

Mayor Kathy Harrison called the regular meeting of the City Council to order at 6:17 p.m. in the courtroom of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert “Butch” Berry, Aaron Falotico, Karen Lindblad, Gayle Money, Bill Ott and Earl “Bud” Umland, City Attorney Tim Weaver, Police Chief Earl Hyatt and City Clerk Mary Jean Sell.

PLEDGE OF ALLEGIANCE:

Mayor Harrison led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Ms. Money moved to approve the agenda. Mr. Falotico seconded.

Mr. Ott moved to defer Old Business Item #2, Ordinance #1948 regarding the definition of gift shops, to the Oct. 11 meeting.

Ms. Money moved to defer Old Business Item #1, discussion of Noise Committee recommendations, until the Oct. 11 meeting. Ms. Lindblad seconded.

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

APPROVAL OF THE MINUTES: September 13, 2004

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

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

City Advertising and Promotion Commission – Position 4 – Expires 6/30/08 – vote – Pat Matsukis

Ms. Lindblad moved to approve Ms. Matsukis’ nomination. Motion failed for lack of a second.

Hospital Commission – vote – Bill Fort

Ms. Money moved to re-appoint Bill Fort to the Hospital Commission. Mr. Ott seconded. All voted aye. Motion passed 6/0/0

Hospital Commission – re-instate – Betty Andrews

Mayor Harrison nominated Betty Andrews to continue in her position on the Hospital Commission. There will be a vote on the nomination Oct. 11.

COMMITTEE REPORTS:

Noise – Umland, Hyatt, Money and Lindblad

Ms. Money reported the committee members are doing research of ordinances in other cities. She set a committee meeting for 8:30 a.m. Tuesday, Oct. 5, at the Police Station on Passion Play Road.

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OLD BUSINESS: The two agenda items were deferred to the Oct. 11 meeting.

NEW BUSINESS:

1. Adoption of Resolution #505 – The Johanson Group Job Evaluation and Salary Program

Mr. Ott moved to have a resolution drawn to adopt the Johanson Report. Ms. Money seconded. Five voted aye. Mr. Berry voted nay. He wants more time to study the report. Motion passed 5/1/0

2. Discussion of Resolution #504 – Vision Committee priorities

Mr. Ott moved to pass Resolution 504 adopting the Vision Committee priorities. Mr. Berry seconded.

Mr. Ott explained the list of priorities was developed from the several studies, recommendations and master plans adopted by the city in years past. This list becomes a list of “to do” projects and goals.

Ms. Lindblad said she would like for the Planning Commission to review the list.

Mr. Berry commended the committee members for their work. He said the list should be reviewed on an annual basis and updated as projects are accomplished. He supported having the Planning Commission look at the list.

On the motion to pass Resolution 504, five voted aye, Ms. Money voted nay. Motion passed 5/1/0

Mr. Ott moved to have Resolution 504 read aloud. Mr. Berry seconded. Ms. Sell read the resolution aloud.

3. Discussion of Ordinance #1920 - Special permits

Lita Braswell, owner of the Copa Cabana Club, 75 S. Main, explained she had obtained Special Events Permit #421 and had paid the \$25 fee to hold an event on the lawn adjacent to her building over Labor Day weekend. During the day, she was closed down by the police because she has no outdoor seating. She had held a similar event earlier in the year and had gotten the same permit.

Ms. Braswell said Police Chief Earl Hyatt told her the permit was issued by an employee in city hall who had no authority to issue such a permit.

She asked the council to return the \$25 permit fee and to compensate her \$400 for the cost of hiring the DJ to play music on the lawn.

Chief Hyatt said if Ordinance 1920 had been passed a year ago this situation would not have come up. He explained the Copa does not qualify for outdoor events because it doesn't have outdoor seating. He said her event was not a citywide event but one she was sponsoring in her club.

Mayor Harrison said she had held a staff meeting at city hall to clarify who should be signing permits.

Mr. Umland said the city made a mistake in shutting down the event after a permit was issued, whether or not the permit had been issued correctly. He suggested starting the process to re-instate the city clerk's full-time position to avoid similar situations in the future.

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Mr. Ott moved to suspend the rules and move into the open mike portion of the meeting. Ms. Money seconded. All voted aye. Motion passed 6/0/0

The discussion of Ms. Braswell's situation continued.

Ms. Lindblad moved to have the city attorney look into a remedy for the situation or the possibility of a reimbursement for Ms. Braswell. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Council took a break at 7:12 p.m. and returned to session at 7:23 p.m.

Open Microphone

The purpose of the quarterly open microphone session is to give city residents the opportunity to speak directly to the City Council on matters of concern to them. The Council does not respond or discuss the issues during this portion of the meeting.

Mr. Umland suggested that if there are several persons in the audience wishing to speak to the same issue, they should choose one person to speak for the group.

Terry McClung said when he spoke about Resolution #504 he was speaking for himself, not as a member of the Planning Commission.

