

MINUTES

BOARD OF DIRECTORS MEETING

DECEMBER 4, 2007, AT 7:00 P.M.

The regular meeting of the Board of Directors was held on Tuesday, December 4, 2007, at 7:00 p.m., Board Chambers, City Hall, with Mayor Mike Bush presiding.

The invocation was given by Ms. Becky Arguello, 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 Maruthur, that the agenda be approved.

Upon discussion, a motion was made by Director Maruthur, duly seconded by Director Jones, that Proposed Resolution No. R-07-291 (Approving the Extension of Hot Springs Municipal Water Service to 265 Fox Pass Cutoff with the City Participating in Extension Costs) be added to the agenda; and upon voice vote, the motion unanimously carried.

Mayor Bush then called for a vote on the motion to approve the agenda, as amended; and upon voice vote, the motion unanimously carried.

At this time, Director Edwards asked for a moment of silent prayer in memory of Ms. Linda Thomason, wife of Mr. Don Thomason, reporter for The Sentinel-Record.

3 Approval of Minutes of November 19, 2007 Board Meeting

A motion was made by Director Edwards, duly seconded by Director Maruthur, that the minutes of the November 19, 2007 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

4 Recognition of Guests

Mayor Bush recognized Police Chief Bobby Southard, who introduced recently hired police officers Mark Fallis and Rod West.

CONSENT AGENDA

The Consent Agenda consisted of the following:

5 Public Safety Report (November 19, 2007).

6 Proposed Resolution No. R-07-287 Accepting Certain Bid Awards (a) Portable Pump - Utilities [awarded to ICM in the amount of \$31,607]; (b) Twenty-five E-One Pumps - Utilities [awarded to Jack Tyler Engineering in the amount of \$35,575 and Pump Repair Parts (12 control panels E-One) awarded to Jack Tyler Engineering in the amount of \$11,472]; (c) Twenty-five Delta Environmental Pumps - Utilities [awarded to Bolt Services in the amount of \$35,575]; and (d) Building Relocation - Utilities [awarded to L.D.T. General Contractor in the amount of \$139,700].

7 Proposed Resolution No. R-07-288 Authorizing the Revision of a Grant Application with the State Aeronautics Department for Certain Airport Improvements.

- 8 Proposed Resolution No. R-07-289** Extending an Agreement with Regions Bank for the Provision of Certain Banking Services.
- 9 Proposed Resolution No. R-07-290** Renaming a Portion of Carpenter Dam Road as Old Carpenter Dam Road.

A motion was made by Director Daniel, duly seconded by Director Maruthur, that the Consent Agenda be approved; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Edwards, Daniel, and Bush, total 6. Voting "no": Director Weatherford; motion carried.

PUBLIC HEARING

10 Consider Public Hearing on Petition to Vacate Beech Alley and an Unnamed Alley Located in Meyers Subdivision

This being the time and date set for a public hearing on a petition to vacate Beech Alley and an unnamed alley located in Meyers Subdivision, Mayor Bush declared the public hearing open.

There being no comments, the public hearing was declared closed.

NEW BUSINESS

11 Proposed Ordinance No. O-07-101

An ordinance entitled, "AN ORDINANCE VACATING BEECH ALLEY AND AN UNNAMED ALLEY LOCATED WITHIN MEYERS SUBDIVISION," 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 Jones, duly seconded by Director Maruthur, that the

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

12 Proposed Ordinance No. O-07-102

An ordinance entitled, “AN ORDINANCE ACCEPTING COVINGTON RIGHT COURT AND COVINGTON CROSSING AS PUBLIC STREETS; AND FOR OTHER PURPOSES,” was taken from the agenda for consideration.

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

Upon discussion, Public Works Director Steve Mallett advised that these streets are off Grand Pointe Drive and are part of the subdivision that is complete; therefore, staff is asking the Board to accept for city maintenance Covington Right Court and 130 feet of Covington Crossing, which meet the City’s criteria.

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.

