 13 Proposed Resolution No. R-07-236** Designating the Voting Delegate and Alternates for the National League of Cities 2007 Annual Business Meeting.

A motion was made by Director Edwards, duly seconded by Director Jones, that the Consent Agenda be approved; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried.

#### **NEW BUSINESS**

#### **14 Presentation of Condemnation Resolutions**

Mr. Bart Jones, Rehab Administrator, gave a slide presentation on the following condemnation resolutions:

#### **14a Proposed Resolution No. R-07-237**

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (106 VICKSBURG)," was taken from the agenda and read by title only.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the resolution.

There being no one to speak in opposition, a motion was made by Director Jones, duly seconded by Director Weatherford, that the resolution be adopted as read; and upon voice vote, the motion unanimously carried. Whereupon the resolution was declared adopted.

## **14b** Proposed Resolution No. R-07-238

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (114 BRUCE)," was taken from the agenda and read by title only.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the resolution.

Director Edwards commented that the structure appears to be in good condition; and Mr. Bart Jones, Rehab Administrator, explained that the City cut the grass this year twice. Also, the structure has been vacant and open for approximately eight or nine months. He said it went through foreclosure and may sell within the next month or two; and hopefully the City will not have to tear it down.

A motion was made by Director Jones, duly seconded by Director Weatherford, that the resolution be adopted as read; upon voice vote, the motion unanimously carried. Whereupon the resolution was declared adopted.

## **14c** Proposed Resolution No. R-07-239

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (129 ASH)," was taken from the agenda and read by title only.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the resolution.

There being no one to speak in opposition, a motion was made by Director Daniel, duly seconded by Director Weatherford, that the resolution be adopted as read; and voice vote, the motion unanimously carried. Whereupon the resolution was declared adopted.

## **14d** Proposed Resolution No. R-07-240

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (130 LINWOOD)," was taken from the agenda and read by title only.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the resolution.

There being no one to speak in opposition, a motion was made by Director Daniel, duly seconded by Director Edwards, that the resolution be adopted as read; and upon voice vote, the motion unanimously carried. Whereupon the resolution was declared adopted.

## **14e**    **Proposed Resolution No. R-07-241**

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (150 RAMBLE)," was taken from the agenda and read by title only.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the resolution.

Mr. Michael Morrow, 144 Preston Lane, spoke against the condemnation stating that he recently purchased the property but is not ready to tear down the structure. He asked if he could have more time so he could tear it down himself rather than having it condemned.

Mr. Bart Jones explained if the resolution passes tonight, he has 30 days to either repair or raze and remove the structure. He stated that typically, it takes him another two weeks to get the demolition bids ready; therefore, he is looking at about 45 days if the resolution passes before the City could take any action.

City Attorney Brian Albright said if he pulls a valid rehab permit, then that will stay the condemnation. Mr. Jones stated that is correct, and Mr. Morrow has indicated that he wants to tear it down; but it is a financial issue. He commented that he would like to see the Board pass the resolution. He stated if the Board wanted to grant him an extra 30 days, he had no objection. However, he would like for the City to be in a position to move forward should Mr. Morrow be unable to remove it.

Director Edwards asked if he has done any work on it, and Mr. Morrow said he purchased it about 1½ months ago and has done minimal work on it. He mentioned that he has a backhoe and dozer service and plans to take care of it.

Mayor Bush asked if six weeks would be sufficient time or show Mr. Jones that he is improving it. Mr. Morrow said that he could get it completely torn down; but as far as getting everything removed in six weeks, he is not sure he can meet that deadline.

Director Maruthur asked approximately when he could get it torn down, if not removed; and Mr. Morrow said he is not for sure of the date; but he could have it torn down in two to three weeks.

A motion was made by Director Daniel, duly seconded by Director Edwards, that the resolution be adopted as read; and upon voice vote, the motion unanimously carried. Whereupon the resolution was declared adopted.

#### **14f** Proposed Resolution No. R-07-242

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (209 CHURCH STREET)," was taken from the agenda and read by title only.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the resolution.

There being no one to speak in opposition, a motion was made by Director Jones, duly seconded by Director Maruthur, that the resolution be adopted as read; and upon voice vote, the motion unanimously carried. Whereupon the resolution was declared adopted.

#### **14g** Proposed Resolution No. R-07-243

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (218 BETHEL)," was taken from the agenda and read by title only.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the resolution.

There being no one to speak in opposition, a motion was made by Director Daniel, duly seconded by Director Edwards, that the resolution be adopted as read; and upon voice vote, the motion unanimously carried. Whereupon the resolution was declared adopted.

#### **14h**    Proposed Resolution No. R-07-244

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (620 GAINES)," was taken from the agenda and read by title only.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the resolution.

There being no one to speak in opposition, a motion was made by Director Edwards, duly seconded by Director Weatherford, that the resolution be adopted as read; and upon voice vote, the motion unanimously carried. Whereupon the resolution was declared adopted.

#### **14i**    Proposed Resolution No. R-07-245

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (627 CRESCENT)," was taken from the agenda and read by title only.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the resolution.

There being no one to speak in opposition, a motion was made by Director Jones, duly seconded by Director Maruthur, that the resolution be adopted as read; and upon voice vote, the motion unanimously carried. Whereupon the resolution was declared adopted.

#### **14j**    Proposed Resolution No. R-07-246

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (629 CRESCENT-FRONT STRUCTURE)," was taken from the agenda and read by title only.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the resolution.

There being no one to speak in opposition, a motion was made by Director Edwards, duly seconded by Director Jones, that the resolution be adopted as read; and upon voice vote, the motion unanimously carried. Whereupon the resolution was declared adopted.

## **14k**    Proposed Resolution No. R-07-247

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (629 CRESCENT-REAR STRUCTURE)," was taken from the agenda and read by title only.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the resolution.

