

MINUTES

BOARD OF DIRECTORS MEETING

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

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

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

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

1 Roll Call

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

2 Approval of Agenda

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

3 Approval of Minutes of February 20, 2007 Board Meeting

A motion was made by Director Daniel, duly seconded by Director Maruthur, that the minutes of the February 20, 2007 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

4 Recognition of Guests

Director Edwards recognized the Women of Prayer for their support and prayers.

CONSENT AGENDA

The Consent Agenda consisted of the following:

- 5** **Public Safety Report** (February 21, 2007).
- 6** **Proposed Resolution No. R-07-47** Accepting Certain Bid Awards (a) Plumbing Services - All Departments [annual supply contract awarded to Sheets Plumbing]; (b) 18 cubic yard high compaction truck - Sanitation [awarded to Glover Truck in the amount of \$122,849]; (c) 40 cubic yard front load truck - Sanitation [awarded to River City Hydraulics in the amount of \$197,905]; (d) Two Sanitation Trailers - Sanitation [awarded to Spector Manufacturing in the amount of \$139,818]; (e) Manhole frames/covers - Utilities [annual supply contract awarded to Arkansas Water Products]; and (f) Four Police units [awarded to Bale Chevrolet in the amount of \$69,658.72].
- 7** **Proposed Resolution No. R-07-48** Designating a "Free-Ride Day" for Hot Spring Intracity Transit; Authorizing Participation in Hot Springfest; and for Other Purposes Related Thereto.
- 8** **Proposed Resolution No. R-07-49** Adopting a Permit and Inspection Fee Schedule for the Hot Springs Fire Department Pursuant to the Arkansas Fire Prevention Code (Ordinance No. 5162); and Repealing Resolution No. 6377.
(Removed from Consent Agenda for separate consideration).
- 9** **Proposed Resolution No. R-07-50** Revising the Electrical and Plumbing Code Fee Schedules by Eliminating the Charge Account Provision.
- 10** **Proposed Resolution No. R-07-51** Authorizing the Mayor to Execute Lease Addendum No. 2 with Reebaire Aircraft (Tenant Name Change to Hot Springs Avionics, Inc. - Hangar A-5).
- 11** **Proposed Resolution No. R-07-52** Approving a Reorganization of the Public Works and Municipal Utility Departments.**(Removed from Consent Agenda for separate consideration).**
- 12** **Proposed Resolution No. R-07-53** Appointing Rebecca M. Clark to the Airport Advisory Committee.

13 Proposed Resolution No. R-07-54 Appointing Lynda Hogaboom to the Board of Zoning Adjustment.

14 Proposed Resolution No. R-07-55 Adopting a Facility Use Policy for the Transportation Center and Exchange Street Parking Plaza and Repealing Certain Resolutions.

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

Upon discussion, Director Maruthur requested that Item No. 8 (Proposed Resolution No. R-07-49 Adopting a Permit and Inspection Fee Schedule for the Hot Springs Fire Department Pursuant to the Arkansas Fire Prevention Code [Ordinance No. 5162]; and Repealing Resolution No. 6377; and Item No. 11 (Proposed Resolution No. R-07-52 Approving a Reorganization of the Public Works and Municipal Utility Departments) be removed from the Consent Agenda for separate consideration.

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.

NEW BUSINESS

8 Proposed Resolution No. R-07-49

A resolution entitled, "A RESOLUTION ADOPTING A PERMIT AND INSPECTION FEE SCHEDULE FOR THE HOT SPRINGS FIRE DEPARTMENT PURSUANT TO THE ARKANSAS FIRE PREVENTION CODE," was taken from the agenda and read by title only.

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

Upon discussion, Mr. Kevin Adkins, 632 Quapaw, owner of Our Daily Bread Bakery, stated he was not against the resolution but opposed the yearly cost, as well as other small business owners, and requested that the fee be reduced.

Director Maruthur stated she spoke to Fire Chief Ed Davis today, who said he would like to eventually have a graduated schedule so that those who have a small place of assembly would not have to compete with larger businesses. She asked that the \$100 fee be reduced to \$40 unless it has already been collected. She pointed out according to the fee schedule, under operational permits, everything is \$30 except for one item, which is open burning.

Fire Chief Ed Davis reported that many of the assembly occupancies have already sent in their \$100, and many of the assembly occupancy inspections have already occurred. He explained the assembly occupancies are more because there is more liability with the City instituting the permitting process, measuring the buildings, etc.; and assembly occupancies are more complex because they have open flames inside their buildings due to cooking operations. Also, there are more of them. He added they are going to take the largest amount of time for the Fire Department to enforce the Fire Code. However, if the Board wants to reduce it, the Fire Department will not oppose it. He explained that the assembly occupancies are at \$100 for a reason, and the others are at \$30 for a reason.

City Manager Kent Myers clarified this is a fee ordinance that the Board adopted last year; and the item before the Board tonight is an exemption for nonprofit and government agencies from that fee structure. Therefore, no new fees are being considered tonight.

Fire Chief Ed Davis stressed that these are all existing fees.

Director Maruthur stated because people fill out the forms for a nonprofit agency does not mean there is not an administrative cost to a nonprofit, and there are many well-off nonprofits. She said she is not suggesting that the Board not proceed with this resolution. However, she has received calls but not about the inspection because everyone feels it is important to have this inspection. She stressed eventually having a graduated schedule to offset the cost to owners of a small business. She asked if he could give a time frame and how the Board feels about a graduated inspection fee.

