

## MINUTES

### BOARD OF DIRECTORS MEETING

NOVEMBER 5, 2007, AT 7:00 P.M.

The regular meeting of the Board of Directors was held on Monday, November 5, 2007, at 7:00 p.m., Board Chambers, City Hall, with Mayor Mike Bush presiding.

The invocation was given by Ms. Barbara Cooper, 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 Daniel, duly seconded by Director Edwards, that the agenda be approved.

Upon discussion, City Attorney Brian Albright stated that Item No. 22 (Proposed Resolution No. R-07-264 Requesting the Arkansas State Highway and Transportation Department Include Bicycle Lanes in Higdon Ferry Road Improvement Project Design) will require revision as a result of conversations with the Highway Department and suggested this item be removed from the agenda.

Mayor Bush then called for a vote on the motion to approve the agenda, as amended; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried.

### **3 Approval of Minutes of October 15, 2007 Board Meeting**

A motion was made by Director Edwards, duly seconded by Director Smith, that the minutes of the October 15, 2007 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

### **4 Recognition of Guests**

#### **4a Presentation of Budget Requests by Outside Agencies.**

City Manager Kent Myers advised that the Board will consider presentations from outside agencies that are funded by the City, but no action is required tonight. He stated the City currently funds five agencies and has a new request from the Drug Task Force.

#### **Garland County Economic Development Corporation (GCEDC)**

Mr. Dave Byerly, president and CEO of GCEDC, was recognized and spoke of the accomplishments of the past year, noting about 14 or 15 months from today that ACCENT was opened. It was originally believed that 450 jobs were going to be created over a two to three-year period, but they are now at 500 jobs with the anticipation that it may grow another 250, making the total around 750. In April of this year, the lease with Stanley and Associates was executed to bring the U. S. State Department's passport processing center to Hot Springs. The Arkansas Passport Center, as it is now known by the State Department, has processed more than three million passports since they began operation; and they have around 150 employees and contemplate increasing above 200. He stated their request for 2008 is \$125,000.

Director Maruthur questioned the marketing of the Office and Technology Park, which was not included in their proposal. Mr. Byerly advised that the City asked him to prepare a marketing proposal for a second function and is above and beyond their operating request. He said in conversations over the last five weeks, City Manager Kent Myers suggested they look at a partnership effort between GCEDC and the City to specifically market the Office and Technology Park. He noted that GCEDC was able to recruit the first tenant into the property and believes there is more success to come; however, they are looking at a very focused marketing effort in 2008 to recruit tenants and make potential tenants aware of the park and the advantages of locating

there. He added they have proposed a marketing budget based on what they think they can actually deliver. He reported they had consultants give them an estimate on what it would take to properly market the park to recruit a tenant in 2008, which was \$179,000. He commented they did not know if the City could fund its part of but knew that GCEDC was not capable of making their match. Therefore, they tried to look at more innovative ways to create a marketing program using resources they already had and partnerships that were already in place. He advised they have proposed a \$60,000 marketing campaign, and the request is that the City would pay \$30,000; and GCEDC would pay the other \$30,000. He explained this would not be a commitment for ongoing years but would be an annual request the Board would consider as to whether or not it wanted to continue on an annual basis, as well as with GCEDC. He said they are not asking the Board to act on this proposal tonight because it will require some partnership agreements between GCEDC, the Metro Little Rock Regional Alliance, and some other communities in Central Arkansas that have technology parks like this. He said they are proposing a conceptual marketing plan based on their best estimates of what that would be.

City Manager Kent Myers stated with the success of Stanley and Associates at the Office and Technology Park, he, Mr. Byerly, and Airport Director George Downie thought this was an opportunity to use that success story to get out to market what an excellent location it would be locate a technology-based business. He said they asked Mr. Byerly for a proposal for an aggressive marketing effort to bring some more industry in there similar to Stanley. He added if this is approved, it will come out of the Airport Fund because all of the lease revenues from the Office and Technology Park go into the Airport Fund, and Airport Director George Downie is considering this as part of his budget.

Mr. Byerly pointed out they are in the conceptual stage; and as they have the ability to form that partnership, that will allow them to firm up what they believe those numbers will be and return to the Board with a proposed Contract for Services.

Director Maruthur asked if he is asking for \$25,000 more from last year, plus \$30,000, which would be a \$55,000 increase from last year. Mr. Byerly explained that the \$30,000 would be part of the marketing presentation that the City and Airport requested of them. He stated to execute that plan would require a \$60,000 partnership between the City and GCEDC, and the request they are making for 2008 is a \$25,000 increase in the GCEDC operational funding for 2008.

### **Chamber of Commerce (Business Development Services)**

Regarding the request for \$2,500, Mr. Byerly stated that the business development services the City funds through the Chamber of Commerce is a business development funding that allows them to help bring business development-type services to members and businesses at-large. He said it is not just restricted to Chamber of Commerce members, and one of the obvious uses of those funds is the partnership with Small Business Development Center, which is located out of Henderson University but has an office in their building. The Chamber provides them with office space, and they are there several days a week counseling any business or person who has an idea for a business. Throughout the year, the Chamber promotes their activities but actually partners and sponsors with many of their activities, and the \$2,500 provides for that.

### **Chamber of Commerce (Retirement Relocation)**

City Manager Kent Myers announced that the third contract is for retirement relocation and recognized Ms. Millie Patrick, Director of Retirement/Relocation Development. Currently that is funded at \$12,500; and they are requesting an increase to \$15,000 for 2008. Ms. Patrick said this program has been in existence for more than 20 years; and in the last 6½ years, they have responded to 67,329 inquiries from individuals considering moving to Hot Springs. They have also distributed over 105,000 of their relocation guides; and through information gained from title companies, they are able to track move-ins to the area. She stressed these are home purchases only. In the past 6½ years, they have tracked 1,409 relocations and recorded home sales of over \$200 million. She pointed out that in regard to the impact on Hot Springs and Garland County, these same individuals also need medical services, automobiles, food, clothing, and also pay taxes, which adds to Garland County's economic growth. The annual marketing and operational budget for the program is in excess of \$82,000, and the City's support of the program has accounted for approximately 17 percent of the program's overall funding. The funding has been \$12,500 each year for the past several years, and they are requesting an increase in 2008 to \$15,000.

