

Mayor Kathy Harrison called the regular meeting of the City Council to order at 5:33 p.m. Monday, Aug. 11, 2003, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert “Butch” Berry, Penny Carroll, Karen Lindblad, Gayle Money, Bill Ott and Earl “Bud” Umland, CAPC Marketing Director Lynn Berry, Fire Chief David Stoppel, Parks and Recreation Commission Executive Director Bruce Levine, Police Chief Earl Hyatt, Public Works Director Kirby Murray and City Clerk Mary Jean Sell.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Harrison led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mayor Harrison said item #2 under new business, Ordinance 1924 to waive competitive bidding for lights at Lake Leatherwood sports fields (1st reading), had been removed from the agenda.

She added item #5 under new business, an executive session.

Mr. Ott moved to approve the agenda as amended. Ms. Money seconded. All aye. Motion passed 6/0/0

**APPROVAL OF THE MINUTES: May 12, 2003, May 28, 2003, July 14, 2003
July 28, 2003**

The minutes of May 12 and July 28 were not available. The minutes of May 28 are waiting on amendments.

Ms. Money moved to postpone the minutes of May 12, and 28, and July 28 to the Aug. 25 meeting. Mr. Ott seconded.

Ms. Money moved to approve the minutes of July 14. Ms. Lindblad seconded.

Ms. Carroll objected to the city clerk quoting herself in the minutes referring to the discussion of the request of St. Elizabeth Church for reserved parking. Ms. Money joined in the objection.

Mr. Umland called the question on the discussion of the minutes. Mr. Ott seconded. All voted aye. Motion passed 6/0/0

On the motion to accept the minutes, four voted aye, Ms. Money and Ms. Carroll voted nay. Motion passed 4/2/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning Commission – Position #2 – Expires 1/1/05 No nomination

CAPC – Position #3 – Expires 6/30/03 – Linda Hager

Ms. Carroll moved to approve the nomination of Linda Hager to the CAPC. Ms. Lindblad seconded. Five voted in favor, Ms. Money opposed. Motion passed. 5/1/0

Hospital Commission – Position #1 – Expires 9/7/05 No nomination

Mayor Harrison announced Parks and Recreation Commissioner Christy Fournier would be resigning and moving to another community. She said she already had an applicant for the position. Since the vacancy was not published on the agenda, she said she would wait until the meeting of Aug. 25 to make a nomination for the post.

DEPARTMENT HEAD COMMENTS:

Ms. Lynn Berry reported on increasing “hits” on the CAPC website and several of the special events within the next three months.

Fire Chief Stoppel reported the bids for the renovation of the fire department’s building at 144 E. Van Buren are

due Aug. 19. He has received formal notification that the city's ISO rating has dropped from Class 5 to Class 4 and the rural areas are now a Class 9.

Parks Executive Director Bruce Levine reported on the annual public hearing for setting recreational priorities for the coming year's projects. Improvements to Harmon Park and Basin Spring Park are on the top of the list, along with expansion of the Eureka Kids program.

Police Chief Earl Hyatt asked for an 11th officer for 2004, based on increased demands on the department. He gave the council a statistical report on calls, incidents, tickets and arrest warrants.

Public Works Director Kirby Murray reported the amount of infiltration into the city's sewer system during rainstorms has already been reduced 70% by the sewer line projects this spring and summer. He said the target date for completion of the Planer Hill Sidewalk is Sept. 15. A tree needs to be removed so a utility pole can be moved 13 ½ inches, a catch basin needs to be built and approximately 40 feet of railing installed.

A written report was submitted by Transit Director Lamont Richie.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Kim Dickens was absent from the meeting. There was no report.

UNFINISHED BUSINESS:

1. Discussion regarding Ordinance 1920, an ordinance regulating special events. (Review list of exceptions and approve final draft for 1st reading)

Mr. Ott moved to approve Ordinance 1920. Ms. Lindblad seconded. Mayor Harrison asked the council if they wanted the ordinance read aloud before it was approved.

Mr. Ott moved to put Ordinance 1920 on its first reading. Ms. Money seconded. All voted aye. Motion passed 6/0/0.

City Clerk Sell read the ordinance aloud.

Mr. Ott moved to table the ordinance. Ms. Lindblad seconded. There was a brief discussion of additional changes. All voted aye to table. Motion passed 6/0/0

NEW BUSINESS:

1. Discussion regarding Ordinance 1923, an ordinance amending the 2003 adopted budget for the remaining six-month period beginning July 1, 2003, and ending December 31, 2003. (1st reading)

Ms. Carroll recommended another budget workshop and moved to postpone approval of the ordinance. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

The budget workshop was set for 6 p.m. Tuesday, Aug. 26, in the jury room.