Fire Chief Ed Davis said the Fire Department is in favor of a graduated schedule but not the first year. He explained the Fire Department has made several commitments to the community: every year they are going to inspect all of the hotels and motels prior to the race meet, which they did this year. Also, there are more code enforcement inspections and other inspections that require the Fire Department; and at

some time, they have to come up with funds to hire another inspector. He mentioned this resolution provides that without having to levy taxes across the entire community. He noted the first year will be the most difficult because they are having to calculate occupant loads for every assembly occupancy in the City, and assembly occupancy is every structure from a church to a bar and in between where people congregate for entertainment, social and religious purposes. They are also trying to raise awareness for fire safety in the process of doing the inspections.

Director Maruthur asked how long it would take after this calendar year for him to assess, and Fire Chief Ed Davis said they would do it based on the occupant load structure, such as 50 to 100 would be \$30; 100 to 200 would be \$50; and 200 and above would be \$100.

Director Maruthur asked if he would feel comfortable with the calendar year 2008 with a graduated scale, and Fire Chief Ed Davis said that it is doable. He added they will do whatever the Board requests.

Mayor Bush said that he wants to be fair to everyone.

Director Weatherford asked if it is \$100 for any place, and Fire Chief Ed Davis said it is for any assembly occupancy. He added most of the larger assembly occupancies are broken into several different ones. Oaklawn Park would be five different assembly occupancies in one building; the Convention Center would be five different assembly occupancies; the Arlington Hotel would be four different assembly occupancies with also residential one. He stated the larger buildings will pay more because they are several different assembly occupancies all in one.

Director Weatherford pointed out every year they are going to measure everything and calculate their occupancy; but the second year, they will already have that done. Fire Chief Ed Davis said they will, but they will have to go out and verify that they have kept their occupant load the same, that their table configuration has not changed, their aisle widths are the same, and the normal things that go along with it.

Director Daniel asked if there was any benefit to the property owners, managers or the operation itself in the way of insurance by having the load occupancy and if there is any kind of rating that would go back to the insurance company that might be of benefit. Fire Chief Ed Davis stated that most insurance companies presume that the governmental entities are already doing that. He added the City of Hot Springs should have been doing this since about 2000 because it was in the code at that time. Prior to

that, it had all been in the Building Code only. In 2000, it was put in the Fire Code; and at that time, the Fire Department did not feel comfortable moving ahead with it. He said he saw this fee schedule that the City wanted the Fire Department to implement as a way to begin it since it is the Fire Department's responsibility and should have been doing it all along.

Director Maruthur pointed out it gives the business owner the tool to limit the number of people in a heavily traveled restaurant or lounge.

Fire Chief Ed Davis stressed it is important especially when dealing with bars and places that are open late at night to have an enforcement tool that is available for the police officers when they arrive on the scene. They can look at the occupant load posted on the building; and if there is an excessive amount over the occupant load, the police officer can call the Fire Marshall to come down and close that business until such time as the owner comes in line with the Fire Code. He pointed out this is referring to gross overcrowding that occurs in nightclubs every weekend. He said if they have a problem location, then the City has a legal tool to use in the assembly permit. Also, it is revokable should that person refuse to follow the rules.

Director Maruthur stated there are so many small businesses and such a turnover in small operations. She said that was her only concern because she fully supports this. She stressed that she will designate 2008 for a graduated schedule. Fire Chief Ed Davis said he will meet with the City Attorney and City Manager, and they will come up with a document that will be acceptable to the Board. He pointed out there is a cost to the Fire Department as far doing this and is an extra burden.

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.

11 Proposed Resolution No. R-07-52

A resolution entitled, "A RESOLUTION APPROVING A REORGANIZATION OF THE PUBLIC WORKS AND MUNICIPAL UTILITIES DEPARTMENT," was taken from the agenda and read by title only.

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

Upon discussion, Director Maruthur commented this resolution provided for the merging of the Utilities Department and Public Works Department, as well as increasing a couple of positions. She questioned why there was no fiscal impact noted in the Board Action Form. Deputy City Manager Lance Hudnell advised that it was an oversight.

City Manager Kent Myers advised that the Board was previously given that information during the work session.

Director Maruthur mentioned that she pointed that out because there will be a fiscal impact.

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.

15 Special Public Safety Report Regarding Parking Modification on the East Side of the 100 Block of Exchange Street

Mr. Don Roberts, 418 Central, owner of the National Park Ducks, stated in looking at the modification, it is removing the sightseeing spaces. He pointed out by changing the two-hours, which is the proposal, there is enough room to accommodate everyone on Exchange Street. However, moving the sightseeing spaces to allow a space for a bed and breakfast that has maybe two rooms and inconvenience thousands of tourists by making them have to wait and congesting the loading area on Central Avenue does not seem feasible to him. He noted it keeps being said that the ducks can park on the private parking lots. However, the City adopted a resolution that prohibits more than two ducks in the district, including on the parking lots. If the City lifts that rule so they can have more than two ducks down there at a time or just remove the part that says they cannot have them, including the parking lot, he said that solves the problem for him. He requested that the Board vote against this special public safety report or amend it to keep the sightseeing in there or allow them to have more than two ducks in the district. He said Mr. David Seaman, who owns Spa City Market, asked that he read a letter from him. The letter stated that Mr. Seaman, as a business owner on Exchange Street and Central Avenue, is opposed to the removal of the designated parking for sightseeing, bus or van parking on Exchange Street. It went on to say if the City cannot accommodate everyone with loading zones, then they support no change or moving of the presently assigned zones. Thus far the solutions and

consideration have not been in everyone's interest and in Mr. Seaman's opinion, the various tour companies unloading on Central Avenue and Exchange only benefit the downtown merchants.

Mr. Roberts explained they cannot have more than two ducks within the geographical boundary of the CBID and asked if there was a problem with them parking on Exchange Street.