Director Edwards asked if Hot Springs Village contributes to their program, and Ms. Patrick advised that they do not. She explained they have a Chamber of Commerce and a home association.

### **Hot Springs Boys and Girls Club**

City Manager Kent Myers stated the Hot Springs Boys and Girls Club, which is currently funded at \$30,000 a year, has requested an increase to \$42,500. Ms.

Tammy Brown, executive director, reported there have been numerous capital improvements on the baseball fields, which has increased the number of youth they are serving by over 100 children within a three-month time period. In 2006 they finished the year serving over 1,900 children. By the end of 2007, they will be serving over 2,000 children. She stated because of their capital improvements, their operating budget has increased; and their increase goes toward their operating expenses, strictly for their baseball program.

### **Hot Springs/Garland County Beautification Commission**

City Manager Kent Myers stated that the next agency is the Hot Springs/Garland County Beautification Commission; and currently the City funds that agency at \$32,500. They have requested \$32,500 for 2008.

Mr. Adam Roberts, executive director of Hot Springs/Garland County Beautification Commission, said they do valuable work in education and offer every school in the County and City free educational programs on any environmental subject they wish. They make presentations to the public, civic organizations, and leadership in various community projects, including but not limited to Arbor Day, Discarde D' Arte, Earth Day, joint projects, such as Trash Bash, Trash for Cash, and assist in some of the city programs, such as Spring Fling and Hazardous Waste Day. He said they will continue their efforts with the City and County with the recycling programs. In 2007, they have involved over 1,200 volunteers and have made presentations to 1,699 students and 3,517 adults. According to their certified Keep America Beautiful report, the Commission has a cost/benefit ratio of \$2.88 for every dollar invested in the Commission. He reported they have brought in significant funding as well in grants, outside funding, etc. into the City. The successful Adopt-a-City Street program is part of their benefit package. They have over 100 adopted areas in the City and County and will continue to develop new information systems. He reported that "What's in Your Trash" is a PSA, which just won an award today from the Keep America Beautiful. Also, the environmentally responsible smoker program just won a national award today. In certain areas downtown and city parks, the cigarette litter has been reduced by as much as 83 percent. He requested that the City continue to sustain their funding.

Director Maruthur commended Mr. Roberts for his efforts, which has made a large impact on the City.

### **Garland County - Crisis Intervention Officer**

City Manager Kent Myers stated that several years ago, the City started funding for the Crisis Intervention Officer and is currently funding that at \$17,451; and they have asked for an increase to \$17,869 for 2008.

### **4b Presentation of Budget Request from 18<sup>th</sup> Judicial District East Drug Task Force**

City Manager Kent Myers advised there is a new request from the 18<sup>th</sup> Judicial District East Drug Task Force.

Ms. Terri Harris, Chief Deputy from the Prosecuting Attorney's Office, said they are requesting \$50,000 to assist in the continued operation of the Drug Task Force. She advised that the arrests they are making and the cases that are being generated are 85 percent within the city limits, and the remaining 15 percent is in Garland County. Currently, they are being funded by Garland County, which has appropriated \$30,000 every year, the last appropriation being \$31,000. She explained they are making this request to the City, in part, due to decreased funding from the Byrne Grant and the confidential nature of what they do. She stated the money is necessary to continue their operations in the informant network, and they have learned that 80 percent of all the crimes are related to drugs. She said they want to make it so difficult for these individuals that they do not want to live in this community. She requested that the Board fund the Drug Task Force in any manner it sees fit, and any funds would be appreciated.

Sergeant Chris Chapmond expressed appreciation to Director Steve Smith, who went on a raid with them last week and was able to see what the Drug Task Force and Hot Springs S.W.A.T. Team do when they find a drug house in the community. Since 2006, they have confiscated \$4.3 million in drugs off the streets of Garland County and have effected 715 arrests, executed 128 search warrants, confiscated close to 66 weapons, and opened a total of 1,042 cases, which does not include October's numbers. He reported that 2007 has been a record year for them confiscating \$3.5 million in illegal narcotics and executing 64 search warrants to-date and opening 480 cases, which is with a 30 to 40 percent budget cut over the last several years. Because of the drug problem, they have increased their number of investigators. He

stated with no additional funding, they have added two investigators, which has increased their costs across the board. He mentioned that the County has supported them since 1999 with a \$30,000 yearly grant. He commended the team that he works with and considers them the best group of investigators in the State, which is shown by their work.

Director Daniel commended Sergeant Chapmond and the Task Force for an outstanding job. Regarding the number of arrests made and the need for more officers to take the offenders off the street, he questioned where these people would be incarcerated. He pointed out there is a need to increase the facilities and hopes the City and County will jointly get behind the effort for a new facility since it is a safety issue.

Sergeant Chapmond said he is not present tonight as a city officer but is also the coordinator for a joint task force. He stated that he agrees with Director Daniel, and there is a need for a facility to incarcerate them.

Mayor Bush commented that the members of the Task Force are either a City or County officer and they are paid for that and questioned what happens to the \$3.5 million in drugs that they confiscate. Sergeant Chapmond advised that it is burned in the incinerator. He added if there are cash assets from a drug dealer or from the sale of proceeds of narcotics use, they try to confiscate that and are able to use some of that. However, the system is very slow in turning that money around. He reported that 10 or 12 years ago, they were able to work some very large federal cases where they received large blocks of money from seizures, and they are doing a greater number of seizures; but the overall numbers are lower. He explained that Federal authorities have focused their efforts elsewhere, which leaves more burden on them locally; and that is primarily the reason they need the increase.

Mayor Bush asked where the money goes that they confiscate, and Sergeant Chapmond advised that it goes to the operating maintenance (buy money). He explained it is called confidential funds and is what they operate on as far as buying and selling narcotics for investigative purposes. He noted that comes out of the seizure money.

Mayor Bush asked what they are going to do with the \$50,000 they are requesting, and Sergeant Chapmond said they are going to expand their investigations. He noted that every year they have several months where they run out of money, and this money would allow them to operate year-round and to go above and beyond what they are doing now.

There being no other guests, Mayor Bush called for the next order of business.

**5 Acknowledgment of Financial Statements for July thru September 2007**

Mayor Bush announced that the Financial Statements for July thru September 2007 are on file in the Finance Department and Treasurer's Office for review by the Board and public.