13 Proposed Ordinance No. O-07-103

An ordinance entitled, “AN ORDINANCE ACCEPTING FOREST LAKES BOULEVARD, WILLOWBEND CIRCLE, OLD HICKORY STREET, PEACH BLOSSOM STREET, AND SAND PEBBLE STREET AS PUBLIC STREETS; AND FOR OTHER PURPOSES,” 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 Smith, duly seconded by Director Maruthur, that the ordinance be passed as read.

Upon discussion, Public Works Director Steve Mallett advised that the developer of Forest Lakes Subdivision, Mr. Robert Malt, has requested that the City accept these streets for maintenance by the City. This subdivision is located off Twin Points Road, and the streets meet the City's criteria.

Director Smith questioned if the City notifies the post office when it adds new streets, and Deputy City Manager Lance Hudnell advised that is done at the time the street is named and not when it is accepted. He added that the City's 911 Coordinator handles all of the emergency services and the post office.

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.

14 Proposed Ordinance No. O-07-104

An ordinance entitled, "AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF HOT SPRINGS, ARKANSAS (ORDINANCE NO. 5158, AS AMENDED), BY REVISING THE OFF-STREET PARKING REQUIREMENTS THEREOF; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

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

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, explained that the Planning Commission has made the required studies and held the initial public hearing and work session regarding the proposed revisions to the off-street parking requirements and has amended the proposal in response to each of those steps. She stated this is the third draft and reflects the changes and concerns expressed by the Commission following its advertised October 8 public hearing. She added this is a minimum requirement for each development proposal, and developers

are aware of the requirements and frequently will provide parking in excess of what is required.

Director Maruthur asked if this addresses any redistribution of the “asphalt jungle.” Ms. Sellman replied that it allows for alternative methods in providing parking. If someone wants to provide parking in compliance with the LEED or green standards that are available for use, that can be proposed to the City Engineer and approved by him.

Director Maruthur asked if it will be driven by the developer, and Ms. Sellman advised that at this point, it will be. Director Maruthur pointed out that at the present time, most of the parking spaces are being utilized because of the holidays; but at the Hot Springs Mall or Cornerstone during the year, the crowd has lessened. She pointed out that everyone is parked close to the door, and she has seen many cities that have broken up the parking areas with greenspaces that provide protection from the wind and sun and a redistribution of the parking spaces. With this, they can have the same amount of parking they need everyday and then for the different holidays. She said this is termed remote parking.

Ms. Sellman advised that the Landscape Ordinance makes provisions for landscaped islands in parking lots, and developers are beginning to take that seriously. Also, with the recent advances in pavement technology, there are alternatives that allow for something that has a greener, fluffier look and yet provides the hard surface that is required for parking on a regular basis. In regard to the remote parking, which is something somebody would use only occasionally, it appears this would be something that could be approved by the City Engineer as an alternative and would provide something other than a “sea of asphalt.”

Director Maruthur asked if this is driven by the developer; and Ms. Sellman advised at this time, it is an option that would be developer-driven.

Director Smith asked if there is a provision in this ordinance to be retroactive to bring it into enforcement. Ms. Sellman explained that older areas, if redeveloped or if new businesses, would take over a site and would be subject to these requirements.

Director Maruthur asked if this could be applied to the older areas that do not serve the public very well. Director Weatherford pointed out those are all “grandfathered” in. Ms. Sellman added if there is a change in occupancy or a new redevelopment, then this would be in effect at that time.

Director Smith said since theoretically the City is being more liberal with these regulations, there should not be much of a change; and the City is becoming less restrictive.

Director Daniel commented the Hot Springs Mall would have the option if they want to stay as they are, they can. However, if they want to come under the new rule and add greenspace or green islands, there is nothing to prevent them from doing that. Ms. Sellman replied that it is difficult to imagine that the City would stop someone from landscaping a parking lot.

At this time, a motion was made by Director Maruthur to amend the ordinance to break up the contiguous asphalt and to have some remote parking. There being no second to the motion, the motion died for lack of a second.

Ms. Sellman pointed out that the terminology "remote parking" is already used for another concept in the ordinance.

