

## MINUTES

### BOARD OF DIRECTORS MEETING

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

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

The invocation was given by Mr. Doug Gulley, 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 Maruthur, that the agenda be approved.

Upon discussion, City Attorney Brian Albright advised that the agenda needs to be amended. He pointed out the Board has been provided with a replacement packet regarding Item #27 (Proposed Resolution No. R-08-233 A Resolution Approving a Community Development Block Grant (CDBG) "FY 2009 Annual Action Plan" Application to the U. S. Department of Housing and Urban Development (HUD) for Various Comprehensive Revitalization Projects); Item #32 (Special Public Safety Report - special event for Senior Olympics 5K and 10K race on October 11, to be added to the agenda); and Item #33 (Budget Transfer for traffic signal repair on Albert Pike and Hammond Drive needs to be added to the agenda).

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

### **3 Approval of Minutes of September 16, 2008 Board Meeting**

A motion was made by Director Daniel, duly seconded by Director Maruthur, that the minutes of the September 16, 2008 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

### **4 Recognition of Guests**

Mayor Bush announced that the Mayor's Youth Council is present tonight, and Maggie Owens, from Lakeside High School, stated that the Mayor's Youth Council is an organization representing community service, leadership, and government involvement, not only in this community, but nationally. She, along with Emma Henson, is co-president. The following members of the Mayor's Youth Council were introduced: Emma Henson, Lake Hamilton High School; Alley Daily, Lake Hamilton High School; Andrew Love, Hot Springs High School; Audrey Landrith, Lakeside High School; Ben Robbins, Hot Springs High School; Caitlin Angel, Lake Hamilton High School; Cameron Brewer, Lake Hamilton High School; Cheyenne Payne, Hot Springs High School; Chris Jones, Lake Hamilton; Clara Ugbade, Hot Springs High School; Danielle Moody, Lake Hamilton High School; Emily Baird, Lakeside High School; Joey Collins, Hot Springs High School; Karina Sanders, Lake Hamilton High School; Sarah Baker, Lake Hamilton High School; Savannah Kelly, Lake Hamilton High School; Taylor Allison, Lakeside High School; Zach Tilley, Lake Hamilton High School; Rebecca Anderson, Lake Hamilton High School; Julie Anderson, Lake Hamilton High School; Adam Price, Lake Hamilton High School; Haley Kesterson, Lake Hamilton High School; and Andrew Klatt, Lake Hamilton High School.

City Manager Kent Myers expressed appreciation to Ms. Bea Arline, Recreation Manager, who staffs the Mayor's Youth Council.

Director Weatherford introduced Ms. Mary Neilson, Sister City Program Coordinator, who reported on activities planned for the Sister City Program. She stated there will be the Dousou Kai, which means reunion in Japanese and is scheduled for November 6 at the Quapaw. She encouraged anyone interested in learning more about the program to attend. For those who have traveled to Japan, she asked that they bring and wear their Happy Coat, share pictures, or other items She added Japanese 101 is coming up sometime this fall for those wanting to know more information about Hanamaki, the Sister City, and Japanese culture. She mentioned there is a possible cultural exchange coming up the first quarter of next year and wanted to convey there

is a place for everyone in the Sister City Program. Anyone who is interested may contact them through the Public Information Office. She thanked the Board for its past support of the Sister City Program.

