AGENDA
Board of Directors
Tuesday, September 1, 2020 at 7:00 PM
Board Chambers, City Hall

Invocation by Minister Jason Ross
Pledge of Allegiance led by Mayor Pat McCabe
Call to Order

Page

A. ROLL CALL OF BOARD OF DIRECTORS

B. CONSIDER APPROVAL OF THE AGENDA

C. CONSIDER APPROVAL OF MINUTES

4 - 8
> Regular Meeting held on August 18, 2020.

D. RECOGNITION OF GUESTS

E. CONSIDER CITY MANAGER’S REPORT

F. BOARD OF DIRECTORS ANNOUNCEMENTS REGARDING UPCOMING EVENTS

CONSENT AGENDA SECTION

Items placed in this section are a matter of routine business which shall not involve discussion by the Board and/or the public. The Consent Agenda will be voted on in mass. However, if any two Directors so desire, individual items may be discussed and/or voted on as a separate matter of business.

9 - 11

12 - 14
2. **Consider Resolution R-20-119** A Resolution Awarding Work Order #2 Of The Master Services Agreement For Wastewater Services To Crist Engineers, Inc. For Professional Engineering Services For The Davidson Drive Wastewater Treatment Improvement Projects. ($1,561,700.00)

15 - 17
4. **Consider Resolution R-20-121** A Resolution Authorizing the Filing and Acceptance Of The Comprehensive Opioid Abuse Site-Based Program (COAP) Grant, Category 2.

5. **Consider Resolution R-20-122** A Resolution Approving A Change Order To Johnson Controls Security Solutions, LLC For The Access/Security System At 324 Malvern. ($3,812.15)

6. **Consider Resolution R-20-123** A Resolution Awarding An Annual Supply Contract For Aluminum Chloride Hydroxide Sulfate Solution (ACHS) To AmeriChemmm, LLC.

7. **Consider Resolution R-20-124** A Resolution Ratifying the Appointment of Chris Dunkel And Anthony Valinoti To The Hot Springs Advertising And Promotion Commission.

**NEW BUSINESS**

8. **Consider Resolution R-20-125** A Resolution Lengthening The 2020 Community Development Block Grant (CDBG) Fiscal Year To June 30, 2021, And Adopting An Annual July 1 To June 30 CDBG Fiscal Year Beginning July 1, 2021.


10. **Consider Ordinance O-20-37** An Ordinance Approving C-3 Zoning On Two Acres Of Undeveloped Land Generally Located At The Intersections Of Malvern Avenue With Suburban Street And Lakeside Road; Amending The Future Land Use Plan Map To Designate The Area Neighborhood Commercial Center; And For Other Purposes.

11. **Consider Ordinance O-20-38** An Ordinance Authorizing Eminent Domain Condemnation Proceedings For The Acquisition Of Certain Real Property (ID# 55349) Located On Ozark Street Owned By Eleanor Bell; And For Other Purposes.

12. **Consider Ordinance O-20-39** An Ordinance Authorizing Eminent Domain Condemnation Proceedings For The Acquisition Of Certain Real Property (ID# 55346) Located On Water Street Owned By Ennis Jackson; And For Other Purposes.

13. **Consider Ordinance O-20-40** An Ordinance Authorizing Eminent Domain Condemnation Proceedings For The Acquisition Of Certain Real Property (ID# 55339) Located At 153 Water Street Owned By Tony Huffman; And For Other Purposes.

14. **Consider Ordinance O-20-41** An Ordinance Authorizing Eminent Domain Condemnation Proceedings For The Acquisition Of Certain Real Property (ID# 55340) Located On Water Street Owned By Joyce Lawrence; And For Other Purposes.

15. **Consider Ordinance O-20-42** An Ordinance Approving C-TR Zoning On Land Generally Located At Twin Points And Forest Lakes Boulevard; Amending The Future Land Use Plan Map To Designate The Area Linear Commercial Corridor; And For Other Purposes.
16. **Consider Ordinance O-20-43** An Ordinance Amending The Zoning Map To PD Planned Development For HJ Trailer Sales Located At 808 Albert Pike Road; And For Other Purposes.

**BOARD COMMENTARY (NO ACTION)**

G. **BOARD COMMENTARY**

Board of Directors’ Items for Discussion

H. **ADJOURNMENT**

**PUBLIC COMMENTARY**
MINUTES
Board of Directors Meeting
7:00 PM - Tuesday, August 18, 2020
Board Chambers, City Hall

Invocation by Reverend Douglas A. Jones
Pledge of Allegiance led by Mayor Pat McCabe
Call to Order

A. ROLL CALL OF BOARD OF DIRECTORS

Present: Directors Erin Holliday - District 1 (remotely), Elaine Jones - District 2 (remotely), Becca Clark - District 3, Carroll Weatherford - District 4, Karen Garcia - District 5 (remotely), Randy Fale - District 6 (remotely), Pat McCabe - Mayor

Not Present: 

Also Present: Bill Burrough - City Manager, Brian Albright - City Attorney, Lance Spicer - Deputy City Manager, Kevin Brownlee - Deputy City Manager, Harmony Morrissey - City Clerk

B. CONSIDER APPROVAL OF THE AGENDA

Motion to Approve the Agenda

Director Holliday made a statement recusing herself from Item #3 on the Consent Agenda.

Director Jones made a motion, duly seconded by Director Garcia to approve the agenda as presented. Upon voice vote, the motion unanimously carried 7-0.

C. CONSIDER APPROVAL OF MINUTES

> Regular Meeting held on August 4, 2020

Motion to Approve the Minutes as Presented

Director Clark made a motion, duly seconded by Director Fale to approve the minutes as presented. Upon voice vote the motion carried 7-0.

D. RECOGNITION OF GUESTS

- Mary Zunick, Cultural Affairs Manager for Visit Hot Springs
- Proclamation - presented to Cora Jones, President of the Hot Springs Women's
E. CONSIDER CITY MANAGER’S REPORT

City Manager Bill Burrough reported on the following items:

• Appreciation was given to Mary Zunick for all she does for the ambassadorship program for the City of Hot Springs.

• Cornerstone Water Tank
  o Water was finally added to the tank and will soon be utilized.

• New City Building at 324 Malvern
  o September 9th is the tentative move in date for the Finance Department, Utility Billing and City Attorney’s Office.

• Street Paving
  o The paving group is back and will begin repaving several streets in the area.

• Utility Billing Services offices open again
  o The UBS offices were shut down due to quarantine after three employees tested positive for COVID.
  o The UBS offices did reopen on August 7.

• Congressman Westerman visit
  o We want to thank Congressman Bruce Westerman for his visit on August 7. He provided lunch for the officers at the Hot Springs Police Department and presented Chief Chapmond with a Congressional Extension of Remarks in which he said "Throughout this pandemic, Hot Springs police officers have continued to put their own safety on the line defending our streets, homes and businesses."

• Congratulations to Office of the Quarter Brandon McAdoo

• E-Waste Event
  o There was a low turnout for the Electronic Waste Event held this past Saturday behind the Convention Center with 127 vehicles coming to drop off 10.97 tons of electronics.
  o The Solid Waste Department does accept e-waste daily at 218 Runyon Street, 7:30 a.m. to 4:30 p.m., Monday through Friday.

• Mayor’s Water Challenge
  o Hot Springs currently ranks 27th nationwide in the Wyland National Mayor’s
Challenge for Water Conservation, so we want to continue to encourage Hot Springs residents to go online this month to mywaterpledge.com and fill out the short water conservation pledge.
- In 2015, Hot Springs came in 2nd place for cities with a population between 30,000-99,000.

F. BOARD OF DIRECTORS ANNOUNCEMENTS REGARDING UPCOMING EVENTS
Director Garcia
- in accordance with the 100th Anniversary of the 19th Amendment, President Trump pardoned Susan B. Anthony
- on August 26, 2020 at 6:00 p.m. at the Garland County library there will be a Facebook presentation on Susan B. Anthony

CONSENT AGENDA SECTION
A Motion to Approve the Consent Agenda

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

Roll Call: Upon roll call, the following voted "aye", Directors Jones, Clark, Weatherford, Fale and McCabe, total 6. Voting "no", none, total 0. Recusing, one, total 1. Motion carried 6-0-1.

1. **Consider Resolution R-20-109** A Resolution Authorizing The Mayor To Execute A Lease Agreement Between The City Of Hot Springs, Arkansas, And Central Arkansas Development Council, Inc., For Office Space In The Terminal Building At The Airport.

2. **Consider Resolution R-20-110** A Resolution Authorizing The Execution Of A Lease Agreement Between The City of Hot Springs And Alpha 10 Aviation For Hangar A-10 #2, #3 And #7.

3. **Consider Resolution R-20-111** A Resolution Awarding A Bid To Hugg & Hall Equipment Company For The Purchase Of A 2020 Bobcat Mini-Excavator. ($60,074.24)

4. **Consider Resolution R-20-112** A Resolution Approving An Annual Supply Contract (ASC) With All Pro Contracting, Inc. For Curb, Gutter And Sidewalks. (up to $74,000)

5. **Consider Resolution R-20-113** A Resolution Authorizing The Application And Acceptance Of An Arkansas Department Of Parks, Heritage And Tourism Outdoor Recreation Matching Grant For The Majestic Park Ball Fields Project.

6. **Consider Resolution R-20-114** A Resolution To Award The Bid To Haren Construction Company, Inc. For The Supply And Installation Of The Sanderson Dam Bridge Located Near The Lakeside Water Treatment Plant. ($547,000.00)

7. **Consider Resolution R-20-115** A Resolution Awarding A Bid To Eagle Sandblasting & Painting, Inc. For The Ground Storage Tank Mixing Systems.
NEW BUSINESS

1. **Consider Resolution R-20-116**

   A Resolution Awarding A Bid To BELT Construction, Inc. For Contract 1 (48" Raw Water Transmission Main) For The Lake Ouachita Water Supply Project. ($4,769,153.00)

   **Motion to Adopt as Read:** Thereafter, a motion to adopt as read was made by Director Weatherford, duly seconded by Director Clark.

   **Discussion:** none
   **Speaker:** none
   **Staff:** Todd Piller - Engineering Project Manager

   **Roll Call:** Mayor Pat McCabe called for a vote on the motion to adopt; and upon roll call the following voted "aye", Directors Holliday, Jones, Clark, Weatherford, Fale and McCabe, total 7. Voting "no", none, total 0. Motion passed 7-0.

2. **Consider Resolution R-20-117**

   A Resolution Authorizing Exclusive Negotiations For A Development Agreement Of The Former Majestic Hotel Site Property; And For Other Purposes.

   **Motion to Adopt as Read:** Thereafter, a motion to adopt was read was made by Director Weatherford, duly seconded by Director Clark.

   **Discussion:** none
   **Speaker:** none
   **Staff:** Lance Spicer - Deputy City Manager

   **Roll Call:** Mayor Pat McCabe called for a vote on the motion to adopt; and upon roll call the following voted "aya", Directors Holliday, Jones, Clark, Weatherford, Garcia, Fale and McCabe, total 7. Voting "no", none, total 0. Motion passed 7-0.

G. **BOARD COMMENTARY**

H. **ADJOURNMENT**

There being no further business to come before the Board, a motion was made by Director
Jones, duly seconded by Director Weatherford, that the meeting be adjourned; and upon voice vote, the motion was unanimously carried 7-0. The meeting adjourned at 7:51 p.m. to meet again on Tuesday, September 1, 2020 at 7:00 p.m.

___________________________________________________________
Harmony H. Morrissey, City Clerk

___________________________________________________________
Pat McCabe, Mayor
# City of Hot Springs

## BOARD ACTION REQUEST

**Board of Directors - 01 Sep 2020**

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<th>Type of Action Requested:</th>
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| ACTION REQUESTED: | September 1, 2020 |
| SUBMITTED:       | August 21, 2020   |

| STAFF CONTACT:   | Dorethea Yates, Finance Director |
| DEPARTMENT:      | Finance                      |


| ATTACHMENTS:     | R-20-118 |

## RECOMMENDATION(S):  
Staff recommends approval of the July, 2020 financial statements.

## BACKGROUND INFORMATION:  
Monthly financial statements are issued to keep city management and constituents apprised of the financial condition of the City of Hot Springs. The review and approval of these statements provides valuable oversight. The statements are provided as an attachment to this board action request.


## ANNUAL BUDGET APPROVAL:  
- ☐ Yes  
- ☐ No  
- ☒ N/A

## FINANCIAL IMPACT: 
There is no fiscal impact.

## ALTERNATIVES:  
If these statements are found to be in error, they should not be approved.

Harmony Morrissey, City Clerk  
Approved - 21 Aug 2020
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<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Lance Spicer</td>
<td>Deputy City Manager</td>
<td>21 Aug 2020</td>
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<tr>
<td>Brian Albright</td>
<td>City Attorney</td>
<td>22 Aug 2020</td>
</tr>
<tr>
<td>Bill Burrough</td>
<td>City Manager</td>
<td>22 Aug 2020</td>
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RESOLUTION NO. R-20-118

A RESOLUTION APPROVING THE CITY OF HOT SPRINGS FINANCIAL STATEMENTS FOR JULY, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Hot Springs, Arkansas:

That the City of Hot Springs Financial Statements for July 2020 are hereby approved and are on file for public inspection at the Bill Edwards Financial Center, 517 Airport Road, Hot Springs, AR.

PASSED: ________________________________

APPROVED: ______________________________

PAT McCABE, MAYOR

ATTEST:

HARMONY MORRISSEY, CITY CLERK
RECOMMENDATION(S):
Staff recommends the award of Work Order #2 to Crist Engineers, Inc. for the Professional Engineering Services required to design and construct the Davidson Drive WWTP Improvement Projects. The Contract will be the form of a Professional Work Order No. 2 (PWO No. 2) and made part of the Master Services Agreement for Wastewater Services dated July 7, 2020 between CHS and Crist Engineers (Resolution No. 9652). PWO No. 2 will be in a lump sum amount of $1,561,700.00.

BACKGROUND INFORMATION:
Crist Engineers was selected for this project based on the Rate and Rank Process of qualified engineering firms. Crist Engineers PWO No. 2 will include all engineering functions for design, surveying, Bid Documents, construction administration and inspection supervision. See the attached PWO No. 2 Scope of Services, 24 pages total.

The improvement projects will consist of five (5) different process equipment upgrades or modifications. They are; Yard Piping Modifications required for high flow events, Chemical Feed System Improvements, Aeration Basins and Blowers upgrade, adding an additional Secondary Clarifier and increasing the UV Disinfection capacity. These improvements have a total construction cost of approximately $10,800,000.

Work Order No. 2: https://www.cityhs.net/DocumentCenter/View/12359/PWO---No-02---Davidson-WWTP-Improvements-Combined-FINAL---08-20-2020
ANNUAL BUDGET APPROVAL:
☐ Yes
☐ No
☒ N/A

FINANCIAL IMPACT:
Funding for this Contract will be from the Board approved 2020 Wastewater Bond Funds. Account 447.9.660.5810. A Certificate of Availability (COA) has been attached for your reference.

ALTERNATIVES:
Deny or Table

Harmony Morrissey, City Clerk  Approved - 20 Aug 2020
Gary Carnahan, City Engineer  Approved - 20 Aug 2020
Kevin Brownlee, Deputy City Manager  Approved - 21 Aug 2020
Brian Albright, City Attorney  Approved - 21 Aug 2020
Bill Burrough, City Manager  Approved - 24 Aug 2020
RESOLUTION NO. R-20-119

A RESOLUTION AWARDING WORK ORDER #2 OF THE MASTER SERVICES AGREEMENT FOR WASTEWATER SERVICES TO CRIST ENGINEERS, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DAVIDSON DRIVE WASTEWATER TREATMENT IMPROVEMENT PROJECTS.

WHEREAS, Resolution No. 9652, passed on July 7, 2020, approved a Master Services Agreement for Wastewater Services; and that

WHEREAS, Work Order #2 will enable the selected engineering firm to provide engineering design services, surveying, construction administration and supervision services for the Davidson Drive Wastewater Treatment Improvement projects.

WHEREAS, pursuant to A.C.A. §19-11-801 et seq., an evaluation and rating process has been conducted for the selection of firm to provide said engineering services; and that

WHEREAS, the firm of Crist Engineers, Inc., has been selected through the City’s Rate and Ranking process.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF HOT SPRINGS, ARKANSAS;

Work Order #2 with Crist Engineers, Inc. for professional engineering services in the amount of $1,561,700.00 is hereby approved, and the City Manager is hereby authorized to execute the attached Work Order #2; and provided further that the City Manager or his designee is authorized to act on behalf of the City in the administration of said agreement.