City Manager Kent Myers noted there is a entire page in the ordinance devoted to remote parking.

Director Maruthur asked if a developer has to do it. City Manager Kent Myers then read from the ordinance stating if off-street parking spaces required by this section cannot be reasonably provided on the same lot on which the principal use is located, they may be administratively approved by the Administrative Officer if certain criteria are met. He commented that what Director Maruthur is wanting to accomplish is already included in the ordinance.

Director Maruthur said there should not be a problem with the amendment. City Manager Kent Myers stressed that it is included in the ordinance. Therefore, the amendment is not needed.

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.

15 Proposed Resolution No. R-07-291

A resolution entitled, "A RESOLUTION APPROVING THE EXTENSION OF HOT SPRINGS MUNICIPAL WATER SERVICE TO 265 FOX PASS CUTOFF WITH THE CITY PARTICIPATING IN EXTENSION COSTS," was taken from the agenda and read by title only.

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

Upon discussion, Ms. Neva Swann, 265 Fox Pass Cutoff, informed the Board that her well went dry; and she checked it today. However, there is not enough water in it for the pump to pump any water out. She said that she needs City water and is less than 1/2 mile from city water.

Director Maruthur said she received a call from Ms. Swann who abruptly lost her water and has been without water since November 28. She advised when Ms. Swann first called her, it had to be determined whether this was a city-served area. Mr. Steve Mallett, Public Works Director, confirmed she was in the area that is served with sewer and water. She pointed out it goes by Fox Pass down Park Avenue and serves Belvedere and another developing subdivision (Oakbrook). She mentioned that Ms. Swann did have a new pump installed but could not get any water. She stressed Ms. Swann is a City resident who has no water, and this is one of the basic services people enjoy if they live in the City. She then asked that City Attorney Brian Albright read from the Code of Ordinances §9-5-1 (Utilities Extension and Connection Regulations).

City Attorney Brian Albright read that it states the City may participate in the cost associated with the extension of water or wastewater lines or services when such extension is in the best interest of the City. He noted this section only has to do with the extensions inside the city limits. Any such costs may be borne by the City and shall be approved by the Board of Directors on a project-by-project basis, and it shall be limited to the provision of water or wastewater lines to preexisting occupied structures located in inactive subdivisions or on single parcels not otherwise involved in active development projects. He added this is not a policy that is intended to cover new development. When there is a new development, the developer of that project always bears the cost. He stated this policy appears to have been put in place for situations such as this where it is a single-family dwelling occupied that does not otherwise have the utilities there. He added this is within the discretion of the Board and is not mandatory.

Mayor Bush asked if this was only for 265 Fox Pass Cutoff, and City Attorney Brian Albright said he is sure the extension would open it up for other users as well.

Director Edwards asked how long Ms. Swann has lived there, and Ms. Swann advised that she has been there seven years. Director Edwards asked if she would be willing to pay the expense for 3/10 of a mile to extend the line to her, and Ms. Swan said that she would as long as she could make payments. However, she could not pay it all up-front.

Mr. Gary Morgan, 283 Fox Pass, said he would like to be able to get on the water also and has been there for 12 years. He stated he has checked Ms. Swann's well and can see the motor at the bottom. Also, there is a hand-dug well on the federal property that is the back of their property; and it is dry.

Director Smith asked if they are sharing the same well, and Mr. Morgan said they are on different wells. He asked if anyone knew about 347 Fox Pass, and Mr. Morgan stated those residents are on a well also. Mr. Morgan added that two summers ago his well ran dry also. He added that White's Well Drilling dug the well for him 12 years ago. Director Smith questioned the depth of the well, and Mr. Morgan said his was 40 feet.

Director Maruthur mentioned there was a Memo from the City Manager and Public Works Director reporting there is a gravel company across the street. She said Public Works Director Steve Mallett has stated this could also be served if there is a line put in, and there is a total of six residences, one being along Fox Pass. Also in speaking to Ms. Swann, it was indicated and she has heard there is a proposed subdivision on Fox Pass proper that is being planned. She said she knows it will take time to put things in place even if the Board were to approve it tonight. She pointed out she is asking for the Board to help this city resident, start the process, and look at this area for development.