There being no one to speak in opposition, a motion was made by Director Daniel, duly seconded by Director Weatherford, that the resolution be adopted as read; and upon voice vote, the motion unanimously carried. Whereupon the resolution was declared adopted.

## **15**    Proposed Resolution No. R-07-248

A resolution entitled, "A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY 2007 ANNUAL ACTION PLAN AMENDMENT TO ADD 'PUBLIC SERVICE S' AS AN EXPENDITURE ACTIVITY," was taken from the agenda and read by title only.

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

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, explained this amendment will enable the City to award the Pleasant Street

Neighborhood Association's one-stop homeownership center the \$10,000 that was granted to them in fiscal year 2006. For reasons related to the IRS, she said the City was unable to get documentation of their 501(c)3 status in the year in which they were funded.

Director Smith asked if they have resolved their 501(c)3 status, and Ms. Sellman replied that they have; and she has the documentation. Director Smith asked if the Pleasant Street Neighborhood Association was the recipient, and Ms. Sellman replied that they were.

Director Maruthur questioned where the home ownership center will be located, and Ms. Sellman stated that will be to the discretion of the Pleasant Street Neighborhood Association.

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 Resolution No. R-07-249**

A resolution entitled, "A RESOLUTION APPROVING A FUNDING FORMULA AND SUB-RECIPIENT PROJECTS FOR INCLUSION IN THE FY 2008 COMMUNITY DEVELOPMENT BLOCK GRANT, ANNUAL ACTION PLAN AS RECOMMENDED BY THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE," 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, Ms. Kathy Sellman, Planning and Development Director, advised that the Community Development Advisory Committee (CDAC) held a public hearing on Thursday, September 27, for the purpose of hearing applicant presentations regarding requests for 2008 anticipated grant money. They had three applicants who between them submitted a total of four grant funding requests. She noted the total grant that is awarded to Hot Springs decreases each year because more and more communities qualify to receive the funding. She explained that the CDAC represents a variety of interests in the community and recommends to the Board how those funds should be allocated. She said this is the anticipated funding for 2008, and typically that

funding becomes available in early spring. She reported that the recommendation is to continue funding program administration, the owner/occupied single family housing rehabilitation program, the emergency repairs under the housing rehabilitation program, and sub-recipient projects. The sub-recipients projects are recommended for funding as follows: (1) the Whittington Valley Neighborhood Association sidewalk improvement project - \$25,000, which will be to construct a sidewalk in the 800 to 1200 blocks of Whittington. This would take it from the apartment complex toward Blacksnake Road to the Whittington City Park, also known as West End Park; (2) Pleasant Street Neighborhood Association for sidewalk improvement project application - just under \$4,000; (3) Habitat for Humanity projects - just under \$4,000. She stated CDAC's recommendation, recognizing that the funding may not be at the level that it has been in previous years, is that Pleasant Street Neighborhood Association and Habitat for Humanity each get 50 percent of any remaining funds after the funding of Whittington Valley sidewalk project at \$25,000.

Director Daniel said he supports the CDBG but to not fund Habitat for Humanity at the same level that it has been funded is a mistake.

Director Edwards questioned how Habitat for Humanity was going to use those funds, and Ms. Sellman advised their request was to use those funds to construct the infrastructure that is required in their new Habitat Village.

Mr. Bob Messersmith, 838 Bellaire Drive, spoke in support of Whittington Avenue noting the great history in that area. He pointed out one of the greatest contributors to Whittington Avenue is the Alligator Farm. He stated that he is not against Habitat for Humanity but believes this would be an asset for the community to get to those homes by having sidewalks. He noted that the sidewalks cease at the Alligator Farm and supports them receiving the funds, which would be a major improvement for that area.

Mr. John Goodman, 304 Meadowbrook, advised that Habitat for Humanity is about to launch another development in early 2008, which will result in 22 more new homes. He said they have requested \$50,000 from the 2008 CDBG funds, which will help begin the infrastructure work of this \$1.7 million project. He mentioned it will only help begin with the infrastructure work of sewer and water lines and streets and curbs. He then quoted from CDBG language: "the CDBG entitlement program allocates annual grants to develop viable communities by providing decent, affordable housing, a suitable living environment, and opportunities to expand economic opportunities, principally for low-income and moderate-income persons." He questioned what other program has helped more low-income families achieve decent, affordable housing in the Hot Springs community. By the end of 2007, he reported 71 first-time homeowners will

be the result of the Habitat program and includes approximately 180 to 200 children. By the end of this year, he said they will have placed on the tax books of the City houses valued at more than \$3.5 million and asked for the City's continued support.

Director Daniel asked if the last project they finished was on Whittington, and Mr. Goodman replied they are just now completing Wheatley Habitat Village, which is adjacent to Weyerhaeuser, and has 15 new homes. They will complete these hopefully by the end of December or January and hope to begin the infrastructure work at Shaw Habitat Village this winter and begin building in early spring. He noted Shaw Habitat Village will be on the hilltop overlooking Linden Park, and Mr. Chester Shaw and his family donated several acres to Habitat for Humanity.

Mr. James Katowich, 110 Forest Hills Trail, speaking on behalf of ASMSA at 200 Whittington, where he teaches, spoke in support of the resolution. He said this will benefit ASMSA by providing a safe and pleasant path to Whittington Park for approximately 250 students; and more significantly, the addition of sidewalks along Whittington will stimulate the further revitalization of Whittington from which ASMSA will benefit. He noted the school is bordered on both sides by areas that have suffered from neglect and are areas where their students are not allowed to go. He stated that a relatively small expenditure will repay the neighborhood, ASMSA, and the City for years to come.

