

MINUTES

BOARD OF DIRECTORS MEETING

MARCH 24, 2009, AT 7:00 P.M.

The regular meeting of the Board of Directors was held on Tuesday, March 24, 2009, at 7:00 p.m., Board Chambers, City Hall, with Mayor Mike Bush presiding.

The invocation was given by Mr. Jim Latture, 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, Cynthia Keheley, 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 Maruthur, that the agenda be approved.

Upon discussion, City Manager Lance Hudnell pointed out that a blacklined and filled-in copy of the bond ordinance has been distributed; and the Board will consider the ordinance later in the meeting, which was based on the bond sale that occurred after the Board packet was distributed. Also, based on the nominations for the Planning Commission and Historic District Commission, resolutions have been distributed. He announced that a statement was received this afternoon from Mr. Travis Morrissey requesting that his nomination be removed from the Board of Zoning Adjustment. Based on that and after conferring with Deputy City Attorney Trent Daniels, he requested that the Board withdraw Proposed Resolution No. R-09-61 (Appointing Members to the Board of Zoning Adjustment) from the agenda. He added that the Board of Zoning Adjustment does not meet until late April; therefore, the Board has an opportunity at the next meeting to fill that vacancy based on the withdrawal of that appointment.

A motion was made by Director Daniel, duly seconded by Director Jones, to withdraw Proposed Resolution No. R-09-61 (Appointing Members to the Board of Zoning Adjustment); and
and upon voice vote, the motion unanimously carried.

Director Maruthur questioned if there was a reason stated for Mr. Morrissey's withdrawal from consideration. City Manager Lance Hudnell then read the following statement from Mr. Morrissey: "It is with regret that I must remove my name from consideration for appointment to the Board of Zoning Adjustment. Though I feel strongly that the important function that this Board provides aggrieved citizens of Hot Springs in regard to adjusting zoning when it works an undue hardship upon such citizens, I do not wish to subject my family to the attended politicalization of the composition of this and other boards and commissions of the City of Hot Springs. I sincerely hope that the current political environment of Hot Springs does not unduly discourage other qualified and civic-minded individuals to serve their community."

Director Maruthur asked what time this statement was received, and City Manager Lance Hudnell advised that it was on his computer at 11:19 a.m. Director Maruthur said that she received a telephone call regarding this and asked that in the future, such statements be sent to the Board because she would like to have read it.

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 March 3, 2009 and February 24, 2009 Board Meetings

A motion was made by Director Keheley, duly seconded by Director Ramick, that the minutes of the March 3, 2009 and February 24, 2009 Board Meetings be approved; and upon voice vote, the motion unanimously carried.

4 Recognition of Guests

City Manager Lance Hudnell announced there are a couple of students present from the National Park Community College.

5 Board of Directors Announcements

Director Maruthur announced if citizens want to enroll in the CodeRED Program, they may call Paula Brown in the Engineering Department at 321-6861. Also, there is an account open at Regions Bank for the family of deceased firefighter Gene Yarbrough.

CONSENT AGENDA

The Consent Agenda consisted of the following:

- 6 Public Safety Report** (March 3, 2009).
- 7 Budget Transfer** - State Grant Matching Funds (Repairs to Taxiways "E" and "H") [\$10,000].
- 8 Proposed Resolution No. R-09-44** Approving Certain Bid Awards (a) Ford 3/4 ton pickup truck - Public Works/Street Department [awarded to Riser Ford in the amount of \$16,520]; (b) Toyota Prius Hybrid - Planning Department [awarded to Cardinal Chrysler in the amount of \$24,500]; (c) Mowing/Ground Maintenance at 22 locations - Parks Department, Public Works, Airport, Intracity Transit, and Animal Services [annual supply contract awarded to Spa Landscape, Cousins Lawn, TruCut, and Adarose]; (d) Contract Extension for Road Bores - Utility Administration [annual supply contract awarded to Coakley Company]; and (e) Pipe and Polyethylene - Public Works/Various Department [annual supply contract awarded to Little Rock Winwater].
- 9 Proposed Resolution No. R-09-45** Authorizing the Filing of a Grant Application with the Federal Aviation Administration (FAA) and the State Aeronautics Department for Completion of Airport Runway 13/31 Rehabilitation.
- 10 Proposed Resolution No. R-09-46** Authorizing Filing of a Grant Application with the State Aeronautics Department for Airport Improvements (Rehabilitation of Taxiways "E" and "H").
- 11 Proposed Resolution No. R-09-47** Awarding a Contract for Engineering Services (Rehabilitation of Taxiways "E" and "H") to Grimes Consulting Engineers, Inc.

- 12 Proposed Resolution No. R-09-48** Awarding a Contract for Engineering Services for Runway 13/31 Rehabilitation, Phase III, to Delta Airport Consultants, Inc.
- 13 Proposed Resolution No. R-09-49** Amending Resolution No. 6628 by Revising the Amount to the Contract with Delta Airport Consultants for Engineering Services for Asphalt Overlay of Runway 13/31 and Edge Light Replacement.
- 14 Proposed Resolution No. R-09-50** Amending Resolution No. 6494, as Amended by Resolution No. 7003 (Approving Certain Revisions to Municipal Airport Property Management Policy), by Adopting a New Appendix “K” (Airport Property Rates).
- 15 Proposed Resolution No. R-09-51** Authorizing the Mayor to Execute a Non-Tenant Vendor Business Agreement Between the City and Ricky Jackson, d.b.a. Tri Lakes Aero, to Perform Aircraft Maintenance at the Airport.
- 16 Proposed Resolution No. R-09-52** Authorizing the Mayor to Execute a Contract Between the City and Garland County for Information System Services.
- 17 Proposed Resolution No. R-09-53** Authorizing the Mayor to Execute a Tolling Agreement Between the United States, Environmental Protection Agency, for Claims Under the Clean Water Act.
- 18 Proposed Resolution No. R-09-54** Authorizing the Mayor to Resubmit a Memorandum of Understanding with CLEAResult Consulting, Inc. to Participate in the Entergy Arkansas CitySmart Program for 2009.
- 19 Proposed Resolution No. R-09-55** Approving Certain Street Names (Central Park Drive and Central Crossing).

