

MINUTES

BOARD OF DIRECTORS MEETING

SEPTEMBER 16, 2008, AT 7:00 P.M.

The regular meeting of the Board of Directors was held on Tuesday, September 16, 2008, at 7:00 p.m., Board Chambers, City Hall, with Mayor Mike Bush presiding.

The invocation was given by Mr. Steve Trusty, 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, Rick Ramick, Tom Daniel, and Mike Bush, total 6. Absent: Director Carroll Weatherford.

2 Approval of Agenda

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

3 Approval of Minutes of September 2, 2008 Board Meeting

A motion was made by Director Ramick, duly seconded by Director Maruthur, that the minutes of the September 2, 2008 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

4 Recognition of Guests

Mayor Bush recognized Mr. Harvey Oxner, general manager of Resort Television Cable Company, who has been a great partner for the City; and until his recent retirement, he served for the past 17 years as general manager of Resort Television Cable Company. From the early 1990's when the City began the live broadcast of the City Board Meetings, Mr. Oxner provided his assistance. He spent many hours

troubleshooting and repairing the City's old unreliable equipment and supplied a technician from his company to assist the City in running the equipment for every Board Meeting for more than ten years. He participated in several years of meetings to plan and implement the renovation of the former court room into the Board Chambers, including the digital AV system used today. He personally installed the cameras in the Board Chambers and made recommendations so the City would have a system that was reliable, adaptable, and easy to operate. Mayor Bush stated the City wanted to express its sincere appreciation for his devoted service to the City and presented him with a Key to the City.

Mr. Oxner expressed appreciation to the City for its cooperation and said Hot Springs' franchise has been the best of all the franchises he has managed and will be glad to provide any assistance if the City needs it.

Mr. Steve Trusty, president and CEO of Simmons First Bank in Hot Springs, advised that the 19th Annual Garland County Leadership Prayer Breakfast will be held on Tuesday, September 30, at 6:20 a.m., Horner Hall, in the Hot Springs Civic and Convention Center. The keynote speaker will be Mr. Tommy May, chairman and CEO of Simmons First National Corporation in Pine Bluff. He extended a personal invitation to the Board.

CONSENT AGENDA

The Consent Agenda consisted of the following:

- 5 Public Safety Report** (September 5, 2008).
- 6 Proposed Resolution No. R-08-203** Approving Certain Bid Awards (a) Blended Polyphosphate - Utility Administration [annual supply contract awarded to Southwest Chemical]; and (b) Powdered Activated Carbon - Utility Administration [annual supply contract awarded to Harcros Chemical, Inc.].
- 7 Proposed Resolution No. R-08-204** Appointing Charlie Wunderlin to the Construction Trades Advisory Committee.
- 8 Proposed Resolution No. R-08-205** Creating a Green Initiatives Advisory Committee.

- 9** **Proposed Resolution No. R-08-206** Fixing a Time and Date for a Hearing on a Petition to Vacate, Abandon and Close an Unnamed Alley Located in Fannie G. Williamson Subdivision.
- 10** **Proposed Resolution No. R-08-207** Authorizing the Filing of a Grant Application with the Arkansas State Department of Parks and Tourism for a Tourism Attraction Feasibility Study.
- 11** **Proposed Resolution No. R-08-208** Waiving the Facility Use Fees for “Art on the Corner” to be Held at the Transportation Plaza on October 18-19, 2008.
- 12** **Proposed Resolution No. R-08-209** Approving Change Order No. 1 to the Contract with BB& B Construction for Park Avenue Water Line Replacement Project, Phase II.
- 13** **Proposed Resolution No. R-08-210** Awarding a Contract to Coakley Company for 2008 Water Line Improvements.
- 14** **Proposed Resolution No. R-08-211** Accepting a Grant from the State of Arkansas (D.W.I. and Other Drug Countermeasures and Occupant Protection Program).
- 15** **Proposed Resolution No. R-08-212** Authorizing the Extension of a Medical Ambulance Services Franchise with LifeNet, Inc. and Approving Addendum No. 3 to Said Agreement.

