

MINUTES

BOARD OF DIRECTORS MEETING

MAY 18, 2010, AT 7:00 P.M.

The regular meeting of the Board of Directors was held on Tuesday, May 18, 2010, at 7:00 p.m., Board Chambers, City Hall, with Mayor Mike Bush presiding.

The invocation was given by Mr. Doug Ervin, 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 May 4, 2010 Board Meeting

A motion was made by Director Maruthur, duly seconded by Director Ramick, that the minutes of the May 4, 2010 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

4 Recognition of Guests

There were no guests present for recognition.

5 Board of Directors Announcements

Director Maruthur announced that the Hot Springs Boys and Girls Club hosted the First Annual Spa City Slam Baseball Tournament in April, despite the weather; and 29 of the 33 teams, both state and nationally ranked, came to Hot Springs to participate in the tournament. She mentioned that approximately 1,400 people came to Hot Springs, stayed in the hotels, ate in the restaurants, visited the attractions, and participated in the baseball tournament. She said that over 30 volunteers raked, pumped water from the fields, and made them playable. She commented that the coaches and fans looked forward to another tournament in Hot Springs; and possibly next year, three to five tournaments could be planned. She stressed that the Hot Springs Boys and Girls Club is an asset to the community and will continue to host tournaments with the help from parents and volunteers. She noted this was submitted by Mr. Johnny Muldoon.

Director Keheley announced the passing of one of the City's citizen, Ms. Amelia Aughenbaugh, past chairman of the Hot Springs/Garland County Beautification Commission and past chairman of the Garland County Master Gardeners. She stated that Ms. Aughenbaugh was responsible for the Xeriscape State Garden at Hollywood Park, as well as many other contributions. She extended sympathy from the City to the family and expressed appreciation for her many contributions.

6 CONSENT AGENDA

The Consent Agenda consisted of the following:

7 **Proposed Resolution No. R-10-99** Approving Certain Bid Awards Pursuant to Ordinance No. 5387 (Purchasing Ordinance) - (a) Meter Box Lids - Utility Administration [annual supply contract awarded to Dixie Utility]; (b) Sale of Scrap Metal/Meters - Utility Administration [annual supply contract awarded to Tenenbaum Recycling Group]; (c) Manhole Frames/Covers - Public Works [annual supply contract awarded to Deeter Foundry]; and (d) Tree Service - Public Works [annual supply contract awarded to West Tree Service].

8 **Proposed Resolution No. R-10-100** Accepting a Grant from the Arkansas Department of Aeronautics for Certain Airport Improvements (Rehabilitation of Runway 13/31 - Phase II).

- 9 Proposed Resolution No. R-10-101** Amending Resolution No. 6267 by Revising the Membership of the Community Development Advisory Committee.
- 10 Proposed Resolution No. R-10-102** Authorizing the Filing of a Grant Application with the Federal Emergency Management Agency 2010 Fire Act Grant Program.
- 11 Proposed Resolution No. R-10-103** Approving the Transfer of Holmatro Extrication Equipment to the Fountain Lake Fire Department.
- 12 Proposed Resolution No. R-10-104** Awarding a Contract to Roy Case Construction for Ouachita Water Treatment Plant Improvements.

A motion was made by Director Daniel, duly seconded by Director Keheley, 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.

OLD BUSINESS

13 Proposed Resolution No. R-10-57

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623," was taken from the agenda and read by title only. **(112 Pleasant) (Tabled March 16, 2010)**

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 resolution was tabled for 60 days on March 16, 2010; and the owner (Mr. Randolph Martin) had said he needed that time to put together some funding. However, he has not heard from him. He advised that he sent an e-mail and received a reply that he knew it was back on the agenda tonight. He noted that a permit has not been pulled,

and he has not seen any activity at the building. Therefore, staff would recommend proceeding with the condemnation tonight.

Mr. Randolph Martin said in regard to the property proposal they put together, he has a business plan that was completed that would help in having a means of renovating the property and putting it back into use. He then submitted the business plan, which he said was before a lender who is considering this for financing. He noted the property will be donated to this nonprofit that does this in different locations in Arkansas. He mentioned there are several properties in Little Rock that have been transferred this same way, and one recently is planning to be opened in the northern part of the state. He commented this nonprofit has the capacity to develop the property to where it is useable and also make it an asset to the community.

Mayor Bush asked where this has been for the last 60 days, and Mr. Martin replied that it has been in the stages of getting the persons who would be able to put together the resources. He said he has been in contact with them, and this plan was produced over that time and explains how the project would work.

City Attorney Brian Albright questioned how long he has had this business plan, and Mr. Martin stated it started before he came to the Board in March. However, it was only finalized over the last 60 days. City Attorney Brian Albright explained that it is the policy of the Board that items to be included in the Board packets for the Board to review are to be presented to the City Clerk's Office prior to noon on Monday so the Board and public have a chance to review it. He stated this application appears to be for a Hope Sober Living Center, which would require some zoning issues to be addressed by the Planning Department; and he is a long way from making this happen. He advised that whatever action is taken tonight with regard to this will take some time before this can come to fruition.

