

## **MINUTES**

### **BOARD OF DIRECTORS MEETING**

**OCTOBER 21, 2008, AT 7:00 P.M.**

The regular meeting of the Board of Directors was held on Tuesday, October 21, 2008, at 7:00 p.m., Board Chambers, City Hall, with Mayor Mike Bush presiding.

The invocation was given by Ms. Rhonda Counts, 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, Rick Ramick, Tom Daniel, and Mike Bush, total 7.

#### **2 Approval of Agenda**

A motion was made by Director Ramick, duly seconded by Director Jones, that the agenda be approved.

Upon discussion, City Attorney Brian Albright advised in regard to Item No. 15 (Proposed Resolution No. R-08-242 Approving a Preliminary Subdivision to Develop Three Residential Lots on .8357 Acres at Sparling Point), a request has been received from the attorney for the applicants requesting that this matter be removed from the agenda due to a conflict on his calendar. After polling the Board and staff, this item will be considered at the November 18 Board Meeting.

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

### **3 Approval of Minutes of October 7, 2008 Board Meeting**

A motion was made by Director Jones, duly seconded by Director Maruthur, that the minutes of the October 7, 2008 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

### **4 Recognition of Guests**

No guests were present for recognition.

### **5 Acknowledgment of Financial Statements**

Mayor Bush announced that the Financial Statements for May, June, July and August 2008 are on file in the Finance Department for review by the Board and the public.

### **CONSENT AGENDA**

The Consent Agenda consisted of the following:

### **6 Public Safety Report** (October 8, 2008).

### **7 Proposed Resolution No. R-08-234** Approving Certain Bid Awards (a) Front End Loader - Utility Administration [awarded to Scott Construction Equipment Company in the amount of \$130,500]; (b) Solid Waste Dumpsters - Sanitation [bid modification for poly lids and doors and welded A-frames]; and (c) Chevrolet Impala - Police [awarded to Bale Chevrolet in the amount of \$19,978].

### **8 Proposed Resolution No. R-08-235** Designating the Voting Delegate and Alternates for the National League of Cities 2008 Annual Business Meeting.

### **9 Proposed Resolution No. R-08-236** Approving the Extension of Hot Springs Municipal Wastewater Service to 111 Sioux Street.

- 10 Proposed Resolution No. R-08-237** Approving the Extension of Hot Springs Municipal Water Service to 3001 Spring Street.
- 11 Proposed Resolution No. R-08-238** Approving the Extension of Hot Springs Municipal Wastewater Service to Hyatt Lane.
- 12 Proposed Resolution No. R-08-239** Awarding a Contract to Heller Company, Inc. for South Patterson Wastewater Line Replacement Project.
- 13 Proposed Resolution No. R-08-240** Awarding a Contract to Brown Engineers to Conduct a Radio Path Study for Municipal Utilities.
- 14 Proposed Resolution No. R-08-241** Authorizing Revisions to the 2008 Budget by Appropriating Funds Within the Police Fund.

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

#### **NEW BUSINESS**

- 15 Proposed Resolution No. R-08-242** Approving a Preliminary Subdivision to Develop Three Residential Lots on .8357 Acres at Sparling Point. **(Appeal)** **(Tabled to November 18, 2008).**
- 16 Presentation of Condemnation Resolutions**

Mr. Bart Jones, Administrator of Neighborhood Services, gave a slide presentation of the condemnation resolutions.

## **16a Proposed Resolution No. R-08-243**

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623," was taken from the agenda and read by title only. **(115 Ash)**

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

Upon discussion, Mr. Bart Jones explained this is a burnt structure at 115 Ash (District 2).

City Attorney Brian Albright asked if he had good notice to the property owner, and Mr. Jones advised that he had.

City Attorney Brian Albright asked if anyone was present to speak in opposition to the condemnation. There being no one to speak in opposition, 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, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

## **16b Proposed Resolution No. R-08-244**

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623," was taken from the agenda and read by title only. **(332 Gulpha)**

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

Upon discussion, Mr. Bart Jones explained this is a burnt, open, and vacant structure located in District 2; and he had good notice on the owner.

City Attorney Brian Albright asked if anyone was present to speak in opposition to the condemnation. There being no one to speak in opposition, 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, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

### **16c** Proposed Resolution No. R-08-245

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623," was taken from the agenda and read by title only. **(346 Holly)**

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

Upon discussion, Mr. Bart Jones explained this structure is open, vacant, and has deteriorated and is located in District 1.

