

## MINUTES

### BOARD OF DIRECTORS MEETING

MARCH 3, 2009, AT 7:00 P.M.

The regular meeting of the Board of Directors was held on Tuesday, March 3, 2009, at 7:00 p.m., Board Chambers, City Hall, with Mayor Mike Bush presiding.

The invocation was given by Ms. Janet Porter, 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, Carroll Weatherford, Rick Ramick, Tom Daniel, and Mike Bush, total 7.

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

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

#### **3** Approval of Minutes of February 17, 2009; December 23, 2008; and November 24, 2008 Board Meetings

A motion was made by Director Weatherford, duly seconded by Director Daniel, that the minutes of the February 17, 2009 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

A motion was made by Director Jones, duly seconded by Director Maruthur, that the minutes of the November 24 and December 23, 2008 Board Meetings be approved.

Upon discussion, Director Keheley commented that she will be abstaining from voting on the approval of the minutes for November 24 and December 23, 2008, since she was not serving on the Board at that time.

Mayor Bush then called for a vote on the motion to approve the minutes for the November 24 and December 23, 2008 Board Meetings; and upon voice vote, the motion carried, with Director Keheley abstaining.

#### **4 Recognition of Guests**

Ms. Josie Fernandez, superintendent of Hot Springs National Park, was recognized, stating she was present to introduce the new assistant superintendent of Hot Springs National Park, Ms. Mardie Arce, along with her daughter, Erin. Ms. Fernandez advised that about 30 applicants applied for the position of assistant superintendent, and Ms. Arce was the best candidate.

Ms. Arce mentioned she has been in the park service for approximately 24 years and has been in about a dozen national parks from urban parks in Albuquerque, New Mexico, to rural places in Utah. She said most recently, she was in St. Louis, Missouri, where she spent seven years. She stated about six months ago, she made a list of the parks she would be willing to go to if the opportunity arose, and Hot Springs was on her list. She added she is looking forward to working with the City.

Mayor Bush recognized Finance Director Dorethea Yates, who stated that the City was awarded the Certificate of Excellence in Financial Reporting for the 15<sup>th</sup> year by the Governmental Finance Officers' Association, which is a national organization that promotes good accounting principles and financial reporting that is consistent from one government to another. She mentioned the Comprehensive Annual Report was submitted to the Government Finance Officers' Association and was judged by a panel of experts based on certain criteria. She added it was determined that Hot Springs met that criteria, and that award was issued. She stressed there was a team effort in the preparation of the Comprehensive Annual Financial Report, and this award would also not be possible without the commitment of the City management team and Board using generally accepted accounting principles and financial reporting in accordance with this criteria established by the Government Finance Officers' Association. She recognized Ms. Joy Black, Accounting/Purchasing Manager, who spent a tremendous amount of time in this preparation. She commented that Ms. Black has been with the City since July 2007, pointing out this report was for the year 2007; and she had been with the City about six months when she started working said report. She commended her for her work ethic, knowledge, and integrity. She said the City is fortunate to have someone of her qualifications in this position and congratulated her on the hard work she has done.

Ms. Joy Black expressed appreciation to the other employees in the department, noting she had a great deal of support.

Director Keheley recognized Mr. Carl McChesney, president of the Friends of Farmers' Market and other members of Friends of Farmers' Market who were present.

City Attorney Brian Albright recognized Mr. Trent Daniels, Deputy City Attorney, who will be filling in for him at the Board Meeting on March 24.

## **5 Board of Directors Announcements**

Director Maruthur announced there is an account set up at Regions Bank for the family of deceased firefighter Doyle Yarbrough. Also, there was a Park Avenue Community Association meeting last Tuesday, with 75 plus people in attendance. It was in regard to the Majestic Park Avenue Apartments and the news of that will be announced within the next 30 days. She reported if residents would like to sign up for CodeRED, they may call Paula Brown at 321-6861.