**CONSENT AGENDA**

The Consent Agenda consisted of the following:

**6 Public Safety Report** (October 24, 2007).

**7 Proposed Resolution No. R-07-251** Accepting Certain Bid Awards (a) Backhoe - Utilities [awarded to Timberline in the amount of \$29,495]; (b) Protective Masks/Safety Kit - Police [awarded to Safety Solutions, Inc. in the amount of \$24,146.85]; (c) Offender Monitor Systems - Police [annual supply contract awarded to Secure Alert, Inc.]; (d) Entergy Park Project - Parks [Trail Overlook awarded to Larry Diggs Construction in the amount of \$35,985 and Connector Bridge awarded to Larry Diggs Construction in the amount of \$47,000]; and (e) Two Pumps - Utilities [awarded to BT Environmental in the amount of \$27,736].

**8 Proposed Resolution No. R-07-252** Awarding a Contract for Consulting Services with Ken Freeman (Trails Coordinator). **[Removed from Consent Agenda for separate consideration]**

**9 Proposed Resolution No. R-07-253** Extending an Agreement with Benches Etc. Inc. for the Placement of Public Benches Bearing Advertising Within the City of Hot Springs, Arkansas.

**10 Proposed Resolution No. R-07-254** Extending a Contract to Supertints Graphics for Certain Advertising Rights on Hot Springs Intracity Transit Buses and Bus Shelters.

- 11** **Proposed Resolution No. R-07-255** Extending a Franchise Agreement for the Operation of a Specialty Transit Service (Hot Springs Carriage Company).
- 12** **Proposed Resolution No. R-07-256** Extending an Agreement with First Transit, Inc. for the Operation and Management of Hot Springs Intracity Transit.
- 13** **Proposed Resolution No. R-07-257** Appointing Alan Merritt to the Construction Trades Advisory Committee.
- 14** **Proposed Resolution No. R-07-258** Accepting the Donation of a 1996 Ford Ambulance from LifeNet for the Police Department S.W.A.T. Team.
- 15** **Proposed Resolution No. R-07-259** Approving the Assignment of Certain Property Liens to Charles Tapp, Jr.
- 16** **Proposed Resolution No. R-07-260** Awarding a Contract to Heller Company for Wastewater Line Replacements across Central Avenue Using the Pipebursting Method.
- 17** **Proposed Resolution No. R-07-261** Approving Certain Street Names as Sunflower Street, Gardenia Place, and Lily Street.
- 18** **Proposed Resolution No. R-07-262** Appropriating Donated Funds for Repairs to the Rotary Trailhead, Hot Springs Creek Greenway.
- 19** **Proposed Resolution No. R-07-263** Authorizing the Filing of a Grant Application with the Arkansas State Highway and Transportation Department for Discretionary Capital Assistance from the Federal Transit Administration (2008 Replacement Transit Bus).

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

Upon discussion, Mayor Bush announced that a citizen has requested to speak to Item No. 8 (Proposed Resolution No. R-07-252 Awarding a Contract for Consulting Services with Ken Freeman [Trails Coordinator]) and will be moved to the first item under New Business.

Mayor Bush then called for a vote on the motion to approve the Consent Agenda, as amended; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 7; motion unanimously carried.

### **OLD BUSINESS**

## **20 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 Daniel, duly seconded by Director Weatherford, that the resolution be adopted as read.

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, advised that the State authorizes cities having a population between 8,000 and 50,000 and situated on a navigable stream to administer and enforce planning and zoning ordinances for one mile beyond the corporate limits of the city. She stressed this resolution does not establish zoning in the one-mile area but would direct the Planning Commission and City staff to prepare a generalized map, cost of implementing zoning in the one-mile area, and a necessary ordinance. She stated the proposed map and ordinance would be subject to public hearings before the Planning Commission for its recommendation to the Board and to the Board for final decision. She commented that zoning is a tool that can be used to carry out or protect the provisions of the Comprehensive Plan and is designed to protect and stabilize some areas while designating others for a guided development and redevelopment. She stated it is not intended to change existing uses.

Mr. Jerry Ritter, 846 Blacksnake Road, affiliated with Piney Fire Department, and lieutenant and training officer and adjunct instructor for the Arkansas Fire Academy, said they do not understand this and do not understand if this is implemented whether in six months or a year later, the City is going to annex the five-mile area. He said that

people are concerned if this starts, it is opening the door to annexation. He asked for some clarification and understanding why this is happening.

Mayor Bush stressed as long as he is Mayor, there will not be any forced annexation. However, if somebody wants to voluntarily annex, that is their decision.

Director Smith said that he agreed with the Mayor and has no intention of supporting any forced annexation. He added that he is not for it now or in the future. He mentioned volunteer annexation is different, and people have reasons they want to come in; and the City will be glad to look at it. He stressed that he wants to be on the record as opposing any forced annexation.

Director Maruthur pointed out that people are concerned about clarification. She asked Mayor Bush to advise them, should this resolution pass, if the City would have the power to make them get permits and pay for fees for the construction of anything. Mayor Bush replied that it would not. Director Maruthur asked that he outline what it will and will not do.

Mayor Bush replied that according to Ms. Sellman, this is just a study and has no authority. City Attorney Brian Albright added that it is just some direction for the Board to give the staff before they spend a lot of the public's time and money investigating this to see what support there is for zoning to conduct the public hearings that are necessary at the Planning Commission level, which the entire County is welcome to attend and voice their concerns. However, what the Board is considering tonight is a declaration of intent to allow the staff and Planning Commission to move forward with their fact-finding. He stated should the Planning Commission come back with a recommendation that the City implement zoning within the one-mile area, it does not have any effect on building permits, etc. At the present time, the City does have, by State law, exclusive jurisdiction over planning within a five-mile area outside the city limits and that includes a Land Use Plan. He explained that the word "shall" is used in the State law. He noted if the City chooses to enact the one-mile zoning, that is a step in the process of implementing the Land Use Plan into actual zoning. He said it would be the only way the City would have any voice with respect to the growth around the lakes, up and down the Higdon Ferry corridor, and any other area that is clearly going to be developed in a commercial manner to try to get a hold on the traffic issues it has.