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

Upon discussion, Director Maruthur asked that Item No. 12 (Proposed Resolution No. R-08-209 Approving Change Order No. 1 to the Contract with BB& B Construction for Park Avenue Water Line Replacement Project, Phase II) be read. She pointed out that it is critical that the residents are aware of what is happening. City Manager Kent Myers then read the resolution which stated that it is a Change Order for Park Avenue,

Phase II, water project, to BB&B Construction in the amount of \$91,635, and is being submitted to the Board to address the additional scope for this project off Park Avenue. It involves the installation of a new water main throughout the area and the added scope is to install a new portion of water main along Russell Street between Elizabeth Terrace and Holly Street. This new main will enable the abandonment of the existing water main currently routed to the National Park property, which is currently not in use. In addition to improving the system reliability, this Change Order will mitigate the potential for maintenance issues related to the affected area.

Mayor Bush then called for a vote on the motion to approve the Consent Agenda; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion unanimously carried.

UNFINISHED BUSINESS

16 Proposed Resolution No. R-08-187

A resolution entitled, "A RESOLUTION APPROVING A MULTIPLE BUILDING SITE PLAN FOR THE FLEETWOOD ESTATES MOBILE HOME PARK," was taken from the agenda and read by title only. **(Appeal) (Tabled August 19, 2008).**

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

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, stated during the last discussion of this item, a question arose regarding the possible issuance of two unapproved water connections to two homes at this location. She said she received a memo from Public Works Director Steve Mallett confirming that no additional meters have been issued since December 2007, which is prior to the time in February 2008, when permits were suspended by the Board of Directors.

Mr. Andy Worley, 335 Fleetwood, said he has one mobile home on his property with no water but is connected to sewer. He commented that he has no problem with what the Planning Commission has issued for a mobile home subdivision. He stated he has a few mobile homes, but it is mainly for some of the people who work for him; and he is not trying to build a trailer park. He added he is not asking for anything except for one water meter for a mobile home that is already there. He said he wants to comply with everything the City wants him to do, such as hard surface parking and

paving the other street. However, this takes time; and he does not have the finances to do it at one time. He noted he has a neighbor who is against this because of the mobile homes, and he does not blame him for that. He mentioned the neighbor is also against this because of a property dispute. He explained that he cannot build a privacy fence until this property dispute is settled in court and until he is told where his property line is located. He stated at that time, there will be a privacy fence.

Director Smith asked if he would be agreeable if the Board could get to the point tonight where he would obtain one additional water hook-up and allow the eight conditions that the Planning Commission originally placed upon him; and Mr. Worley replied that he would. He said all he has wanted from the beginning is one water meter for the mobile home that is existing. He pointed out there are conditions that he believes the Board should look at such as telling him that construction is to be accomplished in accordance with all applicable construction codes, including, but not limited to, sprinkling of the buildings. He commented he did not understand how he can sprinkle mobile homes. Also, the Planning Commission wants him to build a privacy fence around the perimeter; however, he owns two sides of it in the back and does not want to fence himself out.

Mr. Bob Driggers pointed out this decision has been made once or twice already and felt it is unfair to continue bringing these residents back to the Board Meetings. He stressed that he does not know any of the parties involved, but it is obvious to the public what is happening and is obvious that a Director has a serious conflict of interest. He urged the Board to allow the original decision to stand. He said at the last meeting, one of the Directors pointed out that a water meter was picked up a day or two after the decision not to allow an additional meter, and it was portrayed that the City "messed up." However, he believes the person picking up the meter "messed up" as well.