Director Smith mentioned that he made the statement that students are not allowed to go on either side of ASMSA and asked if that was a valid statement, and Mr. Katowich said that it was. He added they do not allow their students to head up Park Avenue nor to the school and behind the school and the street between ASMSA and the Majestic Hotel. He added that Whittington Park is one of the directions students can go when they are outside of the building.

Ms. Cheryl Roorda, 919 Whittington, spoke in favor of the sidewalks commenting that heading west to go to Whittington Park is not a very safe; and when heading toward the National Park and using the hiking trails, it is a dangerous walk because motorists travel from 20 mph to 60 mph. She noted there are many children moving into that area, and there are people in the apartments who have to walk to the bus stop at the end of Whittington Park.

Mr. Steve Kudabeck, 512 Whittington, vice president of the Whittington Valley Neighborhood Association, stated this is a highly traveled area; and there are many

children in the area. He encouraged installing crosswalks at the end of Whittington Park for the children who are at the Habitat for Humanity homes in that area.

Ms. Dorian Flanders, 303 St. George, said this project that they submitted an application for covers approximately 3½ blocks and will complete the unfinished sidewalk from the Alligator Farm down to Whittington Park. She mentioned in doing this, it will join two wonderful destinations – the federal Whittington Park and the city Whittington Park. She stated these two parks draw people from all over the City and the State; and most of the national and international visitors who come to Hot Springs eventually make their way into the neighborhood. She stated there are approximately 450 households in the Whittington Valley; and of those, more than half (230) are located west of where the sidewalk ends. She stated the balance of the people in the neighborhood are underserved at this time because they do not have a sidewalk; and of those 230 households, 94 of them are low-income housing at the Mountainview Apartments at 948 Whittington. Next to that is the Foot Hills RV and Trailer Park with another 60 households. She mentioned there are two areas in the 900 block of Whittington that have no sidewalks, and there are many residents who are compelled to walk long blocks in the roadway because of not having a sidewalk. She stressed this is a public safety issue. She reported the Whittington Valley Neighborhood Association went to the Public Safety Committee in March and asked that the traffic studies be completed in regard to lowering the speed limit, and that was accomplished because they found the average speed to be 41 mph. She reported there are between 3,600 to 4,000 cars a day (Monday through Friday) traveling at high rates of speed.

Director Smith questioned if the 3,600 to 4,000 cars a day are going over Blacksnake Road, and Ms. Flanders stated they are going on Whittington. She added they did not do a count in the County, which is Blacksnake Road. Director Smith said that basically motorists are coming into town from your area, and Ms. Flanders stated that many of them are coming from the County. She said according to the Public Works Department if there are approximately 450 households, they would expect a traffic count to be about 450 a day, but instead they are nearly about ten times that.

Ms. Gail Gantner, 709 Whittington, said her concern was for the children who are moving into the area to be able to go the park.

Ms. Catherine Canu, 736 Whittington, stated she wanted to be able to walk downtown and to the park and play basketball; but she stays in the Whittington area or goes to the Family Park because it is not safe.

Director Maruthur stated the need for sidewalks in the specified area of Whittington is way overdue and is consistent with the Park/Whittington Neighborhood Plan that was paid for by the City. She said the Board did not have this discussion regarding the sidewalks for Pleasant Street because it was an adjunct to the revitalization to the Park, Whittington, and Pleasant Street areas, which were targeted by the original CDBG mission. She commented the residents in the neighborhood have expressed the need and desire for this, and the existing neighborhoods are really the target of the CDBG program. She stated without the residents in the neighborhood being served, they are looking at just new housing. She reported that she met with Mr. John Goodman, who gave her his word that prior to taking any action, he would be meeting with the Whittington Valley property owners and/or any of the residents in the area that had concerns. She said she attended the Planning meeting, and he said that is true and would be meeting with them. She mentioned that she was surprised that there is any dialog regarding the funding. She stated Mr. Goodman seemed receptive to what was discussed at the recent Planning Commission meeting. She stressed this is overdue, and the residents need it since it is a public safety issue. She pointed out this is in the middle of revitalizing a neighborhood that is growing and improving and is the area that was targeted by the neighborhood consultant, Mr. James von Tungeln, who advised the new members of the Planning Commission and urged that the message that is being sent is a revitalization of the old neighborhoods. She emphasized that the Board needs to take action on what it say it is going to do, or people are not going to support the City's programs.

Director Smith asked if the \$25,000 was the total amount, and Planning and Development Director Kathy Sellman advised that it is an estimated amount that has been targeted toward this particular project. She added the amount is based on this year's grant amount of \$412,000; and staff has gone back to \$32,960 total that would be available through this competitive process to sub-recipients.

Mayor Bush commented that \$330,010 was used for the total project, which was after the administration came out, and Ms. Sellman replied that is correct.

Director Smith questioned the cost of the sidewalk; and Planning and Development Director Kathy Sellman, advised that Public Works Director Steve Mallett would have to address the cost.

Director Jones pointed out in the CDAC Meeting, Habitat for Humanity was given one-half of whatever was left with Pleasant. She noted they applied for \$50,000; and last year, the City gave them \$40,000. She stated this year they are applying for \$50,000; however, the City is giving them \$4,000. She stressed that she disagreed

with that and questioned if this can be referred back to the committee for further review.

Ms. Sellman replied there are several options: (1) take the recommendation as it has been presented to the Board; or (2) amend the recommendation to reflect a different allocation, possibly reducing funding that is going to another portion of the program. The options would be the emergency repairs and the owner/occupied housing rehab program, which receives the majority share of the grant. She noted that last year, it was the Board's direction that the housing rehabilitation program receive additional funding; and because of that decision, the Community Development Advisory Committee considered that in allocating the amount that would be available for other projects by competition. Therefore, the Board has the ability to make the decision regarding how to spend this money in fiscal year 2008.