City Attorney Brian Albright asked if anyone was present to speak in opposition to the condemnation. There being no one to speak in opposition, 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, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

### **16d** Proposed Resolution No. R-08-246

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623," was taken from the agenda and read by title only. **(414 South)**

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

Upon discussion, Mr. Bart Jones explained this is in District 3; and the structure has been boarded up and abandoned by the owner. Also, there are holes in the roof; and the structure is starting to bow.

City Attorney Brian Albright asked if he received notice on the property owner, and Mr. Jones replied that he did.

City Attorney Brian Albright asked if anyone was present to speak in opposition to the condemnation. There being no one to speak in opposition, 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, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

## **16e Proposed Resolution No. R-08-247**

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623," was taken from the agenda and read by title only. **(504 Mt. Valley)**

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

Upon discussion, Mr. Bart Jones explained this is in District 1; and the structure is open. Also, a tree fell across the back of the structure; and the owners have not taken any action.

City Attorney Brian Albright asked if he received good notice on the property owner, and Mr. Jones replied that he did.

City Attorney Brian Albright asked if anyone was present to speak in opposition to the condemnation. There being no one to speak in opposition, 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, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

Mayor Bush reported he has received calls on a burned house on Hollywood and questioned the amount of time for condemnation. Mr. Jones advised that when he receives the complaint, his office investigates it to determine the condition. He stated he tries first to contact the owner; and if there is an insurance issue, it can take three to five months. If there is, the City usually delays any action and lets the insurance fix it. He stated this will probably be the last group of condemnations he will bring to the Board this year unless there is a major emergency. He said if nothing happens with this property, this will be on the Board agenda the first part of next year.

## **17** Proposed Resolution No. R-08-248

A resolution entitled, "A RESOLUTION AUTHORIZING THE SOLICITATION AND COLLECTION OF VOLUNTARY CONTRIBUTIONS TO THE SISTER CITY PROGRAM ON THE MUNICIPAL UTILITY BILL," was taken from the agenda and read by title only.

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

Upon discussion, City Manager Kent Myers then read the resolution, which was drafted by staff following the last agenda meeting. He said if this resolution is adopted, he and Finance Director Dorethea Yates will be directed to come up with a program to add that to the utility bill and report that program back to the Board for final approval before actually starting the changes to the billing system. He mentioned there will be two impacts of this on City staff, but there is not a major impact in terms of the software changes and can add this to the bill without a major problem. Regarding the staffing, he pointed out it will require the billing clerk to sort the bills when they come in, and there will be a separate stack for the ones that have an add-on for the Sister City Program. He added for the ones that have the add-ons for their voluntary contribution, the clerk will have to double post those. He stated there will be some impact on City staff, but that will depend on the amount of contributions that are received.

Mr. Bob Driggers commended the Board and staff for taking the step to make the Sister City Program a voluntary, contribution-funded program. He stated the Sister City Program should use only voluntary-contributed funds, not tax money or Enterprise Funds. Also, he was pleased to see a report from Director Weatherford, who went to Hanamaki, even though it was brief and incomplete. He said he learned that Hanamaki citizens do not pay tax money to send their citizens to Hot Springs, which should work both ways. In the interest of honesty, openness, and transparency, he said the public deserves a full accounting of all tax money spent to send people to Japan, which should include money from Water, Sewer, Sanitation, or any Enterprise Fund. He questioned if this can and will be done and have any departments actually used Enterprise Funds for travel to Hanamaki.

City Manager Kent Myers advised that Mr. Driggers' request is available under the Freedom of Information Act, and staff will be glad to put that information together. He stated the only Enterprise Fund charge that he can recall over the last five years would be Sanitation Director Bill Burrough for his expenses since his salary is charged

to the Sanitation Fund. He noted he went to Hanamaki several years ago and that would probably amount to around \$2,000. He stressed the information he is requesting is available from the Finance office upon request.

Mr. Driggers questioned if that could be published in the newspaper so all citizens would be aware of what was spent, and Mayor Bush pointed out that the newspaper reporter is present.