Mr. Chance Worley, 379 Fleetwood, stated that he supports his father. He mentioned at the last Board Meeting, Mr. Patin brought up an issue there had been several police calls for drug activity on Zeal Plum, and he has a statement showing there have never been any incidents on Zeal Plum. He explained there is a mobile home farther down the road where the DTF served a warrant for manufacturing methamphetamine. He stressed he and his father do not want this type of activity around their house or family and are against it. He pointed out he has a letter from Attorney Daniel Becker that as soon as that happened, they are doing what needs to be done to get those people out of that mobile home and will have it moved because that is toxic and will have to be destroyed. He stated that he believes his dad has been treated unfairly because in 2004, he was given approval to do what he wanted on the

property and now the Board has decided not to approve it. He questioned if anything has changed in the law that would be stopping him from what he is doing. He stressed all he is trying to do is provide housing for people and trying to help them out.

Mr. Ted Patin, 287 Fleetwood Drive, said that he is asking that the Board uphold the eight stipulations that were previously voted upon for Mr. Worley's trailer park. He noted in February 2008, the Board voted in his favor 6-0. He pointed out that Mr. Worley has misled the City since February 19, 2008, when the Board ordered him to comply with those eight stipulations. He added there have been two drug busts on Mr. Worley's property; and he has the newspaper to prove it and the Drug Task Force paperwork, at 379 Fleetwood, for possession of drug paraphernalia. He stated the trailer house he is referring to where drug busts were made on May 14, 2008, is still there. Also, he has police reports dated May 14, 2008, from the Drug Task Force. He mentioned that Director Daniel wanted to know how the water was flooding his property the last time he appeared before the Board and explained that Mr. Worley had extensive excavating that was destroying the natural flow of the water without putting up any proper barriers to prevent erosion or proper drainage, which resulted in flooding of the past three years of his property. He urged the Board to uphold the eight stipulations.

Mr. Myron Ross, 600 Thornton Ferry Road, stated to his knowledge, the eight conditions stipulated by the Board have not been complied with; and he understood that Mr. Worley was asking to put several mobile homes there, not just one. He pointed that he has no problem with the one mobile home that is already there, but the eight stipulations the Board made were good and fair; and as far as he is concerned, they will never go to court on those stipulations.

Ms. Stephanie Patin, 287 Fleetwood Drive, said this is her fourth time to appear on this issue, noting they appeared before the Planning Commission, which approved the trailer park with eight stipulations; it was appealed, and Mr. Worley wanted just one more water meter. She stated he appealed it to the Board of Directors, and the Board upheld the eight stipulations; but they are appearing before the Board again, and nothing has changed. She mentioned that her property still floods; and if Mr. Worley wants another water meter, all he has to do is live up to the eight stipulations. She said since there are five or six trailers in this area, that is a trailer park. She commented that she has damage to her property and has trees that are dead because of the sewer line that was installed. She mentioned she has a report from a registered forester explaining why the trees died. She stressed that the Board needs to make a decision and stay with it since it is not fair to her or to the Worley's. Also, she pointed out that

Director Weatherford and Mr. Worley do business together, and Director Weatherford is listed to testify in their civil case for Mr. Worley, which is a conflict of interest since he has been sitting in judgment of this case.

Ms. Kyla Berry, 340 Fleetwood, said she had to make a police report against one of Mr. Worley's properties and expressed concern that this happened months ago; and these people are still in that home. She commented Mr. Worley cannot protect them from the people to whom he is renting. She stated they have been on her property and other properties causing damage and theft. She commented that the stipulations need to be adhered to.

Director Smith made a motion, duly seconded by Director to amend the resolution to grant only one water meter and allow all eight conditions to stay in place.

Upon discussion, City Attorney Brian Albright said rather than amending the resolution, the Board needs to defeat or pass the resolution; and if the Board then wants to make a separate motion, with respect to granting the one water connection, then the Board could do that.

City Manager Kent Myers explained if the Board passes the resolution on the floor, then the Board is approving Mr. Worley's development without any conditions.

Mayor Bush then called for a vote on the motion to adopt the resolution; and upon roll call, the following voted "no": Directors Maruthur, Jones, Smith, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion unanimously failed to approve the resolution.