- 20 Proposed Resolution No. R-09-56** Awarding a Contract for Engineering Services to Jacobs Engineering for Central Avenue Traffic Signal Coordination.
- 21 Proposed Resolution No. R-09-57** Approving Extension of Franchise Agreement with Resort Television Cable Company, Inc. Until May 31, 2009.
- 22 Proposed Resolution No. R-09-58** Extending an Agreement with Regions Bank for the Provision of Certain Banking Services (May 31, 2009).

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

Upon discussion, Director Keheley stated in regard to Item No. 13 (Proposed Resolution No. R-09-49 Amending Resolution No. 6628 by Revising the Amount to the Contract with Delta Airport Consultants for Engineering Services for Asphalt Overlay of Runway 13/31 and Edge Light Replacement), the original did not include reimbursements for subcontractor's services and asked that Airport Manager George Downie explain why it was not included (\$73,170).

Mr. George Downie, Airport Manager, explained there was a phase of reimbursements that is in all of the contracts. He said he picked up the first figure in the first paragraph, not the second, which was \$20,900. Therefore, he just overlooked the \$20,900; but the contract had the correct amount and was approved and signed.

Director Maruthur asked that he explain the Weyerhaeuser hangar, and Mr. Downie said that he has not officially been notified; but through the chief of operations manager of Weyerhaeuser Aviation, they will be terminating the lease on their hangar and moving the second aircraft from Hot Springs. He added they have been a presence on the field since 1973 and will be missed because they have been a good customer.

Director Maruthur pointed out that one of the items on the Consent Agenda under bid awards is approval of a Toyota Prius, which replaces a Dodge Intrepid. She added it was a 1997, which will save the City a lot of money. Also, in regard to Item No. 18 Proposed Resolution No. R-09-54 (Authorizing the Mayor to Resubmit a Memorandum of Understanding with CLEAResult Consulting, Inc. to Participate in the Entergy Arkansas CitySmart Program for 2009), that is no cost to the City; and they are

going to do an energy assessment. Regarding Item No. 20 (Proposed Resolution No. R-09-56 Awarding a Contract for Engineering Services to Jacobs Engineering for Central Avenue Traffic Signal Coordination), the City is in receipt of all the streets that have been listed where they are going to have a traffic signal coordination.

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, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion unanimously carried.

NEW BUSINESS

23 Proposed Ordinance No. O-09-12

An ordinance entitled, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF HOTEL AND RESTAURANT GROSS RECEIPTS TAX BONDS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF CAPITAL IMPROVEMENTS; PLEDGING COLLECTIONS OF A 3% HOTEL AND RESTAURANT GROSS RECEIPTS TAX TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY," 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 Daniel, duly seconded by Director Maruthur, that the ordinance be passed as read.

Upon discussion, City Manager Lance Hudnell noted that Kevin Faught and Carey Smith from Stephens, Inc., as well as Attorney Ryan Bowman, from Friday, Eldredge & Clark, are present to answer questions.

Director Keheley questioned who will serve as Trustee, and Mr. Faught advised that it is Bank of the Ozarks. Director Keheley asked how the bonds were rated, and Mr. Faught stated they do not have a rating. Director Keheley questioned if the reserve will be used to pay off the bonds early or if the reserve can be used, and Mr. Faught stated that the reserve typically will be used to make a portion of the final payment. Director

Keheley asked what happens to the rest of the reserve if the bonds are not paid off until maturity, and Mr. Faught advised that whatever is in the reserve at that time will be used to make the final payment.

Director Maruthur clarified that these are the bonds for capital improvements at the Mid-America Museum.

Director Keheley commented that she feels this is the “jewel in the crown” in Hot Springs; and the City is very grateful for the new leadership and the management of this project and congratulated all of the people who worked on this project.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted “aye”: Directors Maruthur, Jones, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion unanimously carried. Whereupon the ordinance was declared passed. A motion was made by Director Jones, duly seconded by Director Ramick, that the emergency clause be passed; and upon voice vote, the motion unanimously carried. Whereupon the emergency clause was declared passed.

24 Proposed Ordinance No. O-09-13

An ordinance entitled, “AN ORDINANCE WAIVING REQUIREMENTS OF COMPETITIVE BIDDING AND APPROVING A MAINTENANCE AGREEMENT WITH THE U. S. GEOLOGICAL SURVEY (USGS) FOR FLOOD WARNING INFORMATION SYSTEM; 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 Maruthur, duly seconded by Director Daniel, that the ordinance be passed as read.

Upon discussion, Mr. Steve Mallett, Deputy City Manager of Public Works/Utilities, advised that two years ago, the City entered into an agreement with the U. S. Geological Survey (USGS) to install and operate a flood warning system in downtown, which consisted of four monitoring stations. He mentioned they also operate this system for the City which means on an annual basis, they maintain and

repair any and all of the units and also provide, through the internet, a way for the City to monitor and track the rain events. He added it does not automatically renew year-to-year; therefore, staff has to come back each year and request that the City re-enter into the maintenance for the monitoring agreement. He pointed out this ordinance does, however, allow the City in future years, until things change, to automatically re-enter into that agreement on an annual basis without returning to the Board.

City Manager Lance Hudnell pointed out that it is approved in the annual budget ordinance.

Director Maruthur stated this pertains to equipment the City purchased from them, and they are going to maintain their own equipment. Mr. Mallett replied that is correct, and it is turnkey. He added they check it, monitor it, and make sure everything is operational 24 hours a day. He stated the cost of the agreement, on an annual basis, is \$51,230; and it is included in the 2009 Stormwater Utility Budget. He said the City will continue to budget it in future years.

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

25 Proposed Resolution No. R-09-59

A resolution entitled, "A RESOLUTION APPOINTING MEMBERS TO THE HOT SPRINGS PLANNING COMMISSION," 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.