City Manager Lance Hudnell announced that in regard to Item No. 7 (Proposed Resolution No. R-09-34 Authorizing the City of Hot Springs, Arkansas Intracity Transit [IT] to File for Funding Through the American Recovery and Reinvestment Act of 2009 for Capital Transit Projects), the City is receiving news daily on how to spend the new stimulus funds. He said the City was under the impression it would not be able to purchase buses due to being in mid-term. However, since there has been a backlog, the City would not actually receive those buses until 2012 and 2013, as long as the City has them obligated within the next 120 days, which it can do via a "piggyback" arrangement. He stated that is different than what was included in the Board packet, and it will be the City's intention to apply for two replacement buses, which it will receive in 2012 and 2013.

Director Maruthur asked if it is in the works; and City Manager Lance Hudnell replied if it is in the works, the City does not have to bid them in the normal sense because it can do a "piggyback," which means that someone else has bid them; and the City can "piggyback" off of their bid. He added there are bids available for the City with which to accomplish that.

Director Keheley pointed out on Item No. 9 (Proposed Resolution No. R-09-36 Awarding a Contract to Engineers, Inc. for Certain Engineering Services [Design of Gravity Wastewater Line Replacement on Tom Ellsworth Drive]), it is just a matter of

semantics and wording. She stated the Board Action Request Form (BARF) does not state that it is a lump sum for the contract but says "not to exceed \$16,000." Also, the resolution states "not to exceed \$16,000." However, the contract states it is a lump sum of \$16,000. She said she wanted to make sure it is a lump sum.

City Attorney Brian Albright said it was his understanding that it was going to be "not to exceed." He then questioned if it is a lump sum. Mr. Steve Mallett, Deputy City Manager for Public Works/Utilities, replied if the contract says lump sum, then it would be a lump sum contract. City Attorney Brian Albright stated that the resolution would need to be amended to reflect that.

A motion was made by Director Keheley, duly seconded by Director Jones, to correct the resolution to read "lump sum of \$16,000."

Upon discussion, Director Maruthur commented for the benefit of the public, this is for a wastewater line replacement on Tom Ellsworth Drive off Park Avenue.

Director Weatherford questioned how it got from "lump sum" to "not to exceed," pointing out at the agenda meeting, Mr. Mallett had said it was "not to exceed." He questioned if the City gave them a figure of \$16,000 or if the company gave the figure of \$16,000. Mr. Mallett replied that they gave the City the amount of \$16,000. Director Weatherford asked if he had it before last Tuesday, and Mr. Mallett replied that he did. Director Weatherford questioned why it came to the Board as a "not to exceed," and Mr. Mallett stated he transferred it incorrectly from the contract to the Board Action Request Form (BARF).

City Manager Lance Hudnell pointed out that in the cover letter from the engineer, he used both terms and said a lump sum amount not to exceed \$16,000.

Mayor Bush then called for a vote on the resolution, as amended, to reflect a "lump sum of \$16,000"; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, Weatherford, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared passed, as amended.

### **CONSENT AGENDA**

The Consent Agenda consisted of the following:

- 6** **Proposed Resolution No. R-09-33** Approving Certain Bid Awards (a) Contract Extension for Wastewater Testing - Utility Administration (annual supply contract awarded to American Interplex); and (b) Tires Contract Extension - Fleet Service (annual supply contract awarded to GCR Firestone).
- 7** **Proposed Resolution No. R-09-34** Authorizing the City of Hot Springs, Arkansas Intracity Transit (IT) to File for Funding Through the American Recovery and Reinvestment Act of 2009 for Capital Transit Projects.
- 8** **Proposed Resolution No. R-09-35** Authorizing the City of Hot Springs, Arkansas Police Department to File for Funding Through the American Recovery and Reinvestment Act of 2009.
- 9** **Proposed Resolution No. R-09-36** Awarding a Contract to Engineers, Inc. for Certain Engineering Services (Design of Gravity Wastewater Line Replacement on Tom Ellsworth Drive).
- 10** **Proposed Resolution No. R-09-37** Waiving the Field Use Fees for the National Senior Softball Association Tournament to be Held at Kimery Park on April 30 Through May 3, 2009.
- 11** **Proposed Resolution No. R-09-38** Adopting Policies, Procedures and Fees for the Parks and Recreation Department.
- 12** **Proposed Resolution No. R-09-39** Authorizing the Mayor to Execute a Memorandum of Agreement Between the City of Hot Springs, Arkansas, and the U. S. General Services Administration Regarding Participation in the "Good Neighbor Program" at Hill Wheatley Plaza.
- 13** **Proposed Resolution No. R-09-40** Authorizing the Mayor to Execute a Memorandum of Understanding with the Hot Springs Advertising and Promotion Commission for Limited Use of the Municipal Utilities Building (349 Malvern).