Director Weatherford gave a report on his trip to Hanamaki, Japan, in September, noting there were several good meetings with Mr. Imai, the chairman of the Hanamaki Tourist Association and CEO of the Hanamaki Onsen and Mr. Chikahiro, also known as "Hiro." He and Mr. Imai had a 4½ hour meeting regarding projects they would like to work on for 2009, a publicity campaign for Hot Springs, more Japanese tourists and visitors, how Hot Springs can partner with Hanamaki, and possibly use existing communication vehicles. He posed how Hot Springs could use existing PR vehicles in Japan to promote Hot Springs; how it can better accommodate Japanese visitors when they visit Hot Springs; how Hot Springs can increase tourism to Hanamaki from Hot Springs. He mentioned proposed publicity in Japan is through television, newspaper, brochures, and the web and are efficient means of advertising there; area Japanese dubbed Hot Springs tourism video in Hanamaki at no cost; and a planned television and newspaper team to exchange from Hanamaki to Hot Springs and Hot Springs to Hanamaki. They held another discussion on hospitality proposals, such as sending members of the hotel industry from Hot Springs to Hanamaki for exchange; and Hanamaki would, in turn, do the same. He reported that Mr. Imai has offered his hotel dormitory as lodging for the exchange groups there and consider learning Japanese phrases and using temporary Japanese signage at the city facility to improve hospitality. One of the areas on tourism is to offer American sports tourism packages, such as baseball, football, fishing and especially golf; and possibly a PGA tournament would be a big draw to Japanese tourists. One of the items also discussed is there are about 500,000 Japanese already living in the United States, and Mr. Chikahiro thought it would be no problem to draw them to Hot Springs because he lived in Arkansas for nine years as management at the motor plant in Marion, Arkansas. There was discussion about future economic exchanges. He noted that Japanese-style spas are an important part of their culture, and they do not consider the bathhouse here a bathhouse. When they did a research plan, they found that the first thing a Japanese person wants to do when they come back to Japan is to go to the spa and relax for two or three days. Additional recommendations are group exchanges to the floral show, which is a state-wide show in Hot Springs, exchanges involving the Advertising and Promotion Commission, and the City department heads to learn their counterparts in Hanamaki, which has been done several times. The additional recommendations are to develop an installment plan where private citizens and students would be able to save for trips and group and individual sponsorships for students that want to go to Hanamaki. He

and Mr. Fudai spoke about the possibility of having a City of Hot Springs float in the Hanamaki Festival or a shrine. Ms. Sissi Bennett, along with Ms. Donna Casparian, participated in some cultural experiences which could result in future cultural exchange opportunities, including local pottery techniques exchange, also handmade furniture and craftsman exchanges; there were thoughts on an exchange between Burchwood Forest and Weyerhaeuser, as well as an Etegami (hand-painted postcard exchange). Some of the cultural milestones that he and Ms. Casparian and Ms. Bennett participated in were the first non-Japanese traditional ceremony at a Buddhist temple at the beginning of the festival. He said it was his first year to participate in the festival shrine group, and he stayed for Sunday and was invited by a friend to march with their shrine on Sunday in the festival, which lasted for 5½ hours. Also, this is his second year to speak, along with Mayor Oishi, at the opening of the festival in English and Japanese and visit the elementary school. The Hot Springs delegation also was invited to a traditional tea ceremony, and children taught them how to write their name in Japanese. He reported some of the action steps he is going to take is meet with the AEDC to discuss feasibility projects and will make a presentation along with Ms. Mary Neilson to the GCEDC, the Chamber of Commerce Board, and other civic groups. He said he made the trip this time more in a tourism aspect and work toward future partnerships in the city and state levels. He mentioned Mr. Chikahiro recently met in Little Rock and will probably meet a couple of times as he travels back over here from Japan. Director Weatherford expressed appreciation to the citizens who pay the tax dollars that the Board operates off of in allowing him to go to Japan for the fourth time and be a part of the Sister City Program.

Director Maruthur questioned their budget, and Director Weatherford said it is not by the City of Hanamaki, but they have a Sister City Foundation or a program which is the source of their money. He added they have a Sister City building where they do their work. He noted their money comes from individuals and Sister City participants. Director Maruthur said she wondered what the municipal budget was, and Director Weatherford replied that he has never asked. He commented that the City of Hanamaki has extended an offer next year for him to march with their float in the drum procession; and his friend, Chohai, whom he met three years ago, has invited him to be in his shrine group again next year. He said that he turned 60 in August; and in Japan, there is a special recognition that Japanese men get when they turn 60, which is a red, silk vest with a red, silk hat, which they presented him with this year.

Director Weatherford introduced Ms. Donna Casparian, president of the Sister City organization in Hot Springs, who traveled with him to Hanamaki.

Ms. Casparian encouraged people to travel to Hanamaki and said they are going to be working on some projects in the coming year and hopefully in the hospitality industry and working with a program through the community college that she believes will benefit the City directly.

Director Jones introduced Staton Flurry, who attends National Park Community College. Mr. Flurry stated that he is doing a report for his government class. Director Jones commented that Mr. Flurry will be trying to work with Ms. Bea Arline in the Parks and Recreation Department.