A motion was made by Director Smith, duly seconded by Director Ramick, to grant Mr. Worley one water connection at the existing mobile home that he is requesting and that the eight conditions still remain.

Upon discussion, Director Daniel questioned the number of mobile homes in this area, and Ms. Kathy Sellman advised this would be the sixth. She added there are six homes there and five water connections.

Director Maruthur pointed out this was rejected by the Planning Commission and questioned if the recommendation is to reject this. Ms. Sellman replied that the Planning Commission does not have a recommendation on this issue since it was not before the Planning Commission. She noted the Commission made a recommendation

on the appeal itself, and that matter has been settled. She explained what was before the Planning Commission was a plan for additional units on this site as a park, but the motion the Board is considering at this time has not been before the Planning Commission.

Director Maruthur asked if this can be sent back to the Planning Commission, and City Attorney Brian Albright asked if she means referring back a water connection to the Planning Commission. City Manager Kent Myers advised that the Planning Commission usually does not consider water connections.

Mayor Bush stressed that the Board needs to take action tonight on this issue.

Mayor Bush then called for a vote on the motion to grant Mr. Worley one water connection at the existing mobile home that he is requesting and that the eight conditions still remain; and upon roll call, the following voted "aye": Directors Jones, Smith, Ramick, Daniel, and Bush, total 5. Voting "no": Director Maruthur. Absent and not voting: Director Weatherford; motion carried.

PUBLIC HEARING

17 Public Hearing Naming the Financial Services Center at 517 Airport Road as the William J. "Bill" Edwards Financial Services Center

This being the time set for the public hearing on naming the Financial Services Center at 517 Airport Road as the William J. "Bill" Edwards Financial Services Center, Mayor Bush declared the public hearing open.

Finance Director Dorethea Yates advised that several months ago, the Building Study Committee recommended that the Finance Department be relocated to the former Air National Guard Building on Airport Road. She stated this public hearing is for the purpose of naming that building after Director Bill Edwards, noting that he exemplified everything that the Finance Department wants to exemplify in customer service. Speaking on behalf of the Finance Department, she stated they would be honored to be housed in a facility named after Director Bill Edwards.

City Manager Kent Myers stated if the Board proceeds with the approval of this item, in about 60 days, the Finance Department is planning to move into the building with a target date of around November 1. He advised there will be a dedication ceremony at that time and will invite Director Edwards' family to attend.

Director Daniel questioned what type of signage will be used, and City Manager Kent Myers advised there will be major signage along the Airport Road but has to have Planning Commission approval. Also, there will be discussion with some sign companies to get approval of the sign.

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

NEW BUSINESS

18 Proposed Resolution No. R-08-213

A resolution entitled, "A RESOLUTION NAMING THE FINANCIAL SERVICES CENTER AT 517 AIRPORT ROAD AS THE WILLIAM J. "BILL" EDWARDS FINANCIAL SERVICES CENTER," was taken from the agenda and read by title only.

A motion was made by Director Daniel, duly seconded by Director Ramick, that the resolution be adopted as read; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion unanimously carried. Whereupon the resolution was declared adopted.

19 Proposed Ordinance No. O-08-61

An ordinance entitled, "AN ORDINANCE APPROVING A SHORT-TERM FINANCING AGREEMENT WITH COULSON OIL COMPANY, INC. FOR THE PURCHASE OF CERTAIN MOTOR FUELING EQUIPMENT; AWARDED A CONTRACT FOR MOTOR FUEL PRODUCTS; 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 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, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion unanimously carried. Whereupon the ordinance was declared passed.

20 Proposed Resolution No. R-08-214

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

A motion was made by Director Daniel, duly seconded by Director Jones, that the resolution be adopted as read; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion unanimously carried. Whereupon the resolution was declared passed.

