

MINUTES

BOARD OF DIRECTORS MEETING

MARCH 16, 2010, AT 7:00 P.M.

The regular meeting of the Board of Directors was held on Tuesday, March 16, 2010, 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, Pat McCabe, 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 March 2, 2010 Board Meeting

A motion was made by Director Keheley, duly seconded by Director Maruthur, that the minutes of the March 2, 2010 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

4 Recognition of Guests

Ms. Dorethea Yates, Finance Director, reported that each year the Finance Department prepares a Comprehensive Annual Financial Report (CAFR), which has two major purposes: (1) it is prepared to meet the State of Arkansas' annual audit requirements and the federal government's audit requirements for grants; and (2) it is prepared and submitted to the Finance Office Association of the United States and Canada to be judged based on their standards for Certificate of Excellence in Financial

Reporting. She stated the City of Hot Springs has won the Certificate of Excellence in Financial Reporting for 2008 CAFR (Comprehensive Annual Financial Report) and for the 16th consecutive year. She explained in order to receive this certificate, the City's financial statements had to conform to the Association's demanding criteria which go beyond the minimum requirements of Generally Accepted Accounting Principles. She said they were reviewed and evaluated by an impartial panel of judges with specialized expertise and experience in governmental accounting and financial reporting and were judged to have met the program's criteria. She commented this reflects the commitment to financial accountability, the Board of Directors, city management, and city employees. She mentioned that Ms. Linda Baker, the previous Finance Director, was committed to the CAFR Program. She then recognized Ms. Joy Black, accounting and purchasing manager, who assumes the majority of the responsibility for the compilation of this document, as well as the Finance Department staff and support staff in other departments. She then explained the contents of the document, pointing out that it includes 157 pages of the City's financial information and can be viewed on the City's website at www.cityhs.net. She added if anyone has any questions, she or her staff will be available to visit with citizens at the Finance office (517 Airport Road). At this time on behalf of the Finance Department, she presented the 2008 Certificate of Achievement for Excellence in Financial Reporting to Mayor Mike Bush.

Ms. Dianne Morrison, Hot Springs Area Metropolitan Planning Organization Study Director, was recognized, stating she is also the City's census liaison. She mentioned that the Census is every ten years, and the form takes about 10 minutes to fill out. She pointed out there is a strict confidentiality policy so no one will know the information submitted on the form. She stressed that if citizens receive an e-mail requesting information, they should delete it since the Census Bureau is not requesting information online. She mentioned that it is important to know how many people live within the City and also in Garland County since that helps trying to determine representation at the state and federal level and also the amount of funds the City receives. She noted if citizens do not return their census forms, someone will come to their residence and fill out the form.

Director Maruthur introduced Mr. Bob Martorana, general manager of the Arlington Hotel, who has relocated to Hot Springs from Maumelle, Arkansas. Mr. Martorana said that being the sixth general manager of that hotel is a privilege. He mentioned that he has been in the City for three months and plans to purchase a home in Hot Springs.

Mr. Dan Bugg, Animal Services Officer, introduced Ms. Luba Cook, and her dog Katie, that came from the Animal Shelter several years ago. He stated they have spent numerous hours visiting nursing homes, hospice, and other facilities and have 3,904 visits to date. He then presented her and Katie with a certificate of appreciation.

Ms. Luba Cook expressed her appreciation and suggested when people turn 74 years of age, they need to get a dog and volunteer.

Director Keheley mentioned that Ms. Cook lives in District 3 and hears from her quite often, and she gives a regular report on their visits.

Mayor Bush announced that tomorrow evening at 6:30 p.m. is the First Ever Seventh Annual World Shortest St. Patrick's Day Parade.

Mayor Bush introduced Emma Poland, first grader from McKinney, Texas, visiting her grandparents, Kerry and Ray Owen. At this time, Emma said she was glad to be here and enjoys being in Arkansas. At this time, Mayor Bush presented Emma with a Descendant of DeSoto Certificate.