**14 Proposed Resolution No. R-09-41** Establishing a Policy Regarding City Facilities Construction Projects.

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

**UNFINISHED BUSINESS**

**15 Proposed Resolution R-09-25**

A resolution entitled, "A RESOLUTION APPROVING THE EXTENSION OF HOT SPRINGS MUNICIPAL WATER AND WASTEWATER SERVICES TO CARES AWAY SUBDIVISION," was taken from the agenda and read by title only. **(Tabled 2-17-09)**

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

Upon discussion, Mr. Steve Mallett, Deputy City Manager Public Works/Utilities, advised that the City received a request from the developer, Mr. Jim Green, who had requested approval of water and wastewater extension to Cares Away Subdivision, which is located in the County off North Ross Maddox Road. He advised that staff has reviewed the plans with regard to the City's ability to serve the subdivision with water and wastewater services, and the City has the capacity to do so provided the applicant agrees to construct the extensions within the City's specifications and at his cost.

Director Maruthur pointed out this was tabled from the last Board Meeting, and Director Ramick made the request to table it. She asked if he could share with the Board why he made the request, and Director Ramick replied that the issues they had have been resolved. Therefore, there is no need for discussion.

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

## **NEW BUSINESS**

### **16 Proposed Resolution No. R-09-42**

A resolution entitled, "A RESOLUTION AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE FARMERS' MARKET PAVILION," 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, Ms. Jean Wallace, Parks and Recreation Director, stated the recommendation from staff and the Friends of the Farmers' Market, as well as the Farmers' Market architect, is to award the pavilion construction contract to HAPO, LLC, 550 Long Island Drive, Hot Springs. She mentioned construction plans and specifications for the new Farmers' Market pavilion were developed by Arnold and Associates with input from City staff and Friends of the Farmers' Market. She stated the project was advertised, and 30 construction companies picked up the plans from the Purchasing Department. Ten bids were received; and the bids were reviewed by architect, City Engineering staff, and Parks and Recreation staff; and HAPO, LLC was the low bidder meeting all requirements. She said the fiscal impact is \$249,750; and the funds are available in the Farmers' Market construction account.

Director Keheley stated she is very supportive of this project and wanted to thank the staff for all of the research on this company and thanked all of the people who bid and is looking forward to a wonderful pavilion being built on the City's Transportation Plaza site. She said with the approval of this, a groundbreaking will be held on Saturday, March 21, at 10 a.m.; and everyone in the community is invited and to bring their own shovel.

Mayor Bush questioned when it was expected to be completed, and Ms. Jean Wallace stated the contractor has bid 120 days.

Director Jones stressed this is located in District 2.

Director Daniel asked Mr. Arnold after reviewing the contractor's bid, if all of the materials, etc. met the specs that were put out in the RFP. Mr. Doug Arnold replied that they will receive submittals from the contractor on all items to be used in the

project, and they will have to meet project specifications. He said Mr. Salazar has indicated that he is comfortable with the bid, and he is confident he will supply what is specified.

Director Weatherford asked if he had a figure on what it would cost to build this, and Mr. Arnold stated that the original estimate on the portion that would be bid out would be a little over \$300,000. However, some City funds are being used for labor to do the grading, etc. He noted out of the construction fund that was from the grant, they will pay for the materials for asphalt and for base material. However, all other items are included in the bid project so it came in below their estimate.