Director Maruthur stated one of the concerns she has received is if the City enacts the zoning in the one mile (ETJ), after that was implemented, would the next mile be subject to anything. City Attorney Brian Albright advised that it would not

because the Board is not extending the city limits and has nothing to do with annexation. He added the one mile is only beyond the city limits.

Director Maruthur said another question she has received is if there were in place a Planning Commission in the County, would they be able to supercede or would they have any authority at all for planning and/or zoning. City Attorney Brian Albright advised they would not within the five-mile area. He mentioned the statute is very clear, and the cases and the opinions are very clear that the jurisdiction is exclusive. The five-mile area is the City's exclusively, and that is a State statute that says any city that has a Planning Commission "shall" have exclusive jurisdiction for five-miles outside of its jurisdiction. He added it is the extraterritorial jurisdiction.

Director Maruthur questioned if there is voluntary annexation sporadically done, would that ETJ be adjusted; and City Attorney Brian Albright advised that periodically the Board is presented with its planning area. If there is a change in the demographics and the geographical boundaries of the City change, then a new map would need to be presented to the Board for its consideration and adoption.

Mr. Bud West, 175 Sparling Road, Justice of the Peace District No. 9, stated that he lives in that one-mile area, as well as about half of his district. He said after polling his constituents, he feels it is very controversial regardless how it is worded, mentioning the County Planning Commission was studying the feasibility of that for about five months, and zoning was mentioned one time. At their next meeting, there were approximately six people protesting that; and all they did was mention it one time. He said he wants to make this a better county and cooperate together and also build a jail, and he is committed to doing that.

Ms. Diane Silverman, Cedar Glades Road, said she has asked two or three times what the real purpose and intent is of making a study. She stated that she feels the Board has talked around the issue and has said that it is not going to have forced annexation. However, in other ways, she believes the Board has avoided a clear and direct response to her question, including revealing who or what would benefit from the results of the study. She requested that the Board explain why it is interested in a one-mile ETJ and how it would be to the City's benefit. She said that she believes there is something the Board is not willing to reveal, or it does not know the answer or certain persons are reaching for personal gain. She pointed out that City Manager Kent Myers mentioned it has something to do with the lake and questioned if the City is expecting a new lakefront resort as a result of gambling and wants them in the City rather than in the County. She commented since the City was not concerned about

the ETJ until gambling was approved, it is reasonable to deduce that gambling on lakefront property has something to do with the City's interest in controlling the one-mile ETJ. She commented if what the City is planning turns out to be a benefit to the City and County, there would not be any opposition. She urged the Board to inform the people why it thinks it is in the best interest of the City and County to do a study to do "something" but is are not willing to tell them what the "something" is.

Director Daniel said he thought the City Attorney explained it. He questioned why she thought there was an ulterior motive. He stressed that the State said the City has the jurisdiction. Ms. Silverman responded that she was aware of that.

City Attorney Brian Albright advised that he spoke to Ms. Silverman after the public forum several weeks ago and had a lengthy discussion on it. After their discussion, he said he thought she stated that it made perfect sense. He explained one of the reasons the City is looking at doing this is because of the overpopulation, the overdevelopment of the lake, and the traffic patterns that everyone suffers on Central Avenue with the multiple curb cuts that the City is looking at once again happening on Higdon Ferry with the widening because part of the property is in the County. He stated one of the issues on Higdon Ferry is that the property is in the County; and in order for the City to implement zoning, it must go through this process and see whether or not it is feasible and determine whether or not the public truly wants it. He stressed that is the reason for the public hearings. He said that Ms. Silverman is asking the Board tonight to not allow the public to have input at the public hearing level. He stated that he is asking that they let the Board pass this onto the Planning Commission so it can do its job, and the public can then have its input.

Ms. Silverman commented as she understands it, he is saying there are two areas of concern (1) the Higdon Ferry Road expansion; and (2) the area around the lake. Mr. Albright replied those are two areas. He added that any potential commercial corridor is an issue of concern with the traffic patterns of the City.

Director Daniel commented that sometime ago, Director Maruthur mentioned the curb cuts on Higdon Ferry Road and was very concerned about those curb cuts and wanted something to be done for public safety. He said that he does not know if the County has purchased all of its property, but probably half of the property from the bypass back to Central Avenue south on Higdon Ferry Road was in the County. He commented that he believes that was what Director Maruthur was addressing that the City did not have any jurisdiction on what they could put in there.

Director Maruthur said that was partially correct and asked if there was any way to earmark, identify, or limit this to the Higdon Ferry Road area. City Attorney Brian Albright advised that the City has to identify the one-mile area under the statute. Once that is done, then it can focus in on areas where it wants to have overlays and where it wants to try to phase in the zoning aspect. He said he could not foresee any reason why the City would want to be aggressively trying to zone areas that are essentially rural in nature and believes the Board would be looking at areas that had growth issues.

Director Maruthur asked if the Board was able to amend or modify this to one section, and City Attorney Brian Albright advised that it cannot. He added the Board will have to take in the one mile; but once that is done, then the Board will be able to focus in and target on the areas where it has concerns.

Ms. Silverman asked if he is saying if the City has jurisdiction one mile outside the City, that would solve the Higdon Ferry Road expansion problem. City Attorney Brian Albright stated that one thing cannot solve all problems, but the only way the Board can have authority over how the curb cuts are designed on the western half of Higdon Ferry Road is if they have the zoning authority to do it. Ms Silverman said it seems that the City has taken care of other properties that it needed in other ways. She stressed that she would like for it to be clear and believes there is something missing.

Mr. Bob Driggers, # 3 Stonegate Heights, said that he keeps listening for some rationale for the action the Board is proposing tonight, and the only thing he has heard that makes sense is that the State allows it. He commented it is a bad idea and is not well defined. He stated that he takes issue to some degree with the City Attorney and read instead of "shall," that a City "may" exercise its option in one mile up to five miles. City Attorney Brian Albright commented that is not what he said. He emphasized that the statute says "shall" with regard to the five-miles, and there is the option for the one-mile. Mr. Driggers stated the City does have an option, and City Attorney Brian Albright said that is why it is being discussed tonight, pointing out that the City does have an option. Mr. Driggers pointed out the Board does not have to do it; but if the Board does this, it places the City in a position where the City can tell people what they can and cannot do with their land. He noted that is what planning and zoning is all about. He requested that the Board allow the County to take the lead on this. He stated as he understands it, the committee that Mr. West chairs with the County voted 13-0 to come up with a county planning commission. He mentioned there are jail issues and other issues that need the City and County working on together. He pointed out this is not something the City needs to rush out and do because it can and is not

something it needs to waste the public's time and money on studying when the City does not need to do it.