PASSED: ______________________________

APPROVED: ______________________________

PAT McCabe, MAYOR

ATTEST: ______________________________

HARMONY MORRISSEY, CITY CLERK
City of Hot Springs
BOARD ACTION REQUEST
Board of Directors - 01 Sep 2020

District: □ 1 □ 2 □ 3 □ 4 □ 5 □ 6 □ City Wide □ Other
ACTION REQUESTED: September 1, 2020
STAFF CONTACT: Heather Crawford,
SUBMITTED: August 20, 2020
DEPARTMENT: Police


ATTACHMENTS: R-20-120

RECOMMENDATION(S):
Authorize a Memorandum of Understanding between the City of Hot Springs and the Hot Springs School District regarding contract payment for a School Resource Officer.

BACKGROUND INFORMATION:
The attached agreement continues the School Resource Officer (SRO) Program that has been an effective and beneficial tool which provides enhanced security and well-being for students and teachers at the Hot Springs School District. The officers are involved in a variety of functions aimed at crime prevention. Besides being an active, high profile, law enforcement officer, the SRO is a mentor for students, as well as a resource for teachers and administration regarding law issues. The SRO program is a proactive approach designed to address and alleviate some of the pressures today’s youth confront on a daily basis.


ANNUAL BUDGET APPROVAL:
☒ Yes
☐ No
☐ N/A

FINANCIAL IMPACT:
The Hot Springs School District agrees to pay 75% of nine months yearly salary and benefits of the officer(s) assigned to the district. The amount agreed upon is $47,937.75. The remaining balance of the officer’s salary will be paid by the City of Hot Springs.

**ALTERNATIVES:**
Not authorize the Memorandum of Understanding and withdraw the School Resource Officers from the school.

Harmony Morrissey, City Clerk  
Approved - 20 Aug 2020

Lance Spicer, Deputy City Manager  
Approved - 20 Aug 2020

Brian Albright, City Attorney  
Approved - 20 Aug 2020

Bill Burrough, City Manager  
Approved - 20 Aug 2020
RESOLUTION NO. R-20-120

A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HOT SPRINGS AND THE HOT SPRINGS SCHOOL DISTRICT REGARDING CONTRACT PAYMENT FOR SCHOOL RESOURCE OFFICERS.

WHEREAS, the Hot Springs School District wishes to continue the cost sharing agreement with the Hot Springs Police Department School Resource Office (SRO) Program; and that

WHEREAS, the Hot Springs School District agrees to pay seventy-five (75) percent of nine (9) months yearly salary and benefits of the officer(s).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF HOT SPRINGS, ARKANSAS;

That the attached Memorandum of Agreement is for the period; August 24, 2020 through June 8, 2021, between the City of Hot Springs and the Hot Springs School District is hereby approved for the provision of a School Resource Officer(s), and the Chief of Police and City Manager are hereby authorized to execute said agreement; provided further, the City Manager or his designee is hereby authorized to act on behalf of the City with regard to the administration of said agreement.

PASSED: ______________________________

APPROVED: ____________________________

PAT McCABE, MAYOR

ATTEST: ______________________________

HARMONY MORRISSEY, CITY CLERK
**RECOMMENDATION(S):**
Authorize the Police Department to apply for the Comprehensive Opioid Abuse Site-Based Program (COAP) Grant, Category 2 that is available through the Arkansas Department of Finance and Administration. Funding is up to $287,000 per year for a duration of 4 years.

**BACKGROUND INFORMATION:**
COAP’s funding is being made available to provide financial and technical assistance to the Hot Springs Police Department (HSPD) to plan, develop, and implement comprehensive efforts to identify, respond to, treat, and support those impacted by the opioid epidemic. COAP and HSPD aim to reduce and address opioid abuse and the number of overdose fatalities, as well as to mitigate the impacts on crime victims by supporting comprehensive, collaborative initiatives.

COAP’s grant will total over $1.3 million over the next 4 years. This is not a matching grant. HSPD will be able to acquire an abundance of technology and equipment through this program at no cost to us. It will also provide us with resources to investigate overdose cases and an opportunity to hire a person who would assist with drug education programs and treatment paths.

DFA Grant/COAP Grant: [https://www.cityhs.net/DocumentCenter/View/12362/DFA-Grant-Announcement-COAP-Grant](https://www.cityhs.net/DocumentCenter/View/12362/DFA-Grant-Announcement-COAP-Grant)
COAP Strategic Plan: [https://www.cityhs.net/DocumentCenter/View/12363/COAP_Strategic_Plan](https://www.cityhs.net/DocumentCenter/View/12363/COAP_Strategic_Plan)

**ANNUAL BUDGET APPROVAL:**
- ☐ Yes
- ☐ No
FINANCIAL IMPACT:
Purchases with this grant funding will have no significant impact to the City’s budget. All utilized funds will be those received from the U.S. Department of Justice through the Arkansas Department of Finance and Administration.

ALTERNATIVES:
Not apply for the Comprehensive Opioid Abuse Site-Based Program (COAP) grant.

Harmony Morrissey, City Clerk  
Approved - 20 Aug 2020

Lance Spicer, Deputy City Manager  
Approved - 20 Aug 2020

Brian Albright, City Attorney  
Approved - 20 Aug 2020

Bill Burrough, City Manager  
Approved - 20 Aug 2020
RESOLUTION NO. R-20-121

A RESOLUTION AUTHORIZING THE FILING AND ACCEPTANCE OF THE COMPREHENSIVE OPIOID ABUSE SITE-BASED PROGRAM (COAP) GRANT, CATEGORY 2.

WHEREAS, The State of Arkansas has funding available through the U.S. Department of Justice to provide financial and technical assistance to plan, develop and implement efforts to identify, respond to, treat, and support those impacted by the opioid epidemic; and that

WHEREAS, the Comprehensive Opioid Abuse Site-Based Program will total $1.3 million over the next 4 years; and that

WHEREAS, it is in the best interests of the City of Hot Springs and its residents to apply for said grant funding.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF HOT SPRINGS, ARKANSAS;

The City Manager or his designee is hereby authorized to file with the Arkansas Department of Finance and Administration pursuant to the Comprehensive Opioid Abuse Site-Based Program (COAP) including all understandings and assurances contained therein, to accept and execute the grant agreement, act as the official representative of the City of Hot Springs in connection with the application, the grant agreement, and the project; and to provide such additional information or make such corrections, revisions or modifications as may be required by the State of Arkansas in connection with the City’s application, the grant agreement or the project.

PASSED: ______________________________

APPROVED: _________________________________

PAT McCABE, MAYOR

ATTEST: ___________________________________

HARMONY MORRISSEY, CITY CLERK
City of Hot Springs
BOARD ACTION REQUEST
Board of Directors - 01 Sep 2020

R-20-122
Type of Action Requested:
☒ Resolution
☐ Ordinance
☐ Formal Action/Motion
☐ Other

District: ☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ City Wide ☐ Other

ACTION REQUESTED: September 1, 2020

STAFF CONTACT: Denny McPhate, Public Works Director

SUBMITTED: August 25, 2020

DEPARTMENT: Public Works

SUBJECT: Consider Resolution R-20-122 A Resolution Approving A Change Order To Johnson Controls Security Solutions, LLC For The Access/Security System At 324 Malvern. ($3,812.15)

ATTACHMENTS: R-20-122

RECOMMENDATION(S):
Consider a Resolution approving a change order to Johnson Controls for access system installation located at 324 Malvern in the amount of $3,812.15

BACKGROUND INFORMATION:
On March 17, 2020 Resolution #9586 was approved to issue a Purchase Order to Johnson Controls to purchase Fire Alarm, Burglar Alarm, Access Controls and Camera surveillance systems for the newly acquired property at 324 Malvern. Due to Covid-19 and several unforeseen changes needed to the system, this change order is required and exceeds the 10% approval allowed by staff. This change order is in the amount of $3,812.15 and exceeds the 10% by $2,470. This change is being requested “after the fact” since the work has been installed in order to keep the project on schedule and completed while Johnson Controls still had staff on location. Therefore, staff recommends approval of a change order in the amount of $3,812.15.

Johnson Control Commercial Sales Agreement: https://www.cityhs.net/DocumentCenter/View/12364/Johnson-Controls-Comm-Sales-Agreement
R9586: https://www.cityhs.net/DocumentCenter/View/12365/R9586

ANNUAL BUDGET APPROVAL:
☒ Yes
☐ No
FINANCIAL IMPACT:
The funds are budgeted in the Public Works 324 Malvern 2020 building improvement account #001.6.170.5803.

ALTERNATIVES:
Reject and not provide certain security services for 324 Malvern Ave. building.

Harmony Morrissey, City Clerk  
Approved - 21 Aug 2020

Kevin Brownlee, Deputy City Manager  
Approved - 21 Aug 2020

Brian Albright, City Attorney  
Approved - 21 Aug 2020

Bill Burrough, City Manager  
Approved - 21 Aug 2020
RESOLUTION NO. R-20-122

A RESOLUTION APPROVING A CHANGE ORDER TO JOHNSON CONTROLS SECURITY SOLUTIONS, LLC FOR THE ACCESS/SECURITY SYSTEM AT 324 MALVERN AVENUE.

WHEREAS, Resolution No. 9586, approved on March 17, 2020, approved a purchase order to Johnson Controls Security Solutions, LLC to Cate, Inc. for alarms, access controls and surveillance systems for 324 Malvern Avenue; and that

WHEREAS, this change order will enable Johnson Controls Security Solutions, LLC to address unforeseen changes and additions to the security system at 324 Malvern Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Hot Springs, Arkansas:

That the Mayor is hereby authorized and directed to approve a Change Order with Johnson Controls Security Solutions, LLC for additional work in amount of $3,812.15; provided further, the City Manager is authorized to act on behalf of the City in the administration of the change order.

PASSED: ________________________________

APPROVED: ________________________________

PAT MCCABE, MAYOR

ATTEST: ________________________________

HARMONY MORRISEY, CITY CLERK
RECOMMENDATION(S):
Staff recommends awarding the Annual Supply Contract for Aluminum Chloride Hydroxide Sulfate Solution (ACHS) to AmeriChemm, LLC, Mena, AR. Contract will allow for four (4) 12 month extensions upon mutual agreement.

BACKGROUND INFORMATION:
ACHS Solution will be used by the Water Treatment Facilities as a more efficient means of reducing turbidity in potable water. The Water Treatment Facilities are currently using Aluminum Sulfate with Copper blend at Lakeside Plant and Poly Aluminum Chlorosulfate Solution at Ouachita Water Plant to lower the turbidity, however during heavy rain events it has been a challenge to achieve a settled water turbidity. ACHS solution performs better in dirty water, can be feed at a lower dosage rate, will increase the quality of water, and could potentially save the city $80,000 annually.

Extensive jar testing was performed under several different conditions and water qualities as part of the rate and rank process. AmeriChemm’s product performed the best in all conditions, and can be feed at lower dosage than the others to achieve needed results.

Proposals were advertised, notices mailed to vendors, posted on City’s website, and were available in the purchasing office. 3 proposals were received and staff has completed the rate and rank process in accordance with state law. Based on those results staff is requesting for the Annual Supply Contract for ACHS solution to be awarded to AmeriChemm, LLC and four (4) 12 month extensions be approved upon mutual consent by the vendor and the City, and budget approval for the expenditures in corresponding years.

AmeriChemm Proposal: https://www.cityhs.net/DocumentCenter/View/12366/AmeriChemm-Proposal
Rate & Rank: https://www.cityhs.net/DocumentCenter/View/12367/Rate--Rank-Sheets
Notice of Intent: [https://www.cityhs.net/DocumentCenter/View/12368/Notice-of-Intent-to-Award](https://www.cityhs.net/DocumentCenter/View/12368/Notice-of-Intent-to-Award)

**ANNUAL BUDGET APPROVAL:**
- ☒ Yes
- ☐ No
- ☐ N/A

**FINANCIAL IMPACT:**
Funds are budgeted for this item in the 2020 budget lines 640.9.651.51.5355 (Lakeside) and 640.9.651.52.5355 (Ouachita). Funds will be requested for 2021, 2022, 2023, and 2024. Staff agrees not to exceed budgetary constraints.

**ALTERNATIVES:**
Reject Proposals and rebid.

Kevin Brownlee, Deputy City Manager  Approved - 06 Aug 2020
Brian Albright, City Attorney  Approved - 07 Aug 2020
Bill Burrough, City Manager  Approved - 10 Aug 2020
RESOLUTION NO. R-20-123

A RESOLUTION AWARDING AN ANNUAL SUPPLY CONTRACT FOR ALUMINUM CHLORIDE SULFATE SOLUTION (ACHS) TO AMERICHEMM, LLC.

WHEREAS, competitive bids for certain goods and services have been received and evaluated in accordance with Ordinance No. 6148; and that

WHEREAS, City staff received three bids and recommends awarding the contract to the lowest bidder, AmeriChemm, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Hot Springs, Arkansas:

That the mayor is hereby authorized and directed to execute a contract with AmeriChemm, LLC for Aluminum Chloride Sulfate Solution for four (4) 12 month extensions upon mutual agreement. Provided further, that the City Manager is authorized to act on behalf of the City in the administration of said contract.

PASSED: ________________________

APPROVED: ________________________

PAT McCABE, MAYOR

ATTEST: ________________________

HARMONY MORRISSEY, CITY CLERK
City of Hot Springs
BOARD ACTION REQUEST
Board of Directors - 01 Sep 2020

Type of Action Requested:
☐ Resolution
☐ Ordinance
☐ Formal Action/Motion
☐ Other

District:  ☐ 1  ☐ 2  ☐ 3  ☐ 4  ☐ 5  ☐ 6  ☐ City Wide  ☐ Other

ACTION REQUESTED: September 1, 2020
STAFF CONTACT: Harmony Morrissey, City Clerk

SUBMITTED: August 24, 2020
DEPARTMENT: City Clerk

SUBJECT: Consider Resolution R-20-124 A Resolution Ratifying the Appointment of Chris Dunkel and Anthony Valinoti To The Hot Springs Advertising And Promotion Commission.

ATTACHMENTS: R-20-124

RECOMMENDATION(S):
Adopt Resolution ratifying the appointment of Chris Dunkel (Position 6) and Anthony Valinoti (Position 4) to the Advertising and Promotion Commission.

BACKGROUND INFORMATION:
In accordance with State law, Advertising and Promotion Commission members are appointed by the remaining members of the Commission and ratified by the Board of Directors. The Commission appointed Mr. Dunkel at the August business meeting to fulfill the remainder of the term recently vacated by Mr. Mike Pettey (Position 6) that will expire on 7/31/2023. The Commission members also appointed Mr. Valinoti to Position 4 that is currently held by Ms. Briana Moore that will be expiring next month. Mr. Valinoti’s term will begin October 1, 2020 and expire September 30, 2024.

A&P Memo: https://www.cityhs.net/DocumentCenter/View/12369/A_P-memo

ANNUAL BUDGET APPROVAL:
☐ Yes
☒ No
☐ N/A

FINANCIAL IMPACT:
none

ALTERNATIVES:
Reject appointment and return to the Advertising and Promotion Commission for additional applicants.
Harmony Morrissey, City Clerk  Approved - 24 Aug 2020
Brian Albright, City Attorney  Approved - 24 Aug 2020
Bill Burrough, City Manager  Approved - 24 Aug 2020
RESOLUTION NO. R-20-124

A RESOLUTION RATIFYING THE APPOINTMENT OF CHRIS DUNKEL AND ANTHONY VALINOTI TO THE HOT SPRINGS ADVERTISING AND PROMOTION COMMISSION.

BE IT RESOLVED by the Board of Directors of the City of Hot Springs, Arkansas:

That the City of Hot Springs hereby ratifies the appointment of Mr. Chris Dunkel (Position No. 6) to the Hot Springs Advertising and Promotion Commission, for a term to expire 7-31-2023 and Mr. Anthony Valinoti (Position No. 4) to the Hot Springs Advertising and Promotion Commission, for a term to begin 10-1-2020 and expire 9-30-2024.