21 Proposed Ordinance No. O-08-62

An ordinance entitled, "AN ORDINANCE AMENDING HISTORIC DISTRICT PROCEDURES (ORDINANCE NO. 3944) BY ADDING AN "EFFECT OF DENIAL OF APPLICATION" PARAGRAPH; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

A motion was made by Director Jones, 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 Daniel, duly seconded by Director Smith, that the ordinance be passed as read; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion unanimously carried. Whereupon the ordinance was declared passed.

22 Proposed Ordinance No. O-08-63

An ordinance entitled, "AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR CENTRALIZED TRAFFIC MANAGEMENT SYSTEMS FROM TEMPLE, INC.; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

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

Upon discussion, Mr. Steve Mallett, Public Works Director, explained at a recent Board Work Session, a representative from Temple, Inc. made a presentation regarding improvements to the current traffic system, which included hardware, software, and equipment necessary to develop the communications hub for the traffic control devices that will allow the City to coordinate the entire system or sections of the system as desired. Currently, the City has the ability to coordinate small pockets of signals in and around Hot Springs but does not have the ability to coordinate all signals in all of the corridors. He commented this will basically be a software hub and some communications equipment that will allow the City to utilize its existing equipment. He advised that the new traffic manager, Mr. Charlie Bocksnick, is very familiar with the ACTRA System, which will save time in training and was an important factor in selecting the software. However, if the City were to go with anything different, it would have to replace much of the existing equipment. He stated based on those factors, two options were received from Temple. Option 1 was estimated to be \$192,000, which is the basic package that will provide the software and basic equipment. Option 2, in the amount of \$285,000, is enhanced radio equipment that would facilitate video transmission as well. He said it is staff's recommendation to award a contract to Temple, Inc. as a sole-source provider of the equipment in a contract amount not to exceed \$200,000, which was budgeted in the Major Projects Capital Fund.

City Manager Kent Myers stated in every community survey conducted over the last eight to ten years, traffic has been one of the major issues that has been identified by the community; and this represents the largest traffic management improvement that was implemented over the last five or six years. He said he believes the City can work with the newspaper to do an article informing the public what this will do to the traffic system along Central Avenue and other major roadways.

Director Ramick asked if this means the lights can be coordinated on Central at Temperance Hill and Mall Drive, thereby eliminating stopping at both lights; and Mr. Mallett stated that is correct.

Director Maruthur asked if there will be any adjustments by Golden Leaves Bookstore, and Mr. Mallett explained that anywhere there are signals that can be coordinated within close proximity to each other, the City will look at all of them with respect to each other and at Spring Street. He added that the City can make adjustments from a centralized location and be able to observe the results rather than

have someone go out in the field. He said he can actually do that from a console in his office. He added when they get video feed, they will actually be able to see the impact it is having on the traffic.

Director Maruthur questioned with the video if they are able to see through the trees that are covering some of the lights. Mr. Mallett advised that all of the cameras will be mounted on top of all the mast arms so they will be pointing directly at traffic. He added it is also the same video equipment used to detect if vehicles are waiting to turn.

Director Maruthur stated the City needs to look at some vegetation, such as at Market and Central. She said there is a tree at the Confederate Square making it difficult to see the signal and asked that Mr. Mallett look at that location.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion unanimously carried. Whereupon the ordinance was declared passed.

23 Proposed Ordinance No. O-08-64

An ordinance entitled, "AN ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN CERTAIN VENUES BETWEEN THE HOURS OF 2 A.M. AND 6 A.M.," was taken from the agenda for consideration.

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

Upon discussion, Mr. George Pritchard, 125 Carl Drive, questioned why the City would want to pass a law that says citizens cannot have 25 people gather at a home for a New Year's Eve party. He said that he did not have an issue if this ordinance refers to clubs or business parking lots, but the newspaper said that 25 people cannot consume alcohol after 2 a.m. at a person's home. He questioned what the ordinance stipulated.