Police Chief Bobby Southard introduced recently employed police officers: Brock McIntosh, from Marvel, Marianna and Phillips County area; and Carl Seymour, who graduated from Lake Hamilton High School and spent the last nine years doing community work with the Boys' Club. He also coaches two different traveling baseball teams.

Mayor Bush read a Proclamation declaring the Week of October 12 thru 18, 2008, as "Municipal Employees Appreciation Week."

### **CONSENT AGENDA**

The Consent Agenda consisted of the following:

- 5 Public Safety Report** (September 17, 2008).
  
- 6 Proposed Resolution No. R-08-215** Approving Certain Bid Awards (a) Polymer-Utility Administration [annual supply contract awarded to Polydyne]; (b) Compost Grinding - Utility Administration [annual supply contract awarded to GWG Wood Group]; (c) Magnetek Drive Repair Parts - Utility Administration [awarded to R&E Supply in the amount of \$20,428]; (d) Fernco Couplings - Utility Administration [annual supply contract awarded to Arkansas Water Products]; (e) Backhoe - Utility Administration [awarded to Scott Construction in the amount of \$78,596]; (f) Pavement Marking - Public Works [annual supply contract awarded to Time Striping, Inc.-Contract Extension]; (g) Transmission Repair - Fleet Service [annual supply contract awarded to Tom's Transmission Specialist, Inc.-Contract Extension]; (h) Veterinary Services - Animal Services [annual supply contract] - Reject Proposals; and (i) Chlorine - Utility Administration [annual supply contract awarded to Harcros Chemical - Contract Extension].

- 7** **Proposed Resolution No. R-08-216** Accepting a Grant from the Arkansas Department of Aeronautics for Airport Runway 5/23 Rehabilitation and Lighting Replacement.
- 8** **Proposed Resolution No. R-08-217** Acknowledging Various Donations for the B-17 Display at the Hot Springs Memorial Field; and Appropriating Said Donations.
- 9** **Proposed Resolution No. R-08-218** Waiving the Facility Use Fees for the Operation of the Santa Train to be Held at the Transportation Plaza on December 6, 2008.
- 10** **Proposed Resolution No. R-08-219** Approving Certain Street Names as Arlington Park Drive, Arlington Park Court, Arlington Park Place, Arlington Park Circle, and Arlington Park Terrace.
- 11** **Proposed Resolution No. R-08-220** Awarding a Contract to Economists.com for Certain Engineering Services (Water and Wastewater Rate Study).
- 12** **Proposed Resolution No. R-08-221** Authorizing Revisions to the 2008 Budget by Appropriating Funds Within the Wastewater Fund.
- 13** **Proposed Resolution No. R-08-222** Authorizing Revisions to the 2008 Budget by Appropriating Funds Within the General Fund (Animal Control Department).
- 14** **Proposed Resolution No. R-08-223** Accepting a Grant from the U. S. Department of Justice Pursuant to the Edward Byrne Memorial Local Justice Assistance Grant (JAG) Program for Certain Law Enforcement Equipment.
- 15** **Proposed Resolution No. R-08-224** Accepting a Grant from the U. S. Department of Justice Pursuant to the Community-Oriented Policing Services (COPS) Grant Program for Certain Law Enforcement Equipment.

- 16 Proposed Resolution No. R-08-225** Accepting a Grant from the U. S. Department of Justice Pursuant to the Community-Oriented Policing Services (COPS) Grant Program for Certain Technological Equipment.
- 17 Proposed Resolution No. R-08-226** Adopting the Garland County Hazard Mitigation Plan.
- 18 Proposed Resolution No. R-08-227** Approving the Appointment of Jeff Purnell to the Hot Springs Advertising and Promotion Commission.
- 19 Proposed Resolution No. R-08-228** Confirming the Reappointment of Raymond Wright to the Hot Springs Housing Authority.
- 20 Proposed Resolution No. R-08-229** Levying Zero Mills of Ad Valorem Taxes for the Purpose of Paying Firemen’s Pensions.
- 21 Proposed Resolution No. R-08-230** Levying Zero Mills of Ad Valorem Taxes for the Purpose of Paying Policemen’s Pensions.
- 22 Proposed Resolution No. R-08-231** Levying Zero Mills of Ad Valorem Taxes for the General 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.