PASSED: ____________________________

APPROVED: ____________________________

PAT McCABE, MAYOR

ATTEST: ____________________________

HARMONY MORRISSEY, CITY CLERK
City of Hot Springs

BOARD ACTION REQUEST

Board of Directors - 01 Sep 2020

RECOMMENDATION(S):
Approve a Resolution lengthening the 2020 Community Development Block Grant (CDBG) fiscal year to June 30, 2021 and adopting an annual July 1 to June 30 CDBG fiscal year beginning July 1, 2021.

BACKGROUND INFORMATION:
The City of Hot Springs receives federal funding from the U.S. Department of Housing and Urban Development (HUD) as an entitlement grantee of the Community Development Block Grant (CDBG) program. The HUD CDBG program provides annual grants on a formula basis to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons.

When the CDBG program was established in Hot Springs a January through December fiscal/program year was instituted.

The U.S. Department of Housing and Urban Development budget and subsequent CDBG allocation are contingent on the passage of an annual Federal Transportation Housing & Urban Development (THUD) appropriations bill by Congress. The timing of appropriations bills has varied widely, and in recent years the City of Hot Springs has been receiving CDBG funding authorization between June and September for the fiscal year that began in January.

The current 8- to 13-month delay between Annual Action Plan preparations that begin in August of the prior year and final authorization between June and September the following year makes it difficult to support urgent projects; places a strain on Finance and other Departmental staff; and risks the City’s ability to meet the HUD timely spend down goal of no more than 1.5x the annual grant amount in unspent funds two (2) months prior to the end of the fiscal year, currently October. Repeated failure to meet the timely spend down goal will result in a deduction of the 1.5x overage equivalent from future allocations and other statutory penalties.
Title 24 of the Code of Federal Regulations Section 91.10 enables the local jurisdiction to establish the twelve (12) month fiscal year for the CDBG program and once established may either shorten or lengthen its program year to change the beginning date of the following program year, provided that it notifies HUD in writing at least two (2) months before the date the program year would have ended if it had not been lengthened.

This proposal recommends 1.) lengthening the 2020 fiscal year to June 30, 2021 and 2.) beginning an annual July 1 through June 30 twelve (12) month fiscal year period beginning July 1, 2021.

Funds allocated to 2020 CDBG Planning and Administration are sufficient to facilitate the change. The Finance Department is in agreement with the proposed change, and other Departments who frequently collaborate on CDBG projects will be aware of their budgets and plans if the CDBG open application period occurs in January/February of the calendar year rather than July/August of the prior year. Key CDBG deadlines and milestones also become less uncertain when appropriations bills are delayed:

The proposed change was noticed in the Sentinel Record on July 8, August 2 and 5, 2020. The Community Development Advisory Committee (CDAC) held a duly advertised public, in-person and teleconference meeting on July 8, 2020 to discuss the proposed fiscal year change. 1 citizen attended and spoke in support. A second teleconference-only CDAC meeting was held on August 6, 2020 in which two (2) additional members of the public attended and spoke in support of the change. Garland County Habitat for Humanity submitted a written letter of support. No additional comments were received. The Community Development Advisory Committee unanimously (5-0) recommended that the Hot Springs Board of Directors consider lengthening the 2020 Community Development Block Grant (CDBG) fiscal year to June 30, 2021 and adopting an annual July 1 to June 30 CDBG fiscal year beginning July 1, 2021.

**ANNUAL BUDGET APPROVAL:**
- ☐ Yes
- ☐ No
- ☒ N/A

**FINANCIAL IMPACT:**
No General Fund impact.

**ALTERNATIVES:**
Do not approve the Resolution.

Harmony Morrissey, City Clerk                           Approved - 20 Aug 2020
Lance Spicer, Deputy City Manager                      Approved - 20 Aug 2020
Brian Albright, City Attorney                         Approved - 20 Aug 2020
Bill Burrough, City Manager                            Approved - 20 Aug 2020
RESOLUTION NO. R-20-125

A RESOLUTION LENGTHENING THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FISCAL YEAR TO JUNE 30, 2021, AND ADOPTING AN ANNUAL JULY 1 TO JUNE 30 CDBG FISCAL YEAR BEGINNING JULY 1, 2021.

WHEREAS, the City was designated as a Community Development Block Grant (CDBG) Entitlement Community by HUD in July, 2003; and that

WHEREAS, in the establishment of the City of Hot Springs CDBG program in 2003 a January to December fiscal year was adopted; and that

WHEREAS, Title 24 of the Code of Federal Regulations Section 91.10 enables a local jurisdiction to establish the twelve (12) month fiscal year for the CDBG program and once established may either shorten or lengthen its program year to change the beginning date of the following program year, provided that it notifies HUD in writing at least two (2) months before the date the program year would have ended if it had not been lengthened; and that

WHEREAS, an annual fiscal year change to July through June provides numerous benefits to the City, sub-grantees and residents; and that

WHEREAS, the proposed change was publically noticed in the Sentinel Record on July 8, August 2 and 5, 2020; and that

WHEREAS, the Community Development Advisory Committee (CDAC) held two (2) duly advertised public hearings in which the fiscal year change was discussed and public comment heard; and that

WHEREAS, verbal and written citizen comments were in support of the proposed fiscal year change and CDAC made a unanimous (5-0) recommendation to the Hot Springs Board of Directors to consider adoption of the changes; and that

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Hot Springs, Arkansas:

Section One. That the FY2020 Community Development Block Grant (CDBG) fiscal year be lengthened from December 31, 2020 to June 30, 2021.

Section Two: That an annual July 1 through June 30 twelve (12) month fiscal year period begins July 1, 2021.
Section Three: That the City Manager, as Certifying Officer, is hereby authorized to file the notification of these changes with the U.S. Department of Housing and Urban Development (HUD). Provided, further, that the City Manager or his designee, is hereby authorized to act as the official representative of the City in connection with the fiscal year change, and any related alteration authorizations that may be required to the Annual Action Plan, Consolidated Plan, or grant agreement; and to provide such additional information or make corrections, revisions or modifications as may be required by HUD in connection with the request.

PASSED: ________________________________

APPROVED: ________________________________
        PAT MCCABE, MAYOR

ATTEST: ________________________________
        HARMONY MORRISSEY, CITY CLERK
July 30, 2020

Hot Springs City Board of Directors:

For 25 years, Garland County Habitat for Humanity has been building homes for the workforce of Hot Springs. We have been able to do so through a variety of funding opportunities so that low to moderate income families can obtain safe, affordable housing and improve communities as a whole through our mutual efforts.

One source of funding that has kept our building costs low has been CDBG. While these funds have been a significant help to fulfilling our mission, the current fiscal year for CDBG has been a hindrance many times. An application that is written and presented in 2018 for the 2019 fiscal year is then waiting for funding in 2020. With families in need of housing, this is a very long wait with very real financial burdens included in that waiting period. Additionally, our property inventory often runs lower than our construction schedule and needs, making such delays critical for the needs of our families and construction crew.

We appreciate the support of the City, this board, the CDAC Committee, and the funding from CDBG. We fully support the proposal to change the CDBG’s fiscal year to January. We believe that this change would not only help Habitat and the families we serve, but also provide more opportunities for other vital organizations in Hot Springs to carry out their missions and projects in a more timely and sustainable manner.

Thank you for your consideration and ongoing support of this community.

Cindy Wagstaff
Executive Director
Garland County Habitat for Humanity

Anne Quinn
Director of Operations
Garland County Habitat for Humanity
RECOMMENDATION(S):
Approval of a contract with Hill and Cox Corporation authorizing a guarantee maximum price for the oversight and construction of the Majestic Park Ball Fields Project.

BACKGROUND INFORMATION:
Resolution No. 9554 of 2019 approved a contract with Hill and Cox Corporation for the oversight and construction of the Majestic Ball Fields Project. In their role as general contractor, Hill and Cox has developed the construction documents and associated pricing for the overall project. The proposed guaranteed maximum price total of $7,413,218 for the oversight, design and construction of the five ball fields complex.

During the bidding process, the initial project costs came in at $11,082,702, which is well above the $7.5 million dollar budget figure. A few causes of the elevated costs can be tied to increases in construction materials due to the COVID-19 pandemic and the grading/excavation work totaling almost $2 million. So in order to stay within the approved funding level, certain deductions and value engineering actions are being proposed in the attached pricing amendment. The line item deductions and value engineering totals $3,042,884 as detailed in the pricing amendment. The deductions include the masonry package changing from decorative brick to split face concrete masonry block for a $500,000 savings. Also, the omission of the practice space, batting cages, and maintenance building totals a $486,000 cost savings. The ball field lighting is being procured through a separate purchase agreement by using cooperative purchasing TIPS (The Interlocal Purchasing System) program. There are plans to use grant funding and corporate/community sponsors to make these omissions part of the Majestic Ball Field Complex in the future.

Majestic Park Baseball Complex will be a premier sport recreation park in Arkansas meant to serve the local community and the travel sport leagues. The project calls for building a five field complex with all artificial turf and premier LED lights. One field will be utilized for ages 13 and up through college baseball levels. The other four fields will be built for
youth ages 5 through 12 year old baseball. We will also have the capability to play softball to partner with the Kimery Park facility to host larger softball tournaments for many age levels. There will be two fields built with grandstands that are the championship level fields capable of hosting high school and college level competitions.

**ANNUAL BUDGET APPROVAL:**
☐ Yes
☐ No
☒ N/A

**FINANCIAL IMPACT:**
Bonds pledging the 3% Hotel and Restaurant Tax fund this project in the amount of approximately $7.5 million.

**ALTERNATIVES:**
Deny, amend, or table the proposed resolution.

Harmony Morrissey, City Clerk  Approved - 27 Aug 2020
Brian Albright, City Attorney  Approved - 27 Aug 2020
Bill Burrough, City Manager  Pending
RESOLUTION NO. R-20-126

A RESOLUTION AUTHORIZING A GUARANTEE MAXIMUM PRICE CONTRACT WITH HILL & COX CORPORATION FOR THE MAJESTIC PARK BALLFIELD COMPLEX.

WHEREAS, Resolution No. 9554, adopted December 17, 2019, approved a contract with Hill & Cox Corporation for the oversight and construction of the Majestic Ball Fields Project.

WHEREAS, As general contractor, Hill & Cox has developed the construction documents and associated pricing for the overall project, which necessitated adjusting due to fluctuations in material costs stemming from the COVID-19 pandemic and resulted in a need to consider certain deductions to stay within the funding structure;

WHEREAS, the Hot Springs Advertising and Promotion Commission and its Chief Executive Officer recommend that the attached Maximum Price Contract with Hill & Cox Corporation for the Majestic Park Ballfield Complex be approved.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Hot Springs, Arkansas:

Section 1. That the attached Maximum Price Contract with Hill & Cox Corporation for the Majestic Park Ballfield Complex is hereby approved.

Section 2. That the Mayor is hereby authorized and directed to execute the attached contract; and the City Manager, or his designee, is further authorized to act on behalf of the City in the administration of the contract.

PASSED: ________________________________

APPROVED: 

______________________________
PAT McCabe, MAYOR

ATTEST: ________________________________

HARMONY MORRISSEY, CITY CLERK
AIA® Document A133™ – 2009 Exhibit A
Guaranteed Maximum Price Amendment

for the following PROJECT:
(Name and address or location)
Majestic Park Ballfield Complex

THE OWNER:
(Name, legal status and address)
City of Hot Springs
Advertising and Promotion
134 Convention Blvd.
Hot Springs, AR 71901

THE CONSTRUCTION MANAGER:
(Name, legal status and address)
Hill & Cox Corporation
1820A Higdon Ferry Road
Hot Springs, AR 71913

ARTICLE A.1
§ A.1.1 Guaranteed Maximum Price
Pursuant to Section 2.2.6 of the Agreement, the Owner and Construction Manager hereby amend the Agreement to establish a Guaranteed Maximum Price. As agreed by the Owner and Construction Manager, the Guaranteed Maximum Price is an amount that the Contract Sum shall not exceed. The Contract Sum consists of the Construction Manager’s Fee plus the Cost of the Work, as that term is defined in Article 6 of this Agreement.

§ A.1.1.1 The Contract Sum is guaranteed by the Construction Manager not to exceed Seven Million, Four Hundred Thirteen Thousand, Two Hundred Eighteen Dollars ($7,413,218)
subject to additions and deductions by Change Order as provided in the Contract Documents.

§ A.1.1.2 Itemized Statement of the Guaranteed Maximum Price. Provided below is an itemized statement of the Guaranteed Maximum Price organized by trade categories, allowances, contingencies, alternates, the Construction Manager’s Fee, and other items that comprise the Guaranteed Maximum Price.
(Provide below or reference an attachment.)
§ A.1.1.3 The Guaranteed Maximum Price is based on the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:
(State the numbers or other identification of accepted alternates. If the Contract Documents permit the Owner to accept other alternates subsequent to the execution of this Amendment, attach a schedule of such other alternates showing the amount for each and the date when the amount expires.)

Attachment "A" Guaranteed Maximum Price Breakdown

<table>
<thead>
<tr>
<th>Item</th>
<th>Price ($0.00)</th>
</tr>
</thead>
</table>

§ A.1.1.5 Assumptions, if any, on which the Guaranteed Maximum Price is based:

§ A.1.1.6 The Guaranteed Maximum Price is based upon the following Supplementary and other Conditions of the Contract:

<table>
<thead>
<tr>
<th>Document</th>
<th>Title</th>
<th>Date</th>
<th>Pages</th>
</tr>
</thead>
</table>

§ A.1.1.7 The Guaranteed Maximum Price is based upon the following Specifications:
(Either list the Specifications here, or refer to an exhibit attached to this Agreement.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Date</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Specifications</td>
<td>Majestic Park Ballfield Complex</td>
<td>March 2020</td>
<td></td>
</tr>
<tr>
<td>B &amp; F Engineering, Inc.</td>
<td></td>
<td>Addendum 1 - 7</td>
<td></td>
</tr>
<tr>
<td>Project Specifications</td>
<td>Majestic Park Ballfield Complex</td>
<td>Revised June 19, 2020</td>
<td></td>
</tr>
<tr>
<td>Addendum 8 - 9</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

§ A.1.1.8 The Guaranteed Maximum Price is based upon the following Drawings:
( Either list the Drawings here, or refer to an exhibit attached to this Agreement.)

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Drawings</td>
<td>Majestic Park Ballfield Complex</td>
<td>March 2020</td>
</tr>
<tr>
<td>B &amp; F Engineering, Inc.</td>
<td></td>
<td>Addendum 1 - 7</td>
</tr>
<tr>
<td>Project Specifications</td>
<td>Majestic Park Ballfield Complex</td>
<td>Revised June 19, 2020</td>
</tr>
<tr>
<td>Addendum 8 - 9</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
§ A.1.1.9 The Guaranteed Maximum Price is based upon the following other documents and information:
(List any other documents or information here, or refer to an exhibit attached to this Agreement.)

Attachment "A"  Guaranteed Maximum Price Breakdown

ARTICLE A.2
§ A.2.1 The anticipated date of Substantial Completion established by this Amendment:

Start Date will be upon Notice to Proceed from Owner
Completion Date will be One year from Notice to Proceed

This Agreement is entered into as of the day and year first written above.