Ms. Donna Casparian, president of the Hot Springs National Park Sister City Foundation, requested that this proposal be dismissed entirely, pointing out it is an ill-conceived idea; and there is already a vehicle for donations to the Sister City Program, which is through the Foundation that was set up for that purpose. She mentioned this proposal was handled without consultation from the people directly administering the Program, and she was never approached nor was the recently employed Sister City Coordinator regarding this resolution. She pointed out the newspaper has a different slant on the issue, and she realizes the proposal is different. However, the newspaper read it very differently and presented it more as a referendum on the viability of the Sister City Program for the City. She said she believes this proposal is a subtext of that; and if this is a referendum on how popular the Sister City Program is, then she does not believe there will be much participation. She commented the City has funded this program for 15 years, and there are hundreds of school children in the County who have benefitted from the Program. She mentioned there is a teacher who has used this Program, and the Foundation has sent this person. She said she believes this is a solid program for the benefit of the City.

Director Maruthur asked if she had an opportunity to watch the Board Agenda Meeting, noting this was discussed at the meeting; and Ms. Casparian replied that she did not see it.

Director Maruthur commented that Ms. Casparian expressed many of her sentiments, and she does support the Foundation. She said she hopes at sometime to have the funds to participate and travel to Hanamaki and help the program.

Ms. Casparian noted that the Foundation supports the City and not vice versa, and the Foundation was set up to help support the City.

Director Maruthur mentioned her comments to measure the support were discussed at the agenda meeting.

Ms. Casparian stated she does not see this as a way to understand the support of the Program, plus the municipal bills do not go to the entire county; and this program affects the entire county.

Director Maruthur commented she did not feel it was a way to reflect the support either.

Director Daniel stated he does not know where the information came from; but the people who contacted the Foundation led them to believe the City was trying to do away with the Sister City Program, which was not his intent. He stressed he has been a supporter of the Program and has donated. He noted that the water bills go to some of the county residents, but the only thing the City was trying to do was generate funds. He stressed if the City is going to be in the Sister City Program, it needs to be in it; and if it is in the Program, it needs to send someone as a representative.

Ms. Casparian pointed out that no one contacted the Foundation, and the Sister City Program has been a City budget item for 15 years.

Director Daniel explained every year the revenue changes, and Ms. Casparian said that she believes the City should make provisions for it. She also pointed out the City does not receive funds for all the programs in the City through donations.

Director Daniel stressed this is not an attempt to eliminate the Sister City Program but is a way of determining if people will donate. Ms. Casparian said she did not think the City will generate enough funds through this method.

Director Daniel asked if she was going to generate enough money through the Foundation, and Ms. Casparian replied that the Foundation generates the funds for which they use them. She mentioned they have projects; seek grants; and is totally supported through grants and private donations.

Director Daniel questioned the amount of the Foundation's budget, and Ms. Casparian replied that it generally runs around \$10,000 a year. However, they get this through grants and donations and do not keep extra money. She said they use it specifically for education and send three teachers in the year, which is several thousand dollars. She stated they sent six people from Fountain Lake last year (four students and two teachers) and were able to get direct grant donations to support that in

its entirety. She added they decide on projects and seek funding and stay within the limits.

Director Daniel said he supports sending students and having the exchange, but it comes back to a monetary issue as far as the 2009 budget. Ms. Casparian stressed that she is only asking the City to support the Foundation.

Director Maruthur commented at the agenda meeting, one of the issues mentioned is how cost-effective it would be, such as if this would be taking time away from other needs and if the software used would adequately represent the support of the Program. She had suggested using a graphic, show it on television, announce it at every Board Meeting, announce the Foundation, how to make a donation, and encourage people to become a part of this.

Ms. Casparian pointed out that a new person has been hired in charge of the Program.

Director Maruthur stated there was no idea expressed about whether this was going to be cost-effective, would it work, and how this would be received in the community. She mentioned according to the Board Action Request Form, it states if adopted, the cost and feasibility of the Program will be presented to the Board at a subsequent meeting.

Ms. Casparian commented as far as she is concerned, that is a referendum on a program.

Director Jones said the first time she went to Hanamaki and returned, she urged the Directors to find some money because she has been encouraging this for years. Also, there are approximately 34,000 customers who receive a water bill; and if everyone sent in \$1, there would be enough funds to send as many people as the City wants. She stressed if the City is going to stay in the Program, it needs to support it.

Ms. Casparian stated that she would question how many citizens would donate and believes this is totally ill-conceived and requested that this resolution be defeated.

Mayor Bush asked if she did not want the Board to vote to have voluntary contributions, and Ms. Casparian said that is correct.