Director Smith stressed that he wants those residents to get a sidewalk, which is basic. He said that he would support anything that gets them a sidewalk. He pointed out that Habitat for Humanity is a very noble cause, and he supports the option to go back and find money that has been previously allocated and try to satisfy both parties. He added he would not want these residents to get less than \$25,000 if that is the cost to build the sidewalk.

Director Maruthur made a motion to accept the recommendation of CDAC and proceed with the revitalization of Whittington as promised when the City paid for the neighborhood consultant. She commented work has been done on Park Avenue, and more than working on Pleasant Street and their existing sidewalks. She said there has been no dialog or problems with that, and she would like to see the same support, if not more, for this public safety. She pointed out this is not even a curb appeal issue but is public safety for the children. She mentioned according to the Whittington Valley Association, there seems to be many children moving into this area; and CDAC worked very hard to come up with this recommendation. She said she did not understand why the Board would keep overturning and referring when there is a total consensus on where the money should be spent.

Mayor Bush advised there is already a motion and second on the floor to approve the resolution. Director Maruthur then called for the question.

City Attorney Brian Albright advised that Director Maruthur can call for the question and asked if there was opposition to the question. Director Weatherford stated he would like to speak.

Director Daniel said he agreed with Director Maruthur and Director Smith and suggested getting the sidewalk done. He also pointed out that Habitat for Humanity has done excellent work in the community and suggested looking at the \$333,000 and finding a way to come up with the money for the sidewalks and give Habitat for Humanity more than \$4,000.

Director Weatherford questioned how many houses the \$296,000 will rehab; and Ms. Sellman replied in looking at a maximum expenditure of \$25,000 per house, it will do approximately 12 houses. She added if Habitat for Humanity were given \$40,000, that will be 22 houses in the next two years they will do. She explained that she does not mean that \$40,000 will do 22 houses, but it gets them well on the way of doing 22 houses. She mentioned the \$40,000 for Habitat is much better spent than the \$25,000 for the sidewalks; however, that is not to say that Whittington does not need the sidewalks.

Director Weatherford stated there are many areas of the City that need sidewalks, such as around the Hot Springs High School and area off Spring Street where people in wheelchairs have to travel in the street. He said to say this one needs it worse than some other parts of town, is not right. He urged that the Board find more than \$4,000 for Habitat for Humanity.

Director Maruthur pointed out there is an application process, and the people who applied for this sub-recipient project did the right thing in going by the rules. She stated if the City is not going to do sidewalks, then it should not do sidewalks anywhere. She stressed this neighborhood needs sidewalks for public safety, and the children have to walk basically on a highway. She mentioned that Blacksnake Road is dangerous and is the location of Whittington Park. She stated they have no sidewalks from the church to the playground. She questioned why there is a playground and money spent on maintenance if it is not going to be revitalized. She said that is what was done in the Pleasant Street area and is what they are trying to do on Park Avenue, which is part of the neighborhood plan. She emphasized that the people who are on the waiting list did the right thing and applied for the CDBG funding by filling out the application. She stated she made sure they are going to have a number to refer to because, as she has been told, apparently applications have been lost. She said the City needs to fulfill its obligation to those who are depending on it. She stressed that those asking for sidewalks did not fill out an application, but Whittington Valley did; and those residents who applied for CDBG funding for leaky roofs, siding, electrical work went through the process. She stated she did not see anything that the Board needed

to review, and it is either going to accept the hard work of CDAC or ignore it and just keep on looking for ways to come up with the funds.

Director Daniel questioned why they did not get sidewalks when CDBG first emerged, noting the park had been there for many years; and Park Avenue was a target area.

Director Maruthur advised that she was not a part of the original CDBG application, and the Planning Director at that particular time went by the mission statement that was pulled out by the CDBG rules and regulations, which was to have specific target areas that would result in the best impact to an area that needed a boost.

She said Pleasant Street and Bower Street were identified as target areas, as well as another street in the Park Avenue area; and residents then submitted applications. She said she did not pick this out and does not believe Director Jones did either. When this was done, she stated it was also consistent with the results of the neighborhood consultants, and there were two different neighborhood consultants; and that was two revitalizations of these neighborhoods. She stated part of it was the “curb appeal,” which means when driving into a neighborhood, people can see the neighborhood is coming back. She pointed out when doing the electrical, plumbing, roofing and siding, they try to do as much as they can in that specific targeted area so that the people can see it is on the upswing and will reinvest. She pointed out this can be seen in Park Avenue and Pleasant Street, but Whittington at that time was not specified as a target; and the discussion was that the next area to be targeted was Whittington. She added they made the application, and this was very specifically a public safety issue.

Director Daniel said he had no problem with it being a public safety issue but questioned since it is a public safety issue, why it has not been addressed.

City Manager Kent Myers advised that this project has never been submitted for funding before.

Director Edwards commented there is a place on Cones Road called On Your Own, which is about two blocks off Malvern. He said he has talked to some people from Habitat and with Horner’s Concrete and two of the contractors who work for Habitat; and he helped install the sidewalk so the people living there could ride their wheelchairs to town or anywhere they need to go without being in the street. He stressed that the City needs to concentrate on projects such as that.

Director Smith made the following amendment, duly seconded by Director Weatherford, to the resolution: "leave the \$25,000 in for the Whittington Valley Neighborhood Association, and pull \$40,000 out for Habitat for Humanity from the Housing Rehab money (\$296,640).

Upon discussion, Deputy City Manager Lance Hudnell asked for clarification pointing out there will need to be an adjustment to all of the percentages because there may not be exactly \$412,000. Therefore, that is why the percentages are there, so this will be \$40,000 off the top, \$25,000 off the top, and then adjust the percentages accordingly through the rest of the resolution. Director Smith responded that would be correct.