5 Board of Directors Announcements

Director Maruthur commented that tomorrow, the City will have its First Ever Seventh Annual St. Patrick's Day Parade. She mentioned that the following areas will be closed: Bridge Street from 8 a.m. until midnight; Broadway between Convention Boulevard and Spring Street from 1 p.m. until midnight; Central Avenue between Market and Spring from 6:30 p.m. to 7:30 p.m.; and the Transportation Plaza from 1 p.m. to 8 p.m. She announced the annual Spring Fling will be held on April 24 and 25; and the dumpsters in District 1 will be located on Dell and Park. Also, there will be dumpsters located where people are familiar seeing them in other areas. She requested since many citizens are present for the Farmers Market, that their item be moved to the first item under New Business.

Director McCabe announced that this past Saturday, at Lake Hamilton High School, Congressman Mike Ross hosted a Congressional Service Academy information session. He said there were approximately 20 students in attendance, and three were from outside Garland County (one from Arkadelphia, one from Malvern, and one from Dierks). He noted opportunities are provided to those who wish to seek post-high school education and serve their country. He stated in the fall of 2011, Congressional

District 4 will have more slots available across the three service academies than they have had in recent history. He advised if a young man or woman has an interest in attending the service academy and is currently a junior and going to enter into their high school senior year next August, the application process for the Class of 2011 opens up on April 1, 2010.

CONSENT AGENDA

The Consent Agenda consisted of the following:

- 6 Public Safety Committee Report** (March 2, 2010).
- 7 Proposed Resolution No. R-10-52** Approving Certain Bid Awards (a) Mowing/Ground Maintenance - Various Departments [annual supply contract awarded to Navigator Maintenance, VMS, LLC, Spa Landscaping, Tru Cut Lawns, Adarose, and George Cousins III]; (b) HVAC and Electrical Revisions - Mid-America Museum **[Reject and Rebid]**; and (c) Radio Equipment and Installation - Police Department [awarded to Motorola in the amount of \$66,275].
- 8 Proposed Resolution No. R-10-53** Authorizing the Mayor to Execute a Lease Agreement Between the City of Hot Springs, Arkansas, and Greyhound Lines, Inc. (Transportation Depot).

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

NEW BUSINESS

12 Proposed Resolution No. R-10-65

At this time, Director Keheley recused herself from this item and left the Board Chambers.

A resolution entitled, "A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE HISTORIC DOWNTOWN FARMERS MARKET OF GARLAND COUNTY, ARKANSAS, FOR CERTAIN PROPERTY WITHIN THE TRANSPORTATION PLAZA, 121 ORANGE STREET," 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. John Nichols, 310 Bellaire Drive, representing the Downtown Farmers Market, expressed appreciation to Mayor Bush and the members of the Board for making the Farmers Market a reality for the community in providing the location and support. He also thanked Senator Terry Smith, State Department of Agriculture, and the Arkansas Legislature for the grant funding to build the Farmers Market facility in downtown Hot Springs. For the pavilion design team who spent the last two years working on the project, he acknowledged Architect Doug Arnold; contractor Chris Salazar; Parks and Recreation Director Jean Wallace; and members of the Parks Department Mr. Brian Fisher and Mr. Darrell Edwards; Mr. Gene Lichliter, pavilion landscaper; Mr. Steve Mallett, Deputy City Manager for Public Works and Utilities; Mr. Denny McPhate, Public Works Operations Director; and the Public Works crew; Mr. Carl McChesney, board member of the Farmers Market; and Director Cynthia Keheley. He also gave special recognition to City Manager Lance Hudnell; City Attorney Brian Albright; Public Information Officer Terry Payne; and Public Information Assistant Jeff Fields. He expressed appreciation to the Garland County Master Gardeners, who provided the beginning funds and had the vision for this community project and also planted the trees and shrubs surrounding the market. He mentioned the market would not exist without the farmers from the eight counties who continue to bring fresh produce. He also thanked the supporters and shoppers who come to the market each week, the volunteers, Hot Springs businesses and supporters, and other nonprofit organizations, such as the Beautification Commission and the Master Gardeners.