Director Daniel pointed out that Mr. Roberts could be operating two ducks down there if he did not have one of them sitting there as a billboard that does not run. He noted it has been sitting there for a year and has not been moved and does not operate. He said it is Mr. Robert's emergency vessel, but it has not been moved. Yet, he does not want to sacrifice that billboard in order to put another duck in the parking lot so he could operate two ducks out of there. He stressed that he does not feel the taxpayers of Hot Springs need to provide private parking for private enterprise on public streets.

Mr. Roberts pointed out his business brings in thousands of people to downtown. Regarding the ducks on the parking lot, he said he has one for each company as a rescue vehicle; and the duck, referred to as the billboard, has been moved. He added it was driven last September and does not have a prop on it but is used for land rescue, which is what is licensed for.

Director Daniel mentioned that the Governor's Conference on Tourism is meeting in the City, and every city has a gathering place; Hot Springs' is downtown. He said that 90 percent of all the people who come to Hot Springs, especially through advertising, are going to come to downtown. He pointed out they do not come downtown just to ride the ducks but for the beauty, the hot water, scenery and the shopping. He said they may ride the duck or another tour vehicle, but the duck is not the only attraction downtown. He commented that downtown will survive if the ducks were taken away, but he does not want to see the ducks leave off Central Avenue. He stressed that he has been trying to keep them on Central Avenue, but Mr. Roberts has said it is too dangerous to load on Central Avenue because it is too narrow and is dangerous to his equipment, passengers and drivers, which was included in the lawsuit filed against the City.

Mr. Roberts mentioned that he never said it was too dangerous but stated it was safer on Exchange Street, and he still believe that. He reported they have never had a passenger hit while they were unloading. He stated he would like the opportunity to

stage his ducks down there because he cannot make a 25-minute trip through downtown to get back down there to load a duck. He stressed that he is not requesting for something special that he has not done for years, and the other duck operators (Mr. Bridges and Mr. Meyers) unloaded on Exchange Street many years ago.

Director Daniel asked if the two duck companies are not owned by him and his sons, and Mr. Roberts replied that two of them are. Director Daniel pointed out they have to have four ducks in the area if they can make a 25-minute turn. Mr. Roberts said it takes that for each one. Director Daniel stated when he went into business, he had one duck and survived and then had two ducks; and his business survived. Now, he has four ducks and should be able to survive.

Director Maruthur asked his opinion regarding all of the ducks moving to the Transportation Depot, and Mr. Roberts said as long as everyone is put down there the same. However, he said it will have a negative impact on downtown. He referred to a survey paid for by the Advertising and Promotion Commission several years ago regarding the most popular things in Hot Springs and what is the best known and best liked. He stated besides the lakes and bathhouses, of the actual personally owned attractions, the duck was No. 1 in both categories; and the recommendation of that survey was to use that attraction in their advertising. He commented there has never been an advertisement for the ducks although he pays advertising and promotion fees.

Mr. Eddie Tompkins, 422 and 420 Central Avenue (Bare Necessities and Puttin' on the Glitz), said they have been downtown for approximately 10 years at one location and three years at the other location. He stated as far as the ducks, it has generated business for him, and everyone on that block makes money off the ducks. He suggested that the City leave it as it is.

Mr. Stacy Roberts, 250 Central, owner of Ducks in the Park, questioned if the Board would consider sitting down with all three duck companies and working out a solution.

Mayor Bush pointed out the duck companies are private, and the Board is public and is dealing with the citizens' dollars.

Director Maruthur said her only point of contention is that she is not getting calls for complaints, and the only problems she sees with the ducks is between the duck owners. She stated she did not understand why the Board is trying to change something if there is no problem. She pointed out that she does have a problem with

someone's business being covered (the bed and breakfast); but other than that, she does not have a problem. She said she believes that Mr. Robert's recommendation sounds reasonable that something could be worked out.

Mr. Stacy Roberts said most of the downtown merchants want them to unload down there; but if the Board wants them to move out of downtown, they have done that before. He stated he did not want to take that step, but he has already made arrangements. He noted he has property leased and some probably bought and owns plenty of property and parking lots.

Director Daniel asked if he wanted Mr. Roberts out of business, why would he sponsor a bill to make it legal for him to sell advertising on his vehicles. Mr. Roberts said that he is not for selling advertising and does not do that. Director Daniel asked if he knew all of the signs have to come off his vehicles, and Mr. Roberts said they are except for the names of his company.

Mr. Bob Driggers, #3 Stonegate, pointed out this is a tourist town and some of what has happened recently with respect to grease trap ordinances and other issues and what the Board continues to do is giving the impression of being anti-business, especially "mom and pop" businesses. He stated he understands a Director has said his stepdaughter's husband being in the other business is not a relative, but he believes that is a conflict; and the public sees that as a conflict. He added the public's perception is that the Board is not operating in a professional manner, and he encouraged the Board to begin operating as professionals and protecting the interest of the public rather than special interests and private interests. In response to Director Edwards, he said there was a good recommendation at the last Board Meeting, noting there was a bed and breakfast owner, a restaurant owner and a duck owner who all agreed when they came to the meeting they were not in agreement. However, by moving a duck parking space from in front of a bed and breakfast back one space, everyone said it would work. He said it appears there is not a problem with the public, but it seems this has become personal. He recommended that the Board reconsider doing exactly what those residents and those involved were recommending.

Director Maruthur asked each Board Member how many calls they have received about the ducks being a problem downtown and what made this surface, except for the bed and breakfast that was blocked. She said she made the recommendation about leaving a loading zone and then moving the duck back so it could stage.