**PUBLIC HEARING**

- 23 Public Hearing on a Petition to Vacate an Unnamed Alley Located in Fannie G. Williamson Subdivision**

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

Mr. Ray Owen, Jr., 209 Hobson, attorney representing the petitioners, stated this alleyway was part of one of the earliest subdivisions platted in the City and is an old alleyway that has never been used as an alleyway. He said it is located behind the old Brooks Hardware Store and starts on Halton Street and goes down 150 feet and dead ends to the parking lot for the shopping area, which is Peters Paint Company, Café 1217, Paper and Ink, and several other businesses. He stated the hardware store is vacant and will be a restaurant operated by the same people who operate Café 1217. He advised there is a gas line in the alleyway, and he has prepared and filed with the City Clerk an easement and right-of-way that is ready to be recorded as soon as the vacation of the alley is completed.

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

## **NEW BUSINESS**

### **24 Proposed Ordinance No. O-08-65**

An ordinance entitled, "AN ORDINANCE VACATING AN UNNAMED ALLEY LOCATED IN FANNIE G. WILLIAMSON SUBDIVISION," was taken from the agenda for consideration.

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

## **25 Request from Ms. Martha Terrell for City Maintenance of Regal Lane and Hembree Lane**

Deputy City Manager Lance Hudnell explained that the City was approached by Ms. Martha Terrell, 100 Regal Lane, requesting the maintenance of Regal Lane; and there are streets in this area that exist by plat only and are woods. He stated the other streets are actual streets that are paved and exist. He added that Regal Lane and Hembree are platted streets; and at one time, they appeared to be maintained by the City or by someone in the sense that they do have an old slurry seal finish on them. He explained in 1990, when the City did a comprehensive review of the street system as part of the 911 addressing, the Board made decisions with regard to various streets at that time as to whether they would or would not be accepted for maintenance. State law requires that while a street is platted to the public by the original developer of the subdivision, it does not become a city street until it is specifically accepted by ordinance of the city. He said he could find no record of these two streets ever being actually accepted by ordinance; therefore, they were presented to the Board in 1990. At that time, there were no houses in the area; and the Board determined not to accept them. In 1993, Ms. Terrell built her home using Regal Lane as a driveway to her home. Since then, the area has become overgrown; and most recently, the post office informed her they would no longer deliver mail to her home because of the conditions of Regal Lane. He stated the City has paved Newton Street and accepted it up to its intersection with Regal Lane but has never accepted Regal Lane. He commented that Ms. Terrell is an elderly lady, who has no resources with which to fix the street. He advised the City's Street Acceptance Policy requires that right-of-way be dedicated; and in this case, there is dedicated right-of-way of some 50 feet. It also requires that homeowners or people desiring to develop an undeveloped area build a street to the City's standards; and once it is built, the City accepts it for maintenance unless that procedure is specifically waived by the Board. Ms. Terrell is requesting that the Board waive that. He explained there are several options: (1) reject the request and do nothing. The City has done some bushhogging to help the situation in the right-of-way that it is in control of, which is the Newton right-of-way; (2) create a turn-around within the 50 foot right-of-way of Newton Street that the City does have and would not require an ordinance on the part of the Board but require Board's direction to staff to create a cul-de-sac or some other turn-around within the existing 50-foot right-of-way of Newton Street at its intersection with Regal Lane. That would provide some relief, but it would still require Ms. Terrell to move her mailbox approximately 100 feet to that intersection,