Director Jones mentioned that the Directors received a gift (an apron) from the Farmers Market, which is in District 2. She expressed appreciation to those who worked to get the market in her district.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, McCabe, Ramick, Daniel, and Bush, total 6. Director Keheley had recused herself from this item and was out of the Board

Chambers. Therefore, she did not cast a vote; motion carried. Whereupon the resolution was declared adopted.

9 Proposed Resolution No. R-10-54

A resolution entitled, "A RESOLUTION APPROVING A PRELIMINARY SUBDIVISION TO DEVELOP THREE RESIDENTIAL LOTS ON .8357 ACRES AT SPARLING POINT," 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, City Attorney Brian Albright explained this is a reconsideration of the preliminary subdivision and is a three-acre subdivision located on .8357 acres off Sparling Road, which is outside the city limits. He stated this initially came to the Board on July 1, 2008, after the Planning Commission heard this matter on June 12, 2008. At the Board Meeting on July 1, 2008, the Board remanded it to the Planning Commission for further review, which was conducted on September 11, 2008. The Planning Commission again denied the application for preliminary plat approval, and it came back to the Board on October 21, 2008. The Board again affirmed the Planning Commission's decision to not approve the application. From that point, this matter was appealed to the Circuit Court and is currently pending in a Civil Division 2008, Case No. 1583, Division 1. He explained that the issue from a legal standpoint regarding this appeal related to two Code provisions of the Hot Springs City Code §16-4-44(1), which states that every lot shall abut upon a public street except for private streets or explicitly approved by the Planning Commission. He said the issue had to do with Sparling Road itself and the abutment of the proposed subdivision as it laid on Sparling Road, and the issue was whether or not Sparling Road was a public road as required by city code. Since the filing of the appeal, a letter from County Judge Larry Williams was received in which he gave a historical review of he and former County Judge Bud Williams' position on Sparling Road as being a public road. He included an easement which was filed for record in November 1990, and that is the easement which facilitates access to the subdivision in question. He advised with that one issue having been resolved by virtue of the County Judge, since this is a county road outside the city limits, has been solved from a legal standpoint. He said the other issue had to do with Hot Springs City Code §16-4-24(16), which requires that all streets adjacent to and leading to such development may also be required to be constructed or otherwise upgraded at the expense of the developer. He stated that was the condition the Planning Commission placed upon the development of this three-lot subdivision, which the Board approved.

However, the Arkansas Supreme Court in a recorded case, Jonesboro vs. Vuncannon, a 1992 case, stated that cities do not have the authority to require the improvement of prior existing roads leading to subdivisions. He added if it is within the subdivision itself, then cities can require whatever with an improvement that may be needed in that regard. However, if it is an existing street leading to the subdivision, particularly when it is in the county and not within the city limits, the Supreme Court has said the City can do it; but if it does, it must pay for it. He stated within the city limits, the city could pay for it. In the county, the City cannot do it because it cannot buy it for the county. He said based upon these two legal aspects, there is no longer, in his opinion, a legal basis to fight this application in court any longer. He advised the applicant, represented by Attorney Brian Reis, has filed a letter with the City asking that the Board reconsider its October 21, 2008 decision.

Mr. Cal Arnold, 251 Sparling Road, which is located three houses from this proposed subdivision, stated the residents of Sparling Road are not opposed to any development; but this development will adversely impact their neighborhood and property values. He said Sparling Road is a long-established, single-family neighborhood with one house per lot. He added there have been technical issues raised about this subdivision, and Sparling Road is narrow (13 to 17 feet wide). He mentioned that the Fire Chief looked at this area and said if this project is built, the road will have to be widened in order to meet the state code. He noted the existing asphalt road is not and never was located on the 20-foot easement according to the platted survey dated September 20, 1948. He stated if the road is going to be widened, there will have to be a survey to determine where that easement is located. Regarding parking, he mentioned this lot has a little more than 20 feet of frontage on Sparling Road; therefore, there is no room for on-street parking to supplement these small lots. He pointed out this has never been about the technical issue, and the developer previously offered to widen the road. He stated it is about the dramatic changing of the character and environment of the neighborhood. According to the Garland County Tax Assessor's Office, he advised the average lot on Sparling Road is about 1.1 acre; and that is after taking out two large lots that would skew this figure higher. He reported the proposed lots in this subdivision are $\frac{1}{4}$ acre or 75 percent smaller than the average lot out there. He mentioned there is no opposition to building a nice, single-family home on this lot; but this is a developer who bought an existing, single-family home, bulldozed the house and trees, severely graded the lot, hauled off over 30 dump truck loads of material from the site, and began to overdevelop it. He mentioned the developer has never shown any intention of living out there himself. He reported this project in various forms has been before the Planning Commission four times, and the chairman