Mr. Martin said that sometime back, he was not able to have all things in place that he has now. He stated that he realizes it is quite a process but is willing to go through the proper process.

Director Daniel said he would recommend that the Board take staff recommendation and once he starts it, he has 30 days.

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.

NEW BUSINESS

14 Special Public Safety Report and Request from Whittington Valley Neighborhood Association Regarding Alternative Traffic Control Solution for the Roadway Around Whittington Park

A motion was made by Director Maruthur, duly seconded by Director Keheley, to consider the Special Public Safety Report and request from Whittington Valley Neighborhood Association.

Upon discussion, Mr. Steve Mallett, Deputy City Manager for Public Works/Utilities, stated this item was brought to the Board at an earlier Board Meeting; and per instructions of the Board to consider the possibility of a multi-purpose lane around Whittington Park and was remanded back to the Public Safety Committee to meet with members of the Whittington Valley Association. They held meetings on May 4, 2010, and May 13, 2010, with that group to consider these items and other items that came up at that time. He advised that the committee's findings and recommendations are listed in the Board packet. He then reviewed those findings and recommendations of the Public Safety Committee.

He stated there was not enough width to properly construct a multi-purpose lane that would be similar to the Greenway Trail, which is two, six-foot divided paths. Therefore, the road would not accommodate that. The committee again met with the members of the Whittington Valley Association and decided to install an edge line pavement marking along the inner circle of Whittington loop as the City currently could not designate a full six-foot wide bicycle path. He mentioned the line shall define the edge of the roadway and provide a shoulder; and sometime in the future when the roadway can be widened to facilitate a six-foot bike lane. Staff recommends that the bike lane be designated at that time. He noted that is consistent with the City's Trails Master Plan, which calls for a designated bike lane on Whittington. He advised that was staff recommendations.

Mr. Mallett advised that the proposal that came from the Whittington Valley Association was also addressed by staff; and they requested the placement of an additional stop sign at the intersection of South Whittington and Woodfin, thereby requiring vehicles traveling east on Whittington to stop before entering the park area. He said the Committee had that item on the Public Safety agenda to address separate from the bike lane issue and has been in the process of pulling together the speed reports and accident reports from that area. The committee recommends that it meet on June 1 to consider that action as part of a totally different item on Public Safety.

Mr. Mallett reported that an item proposed by Whittington Valley Association was to paint 25 mph speed limit on the roadway before drivers reach the federal park at two specific locations. Staff agreed that was something the City could do. He pointed out the City currently does not have the stencils to do that in a quick manner but can fabricate those and accommodate that request. He said that would be an additional recommendation to the one that was made to install markings as suggested by the Whittington Valley Association.

Mr. Mallett stated that another item proposed on Whittington Valley is to paint bicycle shared lane markings just as drivers reach the Federal Park. He noted that staff would deny that recommendation as it is still recommending to install the edge line; and those two would conflict. He added that staff recommends denying that request. He noted the proposal by Whittington Valley Association, which was in place of the two large "Share the Road" markings at each end of the park, to paint smaller bicycle "Shared Lane Markings"(sharrows) on the roadway all around the Federal Park. He said there is only one approved size of sharrow, which is quite a bit larger than what the Association may have understood. However, accommodating that request as submitted would not be practical with an edge line in place, which would basically provide separate area for bikers to travel in. Regarding the installation of rumble strips as an auditory and tactile warning to drivers to reduce their speed, staff does not recommend installing rumble strips in or near any residential area due to the noise. He said staff would not mind seeing those in some of the more remote areas where there are dangerous curves, etc.

Director Maruthur asked if any of the people who serve on the Public Safety Committee live on Whittington, and Mr. Mallett replied that they do not.

Director Keheley asked if these are new objections from the neighborhood or if these are the continued original lists. Mr. Mallett advised that staff received ten items after the very first meeting, and he felt like the committee did compromise in some

areas. He added that the staff's recommendation did change in accordance with some of their recommendations; and they addressed most of those ten items. He explained that some they were able to address, and others they were not. Since then, there have been recommendations that came from the last Board Meeting; and there may be some additional recommendations from the group tonight.

Director McCabe asked if rumble strips have a value around the Alligator Farm where people are coming east on Whittington entering the park. Mr. Mallett replied if speed is an issue, that would help the speeding. However, it may not be well received by anyone who lives in the general vicinity or the church on Sundays. He said for speeding purposes, rumble strips are effective.