City Attorney Brian Albright explained this is a proposed ordinance, and ordinances do not become law until they are discussed and voted on by the Board. He pointed out it is unknown if Section 2 is going to be passed by the Board tonight, which is the section Mr. Pritchard is referring to. However, it is a part of the proposed ordinance that is up for discussion tonight.

Mr. Pritchard pointed out that he wanted to voice his objection to that section.

Director Maruthur suggested looking at Section 2 and Section 3 and eliminating them according to the Fourth Amendment.

A motion was made by Director Maruthur, duly seconded by Director Daniel, to delete Section 2 and Section 3 of the ordinance.

Upon discussion, City Attorney Brian Albright then read Section 2, which stated "That the consumption of alcoholic beverages between the hours of 2 a.m. and 6 a.m. within or upon any residential premises within the corporate limits of Hot Springs by any member or members of an assembly of twenty-five (25) or more persons is hereby prohibited." Section 3 states "That the Hot Springs Police Department and the duly sworn officers thereof shall have right of entry and inspection when such officers have reasonable cause to believe that there exists within or upon any premises a condition in violation of this ordinance. If such entry is refused, the officers shall have recourse to the remedies provided by law to secure entry." He stressed that he agreed with Director Maruthur that these two sections need to be deleted from the ordinance, particularly with regard to Section 3 trying to extend additional authority to the police officers that the Constitution prohibits.

Mayor Bush then called for a vote on the amendment to the ordinance to delete Section 2 and Section 3 of the ordinance; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion unanimously carried.

Director Maruthur stated that in Section 1, she would like to know if the Board is aware how this would affect Commercial Transitional, a Conditional Use, or large places that are catered.

City Attorney Brian Albright pointed out as it is stated in the ordinance, it is nonresidential. Therefore, all of the categories Director Maruthur mentioned, if it is nonresidential, would be covered under this ordinance.

Director Maruthur questioned if they would be under the regulation of the Alcoholic Beverage Control Board, and City Attorney Brian Albright advised that they would not necessarily. He added if they have a valid permit that allows them to stay open or otherwise serve beyond the 2 a.m. timeframe, then they are covered by ABC and would be exempted from this ordinance. He stated if they do not have a valid permit from ABC to operate beyond the hours of 2 a.m., then they must cease serving; and the consumption of alcohol must cease at those premises.

Director Maruthur questioned if this is catered from a catering service and if there is a wedding or a business that is either commercial transitional, or has a special event, and they go through the process of applying for a permit and they are permitted, would they be able to go on with that special event. City Attorney Brian Albright advised if their permit provides for the serving and consumption of alcohol beyond 2 a.m., they would.

Director Daniel, referring to the entertainment districts, said they have just applied for their permit from ABC for the chili cook-off for the Downtown Merchants, and that would be covered under ABC and would allow them to operate under those rules. City Attorney Brian Albright commented that is commonly referred to as a picnic permit.

Director Jones said that Director Maruthur had mentioned a wedding or a catered event, and that person would have to have a beer or alcoholic license in order to have alcohol at a wedding after 2 a.m. City Attorney Brian Albright replied if it is after 2 a.m., they would have to have a permit.

Mr. Bob Driggers, 3 Stonegate, pointed out that the Board has taken care of his primary concern by amending the ordinance. He said he was hoping the newspaper was incorrect; but in view of the fact that the newspaper was correct and what the City Attorney just read, it is very disturbing that anyone would have the audacity to write such an ordinance. He asked why the City thinks it can trump state and federal law authority.

City Attorney Brian Albright stressed that the Board eliminated that and removed any consideration of that issue. Mr. Driggers pointed out that he was disturbed that this would even be written as a proposed ordinance. City Attorney Brian Albright commented that he had said he was shocked the City would take this kind of action; and the City's action is taken by this Board. However, the Board did not take that action.