Director Jones commented that Director Maruthur alluded to Pleasant Street; and when the City hired the consultant, Pleasant Street was a gateway to the City. She commented since Pleasant Street was near the Convention Center, residents wanted their neighborhood to look good. She added that some people do not want Habitat houses in their neighborhood, but some Habitat houses need to be in certain areas because it improves the neighborhood. She pointed out that the entire Board voted with Director Maruthur on the medical facility on Park Avenue, but she sent it back and the Board had to redo all the funds at that time. She noted that Director Maruthur voted it down and missed out on the funds. Also, Pleasant Street, Webb Center, and P.H.O.E.B.E. missed out on the funds.

Director Maruthur questioned what medical deal she was referring to, and Director Jones replied she was going to have a building built on Park Avenue.

Director Maruthur stated that she was for the \$25,000 to be applied for public safety for sidewalks to a revitalized neighborhood. However, if \$40,000 were to be taken away from existing homes and citizens are depending on the City to help them with housing, she said this is defeating the objective, the mission, and all the work that has been done. She added that the people on the waiting list, whether they are in District No. 1 or District No. 2, are being cheated as far as the priorities; and she does not believe that is right.

Mayor Bush pointed out this would be taking away two houses and helping build 22 houses. Director Maruthur said that she did not care if it is one house because there are people who are depending on the City to fill its obligation.

At this time, Director Edwards called for the question. Director Maruthur objected to calling for the question.

City Attorney Brian Albright questioned what her discussion was if there was opposition to the question, and Director Maruthur made a motion to accept the \$25,000.

City Attorney Brian Albright explained there is already a motion and second on the floor, and the Board must vote that up or down before accepting any other motions.

Mayor Bush then called for a vote on the amendment; and upon roll call, the following voted "aye": Directors Smith, Weatherford, Edwards, Daniel, Jones, and Bush, total 6. Having called for Director Maruthur's vote, she did not cast a vote on the first call. City Attorney Brian Albright advised the City Clerk to call for her vote four times. After calling for Director Maruthur's vote four times, she did not cast a vote; and the motion was declared passed on the amendment.

Mayor Bush then called for a vote on the motion to adopt the resolution, as amended; and upon roll call, the following voted "aye": Directors Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 6. Abstaining: Director Maruthur; motion carried. Whereupon the resolution was declared adopted.

## **17 Proposed Resolution No. R-07-250**

A resolution entitled, "A RESOLUTION DECLARING THE INTENT OF THE HOT SPRINGS BOARD OF DIRECTORS TO ENACT A ZONING ORDINANCE FOR LANDS WITHIN ONE MILE OF THE HOT SPRINGS CORPORATE LIMITS," was taken from the agenda and read by title only.

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

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, stated this is an opportunity for the Board to declare its intent for or against the concept of enacting zoning for lands located within one mile of the city limits of the City, which will be in the unincorporated county area. She said the Planning Commission and the Board have discussed the feasibility of doing this. She commented this would be exercising authority that is granted to cities located on a navigable stream and with a population between 8,000 and 50,000. She noted there is the possibility, should that city wish to do so, to establish and enforce planning and zoning ordinances one mile out from the city limits. Hot Springs meets the requirements of the statute; and at this time, this

resolution would (1) not establish zoning in that area, but this is the Board's opportunity to direct the Planning Department and other staff to prepare a concept on how this would be implemented, to take a look at the feasibility of doing that, and try to assess what the cost of doing and administering that would be. She said it is anticipated that would take approximately 90 days should the Board pass this resolution; and at that time, the proposed map and ordinance would be subject to public hearings before the Planning Commission and the Board of Directors. She advised that the Board's decision would be final before any zoning would be adopted.

Mayor Bush questioned if the Planning staff and the Planning Commission recommend this, and Ms. Sellman advised that it comes to the Board with a recommendation of the Planning Commission. She stated Planning staff has no recommendation.

Director Smith asked if has just been the one Planning Commission meeting so far regarding public input, and Ms. Sellman said that it has. Director Smith asked if there will be more opportunity for public input before coming back to the Board. Ms. Sellman said there will be, and the only issue that went to the Planning Commission was the idea of a resolution of intent. She stressed there has been no discussion of a specific zoning plan. She said Planning is looking for a vote up or down on whether this is something the Board would like the Planning Commission to spend time or whether their time would be better spent in other ways.

Ms. Diane Silverman, 1404 Cedar Glades, questioned the purpose and intended results for wanting to do this.

City Manager Kent Myers advised there have been two work sessions between the Board and Planning Commission; and the consensus that staff gathered from those meetings was the development around Lake Hamilton. He stated that currently there is no zoning around Lake Hamilton, and there was concern with the number of townhouses being built that eventually the lake would be overrun with residents, as well as users of the lake. In order to exercise some control of the area around Lake Hamilton, this was being proposed, which was the primary reason cited at the work sessions.

Ms. Silverman questioned what the intended results would be if this resolution were passed, and City Manager Kent Myers advised that zoning within one mile, which would include zoning around Lake Hamilton, would require development in that area

that went through a change in land use to come before the Planning Commission and get a zoning change. He mentioned the Planning Commission is composed of city and county residents; and they thought with the addition of those county residents to the Planning Commission, those people in that one-mile area would have a voice in the process.

Ms. Silverman commented that people in the County do not have a city commissioner, and they are not in the district. She questioned who represents them; and City Manager Kent Myers reiterated there are two members on the Planning Commission, who were nominated by the County Judge and are county residents.