OWNER (Signature)
Pat Mc Cabe
Mayor, City of Hot Springs

CONSTRUCTION MANAGER (Signature)
Brian Hill
President

(Printed name and title)

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.
MAJESTIC PARK BALLFIELD COMPLEX
Attachment "A"

August 7, 2020
Bid Date April 14, 2020
Re-Bid Date Turf Only - July 9, 2020
Re-Bid Date Masonry Only - July 30, 2020

Guaranteed Maximum Price

<table>
<thead>
<tr>
<th>Description</th>
<th>Reference Sheet</th>
<th>YES</th>
<th>Accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deductive Alternate #1 - Omit all work associated with Batting Cages/Maintenance Building</td>
<td>$ (11,082,702)</td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>Deductive Alternate #2 Omit entry features at North and South Entries</td>
<td>$ (486,550)</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Deductive Alternate #3 Omit vinyl coating on chain-link fencing throughout project</td>
<td>$ (36,190)</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Bid Contract Amount:</td>
<td>$ 10,559,962</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Reference Sheet</th>
<th>YES</th>
<th>Accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>In lieu of rubblized existing paving, demo existing asphalt and lay new asphalt-Lot C</td>
<td>S (4,213)</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Change from class 7 to a city pit base</td>
<td>S (17,000)</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>In lieu of decorative fence &amp; gate change to black chain link</td>
<td>S (8,500)</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Omit windscreen in its entirety from fencing scope</td>
<td>S (49,000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Delete fencing at perimeter of existing turf area- batting cages and maintenance as 3-19</td>
<td>S (18,000)</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>In lieu of champion wall and batter's eye, change to 6' tall black vinyl coated</td>
<td>S (71,000)</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------------------------------------</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Change decorative guardrail at field 5 to black vinyl fence</td>
<td>L.4.00</td>
<td>$ (18,000) Y</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Omit all site furnishings (bike rack w/custom baseball plaque, aluminum park bench and trash receptacles)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Omit (5) flag poles</td>
<td>L.1.03</td>
<td>$ (11,300) Y</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Landscape &amp; Irrigation - Omit in its entirety</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Omit air barrier from scope</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Omit below grade waterproofing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Provide equal concession windows</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Omit toilet accessories from scope and have owner provide and install</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Change spec'd solid welded liner under turf to a woven liner</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Delete sidewalk/segmental block wall between field 1 &amp; existing</td>
<td>L.1.02/L.1.03</td>
<td>$ (24,000) Y</td>
<td></td>
</tr>
<tr>
<td></td>
<td>building. Regrade from fence to building. Add handicapped parking to Lot B in lieu of Lot A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Delete stacked stone retaining wall at sidewalk revise grades to accommodate slope</td>
<td>L.1.05</td>
<td>$ (23,000) Y</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Omit playground and concrete retaining walls. keeping warm-up areas</td>
<td>L.1.07</td>
<td>$ (61,905) Y</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.5-13 -</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>18/L.8.06-8.09</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Delete item 16-nyoplast area drain and associated piping. Drain area to field through wall</td>
<td>L.8.06-L.8.08</td>
<td>$ (20,800) Y</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Delete drainage associated with viewing area roofs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Reduce perimeter drains on smaller fields from 12&quot; to 8&quot;</td>
<td>L.1.03</td>
<td>$ (11,000) Y</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Omit all scoring pattern at main entrance as shown on sheet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Change all 5&quot; placed concrete to 4&quot; placed concrete, flatwork</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Delete sidewalks, c&amp;g and paving at street sides - Belding &amp; Carson</td>
<td>C2.1</td>
<td>$ (65,000) Y</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Delete sidewalks except 5' ADA access sidewalk. Tie 8' sidewalk</td>
<td>C2.2</td>
<td>$ (9,823) Y</td>
<td></td>
</tr>
<tr>
<td></td>
<td>shown on L1.03 to parking Lot B</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Delete sidewalk to batting cage area</td>
<td>L.2.05</td>
<td>$ (12,600) Y</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Omit gates from dumpster enclosures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Delete galvanized steel at dugout, powered coat handrails or tube, use std.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Cost</td>
<td></td>
<td></td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td>29</td>
<td>Change roofing detail on concessions/restrooms to a roof joist system</td>
<td>$5,000</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Delete rework of SS manhole. Provide new top to accommodate new grades, provide access through gate onto field 5 for city to access manhole</td>
<td>$2,500</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Alternate electrical fixture package: VE change counts and type D/F to Spectrum, VE change counts and type G to Beacon, VE change types H (Hubbell) to Brown and changing lighting count due to field 5 and main entrance size difference</td>
<td>$28,410</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Omit ALL stadium seating</td>
<td>$153,000</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>In lieu of self closing gate hinges, change to standard bulldog hinges</td>
<td>$3,000</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Delete out looker tubes @ D/S4.2</td>
<td>$5,700</td>
<td>Y</td>
<td></td>
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<tr>
<td>35</td>
<td>Change standing seam metal roof to screw down metal roof standard color</td>
<td>$69,000</td>
<td>Y</td>
<td></td>
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<tr>
<td>36</td>
<td>Revise earthwork scope-reduce undercut allowance 25000 cy to 10000 cy</td>
<td>$315,000</td>
<td>Y</td>
<td></td>
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<tr>
<td>37</td>
<td>Civil Engineers VE recommendation on storm drain changes dated 04-30-2020</td>
<td>$19,700</td>
<td>Y</td>
<td></td>
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<tr>
<td>38</td>
<td>Civil Engineers VE recommendation on curb/gutter and drainage 5-08-2020</td>
<td>$16,000</td>
<td>Y</td>
<td></td>
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<tr>
<td>39</td>
<td>Omit Lime Stabilization Allowance from Earthwork Package</td>
<td>$34,500</td>
<td>Y</td>
<td></td>
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<tr>
<td>40</td>
<td>Omit Flow Fill Allowance from Earthwork Package</td>
<td>$38,400</td>
<td>Y</td>
<td></td>
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<tr>
<td>41</td>
<td>Omit drainage gravel backfill behind retaining wall - Earthwork package</td>
<td>$54,900</td>
<td>Y</td>
<td></td>
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<tr>
<td>42</td>
<td>Omit high roof over main entrance concession/restroom</td>
<td>$30,400</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Omit outer sections of field #5 grandstand</td>
<td>$78,245</td>
<td>Y</td>
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<tr>
<td>44</td>
<td>Fields 1-4: Omit concrete riser on 1, 2 &amp; 4 to a flat concrete finish - NO Riser Tip-N-Roll Aluminum bleacher to be provided by owner at fields 1, 2 &amp; 4</td>
<td>$87,000</td>
<td>Y</td>
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<tr>
<td>45</td>
<td>Change roof structure on fields 1-4 to a single slope and have each with equal distance widths of 15'-10&quot;</td>
<td>$100,000</td>
<td>Y</td>
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<tr>
<td>46</td>
<td>Omit high roof over field 5 concession and restroom</td>
<td>$33,400</td>
<td>Y</td>
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<tr>
<td>47</td>
<td>Omit a portion of the drainage gravel backfill at concrete retaining wall</td>
<td>$46,000</td>
<td>Y</td>
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<tr>
<td>48</td>
<td>Delete curb and gutter parking lot 'A'</td>
<td>$9,900</td>
<td>Y</td>
<td></td>
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<tr>
<td>49</td>
<td>Delete curb and gutter parking lot 'B'</td>
<td>$10,500</td>
<td>Y</td>
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<tr>
<td>50</td>
<td>Add concrete drain swale at curve, parking lot 'C'</td>
<td>$480</td>
<td>Y</td>
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<tr>
<td>51</td>
<td>Delete curb and gutter parking lot 'C'</td>
<td>$6,450</td>
<td>Y</td>
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<tr>
<td>52</td>
<td>Delete curb and gutter parking lot 'D'</td>
<td>$3,750</td>
<td>Y</td>
<td></td>
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<tr>
<td>53</td>
<td>Delete 19' tall protective netting at field 2 and field 3</td>
<td>$8,200</td>
<td>Y</td>
<td></td>
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<tr>
<td></td>
<td>Description</td>
<td>Amount</td>
<td></td>
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<td>-----------------------------------------------------------------------------</td>
<td>----------</td>
<td></td>
<td></td>
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<tr>
<td>54</td>
<td>Owner to supply/install backstop netting</td>
<td>$ (9,800)</td>
<td></td>
<td></td>
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<tr>
<td>55</td>
<td>Re-bid of Masonry Package Change from Brick to CMU Split-face ($869,760-538,700)</td>
<td>$ (511,060)</td>
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<td></td>
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<tr>
<td>56</td>
<td>Re-bid of Turf Package ($1,007,319-5834,090)</td>
<td>$ (173,229)</td>
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<tr>
<td>57</td>
<td>Landscaping per updated design - City required</td>
<td>$ 65,543</td>
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<tr>
<td>58</td>
<td>Sidewalks, c&amp;g and paving at street sides - Belding &amp; Carson</td>
<td>$ 65,000</td>
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<tr>
<td>59</td>
<td>Price for adding back 2-flag poles</td>
<td>$ 4,600</td>
<td></td>
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<tr>
<td>60</td>
<td>Added back into scope - sidewalk from parking lot A to main entrance</td>
<td>$ 8,930</td>
<td></td>
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<tr>
<td>61</td>
<td>Change entrance gates back to decorative steel, fence to remain black chain link</td>
<td>$ 7,200</td>
<td></td>
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<tr>
<td>62</td>
<td>Provide/install Sturdistell bleacher seating with backrest to top riser on field 3 and all risers field 5</td>
<td>$ 24,032</td>
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<tr>
<td>63</td>
<td>Add back 8' black vinyl fence with 50' of 16' batters eye field 5</td>
<td>$ 27,434</td>
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Sub-total deductive alternates and value engineering: $ (2,897,985)
CM Fee: $ (144,899)
Total deductive alternates and value engineering: $ (3,042,884)
Contract Amount: $ 8,039,818
Musco Lighting Tips-Taps: $ (626,600)

**Hill & Cox Guaranteed Maximum Price less Musco Lighting**: $ 7,413,218

**Other Price Request for Consideration - NOT added to totals above**

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<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>1</td>
<td>Alternating turf panels per field</td>
<td>$ 6,912</td>
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<tr>
<td>2</td>
<td>Alternating turf panels all 5 fields</td>
<td>$ 29,160</td>
</tr>
<tr>
<td>3</td>
<td>Free Upgrade to be approved by turf specialist</td>
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</tr>
<tr>
<td></td>
<td>44 oz with PE thatch for green area in lieu of 40 oz with nylon thatch</td>
<td>$ -</td>
</tr>
<tr>
<td></td>
<td>50 oz with PE thatch for brown area in lieu of 46 oz with nylon thatch</td>
<td>$ -</td>
</tr>
<tr>
<td>4</td>
<td>12' batters eye, fields 1, 2, 3 &amp; 4 - no windscreen</td>
<td>$ 67,528</td>
</tr>
<tr>
<td>5</td>
<td>12' batters eye, field 3 only</td>
<td>$ 16,883</td>
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</table>
RECOMMENDATION(S):
Do not Approve An Ordinance Amending the Zoning Map from R-2 (Suburban Residential) to C-3 (Office/Neighborhood Commercial) on Two Acres of Undeveloped Land Generally Located at the intersections of Malvern Avenue with Suburban Street and Lakeside Road; Amending the Future Land Use Plan Map To Designate The Area Neighborhood Commercial Center; And For Other Purposes.

BACKGROUND INFORMATION:
Q. Byrum Hurst, for client and property owner James D. Green, appeals the June 11, 2020, Planning Commission decision to not recommend approval of C-3 Office Commercial zoning for 2105 Malvern Avenue. The appeal was made within the 30 days established by Hot Springs Code.

Appellant provided three statements, replicated below along with the Planning Staff Response to each.

1. Summary of Planning Commission’s Decision
"Planning Commission voted to support the recommendation of the Planning Department staff in not recommending the property be rezoned from R-2 to C-3."

Staff Response: Planning Commission's 2-7 vote on a motion to approve included their acceptance of the Staff Report Findings and Recommendation.

2. **Reason(s) for Appeal:**
"The Planning Commission met with some members present and others participating electronically. There was confusion as to how the issue was framed to the commissioners and they were told that if they voted against the recommendation of the Planning Department they had to cite a provision within the zoning code that supported their decision to vote that this property should be rezoned. Before the meeting, the proponents were told not to contact planning commissioners, and this is despite there is no rule that commissioners cannot be provided information."

Staff Response: Ordinance No. 6323 Authorizing Actions of the City Manager during the Impending Pandemic Associated with Coronavirus Disease 2019 (COVID-19) in Section 2 (#) Allows "accommodations for for any public meeting, including without limitation, meetings of the planning commission..." Attendance by electronic means is one such accommodation. Standards for decision-making were identical to those in place normally and the Chairperson at least twice read aloud detailed instruction as to the need to make a Code-based finding.

It is a tenet of good government that decision-making is to be based upon the public record, including application documents, the contents of the meeting packet and public testimony so that among other reasons incorrect information can be rebutted. Off-the-record discussion by an applicant and an individual decision-maker regarding a site specific land use application creates an appearance of fairness problem which by its very nature is to be avoided.

3. **Reason(s) a Reversal will better Serve the Health, Safety, Welfare and Morals:**
"Malvern Avenue is rapidly becoming a major commercial area. There are numerous commercial businesses on Malvern Avenue including, but not limited to, restaurants, pharmacies, office buildings, medial buildings, banks and many others. The opponents of the rezoning were primarily people who did not live on Malvern Avenue, but lived in residential communities away from the noise and activities on Malvern Avenue. This property is located on Malvern and in front of a stop light being constructed. There are no stop lights in front of residences on Malvern Avenue because it is not compatible with the residence."

Staff Response: HSC Sec. 16-2-11(c) sets out procedures and standards for a property owner to request an amendment to the official zoning map; Sec. 16-2-11(d) establishes Planning Commission’s responsibilities; and Sec. 16-2-11(e) Review Criteria and Findings of Fact states the following "Within thirty (30) days following the public hearing, the planning commission shall make a specific finding of fact as to whether demonstrates compatibility with surrounding development or zoning; is consistent with the objectives of the zoning code; implements an approved City plan; responds to a significant change in surrounding physical, economic, land use or other conditions; fulfills demonstrated public need for land so-zoned; or corrects an error on previous City action."

Applicant's representative Dayton Myers, in a supplemental letter dated May 8, fails to address or even to identify one or more required findings in the rezone request. Planning & Development Director Sellman was contacted by applicant's legal representative Q, Byrum Hurst who asked the application's status. Mr. Hurst subsequently provided a letter dated May 22, 2020, which stated, "We contend that the rezoning of this 2.24 acre parcel 'fulfills a need for land so zoned.' " And "Raw commercially zoned land is a rare site." In preparing Planning Commission's Staff Report, however, staff identified 13 undeveloped C-3 zoned lots within one mile of the subject site: Garland County RPID numbers 51806, 51813, 106284, 106283, 106282, 106274, 106275, 106276, 82519, 112800, 112803, 102802, 112804 and 52004; not including C-3 lots which have a house.

Mr. Hurst's letter also mentions the Code requirement Sec. 16-2-29 to "convincingly demonstrate that the character of the neighborhood will not be materially or adversely affected by the uses permitted in the proposed change."
Nonetheless, the Hurst letter goes on to mention (twice) “C-3 businesses must rely upon the migration of customers from outside the neighborhood boundaries. Access and traffic circulation are key issues in their location.” The subject lots are located both vertical and horizontal curves along Malvern Avenue, both conditions not well-suited to traffic safety or convenience. The subject lots also front Suburban Drive which is one-way between Malvern and its intersection with Oakcrest Street.

The Code identifies standards for finding in a rezone request. Notice of a proposed land use change must be provided to nearby property owners 15 days in advance of planning commission's meeting. The notice's purpose is to allow those with an interest in the proposed change to bring information forward to planning commission for their consideration before making a decision or recommendation.

The appeal states "The opponents of the rezoning were primarily people who did not live on Malvern Avenue." Sec. 16-2-11(e) standards include compatibility with surrounding land uses. It is entirely appropriate for nearby neighbors to present relevant testimony - residence on Malvern Avenue itself is not required.

Neighbors provided more than 100 letters opposing the zone change request addressing Hot Springs Code standards of compatibility; objectives of the Zoning Code; and traffic and pedestrian safety including intrusion of commercial traffic onto residential streets. This is not an exhaustive accounting of written comments. Public testimony at the June 11 Planning Commission meeting addressed the same concerns.

The purpose of the Malvern Avenue Overlay is to maintain harmony with existing neighborhoods. The Malvern Avenue Overlay is not a reason to change zoning from residential to commercial. It provides a degree of mitigation when developing existing commercial lands along Malvern Avenue.

Malvern Avenue's character is that of a diagonal major street running from the southeast part of Hot Springs in a northwesterly direction terminating Downtown. As the diagonal intersects with a more standard grid generally running north to south and east to west, inevitably roughly triangular parcels result. The subject parcel is such a triangle. It is located at the entrance to long-established Hot Springs neighborhoods.

Further south along the same side of Malvern Avenue is Seven Oaks, a small brick-walled residential beautifully-landscaped neighborhood of seven lovely homes all of which access Malvern via a single private drive. A quick internet check reveals one home for sale for more than $400,000. Seven Oaks has a similar size and asomewhat triangular character to that of the subject lots demonstrating that a desirable residential development is not impossible.

The appeal fails to demonstrate that a reversal will better serve the Health, Safety, Welfare and Morals. The standards of Hot Springs Code Sec. 16-2-11(e) are not met.