Mr. Lance Albaugh stated he did not object to the voluntary contribution being placed on the utility bill but does not think the tax money needs to be designated to the Sister City Program, pointing out there are other areas where the City needs to spend its money. He pointed out there are areas past the 200 block of Quapaw Avenue where curb cuts are needed for wheelchairs. Also, there are other streets in the City which need repairs. Instead of sending a person to Japan, he suggested using funds to hire an individual to research grants. He said that he is against the City spending any funds on the Sister City Program unless it can afford it.

Director Maruthur said she would like to respect the wishes of the Sister City Foundation president, Ms. Casparian, and hopes that the Board will reject this resolution.

Director Weatherford mentioned that Ms. Terry Payne, Public Information Officer, called him on Friday evening and was unaware this was on the agenda and asked if he would table this issue.

A motion was made by Director Weatherford, duly seconded by Director Smith, that the resolution be tabled.

Upon discussion, Director Ramick said he would like to have this tabled until after the November 6 reunion meeting for the Sister City Program and tabled to November 18.

Director Maruthur stated she cannot see what difference it makes if the Board tables this resolution and stressed that the Board needs to address this issue tonight. She said if there is a new program or new idea, she believes the Board should visit it at that time and hopes the Board will not pass the motion to table.

Director Ramick advised that he received an e-mail indicating the Board had disdain for the Program and a lack of understanding. He said that he personally has no disdain for the Program but does have a lack of understanding. Therefore, he would like to attend the event on November 6 before he makes a decision.

Director Maruthur commented the Program has been in place for 15 years, and Director Ramick stressed that he has a lack of understanding of the Program and is asking for that time so he can better understand the Program. Director Maruthur said she is asking that the Board address the resolution tonight and not table it.

Mayor Bush announced there is a motion and second to table the resolution to the November 18 Board Meeting; and called for a vote on the motion; and upon roll call, the following voted "aye": Directors Smith, Weatherford, Ramick, Daniel, and Bush, total 5. Voting "no": Directors Maruthur and Jones, total 2; motion carried to table to the November 18 Board Meeting.

## **18 Proposed Ordinance No. O-08-69**

An ordinance entitled, "AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF HOT SPRINGS, ARKANSAS, BY REZONING PROPERTY KNOWN AS LOT 5 AND THE SOUTH ½ OF LOT 6 IN FANNIE WILLIAMSON SUBDIVISION FROM R-4, MEDIUM HIGH DENSITY RESIDENTIAL, TO C-3, OFFICE NEIGHBORHOOD COMMERCIAL, AND AMENDING THE FUTURE LAND USE MAP BY RECLASSIFYING THE SAME REAL PROPERTY," was taken from the agenda for consideration.

A motion was made by Director Jones, duly seconded by Director Ramick, 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, Ms. Kathy Sellman, Planning and Development Director, explained that Brooks and Nan Clem, owners of the property, requested a rezoning to Neighborhood Commercial District and to amend the Future Land Use Map to designate the property as Linear Commercial Corridor. This property is just north of the commercial shopping center and the previous location of Brooks Hardware. The likely use would be for additional off-street parking for that center and associated businesses; and if parking were to be developed, it would have to meet the off-street parking standards, including pavement and landscaping. The Planning Commission approved this at the October 9, 2008 meeting and voted 6-1, with Commissioner Raney voting against, to recommend that the Board approve the request.

Attorney Ray Owen, Jr., 110 Leigh Circle and office at 209 Hobson, said he has been working with the Planning staff on this request from the beginning and has received cooperation from Ms. Kathy Sellman, Planning and Development Director; Mr.

Rick Stauder, Planning and Development Coordinator; and Mr. Jeff Griffin, Assistant Planner. He stated his clients are Nan and Brooks Clem and Shane and Dianna Bratton, and this property is located behind the old Brooks Hardware Store. He mentioned they needed to have additional parking in order to meet the parking requirements; therefore, the Bratton's have leased parking spaces on this lot and the other adjacent lot from the Clem's in order to meeting the parking requirements. He noted the area that is requesting to be rezoned has already been used as a parking lot; and they propose to stripe the lot, landscape it, and make it functional and attractive. He advised there has been no public opposition to this, and the neighbor immediately to the north of it has not expressed any opposition. He mentioned that Taco Mamma will be in the old Brooks Hardware building. He urged the Board to approve this rezoning.

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

## **19 Proposed Ordinance No. O-08-70**

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

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

Upon discussion, Director Smith questioned why the City is rushing to take this in as a public street given the legal status of this development.