Mr. Driggers commented he had said that no one should have written this. He added that the City has just recently demonstrated that it did not have a lot of public concern

for their acts of privacy by calling private phone numbers at 2 a.m. to tell people not to be getting up and doing downtown.

Mayor Bush responded that he talked to many people, who were very appreciative of receiving a call at 1:30 a.m. and heard the wind blowing and would not go outside and see all of the lines down.

Mr. Driggers asked that the City start giving some consideration and not get people up at 2 a.m. and selling citizens' private numbers to telemarketers. Mayor Bush stressed that the City does not sell numbers to telemarketers.

Mayor Bush then called for a vote on the motion to adopt the ordinance, as amended; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion unanimously carried. Whereupon the ordinance was declared passed, as amended.

OTHER BUSINESS

24 Board of Directors Items

Director Jones said she had 90 percent of the people who shopped at Kroger appreciate the phone call in the morning, and no one was against it. She commended the Women of the Chamber for the Dancing with the Stars and mentioned that Mayor Bush and Director Smith participated in the dancing.

Director Smith stated that he has learned more about Entergy and its operations in the last couple of weeks during the heavy rains and winds. He stressed that citizens check on their neighbors and noted there are trees down and still some power outage; but Entergy is working hard to get the electricity on.

Director Daniel expressed appreciation to city staff and employees from the Parks Department in getting Central Avenue cleared after the storm, as well as the Sanitation employees and Police officers, who worked in the rain. He asked that staff and City Manager Kent Myers start implementing the pickup of brush and trash for at least 90 days. He said whatever citizens set out by the curb, if it is from the storm, then the City should pick it up. If citizens want to carry it to Davidson Drive, then let them do it at no charge.

Director Maruthur commented that the north end of the City was very hard hit because of the direction of the winds and the growth pattern of the trees. She said the infrastructure she has been working on to get replaced has been on the Board's priority list, and she has been vigilant about getting things replaced. She mentioned she received several phone calls from people who live on Circle Drive and are wondering why there is still a cavity being drilled through the street. She stated this is from the installation of water and wastewater, and there will also be the installation of new gas lines. She said she is going to ask the City to put out fliers so the residents will understand what is happening. She stressed designating money to the infrastructure, noting that damage control is good; but the City needs to be proactive and look at its priorities. She noted that one of her major concerns is the assessment that was done by FEMA for a rock slide, which the City needs to look at. She commented in light of the remnants of the two hurricanes with the high winds, the City needs to put some security in place for refrigerated goods and look at the potential of a rockslide. Also, the City needs to look at the different circuits and have everything mapped out so that the residents understand where their power is coming from. She stressed that the City needs to have a good plan.

Mayor Bush thanked the City employees who covered the City during the recent storm.

Director Ramick expressed appreciation to City Attorney Brian Albright for the job he did last Friday in Court defending the City in the lawsuit regarding the reduction of the advertising and promotion tax.

Director Maruthur said with Hurricane Gustav and Hurricane Ike, there were more people with power outages with the second wave than with the first one. She pointed out that the Entergy crews were in Louisiana when Gustav hit, but this time they were prepared. She expressed appreciation to the City staff and employees involved.

Director Jones pointed out that neighbors were helping neighbors, and everyone pulled together in the neighborhoods.

25 City Manager's Report

City Manager Kent Myers gave the following report:

1. The Board approved the Consent Agenda which included the appointment of Charlie Wunderlin to the Construction Trades Advisory Committee; the creation of a Green Initiatives Advisory Committee was approved, which is a five-member committee; and applications will be available tomorrow if citizens are interested in serving. There are a number of green initiatives that have started in the community in terms of building practices, recycling, etc. The Board is looking at this committee to come up with some recommendations on how the City can improve its green efforts. The City approved a grant application with the Parks and Tourism Department on behalf of the Chamber of Commerce to take a look at a regional sports complex to serve the youth in the community. This is a feasibility study that will be 50 percent funding from the Chamber of Commerce and 50 percent funding from the State; the City will have no financial obligations. If the grant is approved, then a consultant will be hired to look at the economic impact that could be generated if the community were to construct a major youth sports facility in the future. The grants are only available to city and county governments; therefore, it had to come through the City. The City is currently reviewing proposals for EMS services, which will be presented to the Board in the next 30 to 60 days. The current contract with LifeNet expires October 31, 2008, so the Board approved a two-month extension of that contract.