Director Weatherford asked if it concerned him that the figure is 34 percent lower than the next lowest bidder, and Mr. Arnold said it always concerns him. However, Mr. Salazar has indicated that he is comfortable with his bid.

Director Weatherford pointed out that Mr. Salazar picked up the packet three days before he actually bid this and questioned how he can figure that kind of project in three days. He stressed every time there has been a project that has been lower than everyone else, he has always asked the question. He stressed that it concerns him because most of the time, that means they have missed something.

Mr. Arnold commented it is an area of concern. He added there will be a performance and payment bond for the project for his total contract amount. Director Weatherford questioned where these funds would come from if he has a \$250,000 bond and it costs \$312,000. He said he did not believe Mr. Salazar would be able to tell the Board where that would come from because he is not going to be able to pull \$52,000 out of his pocket if he has bid of \$250,000 and costs \$312,000 or more. He pointed out that steel is probably down at its lowest point for a long time, but that does not mean it is going to stay there. He added if he does not have these materials ordered in 30 days, those figures are not going to be able to be met. Mr. Arnold commented there is very little steel in the project, and the project is to be completed in 120 days. Therefore, it is imperative that he gets his material ordered as soon as possible.

Director Weatherford emphasized when these bids are from \$249,000 to \$610,000, that concerns him because usually they have missed something or somebody has really inflated it.

Director Maruthur asked that Mr. Arnold give his name and business and address and how he feels about the project. Mr. Arnold replied that he is with Arnold and

Associates Architects, 901 Central Avenue; and he has reviewed the project with Mr. Salazar. He also was concerned about the low bid. He said Mr. Salazar has convinced him that he is comfortable with the bid, and he can do the project for that amount of money. He stated he believes it is a good price for the City, and he is recommending that the Board award the contract.

Director Maruthur questioned if Mr. Salazar felt he could do the project; and Mr. Chris Salazar, 550 Long Island Drive, Hot Springs, stated that he could. He added that the last 12 months in 2008, he built over 25 homes in the \$250,000 range at one time; and he is very capable of handling this project. He explained to understand how he accomplished the construction of over 25 homes in today's economy, they took land cost and building cost and added a nominal fee or margin for it and applied the same principles to the Farmers' Market. He stated it is business as usual, whether it is three days of looking at a bid form or two weeks; and he is in the routine of doing this. He pointed out it is basically building a giant roof, and he is very comfortable with it. He said he was very aware of the City's budget before he bid this and knew the City had to contribute whether it be asphalt or the grading in conjunction with what he was doing. Therefore, the City's budget would only allow so much threshold to get this project done. He added he accounted for that and did not have a lot of margin for error in the bid.

Director Keheley recognized Mr. Carl McChesney, president of the Friends of Farmers' Market. Mr. McChesney, 148 Myrick Court, stated the Board has supported the development of the Market for many years and has provided land for the project. He said he has been in contact with several people regarding Mr. Salazar and feels comfortable that this is a good contract for the City. He stated he looked forward to proceeding with the project and having a ribbon cutting in July. He mentioned he was very pleased with the leadership of City Manager Lance Hudnell and expressed appreciation to Ms. Jean Wallace, Parks and Recreation Director. He noted she has managed this project during some difficult times since this has been a very complex project with two different entities building it, with some volunteer work, such as the Master Gardeners and others.

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

## **17 Proposed Resolution No. R-09-43**

A resolution entitled, "A RESOLUTION AWARDED A CONTRACT TO GARVER ENGINEERS, INC. FOR CERTAIN ENGINEERING SERVICES (HOT SPRING WASTEWATER SYSTEM EVALUATION - PHASE II)," was taken from the agenda and read by title only.