and at least two other commissioners made multiple trips to look at the site. He advised that four times the Planning Commission voted unanimously not to approve this out of concern for the public interest, safety and welfare, which is part of the Commission's charter; and not one Planning Commissioner has ever voted to approve this. He pointed out their primary concern was not technical issues but did not believe this subdivision fits in the neighborhood. This project was appealed twice to the Board of Directors; and once it was referred back to the Planning Commission. On another occasion, the Board denied the appeal and upheld the Commission. He stated in the proposal before the Board tonight, it is substantially unchanged from the last two times it came before the Planning Commission and before the Board. He advised the developer filed suit against the City over a year ago; and if he thought he could prevail in that suit, he would have seen it through. Instead, he has decided he would try to use that as a leverage against the Board to get something done that he cannot get done any other way. He questioned if Mr. Beasley wants to subdivide a single family lot into tiny lots, why he did not do it where he lives on Long Island where he can live with the consequences because that is what the residents on Sparling will have to do if this goes through. He then presented a petition signed by 24 residents stating their unconditional opposition. He said many Sparling Road residents have come to every Planning Commission meeting and are present tonight in opposition to this subdivision because they understand this will change the character and environment of this quiet neighborhood. He said they understand why the City Attorney made his recommendation because his obligation is to the City; but as elected officials, the Board's obligation is to the citizens. He commented if they are not protected from this over-development, they will be forced to consider a lawsuit. He pointed out there is no public interest and welfare served by this project, just the interest of Mr. Beasley. He mentioned that once a person is allowed to bulldoze a single-family home and subdivide it into small lots, there will be no justification to deny a request from others who want to do the same. He urged the Board to help preserve the quiet character of Sparling Road and not approve this subdivision.

Director Maruthur pointed out this was previously going to be on the Consent Agenda because the City Attorney informed the Board at the agenda meeting that it was basically moot. City Attorney Brian Albright advised that he said at the agenda meeting it was a resolution, and resolutions are permitted to be on the Consent Agenda. He stated he also indicated that the two legal hurdles against this development had been removed.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Ramick, Daniel, and Bush, 5. Voting

“no”: Directors Keheley and McCabe, total 2; motion carried. Whereupon the resolution was declared adopted.

City Attorney Brian Albright explained that the reconsideration has been granted, and the preliminary plat will be approved. He pointed out to Attorney Brian Reis that there are some conditions associated with that resolution.

10 Presentation of Condemnation Resolutions

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

10a Proposed Resolution No. R-10-55

A resolution entitled, “A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (1010 GREENWOOD),” 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 reported that proper notice has been served on all of the proposed condemnations to be considered.

He advised that the structure at 1010 Greenwood burnt over a year ago, and the owners stripped it out but have not done anything further with it. He said the structure is wide open and has substantial fire damage.

City Attorney Brian Albright asked if there was anyone to speak in opposition to the condemnation; and there being no one to speak in opposition, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted “aye”: Directors Maruthur, Jones, Keheley, McCabe, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

10b Proposed Resolution No. R-10-56

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (707 MINERAL - REAR STRUCTURE)," was taken from the agenda and read by title only.

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

Mr. Bart Jones reported that the structure is wide open, and the roof has been leaking and is deteriorated. He said the owner has not made any effort to secure it.