Director Daniel asked if he was talking about the rumble strips at the west end where the park is, and Director McCabe said it is where the Alligator Farm and Weyerhaeuser is. Director Daniel said that would be east, and it is showing a stop sign. Director McCabe said if the City did not install the stop sign, then possibly rumble strips. Mr. Mallett said that is something the staff recommends considering at the next Public Safety Committee as a separate item.

Director Maruthur questioned if there were stop signs installed there today, and Mr. Mallett replied they were not installed by City staff. Director Maruthur said she heard there was a stop sign put up by the bicycle shop. Mr. Mallett said if there was a sign put up, it was not by city staff.

Mayor Bush then recognized Ms. Bernistine Kilgore to speak.

Ms. Bernistine Kilgore, 323 Walnut Street, a member of the Whittington Valley Neighborhood Association, said she supports the neighborhood proposals and feels they are neighborhood friendly, community friendly, and visitor friendly. Also, they are more cost-effective. She noted that the park is used by a number of people for riding, sitting and walking. She said the only thing they are concerned with is slowing down the traffic, which is the reason they support it.

Mr. Mark Toth, Montclair Lane, said the federal park is encircled by Whittington Avenue; and the roadway around the park is one-way. He pointed out the goals of the traffic control solutions are to improve safety; provide a low-cost solution; maintain a park-like character of the neighborhood; and balance the needs of everyone who uses the roadway. He said people treat the road as an extension of the park, and they use the road for various recreational activities. He added a successful traffic control strategy must reduce speed around the park to 25 mph and make drivers aware of

non-motorized traffic that were concerned about that conflict. He mentioned their plans are to install an additional stop sign at Whittington and Woodfin. This would be an additional stop sign regarding eastbound traffic. Coming off Blacksnake Mountain, Whittington Avenue is very straight and long; and vehicles often build up quite a bit of speed. A stop sign would slow vehicles before they enter the park area. The same roadway from the other direction is very narrow and curves; and it will slow traffic down. He mentioned there have been many accidents where the stop sign would be. He said at Woodfin heading south, the yield sign placed against traffic on the left side of the road should be removed. He added there are two yield signs, and there is two-way traffic there. He mentioned it does not make sense to have the yield sign on the left side; therefore, it needs to be removed. Also, paint stop sign and yield lines as may be appropriate so people will be aware there is a yield. He commented an additional stop sign at Whittington and Woodfin with appropriate road markings will reduce the speed of vehicles as they enter the park from the west. He said they recommend painting speed limit on the roadway before drivers reach the park. He stressed that speed signs are often lost as people drive by; but if it is painted on the road, motorists will notice. He noted that painting the speed limit will make drivers aware of the speed limit, and many people are not aware of what the speed limit is. However, if they know what it is, they will slow down. He said they recommend painting bicycle-shared lane markings or some equivalent on the road just as drivers reach the federal park. He added the "share the road" signs are often lost, and people do not see them. He stressed if there are going to be cyclists here, people need to pay attention. There also needs to be same thing at the other end. He said the large "Share the Road" markings will make people aware that cyclists are there and slow them down and make the road safer. He stated they are also against the shoulder and thinks it is dangerous. He pointed out people may get confused and think it delineates cross traffic, turn in and have head-on collisions. He said that the shoulder seeks to slow traffic by actually forcing cars closer to parked vehicles. Also, buses would have to move over, which is dangerous. He pointed out in many places, Whittington Avenue is 30 feet to 50 feet wide, and putting a shoulder up will not reduce speeding. He noted there is room for four cars and will not slow anybody down. He added if the City wants to narrow traffic, it will have to move that shoulder line way over and then cross-hatch it so people would not think it is two-way traffic. He stated at a cross street, if there is a shoulder, people may think it delineates two-way traffic; and they will turn onto the road the wrong way, especially at night because those lines will stand out. He said that he believes their solution is reasonable and practical and will be a lot less expensive.

Mr. George Pritchett, 125 Carl Drive, commented that the neighborhood does not want a bike trail around the park but wants a multi-use path; and since there is no provision in the statutes, the best thing would be to leave it as it is. He added that

marking the proposed bicycle markings on the pavement and the speed limit makes good sense. Regarding the Master Plan, he commented it is a good document but does not believe it was written in stone. He pointed out it is clear that the residents in the neighborhood do not want most of what is proposed. He said no one in the neighborhood supports the one-way street that has been proposed. He spoke of an incident several years ago on Trivista where the Board went with the wishes of the residents over the recommendation of the Public Safety Committee and lowered the speed limit to 25 mph. However, people still do not drive 25 mph. He commented that he did not understand why the City is so persistent in continuing to try to do something in the Whittington Avenue area when the residents for the most part do not want it. He said trying to promote the City as a bike-friendly city is ridiculous. He added that he wants people who ride bikes to ride them and ride them safely; but they cannot ride around the City in a safe manner, certainly not children 12 and under riding bicycles from the Mall to Whittington Park. He stressed that the major concern for bicyclists is safety, and nothing being proposed will really increase the safety for bicyclists. He mentioned it will increase the danger for the people walking or pushing children in the area, which the City may or may not choose to mark off. He urged the City to mark the things on the pavement to show that bicyclists ride there, which would be the safest. He stated until the City can put in real bike lanes which would require widening the streets, taking something out of the center lane, there is no safe way to promote Hot Springs as a bicycle-friendly city; and the City should not be doing this to the people on Whittington.

