

Mayor Kathy Harrison called the regular meeting of the City Council to order at 5:30 p.m. Monday, July 28, 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, City Administrative Assistant Kim Dickens, Fire Chief David Stoppel, Parks and Recreation Executive Director Bruce Levine, City Attorney Tim Weaver, City Clerk Mary Jean Sell.

PLEDGE OF ALLEGIANCE TO THE FLAG: Mayor Harrison led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Ms. Carroll moved to approve the agenda. Ms. Money seconded.

Mr. Ott asked for a discussion of the department heads coming to council meetings to be added as item #4 under new business.

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

MINUTES: May 12, 2003 May 28, 2003 July 14, 2003

The minutes of May 12 and July 14 were not available. The minutes of May 28 are waiting on amendments.

Ms. Money moved to postpone reading of the minutes. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Parks Commission – Position 1 – Expires 5/31/07 Jerry Martin

Ms. Money moved to approve the nomination of Jerry Martin to Position 1. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Planning Commission – Position 3 – Expires 7/1/05 John Brammer

Mr. Ott moved to approve the nomination of John Brammer to Position #3. Ms. Money seconded. All voted aye. Motion passed 6/0/0

Planning Commission – Position 2 – Expires 1/1/05 No nominations

CAPC – Position 6 – Expires 12/31/03 Bill Ott Bud Umland

Mr. Ott and Mr. Umland gave their reasons for wanting to serve on the CAPC and their background experience. There was a brief question and answer period.

In the first round of voting: Mr. Ott: Mr. Berry and Mr. Ott voted aye, Ms. Lindblad, Ms. Carroll, Mr. Umland and Ms. Money voted no. Mr. Umland: All voted aye.

CAPC – Position #3 – Expires 6/30/03 Mayor Harrison nominated Linda Hager, owner of the Cottage Inn restaurant.

Hospital Commission – Position 1 – Expires 9/7/05 No nominations.

DEPARTMENT HEAD COMMENTS:

Fire Chief Stoppel reported the city had been inspected by ISO and the city's rating would probably be dropped from a Class 5 to a Class 4 and the rural area should receive a Class 9 rating for the areas within five miles of a substation.

Parks Executive Director Bruce Levine said he would be coming to the council to ask for a waiver of bidding on the purchase of light poles for the Lake Leatherwood Ball Fields in the near future. The annual public hearing on Parks projects and future planning will be held at 6 p.m. Wednesday, Aug. 30, in the courtroom on the third floor of the courthouse. The school board has given consent to the establishment of a skate park on the left field side of Van Pelt Stadium. A lease agreement will be forthcoming.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens did not have a report.

UNFINISHED BUSINESS:

1. Discussion regarding Ordinance 1920, an ordinance regulating special events.

Ms. Money moved to postpone discussion until everyone had a copy of the ordinance. Ms. Carroll seconded. Ms. Dickens took a copy of the ordinance downstairs to make copies. Ms. Money, Ms. Carroll and Mr. Umland voted aye to postpone the discussion, Ms. Lindblad, Mr. Ott and Mr. Berry voted against. Mayor Harrison voted to go ahead with the discussion once copies were distributed.

Mr. Ott moved to suspend the rules and go to discussion item #2 while waiting for copies of Ordinance 1920. Ms. Lindblad seconded. All voted aye.

2. Discussion regarding Ordinance 1922, an ordinance allowing the tourism industry positions on the CAPC (City Advertising and Promotion Commission) to live outside the city limits. (1st reading)

City Attorney Weaver suggested asking for an attorney general's opinion on whether or not the local ordinance could be changed or if the change would have to be made in the state's statute setting up the Eureka Springs commission.

After discussion, Mr. Ott moved to direct the city attorney to get an attorney general's opinion on the matter. Ms. Lindblad seconded. Four voted aye, Mr. Umland and Ms. Carroll voted no.

Discussion returned to Ordinance 1920.

City Attorney Weaver explained the ordinance in hand was a rough draft and asked for council members to review it and bring suggestions for changes, particularly exemptions.

Ms. Money asked for detailed explanations of how this draft of the ordinance was different from the first proposal. Mr. Weaver went through the ordinance paragraph by paragraph.

Ms. Lindblad moved to have all council members review the draft, write suggestions and bring them to the Aug. 11 meeting. Ms. Carroll seconded. All voted aye. Motion passed 6/0/0

3. Discussion regarding a parking request from St. Elizabeth Church.

Representatives of the church have asked the council to reserve parking places on Crescent Grade, between the church and the Crescent Hotel property for church members only from 3 to 6 p.m. on Saturdays, so members may attend mass.

Mayor Harrison referenced a letter distributed to the council from Marty Roenigk, owner of the Crescent Hotel, opposing the restricted parking in the area as a violation of an agreement made several years ago between the church and the hotel owners, at the time, that neither party would restrict the parking.

Ms. Carroll moved to open the discussion. Mr. Berry seconded.

Ms. Carroll moved to grant the request from St. Elizabeth Church for limited parking on Saturdays from 3 to 6 p.m. Mr. Umland seconded. Ms. Carroll moved to amend her motion to include the 20 parking spaces across from the church bell tower. Mr. Umland seconded. All voted aye. 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. (All readings)

Ms. Berry moved to table the ordinance. Ms. Money seconded. All voted aye.

2. Discussion regarding an ordinance on litter control.

Mr. Ott moved to open the discussion. Ms. Lindblad seconded.

Ms. Dickens explained there is already a section in the Municipal Code regarding litter.

3. Discussion regarding Resolution 497, a resolution in support of the Fire Wise Community Program.

Mr. Ott moved to approve the resolution. Ms. Money seconded.

Fire Chief Stoppel explained the program is part of the Arkansas Forestry Commission and is designed to give property owners methods for protecting their properties from wild fires.

Ms. Money moved to have the resolution read. Mr. Umland seconded.

Ms. Dickens read the resolution aloud.

All voted aye on the resolution. Motion passed 6/0/0

4. Discussion regarding having department heads attend city council meetings.

Mr. Ott moved to discuss. Mr. Umland seconded.

Ms. Carroll suggested since there are eight departments, that only four department heads attend each meeting or send a written report.

Ms. Money moved to have the department heads attend all of the city council meetings. Mr. Umland seconded.

Mr. Ott moved to amend the motion to ask department heads to either attend the meetings or send written reports. Ms. Lindblad seconded. All voted aye on the amendment. Motion passed 6/0/0

On the motion, as amended, all voted aye. Motion passed 6/0/0

CITY COUNCIL COMMENTS:

Ms. Lindblad asked for a reconsideration of setting the start of council meetings at 5:45 or 6 p.m.

Ms. Carroll said she is concerned about the possibility of a conflict of interest with the city clerk also being a newspaper reporter and writing reports of the meetings as well as recording the minutes. She asked that a discussion of the matter be on the agenda for the Aug. 11 meeting. Ms. Money seconded the agenda item.

Ms. Money asked that when corrections are made to minutes that appropriate pages be furnished to the council.

MAYOR'S COMMENTS:

Mayor Harrison had no comments.

ADJOURNMENT:

Ms. Money moved to adjourn at 8:10 p.m. Ms. Lindblad seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the city council minutes of July 28, 2003.

Mayor Kathy Harrison

City Clerk Mary Jean Sell