which would be an inconvenience to her. He mentioned she currently has her sanitation cart at that location and informed the City that she takes her pick-up truck and moves it once a week up to her home and loads it up and puts it back in the truck and moves it back down to that location. He stated she would not want to do that with her mail if she did not have to; (3) accept only a portion of Regal Lane up to her driveway and create some type of turn-around, which would require an ordinance. Should the Board choose that option, he said staff would return at the next meeting with an ordinance actually accepting whatever the Board desired to accept of Regal Lane; or (4) accept both streets in their entirety; and at some time as the City had resources, actually construct them to City standards. He advised if the Board chose that option or the third option, the City would do what was necessary to get the street open and passable without spending many funds on paving it until such time as it was considered under the Board's normal paving process. He pointed out Option 4 would be expensive in the sense of actual paving sometime in the future; and if the Board chose that, staff would have to return with an ordinance and cost estimates. He added the City could accept it and not build it to standards just yet but open it back up for traffic. He said the post office would prefer that option because they would like to be able to come up Newton, turn left to go to her home and continue on around the circle. He commented at the work session, the Board asked that he contact the other owners involved, two of which are out-of-state; and one is local. He talked to Mr. Donald Thomas, a local resident, who would like to see it opened up but has no desire to participate in any cost for opening it up because he has access to his lots off of Whittington. He noted it would be of no material benefit to Mr. Thomas other than improving the property by having a street on the side and rear of his property. The other owner, Ms. Yvonne Flowers, is out-of-state and sent an e-mail stating that she thinks the City should accept it because she has paid taxes all these years; and when she bought the property, she assumed the City would maintain the street, only to learn that the street is not maintained by the City. Therefore, she is joining in the request to ask the Board to waive its procedures and accept it. He noted he has not heard from the third owner, who is also from out-of-state.

Director Daniel said he looked at the street; and after listening to the comments made by the post office and property owners, he would suggest taking Option 4. If the city can open it up at minimum cost or no cost, he would like to see that done and then come back whenever funds are available and do the other.

Deputy City Manager Lance Hudnell said that Option 4 would require staff to come back at the next Board Meeting with an ordinance to accept Regal Lane and Hembree, which would entail a minor expenditure of funds at this point to improve the

roadway enough to make it passable and then it would just go onto the normal list later.

Director Daniel commented if the City does that, then it would be passable by the post office and emergency vehicles.

Director Ramick questioned the minimum cost that the City can accomplish this going all the way around from Regal Lane, and Deputy City Manager Lance Hudnell advised if the Board chooses Option 4, staff will have more precise numbers when the ordinance is presented to the Board at its next meeting. He added that he believes it would mainly be manpower and materials as far as some gravel. Director Ramick questioned if there would be any curb and gutter, and Deputy City Manager Lance Hudnell advised there would not be; and even at such time as the City paved it, the City probably would not curb and gutter it.

Director Maruthur pointed out this is long overdue.

A motion was made by Director Daniel, duly seconded by Director Jones, to approve Option No. 4 (an ordinance will be presented at the next meeting for formal adoption of accepting the street); and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Ramick, Daniel, and Bush, total 7; motion unanimously carried.

## **26 Proposed Resolution No. R-08-232**

A resolution entitled, "A RESOLUTION AWARDING A CONTRACT TO US BANK FOR CERTAIN CREDIT CARD PROCESSING SERVICES; AND AUTHORIZING A CONVENIENCE FEE PER TRANSACTION," was taken from the agenda and read by title only.

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

Upon discussion, Finance Director Dorethea Yates explained this resolution is to approve a contract to provide credit card services for the City and to implement a convenience fee to pay for those credit card services. She noted this will also be an important project as the Finance Department moves out to the airport building and encourages customers to do more of their payments over the internet or by phone. She reported the City went out earlier this year with a Request for Proposals for credit

card companies and received 13 responses. She explained there was an overview committee that looked at those responses, the strength of the organization, the ability of the organization to deliver the services that are needed, and the cost of the services. Of those 13 respondents, the one staff thought could offer the best service was US Bank. She said not only could they meet all of those criteria, but they have a very strong, local presence in Hot Springs; and many of the respondents were from all over the United States. Therefore, she recommended US Bank for these services. She explained that the Board is also considering the approval of a convenience fee to pay for these services and believes a fee of \$2 per transaction would cover the cost of those services.

Mayor Bush said that he supports this and thinks it is well needed and does not think the citizens would mind paying a little fee to get that convenience.

Director Daniel stated he believes the fee is something no one will object to; and in the long-run, it will be a great service.

Mayor Bush questioned when it will become effective, and Ms. Yates advised that they are looking at 45 to 60 days to implement.

Director Daniel questioned how many stations there will be, and Ms. Yates stated there are eight customer service representatives in her department alone. Also, there will be some stations throughout the City, and about 15 is what she envisions.

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.

## **27 Proposed Resolution No. R-08-233**

A resolution entitled, "A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) "FY 2009 ANNUAL ACTION PLAN" APPLICATION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR VARIOUS COMPREHENSIVE REVITALIZATION PROJECTS," was taken from the agenda and read by title only.