City Attorney Brian Albright asked if there was anyone to speak in opposition to the condemnation; and there being no one to speak in opposition, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, McCabe, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

10c Proposed Resolution No. R-10-57

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (112 PLEASANT)," was taken from the agenda and read by title only.

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

Mr. Bart Jones advised this structure is in the Pleasant Street Historic District; and overtime, the structure has been broken into and several times has been open. Also, the roof leaks badly and has caused structural damage. He pointed out the brick facade is not that bad, but there has been a lot of damage to this structure from the leaking roof.

Mr. Early Cravens, 233 Walnut Street, said he is not representing any group or individual but just a concerned citizen. He thanked the City for everything it has done in their community as far as helping revitalize that area. He stated their historic designation could not have been done without the help of the City. He expressed concern with the numbers and percentages in keeping the historic designation and asked if it is possible there could be some time extended to give people time to come together and make some repairs at that residence.

Mayor Bush explained this is just the beginning of the condemnation process, and there are 30 days before letting the bids on the demolition.

City Attorney Brian Albright added he could pull a rehab permit within the next 30 days and may be longer since the bids have not been let. Mr. Bart Jones said if the City sees some work done, then it has the ability to extend that further based on real progress.

Mr. Randy Martin, 605 Pleasant, grandson of Ms. Hilda Martin, who presently owns the property and has owned it for over 60 years, stated she is 103 years old and resides at Garland County Nursing Home. He mentioned she has not resided at her residence in over the last five years because of her inability to maintain her residence. He said that he is speaking on behalf of his grandmother, whom he has Power of Attorney, pointing out she is in good health; and it has always been her hope that she could maintain her home. He advised she made an application for a grant but was not approved. He said it would have given her the opportunity to repair the exterior of the house and make other improvements. He stated they have made several efforts to get the house secured, but the house was broken into and set on fire a few years ago. He mentioned he continues to try to maintain the house and has recently boarded it. He advised that he had contractors look at the house and has given Mr. Jones an estimate of repairs in three phases. He said that he hopes to secure the roof and exterior doors within a timely manner and hopefully they would be able to get the house completely restored where it could be put back to some productive use. He mentioned it is a very remote possibility that his grandmother would actually be able to live in the house; but if it were restored, there are some possibilities other family members could move in with her since she is not able to live alone. He stated they hoped they would be able to find some resources that could help restore the property and maintain it. He said at this point, they need to assure the Board they can secure it because it is a nuisance. However, they are pressed for the time. He advised they did have contractors to give some numbers on all of the phases that it will take to secure it, clean it out, bring it up to code, and do exterior and interior renovations. He stated at this point, they would like to have the opportunity to do Phase I, which would be done to maintain the roof structure so there will no longer be water damage and leaking. He added sometime ago, he secured the back door again and hoped to secure all of the doors and windows to prevent people from getting into the structure.

Director Maruthur pointed out the City is looking at a timeframe and needs a specific timeframe before there is irreparable damage done to the building. She stated the only thing that could be done then would be to take the bricks and build a new

structure. Mr. Martin explained that Phase I is securing of the property, as well as replacing the roof. He noted he is looking at a 30 to 60-day timeframe to do that. Director Maruthur pointed out that a permit could be pulled, and then he would have enough time to begin the process. She said he could continue the process once he starts the process, and this does not mean the house will be torn down. She pointed out if the Board does not pass the condemnation resolution, then there is no process that would begin.

Mr. Martin said he wanted to speak against the condemnation because he knows it is devastating; and once the process starts, then they also know they have to begin securing the structure.

Mr. Bart Jones advised that staff's recommendation is to proceed at this time with the condemnation.

Director McCabe asked Mr. Martin the cost of Phase I and the other phases. Mr. Martin advised that Phase I is approximately \$11,000; Phase II (clean-out) is \$2,000; bring it up to code is almost \$21,000; the interior (paint, interior doors and repairs) is \$11,850; to get it to move in and ready with windows, heating and air conditioning is \$9,000. He stated the total will be \$55,100; and the market value presently is about \$40,000.

Director Keheley said she wanted to be sure by adopting this resolution, the City is not putting the Historic District in jeopardy. She questioned what Mr. Martin needs to do to this structure to maintain the designation for the Historic District.