Director Daniel said the first time he understood it came about was when Mr. David Seaman, came to him, along with Ms. Terry Miller, owner of the bed and breakfast. He commented both of them thought it was a problem and wanted it corrected, and that was one of the reasons it happened. He stated Mr. Seaman has since changed his mind due to whatever he has worked out, and Ms. Miller is happy with the new configuration.

Director Maruthur commented that her vote is going to be based on the complaints, but she has not had any complaints about the staging.

A motion was made by Director Weatherford, duly seconded by Director Jones, that the Special Public Safety Report be approved: (1) converting the existing meter parking spaces to two-hour, unmetered parking from 8 a.m. to 5 p.m.; (2) convert the two, half-hour unmetered parking spaces to two-hour, unmetered parking; and (3) convert the two existing sightseeing spaces to one, two-hour unmetered parking and two, 15-minute loading zones with the loading zones being the southernmost spaces.

Upon discussion, Director Maruthur said she was in agreement with removing the meters but would like to see the staging remain because she does not get any complaints.

Mayor Bush then called for a vote on the motion; and upon roll call, the following voted "aye": Directors Jones, Weatherford, Edwards, Daniel, and Bush, total 5. Voting "no": Directors Maruthur and Smith, total 2; motion carried.

16 Proposed Resolution No. R-07-56

A resolution entitled, "A RESOLUTION DECLARING CERTAIN REAL PROPERTY AS SURPLUS AND AUTHORIZING THE SALE THEREOF (HOT SPRINGS YOUTH CENTER)," was taken from the agenda and read by title only.

A motion was made by Director Edwards, duly seconded by Director Weatherford, that the resolution be adopted 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 resolution was declared adopted.

17 Proposed Ordinance No. O-07-27

An ordinance entitled, "AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY(TWIN POINTS ROAD - COFFEY) TO THE CITY OF HOT SPRINGS, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF HOT SPRINGS AND ASSIGNING SAME TO DISTRICT," was taken from the agenda for consideration.

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

Upon discussion, City Manager Kent Myers advised this is a voluntary annexation of 19 acres located on the north side of Twin Points Road and will be part of District 4 once it is annexed.

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.

18 Proposed Resolution No. R-07-57

A resolution entitled, "A RESOLUTION AMENDING THE 1997 COMPREHENSIVE PLAN FUTURE LAND USE MAP BY RECLASSIFYING CERTAIN REAL PROPERTY (600 TWIN POINTS ROAD)," was taken from the agenda and read by title only.

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

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, explained this is a request by the applicants, Carole Coffey-Pope and Donna Coffey-Harris, who are requesting suburban residential that is R-2 zoning. She stated in order for that to be considered, the general land use map needs to be consistent with that and needs to be residential low. At this time, it is designated as residential suburban; and the Planning Commission and staff recommend approval.

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.

19 Proposed Ordinance No. O-07-28

An ordinance entitled, "AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF HOT SPRINGS, ARKANSAS, BY ESTABLISHING AN INITIAL ZONING DESIGNATION OF R-2, SUBURBAN RESIDENTIAL, FOR 600 TWIN POINTS ROAD," was taken from the agenda for consideration.

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

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, stated the request for zoning will permit residential uses that are consistent with the existing development in the neighborhood to the west and north. The Planning Commission and staff recommend approval.

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

20 Proposed Ordinance No. O-07-29

An ordinance entitled, "AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY (RICH SMITH/PEAKS) TO THE CITY OF HOT SPRINGS, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF HOT SPRINGS; AND ASSIGNING SAME TO DISTRICT," was taken from the agenda for consideration.

A motion was made by Director Weatherford, duly seconded by Director Edwards, that the rules be suspended and the ordinance be read for the first time by title only; and

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

Upon discussion, Ms. Danielle Nall, 9800 Maumelle Boulevard, Maumelle, Arkansas, stated that she is appearing on behalf of RichSmith Development and The Peaks. She said that she wanted to address Agenda Item No. 20 (Accepting the Annexation of RichSmith/Peaks), Agenda Item No. 21 (Amending the Zoning Code of the City by Establishing an Initial Zoning Designation of R-4, Medium/High Density Residential, for 400 Block of Lake Hamilton Drive), and Agenda Item No. 22 (Amending the Zoning Code of the City by Establishing an Initial Zoning Designation of R-4, Medium/High Density Residential, for 431 Lake Hamilton Drive), at the same time. She pointed out that the Board has already considered the same issues when the Board amended the land use map on January 22, 2007, and the zoning issues are Items 21 and 22, which are before the Board because of the voluntary petition to annex (Item No. 20). She stated the zoning requests are in conjunction with that voluntary annexation and are consistent with the Comprehensive Plan and the Future Land Use Map, which the Board amended on January 22, 2007. She mentioned the staff has recommended R-4 zoning for both tracts, and she is requesting that the Board continue to follow through with the amendment to the Land Use Map in January and approve the ordinance accepting the annexation of the two tracts of property and the ordinances zoning both tracts as R-4.

Mr. Jim West, 456 Lake Hamilton Drive, commented that the Board has not addressed the issues of how the City is going to service this property, the number of entrances and exits, fire protection and safety for the residents who plan to live in that area. He mentioned that his comments also relate to Agenda Item Nos. 20, 21 and 22. He pointed out this land was always intended to be for single-family dwellings, and the Planning Commission voted against this on each occasion it was considered by the Commission. However, it has been overridden by the Board of Directors without any consideration of the Planning Commission's concerns. He noted there is only one entrance and exit to that property, and the Mall representatives have already stated they would not allow the use of their property for entrance and exit to the property. He questioned how an emergency vehicle could get in the area. He commented this street is only 18 feet wide; and with a two-inch asphalt overlay, it is not designed to support the kind of traffic that is proposed to be placed on the street. He urged the Board to vote against this item until these issues have been addressed.