Ms. Silverman questioned why it is not limited to that particular area the City is concerned with rather than a one-mile ETJ, which is part of a five-mile ETJ. City Attorney Brian Albright advised that state law provides for one window of opportunity, which is to go one mile out. He added the Board has not made a decision on this, but the Board could elect to zone only portions of that one-mile area – the portions it feels might need attention at this point because ultimately there needs to be a new Comprehensive Plan done throughout the County; and it is not time to get into rural areas and try to zone them at this point. However, the lake areas, the corridor up and down Higdon Ferry, which are being heavily developed that are not within the city limits, are the areas that are intended to be affected.

Ms. Silverman questioned if the City is going to work out a land use plan and the cost of implementation if this resolution passes. City Attorney Brian Albright advised there will be a feasibility done. Ms. Silverman said all of those people who will be impacted will have a notice ahead of time and questioned what will happen if they oppose it. City Attorney Brian Albright advised that anyone in the public would be invited to attend the Planning Commission meetings. Ms. Silverman asked if the Board would be willing to state on the record, if after public hearings a plan is enacted by that Commission, that it would stand and not be amended at the free will of the Board of Directors. She pointed out many times the Board overrides the Planning Commission and questioned the purpose of having a Planning Commission.

City Attorney Brian Albright advised that a Comprehensive Plan goes through changes, and the City's Comprehensive Plan is over ten years old and needs to be updated. He explained that part of this process is to get a countywide comprehensive plan. Ms. Silverman pointed out that the County has its own planning commission, as well as the City and questioned whose Planning Commission rules in the County. City Attorney Brian Albright advised that she is taking this beyond what is up for discussion

tonight. He explained that the County does not actually have a planning commission but had a steering committee that was formed. He said that is something the Quorum Court will have to decide whether or not they are going to have a planning commission. Ms. Silverman said she believed they voted on it tonight but does not know what the outcome is. She added that citizens do not understand the City's purpose and intended result and, therefore, they believe there is much more to it than what the City is stating.

Director Maruthur requested that anyone who addresses the Board and is on the record with their name and address, they give their name but not be required to continuously give their address. Also, she pointed out there is a memo from City Manager Kent Myers; and Item No. 2 of the memo says that prior to the next work session, City staff will prepare a listing of areas the Board might want to consider for annexation. She said her understanding was that the Board, as a body, was in agreement with Planning and Zoning to have certain building requirements through the permitting and inspection process. She pointed out it does give the City the revenue from the County, but they would be complying with international code, which she supports. However, she said it appears the City is going in the direction of annexation. She questioned how much farther will the City go as it loses people from within the city, and the City does not do the required improvements in older neighborhoods. She stressed that is her concern. She mentioned in looking at an overlay map from 1985 - 1990 and draw the map with the boundaries of the City and take the boundaries of today, the City will see an exodus of people from the City going to the County. She pointed out that now there are people coming here from the County saying they do have a voice and that is why they are here. She commented this affects them and their quality of life, their pocketbook, their future, and their decision to live in the County. She said she has no problem with the permitting and inspection process, but it looks like the City is doing an incremental annexation; and that is the next step according to literature that everyone is receiving. She said she has another paper dated August 24, but it is underlined about turn-back funds and was in the Board's weekend packet. She stated the City is looking for more numbers, but it is expanding its boundaries. She said the City is really not taking care of what it has in the city, and everyone is recognizing that.

Mayor Bush stressed that he is not going to support anything that has to do with annexation other than voluntary annexation.

Mr. Bob Driggers, #3 Stonegate, stated this sounds very suspicious when there is another scheme that the only rationale for doing it that were given is that state law

allows it. He asked that the Board table this item at least until people from the County can attend and address the issues. He mentioned that the County and 70 West are having a meeting tonight, and those residents would like to have been present.

Mayor Bush said he disagreed with Mr. Driggers, and this resolution only expresses the intent of the Board. He advised the City will hold public hearings and will give the County adequate notice, as well as the residents within the one mile, all of the realtors and anyone else, including Mr. Driggers.

Mr. Driggers said he anticipated he would disagree with that and made the following comments: "the Board should wait until citizens within the City have water, sewer, good streets, and even sidewalks. It should wait until it can properly maintain the public buildings, wait until the City is a safe town, a town that is crime-free before it starts imposing regulations outside the City. It should wait until it reduces expensive development costs and the red tape required, inside or outside the City. It should wait until it can stop the selective code enforcement, and it should wait until it can stop treating County residents like third-class citizens. The Board should let the County develop a planning and zoning commission and give them time to go ahead and do it, or at least say they have no interest in doing it." He encouraged the Board to table this resolution so those people can address this properly in the future.

Director Maruthur said she would like to see this tabled until the next meeting and have input from people in the County. She pointed out in the Board packet, it says there will be public hearings, and she has been to so many public hearings where everything has been a "done deal" and everybody gets to have their say; but then the Board does whatever it wants to do. She said she did not believe that was right. She mentioned that she was in favor of the building regulations and inspections but does not see any urgent need to do it tonight.

A motion was made by Director Maruthur, duly seconded by Director Jones, to table the resolution until the next meeting; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Edwards, and Daniel, total 4. Voting "no": Directors Smith, Weatherford, and Bush, total 3; motion carried to table to the next meeting.

## **18** Proposed Ordinance No. O-07-93

An ordinance entitled, "AN ORDINANCE AMENDING THE HOT SPRINGS ANIMAL CONTROL CODE (ORDINANCE NO. 4940) BY ADDING A NEW SECTION

CONCERNING ANIMAL DEFECATION; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

A motion was made by Director Jones, 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 Jones, that the ordinance be passed as read.

Upon discussion, Director Edwards said received several calls today from citizens reporting people walking their dogs without a leash and allows their dogs to go anywhere. He said when the dog goes in the neighbors yard, they do not pick up the animal waste because the dog is not on a leash. He questioned how this can be enforced.