Mr. Ted Burhenn, 318 Trapp Mountain, said three or four years, Mr. Jack Greenway was looking at an area that they could basically force annexation, which led into a lot of opposition; and at that time, the Board said there will be no forced annexation and reiterated that tonight. He said his question is over the period between then and now; and people have been told they cannot have water and sewer unless they annex into the City. He said he considers that voluntarily forced annexation and is the problem everyone sees. He stated he could not build a subdivision unless he voluntarily annexes into the City. He noted that voluntary annexation to him is that he comes to the City and says he wants to join the City but does not want any stipulations. He pointed out that residents in the rural community are concerned. He mentioned that the fire departments are based on membership; and taking a household away from a fire department not only stretches their services because they do not have the people, but it also take away their membership and their support. He pointed out the City Fire Department is stretched onto Garvan Woodland Gardens, and they cannot handle that now. He mentioned there are some people who would like to be annexed and said he would support them 100 percent; however, he is not one of those.

Ms. Denise Henderson, 188 Dodge Place, said she was concerned with the one-mile eventually leading to the annexation issue and believes the County should be able to have a voice in whether they get their area annexed or not. She stated that she understands the Board does not want to do forced annexation; but according to statements made by Mr. Burhenn, some of these new developments cannot get city water or sewer unless they voluntarily annex; and that appears to be forced annexation. She mentioned she has been with Piney Fire Department since March 1989, and all of the volunteer fire departments work very hard with their training, etc. and does not believe it would be right to all of those who have worked so many years to have it taken away.

Mayor Bush questioned how the City would be taking members away from their fire department, and Ms. Henderson replied it would if it were forced. Mayor Bush stressed it is not going to be forced. He added that in four or five years, there may be different members on the Board. Ms. Henderson asked if the people in those areas will have the opportunity to speak up, and Mayor Bush said they would.

Director Weatherford pointed out that no one is being forced into the City for water or sewer in any subdivision. City Attorney Brian Albright advised that over a year

ago, when the Board was renewing the water and sewer extension policy, the issue came up; and it was made clear at that meeting and in the ultimate policy that was adopted by the Board that water and sewer would not be used as some sort of a hostage to entice someone to annex. He emphasized that is not taking place.

Director Weatherford said any subdivision that is within that area comes before the Planning Commission anyway, and they are forced to put in the proper number of fire hydrants. He questioned how they would fight a fire without fire hydrants in any subdivision in the County if they had not come to the Planning Commission and that was part of what they had to do was install fire hydrants.

Ms. Henderson said there are many areas they service that have fire hydrants which do not function properly, and they have to be prepared for that. She explained they have water tankers that will haul water and shuttle water back and forth from the nearest water source.

Director Edwards said he has gone to many towns and asked how their towns grow. He stated most of them told him they have water and sewer that most people want, which was the incentive.

Director Maruthur pointed out the confusion on this issue and questioned if there is any specific reason why the Board could not wait until the end of March to reconsider this issue.

Mayor Bush questioned why she wanted to delay this until March, and Director Maruthur stated that it appears an educational process needs to take place; and she believes the Board needs to hold some public meetings specifically for this so that everybody understands and has some input. She pointed out it has been made very clear that the people who have chosen to live in the County want to stay in the County. She added there are going to be those who want to come into the City, and the City would welcome those people. Regarding the question about what will happen if this passes and questions about what the City Attorney produced, at her request, she said she would like the people who feel like they are going to be affected by this to have the opportunity to get everything clarified. She pointed out there will always be those who are not satisfied regardless of what is said; but at least, the Board could wait until the end of March.

Mayor Bush pointed out there will be public meetings along the way on this issue. City Attorney Brian Albright commented the Board is deciding tonight whether or not it will go forward and have the public meetings.

Director Maruthur emphasized that can be done in March. She commented the Board could wait until March. She added there is an important issue coming up in March; and during that time, the City could begin an educational process.

A motion was made by Director Maruthur to table the resolution until March. City Attorney Brian Albright said that he is not sure the Board can table an issue that long.

Director Maruthur pointed out the Board could just vote “no” tonight and then bring it up at the end of March.

City Manager Kent Myers said there may be some confusion pointing out this is a resolution of intent. He added if the Board adopts the resolution tonight, it will be at least 90 days before the City will have a plan, zoning map, and other information available. Therefore, it will be February or March before the City would actually have the public hearings. He stressed the Board is not adopting anything tonight, and there would be more activity in February or March as Director Maruthur is requesting.

Director Maruthur stated if the Board were not to vote on this resolution or vote it down tonight, it would put to rest the concerns of many people who will be addressing an issue in March. She said it appears to her to be common sense and the right thing to do.

Mayor Bush questioned what issue she was referring to in March, and Director Maruthur stated the City is going to have an issue in March that it is probably going to be voting on, which is the jail.

Mayor Bush then called for a vote on the motion to adopt the resolution; and upon roll call, the following voted “aye”: Directors Weatherford, Edwards, Daniel, and Bush, total 4. Voting “no”: Directors Maruthur, Jones, and Smith, total 3; motion carried. Whereupon the resolution was declared adopted.

## **NEW BUSINESS**

### **8 Proposed Resolution No. R-07-252**

A resolution entitled, "A RESOLUTION EXTENDING A CONTRACT FOR CONSULTING SERVICES WITH KEN FREEMAN (TRAILS COORDINATOR)," 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. Elizabeth Valovich, 1290 Lakeshore Drive, was recognized speaking in support of the resolution. She stated that Mr. Ken Freeman is an excellent ambassador for Hot Springs and has helped promote Du for the Parks, as well as being a great race promoter and promoter in general. She said that she supported the City's renewing his contract.

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 Consider Request from Ms. Diane Silverman to Proclaim a Law Enforcement Week or Fire and Appreciation Week**

A motion was made by Director Maruthur, duly seconded by Director Jones, to approve the request.