2. A couple of employees were recognized since the last Board Meeting. The Board earlier this year appointed a new employee recognition program. This program spotlights employees and departments that serve above and beyond the call of duty. Today, he participated in the spotlight award at the Animal Services division to recognize the Animal Services staff that responded above and beyond the call of duty within the last month when there was a major distemper outbreak in the community and in the shelter. They had to inform the public that they could not take any more animals and could not adopt any more animals. The entire department came together and responded very effectively in dealing with the public. A week ago he received a note from Mr. Bob Hanson commending the Street Department for the exceptional job they had done in clearing ditches in his neighborhood. Mr. Hanson indicated he had received many calls stating how appreciative other citizens were to the Street Department. A positive note was received from Mr. Frank Manzer, at 102 St. Francis, stating that residents are getting their limbs picked up; and he could not have disposed of them in any other way. He said the City crews are doing an outstanding job, particularly the Sanitation Department.

3. He welcomed the group of people who will be in town next week to participate in the Senior Olympics and brings participants and family members throughout the State. The kick-off dinner will be held this Friday night at the Country Club, and Ms. Gail Ezelle and her staff did a wonderful job in recruiting participants to the event, which has a large economic impact.

4. The Advertising and Promotion Commission has been involved in a balloon and barbeque event to be held this weekend at the Airport, and information will be in the newspaper on Thursday.

5. A work session needs to be scheduled to devote time discussing the 2009 budget. His secretary, Margaret Parris, will contact the Directors within the next couple of days. One of the dates being considered is September 30 after the agenda meeting at 4 p.m.

6. There is an opening on the Planning Commission, and this individual must reside in Districts 1, 2 or 6. Applications are available in the City Manager's Office.

7. Regarding the CAPS pickup of trees and limbs and other items, the service has been extended to at least October 3 and possibly further. If any resident needs access to the service, they need to move their trees and limbs to the curb, and the City will pick them up at no charge. The phone number to make an appointment for the pickup is 321-6921. There is also free firewood available on City-owned lots where there are downed trees (on Leawood, one block north of Hollywood). If residents have a chain saw and want to get some firewood, that is available until Sunday, September 28.

8. If residents have storm-related property damage, citizens may contact Garland County Department of Emergency Management at 622-3785 to report any uninsured damage that happened to their home, property or vehicle. If local residents purchased food with food stamps; and it has spoiled, they may get some reimbursement for that from DHS (321-2583).

9. The Office of Emergency Management is sponsoring an emergency preparedness workshop Thursday, September 18, and includes topics such as home fire safety, generator safety, how to work weather radios, cities readiness initiative and other preparedness activities. This meeting will be held from 12:30 p.m. to 3:30 p.m. and from 4 p.m. to 7 p.m. at the Hot Springs Civic and Convention Center, free of charge, sponsored by the Department of Emergency Management and the Garland County Health Department.

10. This Thursday, from 6 p.m. to 7:30 p.m., is the International Day of Peace sponsored by R.E.G.A.R.D. at Oaklawn Elementary and is free to the public.

11. Hopefully every citizen of Hot Springs realized as a result of the events that have occurred, the benefits of the CodeRED[®] System. If residents are not connected to that system, they are encouraged to call 321-6861 and make sure their phone number is registered in order to receive calls in the future for CodeRED[®].

26 ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 8:20 p.m., to meet again on Tuesday, October 7, 2008, at 7:00 p.m.

ATTEST: _____

APPROVED: _____

Lance Hudnell, City Clerk

Mike Bush,

Mayor