Director Edwards pointed out there is a large amount of pit gravel being mined on that road, and the pit gravel mines are taking away from these individuals' homes. He said he believes these mines are responsible for many of the problems.

Mr. Morgan commented his property and his mother's property is directly across from the gravel pit; and he talked to the owner, Mr. Rick Davis, with Daveco; and after they finish mining the gravel out, he told him they were going to put a subdivision in there.

Director Daniel asked how long it would take to get them water; and Mr. Steve Mallett, Public Works Director, advised that it will take approximately three months at an estimated cost of \$50,000, which is just to 265 Fox Pass.

Director Daniel asked if Ms. Swann's well was a hand-dug well, and she said that Mr. Jackie Meredith dug the well, who is now deceased. Director Daniel asked if she has contacted any well drillers about possibly going deeper, and Ms. Swann said that she has not. Director Daniel said his concern is that the City is looking at three months to get her water, and he is thinking of something immediate to get her water. He suggested that she find out how deep her well is and what the cost would be. He commented that three months without water is a long time.

Ms. Swann said she did not want to go to the expense of drilling another well and then have it cave in on her again.

Director Daniel asked if she was on a septic tank, and Ms. Swann said that she was.

Director Maruthur mentioned that Ms. Swann indicated she has made provisions for this, and she believes it would be the right thing to do to start the process to get water and to look at sewer also.

Director Daniel commented said that he has no problem with that; but if Ms. Swann is going to live in that house and is on a septic tank, she needs immediate water.

Director Maruthur replied that Ms. Swann has taken care of that and has been doing things to make provisions. However, she would like to leave here tonight knowing that the City is going to take the steps to provide her with a water line. She added that Ms. Swann is willing to pay and is asking the City to work with her. Also, she understands that it is going to take several months.

Director Weatherford asked what she was willing to pay because all he has heard is \$50,000, and Director Maruthur replied that she has not been given all of the numbers. She pointed out the agenda meeting was on Tuesday, and Public Works Director Steve Mallett was still researching whether she was in the area that was served by the City.

Director Weatherford pointed out if the City were to do that line, the line is only going to run at the road and not to her house. He asked how far Ms. Swann is from

Fox Pass, and Ms. Swann said she is 3/10 of a mile. Director Weatherford said she has that expense to run it from Fox Pass to her house.

City Manager Kent Myers commented it might be cheaper when adding in the cost of the service line because the City charges a connection fee, and there will also be monthly charges that she will pay the City. He pointed out it may be cheaper in the long-run to drill a larger well.

Director Daniel said it might not be feasible, but he would not expect her to make payments on \$50,000; and Ms. Swann said she was not expecting to pay on that large amount. Director Daniel commented that the City does not hook to the house and comes only to the street, and she would have to take it to her house.

Director Maruthur said she was aware that the City does not go to the house and pointed out since this is an emergency situation, and there has not been enough time for the other neighbors to be contacted or any specific plan to be put into place. She stressed that Ms. Swann lives in the City but does not have water and is wanting to leave the meeting tonight knowing that it is going to be put into the works. She added that Ms. Swann is willing to make payments to become part of the City's system, which will add revenue and will guarantee her that she will have water.

Mr. Morgan stated as far as going to the street, they understand that; and if they could get water to the edge of the road, that would be acceptable to them.

City Manager Kent Myers recommended that Public Works Director Steve Mallett bid out the improvements, which will take several weeks; and the City will then share that information with the property owners to see how many are interested in participating in this project. Staff will present that information to the Board at a future meeting, which will probably be the first meeting in January.

Director Edwards suggested that Ms. Swann contact some well drillers and have them inspect her well and drill it deeper for temporary measure. He commented when such time she has the well water and city water, she can use the well water to water her yard.

Director Maruthur pointed out that is paying twice, and she is going to face Christmas not knowing if she is going to get water from the well and wait until New Year's to see if the Board is going to support it.