Upon discussion, Mr. Bob Driggers was recognized stating that a letter from the Garland County Good Government Group was sent to each of Directors; and he is speaking on behalf of the group tonight. He said they are strongly opposed that the Board go any further toward seating people on the three boards and commissions of which the Board recently fired all of the members. He noted that some of the things recently in the local newspaper and Arkansas Business.com, etc. indicate there are ties between a couple of the Directors and a person referred to by Arkansas Business.com as an ex-con. He said he would encourage the Board not put more "good old boys" on

the Commission who may be associates of these two Directors. He added it would not cause a problem to postpone this for a couple of weeks until the Board gets a full disclosure from all of the individuals who applied to determine who their associations are, what their conflicts of interest are, etc. He stated that being a realtor in some people's eyes says that gives a conflict of interest when serving on one of these boards, especially the Planning Commission where the members are determining zoning, platting and design, etc. of properties that are going to be sold, potentially profiting from if the City increases the values by changing the zoning, etc. He read the final paragraph that was sent to the Directors: "Without question, we strongly oppose the placement of any person who has business associations with a known criminal, ex-con, or convicted felon on any city board or committee. Almost all of those persons your board has proposed seem to have such improper business connections or apparent conflicts of interest. Further, we strongly request the immediate removal of any such associated persons from city boards and committees on which they currently serve. This includes our request that you immediately take steps to remove the two current business associates from their positions as members of the Hot Springs Board of Directors."

Mr. Ken Carney, 111 Blueridge Place, said he has been a part of this process when all of the different committees and commissions were eliminated; and the process of the interview has been flawed tremendously. He stated he recalled Director Daniel speaking at the end of the time when he came up and spoke about being on the Planning Commission that there was more than enough people who had applied (around 20) and that the Board was excited about that. He mentioned that he appreciated Director Daniel making that comment, but in the middle, the rules changed; and the deadline to submit applications for the Planning Commission or any of the others was there; and other people were put on there; some of those were actually chosen for the Planning Commission or whatever Board. He pointed out that Director Weatherford was not present when he was speaking and 90 percent of the others for the Planning Commission. He said he wondered how anyone could choose somebody without actually interviewing them. He also mentioned that Director Daniel came in 30 minutes late at the last meeting, which he sat in on that because he is very concerned about this. He said he believes it shows there is a pattern that they really does not care about this.

Mayor Bush stressed that he disagreed.

Mr. Carney commented that he sees a pattern of this and appreciated the article in the newspaper today. He mentioned that he met with the prosecuting attorney this

past week and has a response with him to a complaint that he made and a group of citizens representing over 70 churches in the community and thousands of people who attend these churches. He advised that the complaint was that the City has a Director sitting on the Board that had all kinds of ethical complaints against him and actually admitted to that, and these complaints were actually proven. He said he is not going to read the entire thing, but it states that on March 28, 2008, Director Weatherford signed the Offer of Settlement. He stated by signing the Settlement, Director Weatherford acknowledged that he violated the Code of Ethics, etc.; and he was fined. He noted that when he talked about this, they said the City Attorney would not sign that now; and he knows better because that was when he first started. He pointed out in 17 years since the computerized records have been maintained by the Hot Springs Municipal Court, Director Weatherford has had 11 citations for the offense of speeding, driving without insurance, driving without tags, careless driving, and terroristic threatening. He reported that all 11 of these offenses were not processed by the City Attorney's office, and the clerk notes in case certain ones that the attorneys signed all of these. He said in the last three months, there was a citation that was given that did not make it to the City Attorney's desk to not process. He commented he believes there is a pattern on the Board that needs to be stopped. He commended The Sentinel-Record on the article today and read the first part of the article which says that no public official or state employee shall use or attempt to use his or her official position to secure special privileges or exemption for himself or herself or his or her spouse, child, parents or other parents standing in the first-degree of relationship or for those with whom he or she has a substantial financial relationship that is not available to others except as may be otherwise provided by law. He stressed this is ethics. He added that he talked to the Prosecuting Attorney, and it is not a criminal matter but is an unethical issue. He urged the Board to do the right thing.

Mayor Bush asked if Director Weatherford was not elected, and Mr. Carney replied that he was. He added there is an ethical standard by which this Board and any Board goes; and when there are unethical things happening by those who are governing the citizens, then it is a right for citizens to come in the United States of America and say that things should be put on hold. He mentioned there is more information about the things that are happening coming in the future. He suggested that the Board not pass this tonight but postpone it until further notice where the Directors can find out exactly what is happening because there is a supreme conflict of interest. He commented that when the City uses the City Attorney, it is using his tax dollars and everybody else's tax dollars.

Director Maruthur thanked Mr. Carney for stepping forward and making his comments.

Mr. Carney stressed that the citizens are going to have an ethical government, and Mayor Bush responded that he believes they do.

Pastor Doug Jones, 907 West St. Louis, said that he is pastor of the First Freewill Baptist Church and president of the Watchmen of Garland County. He addressed the issue of the legitimacy of the process of gathering applications for these positions that the Board is voting on tonight and addressed the process itself, pointing out there was a deadline that was established but was then erased and then there was a situation that was set up where those who applied for a position and did not apply for another one could transfer from one position to another position. In the interview process, he pointed out that on Friday, Director Daniel was 30 minutes late for the process.

Mayor Bush pointed out that he was late in arriving tonight and questioned why he was concerned that Director Daniel was late. Pastor Jones commented that he was not voting on someone to take a position. He added that Director Daniel was a voting member and did not hear the interviews that took place prior to his showing up. In addition to that, he mentioned that Director Weatherford took phone calls during the interview process and did not hear some of those interviews.

Mayor Bush responded that he was not aware that Director Weatherford had a phone call. Pastor Jones said he was sitting in the audience and saw him leave the Board Chambers. In addition, he said he did not believe there were any background checks on anyone who was applying for these positions as to find out whether or not they have any connection with anyone on the Board already from a business perspective or who may have failed in business practices themselves. He mentioned that Director Maruthur was the only Director who asked pertinent questions regarding their association with anyone else on the Board. He said it appeared to him that the Board had already decided who it was going to appoint to the commissions. He stated during the conclusion of the balloting, City Manager Lance Hudnell and City Attorney Brian Albright were the only ones who had a view of the ballots that were cast.

Mayor Bush responded that he knew what the count was on the ballots.

Pastor Jones said his whole concern is that as a directorship of the City, the most important thing they can do as directors is be transparent to the people to whom they are responsible. He explained that transparent means the people know what is going

on. He said when the original applications were taken up by the deadline, he was the only one in District 3 for the zoning. However, after the deadline took place, there were two other people who came into the zoning ballot; and it was after the deadline had been extended.