Mr. John Lewis, 442 Whittington, said one of the problems with the various plans that have been presented regarding the bike path on Whittington from Parks and Recreation and the Trails Plan lack continuity. He stated currently the way it is proposed, there will be about 150 feet of multi-use paths from Whittington City Park, then it would switch to either a share-the-road philosophy or right-hand bike lanes until getting to the federal park when they want people to cross Whittington traffic to travel on the left side. He pointed out when they get to the other end, they are going to have to cross Whittington traffic as a bicyclist again and travel on the right hand side all the way down to Central and Park where it is back to the share-the-road philosophy. He pointed out that is one of the reasons they proposed a plan which basically takes what was offered as a good plan for downtown and would like to see it as continuous. He commented if they have to have only a bike lane, they would like to see it on the right-hand side, a share-the-road type lane, and continue all the way to Whittington City Park.

Ms. Dorthy Tyrity, 711 Whittington, said she did not know whose stop signs were installed today, but two were placed at the corner of Whittington and Woodfin. However, they replaced the yield signs that were on Woodfin.

Mayor Bush asked if the City did that, and Mr. Mallett replied that he was not aware of it.

City Attorney Brian Albright commented that he drove it this afternoon, and there were stop signs going south on Woodfin.

Ms. Tyrity said apparently someone is putting up stop signs and removing the yield signs, and the only thing they wanted moved was the yield sign on the left.

City Manager Lance Hudnell pointed out where the yield signs were, there are now stop signs.

Ms. Tyrity said they did not want stop signs on that corner.

Mr. Mallett commented that he knows there was no work order to do that; and if the City's Traffic Department did that, he does not know where they received the direction. However, he will check on it and find out.

City Manager Lance Hudnell said the City staff thought they were talking about a stop sign on Whittington at the Alligator Farm, but there is not one there. Ms. Tyrity replied that is what they had requested. She stated they would like to have the yield sign on the right returned to its original location and do not want the yield sign on the left because it is confusing to the motorists; and install a stop sign on Whittington. Also, the yellow lines around the park are confusing. She pointed out it would save the City money if they would put up one traffic sign by the Alligator Farm; and Mr. Jack Bridges, owner, is in favor of it. She stressed they are asking for the yield sign back on the right and no yield sign on the left.

Mr. Bill James, 508 Skyline Drive, said he is a local cyclist and rides for recreation and transportation and commutes to work when possible. He thanked all the citizens who are concerned for the safety of the local cyclists and believes that cyclists should have input about the bicycle lanes. He noted they should be able to help decide what is safe, what is unsafe, what is usable, what is confusing, and what would help the cycling community since they are the ones who deal with uneven pavements, storm drains, cars, trucks, and potholes. He pointed out the following benefits of cycling: (1) it is good for the economy; (2) it is good for one's health; (3) it is good for the

environment; and (4) good for transportation. He said before people can be encouraged to ride bicycles, the City needs to make its infrastructure better and safer for the cyclists.

He added that bike lanes or shoulders around Whittington Avenue are a great idea. He noted that bike lanes would encourage more commuters to ride their bikes, and more commuters on their bikes means less congestion. He mentioned larger cities have bike lanes in many areas to help ease congestion. He noted that Little Rock and North Little Rock built a bridge over the Arkansas River connecting their bicycle trails, and that bridge moved North Little Rock into one of the top 50 bicycling friendly communities in the United States. He said they are now working on a second bridge. He pointed out since Hot Springs is a tourist destination, it should be on such a list. He stated the City should make the area safe for cyclists and encourage people to come to Hot Springs and ride. He stated the City should be putting bicycle lanes in as many places as possible and encouraging people to use them.

Director Daniel pointed out cyclists would be going up a one-way street and back down a one-way street with parking on the right-hand side on both sides and questioned where cyclists would prefer to ride. Mr. James replied they tend to ride on the inside since that seems to be the safest, and that would be on the left-hand side. He noted it is a one-way street. However, any other street, the right hand side would be fine; but on that street, the cyclists tend to congregate to the inside and make that loop. He said everybody is worried about their crossing traffic and merging in and out, but they do that all the time. He pointed out there is no real safe place to ride, but they try to do it as safely as possible.

Director Daniel stated the way he looks at it as far as being on the left, if cyclists are going down Central Avenue, they expect people to come out and get in their cars. He said he would naturally think that it should be on the left on the inside lane. Mr. James replied that also has to do with the parking that is around the outside. He advised that many people use that to park; and they park there to access West Mountain and go up West Mountain, the trails, etc.