Upon discussion, Ms. Diane Silverman recognized Ms. Sherry Merritt, who graduated from the FBI's Advanced National Police Academy and retired as a lieutenant after 25 years of service. They are co-chairpersons for a project that the Garland Good Government Group is producing as a public service to the County; and the event they are coordinating is Public Safety Awareness Week, scheduled for December 3-9, 2007. She stated the week will celebrate and thank the public safety professionals and be the beginning for building bridges between the public safety professionals and the people they serve in the communities. A press conference will be held at the Transportation Plaza at 10 a.m., December 3. Included in that are Police Chief Bobby Southard; Sheriff Larry Sanders; Joy Sanders, Department of Emergency Management; County Judge Larry Williams; Fire Chief Ed Davis; the County Volunteer Fire Departments; the EMT's; representatives of civic associations, such as the Chamber of Commerce and neighborhood homeowner associations are also expected to attend. On Saturday, December 8, from noon to 3 p.m., there will be free hot dogs and cokes for all who attend the Meet, Greet and Eat. There will be demonstrations to provide

interesting facts about equipment and techniques that the professionals use to protect the public. Many organizations will have tables of information telling how the public can participate with the professionals in increasing safety during the holidays and all year. She asked that Mayor Bush sign a Proclamation declaring the week of December 3 through 9, 2007, Public Safety Awareness Week. She said that the Board, City Manager, and others are invited to join them at the press conference kick off on December 3 and the Meet, Greet and Eat on December 8, to which the public is also invited at no charge. She presented the prepared Proclamation to Deputy City Manager Lance Hudnell.

Director Maruthur asked if they have identified a location for the kick-off, and Ms. Silverman stated it is planned for the Transportation Plaza at 10 a.m., December 3; and the Meet, Greet, and Eat will be either in the parking lot at the Transportation Plaza or in the large parking lot between the Garland County Courthouse and the Revenue Building.

Ms. Sherry Merritt said when the agenda was prepared, the name was changed; but it is important that all public safety people be included.

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

**22** **Proposed Resolution No. R-07-264** Requesting the Arkansas State Highway and Transportation Department Include Bicycle Lanes in the Higdon Ferry Road Improvement Project Design (**Removed from the Agenda**)

**23** **Proposed Resolution No. R-07-265**

A resolution entitled, "A RESOLUTION WAIVING THE REQUIREMENT FOR PLACEMENT OF A FIRE HYDRANT AT 173 PINEHILL ROAD, AS REQUIRED BY RESOLUTION NO. 6532," 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, stated this is a request from Mr. Wayne Kelso, applicant, who is appealing a condition that was

applied to his project. His project was an after-the-fact Article II approval on March 19 of this year, which was accomplished by an appeal to the Board to construct additional triplex dwellings at 173 Pinehill Road, which is in the unincorporated county portion of the planning area. The site is developed with six existing dwellings; and when he appeared before the Planning Commission, he provided some information about his development, including an approved fire code compliance retrofit plan. This included the placement of a fire hydrant in order to meet the Arkansas Fire Prevention Code requirements. A letter was received from Attorney Carl Crow approximately 1-1/2 weeks ago stating on behalf of Mr. Kelso that sometime after the Board adopted the resolution granting his appeal, Mr. Kelso became aware that installing the hydrant meant installing a six-inch water line to serve that hydrant. The assertion of the letter was that Mr. Kelso finds this expense is too great and he, therefore, requests that the condition for the hydrant be removed from his project approval. She advised that eliminating that hydrant takes the residential development out of compliance with the Arkansas Fire Prevention Code; and, therefore, the recommendation to the Board is to deny the resolution, retaining the hydrant requirement so that the project will conform with Arkansas Fire Prevention Code, 2002 Edition.

Mr. Carl Crow, attorney, 1427 Central Avenue, office address, said that he represents Wayne and Peggy Kelso, who have been builders and developers in this area for many years and have contributed substantially to this community, inside and outside the City. He noted this property is not located within the city limits; and this matter came before the Board in March when Mr. Kelso agreed to certain conditions for site plan approval. One of those conditions was construction of a fire hydrant. Mr. Crow stated at that time, it was not known to Mr. Kelso that to do so would require him to construct a six-inch water main so that a fire hydrant could be constructed and installed within 250 feet from the property. He pointed out this is a triplex that was constructed and came before the Board after the fact, and it has now come to light that the cost to do that would be \$17,000 of which about \$4,000 would represent the cost to install the fire hydrant itself, which Mr. Kelso agreed to do. He stated the other \$13,000 would be the expense to construct 490 feet of six-inch water main. He advised this particular site is served by the Lake Hamilton Volunteer Fire Department, and he has a letter from Mr. Loren Shanek, fire chief of the Lake Hamilton Volunteer Fire Department, stating that the Lake Hamilton Fire Department has an ISO rating of Class V in a hydrant or non-hydrant district, which means the Lake Hamilton Fire Department can produce the requirements of the ISO with a water tanker shuttle. Therefore, in his opinion, as Chief of the Lake Hamilton Fire Department, he said it is irrelevant whether there is a two-inch main or a six-inch main on Pinehill Road. He noted in his letter that they are able to supply the needed water for this complex through water tanker shuttle. Mr. Crow

stated the purpose for requiring a fire hydrant is the public safety and fire protection. He pointed out since the fire protection agency that serves this particular area has stated its opinion that a fire hydrant is not required and since this matter did not come before the Board until after this triplex was constructed, he requested that the Board waive the requirement for installation of the fire hydrant.

Mayor Bush stated that the Planning Commission approved what Mr. Kelso wanted to do with the fire hydrant, but he did not know he would have to increase the size of the water main. Mr. Crow advised there is a two-inch water main that serves Pinehill Road; and in order to construct a fire hydrant, a six-inch water main is required. He mentioned the closest six-inch water main is 790 feet from the driveway that serves this triplex.

Director Maruthur commented the site is developed with six existing dwellings and questioned the composition of those dwellings. Mr. Crow advised that the other three dwellings have been preexisting and have been in existence for some 30 years. He added that one of the requirements was to construct a firewall, which was done.

Director Maruthur asked what materials they are made of, and Mr. Kelso said that it was siding.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "no": Directors Daniel, Edwards, Weatherford, Smith, Jones, Maruthur, and Bush, total 7; motion unanimously failed. Whereupon the resolution was declared failed.