Mayor Bush said that he did not agree with that. Pastor Jones said that it was in the newspaper, and Mayor Bush replied that does not mean it is correct.

Director Maruthur pointed out that it was extended, and City Manager Lance Hudnell explained that it was extended. However, Pastor Jones' name was in before; and there was only one applicant for District 5. He stated the Board requested that the City extend the deadline so there could be additional opportunity for additional people to apply for District 5. He added there was an additional gentleman who applied for District 5, making two people eligible for that district; and there is one other gentleman who applied during that time.

Director Maruthur commented that was not done for another commission, and the Board voted anyway even though there was only one applicant in the slot. City Manager Lance Hudnell replied that the City extended all of them but did not get any more for the other ones.

Director Keheley pointed out in District 3, there were three applicants; and they were on time.

City Manager Lance Hudnell commented that the Board is discussing the Planning Commission at this time, but the City did extend it for the other two commissions to try to seek additional applicants.

Director Maruthur stressed that the process has been flawed, and the Board never had a chance to discuss qualifications, noting that people left the room. She added there were comments from across the room, and it became very personal. She pointed out it had nothing to do with the applicants and was kind of like the way the other people left, not on their own volition. She noted the other volunteers were just terminated, which she found very disturbing, especially after what she found in the minutes that the Board approved tonight.

Mr. Chris Reimers, 111 Squaw Valley Trail, stated he was present at the February 3 meeting when the Board made the decision to dismiss the Planning Commission; and he appreciated Director Keheley's and Director Maruthur's "no" vote

on taking that action. He said he was surprised that the City could dismiss volunteers in such a manner. He asked Director Maruthur if there were any questions at the meeting where the applicants were interviewed about personal associations with any Directors, and Director Maruthur replied that she tried to ask the following three questions: (1) "Do you do business with the City?" (2) "Are you or have you been in business with any of the City Directors?" and (3) "Are you planning on doing any development or do you have any land that would be affected and there would be a financial benefit or detriment if you were to serve on this commission?"

Mr. Reimers asked what kind of responses she received, and Mayor Bush asked if he was referring to what happened in February; and Mr. Reimers said he was not. Mayor Bush said he signed up to talk about Resolution No. R-09-59 and asked that he talk about it. Mr. Reimers said that he was, and Mayor Bush said that he was not but is talking about something that happened a month ago. Mr. Reimers said that he is referring to the final interviews that were held for the people the Board has chosen to nominate for the Planning Commission, Board of Zoning Adjustment and Historic District Commission.

Mayor Bush asked that City Manager Lance Hudnell read the names of the Planning Commissioners the Board is approving tonight. City Manager Lance Hudnell then read the following names: Lee Foster, retired; Barbara Lewis, retired director of the Arkansas Rehabilitation Center; John Goodman, executive director of Habitat for Humanity; James Clopton, semi-retired, part-time realtor; Gary Westerman, employed by an abstract company; Jane Campbell, housewife and member of Lakeside School Board; Charles Smith, who has various businesses in the City that are mainly of a training nature; John Mory, engineer, representing the County and works primarily in the Benton area but lives in the ETJ in Hot Springs and was previously on the Planning Commission; and Larry Raney, retired, representing the County and was previously on the Planning Commission.

Mr. Reimers said he hopes their intentions are to serve the City well; however, he believes the people need to ask these questions and is glad that Director Maruthur asked them. He stated he was curious as to what the responses were to the questions.

Director Maruthur said that the bottom line was if they would have a conflict of interest; and in their opinion, there were several that in the political climate and with the information that was released by The Sentinel-Record, she felt there were a few who did have a conflict of interest. She stated she was really concerned that their serving

on these commissions could end up the way things ended up on the front page of the newspaper. She stressed that she had no idea who knew who. She mentioned that she has asked questions of Director Ramick, but he would not answer them. She explained that she just wanted to know why he would not and then it came out in the newspaper.

Director Ramick asked if this is concerning the Planning Commission, and Director Maruthur commented that it concerns Cares Away Subdivision. Director Ramick pointed out that the Board is not discussing Cares Away Subdivision.

Director Maruthur pointed out her concern was who knows who, and she does not know him and does not develop property.

Mr. Reimers said the questions have not been answered sufficiently in his mind, and he would also ask that this decision be postponed until there is more information on who the Board is appointing.

Director Ramick questioned how many of the previous people who sat on the Planning Commission that applied were reappointed, and City Manager Lance Hudnell advised that all three individuals who were previously on the commission who reapplied were reappointed and that was Mr. Clopton, Mr. Mory, and Mr. Raney.

Director Ramick questioned if every vote was unanimous when the Directors voted, or did they have to on occasion have some type breakers. City Manager Lance Hudnell advised there were a number of ties.

Director Ramick said not everyone voted for the same people. He added that from what he has heard, it appears that some people think the Directors had already selected all of these appointees before they ever met.

Mayor Bush stressed that did not happen. Director Ramick added that they all had separate votes; and there was not a unanimous vote on anyone as far as he remembered

City Manager Lance Hudnell stated as he recalls, not all seven Directors voted for a particular person.

Director Maruthur pointed out that she did not vote on a couple of them, and that is why there was a tie. She stressed that they do not have to vote.

Mr. Ted Burhenn, 318 Trapp Mountain, spoke of the article in the newspaper on Thursday, where it implicated some Directors who implicated a local developer doing business that he should not be doing according to what the paper said. He said the editorial in the paper today indicated the same thing and that, along with the way the Planning Commission was dismissed, always brings doubt about the process. He stated he believes it is prudent at this time to go ahead and hold off on this decision until some of these things can be discovered. He mentioned the Cares Away project, which is in his fire district. He said that he talked to the fire chief today, and she does not remember doing a review on it. He pointed out they do not know how that came through; and Ms. Sellman, Planning and Development Director, is not present tonight. Therefore, she cannot tell how it made it through the Planning Commission and the Directors, etc. without their review. He said it may have been reviewed by a previous fire chief, and they have not had the time to check that. He added they need time to find out how this slipped by them. He requested that the Board postpone this resolution, noting that he has nothing against the new Planning Commission.