2. Discussion regarding Ordinance 1924, an ordinance to waive competitive bidding for the lights at Lake Leatherwood sports fields. (1st reading)

Mayor Harrison announced this item had been removed from the agenda.

3. Discussion regarding Resolution 498, utilizing grant funds.

Parks Executive Director Bruce Levine explained approval of this resolution is necessary so he can complete the application for a grant from the Arkansas Department of Parks and Tourism for Phase III of the Leatherwood Fields project: concession stand, restrooms and a wastewater treatment system.

Mr. Ott asked if the resolution meant the city was obligated to finish the project if the grant was not awarded. Mr.

Levine said no.

Ms. Lindblad asked about the price of the projects. Mr. Levine said he did not have cost estimates and if parks funds could not match the grant, the grant would be refused.

Ms. Carroll moved to approve Resolution 498 for the parks. Mr. Umland seconded. Discussion continued, centering around the matching funds and costs of the project.

Ms. Money called for the question on the discussion. Ms. Carroll seconded. Five voted aye to close the discussion. Ms. Lindblad opposed. Motion passed 5/1/0

Clerk Sell read the resolution aloud.

The vote to approve the resolution was five in favor with Ms. Lindblad opposing. Motion passed 5/1/0

4. Discussion regarding the possible conflict of interest concerning the City Clerk.

Ms. Carroll said she wants the issue researched. She is uncomfortable with the city clerk recording the minutes and also reporting the meetings in the newspaper.

Ms. Money said she is concerned about whether the clerk was speaking as the clerk, a newspaper reporter or citizen during council meetings. She is also concerned that the clerk is not current with the minutes.

Mr. Ott said a Municipal League attorney had attended the recent ad hoc committee meeting and the attorney had said he did not see a conflict of interest.

Bob Moore, publisher of the Carroll County Newspapers/the *Times-Echo*, said he had talked with John Tull, an attorney who works with the Arkansas Press Association (APA) and Mr. Tull did not see a conflict of interest.

Jack Holly, a member of the media and former member of the Preservation Society, said he was concerned that 50 years from now there would only be one person's view of what was happening in the meetings. He said he had requested copies of minutes and had not received them from the clerk.

Ms. Carroll repeated her motion to have City Administrative Assistant Kim Dickens research the possible conflict of interest and bring a report to the council. Four voted aye, Mr. Ott and Ms. Lindblad opposed. Motion passed 4/2/0

5. ACE presentation by Mr. Jeffrey, Ms. Berry and Ms. Akins to create a position for a publicist.

Ms. Berry, chairman of the Tourism and Marketing Team for the ACE (Arkansas Community of Excellence) program, and Cindy Akins, city film commissioner and chairman of the ACE Film and Television Team, made the presentation. Mr. Jeffrey was out of town.

Ms. Berry said the ACE Core group has proposed hiring a city publicist, with the contract salary of \$21,000 to be divided among the city, the Greater Eureka Chamber of Commerce and the CAPC.

Ms. Akins explained that a publicist's job is to generate free publicity for the city by targeting all markets, beyond the scope of the CAPC's marketing area.

There was some discussion about the mixing of the private Chamber fund with the tax revenues of the city and the CAPC for the salary.

Ms. Berry said the suggestion had been made in a spirit of cooperation among the three entities to move the city forward in the tourism markets.

5. Executive session.

The council went into executive session at 7:38 p.m. and resumed the regular meeting at 8:27 p.m. Mayor Harrison said the session was for a disciplinary matter and no action would be taken tonight.

CITY COUNCIL COMMENTS:

Ms. Money asked that the ordinance regarding the city attorney's duties be placed on the agenda for Aug. 25. Ms. Carroll seconded the agenda item.

Mr. Berry asked that a discussion of an extension on the moratorium on excavation and fill projects be on the Aug. 25 agenda. Ms. Money seconded the agenda item.

Ms. Lindblad asked that a discussion on the starting time of the meetings be on the Aug. 25 agenda. She also asked that the Historic District Commission (HDC) ordinance amendment be on the Aug. 25 agenda.

MAYOR'S COMMENTS:

Mayor Harrison announced a public hearing in Berryville with the Arkansas Public Service Commission regarding the rate increase from Arkansas Western Gas Co. She did not have a date for the hearing but said it would be available in City Hall.

ADJOURNMENT:

Ms. Money moved to adjourn at 8:38 p.m. Ms. Carroll seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the Aug. 11, 2003, City Council minutes.

Mayor Kathy Harrison

City Clerk Mary Jean Sell