## **24 Proposed Resolution No. R-07-266**

A resolution entitled, "A RESOLUTION APPROVING A SITE PLAN IN THE MALVERN OVERLAY DISTRICT FOR NATIONAL PARK PHARMACY TO BE LOCATED ON LOT 19 OF THE OAKTREE PARK COMMERCIAL SUBDIVISION," was taken from the agenda and read by title only. **(Appeal)**

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 is a request by applicant/appellant Brian Gehrki, who is representing Mr. Wendell Workman of the National Park Pharmacy. She advised this is an appeal of the Planning Commission action taken on October 11 regarding wall signs and a curb cut

onto Malvern Avenue. Regarding the wall sign issue, the Planning Commission concluded that the Malvern Avenue Overlay District prohibited wall signs; and they approved this application for National Park Pharmacy but denied the proposed wall signs. She advised the applicant disagrees with their decision and also with their determination that it was a prohibited sign. Following the Planning Commission hearing, Planning Commissioner David Campbell, following a consultation with Planning Commissioner Chairman Gary Threadgill, requested this item be reconsidered for two reasons: (1) the text of the code does not plainly prohibit wall signs and its listed prohibited signs; and (2) because of the Planning Commission's practice of approving wall signs for previous projects on Malvern Avenue in the Overlay District. She stated should wall signs be approved, any wall signs would have to comply with the Hot Springs Sign Code and with the Malvern Overlay District. The second item is the proposed curb cut and access directly from the project, which is Lot 19 of Oaktree Park Commercial Subdivision onto Malvern Avenue. After discussion, the Planning Commission determined that the proposed curb cut and access conflicted with the subdivision's final plat, but the appellant disagrees with this decision. The Development Review Committee did not object to the proposed Malvern access as depicted on the drawing called C-1 and that identifying on a final plat is not a requirement of a commercial subdivision plat. Therefore, the recommendation to the Board is to approve the resolution, amending the October 11 approval, with conditions, reinstating the wall signs, as illustrated on the plan and reinstating a Malvern Avenue curb cut and drive access as detailed on the site plan called C-1. She stated this item was called up for the Planning Commission agenda, which is this Thursday, and is only for reconsideration of the wall sign issue.

City Attorney Brian Albright asked if it is staff's recommendation that the site plan denoted C-1 be approved, and Ms. Sellman replied that the site plan denoted C-1 is not the most up-to-date site plan. A second site plan denoted C-1 was distributed separately in the weekly mailing to the Board. There is a site plan called C-1, and the second one is the one that is being discussed. She pointed out both site plans were labeled the same and dated the same, and the wrong one inadvertently appeared in the Board packet.

Director Weatherford questioned if the Planning Department has said it has no objection with the wall signs and the curb cut, and Ms. Sellman replied that was correct.

Mr. Brian Gehrki, 111 Lotus Loop, said that he is present to answer any questions.

There being no questions, Mayor Bush 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.

## **25** Proposed Resolution No. R-07-267

A resolution entitled, "A RESOLUTION APPROVING THE DESTRUCTION OF CERTAIN CITY RECORDS (POLICE DEPARTMENT)," 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, Police Chief Bobby Southard stated with the passage of this resolution, the Police Department will be able to destroy certain records, primarily arrest records, from 1996 through 2007. He noted this is 55 boxes of records that they have computerized and have no further need to retain these records.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Jones, Smith, Weatherford, Edwards, Daniel, and Bush, total 6. Voting "no": Director Maruthur; motion carried. Whereupon the resolution was declared adopted.

## **26** Proposed Resolution No. R-07-268

A resolution entitled, "A RESOLUTION AWARDED A CONTRACT TO COAKLEY COMPANY, INC. FOR WATER AND WASTEWATER LINE RELOCATION RELATED TO THE HIGDON FERRY ROAD WIDENING PROJECT," was taken from the agenda and read by title only.

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

Upon discussion, Mr. Steve Mallett, Public Works Director, explained that bids were opened on October 22, 2007, for relocation of water and wastewater lines in conjunction with the Higdon Ferry Road widening project. Five bids were received ranging from \$1,113,449.37 to \$2,436,000; and the engineer's estimate was \$2,425,000.

The low bid of \$1,113,449.37 was submitted by Co-Bar Construction, which is a contractor the City used several times. He said in staff's opinion, they submitted an incomplete bid with regard to several items, such as references and information regarding workers' compensation. Therefore, they have declared them ineligible and also the fact that the City was not pleased with their performance on two projects in the past. He said that he considers this project to be very sensitive with regard to time, traffic, and customer cooperation. He added those were the areas where staff felt they did not meet expectations in the past. Based on all of those factors, staff is recommending rejecting the low bid of \$1,113,449.37 to Co-Bar Construction and awarding the contract to Coakley Company in the amount of \$1,291,637.00. He mentioned Coakley Company is a local firm and is familiar with the Higdon Ferry Road project, and they have done a good job in the past on City projects.

Director Weatherford pointed out this is one-half of what the engineer thought it might be. He noted that he has questioned this before with Coakley Company. He mentioned they received several contracts and when a contract is this low, it causes concern because they have omitted something. He said he did not want staff returning to the Board in six months with an addendum for Coakley. He mentioned that Co-Bar Construction was a company highly recommended two years ago from the City's Engineering Department. He stated that he questioned Co-Bar Construction when they received the first job, and he was the low bidder and came very highly recommended.

Mr. Mallett stated the on first contract the City had with Co-Bar Construction, he was Utilities Engineer. He explained they were the contractor for a manhole rehab project; and as far as having problems with the public, he did not consider it to be in the public eye or dealing with homeowners. However, they did some things with that project as far as blocking access drives, and calls were received from people who could not get to work because they were told the road was shut down. Also, they did not use bypass pumping but pumped raw sewage into a ditch from one manhole to the next. He pointed out these were things that were not in plain sight like on Higdon Ferry Road. He stated they also tapped a sleeve that had a line in front and thought they were tapping an actual line and tapped a sleeve that held the actual line and pumped raw sewage into a sleeve under a road. Mr. Craig Stevens, Collection Operations Manager, had them doing some work as far as replacing some pump stations, and it took four months longer than the contract allowed. He advised that the City dealt with liquidated damages just to make them get it complete. He stated the City cannot afford that because it will push the entire roadway project back a year if they are not finished in time. He advised they have 210 days to do the work, and the City has not had any

luck with them finishing on time with the two projects they have previously done. He said BB&B Construction's bid was \$1,763,000, and the other two companies are not local – one from Ft. Smith and one from North Little Rock. He noted they have a lot of money wrapped up in mobilization, site preparation, and cleaning that Coakley does not have.