Director Maruthur stated in the March 3 minutes, Director Ramick wanted an item tabled; and she asked if there was a reason, to which he replied he would give it when the Board had its meeting. At the next meeting, she said she questioned if he could inform the Board what it is, and he stated that it had been resolved; and there was no need for discussion. She mentioned that she read the article in the newspaper that involved Director Ramick with some of these people; and in the Board minutes, he had said to trust him. She added that he stated the issues were resolved. However, she does not know what the issues were and still does not know. She commented that it is his business, and she wants him to do well in his business. At this time, Director Maruthur thanked the applicants who applied for the commissions and apologized to those who felt they did not have a chance. She mentioned the applicants did a lot of work preparing for these interviews and there were basically no questions asked; and those people were not selected. She stressed this is her personal opinion. She noted that she sees the agenda for the reorganization clearly after reading the article in the newspaper. She stated at the Board Retreat, she came away from it with a clear impression there were some things that had transpired, and she did not like what she heard which is the reason she recommended that the Board adopt some rules and regulations for decorum. However, she was informed by City Attorney Brian Albright that the Board did have those items in place; and she was just suggesting that the Board apply them and keep the people and let them come to the end of their terms, which did not happen. She said she thought there was a problem with what the Directors had discussed at the retreat, so she voted against it because she thought that

the Board could let these volunteers continue volunteering and let them go their natural course. She pointed out that Director Ramick was not elected but was appointed by the Board to fill Director Bill Edwards' position, who was always looking out for the "little guy." She said she was not aware that Director Ramick knew Director Weatherford when he was appointed. She asked if they were in business together when he was appointed, and Director Ramick replied that they have never been in business together. He added that he did not know where she was getting this information. Director Maruthur replied that she was receiving it from the newspaper.

Director Ramick replied that what she reads in the newspaper is not always correct, pointing out there were several mistakes in the newspaper. He stressed that he does not have any business with any of those people mentioned in the newspaper. He said he has run his own business and is a realtor and developer. He emphasized that he is not in business with Director Weatherford and did not know him before he was appointed. He questioned where she was receiving her information, and Director Maruthur said it was from the newspaper. He asked if the newspaper said he was in business with Director Weatherford, and Director Maruthur replied that usually the newspaper does not run an article unless they do some research. She noted they might misquote somebody. She asked if he was a part of the Shady Heights development, and Director Ramick said he was not. Director Maruthur asked if Director Weatherford was a part of it, and Director Ramick replied that he did not know. Director Maruthur asked Director Ramick if he would have a problem resigning from the Board if he had a conflict of interest and what was in the newspaper was true. Director Ramick responded that he has no conflict of interest and has nothing to do with Shady Heights nor the other project that was mentioned.

Mayor Bush asked if Director Maruthur was asking Director Ramick to resign, and Director Maruthur replied she would if he had a conflict of interest. Mayor Bush asked if she would resign if she had a conflict of interest, and Director Maruthur replied that is a "no brainer." She said she would recuse herself from a vote. Mayor Bush pointed out that she talked about the interviews the Board had for the Planning Commissioners, and there were 45 or 50; and he is very proud that so many citizens wanted to be a part of the Planning Commission. He said that she had made a comment regarding the interviews earlier, and he did not know where she was coming from. Director Maruthur replied there was no rating system. Mayor Bush pointed out that the Board did not ask for a rating system but asked everybody to tell what, where and when. He asked if she had a problem with that. Director Maruthur replied that the people who are appointed to the Planning Commission are going to define the future of Hot Springs; and she wants to make sure they do not have a financial benefit and do

not have ties to City Board business. She stressed that she is talking about business ties and said she is not in business with any of the people who applied. She said if she were, she would not vote for them or would disclose the fact that she was. She commented that she believes what was in the newspaper.

Director Daniel commented that he believes if more people who had previously been on the Planning Commission had reapplied, they might have been reappointed. He pointed out this was a reorganization and was not firing anyone. He commented that he did not personally know any of the people the Board is voting on tonight but from listening to them and looking at their resumes, he believes it is an outstanding group of people and a cross-section of educations. He stated if Director Maruthur knows someone on this list the Board is getting ready to vote on who has a conflict of interest with somebody on the Board, she needs to bring their name out.

Director Maruthur responded that he is not going to put it on her. She mentioned there is a new planning subdivision ordinance, and Director Ramick took out the three key things that were in place to protect the lake.

Director Daniel emphasized that he is not talking about Director Ramick but is talking about the people to be appointed to the Planning Commission. He added these are upstanding citizens who were willing to take the time to put in their applications to serve. Director Maruthur pointed out that also goes for the people who were dismissed. Director Daniel reiterated if she knows of one of the applicants named in the resolution who should not be on the commission, she needs to bring their name up; and he is not putting it on her. Director Maruthur responded that he is, but it is not going to work.

Director Daniel stated that Mr. Carney talked about his being late but pointed out that sometimes things just happen. He said that he is a business person and has to work for a living, even though he and Mr. Carney work a little differently. He said he remembered Mr. Carney being here and talking about how he circles about 40,000 feet looking over everybody and pointed out that he made the following comment: "This is not going to mean anything because the Board had already selected and knows what it is going to do. They know who is going to be on the commission." Director Daniel commented if the Board had known that these people were going to be on there, he would not have stayed and taken four or five votes trying to get people and some that he did not even know on the commission. He said not only does Mr. Carney owe the Board an apology but also owes an apology to the applicants. He reiterated that he just said that the Board already knows what members were going to be appointed.

Mr. Carney said that he is taking something out of context to what he said because he said he is a 40,000 foot guy because he tries to see the big picture. He added that he does not just look at the little things that are happening. He also responded that he understands what it is to work for a living and would ask anybody to follow him around and find out what he does for a living. As far as putting somebody down, he stated he does not put anybody down. He explained that he went to the Mayor and said that someone had told him it was already decided, and the Mayor informed him that was not true. He said that he thanked the Mayor and said that he wanted to believe that. He stressed that he did not accuse the Board of already having made a decision. He mentioned after seeing the process of how this happened, he then said he did not think this is the best process because this is not an open process. He said that he highly respected Director Daniel and has nothing against him. Director Daniel commented that he believes he took dead aim at these people, and Mr. Carney responded that he did not take dead aim at them. He requested that he be on record that he was not talking about them but was talking about the process.