City Attorney Brian Albright advised that the development has been purchased almost entirely by Jim McAdams from the bankruptcy trustees, and it is once again a solvent development.

Director Smith asked if it was out of bankruptcy, and City Attorney Brian Albright stated that the property is. He said the developer is still in, but the property is out. Director Smith commented as long as the property is out, he does not have a problem with it.

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

## **20** Proposed Ordinance No. O-08-71

An ordinance entitled, "AN ORDINANCE ACCEPTING REGAL AND HEMBREE 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 Ramick, 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 Maruthur, that the ordinance be passed as read; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the ordinance was declared passed.

## **21** Proposed Ordinance No. O-08-72

An ordinance entitled, "AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY (838 McCLENDON ROAD) TO THE CITY OF HOT SPRINGS, ARKANSAS; MAKING SAME A PART OF THE CITY OF HOT SPRINGS; ASSIGNING SAID LANDS TO A ZONING DISTRICT; REVISING THE FUTURE LAND USE MAP; ASSIGNING SAID LANDS TO A BOARD DISTRICT; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

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

## **22** Proposed Ordinance No. O-08-73

An ordinance entitled, "AN ORDINANCE ADOPTING POLICIES AND RATES FOR CERTAIN VEHICLE TOWING SERVICES REQUESTED BY THE HOT SPRINGS POLICE DEPARTMENT; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

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

Upon discussion, Attorney Josh Hurst, 117 Wildwood Forest, office 518 Ouachita, requested that the Board table this issue. He advised he has some additional research that his firm has not been able to get as of this time, which he would like to present to the Board. For that reason, he asked that this be tabled for two weeks.

A motion was made by Director Weatherford, duly seconded by Director Maruthur, that the ordinance be tabled to the November 3 Board Meeting; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Ramick, Daniel, and Bush, total 7; motion unanimously carried.

## **23** Proposed Ordinance No. O-08-74

An ordinance entitled, "AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR CERTAIN VIDEO FORENSIC SYSTEM FOR THE POLICE DEPARTMENT; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

A motion was made by Director Daniel, duly seconded by Director Ramick, 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.

Upon discussion, Director Maruthur pointed out this money is coming from the already approved Police Budget and is going to provide the capability of being able to identify the vague pictures at the mini-marts and other locations that are on videos. She noted with the debit cards and all of the electronic changes, this is very important.

Police Chief Bobby Southard advised this system has the ability to document any changes that take place in a record, which makes it admissible in court.

Director Maruthur asked that Chief Southard explain the way checks are written and processed at different businesses, and Police Chief Bobby Southard explained that checks today are being converted to debit transactions when individuals write a check. He said many organizations no longer take the paper but convert it as they would a debit card. At that time, they return the paper copy to the customer. Therefore, there is no record of the transaction other than electronically. He said the only way the Police Department is going to be able to pursue charges on someone is if there is video available.

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

## **24 Proposed Resolution No. R-08-249**

A resolution entitled, "A RESOLUTION APPROVING THE SALE OF CERTAIN CITY-OWNED PROPERTY IN THE FAIRDALE ADDITION SUBJECT TO CERTAIN CONDITIONS," 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, City Manager Kent Myers advised that various City staff members have been involved over the last couple of weeks in negotiations with Chris Polychron, representing Polychris Properties, for the two parcels shown on the map included in the Board packet. He stated the first parcel consists of three lots located in the 200 block of Highland Street, and the second parcel is part of an old railroad right-of-way in Blocks 16 and 19 of the Fairdale Addition. He pointed out that City Attorney Brian Albright has provided a substitute resolution as a result of negotiations that have continued through today.

City Attorney Brian Albright explained the resolution has been distributed, and the only change to the resolution is that the sale of proceeds will be dedicated to the City's Master Trails Plan. He advised the resolution would approve proposed Offer and Acceptance Agreements that the City has been given by Polychris Properties, LLC, for Lots 3, 4 and 5 of Block 15, Fairdale Addition. He said the aggregate purchase price for those three lots would be \$15,000; and for the area that was once occupied by the Missouri Railroad right-of-way, it will be \$55,000. He pointed out that both of these contracts have certain contingencies, one of which is the City's vacation at another date of Tuggle Street from Highland to Bellview and Euclid Street from Sellers to Tuggle and also a rezoning of this property to C-4. He stated if the Board were to accept the offer tonight, the City would have an offer, subject to the contingencies that he just stated; and assuming those contingencies come to fruition, then the City would go to closing and receive the aggregate sum of \$70,000 for the property, which would be dedicated to the City's Master Trails Plan.