**Planning Commission Staff Report:**

Applicant Dayton Myers, representing Merano LLC, applicant, seeks C-3 Neighborhood Commercial zoning on 2 acres of undeveloped land owned by James Green and currently zoned R-2 Suburban Residential. The subject property is designated Residential Low Density on the Future Land Use Plan Map. The land fronts Malvern Avenue between Suburban Drive and Lakeside Road, with additional frontage on the one-way segment of Suburban. The Malvern frontage’s midpoint demonstrates slight horizontal and vertical curves. It is in Board District 6.

The applicant’s supplemental May 22, 2020, letter justifies the application for C-3 zoning as “fulfills a public need for land so-zoned”, a Hot Springs Code standard.

The application proposes no specific C-3 use.

The subject two acres is multiple undeveloped lots and parts of lots of the surrounding single family neighborhood. South along Malvern south across Lakeside are large single family residences and Seven Oaks, a residential neighborhood on just over two acres. Across Malvern Avenue is Hot Springs Country Club, zoned R-2 with Future Land
Use Plan Map designation of Recreation / Open Space; and Arlington Park Subdivision, a newer R-3 single family residential neighborhood still under development.

The applicant’s supplemental letter quotes Hot Springs Code accurately that “rezoning must convincingly demonstrate that the character of the neighborhood will not be materially or adversely affected by the uses permitted in the proposed change.” Several neighboring landowners and residents testified in December, 2011, that a prior application for commercial rezoning would materially and adversely affect the surrounding neighborhood. The 2011 application was not approved.

As of June 4, 2020 11:00 A.M., 24 letters of neighborhood opposition had been submitted, citing incompatibility with existing residential character, among other concerns.

Arkansas Department of Transportation, (ARDOT) will soon construct a traffic signal at Lakeside Road to improve pedestrian, property and vehicle safety along Malvern Avenue. While the applicant’s letter states “we contend hardly any extra traffic is likely to travel to the area for any business that falls within the permitted uses of C-3 zoning, it also quotes Hot Springs Code Sec. 16-2-54(a) “C-3 businesses must rely on the migration of customers from outside the neighborhood boundaries.” ARDOT daily vehicle counts near the subject lots has ranged variously between 15,000 and 16,000 from 2012 through 2018 (most recent year available).

The subject’s two-acre size nominally meets the minimum area to request a rezone. C-3 zone district requires neither specific use designation nor binding development plan. Given the intimacy of the subject lots within the neighborhood,
no plan defining the limits of future development, frontage along a one-way stretch of Suburban Drive, and the subject’s location on Malvern Avenue with both vertical and horizontal curvature, it is not possible to assess whether the character of the neighborhood will not be materially or adversely affected. The applicant’s May 22, 2020 letter states the request “fulfills a public need for land so-zoned.” A cursory inventory of undeveloped lots zoned C-3 identified 14 such lots within less than one mile of the subject lots. An additional two C-3 lots with existing homes were not counted in that total. A need for additional C-3 land is not demonstrated. Planning Commission Staff Report Findings: The application fails to demonstrate convincingly that a zone change from R-2 to C-3 will not materially or adversely affect the neighborhood. The application fails to demonstrate a public need for land so-zoned as more than a dozen undeveloped C-3 properties can be identified on the zoning map within one mile of the subject lots. Hot Springs Code requirements for zone change are not met.

Planning Commission Staff Report Recommendation: That Planning Commission not approve a recommendation to the Board of Directors to approve an Ordinance amending the Zoning Map from R-2 to C-3 for the subject lots.

Planning Commission duly advertised and held a public meeting on June 11, 2020. After calling for testimony and considering the record, Planning Commission by its vote of 2-7 (White, Dzianott, Thomason, Walker, Baker, Newman, Gold-Smith) citing the findings and recommendation of the Staff Report to Not Approve a Motion to Approve the applicant’s rezone request. Planning Commissioners Ramick and Goslee, voting To Approve, each provided no specific Hot Springs Code section in support of approval.

Conclusion: The appeal fails to demonstrate that Hot Springs Code standard 16-2-11(e) for findings in support of a zone change are met.

Notice of Appeal: https://www.cityhs.net/DocumentCenter/View/12179/Notice-of-Appeal
O6323: https://www.cityhs.net/DocumentCenter/View/12181/O6323
O6324: https://www.cityhs.net/DocumentCenter/View/12182/O6324
August 4, 2020 Letters: https://www.cityhs.net/DocumentCenter/View/12184/2105MA1

ANNUAL BUDGET APPROVAL:
☐ Yes
☐ No
☒ N/A

FINANCIAL IMPACT:
No direct General Fund impact.

ALTERNATIVES:
Do not approve the Ordinance. Remand the application to Planning Commission for specific action.

Harmony Morrissey, City Clerk Approved - 23 Jul 2020
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<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Approved Date</th>
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<tbody>
<tr>
<td>Lance Spicer</td>
<td>Deputy City Manager</td>
<td>24 Jul 2020</td>
</tr>
<tr>
<td>Brian Albright</td>
<td>City Attorney</td>
<td>27 Jul 2020</td>
</tr>
<tr>
<td>Bill Burrough</td>
<td>City Manager</td>
<td>27 Jul 2020</td>
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ORDINANCE NO. O-20-37

AN ORDINANCE APPROVING C-3 ZONING ON TWO ACRES OF UNDEVELOPED LAND GENERALLY LOCATED AT THE INTERSECTION OF MALVERN AVENUE WITH SUBURBAN STREET AND LAKESIDE ROAD; AMENDING THE FUTURE LAND USE PLAN MAP TO DESIGNATE THE AREA NEIGHBORHOOD COMMERCIAL CENTER; AND FOR OTHER PURPOSES.

WHEREAS, Planning Commission duly advertised and held a public hearing on June 11, 2020, voted 2-7 to accept staff report findings and to recommend approving this zone change request assigning C-3 Neighborhood Commercial Zoning; and to amend the Future Land Use Plan Map designation to Neighborhood Commercial Center; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas, as follows:

SECTION 1. Zoning Amendment. That the following described land shall rezoned to C-3 Neighborhood Commercial District:

A tract of land being All of Lots 2, 3 and 22 together with a Part of Lots 1, 4 and 21 of Suburban Heights Subdivision to the City of Hot Springs, Arkansas, as recorded in Deed Record 275 at Page 307 of the Deed Records of Garland County, Arkansas, more particularly described as follows: Begin at the Northeast corner of said Lot 4, as marked by a 3/4” dia. pipe, and run N86°56'53"E along the South line of said Lot 22, 30 ft. to the Southwest corner of said Lot 21; thence continue N86°56'53"E along the South line of said Lot 21, 25 ft. to a 4” dia. chain link fence corner post; thence N01°32'21"W, 168.13 ft. to a 1” dia. cap on a #4 rebar by PS #1013 on the North line of said Lot 21; thence S84°13'37"W along the North line of said Lot 21, 25.50 ft. to the Northwest corner thereof; thence continue S84°13'37"W along the North line of said Lot 22, 211.64 ft. to a 1” dia. cap on a #4 rebar by PS #1013; thence S72°23'26"W along the North line of said Lots 22 and 1, 221.64 ft. to a 1” dia. cap on a #4 rebar by PS #1013 on the East Right of Way of Highway No. 270 (AKA Malvern Avenue); thence along the said Highway Right of Way the following, S17°52'44"E, 47.50 ft. to a 1” dia. cap on a #4 rebar by PS #1013; thence along a curve to the left 340.95 ft. through a central angle of 17°39'46" the long chord being S54°15'29"E at 339.60 ft. to a 2” dia. cap on a #3 rebar by PS #1013 on the South line of said Lot 4 at the intersection of said Highway Right of Way and the North Right of Way of Lakeside Road; thence leaving the said Highway Right of Way at S89°50'24"E along the South line of said Lot 4, 90.67 ft. to a 2” dia. cap on a #3 rebar by PS #1013 that bears N89°50'24"W, 20.14 ft. from the Southeast corner of said Lot 4; thence N05°33'49"E, 164.52 ft. to the Point of Beginning. (According to survey by Steve Hankins, RPLS dated May 20, 2009.)

LESS AND EXCEPT THAT PORTION CONVEYED by Warranty Deed from Anthony B. Taylor as Bishop of the Roman Catholic Diocese of Little Rock for the benefit of St. Mary of the Springs Catholic Church to the Arkansas State Highway Commission, filed September 24, 2019 in Book 4088 at Page 861 in the Deed and Mortgage Records of Garland County, Arkansas, more particularly described as follows: Part of Lot 4, Suburban Heights Subdivision, also being part of the SW1/4 of the SE1/4 of Section 10, Township 3 South, Range 19 West, Garland County, Arkansas, more particularly described as follows: Commence at a 1 and 1/4” splined shaft being used as the Southeast corner of Lot 6.
Suburban Heights Subdivision; thence North 85°59'47" West a distance of 180.34 feet to a point; thence North 81°51'38" West along said South line a distance of 20.03 feet to a point on the Northeasterly right of way line of Arkansas State Highway 270B (Malvern Avenue) as established by ARDOT Job 061574 for the Point of Beginning; thence continue North 85°51'38" West along the South line of Lot 4 a distance of 51.99 feet to a point on the Northeasterly right of way line of Arkansas State Highway 270B (Malvern Avenue) as established by ARDOT Job 061574; thence North 32°04'45" East along said right of way line a distance of 27.02 feet to a point; thence South 54°36'01" East along said right of way line a distance of 46.01 feet to the point of beginning and containing 0.01 acres more or less as shown on plans prepared by ARDOT and referenced as Job 061574.

SECTION 2. Zoning Map. That the zoning map referred to in the Zoning Code of the City of Hot Springs, Arkansas is hereby amended to the extent necessary to make the amendment provided for in Section 1 hereof.

SECTION 3. Future Land Use Map Amendment. That the Future Land Use classification for the real property described in Section 1 is hereby reclassified to Neighborhood Commercial Center.

SECTION 4. Issuance of Permits. That no permits shall be issued until the effective date of this ordinance.

PASSED: ________________________________

APPROVED: ________________________________

PAT McCABE, MAYOR

ATTEST: ________________________________

HARMONY MORRISSEY, CITY CLERK

APPROVED AS TO LEGAL FORM: ________________________________

BRIAN W. ALBRIGHT, CITY ATTORNEY

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF GARLAND
SUBSCRIBED AND SWORN to before me this __________ day of __________, 2020.

________________________________________

NOTARY PUBLIC

My Commission Expires:
2105 MALVERN AVE. RE-ZONE REQUEST (APPEAL)
FROM R-2 TO C-3
BOARD OF DIRECTORS

08/04/2020
City of Hot Springs  
BOARD ACTION REQUEST  
Board of Directors - 01 Sep 2020

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<th>☐ 2</th>
<th>☐ 3</th>
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<th>☐ 5</th>
<th>☐ 6</th>
<th>☐ City Wide</th>
<th>☐ Other</th>
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<td>ACTION REQUESTED:</td>
<td>September 1, 2020</td>
<td>STAFF CONTACT:</td>
<td>Denny McPhate, Public Works Director</td>
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SUBJECT: Consider Ordinance O-20-38 An Ordinance Authorizing Eminent Domain Condemnation Proceedings For The Acquisition Of Certain Real Property (ID# 55349) Located On Ozark Street Owned By Eleanor Bell; And For Other Purposes.

ATTACHMENTS:  
O-20-38  
map

RECOMMENDATION(S):  
Approve a purchase of approximately .52 acres (Parcel ID#55349) from Ms. Eleanor Bell, in the amount of $2,500 through eminent domain as part of a flood mitigation project located on Whittington Creek, west of the Creek tunnel entrance.

BACKGROUND INFORMATION:  
The City of Hot Springs has a long record of historical flooding in the downtown area. The board of Directors passed Resolution #9353 in December of 2018 authorizing the City to enter into a contract with FTN & Associates for a flood mitigation study. The results of the study have shown that a detention basin within the Whittington Creek watershed is a viable project to pursue related to a direct impact of a significant contribution of mitigating the severity of flooding in downtown Hot Springs. This project in itself will not prevent flooding downtown, but will reduce the level of the 100 year storm event by approx. 2-0”. Additional mitigation methods and areas will continue to be pursued with future and adequate funding to further reduce flood levels of significant storm events.

Staff has mailed three (3) letters of Offer and Acceptances (O&A) to Ms. Bell, the owner of Parcel ID# 55349, with one response stating she is not interested in selling. On March 6, 2020 staff received a professional appraisal of the property and the findings of the appraisal is as follows:

1. The property was compared to six (6) properties within the Whittington Valley neighborhood from recent sales. The comparison sale prices were from a low of $2,000 to a high of $3,000.
2. Street access is needed to access the project site as part of the flood mitigation project. Therefore staff recommends approval of purchase of Parcel #55349 in the amount of $2,500 through eminent domain process.

Appraisal: https://www.cityhs.net/DocumentCenter/View/12383/appraisalO2038

ANNUAL BUDGET APPROVAL:
☒ Yes
☐ No
☐ N/A

FINANCIAL IMPACT:
$27,583 is budgeted in the Stormwater Division 2019 budget account #629.6.185.5801.

ALTERNATIVES:
Reject and cancel the flood mitigation project for downtown.

Harmony Morrissey, City Clerk Approved - 24 Aug 2020
Kevin Brownlee, Deputy City Manager Approved - 25 Aug 2020
Brian Albright, City Attorney Approved - 25 Aug 2020
Bill Burrough, City Manager Approved - 25 Aug 2020
ORDINANCE NO. O-20-38

AN ORDINANCE AUTHORIZING EMINENT DOMAIN CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF CERTAIN REAL PROPERTY (ID# 55349) LOCATED ON OZARK STREET OWNED BY ELEANOR BELL; AND FOR OTHER PURPOSES.

WHEREAS, Parcel ID# 55349 located along Ozark Street is needed for flood control improvements along the Whittington Creek watershed to mitigate flooding of downtown Hot Springs.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas;

SECTION 1: It is hereby determined that Parcel ID# 55349 located along Ozark Street is required for the flood control improvements planned along the Whittington Creek watershed to mitigate flooding of downtown Hot Springs. Said project being for a public purpose and, therefore, necessary for the benefit of the public generally pursuant to A.C.A. §18-15-309.

SECTION 2: The appropriate city officials of the City of Hot Springs, Arkansas, are hereby authorized to exercise the right of eminent domain to obtain by condemnation the following described real property stated in Section 1 hereof:

A part of Lot 30, in Block 128 of Hot Springs Reservation, Parcel I.D. # 55349, located in Section 32, Township 2 South, Range 19 West, Garland County, Arkansas.

SECTION 3: The City Attorney is hereby authorized and directed to initiate eminent domain proceedings, and to deposit in the registry of the Garland County Circuit Court the appraised value of the property required, said appraised amount being $2,500; or such amounts as may be designated by order of the court for the purpose of making the compensation and paying damages when the amount thereof has been assessed by the court, said amount to be ultimately paid to the property owner.

PASSED: ____________________________

APPROVED: ___________________________
PAT McCABE, MAYOR

ATTEST: ____________________________
HARMONY MORRISSEY, CITY CLERK
ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this _______ day of _________________, __________.

_________________________________
             NOTARY PUBLIC

My Commission Expires: _________________________
O-20-39

City of Hot Springs
BOARD ACTION REQUEST
Board of Directors - 01 Sep 2020

Type of Action Requested:
☐ Resolution
☒ Ordinance
☐ Formal Action/Motion
☐ Other

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<td>STAFF CONTACT:</td>
<td>Denny McPhate, Public Works Director</td>
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SUBJECT: Consider Ordinance O-20-39 An Ordinance Authorizing Eminent Domain Condemnation Proceedings For The Acquisition Of Certain Real Property (ID# 55346) Located On Water Street Owned By Ennis Jackson; And For Other Purposes.

ATTACHMENTS: O-20-39
Assessor’s Map 55346

RECOMMENDATION(S):
Approve a purchase of approximately .048 acres (Parcel ID#55346) from Ms. Ennis Jackson, in the amount of $2,000 through eminent domain as part of a flood mitigation project located on Whittington Creek, west of the Creek tunnel entrance.

BACKGROUND INFORMATION:
The City of Hot Springs has a long record of historical flooding in the downtown area. The board of Directors passed Resolution #9353 in December of 2018 authorizing the City to enter into a contract with FTN & Associates for a flood mitigation study. The results of the study have shown that a detention basin within the Whittington Creek watershed is a viable project to pursue related to a direct impact of a significant contribution of mitigating the severity of flooding in downtown Hot Springs. This project in itself will not prevent flooding downtown, but will reduce the level of the 100 year storm event by approx. 2-“0”. Additional mitigation methods and areas will continue to be pursued with future and adequate funding to further reduce flood levels of significant storm events.