In response to Director Maruthur, City Attorney Brian Albright advised that the resolution on the table provides that the City will participate in the extension costs in the estimated amount of \$50,000.

Public Works Director Steve Mallett said they have money remaining in their capital budget for line improvements.

Director Weatherford asked if this is going to be a five or six-inch line, and Public Works Director Steve Mallett replied that it is going to be a six-inch line from Highway 7 to Ms. Swann's driveway on Fox Pass with fire hydrants. He noted there will be a meter that she will have to bring a service line to. Also, this will have to be on private right-of-way; and there may be two property owners he will have to get right-of-way from to be able to run that line along the roadway.

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

OTHER BUSINESS

16 Board of Directors Items

Director Edwards expressed appreciation to the Police Chief and the alternate workers for their help in keeping the utility poles free from yard sale signs.

Director Maruthur acknowledged the untimely passing of Mr. Dudley Blancke, a very knowledgeable person who was involved with the City and was a conscientious person who contributed a lot of information to the City.

17 City Manager's Report

City Manager Kent Myers gave the following report:

1. He said he will recognize City employees who have received some notable award or recognition during the two weeks prior to the Board Meeting as part of his City Manager's report during the upcoming meetings. Police Chief Bobby Southard recently served as the honorary chairman of the Christmas to Share Program at the Hot Springs Civic and Convention Center. This is a large event that serves a lot of seniors in the area. Public Information Officer Terry Payne was recognized for her efforts during the past year in coordinating the Farmers' Market, and one of the farmers wrote a very positive note published in the newspaper today. He received a memo from Mr. Dan Bugg that three Animal Service employees recently attended the Certified Cruelty Investigative training in Texarkana. They successfully completed the courses of study and were awarded the Level 1 Certificates from the Association of Certified Cruelty Investigators.

2. The DHS Building has started coming down and will soon be replaced by a new hotel project.

3. There will be a clean-up of Hot Springs over the next couple of weeks. The Street Department has started cleaning up from the Transportation Depot to Grand Avenue. The City is working with some of the property owners in that area to clean up their property.

4. There is a lot of activity taking place at the National Baptist Hotel. He and City Attorney Brian Albright will be meeting with the attorney representing that project within the next several days. They will probably have some specific plans and schedule to report to the Board within the next couple of days on when they want to open Phase I and what their plans are for Phase II.

5. The Annual Christmas Parade will be held on Thursday, December 6, at 6:30 p.m. Central Avenue will be blocked off between 6:00 and 6:15 p.m. The parade will extend from Park Avenue down Central to Orange Street. There are about 90 parade registrants so far, and these registrants have generated a lot of food for one of the homeless shelters. The parade will be televised over the next couple of weeks on Cable Access Channel.

EXECUTIVE SESSION

18 Consider the Annual Evaluation of the City Attorney.

19 Consider the Annual Evaluation of the City Manager.

A motion was made by Director Smith, duly seconded by Director Daniel, that the Board adjourn into executive session to consider the annual evaluation of City Attorney Brian Albright and City Manager Kent Myers and upon voice vote, the motion unanimously carried.

The Board adjourned into executive session at 8 00 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened into open session at 9 00 p.m.

20 Consider Any Action Required as a Result of the Executive Session.

Mayor Bush announced that as a result of the executive session, City Manager Kent Myers is to receive 125,000 a year, effective January 1, 2008 and City Attorney Brian Albright is to receive a five 5 percent salary increase, effective January 1, 2008, and provide him with family insurance coverage at the City's cost.

Mayor Bush asked if there was any opposition and there being none, a voice vote was unanimously cast in favor of the results of the executive session.

Mayor Bush announced that the next budget work session will be held on Tuesday, December 11, 2007, following the 4 p.m. agenda meeting.

21 ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 9:05 p.m., to meet again on Monday, December 17, 2007, at 7:00 p.m.

ATTEST: _____

APPROVED: _____

Lance Hudnell, City Clerk

Mike Bush,

Mayor