Director Daniel pointed out that the Board is not voting on the controversy, and the only thing it is voting on tonight is the Planning Commission and Historic District Commission appointments. He noted the Board is not voting tonight on the Board of Zoning Adjustment since it was withdrawn earlier from the agenda.

Director Maruthur made a motion, duly seconded by Director Jones, to table the approval of the Planning Commission for two weeks (April 7 Board Meeting) in light of all the discussion.

Upon discussion, Director Keheley thanked every citizen who took the time to reply and apply for the three boards. She said there were some great applicants, and the Board appreciates everyone who took the time. Also, she would like to express appreciation for all of those members of the commission who previously served. She pointed out they gave their time, expertise and care for the business of Hot Springs. She stated she received a number of calls and comments regarding this situation, expressions of concern, and the dissatisfaction with the present circumstances. She said she has the following questions and concerns: (1) "do we have assurance from all of the prospective candidates that they have no business relationship with individual Board Members?"; (2) "that we do not want to get back into the same position when the previous board and commission members were dismissed. It could cast a blanket of suspicion over every appointee"; (3) without duly constituted commissions and boards in place, our public's business could face severe disruption. It could have a

negative economic impact on the City.” She said she feels she can vote for a motion to table for a brief time if the Board can rely on the interim membership that was established two or three weeks ago to continue until March 31, if the Board needs to resolve any ethical questions so it is not under a cloud. She then proposed that the Board have each applicant sign an official statement that they have no business relationship with a City Director; they have no project or request pending before any board or commission on which they are going to serve; they owe no money to the City; and have never been convicted of a felony. She said she believed that would answer some of these questions.

Director Daniel questioned how detrimental is that to issues that are before the Planning Commission now and in the Planning Department. City Manager Lance Hudnell advised that the Planning Commission meets the second Thursday of the month, and he does not know what the current agenda is for the Planning Commission. He pointed out it would be important that the Planning Commission have an April meeting. He added they could delay that meeting a month, but he does not know if any advertisements have currently been published for the meeting.

Mayor Bush commented that he does not support the motion to table the resolution and does not like motions to table. He pointed out the Board has had this issue before it for over a month and has interviewed over 50 people. He stated that the City has a superb group of Planning Commissioners.

Mayor Bush then called for a vote on the motion to table the resolution to April 7.

Upon discussion, Director Maruthur stated she believes what she reads in the newspaper even though there might be something inaccurate once in a while. She added that she has not received any phone calls from Director Ramick or Director Weatherford or any contact saying this is not true. She said she has had an outpouring of people from the community regarding this and is acting on the response to the people she represents. She pointed out when the Directors are elected, they are elected by their district; but what they do affects every citizen in the City. She stressed that she wants to do the right thing.

Mayor Bush then called for a vote on the motion to table the resolution until April 7; and upon roll call, the following voted “aye”: Directors Maruthur, Jones, Keheley, and Daniel, total 4. Voting “no:” Director Ramick and Mayor Bush, total 2. Absent and not voting: Director Weatherford; motion carried.

City Manager Lance Hudnell stated that Director Keheley had a suggestion and asked what the Board wanted staff to accomplish between now and the next meeting as a Board.

Director Keheley said she would like to have each applicant sign an official statement.

Mayor Bush stated that means a resolution is needed in the future to have any citizen who wants to serve on any board or commission sign some kind of statement. Director Keheley stated that it would be similar to a Conflict of Interest Statement, such as they are asked if they owed the City an occupation tax, water, permits, or Advertising and Promotion Tax.

Mayor Bush asked if that was legal, and Deputy City Attorney Trent Daniels said he would have to review it.

Director Maruthur questioned being a part of an LLC, and City Manager Lance Hudnell said that he needs to know what the Board wants staff to accomplish between now and April 7 that the Board does not have before it today. Director Maruthur replied that there be no conflict of interest.

Director Daniel pointed out this resolution has been tabled to April 7 without any direction. He said that he believes each Director needs to write down what they need to do and submit it to City Manager Lance Hudnell and let the City Attorney review it.

26 Proposed Resolution No. R-09-60

A resolution entitled, "A RESOLUTION APPOINTING MEMBERS TO THE HISTORIC DISTRICT COMMISSION," 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, City Manager Lance Hudnell then read the appointments to the Historic District Commission: Suzanne Tucker, who is a property owner downtown and is a requirement of this position; Long Hua Xu, who is a property owner downtown and is a requirement of this position; Early Craven, who is a property owner and homeowner

in the Pleasant Street District, which is a requirement for that position; and Doug Arnold, who is an architect which is a requirement for that position.

Director Daniel stated he did not know how the Board could vote on them tonight because they will have to submit an official statement.

A motion was made by Director Daniel, duly seconded by Director Jones, that the resolution be tabled to April 7.

Upon discussion, Director Keheley said she agrees with Director Daniel that if the Board is going to do it for one group, it needs to do it for all of them.

Mayor Bush then called for a vote on the motion to table the resolution until April 7; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion carried.

27 **Proposed Resolution No. R-09-61 Appointing Members to the Board of Zoning Adjustment. (Withdrawn from the agenda)**

28 **Presentation of Condemnation Resolutions**

Mr. Bart Jones, Neighborhood Services Administrator, gave a slide presentation on the following condemnation resolutions:

28a **Proposed Resolution No. R-09-62**

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (416 MISSISSIPPI)," was taken from the agenda and read by title only.

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

Upon discussion, Mr. Bart Jones, Neighborhood Services Administrator, explained the structure is open in the back, and the roof has holes in it. He advised that the City has given proper notice to the owner on this property.

City Manager Lance Hudnell asked if anyone was present to speak in opposition to the condemnation.

There being no one to speak in opposition to the condemnation, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion carried. Whereupon the resolution was declared adopted.

28b Proposed Resolution No. R-09-63 (Condemning Property at 412 Mississippi)

Mr. Bart Jones, Neighborhood Services Administrator, advised that this structure was razed and removed and was torn down by the owner. Therefore it needs to be removed from the agenda.