Staff has mailed three (3) letters of Offer and Acceptances (O&A) to Ms Jackson, the owner of Parcel ID# 55346, with one response stating she was not interested in selling the property. On March 6, 2020 staff received a professional appraisal of the property and the findings of the appraisal is as follows:

1. The property was compared to six (6) properties within the Whittington Valley neighborhood from recent sales. The comparison sale prices were from a low of $2,000 to a high of $3,000.
2. The property lies entirely within the Special Flood Hazard Area (SFHA), and is needed as part of the flood mitigation project. Therefore staff recommends approval of purchase of Parcel #55346 in the amount of $2,000 through eminent domain process.

Appraisal: https://www.cityhs.net/DocumentCenter/View/12384/appraisalO2039

**ANNUAL BUDGET APPROVAL:**

☑️ Yes
☐ No
☐ N/A

**FINANCIAL IMPACT:**
$27,583 is budgeted in the Stormwater Division 2019 budget account #629.6.185.5801.

**ALTERNATIVES:**
Reject and cancel the flood mitigation project for downtown.

Harmony Morrissey, City Clerk  
Approved - 24 Aug 2020

Kevin Brownlee, Deputy City Manager  
Approved - 25 Aug 2020

Brian Albright, City Attorney  
Approved - 25 Aug 2020

Bill Burrough, City Manager  
Approved - 25 Aug 2020
ORDINANCE NO. O-20-39

AN ORDINANCE AUTHORIZING EMINENT DOMAIN CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF CERTAIN REAL PROPERTY (ID# 55346) LOCATED ON OZARK STREET OWNED BY ENNIS JACKSON; AND FOR OTHER PURPOSES.

WHEREAS, Parcel ID# 55346 located along Ozark Street is needed for flood control improvements along the Whittington Creek watershed to mitigate flooding of downtown Hot Springs.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas;

SECTION 1: It is hereby determined that Parcel ID# 55346 located along Ozark Street is required for the flood control improvements planned along the Whittington Creek watershed to mitigate flooding of downtown Hot Springs. Said project being for a public purpose and, therefore, necessary for the benefit of the public generally pursuant to A.C.A. §18-15-309.

SECTION 2: The appropriate city officials of the City of Hot Springs, Arkansas, are hereby authorized to exercise the right of eminent domain to obtain by condemnation the following described real property stated in Section 1 hereof:

A part of Lots 28 & 29, in Block 128 of Hot Springs Reservation, parcel I.D. # 55346, located in Section 32, Township 2 South, Range 19 West, Garland County, Arkansas; more particularly described in the 1954 Warranty Deed recorded in Deed Book No. 385, Page 176-177 in the possession of the Garland County Circuit Clerk as:

Begin at a point on Water Street at the common corner of Lots 28 and 29, run thence Easterly along Water Street on the north line of lot 28 for 35 feet; thence southerly parallel with the west line of Lot 28 for 70 feet, more or less, to the rear line of Lot 28, thence westerly 35 feet to the southwest corner of Lot 28, thence southerly along the east line of Lot 29 for 65 feet, more or less, to point where the east lone of Lot 29 hits the northeast line of Lot 31, thence northwesterly along the dividing line between Lots 29 and 31 a distance of 25 feet; thence northerly or a straight line across Lot 29 to the place of the beginning.
SECTION 3: The City Attorney is hereby authorized and directed to initiate eminent domain proceedings, and to deposit in the registry of the Garland County Circuit Court the appraised value of the property required, said appraised amount being $2,000; or such amounts as may be designated by order of the court for the purpose of making the compensation and paying damages when the amount thereof has been assessed by the court, said amount to be ultimately paid to the property owner.

PASSED: ________________________________

APPROVED: ________________________________

PAT McCABE, MAYOR

ATTEST: ________________________________

HARMONY MORRISSEY, CITY CLERK

APPROVED AS TO LEGAL FORM: ________________________________

BRIAN W. ALBRIGHT, CITY ATTORNEY

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this _____ day of ________________, ________.

______________________________

NOTARY PUBLIC

My Commission Expires: ________________________________
This map should be used for reference purposes only and should not be considered a legal document. While every effort has been made to ensure the accuracy of this product, the publisher accepts no responsibility for any errors or omissions nor for any loss or damage alleged to be suffered by anyone as a result of the publication of this map and the notations on it, or as a result of the use or misuse of the information provided herein.
City of Hot Springs
BOARD ACTION REQUEST
Board of Directors - 01 Sep 2020

O-20-40
Type of Action Requested:
☐ Resolution
☒ Ordinance
☐ Formal Action/Motion
☐ Other

District: ☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ City Wide ☐ Other

ACTIONS REQUESTED: September 1, 2020

STAFF CONTACT: Denny McPhate, Public Works Director

SUBMITTED: August 25, 2020

DEPARTMENT: Public Works

SUBJECT: Consider Ordinance O-20-40 An Ordinance Authorizing Eminent Domain Condemnation Proceedings For The Acquisition Of Certain Real Property (ID# 55339) Located At 153 Water Street Owned By Tony Huffman; And For Other Purposes.

ATTACHMENTS: O-20-40
map parcel# 55339

RECOMMENDATION(S):
Approve a purchase of approximately .44 acres (Parcel ID#55339) from Tony Huffman, in the amount of $2,000 through eminent domain as part of a flood mitigation project located on Whittington Creek, west of the Creek tunnel entrance.

BACKGROUND INFORMATION:
The City of Hot Springs has a long record of historical flooding in the downtown area. The board of Directors passed Resolution #9353 in December of 2018 authorizing the City to enter into a contract with FTN & Associates for a flood mitigation study. The results of the study have shown that a detention basin within the Whittington Creek watershed is a viable project to pursue related to a direct impact of a significant contribution of mitigating the severity of flooding in downtown Hot Springs. This project in itself will not prevent flooding downtown, but will reduce the level of the 100 year storm event by approx. 2-"0". Additional mitigation methods and areas will continue to be pursued with future and adequate funding to further reduce flood levels of significant storm events.

Staff has mailed three (3) letters of Offer and acceptances (O&A) to Mr. Huffman, the owner of Parcel ID# 55339, with no responses. On March 9, 2020 staff received a professional appraisal of the property and the findings of the appraisal is as follows:

1. The property includes a house that is in poor condition; the property is land locked and it is unknown if there is a parking agreement or access with the adjacent property owner; the property has not been maintained; has been vandalized and is not structurally sound; updating or remodeling would not be cost effective and the cost to remove the structure is in excess of the land value ($2,000).
2. This property lies entirely within the Special Flood Hazard Area (SFHA), and is needed as part of the flood mitigation project. Therefore staff recommends approval of purchase of Parcel #55339 in the amount of $2,000 through eminent domain process.

Appraisal: [https://www.cityhs.net/DocumentCenter/View/12385/appraisalO2040](https://www.cityhs.net/DocumentCenter/View/12385/appraisalO2040)

**ANNUAL BUDGET APPROVAL:**
- ☒ Yes
- ☐ No
- ☐ N/A

**FINANCIAL IMPACT:**
$27,583 is budgeted in the Stormwater Division 2019 budget account #629.6.185.5801.

**ALTERNATIVES:**
Reject and cancel the flood mitigation project for downtown

Harmony Morrissey, City Clerk Approved - 24 Aug 2020
Kevin Brownlee, Deputy City Manager Approved - 25 Aug 2020
Brian Albright, City Attorney Approved - 25 Aug 2020
Bill Burrough, City Manager Approved - 25 Aug 2020
AN ORDINANCE AUTHORIZING EMINENT DOMAIN CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF CERTAIN REAL PROPERTY (ID# 55339) LOCATED AT 153 WATER STREET OWNED BY TONY HUFFMAN; AND FOR OTHER PURPOSES.

WHEREAS, Parcel ID# 55339 located at 153 Water Street is needed for flood control improvements along the Whittington Creek watershed to mitigate flooding of downtown Hot Springs.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas;

SECTION 1: It is hereby determined that Parcel ID# 55339 located at 153 Water Street is required for the flood control improvements planned along the Whittington Creek watershed to mitigate flooding of downtown Hot Springs. Said project being for a public purpose and, therefore, necessary for the benefit of the public generally pursuant to A.C.A. §18-15-309.

SECTION 2: The appropriate city officials of the City of Hot Springs, Arkansas, are hereby authorized to exercise the right of eminent domain to obtain by condemnation the following described real property stated in Section 1 hereof:

Lot 22 in Block 128 of Hot Springs Reservation, parcel I.D. # 55339, located in Section 32, Township 2 South, Range 19 West, Garland County, Arkansas.

SECTION 3: The City Attorney is hereby authorized and directed to initiate eminent domain proceedings, and to deposit in the registry of the Garland County Circuit Court the appraised value of the property required, said appraised amount being $2,000; or such amounts as may be designated by order of the court for the purpose of making the compensation and paying damages when the amount thereof has been assessed by the court, said amount to be ultimately paid to the property owner.

PASSED: ________________________________

APPROVED: ________________________________

PAT McCABE, MAYOR
ATTEST: ______________________________________
                          HARMONY MORRISSEY, CITY CLERK

APPROVED AS TO LEGAL FORM: ______________________________________
                          BRIAN W. ALBRIGHT, CITY ATTORNEY

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this ______ day of ________________, ________.

__________________________________________
                                      NOTARY PUBLIC

My Commission Expires: _________________________
City of Hot Springs
BOARD ACTION REQUEST
Board of Directors - 01 Sep 2020

District: ☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ City Wide ☐ Other

ACTIONS REQUESTED: September 1, 2020

STAFF CONTACT: Denny McPhate, Public Works Director

SUBMITTED: August 25, 2020

DEPARTMENT: Public Works

SUBJECT: Consider Ordinance O-20-41 An Ordinance Authorizing Eminent Domain Condemnation Proceedings For The Acquisition Of Certain Real Property (ID# 55340) Located On Water Street Owned By Joyce Lawrence; And For Other Purposes.

ATTACHMENTS: O-20-41
map

RECOMMENDATION(S):
Approve a purchase of approximately .292 acres (Parcel ID#55340) from Joyce Lawrence, in the amount of $2,500 through eminent domain as part of a flood mitigation project located on Whittington Creek, west of the Creek tunnel entrance.

BACKGROUND INFORMATION:
The City of Hot Springs has a long record of historical flooding in the downtown area. The board of Directors passed Resolution #9353 in December of 2018 authorizing the City to enter into a contract with FTN & Associates for a flood mitigation study. The results of the study has shown that a detention basin within the Whittington Creek watershed is a viable project to peruse related to a direct impact of a significant contribution of mitigating the severity of flooding in downtown Hot Springs. This project in itself will not prevent flooding downtown, but will reduce the level of the 100 year storm event by approx. 2-0“. Additional mitigation methods and areas will continue to be pursued with future and adequate funding to further reduce flood levels of significant storm events.

Staff has mailed three (3) letters of Offer and acceptances (O&A) to Ms Lawrence, the owner of Parcel ID# 55340, with no response. On March 6, 2020 staff received a professional appraisal of the property and the findings of the appraisal is as follows:

1. The property was compared to six (6) properties within the Whittington Valley neighborhood from recent sales. The comparison sale prices were from a low of $2,000 to a high of $3,000.
2. The property lies entirely within the Special Flood Hazard Area (SFHA), and is needed as part of the flood mitigation project. Therefore staff recommends approval of purchase of Parcel #55339 in the amount of $2,500 through eminent domain process.

Appraisal: https://www.cityhs.net/DocumentCenter/View/12386/appraisalO2041

**ANNUAL BUDGET APPROVAL:**
☑ Yes
☐ No
☐ N/A

**FINANCIAL IMPACT:**
$27,583 is budgeted in the Stormwater Division 2019 budget account #629.6.185.5801.

**ALTERNATIVES:**
Reject and cancel the flood mitigation project for downtown.

Harmony Morrissey, City Clerk Approved - 24 Aug 2020
Kevin Brownlee, Deputy City Manager Approved - 25 Aug 2020
Brian Albright, City Attorney Approved - 25 Aug 2020
Bill Burrough, City Manager Approved - 25 Aug 2020
ORDINANCE NO. O-20-41

AN ORDINANCE AUTHORIZING EMINENT DOMAIN CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF CERTAIN REAL PROPERTY (ID# 55340) LOCATED ALONG WATER STREET OWNED BY JOYCE LAWRENCE; AND FOR OTHER PURPOSES.

WHEREAS, Parcel ID# 55340 located along Water Street is needed for flood control improvements along the Whittington Creek watershed to mitigate flooding of downtown Hot Springs.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas;

SECTION 1: It is hereby determined that Parcel ID# 55340 located along Water Street is required for the flood control improvements planned along the Whittington Creek watershed to mitigate flooding of downtown Hot Springs. Said project being for a public purpose and, therefore, necessary for the benefit of the public generally pursuant to A.C.A. §18-15-309.

SECTION 2: The appropriate city officials of the City of Hot Springs, Arkansas, are hereby authorized to exercise the right of eminent domain to obtain by condemnation the following described real property stated in Section 1 hereof:

Lots 23, 24 & 25 in Block 128 of Hot Springs Reservation, parcel I.D. # 55340, located in Section 32, Township 2 South, Range 19 West, Garland County, Arkansas.

SECTION 3: The City Attorney is hereby authorized and directed to initiate eminent domain proceedings, and to deposit in the registry of the Garland County Circuit Court the appraised value of the property required, said appraised amount being $2,500; or such amounts as may be designated by order of the court for the purpose of making the compensation and paying damages when the amount thereof has been assessed by the court, said amount to be ultimately paid to the property owner.

PASSED: ____________________________

APPROVED: ____________________________

PAT McCABE, MAYOR
ATTEST: ______________________________________
HARMONY MORRISSEY, CITY CLERK

APPROVED AS TO LEGAL FORM: ____________________________
BRIAN W. ALBRIGHT, CITY ATTORNEY

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this ______ day of ______________________, ________.

___________________________________________________________
NOTARY PUBLIC

My Commission Expires: ________________________________
PROPERTY ACQUISITION
Joyce Lawrence Parcel ID# 53340

Date: 8/19/2020
City of Hot Springs
BOARD ACTION REQUEST
Board of Directors - 01 Sep 2020

Type of Action Requested:
☐ Resolution ☒ Ordinance
☐ Formal Action/Motion  ☐ Other

| District: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ City Wide ☐ Other |
| ACTION REQUESTED: September 1, 2020 | STAFF CONTACT: Kathleen Sellman, Planning & Development Director |
| SUBMITTED: August 7, 2020 | DEPARTMENT: Planning |

SUBJECT: Consider Ordinance O-20-42 An Ordinance Approving C-TR Zoning On Land Generally Located At Twin Points And Forest Lakes Boulevard; Amending The Future Land Use Plan Map To Designate The Area Linear Commercial Corridor; And For Other Purposes.

ATTACHMENTS: O-20-42
Twin Points & Forest Lakes Blvd. - Twin Points & Forest Lakes Blvd. Re-Zone - MAP
Twin Points & Forest Lakes Blvd. - Twin Points & Forest Lakes Blvd. Re-Zone - AERIAL PHOTO MAP

RECOMMENDATION(S):
To Approve This Ordinance Amending The Zoning Map From R-4 Medium/High Density Residential To C-TR Commercial - Transition For Property Located At The Intersection Of Twin Points Road And Forest Lakes Boulevard.