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

Upon discussion, Mr. Gerald Harman, CDBG Administrator, explained this represents the Annual Action Plan for fiscal year 2009, and will be to request approximately \$375,000 from HUD. He said the requested funding documents are going to be \$50,000 that was requested by Habitat for Humanity. Also, this is for the continuation of the infrastructure at Shaw Village. He stated \$8,125 is for an analysis of impediments to fair housing choice, which is a study required by HUD due to the fact that the City of Hot Springs is an entitlement city for HUD funding. This item went to CDAC, and their recommendation was to split the cost between the Community Development Block Grant program and the City's general funds. This item is eligible as an activity under the HUD guidelines and would come out of administration cost. The other option on this is to allow for CDBG to pay for this over a three to four-year period due to the fact that the study is \$24,375, and it would take three to four years to be able to pay for that through the administrative funds. Another item was previously funded in fiscal year 2006 (the Pleasant Street Neighborhood Association), and the recommendation is to retain \$5,000 of previous monies to continue work in the 200 block of Pleasant Street; the remaining \$15,006 would be reprogrammed for the 300 block to begin work of the landscaping and streetscapes in that block. He stated the administrative fund is \$68,875.

Director Smith said in regard to the \$15,000 for streetscapes in the 300 block of Pleasant Street, he did not have any problem with that money going there but questioned who is going to maintain it. Mr. Harman advised that currently the Pleasant Street Neighborhood Association has several organizations that have agreed to maintain the streetscapes.

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.

## **28 Proposed Ordinance No. O-08-66**

An ordinance entitled, "AN ORDINANCE ACCEPTING GARDEN VIEW CIRCLE AS A PUBLIC STREET; 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 Smith, duly seconded by Director Maruthur, that the ordinance be passed as read.

Upon discussion, Public Works Director Steve Mallett stated the request was made by the owner of the Bayhill Subdivision to approve and accept Garden View Circle for city maintenance. He said the Engineering Department has inspected the street and found it acceptable and recommended approving it for acceptance.

Director Weatherford questioned the map pointing out it appears the City is going to have to take care of the median and landscaped areas, and Mr. Mallett replied that the City is only taking care of the streets and does not maintain any medians.

City Manager Kent Myers pointed out that the ordinance accepts Garden View Circle as a public street and does not make any reference to any landscaped area or median.

Director Weatherford said he wanted the residents to understand that the City is not going to take their median over and plant trees and cut their grass.

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.

## **29 Proposed Ordinance No. O-08-67**

An ordinance entitled, "AN ORDINANCE REGULATING FACILITIES WITHIN THE HOT SPRINGS CREEK TUNNEL; 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 Maruthur, duly seconded by Director Ramick, that the ordinance be passed as read.

Upon discussion, Public Works Director Steve Mallett, explained this would regulate the Hot Springs Creek Tunnel with regard to the existence of proposed and existing utilities within the Hot Springs Creek Tunnel. He mentioned from time to time, the City and/or the National Park receives a request to install utility lines within the tunnel; and normally, they are hot water lines or thermal water lines to the place of business. He stated in the past, there has not been any criteria to be able to evaluate such a request as it pertains to the capacity of the tunnel. However, this ordinance will set that criteria whereby the City will consider with each request as it pertains to that capacity. He added each utility pipe that is being looked at will be considered with respect to that, and the study was performed by ATOKA, Inc. and the ordinance included the recommendations that were made within that study. He noted that presentation was made at a Board Work Session about a month and a half ago, and this is the culmination of that report.

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.

### **30 Proposed Ordinance No. O-08-68**

An ordinance entitled, "AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF HOT SPRINGS, ARKANSAS, BY REZONING PROPERTY AT 1501 PARK AVENUE FROM R-3, LOW/MEDIUM DENSITY RESIDENTIAL, TO C-TR, COMMERCIAL TRANSITIONAL; AND AMENDING THE FUTURE LAND USE MAP BY RECLASSIFYING CERTAIN REAL PROPERTY AT 1501 PARK AVENUE," was taken from the agenda for consideration.