Mr. Dan Bugg, Chief Animal Control Officer, said there is currently a leash law in the community; and a dog must be restrained on a leash and under the control of a capable person or confined behind a fence. If it is on the property, it has to be confined to the property. He said if they are having a problem with that, they need to call Animal Services, especially if they know the address and the person who owns the dog. He stated in the current ordinance, there are two issues dealing with dog defecation; and it is against the law for someone to walk their dog and allow their dog to defecate on property that is not under their control and is not their property. He said the situation Director Edwards mentioned is illegal. However, the ordinance does not give Animal Services any other powers other than they have to actually catch them doing it. The ordinance that the Board is considering tonight means if people are out walking their dog and Animal Services stops and visits for a minute and asks if they have the equipment with them to pick up after their dog, and they do not, then Animal Services does not have to wait around and will be in violation of this ordinance because they are not prepared to pick it up once it occurs.

Director Weatherford said he received several calls and does not think they are in favor of this, but their complaint was that they knew the City had a leash law but was not enforcing it. He questioned how many times someone has been cited on this, and City Attorney Brian Albright stated it was probably 1,000.

Mr. Dan Bugg added Animal Services writes quite a few tickets; but there is a combination of several violations, such as dogs running at-large, no dog license, and

no rabies vaccination. He advised Animal Services has to physically catch the dog out; and if they are able to get the dog back to its owner, they issue a citation at the time. If they cannot find the owner, then the owner has to come and reclaim the pet at the shelter.

Director Maruthur recognized Mr. Bugg for an outstanding job and said she is aware that he is overwhelmed and under-funded. She said that she receives input from citizens on a regular basis about their concerns and stress level that Animal Services has to deal with. She questioned if he still has eight employees; and Mr. Bugg said at the present time, there are nine. Director Maruthur mentioned in 2006, there were eight.

Director Maruthur asked if the Mayor was aware where the county funding goes, and Mayor Bush said that he was not. Director Maruthur stated this is one of the complaints she receives on a regular basis. She pointed out that the City has a county partnership, and the County provides an equipped animal control vehicle for the City, an employee, and drives and conducts field activities. She said the revenue the County pays for Animal Services to provide the service does not go to Animal Services.

City Manager Kent Myers advised that the City has hired an animal control officer to serve the County out of those proceeds, and the money that the County provides the City right now is not sufficient to cover the City's costs. Therefore, the City has asked the County for an increase for 2008.

Director Maruthur said she knows they provide a person; and last year when she received this e-mail, it stated that in 1999 when the City started the County program, there were eight employees. Also, in 2006, there were eight employees; but the revenue the City receives from the County does not go to Animal Services but to the General Fund. City Manager Kent Myers explained that it does go to Animal Services and funds that position and helps to offset operating costs at the shelter. He pointed out the City's operating costs are more because it takes county animals.

Director Maruthur asked if it goes directly to Animal Services, and City Manager Kent Myers advised that it does. He added the Animal Services is a General Fund department. He stated if the County cut its money completely, then the City would have to cut the Animal Services budget.

Director Maruthur said that is not what she is hearing from the public, and Mayor Bush said that he has never heard that, adding all he ever hears is compliments about Mr. Bugg and his operation.

City Manager Kent Myers suggested when Director Maruthur receives call such as that, he would recommend that she have the individuals call him or Public Works Director Steve Mallett; and they could help clarify that. He stressed that those individuals have received incorrect information.

Director Maruthur said her understanding is that all funds collected are General Fund deposits and not deposited to go to Animal Services, and City Manager Kent Myers advised that is correct. He added Animal Services is a General Fund department. He added if the county money were not there, Animal Services budget would be cut. Therefore, it increases Animal Services' budget as a result of having that County money.

Director Maruthur said she wondered why that is out there, and City Manager Kent Myers said he has never heard that before. She mentioned she has been hearing that for years and has never said anything.

Mayor Bush suggested that they call Chief Animal Services Officer Dan Bugg or the City Manager Kent Myers.

Mr. Bugg explained they collect a fee for the officer every month, and there is a set fee and then an amount based on how many animals they take in for the County. He added that billing goes out every month and goes to the Finance Department, which submits it to County for payment.

Director Maruthur asked if the fence has been put up, and Mr. Bugg advised the additional fence that was added on 1½ years ago was placed at the shelter. They had a fence across the front but did not have the rear fence. He stated they spent \$19,000 in donation funds to install that fence. Director Maruthur said she received a letter yesterday stating after refusal by the City, the Animal Control Advisory Committee paid for the fence after the City was either unable or unwilling to do it at that time. Mr. Bugg responded that many of the improvements to the shelter have been funded through the donations account. Director Maruthur emphasized that she hears nothing but good things about Animal Services and Animal Control, but there are many concerns about their funding. Therefore, at budget time, she would like to get everything broken down and see what their needs are and where the money is going.

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.

## **19** **Proposed Ordinance No. O-07-94**

An ordinance entitled, "AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF HOT SPRINGS, ARKANSAS; MAKING SAME A PART OF THE CITY OF HOT SPRINGS; ASSIGNING SAID LANDS TO A ZONING DISTRICT; REVISING THE FUTURE LAND USE MAP; ASSIGNING SAID LANDS TO A BOARD DISTRICT; AND FOR OTHER PURPOSES," (Higdon Ferry Land Development - Healthpark Hospital)," was taken from the agenda for consideration.

A motion was made by Director Smith, duly seconded by Director Jones, 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 Edwards, that the ordinance be passed as read.

Upon discussion, City Manager Kent Myers explained this is a voluntary annexation of 2.8 acres at the intersection of Higdon Ferry Road and Section Line Way and is owned by Healthpark Hospital and is the site for their upcoming expansion project.

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.

## **20** **Proposed Ordinance No. O-07-95**

An ordinance entitled, "AN ORDINANCE ACCEPTING DAMIAN COURT AS A PUBLIC STREET; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

A motion was made by Director Edwards, 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 Smith, duly seconded by Director Weatherford, that the ordinance be passed as read.