BACKGROUND INFORMATION:
Applicant Mr. Steve Street, representing property owner The Centre at Forest Lakes, LLC., seeks zoning change consideration from R-4 (Medium/High Density Residential) to C-TR (Commercial Transitional District) for unplatted property located at the intersection of Twin Points Rd. & Forest Lakes Blvd. (Garland County Tax Assessor Property I.D. # 112708) This property is currently zoned R-4 (Medium/High Density Residential), has a Future Land Use Plan Map designation of Residential Medium/High, and is located in Board of Directors District #5.
The subject property is located adjacent to Forest Lakes Garden Homes Subdivision Phase 3D, consists of approximately .61 acres and is currently vacant. This parcel is not part of the Forest Lakes Garden Homes Subdivision. This property has approximately 110’ of street frontage on Twin Points Rd. and approximately 130’ of street frontage on Forest Lakes Blvd. This site is located approximately 1,100’ west of recently widened Higdon Ferry Road thoroughfare and the Twin Points Rd. & Higdon Ferry Rd. signalized intersection. According to the City of Hot Springs “Street Classification Table” found in H.S.C. § 15-10-14.1, Twin Points Rd. (Formerly Called Rocky Reef Rd.) is listed as an arterial thoroughfare.
Surrounding properties are zoned R-4 (Medium/High Density Residential) to the west and south, C-TR (Commercial Transitional District) to the north and C-4 (Regional Commercial/Open Display District) to the east. Nearby land uses include single family residential, commercial automotive repair, commercial insect business, hair salon and bank. Other land uses in close proximity to the subject properties include, but are not limited to, convenience store, medical office building, dentist office and self-storage facility. All lands between Higdon Ferry Rd. & the subject property are zoned C-4 (Regional Commercial/Open Display District)

A preliminary plat and development plan application for Richardson Hot Springs Subdivision, a large mixed-use (multi-family/commercial) subdivision consisting of approximately 108 acres, was recently approved which is located across Twin Points Rd. from Forest Lakes Subdivision. A new north/south thoroughfare was approved as part of that development to connect the 2100 block of Higdon Ferry Rd. to Twin Points Rd. The Arkansas Department of Transportation estimates approximately 19,000 vehicle trips per day on Higdon Ferry Road according to 2018 data. The board of directors approved name of this new thoroughfare is Modern Ave. which is to align with Forest Lakes Blvd. on the north. (See enclosed aerial photo map illustrating location of new Modern Ave. in relation to the subject property).

When annexed to City of Hot Springs in 2007, the subject land, then owned by Robert Malt, was zoned R-1, Rural Residential. To prevent future concerns about whether existing single-family development conformed to R-1 zone district requirements (it did not), in 2014 the City was asked to consider correcting the zoning to R-4, Medium-High Density residential. The rezone to R-4 changed nothing about the single-family nature of the land but assured that existing developed homes could comply with zoning setbacks. The subject parcel was not platted at that time, nor is it now.

Hot Springs Code states in part in H.S.C. §16-2-49. C-TR Commercial Transitional. (a) Concept and description. “This district promotes infill development in existing neighborhoods of the city. It also encourages innovative adaptive reuse projects. In order to protect neighborhood stability, the planning commission carefully monitors development carried out in this district. The district exists to achieve the plan objectives of promoting positive development and redevelopment of mature areas of the city. Developments carried out in the district should promote the neighborhood or village image of the area. To this end, it is important that developments carried out in this district are in keeping with the character of the surrounding neighborhood.”

Hot Springs Code states in H.S.C. § 16-2-11 Amendments to the Regulations and Map - (e) (1) states: “Within thirty (30) days following the public hearing, the planning commission shall make a specific finding as to whether demonstrates compatibility with surrounding development or zoning; is consistent with the objectives of the zoning code; implements an approved City plan; responds to a significant change in surrounding physical, economic land use or other conditions; fulfills demonstrated public need for land so-zoned; or corrects an error in previous City action.”

The applicant submitted a four (4) page narrative in support of this zoning change request. (See enclosed narrative)

The narrative describes this request in detail and builds the case for planning commission consideration. The narrative addresses the following which pertain to planning commission’s required findings for such a request.

1. How the request would demonstrate compatibility with surrounding development or zoning.
   The narrative states in part “All lots on Twin Points Road from Higdon Ferry Road to this lot are Commercial. The lot on the East Side of this lot is zoned C-4” and “The property across the street on the South side of Twin Points recently obtained approval for inclusion of commercial development with that overall development plan’s zoning approval.”

2. How the request would be consistent with the objectives of the City of Hot Springs Zoning Code.
   The narrative asserts compliance with the objectives of the zoning code and states in part “This development will comply with the city’s concept of the C-TR zoning change. This district promotes development in existing neighborhood and also encourages innovative reuse project. The intended purpose of this lot does comply and supports this goal.” The narrative also states in part “This change will help to promote infill development in this area where this lot has remained vacant for 13 years since Forest Lakes Development’s first residents moved into the subdivision.”

3. How the request would help implement an approved city plan.
   The narrative asserts compliance with helping to implement an approved city plan stating in part “there are plans for the Twin Point Road to be widened and include a turning lane initially from Higdon Ferry Road and
Twin Points Road intersection to Pinto Street and Twin Point intersection which is past the location of this lot. This is currently in the MPO approved plan.”

4. How the request would respond to significant changes in surrounding physical and economic land uses.
   The narrative asserts in part “With the expansion and development of the 108 acres south of this property across Twin Points Road, the area will further develop towards commercial transitional development.”

5. How there is a public need for land so zoned.
   The narrative describes a need for land so zoned and states in part “The zoning change will achieve the objectives of promoting positive development and redevelopment of the immediate area with the construction of a quiet business structure that would only enhance the neighborhood but yet help in the transition of the residential area to the heavy commercial development immediately to the east of the subject. This will operate as a barrier for the neighborhood as well.”

The narrative also describes future conceptual and non-binding plans to develop this site into an insurance agency office should the zoning change be approved. No conditional use permit or development plan is being considered at this time.

High-quality investment and development is a goal of the City of Hot Springs. The subject site appears to be well positioned to accommodate low impact commercial development due to its close proximity to Higdon Ferry Rd. and alignment with future Modern Ave.

PLANNING COMMISSION RECOMMENDATION TO THE BOARD OF DIRECTORS: Planning Commission duly advertised and conducted a public meeting on August 13, 2020. After calling for testimony and considering the record Planning Commission by its vote of 8-0 (Commissioner Ramick recused for conflict) recommended that the Board of Directors approve an ordinance Amending the Zoning Map from R-4 Medium/High Density Residential to C-TR Commercial - Transition for property located at the intersection of Twin Points Rd. and Forest Lakes Blvd.

Application: https://www.cityhs.net/DocumentCenter/View/12380/RZ-20-083-The-Centre-at-Forest-Lakes-Rezone-R-4-to-C-TR--Application
Legal Description: https://www.cityhs.net/DocumentCenter/View/12381/Twin-Points--Forest-Lakes-BlvdLEGAL-DESCRIPTION--SURVEY---CORRECTED
Picture Binder: https://www.cityhs.net/DocumentCenter/View/12382/Twin-Points--Forest-Lakes-Blvd-Re-Zone---PIC-BINDER

ANNUAL BUDGET APPROVAL:
☐ Yes
☐ No
☒ N/A

FINANCIAL IMPACT:
No direct General Fund Impact.

ALTERNATIVES:
Do not approve the Ordinance. Amend the Ordinance. Remand the Ordinance to Planning Commission for specific action.
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<tr>
<td>Harmony Morrissey</td>
<td>City Clerk</td>
<td>21 Aug 2020</td>
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<td>Lance Spicer</td>
<td>Deputy City Manager</td>
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<td>Brian Albright,</td>
<td>City Attorney</td>
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<td>Bill Burrough,</td>
<td>City Manager</td>
<td>21 Aug 2020</td>
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ORDINANCE NO. O-20-42

AN ORDINANCE APPROVING C-TR ZONING ON LAND GENERALLY LOCATED AT TWIN POINTS AND HIGDON FERRY ROADS; AMENDING THE FUTURE LAND USE PLAN MAP TO DESIGNATE THE AREA LINEAR COMMERCIAL CORRIDOR; AND FOR OTHER PURPOSES.

WHEREAS, Planning Commission duly advertised and held a public hearing on August 13, 2020, voted 8-0 to accept staff report findings and to recommend approving this zone change request assigning C-TR Commercial Transition zoning; and to amend the Future Land Use Plan Map designation to Linear Commercial Corridor.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas, as follows:

SECTION 1. Zoning Amendment. That the following described land shall rezoned to C-TR Commercial Transition District:

A PART OF THE SW¼ NE¼ OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 19 WEST OF THE 5TH PRINCIPLE MERIDIAN, GARLAND COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SW¼ NE¼; THENCE S 00°52'21"E, ALONG THE WEST LINE THEREOF, 488.73' TO THE SOUTHERLY LINE OF AN ENTERGY ARKANSAS POWER EASEMENT; THENCE S 66°41'57"E, ALONG THE SAID EASEMENT, 312.86' TO THE POINT OF BEGINNING; THENCE CONTINUE S 66°41'57"E, ALONG THE SAID EASEMENT, 118.77' TO A ½" REBAR; THENCE S 01°41'47"W 153.39' TO A ½" REBAR ON THE NORTH LINE OF TWIN POINTS ROAD; THENCE S 74°51'40"W, ALONG THE SAID NORTH LINE, 89.35'; THENCE TURNING NORTHWESTERLY INTO FOREST LAKES BLVD., ON A CURVE TURNING TO THE RIGHT HAVING AN ARC LENGTH OF 50.59', A RADIUS OF 32.43', AND HAVING A CHORD BEARING OF N 60°26'45"W, AND CHORD LENGTH OF 45.62'; THENCE N 15°52'29"W, ALONG THE NORTHERLY LINE OF FOREST LAKES BLVD., 57.35'; THENCE, ALONG THE SAID NORTHERLY LINE, ON A CURVE TURNING TO THE LEFT, HAVING AN ARC LENGTH OF 50.81', AND A RADIUS OF 106.00', WITH A CHORD BEARING OF N 29°36'23"W, AND A CHORD LENGTH OF 50.32', TO THE SOUTH EAST CORNER OF LOT R1 OF FOREST LAKES GARDEN HOMES SUBDIVISION; THENCE N 62°58'28"E, ALONG THE SAID LOT LINE, 25.77'; THENCE N 23°18'03"E, ALONG THE SAID LOT LINE, 98.55' TO THE POINT OF BEGINNING DESCRIBING AN AREA OF 26732.66 SQUARE FEET, OR 0.61 ACRES, MORE OR LESS.

SECTION 2. Zoning Map. That the zoning map referred to in the Zoning Code of the City of Hot Springs, Arkansas is hereby amended to the extent necessary to make the amendment provided for in Section 1 hereof.

SECTION 3. Future Land Use Map Amendment. That the Future Land Use classification for the real property described in Section 1 is hereby reclassified to Linear Commercial Corridor.

SECTION 4. Issuance of Permits. That no permits shall be issued until the effective date of this ordinance.
PASSED: ________________________________

APPROVED: ________________________________
PAT McCabe, Mayor

ATTEST: ________________________________
HARMONY MORRISSEY, CITY CLERK

APPROVED AS TO LEGAL FORM: ________________________________
BRIAN W. ALBRIGHT, CITY ATTORNEY

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this ______ day of ________________________, ________.

____________________________________
NOTARY PUBLIC

My Commission Expires: ________________________________
O-20-43

City of Hot Springs
BOARD ACTION REQUEST
Board of Directors - 01 Sep 2020

Type of Action Requested:
☐ Resolution
☒ Ordinance
☐ Formal Action/Motion
☐ Other

District:  ☐ 1  ☐ 2  ☒ 3  ☐ 4  ☐ 5  ☐ 6  ☐ City Wide  ☐ Other

ACTION REQUESTED: September 1, 2020
STAFF CONTACT: Kathleen Sellman, Planning & Development Director

SUBMITTED: August 7, 2020
DEPARTMENT: Planning

SUBJECT: Consider Ordinance O-20-43 An Ordinance Amending The Zoning Map To PD Planned Development For HJ Trailer Sales Located At 808 Albert Pike Road; And For Other Purposes.

ATTACHMENTS: O-20-43
PD-20-084 HJ Trailer Sales -Aerial Photo Map
808 Albert Pike Rd. - HJ Trailer Sales PD & Site Plan-MAP

RECOMMENDATION(S):
Approve an Ordinance Amending the Zoning Map to PD Planned Development for HJ Trailer Sales located at 808 Albert Pike Rd.; Amending the Future Land Use Plan Map to Linear Commercial Corridor; for Other Purposes.

BACKGROUND INFORMATION:
Applicant Aaron Burroughs P.E., with Atoka Inc., representing property owners Howard Johnson, Jr. and Howard Johnson, III, seeks Planned Development (P.D.) zoning and site plan approval to develop and operate a utility trailer sales business on the subject properties to be known as HJ Trailer Sales. The subject properties consist of approximately 1.92 acres of land and is currently zoned C-2 (General Business District) and R-4 (Medium/High Density Residential District). These properties have future land use map designations of Linear Commercial Corridor and Residential Medium/High and are located in Board of Directors District #3.

SITE AND VICINITY ANALYSIS:
The subject properties consist of four (4) parcels of land with Garland County Tax Assessor RPID #’s of 37741, 37740, 37745 & 37443. These lands more specifically consist of Hicks Subdivision, Block 1, Lots 4-6 & 10-11 and Gardner, James P. Subdivision, Block 1, Part of Lot 14. (See enclosed property survey by Ken Spurlin with Arkansas Boundaries) The portion of this property located in Hick Subdivision is currently zoned C-2 (General Business District) and the property located in Gardner, James P. Subdivision is currently zoned R-4 (Medium/High Density Residential District). These properties total approximately 1.92 acres of land and have street frontage on Albert Pike Rd., Hicks Circle and Avery Street. These properties have approximately 155 linear feet of street frontage on Albert Pike Road, approximately 178 linear feet of street frontage on Hicks Circle and approximately 53 linear feet of street frontage on Avery Street. The properties are currently vacant
with the exception of a small commercial structure consisting of approximately 1,360 sq/ft with an address of 808 Albert Pike Rd. This property was most recently the location of a barber shop.

Surrounding properties are zoned C-2 (General Business District) to the west, south and east and R-4 (Medium/High Density Residential) to the north. Surrounding land uses include lounge/tavern, vehicles sales, retail paint store, retail glass business, retail clothing and single family residential. Other land uses in the vicinity included, but are not limited to, laundry mat, bank, mechanic shop, chiropractic clinic, tobacco store, restaurant and convenience store.

The City of Hot Springs Board of Directors passed Ordinance No. 6341 on August 4, 2020 which vacated a portion of un-developed Lorene Street right-of-way in Gardner, James P. Subdivision, Block 1, Lot 14. (See enclosed Ordinance No. 6341) The applicant’s street vacation application is included in your packet materials. As a result of this vacation, previous Lorene Street right-of-way lands located in Block 1, Lot 14 of Gardner, James P. Subdivision were conveyed to the subject property owner as well as to properties located at 215 & 217 Avery Street.

PROPOSED H & J TRAILERS SALES PLANNED DEVELOPMENT

This application seeks planned development zoning and site plan approval to develop and operate H & J Trailers Sales from these properties. The applicant submitted a three (3) page narrative and complete development plans detailing the proposed uses and project. (See enclosed narrative & development plans)

Hot Springs Code § 16-4-47 (a) sets forth the general description for planned development zoning and states in part "The planning commission shall consider a PD proposal only if it meets one of the following threshold criteria:

(1) The PD will allow the development of an infill parcel in the developed portion of the city that could not be make productive under normal zoning regulations.

(2) The PD would further the city's goal of providing housing for all economic segments of the city and its Planning Area Boundary.

(3) The PD involves a parcel in which flexibility would allow high quality or innovative urban design.

(4) The PD would aid in the elimination of slums or blight within the city and it is Planning Area Boundary.

(5) The PD design results in a minimum of 30 percent of the total development being reserved as permanent open space."

The project narrative asserts compliance with Planned Development (P.D.) threshold requirements #1 and #3 as listed above for “infill parcel development” and “flexibility to allow high quality or innovative urban design”.

The proposed development will occupy the entire site and will consist of a commercial sales office, paved parking, utility trailer display areas, maintenance shop building, lighting, landscaping, screening and Stormwater detention area. The existing commercial building will be utilized as the business sales office with adjacent paved parking. The proposed maintenance shop building will be located across Hicks Circle, on currently zoned C-2 (General Business District) property, will have building setbacks of approximately 37’ and will consist of 1,600 sq/ft. Primary vehicular access to the site will be gained via Albert Pike Road. Access to the maintenance shop building is from Hicks Circle. Access from this property’s Avery Street frontage will be prohibited in order to prevent commercial traffic from impacting the adjacent residential neighborhood. The
northernmost portion of this property will be utilized as utility trailer storage area and Stormwater detention area.