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

Upon discussion, Mr. Steve Mallett, Deputy City Manager Public Works/Utilities, explained this is a request to approve a contract to Garver Engineers in an amount not to exceed \$200,000 for engineering services related to providing a detailed evaluation of the City's wastewater system with regard to the pump stations. Approximately six months ago, staff presented the Board with the first phase, which has been completed, and was around \$200,000. Due to the state of the City's Wastewater Fund, the City did not want to commit to more than it could do in phases. Therefore, staff is presenting these in small pieces as they get a number of pump stations done, develop bids and specifications, and then they move onto the next set. He mentioned there were 24 pump stations that they did with the first contract, which were the larger ones, but expect to get a few more since they are going to get smaller. He said he expects to have about 150 pump stations that need to be looked at, which he considers major pump stations before completing this effort.

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

## **18 Proposed Ordinance No. O-09-11**

An ordinance entitled, "AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND CRITERIA FOR DEVELOPMENT OF SUBDIVISIONS AND LAND DIVISION WITHIN THE CITY OF HOT SPRINGS, ARKANSAS, AND ITS EXTRATERRITORIAL JURISDICTION; REPEALING CERTAIN ORDINANCES; ESTABLISHING PENALTIES FOR VIOLATION; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

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

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

Upon discussion, Ms. Kathy Sellman, Planning and Development Director, stated in 2004, the Planning Commission undertook a comprehensive review of Chapter 16, Section IV, for the purpose of identifying and clarifying areas in the Subdivision Ordinance. She said the Commission went through a very complicated set of evaluations looking at where internal inconsistencies exist within the City's code, and those have been identified and resolved. She mentioned they have added a number of definitions and updated some things that needed updating. She noted a public hearing on April 19, 2007, resulted in a complete document comparison by one of the citizens, Mr. Jeff Messersmith. In response to his commentary on that draft, the Planning Commission made numerous changes and placed that item on their August 2007 agenda for further discussion. The Commission then held a joint meeting with the Board of Directors on September 4, 2008, and held additional public hearings in October and November 2008. She stated the proposed ordinance will apply citywide and applies in all zoning districts. It also applies within the five-mile extraterritorial planning area, and the existing planning area map will remain in effect. She pointed out there is no planning area expansion proposed, and this is not the one-mile zoning proposal but is an updating of the Subdivision Ordinance that has been in effect for many years. She advised that all of the previous working drafts up to and including this final draft have been available for review, and a number of citizens have taken advantage of that. The Planning Commission, having duly advertised the application and considered public testimony, at their November 13, 2008 meeting, voted 7 to 0 to accept the staff findings and recommend that the Board of Directors adopt this Subdivision Ordinance in order to provide for the health, safety and general welfare of the public.

Director Ramick stated after reviewing the Subdivision Code, he is proposing three modifications to the proposed Subdivision Code, and all the text deletions and selected text is to be replaced by the designation "Reserved." The first one is to delete Subsection 3 "Buildings and structures 5,000 square feet or more in areas as defined in the Arkansas Fire Prevention Code," which is from Article II, Section §16-4-21(b); the second is to delete Subsection (c) a table entitled "minimum water front lots with lake frontage in residential subdivisions shall conform to the following minimum dimensions, which is from Section §16-4-71; and delete Subsection 4 "Every structure hereafter constructed on any lot of record with a common property line with Lake Hamilton shall

be set back a minimum of thirty (30) feet from the 400' elevation on the common lake property line, which is from Section §16-4-71(p)."

A motion was made by Director Ramick, duly seconded by Director Weatherford, that the ordinance be amended as previously stated.

Upon discussion, Mayor Bush asked if Ms. Sellman has any problem with the amendment; and Ms. Sellman replied that she did not. She added she has discussed this with Director Ramick, and these are areas that have been red-flagged topics throughout the procedure that has been ongoing. She said at this time, she believes the overwhelming need to adopt the other changes that are contained in this ordinance override the need for those three particular sections; and the Board may wish to task its newly appointed Planning Commissioners with that particular item to work on.

City Attorney Brian Albright commented the way Director Ramick's motion was phrased, it will have those sections reserved for future legislation.