Mr. Bill Randel, 416 Lake Hamilton Drive, stated he supports the annexation but pointed out at a meeting late last summer or early fall, annexation was used as a leverage to get the City to approve the site plan for the four-acre Peaks development.

Director Maruthur pointed out the residents from Lake Hamilton Drive were told by a Director if they annexed into the City, they possibly would not be having this problem.

Mr. Randel said he recalled that Mr. Reis stated they would willingly annex if they would file papers and sign them the next day. He noted in discussing the four acres, it appeared to him if this was not approved, they would have to consider different options.

Mr. Bryan Reis, 135 Section Line Road, stated this has been an understanding from the beginning that they wanted to be part of the City, and the City wanted them. He mentioned from the beginning, this has been a partnership between them and the City to come in and provide this housing, which the City needs. He stressed they did not threaten to withdraw their petition. He commented that at one point, he said they did not have to do certain things if they remained in the County. He stated that they would annex into the City and the City would allow them to build their apartments, which relate to the next two items on the Board Agenda.

City Manager Kent Myers advised it has been the policy of the Board to require annexation before receiving utility services, and the property would have to annex into the City regardless to get the extension of water and wastewater to this development.

Mr. Randel stressed that he supports that as well and would like for The Peaks, as well as the 14 acres, to be in the City and may have been mistaken they were using that as leverage.

Director Maruthur clarified that the Board eventually found out if it did not give an affirmative vote for The Peaks Apartments, they could have built them with a different design; and the Board was providing the concerned residents on Lake Hamilton Drive with a better design. She noted with them annexing into the City, the concerns of the first individual who spoke would be addressed because once they are part of the City, they would have to conform to everything that the City requires. She pointed out if they do not annex into the City, then the City cannot make them do anything.

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

and Bush, total 7; motion unanimously carried. Whereupon the ordinance was declared passed.

21 Proposed Ordinance No. O-07-30

An ordinance entitled, "AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF HOT SPRINGS, ARKANSAS, BY ESTABLISHING AN INITIAL ZONING DESIGNATION OF R-4, MEDIUM/HIGH DENSITY RESIDENTIAL, FOR 400 BLOCK OF LAKE HAMILTON DRIVE," was taken from the agenda for consideration.

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

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, explained this is for the 14.7 acres that is not The Peaks. The applicant is RichSmith Holdings, and they are planning to develop this land and hoping to gain Residential, Medium/High, R-4 zoning. She stated earlier this year, the Board approved a Comprehensive Plan Amendment that will enable this zoning to be consistent with that map, and the Planning Commission at their hearing voted 5-0 to recommend denial of this zoning. She explained the denial of the zoning was based upon inadequate public utilities and facilities, specifically Lake Hamilton Drive, and the convenience of traffic circulation of people and goods. She stated that staff recommendation was for approval.

In reply to Director Weatherford, Ms. Sellman stated that the recommendation from staff was to approve based upon consistency with the recent amendment to the Future Land Use Plan Map.

Mr. Bryan Reis, 135 Section Line Road, pointed out if the Board does as the Planning Commission recommends, there will be commercial to the west, and then R-4, and then R-1, which is not logical. Also, there will be a 14-acre spot that is zoned inconsistent with the Future Land Use Map. He commented that the Planning Commission may not have been aware that when they received their site plan approved for the Peaks tract to the east, a part of the approval of their site plan was to widen Lake Hamilton Drive all the way down to the west in front of the tract that is now being

considered. He said the concerns of the Planning Commission regarding the street and traffic would be alleviated by the widening of that road, which is already required by the site plan approval.

Mr. Jim West, 456 Lake Hamilton Drive, questioned what would be accomplished by widening that road for several thousand feet from the theater down to the Nolan's house and how the traffic flow would be affected on Lake Hamilton Drive if it is not done it all the way to Lakeland Drive.

Ms. Dena Bradshaw, 408 Lake Hamilton Drive, expressed concern regarding a sign in front of Mr. Randel's house, mentioning a golf course that has never been referenced. She said she is concerned about the quality of life, and the 19 acres directly drains into Lake Hamilton. She advised that she has a report on the Village Square, which is part of the Gilliam property; and they have never met the inspection. She said she had pictures showing how they are polluting Lake Hamilton, and there has been a \$12,500 fine levied against them, which has not been paid. Also, they have never met inspection since that was completed.

Director Maruthur reported that she received a phone call from a lady who lives in a different area, but her mother lives in this area and was familiar with the name of the individuals on the sign for the golf course. She advised that she made a few phone calls, and that individual said he knew nothing about it.

Ms. Bradshaw said they are concerned about the pollution of Lake Hamilton but are not opposed to the development. However, they would like to have something different than what is being proposed. She added since the development started on Lakeland Drive, there have been ten mailboxes torn down in front of their homes; there have been six garbage dumpsters in the street in front of her house; several houses have been burglarized; and there have been problems with speeding.

Ms. Danielle Nall, 9800 Maumelle Boulevard, Maumelle, Arkansas, added there is no connection between this project and the Village Square Apartments on Lakeland Drive; and they have never received any fines. She said that she can confirm that there will be no golf course.

Mr. Q. Byrum Hurst, 346 Lake Hamilton Drive, stated that he learned that Item No. 21 involves the 14 acres, and the residents in the neighborhood are concerned because they do not feel the high density residential use should be allowed. He noted there is an obvious difference from single, family residences on Lake Hamilton Drive,

and the property value in that area has increased in value. He pointed out this property has been developed by the developers in two tracts -- the four-acre tract, designated as Tract 2, in which the site plan has been approved. The 14 acres they are now requesting to allow in at R-4, Medium/High Density, is Tract 1, but there is no plan or site plan. He pointed out it is vague and ambiguous as to what is going to occur. However, according to the information that has been received and according to the Zoning Code, if it is R-4, Medium/High Density, they could conceivably put 12 units per acre on it (14 acres). He requested that the Board deny the coming in of Tract 1 as R-4 and leave it as it would normally come in, which is R-1 or single-family residential. If that occurs, the developer would be required to present the Board with a plan and then ask for a zoning change in conformity with that. He noted they have Tract 2, which they can develop.