Director Keheley asked how he feels about sharing this lane with joggers, walkers, and other people. Mr. James replied that he would just be happy for a safer place to ride; but if that is what they can get, then that is what they can get. He noted there are a lot of runners up there, and they run the sidewalks. He stated on the inside of Whittington Park, there is a gravel path that people use. He said that cyclists were meant to be on the road, but he does not have a problem with sharing the lane.

Ms. Verna Linder, 110 Montclair Lane, stated the unmarked road around the federal park is the great appeal of Whittington Valley; and this is not a business area but

a residential neighborhood with a beautiful park. She said the current recommendation by the Public Safety Committee is much the same as their old proposal - only now with yellow paint. She pointed out their new proposal does not correct any of the hazards which were brought to the attention of the Board last February. She stressed there are large, open storm drains; and portions of the road are too narrow for a bike lane. She said that runners usually face traffic, but cyclists ride with traffic. However, the Public Safety Committee report states this new lane would be safe for bicyclists, walkers, and runners to utilize. She questioned the timeframe to build a legal bike lane, noting in the meantime, a wavy yellow line which will not slow traffic nor provide a safe area for the cyclists, runners or joggers, will remain around the inner loop of the federal park. She stated the neighborhood has made several suggestions for slowing traffic on Whittington Avenue and providing a safe roadway for all. She urged the Board to give these suggestions careful consideration. She stated that people will cycle and run wherever they want in Whittington Valley, and a yellow line will not protect people from speeding vehicles and hazards such as open storm drains. She said to paint the roadway where it is not needed and to ignore the requests of the neighborhood, only fosters distrust of city officials; and this is not the way the public wants to be treated. She advised that she has a petition with 90 signatures, most of them from Whittington Valley, of people who are against this yellow line but does know there are several from different areas in the City who signed this petition. She said they want the road fixed before the City puts paint anywhere.

Mr. Chris Reimers, 111 Squawvalley Trail, asked who has ever attended a Whittington Valley Association meeting and was acknowledged by Director Maruthur. He pointed out that others are concerned about their own neighborhoods and districts. He said that he lives outside the Valley; however, he is a member of the association and has attended their meetings. He pointed out this is the second time this issue has been before the Board; and the last time, a couple of Directors drove out in the area and looked at the situation. He said he felt Director Maruthur's question was excellent when she asked if there was anybody on the committee who made this city plan that lives in this area, and the answer to that was "no."

Mayor Bush asked if he lived in that area, and Mr. Reimers replied that he did not. However, he knows many people who do; and the ones he knows who do are mostly against this plan. He stressed that the vast majority of the people who live there do not want this city plan, and he believes the Board should vote with the people. He pointed out there have been six meetings on this issue, and the residents have attended everyone of those meetings. He mentioned that the City is beginning to struggle financially and should be focusing its time on things that are much larger in scope than

arguing with a small group of citizens in a small neighborhood over something so trivial. However, to them it is very important, and the Board should vote with them.

Mr. Stephen Kudabeck, 512 Whittington, said that bicycle trails or paths should be for people going from one point to another point; and people come from all over the city transporting their bicycles to ride in a safe place. He said that he watches the cyclists, and they ride on the inside. Also, he observes them ride down that street four and five abreast without any problem; and when a car drives by, then they all go single file. He noted there are people who rollerblade, walk and jog and stay on the outside rather than go in the path. He pointed out they have the path to walk or ride on but cannot ride their bicycles in the park. Also, if a person wants to jog, they cannot run in that area but have to run on the other side of the street, which makes it dangerous for them. He mentioned there are not more than 25 different people that he has seen riding on the bikes. He stated when cars come off the mountain, there is a stop sign there; but after dark, they do not always stop. He pointed out when building the new road on Higdon Ferry Road, it was suggested to put in a bike lane to go from the Mall into town; but that was rejected. He added there was funding, space, and could add another six feet to the road. However, that was not done. Now, there is an area where they go from one point to another so they can ride a circle from the Alligator Farm, make a circle, and come around to the Alligator Farm, which is of no benefit to the City, the people, or the residents.

Director Maruthur said she appreciates all the work the people in the Whittington Valley have done. She mentioned she had property there and a member but no longer has the property. She stated she is interested in the area because it is a lovely area and is used for multi-purposes. She mentioned that today, people are voting to see if people represent the people in the county and state; and everyone is waiting for the results to see if the elected officials are doing their job. She commented that the individual from Whittington Valley, who rides a bicycle, did mention he wants the infrastructure done. She asked if anyone found out who put the signs up. Mr. Mallett advised that three in the Traffic Department, including the manager, Mr. Charlie Bocksnick, were contacted and knew nothing of this. He noted there are only six in the entire department.