Director Maruthur said the Board had a document where the Directors were in agreement, but now there are changes. She stated she did not receive a call and has just heard this. She stressed that she cannot support a change. She pointed out as the Planning Director stated, these have been points of contention and in the interest of the community and concerns that have been voiced, she wants to make sure when she votes that it is on a document that the Board was presented with. She stressed this is very important, and she is sure the changes do not affect Director Ramick or his business; however, she cannot support this.

Director Weatherford commented that Director Maruthur had stated the Board had a document that they were all in agreement on, but he did not think the Directors were ever all in agreement on this. He stated the Directors were given this four weeks ago and had no discussion about it among themselves. He stressed that he did not think at anytime, they were ever in agreement on it and has heard no one say they have read it and liked it. He stressed that he has not talked to anyone on this.

Director Ramick stated the discussions he had were with citizens who called concerned about these sections. As far as any Board Members, he said he has not had a discussion with them. He pointed out he did not think that would be necessary because he was going to bring it up tonight; and if everyone had read the sections, they would know what he was talking about.

Director Maruthur commented she felt a need to pull up what has been in the newspaper regarding the Subdivision Code in case someone did change what the Board had agreed to in principle, and she agrees with him.

Director Weatherford asked if everything in the newspaper is always correct, and Director Maruthur replied she did not know. However, reporter Don Thomason, is present, and maybe he could answer that. Director Weatherford commented that he never talked to Mr. Thomason. Director Maruthur commented on March 2, the newspaper mentions updating and inconsistencies, as the Planning Director stated. She said she believes the Board agrees on these needs. She pointed out the Directors have a general idea of what is discussed and reviewed and may not agree 100 percent. However, when something is changed that they are not familiar with and they have not been notified by e-mail or a telephone call, then someone needs to take the position of reviewing this.

Director Ramick replied that he did that.

Director Maruthur commented if she does not support an issue or did not vote for it, she gets “lumped” into it. She pointed out she is not familiar with the three modifications that Director Ramick mentioned and what impact they would have. She added a lot of discussion has been shared with the Board Members by other Directors about this bringing in more revenue. She commented this is not an annexation, and the Directors who are not in the building business have to assess this, digest it, and do the best that they can. She said the Board has a responsibility to the citizens who are depending on them to do the right thing.

Director Ramick pointed out that is why he reviewed this as thoroughly as he did and would ask that the Board trust him.

Director Daniel asked that the City Attorney explain the amendments, and City Attorney Brian Albright explained instead of the language not being there at that section mark, there will be a phrase “Reserved,” which means the Board has reserved the right to go back and pass future legislation to address those issues. He said each one of these items were additions to the previous Subdivision Code, and they are not really changes but are actually additions. He advised that Director Ramick’s motion to amend would delete those phrases so they are not being added to the old code, but yet it is still there available for the Directors to consider at a future date and to pass legislation that addresses the issues in whatever fashion the Board at that time might determine is the best course to take.

Director Daniel said that answered his question, and the only thing that would have been better is to have a copy of the motion run off where everyone could have looked at it.

Director Keheley stated she had not seen this and questioned when the Board received it, and City Manager Lance Hudnell advised that Director Ramick talked to him about it this afternoon; however, he has been in meetings since then and then it was received just prior to the Board Meeting as far as handing it to him.

Director Keheley said she agreed with Director Daniel and it would have been nice to have been able to read it. Director Daniel added if the Directors would have had it tonight when they came into the meeting, he believes it would have helped. He said that he understands it now the way the City Attorney worded it and explained it.

City Manager Lance Hudnell stated he assumed the Board would want to go through and look at these sections tonight, which staff is prepared to do.

Mayor Bush pointed out that the Directors are aware anytime they want a hard copy of a document, all they have to do is call City Hall.

Director Weatherford pointed out that any amendment the Directors make to any ordinance or resolution, they do not get it in advance; and the amendment is made at the meeting.