Director Daniel asked if they could not do anything until they produce a site plan should this be approved tonight, and Ms. Kathy Sellman, Planning and Development Director, replied that they would be required to seek approval under Article II of the Subdivision Code for multi-development.

Director Daniel questioned if they can do anything on the 14 acres until they bring in a site plan, and Ms. Sellman advised that they cannot do anything. She added it would be the same as any other piece of ground that is undeveloped in the City that has a non-planned type of zoning. She advised that the zoning exists and has a potential for development; but without an approved site plan, the City is not committed to a development.

Mr. Q. Byrum Hurst said he agreed with Ms. Sellman that they would have to have approval of the site plan, but if it is left as it is, they would also have to have the zoning re-approved and that is what he asked.

City Manager Kent Myers explained if the Board does not approve this tonight, there will be three areas that are contiguous to this that are already zoned, which would be the Mall and the commercial to the north. If the Board approves Item No. 22, there will be an R-1 property surrounded by commercial and multi-family, which is not logical from a zoning and land-use standpoint.

Mr. Bill Randel stressed that the problem is not the site plan but is an issue of public safety. He pointed out they have not seen the site plan; but the problem is Lake Hamilton Drive, which is 18 feet wide with pot holes and a curve that is 200 degrees downhill, with no bank. He noted that Tract 1 is an island right now and needs to be an

island until Lake Hamilton Drive from the Mall to Lakeland Drive is widened and made safe. He said he is not opposed to it being developed but is opposed to the additional 168 additional units on the 14 acres in Tract 2.

Director Maruthur asked why the Planning Commission unanimously denied this, and Mr. Gary Threadgill, 111 Mason, Chairman of the Planning Commission, advised that the Planning Commission denied Tract 1 and approved Tract 2 on the grounds that there is so much work to be done on the street and the surrounding areas to make it safe for the additional possibility of 160+ cars. He said it came to the Board of Directors on the Comprehensive Plan being changed to R-4, and the Board approved it.

Now, it came back to the Planning Commission; and they are wanting to change and rezone to R-4. Again, the Planning Commission made a request for the Board of Directors to deny and leave it as R-1 at the present time. He noted the Comprehensive Plan has been changed that it is usable as an R-4 at the present time. He said the Planning Commission feels it is not possible at this time, due to the development in the surrounding area that the City and County needs to get together and help these people out on the street. He added it is 18 feet wide, and there are no shoulders. He said he understood they are talking about doing the road from the center of Tract 2 up to the end of Tract 1, but that is just a small portion of the road that needs to be considered.

City Manager Kent Myers commented that the Board just annexed this property and questioned, in his professional opinion, the highest and best use for this property; and Mr. Threadgill said at the present time, it should be R-4. He added the Planning Commission's main function is the health, safety and welfare of the public. If Tract 1 is turned into 158 units, the street will not handle it.

Director Weatherford questioned what they could do with the property if it would have remained in the County, and Mr. Threadgill replied that they are still within the five-mile territorial jurisdiction and would have to bring in the site plans and still get the same approval.

City Attorney Brian Albright asked if they would still have to come back to the Planning Commission for a site plan, and Mr. Threadgill replied they would have to come back in for either a subdivision or Article II type development package.

Director Daniel asked if there has been any dialog between the City Manager and County Judge, and City Manager Kent Myers advised that is normally handled when the site plan is introduced. However, there is no site plan. He explained that the Board is considering tonight whether to zone this property as R-4. He pointed out

the Planning Commission will still be in control, and the City can require a traffic study. Also, the City can require the upgrade of Lake Hamilton Drive six to twelve months from now when that site plan is introduced.

Director Daniel commented the only thing they can develop then is Tract 2, and City Manager Kent Myers stated that is correct.

Director Maruthur stressed that the Planning Commission unanimously recommended that this remain an R-1 zone, and it will not harm anyone if this remains an R-1. She pointed out the developers have gotten everything they have wanted, and they are all residents of the County. She said it is the Board's responsibility as representatives to do what is the highest and best use for the people, not what is on a piece of paper and for the Planning Commission to take the responsibility of this vote.

Mayor Bush commented that the Planning Commission voted against it, but the staff voted for it.

Director Maruthur stated she is going to vote to keep this as R-1 pointing out that Everything seems to be going good in the area. She noted there are many issues that need to be resolved between the City and County or the County representative for this area. She said that she did not see any urgency. She mentioned the best use for the property is not necessarily the best use for the City and for the property owners that have been on Lake Hamilton Drive all of these years. She noted the Board just voted to bring the entire 19 acres into the City; and now, they are going to have to comply with all the codes and requirements in the City. She commented the Planning Commission took a bold move by voting against this, even though on paper, according to the plan, staff recommended this would be okay. She said that she cannot in clear conscience support this ordinance.

Director Daniel said City Manager Kent Myers explained there is nothing they can do to develop this property regardless if it is R-1 or R-4 until they bring in a site plan. At that time, the City can make a requirement and try to work with the County. Otherwise, the City will have to come up with the funds to repair that road but hopefully the residents on the County side will join together with City.

City Manager Kent Myers stated the City is not releasing its authority to do future work or require the developer to do future work on Lake Hamilton Drive by approval of this zoning tonight.