City Manager Lance Hudnell advised that the staff will investigate this tomorrow.

Director Maruthur said it is clear that the people who have been going to all of these meetings for months have made a statement; and they are the ones who have to go home and deal with the safety issue; but she does not. However, she cares about the people who had the four stop signs that lived in the other neighborhood; and it

is their neighborhood. She said they want safety, and they know what works. Also, she believes the people on Whittington know what works.

At this time, a motion was made by Director Maruthur, duly seconded by Director Keheley, to (1) place an additional stop sign on Whittington Avenue for eastbound traffic at the intersection of Whittington and Woodfin; return yield sign to Woodfin (remove recently installed stop sign); remove surplus/duplicate sign on Woodfin; paint stop lines where appropriate; (2) paint 25 mph speed limits on the roadway near the park; (3) paint two [and only two] bicycle shared lane markings (or equivalent) on the roadway, one at each end of the Park; (4) do not paint any lines around the Park. When the City completes the widening of the road where needed and makes the storm drains bicycle-safe, and baby carriage safe and safe for all, then staff can return to the Board for approval to install a marked bike lane all the way around the Park. She stressed these people are not opposed to a bike lane, but they are concerned about safety.

Upon discussion, Director Daniel said that he agreed 100 percent with the motion to not do the striping; but as several people mentioned, they have been riding bicycles up there for years. He stated the only thing that needs to be post at each end are the bicycle signs rather than paint it on the street. He mentioned the City bought these signs and placed them around town, and they are down Central Avenue where people can see them. He said bicycle signs downtown need to be the same there as they are in other areas of the City, and that would be his recommendation on Director Maruthur's proposal. As far as doing all the other painting, he did not see why the City needed to do any of that.

Director Ramick asked if she was talking about the sharrow signs, and City Attorney Brian Albright said that is what Item No. 3 is.

Director Maruthur commented they want it on the street because it is visible.

Director Daniel said he did not think it can get any more visible than the bright green signs placed downtown. He noted that she voted for that, but he did not; and that is the signs the Board wanted downtown. Director Maruthur replied that she voted for it, and then at the last meeting because of the bump-outs, she asked the question if this was approved before the bump-outs and when they said "yes," she voted against it. Director Daniel suggested that the City let them ride their bicycles up there.

Director Maruthur advised the residents are asking for this motion, and this is the wishes of the people.

Director Keheley asked how many of these items have gone before the Public Safety Committee and then considered with the Whittington Valley Association, and Mr. Mallett replied that all of them have.

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

City Manager Lance Hudnell asked if there were any objections to note in the record that this was a substitute to this for the records for the Public Safety; and it was an alternate Public Safety that was approved. City Attorney Brian Albright said that he had no objections.

15 Presentation of Condemnation Resolutions

Mr. Bart Jones, Administrator, Neighborhood Services Division, gave a presentation on the following condemnations.

15a Proposed Resolution No. R-10-105

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623," was taken from the agenda and read by title only. **(132 Carlton Terrace - Rear Structure)**

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

Upon discussion, Mr. Bart Jones, Administrator, Neighborhood Services Division, stated the back is open and collapsing. City Attorney Brian Albright asked if he received good notice from the property owner, and Mr. Jones replied that he did.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the condemnation. 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.

15b Proposed Resolution No. R-10-106

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

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

Upon discussion, Mr. Bart Jones, Administrator, Neighborhood Services Division, stated the house is vacant and belongs to Bank of America. He said they have had it on the market but cannot sell it. He advised they may tear it down; but if not, he would like for the City to be in a position to do so.

City Attorney Brian Albright asked if proper notice has been provided to the property owner, and Mr. Jones said that he has.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the condemnation. 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.

15c Proposed Resolution No. R-10-107

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623," was taken from the agenda and read by title only. **(1511 Spring Street - Front Structure)**

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

Upon discussion, Mr. Bart Jones, Administrator, Neighborhood Services Division, stated the back section of the roof has collapsed and has been vacant for several years. Also, it has deteriorated to the point where almost all of the structural members in this building are gone.

Mr. Leo Castleberry, 538 Walnut Valley Road, said he started out in business at this building with a music store and office many years ago. He mentioned the front part has some roof problems and some inside problems; and the back part has almost deteriorated. He plans to rehab the front part of the building and perhaps the back part of the building as soon as he can accumulate more funds. He commented this has not been done because of money and water, and there has been water running on that property for two years. He stated he has been to the City several times trying to find out if it could not be stopped and was told there was a wet weather spring. He said his family has owned that property for over 50 years, and there has never been a wet weather spring there before. He advised that someone has now found the leak; and in the last six months, the water has quit running on this property. He stated he has spent \$4,000 or \$5,000 trying to get the water off the property by backhoe work and french drains to keep it from running on the property next to him. He stated the spring has now dried up, and he did not know who found the leak; but there has not been any water on the property in six months. Regarding the back house, he said it has deteriorated because water has been under the house for two years, which means the house has sunken, and also the floor joists have deteriorated considerably. He noted that the roof does not leak at 1511½ Spring. His plan is to rehabilitate the front part and clean out the back part of 1511 Spring and can put the front part back in operation. In time, he will be able to get some money together and would also like to rebuild the last part to keep the building as he had it at one time. He advised that he does have a rehabilitation permit.