A motion was made by Director Jones, duly seconded by Director Keheley, that the resolution be withdrawn from the agenda; and upon voice vote, the motion unanimously carried.

28c Proposed Resolution No. R-09-64

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (501 ILLINOIS)," was taken from the agenda and read by title only.

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

Upon discussion, Mr. Bart Jones, Neighborhood Services Administrator, explained the structure is open and has been trashed out. He reported the Police Department called Code Compliance to the house about a month ago and found people had been cooking drugs. Also, the back part of the house is rotten. He reported the City has given proper notice to the owner on this property.

City Manager Lance Hudnell asked if anyone was present to speak in opposition to the condemnation.

There being no one to speak in opposition to the condemnation, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion carried. Whereupon the resolution was declared adopted.

28d Proposed Resolution No. R-09-65

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (231 HOLLYWOOD)," was taken from the agenda and read by title only.

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

Upon discussion, Mr. Bart Jones, Neighborhood Services Administrator, explained this is a burned-out structure and has been there for about 1-1/2 years. He said it went through a foreclosure and some insurance issues. Therefore, staff had not presented it to the Board before now. He reported the City has given proper notice to the owner on this property.

City Manager Lance Hudnell asked if anyone was present to speak in opposition to the condemnation.

There being no one to speak in opposition to the condemnation, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion carried. Whereupon the resolution was declared adopted.

28e Proposed Resolution No. R-09-66

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (121 TREMONT)," was taken from the agenda and read by title only.

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

Upon discussion, Mr. Bart Jones, Neighborhood Services Administrator, stated this is a burned-out structure and needs to be torn down. He reported the City has given proper notice to the owner on this property.

City Manager Lance Hudnell asked if anyone was present to speak in opposition to the condemnation.

There being no one to speak in opposition to the condemnation, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion carried. Whereupon the resolution was declared adopted.

28f Proposed Resolution No. R-09-67

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (146 FILES ROAD)," was taken from the agenda and read by title only.

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

Upon discussion, Director Daniel questioned what was wrong with this property; and Mr. Bart Jones, Neighborhood Services Administrator, explained the structure is wide open and is heir property that is owned by some people in Michigan. He advised they will not secure it and will not do anything to it. He noted there are people coming in and out of this structure. He stated that structurally, it is not in a bad condition. He explained that the City's ordinance allows the City to board and secure the structure and is coming to the Board to get permission to do that. At this particular time, he said staff is not recommending tearing this down but would like to board and secure it. He reported that he has had a phone conversation with the owners in Michigan and suggested that they put it with a local realtor and try to sell it. He said it is not a big lot but is in a good location. He explained the only way to keep people out of it is to board it up. He stated he would like to come back to the Board if they were going to tear it down. He reported the City has given proper notice to the owner on this property.

City Manager Lance Hudnell asked if anyone was present to speak in opposition to the condemnation.

Director Ramick questioned if the Board is voting only on boarding it up, and City Manager Lance Hudnell advised that is correct. He said it is unfortunate that state law uses the term condemnation; but it does. Therefore, the City has to follow what the state law says; and this is the beginning of the process. He advised that staff cannot take action until the Board officially condemns something; and it can be boarded and secured. If the nuisance is not abated, then ultimately it could be torn down.

Director Maruthur stated when the Board condemns property, it is just starting the clock running; and it gives the property owner 30 days to begin the process of taking some kind of action. She pointed out on many of the properties that come before the Board, the owners say they are going to do something for years but do not. She stated when the City finally takes action on it and has given them one last chance, the City have the legal right to act on it.

City Manager Lance Hudnell added this gives Mr. Jones the authority to give them the official notice to take action.

There being no one to speak in opposition to the condemnation, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion carried. Whereupon the resolution was declared adopted.

28g Proposed Resolution No. R-09-68

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (111 HALFMILE ALLEY)," 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, Mr. Bart Jones, Neighborhood Services Administrator, explained the rear of the house is on Hollywood; and Halfmile Alley runs behind the racetrack. He said nothing has been done to it for years, and the roof is starting to sag; the foundation is gone; it is termite damaged and needs to be razed and removed. He reported the City has given proper notice to the owner on this property.

City Manager Lance Hudnell asked if anyone was present to speak in opposition to the condemnation.

There being no one to speak in opposition to the condemnation, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion carried. Whereupon the resolution was declared adopted.

28h Proposed Resolution No. R-09-69

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (116 OKLAHOMA)," was taken from the agenda and read by title only.

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

Upon discussion, Mr. Bart Jones, Neighborhood Services Administrator, explained the structure is burned out; a local lady owns it and has no insurance and no money and cannot do anything with it. He said the City is going to tear it down, and the City has given proper notice to the owner on this property.

City Manager Lance Hudnell asked if anyone was present to speak in opposition to the condemnation.

There being no one to speak in opposition to the condemnation, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion carried. Whereupon the resolution was declared adopted.

28i Proposed Resolution No. R-09-70

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (122 EUREKA)," was taken from the agenda and read by title only.

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

Upon discussion, Mr. Bart Jones, Neighborhood Services Administrator, explained the structure is open and vacant and came to the Board about eight months ago. He reported that the owners at that time had bought a demolition permit and were going to tear it down; and the permit allowed them three months to do it. He said they did not take any action, and the City has not heard from them since that time. He stated the City was trying to save the tax dollars and have the owner do it, but they obviously are not going to take any action. He reported the City has given proper notice to the owner on this property.

City Manager Lance Hudnell asked if anyone was present to speak in opposition to the condemnation.

There being no one to speak in opposition to the condemnation, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion carried. Whereupon the resolution was declared adopted.

28j Proposed Resolution No. R-09-71

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (1015 PLEASANT)," was taken from the agenda and read by title only.

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

Upon discussion, Mr. Bart Jones, Neighborhood Services Administrator, stated this structure has burned twice; and Director Jones called him a couple of weeks ago. He said it was coming to the Board a little later in the year but was moved it up because there was another fire; and the Fire Department wanted the City to have it removed also. He reported the City has given proper notice to the owner on this property.