Director Maruthur emphasized there is some reason the residents want this to be R-1, and if nothing is worked out, it can always come back and be an R-4.

Director Daniel stated they said the reason is the road, and they have said they are not opposed to it being R-4 if the road is repaired

Director Maruthur commented if the residents are concerned about this remaining as an R-1, and the Planning Commission wants it to remain an R-1, there is a reason; and she is not going to vote to further change this area. She pointed out there is still going to be an influx from Higdon Ferry Road being a five-lane and the development beyond the lake.

Director Edwards stated that Mr. Kenneth Johnson is the County representative in that area; and he will be glad to help them.

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 ordinance was declared passed.

22 Proposed Ordinance No. O-07- 31

An ordinance entitled, "AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF HOT SPRINGS, ARKANSAS, BY ESTABLISHING AN INITIAL ZONING DESIGNATION OF R-4, MEDIUM/HIGH DENSITY RESIDENTIAL, FOR 431 LAKE HAMILTON DRIVE," was taken from the agenda for consideration.

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

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, explained this is a request from RichSmith Holdings for R-4 zoning, Residential Medium/High density on 4.3 acres at 431 Lake Hamilton Drive; and this is the parcel

known as The Peaks for which the City as approved an Article II site plan. The Planning Commission and staff recommendation was for approval.

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.

23 Proposed Ordinance No. O-07-32

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

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

Upon discussion, Mr. Steve Mallett, Public Works Director, explained that Kate Street is part of the Habitat for Humanity, north of Whittington Avenue; and Alysonview Street and Aprilgrace Court are in the Deanwood Heights Subdivision and have been inspected and are constructed within City specifications.

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

24 Proposed Ordinance No. O-07-33

An ordinance entitled, "AN ORDINANCE AMENDING THE HOT SPRINGS SIGN CODE (ORDINANCE NO. 5086) BY ADDING AN EXCEPTION FOR SIGNS ON PUBLIC TRANSIT VEHICLES AND CERTAIN VEHICLES FOR HIRE AND PERMITTING CERTAIN TEMPORARY SIGNS; 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 Daniel, duly seconded by Director Edwards, that the ordinance be passed as read.

Upon discussion, Mr. Bob Driggers, #3 Stonegate, pointed out from public perception, there is a conflict of interest; for example, if a Director owns a sign company, he should not place such an item on the agenda, should not enter into discussion on it and should not vote on such items.

Director Weatherford questioned who owns a sign company, and Director Daniel replied Mr. Driggers is saying he owns a sign company. However, the portable signs are in the County; and his business is not inside the city limits. He said if Mr. Driggers does not want him to vote, he has no problem with that. He explained this issue is about the fact that he has relatives of the Roberts who live by Mr. Driggers in Stonegate. They called him and wanted him to see if the City could not do something because they have had signs on their ducks and other vehicles illegally for a long time. He stressed that the gentleman is related to the Roberts family and not to him. He and Director Daniel talked sometime back, and he advertises on those ducks and was aware that he was going to lose his advertising. Shortly thereafter, the taxicab owner contacted Deputy City Manager Lance Hudnell about doing the same thing. Director Daniel stressed this was not written for him.

Mr. Driggers commented this ordinance appears to cover more than just ducks.

Director Weatherford asked if this only covers sightseeing or vehicles for hire, and Deputy City Manager Lance Hudnell advised that it allows for vehicles for hire to have third-party advertising. He noted they would be the only vehicles in the City that would be allowed to have third-party advertising, third-party meaning somebody other than themselves. He added it would allow that on both public transit vehicles and on vehicles for hire and places some limits on that. He stated the current Sign Code allows for church signs off-site, and this expanded that to also allow other nonprofits to have off-premise signs four square feet in size. He said it clarified with regard to signs that are not for the primary business on a vehicle and makes it clear that any signs that are for a business have to be part of the paint scheme of the vehicle, not signs attached

to a vehicle, billboard style. Also, it allows for businesses to have temporary signs for short periods of time during the year for grand openings, sales, etc.

Director Maruthur asked if this affects those roll-on signs without the light bulbs for sales, and Deputy City Manager Lance Hudnell advised this allows for banners if they are on the side of a building. They cannot be on stakes in the right-of-way and can only be on the side of the building.

Director Maruthur asked if this affects the roll-on signs where people have letters that were falling off; and City Manager Kent Myers advised that according to the ordinance, banners or other types of flexible temporary signs shall be affixed to a building; and rigid, non-flexible temporary signs shall be allowed anywhere on the property to which the permit is issued; provided, however, that such signs shall not be placed within any public right-of-way. He said it would allow portable signs if they are of a rigid material.

Director Maruthur asked if the plastic, roll-on signs without the flashing lights would be able to return; and Deputy City Manager Lance Hudnell replied that they would. He added they were discussed at the work session.

Director Maruthur pointed out the Board discusses items at the work session and then it comes to the Board, but the voting is today. She added she was never in favor of the roll-on signs. She mentioned the City banned the banners because they were prolific and decided if people had a new business, they could have them; but there would be no third-party advertisement. She stated the City eliminated those roll-on signs because so many of them had letters that were missing, and regardless of regulations, people would put them out, and it did not conform to the City ordinance because there was no way to police it.

Deputy City Manager Lance Hudnell stated this one requires separate permits for each of the two, 30-day periods; and there is a fee for each of the two, 30-day periods.

Director Jones commented that would hurt the small businesses if the roll-on signs are not allowed, and Deputy City Manager Lance Hudnell stated that is left to the wisdom of the Board.

Director Daniel pointed out there are billboards on the side of buildings, and they can use 20 percent of the building. He added on Central Avenue, there are large signs

on the side of these buildings, but they qualify. However, a person who has a small business cannot have any off-premise advertising.