Mayor Bush asked what he planned to do once he rehabilitates it, and Mr. Castleberry replied that the front part can be rebuilt rather easy. Mayor Bush asked if he can do something to the front without doing something to the back, and Mr. Castleberry said that he believes he can. He added he would like to clean out the back. Mayor Bush asked if it is one structure, and Mr. Castleberry stated that it is. He added he had the office building first and then later put a recording studio in the back.

Director Ramick asked if the building is for sale, and Mr. Castleberry replied that it could be for sale if someone wants to buy it and fix it up. Director Ramick asked if the rehabilitation is planned before he sells it, and Mr. Castleberry said it depends on the prospect as to what they would want; but he would work with them. He stated he would like to save the building, which is a commercial building. However, he made apartments out of it after he moved out of the office part and rented the apartments for quite sometime. Director Ramick asked what he is asking for the building, and Mr. Castleberry said he has not set a price on it because he has to get an appraisal first. Also, he has not had a prospect. He stated he just placed an ad in the paper that it could be purchased as a "fixer upper."

Mr. Jones clarified that the front and rear structure are all under one roof, and there is a mid low-bearing wall that runs through the middle of the structure. He added he went through it a week ago with Mr. Castleberry and explained everything that would have to be done. He advised that he came in last week and got a vacant structure permit, which is a permit just to secure the structure and would include taking out all of the rotten wood and build a whole new roof system. He pointed out this is not a permit to rehab but is just a permit to get it in compliance with the vacant structure. He advised the City issued him the permit, but so far there has not been any progress. Mr. Jones said staff's recommendation is based on the current condition of the structure and recommends condemnation. He stated if Mr. Castleberry gets it done, the City will work with him. If he does not, the City will be in a position to tear it down.

Director McCabe asked when was the last time this building was used, and Mr. Castleberry said that he really did not know; but it could be ten years. He stated the back structure was used until about six months ago. He explained there are two structures, and the back building is 1511½ Spring, and the front building is 1511 Spring Street.

Director Maruthur said that she has spoken to him several times on the phone, and he has property on Whittington. She asked if he has horses, and Mr. Castleberry replied that he did. She pointed out that he stated he did not have the money to clean up the vegetation around the property but is asking the Board not to condemn it. Also, it is for sale; but he did know what the price is and was not for sure how long it had been since the property had been used. She asked if those statements were correct, and Mr. Castleberry said that they were.

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.

15d Proposed Resolution No. R-10-108

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623," was taken from the agenda and read by title only. **(1511 Spring Street - Rear Structure)**

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

Upon discussion, Mr. Bart Jones, Administrator, Neighborhood Services Division, stated this is the back structure on this parcel of property that belongs to Mr. Castleberry; and this is the structure where all the floor joists are gone. He said he went through this with his son, but they did not get a permit on it. He advised they were discussing tearing it down themselves. He stated that staff would recommend proceeding with the condemnation if it does not get torn down, and the City can proceed.

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.

15e Proposed Resolution No. R-10-109

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623," was taken from the agenda and read by title only. **(1531 Spring Street)**

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

Upon discussion, Mr. Bart Jones, Administrator, Neighborhood Services Division, stated this structure has some sewage problems; and the roof is collapsed on the side. Also, this structure was built on the ground; and there is substantial floor joist damage, as well as substantial structural damage all over the building. He advised that he has proof of notice to the owner.

City Attorney Brian Albright asked if there was anyone present to speak in opposition to the condemnation.

Ms. Lilly Olaru, 3816 Albert Pike Road, said she bought this property two years ago but did not have the financing to do anything on it. However, with help from friends, she has bought the wood to redo the whole exterior. She stated the interior has electricity and water; and she will remodel the inside and outside if the Board will give her more time. Regarding the other property at 1533 Spring Street, she reported she

has already hired a bulldozer to tear it down and has a permit from the City for the demolition.

Mayor Bush asked why she has not done anything to this property until now, and Ms. Olaru said it was because she had no financing. Mayor Bush said she had enough to buy it but did not have enough to rehab it. Ms. Olaru noted it was a quick buy because the lady was 85 years old and went to the hospital and never returned.

Mr. Jones explained if the Board condemns this, she still has 30 days before the City can do anything. If she comes in and gets a permit and starts work, then he will work with her on the timing.

Director McCabe asked if she was living in that home now, and Ms. Olaru said she was not; and there is no one living there.