Director Weatherford said the last time the City approved a contract with Coakley, which was the low bidder, site preparation was part of it; and fencing around the area where he was digging was much lower than the other bidders. He stressed that he is concerned that this contract is half of what the engineers thought it would be, and either the engineer or the people bidding it do not know what they are doing.

Mr. Mallett pointed out the City has had several contracts with Coakley Company and has not had any major issues that he is aware of that would lead him to think they could not perform the work for what he has bid. He added that any time there have been Change Orders, it has usually been something that has been outside the scope of the project, not them coming back and saying they miscalculated something. Usually, it is something that the City changes, alters, or adds to it that is outside the scope. If not, then he would have the same concerns about them that he does with Co-Bar Construction.

Director Weatherford commented that he knows Coakley Company does a good job, but he is concerned that it is half of what the engineers thought it was going to be; and he will be back to the Board with an Addendum.

Mr. Mallett stated they do a good job with the plans, and Carter Burgess took sample borings of every hundred feet to let them know what they would be digging in. He said they should have been able to pinpoint the cost, and there should not have been any extra because of the way Carter Burgess laid it out. He added when there is that much of a disparity, he looks at the line items; and Carter Burgess reviewed it to see if there were any mathematical mistakes and verified that the numbers were correct. He stated Coakley Company has been out to the project and knows what they are bidding on.

Director Smith said if he is comfortable with this bid, then he supports him.

Director Maruthur said at the last meeting, there was a bid regarding the pipe relocation on Park Avenue, which she questioned; and Mr. Mallett gave her all of the documentation. She asked if that was not half the price, and Mr. Mallett replied that it

was the same issue and the same contractor; and he bid very low on the Park Avenue project.

Mr. Mallett advised that Coakley Company has not given the City any reason to doubt the fact that he can accomplish the work for what he has in there but understands Director Weatherford's concern because he has been in that position of having to return to the Board. However, he believes that is a position the City would be in with Co-Bar Construction.

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.

## **27** Proposed Ordinance No. O-07-98

An ordinance entitled, "AN ORDINANCE AMENDING THE HOT SPRINGS SOLID WASTE ORDINANCE (ORDINANCE NO. 5400) REGARDING THE CLEAN ATTRACTIVE PROPERTY SERVICES (CAPS) RATES AND PROCEDURES; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

*A motion was made by Director Daniel, duly seconded by Director Weatherford, 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 Maruthur, that the ordinance be passed as read.*

*Upon discussion, Sanitation Director Bill Burrough advised that during a rewrite of the Solid Waste Ordinance in 2005, there were several sections that were omitted by mistake, which were in regard to CAPS. The first amendment is bulky items placed curbside for collection without a record of scheduled collection will be tagged with a notice to call the Sanitation office to schedule removal. If a CAPS collection has not been scheduled within seven days of notice, the items will be collected by the Sanitation Department and the resident will be charged in accordance with the applicable rate schedule. The second amendment is dealing with the commercial properties. Prior to November 2005, the City did not have a small collection process for brush and small miscellaneous items. No charges were set up for commercial businesses therefore, the ordinance was amended to where the Sanitation Department could take care of those items for commercial establishments in accordance with its rates. He noted both of these items were omitted from the previous re-write of the ordinance, and this just reinstates those amendments.*

*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**

### **28 Board of Directors Items**

Director Maruthur announced the passing of Mr. Marcus Phillips, well-known trailkeeper, and former City employee, who passed away on October 23, at the age of 92. She stated the things he did will live on forever in the City. She noted that he did everything he could until the end and was working on his next book when he was in intensive care. His first book will be available, and people can get a copy through the Historical Society. All the contributions from the book go to the Historical Society on Quapaw.

Director Jones stated the Pleasant Street Association will meet on Saturday, 11:30 a.m., at the Webb Community Center.

Director Edwards asked if there was any further news regarding the National Baptist Hotel on Malvern. City Manager Kent Myers advised there will be an article in The Sentinel-Record tomorrow because the newspaper has followed up and talked with Mr. Dean Baxter, owner of the building. According to Mr. Don Thomason, reporter with The Sentinel-Record, Mr. Baxter has indicated he is still pursuing the project and is still trying to line up some final financing. He advised that Mr. Baxter has said that he intends to complete the project.

Director Weatherford questioned the bond the City has, and City Attorney Brian Albright advised that the bond is forfeited; and the bond period has expired. He advised that the City can use that for sidewalks, drainage, paving and landscaping.

City Manager Kent Myers suggested proceeding with the sidewalk improvements and then see how much money is left to possibly do the parking lot.

Director Edwards reported he talked with the Police Chief regarding the garage sale signs, and they have done a good job up to this point. He stated there are some that are 16 feet off the ground.

## **29** City Manager's Report

City Manager Kent Myers gave the following report:

1. On the Consent Agenda, the Board approved the reappointment of Alan Merritt to the Construction Trades Advisory Committee; accepted a donation of a 1996 Ford Ambulance from LifeNet that will be used by the Police Department S.W.A.T. Team.

2. Regarding the installation of the pedestrian sidewalks at different intersections in the Bridge Street area, weather permitting, the contractor plans to complete by Friday. The City has received positive comments on the contractor and his work.

3. Staff is working on the proposed budget, and dates need to be set for the budget work sessions. Also, Mayor Bush has a suggestion as far as changing the meeting date for the first meeting in December.

Mayor Bush said the first meeting in December is December 3, and he has a full schedule that day and night and asked if the Board would consider rescheduling it to Tuesday, December 4.

A motion was made by Director Maruthur, duly seconded by Director Jones, that the first meeting in December be rescheduled for Tuesday, December 4; *and upon voice vote, the motion unanimously carried.*

***City Manager Kent Myers announced that the Board needs to consider dates for the Board Budget Work Sessions. Director Daniel suggested meeting Tuesday, November 27, immediately following the agenda meeting. There were no objections from the Board.***

## **30** 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 19, 2007, at 7:00 p.m.

ATTEST: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
Lance Hudnell, City Clerk  
Mayor

Mike Bush,