Director Maruthur said she is not opposed to the signage but is opposed to the type. She stated the roll-on's are atrocious, and the Board abolished those. She added that she did not see they are hurting the small businesses and have been gone since 2000. She noted she is not opposed to people getting signs they can afford and then upgrading them later on but not the roll-on signs.

A motion was made by Director Maruthur, duly seconded by Director Edwards, to amend Section 4 (c) (5) as follows: "such rigid non-flexible signs cannot have wheels on them;" and upon roll call, the following voted "aye": Directors Maruthur and Edwards, total 2. Voting "no": Directors Jones, Smith, Weatherford, and Bush, total 4. Abstaining: Director Daniel; motion failed.

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, and Bush, total 6. Abstaining: Director Daniel; motion carried. Whereupon the ordinance was declared passed.

25 Proposed Resolution No. R-07-58

A resolution entitled, "A RESOLUTION ESTABLISHING FEES FOR SIGN PERMITS PURSUANT TO THE SIGN CODE," was taken from the agenda and read by title only.

A motion was made by Director Edwards, duly seconded by Director Jones, that the resolution be adopted 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 resolution was declared adopted.

26 Proposed Ordinance No. O-07-34

An ordinance entitled, "AN ORDINANCE ADOPTING REGULATIONS FOR THE USE OF CITY STREETS AND PUBLIC RIGHTS-OF-WAY FOR PARADES, SPECIAL EVENTS AND ENTERTAINMENT DISTRICTS; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

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

27 Proposed Resolution No. R-07-59

A resolution entitled, "A RESOLUTION ESTABLISHING FEES AND COSTS FOR PARADES AND SPECIAL EVENTS CONDUCTED PURSUANT TO ORDINANCE NO. 5549," was taken from the agenda and read by title only.

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

Upon discussion, Director Daniel pointed out the resolution needs to be amended to where it does not go into effect until 2008. He noted many people have already set their budgets, such as the motorcycle rally. He suggested postponing any action and reviewing the numbers or making the effective date January 1, 2008.

Deputy City Manager Lance Hudnell pointed out that the resolution is written to be effective July 1, 2007, to be paired with the ordinance to go into effect July 1, 2007.

Director Daniel asked if staff would be able to notify all of these people who get permits, and City Manager Kent Myers stated staff will notify everyone who had a permit this year.

A motion was made by Director Daniel, duly seconded by Director Jones, that Section 2 of the resolution be amended to become effective January 1, 2008.

Upon discussion, Director Maruthur said the whole idea of having the fees is to offset the City's cleaning up after these events and parades. She noted the City is providing the police, and the people are actually going to have to pay to get these services. She said that she would support implementation in 2008.

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

Mayor Bush then called for a vote on the motion to adopt the resolution, as amended; 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, as amended.

OTHER BUSINESS

28 Board of Directors Items

Director Edwards requested that the new police officers be introduced at future Board Meetings, and City Manager Kent Myers advised they will be present at next month's meeting.

Director Maruthur stated on the Consent Agenda, Item No. 14 (A Resolution Adopting a Facility Use Policy for the Transportation Center and Exchange Street Parking Plaza), is confusing. regarding explanation of definitions, and she would like to see it clarified for the Board.

Deputy City Manager Lance Hudnell explained that it is in concert with the resolution that the Board adopted sometime ago naming all of the City facilities.

Director Maruthur pointed out that she would like to see the areas referred to and then next to it where it is located. She stated if she tells someone to go to the Parking Plaza, it is a parking deck. Deputy City Manager Lance Hudnell pointed out that it is 128 Exchange Street. He added that the Board said specifically not to use the word "deck" but use Parking Plaza.

City Manager Kent Myers pointed out that staff has always considered that to be a transportation facility and to think of that in terms of Transportation Plaza. He stated the area that is considered primarily a parking area would be a Parking Plaza.

Director Maruthur reported that she found an article in Time Magazine regarding mailboxes, and ten percent of the mailboxes all over the country have been removed because of the lack of use. She urged citizens to use the mailboxes in their neighborhoods because they are being taken away.

Director Jones said she received phone calls regarding the City's first clean-up, as well as the drug clean-up, and commended the Police Chief and those involved.

29 City Manager's Report

City Manager Kent Myers gave the following report:

1. On the Consent Agenda, the Board designated Free-Ride Day this year, which will be held in conjunction with SpringFest. A date has not been set but will be coordinating that with the Advertising and Promotion Commission. The Board approved a reorganization plan for Public Works and Utilities Department. Since Don Cochran resigned as Utilities Director, a reorganization study was conducted, and improvements were made in the administrative staffing, which will require some changes in personnel, and promotions Mr. Steve Mallett, Public Works Director, will now assume administrative authority over Utilities Department effective tomorrow. Mr. Denny McPhate, Engineering Supervisor, will become the Public Works Manager and will be in charge of street, traffic and other public works functions. The Board appointed Rebecca Clark to the Airport Advisory Committee, and Lynda Hogaboom was reappointed to the Board of Zoning Adjustment.

2. He welcomed the State Tourism Conference to Hot Springs with over 600 tourism officials from across the state.

3. He welcomed the basketball teams, officials, parents and others for the State Basketball Tournament on Thursday, Friday and Saturday.

Director Daniel reported that on Saturday, March 17, will be the fourth annual, first ever, shortest St. Patrick's Day Parade, which will be held on Bridge Street; and Mr. Mario Lopez will be the grand marshal.

30 ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 9:20 p.m., to meet again on Monday, March 19, 2007, at 7:00 p.m.

ATTEST: _____
APPROVED: _____
Lance Hudnell, City Clerk
Mayor

Mike Bush,