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.

15f Proposed Resolution No. R-10-110

A resolution entitled, "A RESOLUTION CONDEMNING CERTAIN REAL PROPERTY PURSUANT TO ORDINANCE NO. 4623," was taken from the agenda and read by title only. **(1533 Spring Street)**

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

Upon discussion, Mr. Bart Jones, Administrator, Neighborhood Services Division, stated the owners did come in and get a demolition permit about 1-1/2 months ago; however, they tore a little of it down; and it has collapsed. He would like for the City to be in a position where if they do not raze and remove the rest of it, the City can.

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

16 Board of Directors Items for Discussion

There were no Board of Directors items to be discussed.

17 City Manager's Report

City Manager Lance Hudnell gave the following report:

1. On the Consent Agenda, there was a cooperative effort with the Fountain Lake Fire Department to transfer some equipment to them. A contract was approved that will begin some improvements at the Ouachita Treatment Plant, which is part of the ongoing capital improvement plan.

2. There were several employee compliments. There was assistance to an elderly citizen from employees in the Sanitation Department, Brian Shelor, Dennis Williams, and Jimmy LaRue. Also, two police officers assisted with a renter; and the homeowner sent a complimentary note in with regard to Officer Shane Lewis and Billy Hrvatin. Comments have been received about the City's website. One was from a bank that was dealing with the City's maps and another from the Housing Authority whereby a contractor was helping the Housing Authority. Public Information Officer Terry Payne and Information Assistant Jeff Fields helped walk them through some of the things that were available.

3. The second Comprehensive Plan Update open house is tomorrow from 5 p.m. to 7 p.m. at the Airport and another one Thursday, at 12 noon, at the Transportation Depot.

4. The Boys and Girls Club has a fundraiser carnival May 17 through May 22. Also Saturday, June 19, there will be a movie in the front lawn of the Airport, "All Dogs Go to Heaven."

There are several sponsors of that and expressed appreciation to Airport Director George Downie for working with them.

5. There will be a mountain express bus route throughout the summer in cooperation with National Park Service. It will run on Saturdays and Sundays and include both mountains and the downtown area. It is also free and is called The Mountain Xpress.

6. Through CDBG Program, there will be a homebuyers fair on Saturday, June 12, from 11:30 a.m. to 2:30 p.m. at the Transportation Depot. This is an opportunity for first-time homeowners to get some valuable information on how to buy a home. There will be real estate agents there to explain how to do the contracts, etc. The City has done this every year for the past several years, with help from Ms. Shirley Greathouse.

7. Ms. Luba Cook, with the Pet Therapy Program, has been featured in Dog Fancy magazine for her efforts with the Pet Therapy Program that she founded in Hot Springs. She has been a big supporter of the Animal Services Department and has done a lot of good work in the community.

8. The Sculpture Showcase continues to go on through November 2. He encouraged everyone to take a look at the sculptures and then let his office know which ones they like. At the end of the season, the Arts Advisory Committee will be making a recommendation as to which one to purchase with the funds they have.

9. The automated meter installation continues, and the gentlemen are dressed in bright green shirts. The installation is on Highway 7 South working back into town.

10. Regarding Operation Clean Sweep, the City finished the neighborhood in the Spring/Grand/Chaucer area (32+ tons of items were hauled off from that operation). Those will continue throughout the remainder of the year.

11. Operation Safe Neighborhood by the Police Department on the north side of town resulted in 139 contacts and a few arrests, and some other major activities were uncovered by the Police Department.

12. Spring Fling was concluded, and 328 tons of items were collected as a result of this operation.

13. There are several openings on advisory committees and commissions: one position on the Civil Service Commission and can be a resident from any Board district; one position on the Board of Zoning Adjustment, and all Board districts are available; one position on the Urban Forestry Advisory Committee, and all Board districts are available; two positions on the Transportation Advisory Committee, and all Board districts are available; and three positions on the Planning Commission, and those must be from Districts 2, 5 or 6. If anyone has any interest, they must be a resident of the City and call his office for an application.

Director McCabe questioned when the meters are installed if they are operational immediately. Mr. Steve Mallett, Deputy City Manager for Public Works and Utilities, advised that they are. However, the City will probably continue to manually read those until they are tested and up and running. He noted the company does not get paid until it is known if there is a reading in the Finance Department. He explained the City is able to manually and automatically read them in the meantime and wants to make sure those two readings match the first time around.

Director McCabe asked how many months of reading are needed for a comfort level, and. Mr. Mallett said the first month from what he understands. He added they are just going to make sure the two readings match on the front end, and then they will move forward from there.

18 ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 8:30 p.m., to meet again on Tuesday, June 1, 2010, at 7:00 p.m.

ATTEST: _____
APPROVED: _____
Lance Spicer, City Clerk
Mike Bush, Mayor