Upon discussion, Public Works Director Steve Mallett explained this is a new street in a new subdivision located at 1201 Shady Grove south to a cul-de-sac. He stated this street meets the City criteria, and staff recommends that the Board approve it for City maintenance.

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.

## **21** **Proposed Ordinance No. O-07-96**

An ordinance entitled, "AN ORDINANCE ACCEPTING A CERTAIN ALLEY AS A PUBLIC ALLEY (HAWTHORNE ALLEY); NAMING SAID ALLEY; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

A motion was made by Director Edwards, 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 Edwards, 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-07-97**

An ordinance entitled, "AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE PROCUREMENT OF CITYWORKS STOREROOM SOFTWARE SITE LICENSE AND RELATED SERVICES FROM AZTECA SYSTEMS,

INC. FOR THE PUBLIC UTILITIES DEPARTMENT; AND FOR OTHER PURPOSES,” was taken from the agenda for consideration.

A motion was made by Director Jones, duly seconded by Director Edwards, 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 Weatherford, duly seconded by Director Edwards, that the ordinance be passed as read.

Upon discussion, Public Works Director Steve Mallett, explained that currently the City uses Cityworks software in the Utilities Department to drive all of their work orders; and this is a module of that software that will allow them to attach their inventory system to the work orders so they will automatically track their inventory. He noted this will eliminate much of the manual work they have to do in order to keep up with their inventory, and the cost is \$27,485.

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.

### **OTHER BUSINESS**

## **23 Board of Directors Items**

Director Smith reported that last Saturday a clean-up event was held at the new fairgrounds, and there were almost 400 carloads of household hazardous waste that were disposed of properly. He thanked Sanitation Director Bill Burrough, his staff, and everyone who participated in bringing this out to the new fairgrounds. He advised that a community forum will be held on Thursday, October 25, from 5:30 p.m. to 7 p.m., at the Central Fire Station. He has asked Mr. Dave Byerly, of the Chamber of Commerce, to moderate it and urged participation from the Board.

Director Edwards stated that people continue to place garage sale signs on utility poles, which is against the law. He suggested using the two community service vehicles on Saturday mornings for about four hours in an attempt to eliminate this problem. He said that he has talked to the Chief of Police, who said he would check

on it and see if he could get the support of the Board. Mayor Bush announced that the Board would support it.

Director Jones announced that the Pleasant Street Association held a homebuyers' fair this past Saturday at the Transportation Depot and thanked all of the banks and financial institutions that participated. She said that she hoped the City can get additional funds for affordable housing, and City Manager Kent Myers had started working on it. However, she has not heard anything and would like for him to give her a report when he receives one. She commended the Board for having a well-conducted meeting tonight and wants the Board to get along and represent the City in a respectable manner.

Director Maruthur commented there was not a medical facility as previously mentioned in Item No. 16, and everyone voted against the sidewalk. She acknowledged the 1,804 citizens who voted at October 9 Special Election and noted that taxpayers will not be in debt for 25 years. She stated Hot Springs has a great future and numerous projects and issues to fund. In the future, she said that one of them will be on City Hall, but the City needs to concentrate on the existing neighborhoods, existing boundaries, and work together. She said that she was glad to hear that the Board is going to participate in the forum on October 25.

Mayor Bush said in the near future, he is going to appoint a committee of Board Members and possibly outside people to take a close look at the City's current facilities, such as the Utilities Building and City Hall and whether or not new roofs are needed. If so, what is the cost going to be so the City can begin to plan to make repairs and if it needs repairing next month or in the future.

Director Jones spoke of a pastor in town who, along with other men, have been ministering to young people, mainly young men. She stated with this type of positive impact on these individuals, there may not be a need for a larger jail and encouraged the City and County to work together to help these young people.

Director Maruthur said she has been in constant contact with the City Manager regarding the Municipal Utilities Building roof and elevator and City Hall repairs and would be glad to share those memos with the rest of the Board but assumed they were given to the Board. City Manager Kent Myers advised that every report he gives an individual Board Member is given to all Board Members. Director Maruthur pointed out the Board has received cost estimates on repairs. Mayor Bush said it is possible a committee will not be needed.

## **24** City Manager's Report

City Manager Kent Myers gave the following report:

1. On the Consent Agenda, the Board reappointed Larry DeWitt to the Hot Springs Advertising and Promotion Commission; and Aaron Burroughs was appointed to the Construction Trades Advisory Committee.

2. The 2008 budget process has started, and the Board has identified 28 priorities. The Board is now going through a ranking process and asked that they send their rankings to Margaret Parris within the next few days. Once those are tabulated, then he will get those out to the Board Members. He will also send those out to staff to be used as guidance in preparing the proposed budget, which will be presented to the Board next month.

3. Director Weatherford has requested a Board orientation on how the budget is structured. He has asked that he and Dorethea to put together a 1½ hour training session for those Director who want to attend on Friday, from 12 noon to 1:30 p.m., in the Board Chambers. For those Directors who cannot attend, it will be videotaped and can be watched at the Directors' convenience.

4. The Documentary Film Festival will start this weekend and continue for about ten days. People can access the information on the film festival at [www.hsdfi.org](http://www.hsdfi.org)

5. He reported that Mr. Marcus Phillips, former City employee and Hot Springs' leading historical authority, is in the National Park Medical Center.

6. On Saturday, October 27, from 8 a.m. to 12 noon, at Transportation Plaza, will be a Day at the Farm, which is the closing event for the Farmers' Market.

## **25** ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 9:00 p.m., to meet again on Monday, November 5, 2007, at 7:00 p.m.

ATTEST: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Mayor Lance Hudnell, City Clerk

Mike Bush,