Director Maruthur asked that the City Attorney explain what the vacation of the street means, and City Attorney Brian Albright advised that the Board will hold a public hearing on the consideration of vacating the City's right-of-ways indicated on the map in the Board packet. If that is approved by the Board, then the property owners on each side of the street become the owners of the property to the centerline of that right-of-way; and it dissipates and goes away.

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

### **OTHER BUSINESS**

## **25** Board of Directors Items

Director Smith encouraged all citizens to take advantage of the early voting, which is from 8 a.m. to 6 p.m., Monday thru Friday, and 10 a.m. to 4 p.m. on Saturday. The early voting location is at the Garland County Election Commission office located between the Chamber of Commerce Building and the new Courts Building on Ouachita Avenue.

Director Jones announced that the “Historic Downtown Farmers’ Market - a Day at the Farm,” will be held on Saturday, October 26, from 8 a.m. to 12 noon; but the Market opens at 6 a.m. There will be activities for children (face painting, pumpkin patch, games, petting zoo). There will be contests for the best apple pie, best decorated pumpkin, and the best landscape photos of animals or produce, and the best overalls. There will be farm activities and good food (vehicle display, crop art with pumpkins, gourds, cornstalks, and more; weaving and spinning demonstrations). There will also be the Hartley Family Bluegrass Band at 8 a.m. and the Shady Grove Band at 10 a.m. She said this is the last day of the season for the produce and is sponsored by the Friends of the Farmers’ Market.

Director Jones announced at the Boys’ Club, the ducks will be coming, which is an activity supporting the Boys’ Club. She noted this is one of their largest fund-raisers. Also, on the same day of the Farmers’ Market, the Entre Nous Club is having a fashion show and brunch at Webb Center at 10 a.m.; and tickets are \$5.

Director Maruthur announced there is an account open at Regions Bank for deceased Firefighter Gene Yarbrough.

## **26** City Manager’s Report

City Manager Kent Myers gave the following report:

1. The Board approved the Consent Agenda, which included nine items.
2. There were several employees who have received recognition. Human Resources Director Minnie Lenox and her staff do an outstanding job with only four employees in that department supporting over 600 city employees. Recently he received a complimentary note from Joshua Lacy, Chaplain in the Fire Department,

commending Angie Fenley, in the Human Resources Department, stating that she did a great job with their promotional tests and always goes above and beyond for them. A nice compliment was received from Mr. Bill McGough, Lakeforest Shores, commending the wastewater crew (Craig Stevens' crews) that responded to his house. He said the employees, Steve Steed and Clifford Wilkinson, handled the call very professionally and should be recognized.

3. About four or five months ago, the Board approved an Energy Audit for an outside consultant retained by Entergy to look at all of the City's older buildings and determine if the City could save on its utility costs. This Thursday, City staff will meet with the consultant to get the final report and will send the Board a copy of that report.

4. The legislative luncheon will be held Monday, October 27, at 12 noon, at the Embassy Suites. If the Directors have any items they would like on the agenda, they need to let him know since he will be putting out an agenda tomorrow or Thursday.

5. There are some openings on the advisory committees, and the Planning Commission has two vacancies; the deadline for applying is this Friday at noon. At the present time, there are about four applications for the Planning Commission. Application forms are available from his secretary, Margaret Parris.

Director Ramick questioned if he has a projected date for interviews for the applicants for the Planning Commission, and City Manager Kent Myers advised that he does not but can schedule those. He stated those are usually scheduled in conjunction with the agenda meetings.

6. Yesterday, a hiring freeze was established in the City; and normally this is done on an annual basis close to the end of the year in an attempt to save some money. This will continue to the end of the year.

7. Next week is the move of the Finance offices at the National Guard Armory Building at the Airport. The Street Department will assist with the move, which is scheduled for Friday, October 31. They will be operational at the new building on Monday, November 3; and the drop-boxes will be in place.

8. Immediately following this meeting, there will be a Budget Work Session. The Board has identified its budget priorities for this year and has narrowed down those

priorities to about 39. The purpose of the work session is to farther narrow the list down and then try to prioritize those tonight.

## **27** ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 8:05 p.m., to meet again on Monday, November 3, 2008, at 7:00 p.m.

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

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

Lance Hudnell, City Clerk

Mike Bush,

Mayor