Ms. Kathy Sellman, Planning and Development Director, advised that any work done on the exterior of this house will have to be approved by the Historic District Commission. She noted as soon as the owner has plans and is ready to go, the Planning Department can schedule it on an agenda for a hearing.

Director Daniel asked if 60 days would give Mr. Martin time to get funds together, and Mr. Martin advised that it would. He added he has the experience already at 605 Pleasant, which is his personal residence. He said he has done over the last three years extensive renovation in compliance with the Historic District, guidelines, plans and approval. He advised that he restored the house to back to what it was originally when it was built and believes he can do the same with this property.

Mayor Bush questioned why he has not done it previously, and Mr. Martin replied that it was mainly due to unavailability of resources. He advised that application was made to the City when his grandmother was still living in the house, which would have helped; but she was not able to get those funds. Since then, they have spent quite a bit of time putting together a plan and ways and means where they could renovate.

Director McCabe questioned if the Board could condemn it with a 90-day reprieve or table it. City Attorney Brian Albright advised that it could be tabled or the Board could condemn it and give the incentive that Director Maruthur was mentioning to get going. He pointed out that sometime there is not an incentive until there is a deadline, and this condemnation would impose a deadline.

Director McCabe asked if the Board brought it back up in 60 days and did not get any action, then the Board would condemn it and the 30-day process would begin. Mr. Bart Jones replied it would be whatever is the Board's pleasure. He added that staff's recommendation is to proceed with the condemnation.

A motion was made by Director Jones, duly seconded by Director Keheley, that the resolution be tabled for 60 days and let Mr. Martin return to the Board.

Director McCabe questioned if it was inappropriate to ask Mr. Martin a question at this time, and City Attorney Brian Albright advised that it is and explained when there is a motion to table on the floor, only the timeframe of the table is subject to debate.

Director McCabe pointed out that the Board moves too fast on some of these issues, and Mayor Bush commented that he disagreed. Director McCabe noted that the main thing is to secure the building, such as doors from vagrants, which is almost immediately.

Mr. Martin advised that the exterior doors were secured within the last two weeks; and upon checking the property, he found the house open; but the house is now closed. Director McCabe said he had stated the doors were being kicked in, and Mr. Martin replied that was previously; but they cannot be kicked in now.

Director Maruthur asked if it is tabled for 60 days and then comes back to the Board, would it be up for the condemnation process again and then the 30 days begin; and Mr. Jones replied that is correct.

Mayor Bush then called for a vote on the motion to table for 60 days; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, McCabe, Ramick, Daniel, and Bush, total 7; motion unanimously carried.

10d Proposed Resolution No. R-10-58

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (306 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.

Mr. Bart Jones stated this is within the Pleasant Street Historic District and is a smaller, single-family home. He advised that he has made numerous efforts in the past to contact the owner, who is a professor at University of Arkansas at Pine Bluff. He stated this structure has deteriorated to the point that the water heater has fallen through the floor and the roof is leaking. He said this house is basically going to fall down if the City does not take some action but cannot get in contact with the owner to take any responsibility. He said it is owned by Ms. Fredda Carroll.

Mr. Elmer Beard, 202 Henry Street, president of the Pleasant Street Neighborhood Association, reported there has been a problem contacting Ms. Carroll. He said there are two generations of the family, and he did reach her answering service last night. He added that Ms. Carroll, a University of Arkansas at Pine Bluff professor, can be contacted if he has to go there and contact her himself. He asked if this could be delayed until she is bodily contacted.

Mayor Bush asked how long the structure has been in this condition, and Mr. Bart Jones replied that it has been vacant in this condition for at least five years that he is aware of.

Mayor Bush asked if he thought another couple of months would help Mr. Beard, and Mr. Beard replied that his only commitment is to contacting her and would not make a promise beyond that. Mayor Bush asked if he had her address, and Mr. Beard said that he has her phone number. Mr. Jones reported that he has all of the information to contact her. He pointed out the only thing the City is required to do is send a certified letter, which was done. He said he also sent an e-mail, called her home and work, sent extra regular mail letters instead of certified hoping she would open those instead of the

certified letters. He noted that Ms. Carroll is just not responding and in his opinion is not interested in the property.