City Manager Lance Hudnell asked if anyone was present to speak in opposition to the condemnation.

There being no one to speak in opposition to the condemnation, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, Ramick, Daniel, and Bush, total 6. Absent and not voting: Director Weatherford; motion carried. Whereupon the resolution was declared adopted.

29 Consider Approval of Board Travel to National League of Cities Conference in San Antonio (November 2009) [Mayor Bush, Directors Jones, Weatherford and Ramick].

A motion was made by Director Jones, duly seconded by Director Ramick, that the Board travel to San Antonio in November 2009 be approved.

Upon discussion, Mr. Bob Driggers pointed out that Director Weatherford is already on record as abusing travel privileges. He said he does not believe any other Director has been to Hanamaki, Japan, four or five times. He stated he considers it as a slap in the face to the taxpayers to continue allowing him to do that. He commented that in view of the current situations, he would recommend that Directors Weatherford and Ramick withdraw their names.

Director Maruthur commented that the total for this trip is \$10,000; and the Directors are elected to represent people in the City who are probably struggling to make ends meet and buy groceries. She said that she does not believe the perception sends a good message. She stated she would like to see things from any type of seminar or meeting actually applied. She pointed out that feeling good is one thing and going to something and getting ideas is another. She commented that \$10,000 sounds like a drop in the bucket to some people; but when people are really trying to figure out how they are going to pay their utilities, etc., she does not think as elected representatives knowing there are people in all districts who are in a bad way, the Board should be doing it. She said she is going to have her own personal moratorium on travel until the economy has an upward turn. She pointed out the Board did it before, and it was a different Board; also, there was not the same economic condition as it is presently. She said that her vote is going to be "no," and it is not personal and is not against anybody. She just does not think the Board should be doing it.

Mayor Bush asked if she thought the Board should travel at all, and Director Maruthur replied at this present time, she does not. She said maybe to Little Rock, but this is her personal opinion.

Mayor Bush then called for a vote on the motion to approve the Board travel to the National League of Cities Conference in San Antonio; and upon roll call, the following voted "aye": Directors Jones, Keheley, Ramick, Daniel, and Bush, total 5. Voting "no": Director Maruthur. Absent and not voting: Director Weatherford; motion carried.

OTHER BUSINESS

30 Board of Directors Items for Discussion

Director Jones announced that the Pleasant Street Association will have its meeting on the first Saturday.

Director Maruthur pointed out there was a wonderful groundbreaking for the Farmers' Market and hopes that Director Keheley can give the details. Regarding her personal opinion, she said there are personal attacks all the time, and she believes what she reads in the newspaper when it refers to documents that have been submitted. She commented that she tries to do the best as an elected representative to make an informed decision. She mentioned that she does not personally know any of the members on the Board and has avoided that all of these years. She stated she does not get into people's business and keeps things a certain distance for a reason. She said she does not "hang out" with the Board of Directors or other Board members but does feel that some of the personal comments that are made are very revealing. She added they are very defensive, but it is okay because she can handle it. She noted it just shows that there is something going on; and when she leaves here, she has a life.

She stated there were comments made about some of the applicants after they left because when the Board did its voting at the very end, there were some comments made. She said what she does is her personal opinion, and she feels a responsibility to voice that opinion to represent people. She commented that she does not speak for all of the people in her district or for the City, but it is her personal opinion. She mentioned that she cannot ignore what she sees in the newspaper. She said if any of the Board Members are offended, then she apologizes; but it is not personal. She stressed that she does not know Director Ramick and will not be going into business with him or anybody.

Mayor Bush said he believes that all the Directors do what they think is right for the people who elected them, and he tries to do that.

Director Jones stated that she tells what she is feeling and thinking and means it from the bottom of my heart. She pointed out that everybody knows how she feels.

Director Maruthur said that leaves out getting together and having lunch or anything; it is just discussing Board business or things that could affect how the Directors vote, when they vote, what they are going to do on the Board, plotting, planning or anything like that. She commented she has avoided that for 15 years and mentioned that FOI is very important.

Mayor Bush commented that they all do that.

Director Keheley reported that in regard to Farmers' Market, District No. 2 had a wonderful celebration at Orange and Broadway. She said they turned the dirt for a \$350,000 covered pavilion for the Farmers' Market and thanked Director Jones for her comments and participation, as well as Mayor Bush and Director Ramick for attending.

Mayor Bush commented that it was a wonderful celebration (BYOS) Bring Your Own Shovel.

31 City Manager's Report

City Manager Lance Hudnell gave the following report:

1. He appreciated Director Maruthur pointing out some items on the Consent Agenda. He reported that the City entered into a contract with the County to cooperate with them for Information System Services. The City entered into a Tolling Agreement with the Environmental Protection Agency under a claim with regard to the Clean Water Act. This is an extension of time with regard to a particular case.

2. A thank-you was received from George Lester of Little Rock, who thanked Peggy Hamper in Code but works with Utilities. He was thanking her for organizing a sewer hook-up at his lake home. Another thank-you was received from Mr. Tom French, 107 Westminster Place, expressing appreciation to the Sanitation crew that services his home. This crew is made up of John Mutter, John Mutter, Jr., and John Williams.

2. On Saturday, the 7th, several youth groups were coordinated by Donnie Burrough of Hot Springs Baptist Church who worked with the City's Urban Forester Bob Lathrop and Animal Services Director Dan Bugg to begin the clean-up for the Dog Park. There was a coordination of several youth groups. Some of them were local and from out-of-town. He expressed appreciation to the groups and encourages other groups to do that as well.

3. The Sister City Coordinator wanted the City to be aware there would be a hospitality exchange that Director Weatherford worked on when he went to Hanamaki last year. There is a group from National Park Community College hospitality program that is currently in Hanamaki, going through a program there with regard to restauranteur and trying to promote tourism between the two communities. This is a class that is undergoing schooling there this week, and then there will be a reciprity class coming to Hot Springs to undergo classes. This is a project Director Weatherford negotiated on his last trip to Hanamaki.

32 ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 8:30 p.m., to meet again on Tuesday, April 7, 2009, at 7:00 p.m.

ATTEST: _____

APPROVED: _____

Lance Hudnell, City Clerk

Mike Bush,

Mayor