City Manager Lance Hudnell replied that he assumed the Board would like to go through and look at each of these on their screen. He added that normally, Directors make their own motions with regard to what they are going to add or delete.

City Attorney Brian Albright stated that regardless of whether or not it was passed out, that is a personal preference. He said that he appreciates the fact that it was phrased in such a way that he is not having to translate it.

Mayor Bush then called for a vote on the motion to amend; and upon roll call, the following voted "aye": Directors Jones, Keheley, Weatherford, Ramick, Daniel, and Bush, total 6. Voting "no": Director Maruthur; motion carried.

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 Jones, Keheley,

Weatherford, Ramick, Daniel, and Bush, total 6. Voting “no”: Director Maruthur; motion carried. Whereupon the ordinance was declared passed, as amended.

## **OTHER BUSINESS**

### **19 Board of Directors Items for Discussion**

Director Weatherford said that he read in the Arkansas Democrat over the weekend that the Woodman Building (National Baptist Hotel) and the men who are doing that have received the money they have applied for in Little Rock, which is what they were waiting for to complete their construction.

Director Maruthur reported there was a Park Avenue Community Association meeting, and the speakers were the developers from ARC - Majestic Park Avenue Apartments. She stated she has some information she received a couple of days ago, which she would like to share with the community. She then read the following information regarding the project: “They only have a 30-day window to get the financing and are hoping that it does come through. If they do not get the financing, the building is at risk of being razed and that would be another historic building. There are very few left in the community and have lost the Goddard. The Majestic Park Avenue development represents the restoration of an historic majestic hotel into a multi-family development. The current plans call for a phased program, the restoration/ renovation of the old yellow brick building and red brick building. The structure of the ownership entity is a limited partnership with the Majestic on Central and the ARC of Arkansas.” Director Maruthur expressed appreciation to Director Ramick, Director Keheley, and Director Weatherford for attending the Park Avenue Community Association meeting. She said they took a show of hands and believe it was a unanimous support for this project. She noted it is an anchor to the north end of the community; but if the building gets razed, the City will again lose another part of Hot Springs. She commented it is getting close to not having any buildings left that identify the community. She advised that the Majestic Park Avenue Apartments will be financed by taxable bonds, as well as the sale of projected historic tax credits. She stated the Majestic Park Avenue Apartments will consist of 80 to 100, one and two-bedroom units that will be constructed with universal design, which means they are ADA accessible; and anyone can use these apartments. These parameters afford handicapped-accessible living to all occupants and accessibility for Garland County. She mentioned the proposed rents are based on current market rents in the surrounding area, and construction is proposed to begin July 2009, with an anticipated completion date of March 1, 2011. There will be an onsite leasing office, laundry facilities, fitness

center, two swimming pools, a park avenue with a pavilion, shuffle board and a greenhouse. The Majestic Park Avenue Apartments will be constructed with consideration to energy efficiency, and elements to provide efficiency will be at a minimum; and those outlined in the Arkansas Development Finance Authority 2007 Minimum Design Standards. Unit amenities will include refrigerators, ranges, dishwashers, HVAC, disposal, kitchen exhaust fan, carpeting, and window blinds. She said she has already received about 20 phone calls from people who are interested, and this will be an anchor for the historic downtown. She noted the news of this has gotten out, and there are people from other states who are interested in this. She stated it will change the market analysis, and the area will probably get a grocery store, some postal services, cleaners, and will benefit Park Avenue, Whittington Avenue, the downtown area, and the entire City. She mentioned she has contacted several people, and this could be part of the stimulus package, which no one really knows what it included or how to become a part of it until it was explained by City Manager Lance Hudnell. She added that some people have said that a project has to be "shovel-ready," but it doesn't have to be. She stated if a project is ready to go in a matter of a week, she considers that "shovel-ready." She commented this project should be included in the stimulus package, and there are elected representatives who are waiting to hear some details; and they support this and are going to work. She stressed the community needs to get behind this and needs to understand how important this is to the State. She added that the City could be a role model for what can be done if the City is allocated the money and everyone works together.