Director McCabe asked if he received the green receipt card back that it was delivered and received, and Mr. Jones replied that he did.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, McCabe, Ramick, Daniel, and Bush, total 5. Voting "no": Directors Jones and Keheley, total 2; motion carried. Whereupon the resolution was declared adopted.

10e Proposed Resolution No. R-10-59

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (254 SILVER)," 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 stated this structure is directly across the corner from the Langston School. He said the roof has been leaking for years, and there have been numerous break-in's. Staff is recommending proceeding with the condemnation.

City Attorney Brian Albright asked if there was anyone to speak in opposition to the condemnation; and there being no one to speak in opposition, Mayor Bush called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, McCabe, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the resolution was declared adopted.

10f Proposed Resolution No. R-10-60

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (206 OMA)," 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.

Mr. Bart Jones explained that a gentleman came in two days ago and bought a demolition permit and started tearing it down. He said the last time he saw it, the majority of the structure was still standing. He stated he believes he will tear it down, but he would like to proceed with the condemnation.

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

10g Proposed Resolution No. R-10-61

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (430 CHATTANOOGA)," 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.

Mr. Bart Jones explained the roof on this structure has been leaking for many years, and the roof on one side has caved in. He stated that staff has talked to the owner (Timothy Pentecost) several times and has been dealing with this one for almost a year with no activity.

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

10h Proposed Resolution No. R-10-62

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (369 CEDAR)," 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.

Mr. Bart Jones stated this structure was brought to his office by the Police Department due to activity, and parts of the structure are open and has deteriorated. He said the lady who owns it lives directly across the street.

Ms. Linda States, 368 Cedar Street, said the property belongs to her and her sons. She noted the house was left to her by her husband who passed away about two years ago. She mentioned it was his hope that he was leaving her some property and possibly to rent out someday. She stated she did not know this structure was going to be condemned and asked for more time to work on the house.

Mayor Bush asked if she received any notification from Mr. Jones that condemnation was beginning; and Ms. States replied that the date she has is March 1, 2010, when she realized it was to be up for condemnation. Mayor Bush advised that if the Board condemns it tonight, she has 30 days that she and Mr. Jones can work together. He pointed out that Mr. Jones had stated earlier that there had been no activity on that structure for a year. Ms. States replied that is true, but she did not realize that she had a time limit.

Director McCabe asked if Mr. Jones had sent a certified letter to the proper address, and Mr. Jones replied that he did and had received the green card with her signature that she had received the letter. He explained this is not the actual start for Code Compliance because Ms. Veasey, the inspector, inspected it sometime ago and sent a report notifying Ms. States of all of the things that were wrong with the house. He added there has not been activity off that report, and that report somewhat heads toward either condemnation or no condemnation.

Director McCabe questioned the date on the report, and Mr. Jones replied that it was a year ago. Also, that report was sent to Ms. States.

Ms. States commented that she did not know she was to start doing something to the house. She said she only knew she was supposed to appear in court for the grounds to be cleaned up.

Director Keheley asked if this house can be rehabilitated, and Mr. Jones replied that it can. He said it is a little low to the ground, and much of the wood is rotten and has termite damage. He pointed out it is not going to be a band-aid job. He added there is substantial cost in getting this back up to code.

Mr. Leeper, 105 Jasper, stated he is a bricklayer and roofer and does odd and end jobs in Hot Springs. He commented that sometimes the City moves a little fast on these houses. Mayor Bush pointed out that no one has done anything in a year. Mr. Leeper said if they need some help, they may call him. He stated he can get a foundation built up, level the house, and repair the roof. He stated he has three brothers who can work on the house and asked that the Board give Ms. States some time to work on it.

Director Daniel said that he is volunteering his time, and Mr. Leeper stated they can start working on it tomorrow. Mayor Bush pointed out they have 30 days.