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

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, stated this is a request by Mr. Thomas A. Bryant, who is the agent for property owner Ricks Land Company. It is to change the zoning to Commercial Transitional District at 1501 Park Avenue, 16.8 acres, and is currently zoned R-3, Low Density Residential, located

in District No. 1. She said the Planning Commission held a hearing on September 11; and by a vote of 6 to 0, recommended that the Board approve this request. She said the findings specifically are that it is consistent with the Comprehensive Plan Future Land Use Map designation of Commercial Enclave; and if the Future Land Use Map is so amended, then the change will be consistent with the adopted plans with the objectives of the Zoning Code and meets the requirements otherwise of the Code.

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.

### **31 Rescheduling November 4 Board Meeting to Monday, November 3**

Mayor Bush pointed out that the General Election will be held on Tuesday, November 4; therefore, the Board wishes to reschedule its meeting to Monday, November 3.

A motion was made by Director Weatherford, duly seconded by Director Maruthur, that the Board Meeting for Tuesday, November 4, be rescheduled to Monday, November 3; and upon voice vote, the motion unanimously carried.

### **32 Special Public Safety Report - Special Event for Senior Olympics 5K and 10K to be Held on Saturday, October 11, 2008**

Deputy City Manager Lance Hudnell explained this request for a special event for the Senior Olympics 5K and 10 K was a late arriving item; and due to the emergency nature of the event being this coming Saturday, it arrived too late to be placed on the regular agenda. He pointed out this is two requests embedded in one, and the first part is approval of the special event request that involves the closing of streets. Under the special event ordinance, there is a fee of \$350 and a deposit of \$250, both of which have currently been rendered. He said the Board will need to approve the event with regard to the closure of the streets. He stated the second item is the same event and is reserving the Transportation Depot under the Facility Use Policy for a starting point for the race, which is a separate fee for that; and Ms. Ezelle is requesting that the Board waive that fee, which the Board has the ability to do under the policy. He reiterated this is approving the event within the public right-of-way and a request to waive the fee within the Transportation Depot.

Ms. Gail Ezelle stated in 1993, the Arkansas Senior Olympics Board selected Hot Springs as its permanent home, and more than 16,000 senior athletes have participated in the games in Hot Springs with tournaments held all through the year. She mentioned the 5K and 10K races will be held on the Greenway, Saturday, at 9 a.m.; and they were surprised to learn of the \$350 safety fee and \$75 fee for the restrooms at the Transportation Depot. She said they thought they had a partnership with the City, and the fees were in-kind. She mentioned they considered moving the event or even canceling; however, this would be unfair to the 24 runners who are trying to qualify for the National Senior Olympic games next August. She advised their budget is derived from corporate sponsorships and in-kind services. She asked that the Board reconsider these fees or re-think a lower fee.

A motion was made by Director Daniel, duly seconded by Director Maruthur, to approve the special event for the Senior Olympics, subject to payment of special event fees and waive the fees for the Transportation Depot; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Ramick, Daniel, and Bush, total 7; motion unanimously carried.

### **33 Budget Transfer for Traffic Signal Repair on Albert Pike and Hammond Drive**

A motion was made by Director Jones, duly seconded by Director Maruthur, that the budget transfer for traffic signal repair on Albert Pike and Hammond Drive be approved

Upon discussion, Mr. Steve Mallett, Public Works Director, advised as a result of the aftermath of Hurricane Ike that hit the coast, it took out the signal at Hammond Drive and Albert Pike, as well as the cabinet and most of the pieces in the cabinet and all six cameras. Those had to be replaced, and the current Traffic budget does not have sufficient money to cover a full replacement and was considering try to piecemeal it with pieces they had in the budget. He stated there is half of the money in the Traffic budget and is requesting to allocate the other half out of Board Reserve. He said they need to put the traffic signal back the way it needs to be with all of the equipment and also expects that the City would be able to get reimbursed from FEMA even though they have not officially declared Hurricane Ike a FEMA disaster. However, they do expect that to happen; and once it happens, the City will immediately ask to be reimbursed for these funds.

Director Smith emphasized that is a dangerous situation with the blinking, yellow light coming down Albert Pike; and motorists on the side street have a blinking, red light trying to get out. He noted many seniors and citizens in the area use that post office to get their mail. He asked if there is a timeline on this; and Mr. Mallett advised if this is approved tonight, it is ready to be shipped and have it here within a couple of days and will take a day to install it.