SITE PLAN REVIEW:
Hot Springs Code § 16-2-47(b)(3) sets forth the standards for a Planned Development Site Plan Review. "Site plan submittal. No less than thirty days prior to the planning commission meeting at which the proposed planned development is to be reviewed, the applicant shall submit ten (10) copies of the proposed site plan to the staff. The submittal shall include the following as a minimum. Any application that is incomplete in any respect will be returned to the applicant for appropriate corrections. The commission will not review an incomplete application.

- "A site plan drawn to scale on vellum accompanied by an electronic version of the same in a format compatible with AutoCad Release 2000 or higher. Survey information shall be prepared by a professional surveyor (P.S.). Drainage and utility calculations shall be prepared by a professional engineer (P.E.). The stamps of the individuals responsible for the various elements shall be affixed to the drawing; and

  a. Building footprints for the individual buildings to be included in the PUD; and,

  i. Topographic contours at two foot intervals; and,

  i. All easements, existing or proposed; and,

  a. All drives, access-ways, alleys, parking lots and any streets proposed to be dedicated; and

  a. Proposed landscaping; and,

  a. Open space and community facilities, if any, proposed as part of the PUD; and,

  a. Location of all existing and proposed private and public utilities; and,

  i. Name(s) of the owners of the proposed project and their agent, if any; and,

  a. Zoning classifications of adjoining properties; and,

  a. Site improvement drawings as necessary to support the proposals outlined in the site plan."

These submittal requirements are demonstrated on the revised site and development drawings prepared by Aaron Burroughs, P.E. with Atoka Engineering.

All plans and drawings submitted by the applicant were forwarded to the Development Review Committee (DRC), which reviewed the project on Tuesday, July 21, 2020. Several comments were initially provided to the applicant at the DRC meeting. The applicant and the applicant’s design professional have since submitted revised plans and information. Previous comments by the Committee have been adequately addressed. (See enclosed DRC report) A driveway radius variance is requested for both drives on Hicks Circle. Both Engineering and Public Works Departments of the city have reviewed this variance request and recommend approval.

TECHNICAL EVALUATION OF ZONING REQUEST:
According to Hot Springs Code § 16-2-47, “the P-D zone district is a combination of zoning designation and site plan. A detailed site plan is required for permitting. Development must follow the site plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged, and flexibility is allowed, the PD may not be used simply as a method of avoiding zoning regulations. Once approved, the site plan becomes a zoning district by city ordinance in the same manner as any other zoning parcel.”

Hot Springs Code provides Planning Commission with various findings of fact in support of a requested zone change. H.S.C § 16-2-47(e) Review Process states, “The planning commission shall review the proposed PD after proper submittal of all documents and review by the appropriate city staff. In reviewing any proposal, the planning commission shall determine that the PD will:

1. Provide public benefits that would not be achievable through the normal zoning regulations. The narrative describes a quality in-fill development concept that could not be achieved through normal zoning regulations due to existing residential zoning and C-2 (General Business District) zoning not allowing for vehicle sales and/or outdoor storage. “This concept could provide a public benefit to our city and provide an economic benefit to our economy and high quality projects contribute to the overall image of our city and its infrastructure.”

2. Not create undue or unmitigated negative traffic impacts. This project is located on Albert Pike Road and Hicks Circle. Primary vehicle access to this project will be gained via Albert Pike Road and secondary employee access will be gained via Hicks Circle. Albert Pike Road is classified as a state highway (Arkansas Hwy. 70/270) according to H.S.C. § 15-10-14.1 “Street Classification Table”. According to Arkansas Department of Transportation (ARDOT) “2018 Annual Average Daily Traffic Estimates” this segment of Albert Pike Road (Arkansas Hwy. 70/270) sees 24,000 vehicle trips per day. According to the project narrative an additional 40 vehicle trips per day is anticipated for this development. The trip breakdown, as provided, includes approximately 28 daily vehicle trips for the sales office and approximately 12 daily vehicle trips for the maintenance shop building. The narrative states the vehicle trips are based off of the ITE Trip Generation manual, 10th Edition which lists no specific data for trailer sales businesses. The narrative further states “The closest traffic volume would be auto parts sales” for the proposed trailer sales use. No traffic will affect the adjacent residential neighborhood to the north as access to Avery Street is prohibited. Traffic generated by the proposed development should not have a significant impact on existing streets and will likely generate no more traffic than the previous barber shop use.

3. Be compatible with surrounding developments. The proposed trailer sales use is unlikely to create a negative impact to surrounding commercial developments along Albert Pike Road and Hicks Circle. The surrounding area with greatest impact potential is the residentially zoned properties to the north of the project with addresses of 209, 215, 217 & 219 Avery Street. The applicant’s narrative states in regards to these residentially zoned properties “Current property owners are (1) Scott Hrdlicka, (2) Patrick Dobbs and (3) Daniel Brown at properties 219, 217 & 215 Avery respectively. These three property owners are all supportive of the development as it will develop an area of land previously unused and grown up. The area had become an attractive location by the homeless. In its current unused state, the property is of concern to the adjacent property owners. The property owner at 209 Avery, Lilly Olaru is believed to be deceased and the properties[sic] ownership and maintenance is in question.” The project site and development plans illustrate this portion of the project closest to the residential neighborhood will be utilized for
gravel parking area for utility trailers and Stormwater detention facility. A six (6) foot opaque privacy fence 540’ in length is proposed along the property lines of the referenced residential lots. With this screening the proposed gravel trailer storage area is unlikely to impose significant negative impacts to these properties.

(4) Be compatible with the city’s future land use plan.
The future land use map designations for the subject properties is Linear Commercial Corridor and Residential Medium/High. The proposed development will be most compatible with the future land use map designation of Linear Commercial Corridor and if so amended will then be consistent with the City’s Future Land Use Plan.

(5) Not endanger the public health, welfare, or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is located.
The development plan is designed to mitigate negative impacts on surrounding residential areas by providing 6’ opaque screening and prohibiting access through the neighborhood via the property’s Avery Street frontage. A utility water main extension is proposed and additional fire hydrants are being added which will improve fire coverage to this property and the general area. A fire apparatus emergency vehicle access and turnaround is proposed in the vicinity of the maintenance shop building. Fully shielded exterior lighting is proposed to contain all illumination on the subject site. The proposed development as detailed on the PD site plan should not substantially diminish property values in the neighborhood and/or surrounding commercial properties. The applicant has not identified elements that are likely to endanger the public health, welfare or safety of the public.

(6) Be of a character and contain such uses that are needed in the area of the proposed project.
The proposal meets one of the Hot Springs 2030 Comprehensive Plan Land Use Objectives for infill focus. This objective states “Infill focus - This plan supports the active and continued directing of investment toward the center of the city, encouraging the rehabilitation and reinvigoration of Hot Springs’ downtown and inner neighborhoods. In so doing, it suggests considering new ways of managing development along the community’s periphery and an entirely new way of prioritizing investment in infrastructure and transportation systems. Encouraging reinvestment in Hot Springs center may mean redirecting it from elsewhere in the planning area.” Reinvestment and development in this area of the city is desirable. A case can be made that the character and proposed use of this project are needed in this area of the city.

ZONE CHANGE FINDING TO PLANNING COMMISSION:
The requested zone change from C-2 (General Business District) and R-4 (Medium/High Density Residential District) to P.D. (Planned Development) for the proposed HJ Trailer Sales project meets the standards for favorable consideration according to Hot Springs Code § 16-2-47(e).

SITE PLAN FINDING:
The project site and development plans comply with the requirements of Hot Springs Code H.S.C § 16-2-47, and other Hot Springs Codes applicable to this review, subject to compliance with conditions of approval.

ZONE CHANGE RECOMMENDATION TO PLANNING COMMISSION:
Recommend the Board of Directors adopt an ordinance amending the Zoning Map designating the subject properties P.D. (Planned Development) for utility trailer sales, display & service/maintenance and amending the future land use designation the property Linear Commercial Corridor because Planning Commission has
made a specific finding that the requested change meets the standards required by Hot Springs Code § 16-2-47(e), the change will allow the development of an infill parcel in the developed portion of the city. The application is supported by Hot Springs 2030 Infill Goal.

SITE PLAN RECOMMENDATION:
Approve the Planned Development Site Plan for HJ Trailer Sales located at 808 Albert Pike Road and adjacent properties located across Hicks Circle subject to the following conditions, because when these conditions are applied the application complies with the requirements of Hot Springs Code § 16-2-47:

1.) All construction and construction activity is to be accomplished in strict accordance with Development Plan and all approval conditions and with the minimum standards, codes, rules, regulations and policies as may now or hereafter be required or enacted by the City of Hot Springs, the State of Arkansas, and/or the United States of America, including the Arkansas Fire Prevention Code, whether or not submitted for staff review or Planning Commission approval; and

2.) The development site shall be constructed/developed in strict accordance with the approved PD zone district for HJ Trailer Sales and its planned development site plan, including, but not limited to, driveways, screening, sidewalks, green/open spaces, paved parking, landscaping, screening, lighting, fire hydrant placement and utilities; and

3) Separate permit applications shall be made by applicant to Hot Springs Engineering Department and permits shall be in-hand for stormwater, drainage, and sidewalks, as may be required, prior to any work beginning; and

4.) All light sources shall be fully downcast and have shields to prevent glare into the eyes of motorists or onto adjacent properties; and shall contain all illumination on the subject properties including, but not limited to yards, structures, driveways, parking lots/areas and other off-site vehicle use areas; and

5.) Proposed lighting shall not create an artificial atmospheric glow nor spill into the yards, businesses, homes, and streets of adjacent residential properties; and

6.) Approve the Hicks Circle driveway radius variance requests as submitted.

PLANNING COMMISSION ACTION: Planning Commission duly advertised and called for testimony on the subject application at their regularly scheduled meeting August 13, 2020. Other than the applicant no one spoke either for or against the request. Planning Commission considered the record and voted 9-0 to recommend that the Board approve an ordinance rezoning Hicks Subdivision, Block 1, Lots 4-6 & 10-11 and Gardner, James P. Subdivision, Block 1, Part of Lot 14, to PD - Planned Development District with the site plan and with six conditions; and amending the Future Land Use Map to designate the property Linear Commercial Corridor; accepting the Staff Report findings and recommendations because the requirements of Hot Springs Code 16-2-47(e) are met.

HJ Trailer Plans: https://www.cityhs.net/DocumentCenter/View/12377/HJ-Trailer-Plans
HJ Trailer Narratives: https://www.cityhs.net/DocumentCenter/View/12378/HJ-Trailer-Narratives
HJ Trailer Pictures: https://www.cityhs.net/DocumentCenter/View/12379/HJ-Trailer-Pictures
ANNUAL BUDGET APPROVAL:
☐ Yes
☐ No
☒ N/A

FINANCIAL IMPACT:
No Direct General Fund impact.

ALTERNATIVES:
Do not approve the Ordinance. Amend the Ordinance. Remand the application to Planning Commission for specific action.

Harmony Morrissey, City Clerk  Approved - 21 Aug 2020
Lance Spicer, Deputy City Manager  Approved - 21 Aug 2020
Brian Albright, City Attorney  Approved - 21 Aug 2020
Bill Burrough, City Manager  Approved - 21 Aug 2020
ORDINANCE NO. O-20-43

AN ORDINANCE APPROVING PD PLANNED DEVELOPMENT DISTRICT ZONING FOR HJ UTILITY TRAILERS ON LAND GENERALLY LOCATED AT ALBERT PIKE AND HICKS CIRCLE; AND FOR OTHER PURPOSES.

WHEREAS, Planning Commission duly advertised and held a public hearing on August 13, 2020, voted 9-0 to accept staff report findings and to recommend approving this zone change request assigning PD Planned Development District zoning.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas, as follows:

SECTION 1. Zoning Amendment. That the following described land shall be rezoned to PD Planned Development District:

Part of Campbell’s Subdivision of a Resurvey of Lot 14, J.P. Gardner’s Subdivision and part of Pearl Street along the east side of Lot 14, City of Hot Springs, Arkansas, in part of the SW1/4 SE1/4 of Section 6, Township 3 South, Range 19 West, Garland County, Arkansas, being more particularly described as follows: Commencing at the northwest corner of said Lot 14 (found 3/4” pipe); run thence South 1°11’46” West along the west line of said Lot 104.07 feet to the Point of Beginning (found 1” pipe); thence South 87°59’44” East 241.07 feet (Spurlin set #5 rebar, 1.18 feet back); thence South 01°41’03” West 107.92 feet (found flat iron); thence North 87°46’48” West along the south line of said Lot 240.47 feet (Found #3 rebar by JLE PS #1062); thence North 01°21’24” East along the west line of said Lot 14 107.02 feet to the Point of Beginning.

Containing 0.594 acres, more or less.

AND, Lot 10 and part of Lot 11 of J.T. Hicks Subdivision, being part of the SW1/4 SE1/4 of Section 6, Township 3 South, Range 19 West, Garland County, Arkansas, being more particularly described as follows: Beginning at a 3/4” pipe found at the southwest corner of said Lot 10; run thence North 00°13’19” East 302.22 feet (found bolt); thence North 89°58’18” East 115.33 feet (found 3/4” pipe at wall); thence South 01°01’23” East 170.87 feet (found 3/4” pipe at wall); thence South 42°17’21” West along the North line of Hicks Circle (Street) 177.68 feet to the Point of Beginning.

Containing 0.639 acres, more or less.

AND, Lots 4, 5, and 6 of J.T. Hicks Subdivision, being part of the SW1/4 SE1/4 of Section 6, Township 3 South, Range 19 West, Garland County, Arkansas, being more particularly described as follows: Beginning at a spindle found at the northwest corner of said Lot 6; run thence North 43°16’23” East along the southerly side of Hicks Circle 99.68 feet (found spindle); thence North 42°17’21” East along the southerly side of Hicks Circle 59.54 feet to the east line of said Lot 4; thence South 10°28’41” East through a #4 rebar (Spainhour) 199.28 feet to the north right of way of Albert Pike Road (Spurlin chiseled in concrete); thence South 50°06’24” West along said right of way 56.80 feet (found 1/2” pipe); thence South 50°15’45” West along said right of way 97.65 feet to the southwest corner of said Lot 6; thence North 08°17’26” West 180.07 feet to the Point of Beginning.

Containing 0.563 acres, more or less.
SECTION 2. Zoning Map. That the zoning map referred to in the Zoning Code of the City of Hot Springs, Arkansas is hereby amended to the extent necessary to make the amendment provided for in Section 1 hereof.

SECTION 3. HJ PD Site Plan is regulatory and subject to the following:

Planned Development Site Plan for HJ Trailer Sales (commercial sales office, paved parking, utility trailer display areas, maintenance shop building, lighting, landscaping, screening and stormwater detention area and usual and customary accessory uses and activities) located at 808 Albert Pike Road and adjacent properties located across Hicks Circle is subject to the following conditions, because when these conditions are applied the application complies with the requirements of Hot Springs Code § 16-2-47:

1.) All construction and construction activity is to be accomplished in strict accordance with Development Plan and all approval conditions and with the minimum standards, codes, rules, regulations and policies as may now or hereafter be required or enacted by the City of Hot Springs, the State of Arkansas, and/or the United States of America, including the Arkansas Fire Prevention Code, whether or not submitted for staff review or Planning Commission approval; and

2.) The development site shall be constructed/developed in strict accordance with the approved PD zone district for HJ Trailer Sales and its planned development site plan, including, but not limited to, driveways, screening, sidewalks, green/open spaces, paved parking, landscaping, screening, lighting, fire hydrant placement and utilities; and

3) Separate permit applications shall be made by applicant to Hot Springs Engineering Department and permits shall be in-hand for stormwater, drainage, and sidewalks, as may be required, prior to any work beginning; and

4.) All light sources shall be fully downcast and have shields to prevent glare into the eyes of motorists or onto adjacent properties; and shall contain all illumination on the subject properties including, but not limited to yards, structures, driveways, parking lots/areas and other off-site vehicle use areas; and

5.) Proposed lighting shall not create an artificial atmospheric glow nor spill into the yards, businesses, homes, and streets of adjacent residential properties; and

6.) Approve the Hicks Circle driveway radius variance requests as submitted.

SECTION 4. Issuance of Permits. That no permits shall be issued until the effective date of this ordinance.

PASSED: ________________________________

APPROVED: ________________________________

PAT McCABE, MAYOR

ATTEST: ________________________________

HARMONY MORRISSEY, CITY CLERK
ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this _______ day of __________, __________.

_________________________________
NOTARY PUBLIC

My Commission Expires:_________________________