Mr. Jones stated he will work with them if they get started on it but would recommend that the Board proceed with the condemnation.

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

10i Proposed Resolution No. R-10-63

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623 (117 PALM)," was taken from the agenda and read by title only.

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

Mr. Jones advised this structure burned over a year ago, and he has been in contact with the owner. However, they have not done anything with it. He advised that the City needs to proceed with condemnation and demolition.

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

11 Proposed Resolution No. R-10-64

A resolution entitled, "A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN GARLAND COUNTY AND THE CITY OF HOT SPRINGS FOR CERTAIN ANIMAL CONTROL SERVICES; AMENDING THE 2010 BUDGET; AND REPEALING RESOLUTION NO. 7324," 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. Dan Bugg advised, through the Sheriff's office requesting more services, a meeting was held with the Public, Health and Welfare Committee of the County. He said there was a request for modules of service, and he met with the budget committee and received funding for the modules of service. He stated there are three extra modules of service the County is asking to add to the original agreement this year: (1) vicious and dangerous dog calls; (2) after-hours calls; and (3) protective custody assist. He stated if the Board approves this, staff is requesting to hire an additional person, which will be for only nine months.

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

OTHER BUSINESS

13 Board of Directors Items for Discussion

Director Maruthur announced that last night, the Park Avenue Community Association held a meeting and expressed appreciation to the Tower of Strength Ministries for providing the location. She said there was a large turn-out (about 50 people), and a candidate was present to speak. The next meeting will be April 19 and will have the other candidate to speak.

14 City Manager's Report

City Manager Lance Hudnell gave the following report:

1. There will be an informational meeting in the Board Chambers on Thursday, March 18, 2010, at 6:30 p.m., for anyone interested in traveling to Hanamaki, Japan, in September.

2. There is a call for volunteers for the Great American Greenway Clean-Up, which will be Saturday, March 27, from 9 to 11. This is to help clean up the Hot Springs Creek and adjoining Greenway and plant flowers along the Greenway. If anyone is interested, they should come to the Transportation Depot or the Rotary Trailhead at the intersection of Shady Grove Road and Hollywood. For those participating, they need to bring waders, nets, garden tools, and gloves. Light refreshments will be available. This is being sponsored by the Beautification Commission and Friends of the Park.

3. He thanked the students of North Dakota State University for making Hot Springs one of the stops on their tour. These students are spending their spring break taking across-country trips doing service projects in five cities in which Hot Springs is one. They spent this morning cleaning brush and fallen trees along the nature trail at Hill Wheatley Park. This is part of their Nationwide Tour of Students Today - Leaders for Tomorrow.

4. He expressed appreciation to the University of Arkansas Master Gardeners, who have contributed over 200 volunteer hours in preparation of the downtown hanging baskets.

5. He thanked Finance Director Dorethea Yates and her staff who spent many nights and weekends working on the Comprehensive Annual Financial Report (CAFR) and appreciated their efforts in winning that award and also in their everyday effort to be sure the City's finances are in proper order.

6. Two letters were received from District 1 (Roberta Morningstar and D. E. Linder) - one for the Park Avenue area and one for the Whittington Valley area for Mr. Bob Lathrop, Urban Forester, and his crew, who have been cleaning some right-of-ways in that area.

7. James Montgomery called to say that he was pleased with the Lakeside Road.

8. An e-mail was received through one of the staff members from an unnamed resident thanking Michael Howell and B. J. Canada for assisting a citizen with a wastewater project.

9. On the Consent Agenda, the Board approved a Lease Agreement with Greyhound which will be moving their facilities to the Transportation Depot.

10. He appreciated the Board's approval of the Farmers Market lease and thanked Jean Wallace, Parks and Recreation Director, for being the project manager during construction.

Director Maruthur announced that Bo Derek will be in town tomorrow as grand marshal for the St. Patrick's Day Parade.

15 ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 8:25 p.m., to meet again on Tuesday, April 6, 2010, at 7:00 p.m.

ATTEST: _____

APPROVED: _____

Lance Spicer, City Clerk

Mike Bush, Mayor