Mayor Bush then called for a vote on the motion to approve the budget transfer for traffic signal repair on Albert Pike and Hammond Drive; and upon roll call, the following voted “aye”: Directors Maruthur, Jones, Smith, Weatherford, Ramick, Daniel, and Bush, total 7; motion unanimously carried.

### **OTHER BUSINESS**

## **34 Board of Directors Items**

Director Weatherford thanked those individuals who worked for the City that made the hot air balloons and barbeque a great success at the Airport. He expressed appreciation to Airport Director George Downie and his staff; Steve Arrison and his staff; Ms. Chris Echolson, who was there 24 hours day; Public Works Director Steve Mallett and his staff, who helped mark the parking lot; the Police Department and officers who worked the traffic; Sanitation Director Bill Burrough and the Sanitation Department; and Mr. Ronnie Cates, from Pine Bluff, who chose to move this event to Hot Springs. He also commended Public Works Director Steve Mallett on the excellent job he has done on the water treatment plant and the work they have done on that in securing water for the City for the next 40 to 50 years.

Director Maruthur said anyone who would like to sign up for CodeRED may call 321-6861. She stated citizens received phone calls the other day, and they were not late at night warning of some impending high winds and rain, which was very helpful. She reminded everyone on Circle Drive that there has been a delay in water line replacement, and there have been door hangars placed on the doors.

Director Jones reported in the Pleasant Street area, the historic signs are installed, thanks to the staff and City Manager Kent Myers. If anyone would like to be a member of the Pleasant Street Association, she said it is \$20 a year.

## **35 City Manager’s Report**

City Manager Kent Myers gave the following report:

1. The Board approved several items on the Consent Agenda: (1) contract with Economists.com for a water and wastewater rate study. In January or February, the Board will be presented with the results and recommendations of that study; (2) three federal grants that the Police Department has been awarded and will help the police technology and equipment for the Police Department; (3) reappointment of Jeff Purnell to the Advertising and Promotion Commission; (4) confirmed the appointment of Raymond Wright to the Hot Springs Housing Authority; and (5) levying zero mills of ad valorem taxes for the policemen's pensions, firemen's pensions; and General Fund.

2. Several employees were recognized since the last Board Meeting. There was a successful event at the Airport, as Director Weatherford indicated, and thank you letters were received for Airport Director George Downie and his staff; the Traffic Services Department and staff for lighting out the event at the Airport. Also, he received an e-mail regarding John Faulkner, Engineering Department, from Ms. Eileen McElrath, at 100 Tirelli, where a tree had fallen; and she said he had responded in a very efficient manner and removed the tree very quickly. A nice comment was provided by Mr. Larry Merriman for Craig Stevens and his crew for the work they are doing on Circle Drive; and this is a result from some of the comments by neighbors in that area. Ms. Oglesby expressed her appreciation for the job the wastewater crews are doing. Mr. Jim Pollard, from AMR Ambulance Service, commended Ms. Margaret Parris, City Manager's secretary, stating he happened to overhear a telephone conversation with an 84-year old lady and stated Ms. Parris showed compassion for the lady and even said she would pick up groceries for her. He stated Ms. Parris' sincerity and expertise were extremely impressive.

3. On Thursday, at 10 a.m., in the Board Chambers, the Keep America Beautiful organization will award an outstanding award for the City in its beautification efforts and is open to the public. At 2 p.m., on Thursday, there will be an official groundbreaking for the Fairground Crossing Shopping Center.

4. There was a bus incident today at the DHS office on Airport Road, where there was a major fire on one of the buses; and they were able to vacate the bus without any injuries to the public. However, one police officer received a minor injury. That incident is under investigation.

5. Operation Clean Sweep is currently cleaning up the neighborhood behind Oaklawn Race Track, which is District 5.

6. He extended a Happy Birthday to Director Ramick.

7. A work session was held at 5 p.m. to discuss the 2009 Budget. The Mayor suggested that each Director start working on priority list and return it to the City Manager's office so they can start establishing the Board's budget priorities for 2009.

### **36 ADJOURNMENT**

There being no further business to come before the Board, the meeting adjourned at 8:10 p.m., to meet again on Monday, October 21, 2008, at 7:00 p.m.

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

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

Lance Hudnell, City Clerk

Mike Bush,

Mayor