Director Jones noted when the Directors go to Washington, DC, they are going to bring this up.

## **20 City Manager's Report**

City Manager Lance Hudnell gave the following report:

1. The City received a letter from Ms. Jill Budd, 109 Valleyview, commending Sanitation Director Bill Burrough and his department. She noted the employees have been great and are a credit to Mr. Burrough. She stated they are very friendly, and young people today need to take a lesson from these three employees (Ricky Mutter, Ricky Mutter, Jr., and Rick Hutka).

2. Regarding cleanups around the lakes over the last couple of weekends, there have been 7,400 pounds of trash, litter and debris picked up as a result of that effort.

This was the “Cash for Trash” event, which Sanitation Director Bill Burrough worked in, along with many others.

3. The City is continuing to implement the EAP (Employee Assistance Program) that the Board approved in the budget this year. There will be three training sessions this next week for the department heads and supervisors on that program.

4. There is a new team the City has put together called the “G” Force, with Planning and Development Director Kathy Sellman serving as chairman. It consists of Ms. Sellman, Sanitation Director Bill Burrough, Deputy City Manager Public Works/Utilities Steve Mallett, Parks and Recreation Director Jean Wallace, Mr. Adam Roberts, Executive Director of the Beautification Commission; and they are supported by the Urban Forester Bob Lathrop, Stormwater Technician Max Sestili, and Public Works Operations Manager Denny McPhate. He said this is a group he has asked to service a team to coordinate the efforts of the Beautification Commission of the internal Green Team, as well as the new citizens advisory committee that the Board appointed and the City Smart Program that the Board also approved. He pointed out these are basically four efforts under the umbrella of sustainability; however, there has been some discussion with regard to roles, etc. Therefore, this new “G” Force with “G” standing for green will be more or less a steering committee of staff members that will be assisting each of those in being certain that the City is coordinating its efforts so that it is not doing the same thing with different groups, particularly with regard to the new citizens committee. He said he did not want them to get in a situation with the Beautification Commission doing the same thing they are doing, etc. Mr. Adam Roberts, Executive Director of the Beautification Commission, has agreed to serve as a liaison to the new committee and will be supported by city staff. He will be reporting back to the Green Team as a member of the G Team and be certain that all of that is coordinated.

Director Weatherford questioned the streets around the fairgrounds crossing, and when those streets will be usable. Deputy City Manager Public Works/Utilities Steve Mallett reported that it is going to get worse before it gets better. He said there is still work to be done on the drainage, and Lakeshore and/or Panama will be totally shut down for a couple of days. He stated that he will be in contact with Public Works Operations Manager Denny McPhate tomorrow and get a more exact schedule so he can get that information to his constituents. He added staff has discussed detouring and installing proper signage. Director Weatherford commented anybody who would turn out and come toward Higdon Ferry, there is no place to turn.

Director Daniel stated the only residences that it would affect on Lakeshore Drive from Panama to Higdon would be Trojan Terrace. Director Weatherford pointed out

once motorists pass Aviation, that is it; and the streets where his constituents live, people will have to turn left and work their way around. He commented motorists coming off the bypass and using Aviation to flip over to Lakeshore Drive is what concerns him. He stressed that there needs to be plenty of signage, and Mr. Mallett replied that staff has talked about that and is trying to coordinate it. He added the City is going to let the contractors get some of their work done and maybe get Panama opened back up to utilize part of that before the City does what it has to do.

Director Ramick expressed appreciation to the 46 citizens who applied for the various commissions and are willing to give their time to the City. He mentioned that the Board held interviews today for the Planning Commission and is going to complete those and then interview for the Board of Zoning Adjustment and the Historic District Commission.

## **21 ADJOURNMENT**

There being no further business to come before the Board, the meeting adjourned at 8:00 p.m., to meet again on Tuesday, March 24, 2009, at 7:00 p.m.

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

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

Lance Hudnell, City Clerk

Mike Bush,

Mayor