Larry Suchand, 50 N. Main, said he had been arrested three weeks ago regarding his parking lot at Lower Mountain St. and Center St. He has been working on establishing a parking lot on his property at the corner for several years. He said he intends to finish the project. He didn't know why he had been arrested or what the exact violation was.

Mickey Schneider said she had a petition from merchants on North Main and Spring Street regarding the parking situation on North Main, the holding of the Sunday Market and allowing vendors to sell wares at the market without

collecting city sales tax or the CAPC tax. She wanted to be allowed to make a 10-minute presentation on behalf of the group.

Mr. Umland moved to suspend the rules and allow her the 10 minutes for presentation. Ms. Lindblad seconded.

Sam Ingle of Spring Street Leather said every merchant on the west side of Main Street from Spring Street to Benton Street was in the audience, they are organized and fed up with the situation. He said there are two problems: 1. parking and 2. with the vendors of booths at the Sunday Market. He said established merchants are losing money every Sunday because of the Market and the parking it takes away.

Mike Klecha of Judge Roy Bean's said the Sunday Market has turned into a flea market and businesses in the area have lost money every day the Market is open.

Susan Tharp, employee at Judge Roy Bean's, said parking spaces at the auditorium were blocked off for performers during the Jazz Festival and no one parked in them. She is also concerned about vendors at the Sunday Market not having business licenses or collecting the proper sales taxes.

Mark Clark of Eureka Gold and Silver said the claims of the merchants need to be heard. He wanted to know why area merchants are not allowed to sell the merchandise offered by outside vendors during the Jazz Festival and Blues Festival. He doesn't think the Sunday Market and Lucky 13 Cinema are keeping tourists in town for the whole of Sundays.

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Linda Rogers of Kaleidokites said area businesses have to pay property taxes, utility bills and sales taxes. Why should they have to rent a booth to participate in the Sunday Market. Every year is getting worse for business. She wants the council to "knock off the back-stabbing and stop allowing non-compliant people to be in business."

Kamal Attwal, owner of tee-shirt shops downtown, said the whole problem is one of parking. There is not enough parking downtown. He is not against festivals but he doesn't feel they should be given parking spaces when downtown merchants are struggling. The Sunday Market should be moved to a location where it doesn't take away parking.

Melvin Davis – Dewey Davis have a shop across from the downtown Trolley Depot. They believe festival vendors are in direct competition with their shop and they do not want them allowed.

Carol Friesen of Tummy Ticklers said signs should be posted when no parking is allowed in areas so visitors can know when they can park in an area. Performers can park at night with no problem. She suggested no one have to pay for downtown parking after 5 p.m.

Pat Adams of Spring Street Leather said the merchants got together to use their collective time for a presentation. She said the council's inability to bend the rule for speakers is one of the reasons the council can't make rules for the city to operate efficiently.

Carolyn Morgan said she agrees Ms. Braswell should be compensated for her financial losses when her event was shut down. She believes the deer in the Wall St. area are becoming a health hazard. She has seen some with apparent genetic mutations. She wants the deer over population situation addressed.

Open mike ended at 8:03 p.m. The Council took a short break and resumed at 8:10 p.m.

Ms. Money moved to suspend the rules to amend the agenda to add a discussion of the purchase of a bucket truck, Ordinance #1969. Mr. Falotico seconded. All voted aye. Motion passed 6/0/0

The discussion of Ordinance #1920, special permits, continued.

Mayor Harrison said Ordinance 1920 sets up a procedure with forms requiring department head signatures for notification of proposed special events.

Mr. Ott moved to have a workshop to address the issues of vendors setting up tents in parking areas during festivals, weekend vendors, and parking restrictions. Ms. Money seconded.

Discussion continued. Mr. Berry called the question to end discussion. Mr. Ott seconded. By roll call, all voted aye. Motion passed 6/0/0

The group agreed to set a workshop for discussion of the issues for 5:30 p.m. Monday, Oct. 4. All voted aye. Motion passed 6/0/0

4. Discussion of Ordinance #1968, an ordinance levying a tax on real and personal property.

Mr. Ott moved to place Ordinance 1968 on its first reading. Mr. Berry seconded. All voted aye. Motion passed

6/0/0

Ms. Sell read the ordinance aloud.

Mr. Ott moved to approve Ordinance 1968 on its first reading. Mr. Berry seconded. Five voted aye, Mr. Falotico voted against. Motion passed 5/1/0

Ms. Money moved to suspend the rules and place Ordinance 1968 on its second reading by title only. Mr. Ott seconded. By roll call, five voted aye, Mr. Falotico voted against. Motion passed 5/1/0

Mayor Harrison read the title aloud.

Mr. Ott moved to approve Ordinance 1968 on its second reading by title only. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to suspend the rules and place Ordinance 1968 on its third reading by title only. Mr. Ott seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Harrison read the title aloud.

Ms. Money moved to approve Ordinance 1968 on its third reading by title only. Mr. Ott seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to read the emergency clause. Mr. Ott seconded.

Ms. Sell read the emergency clause aloud.

5. Discussion regarding the city to regain Corley Street, right of way, from the Parks and Recreation

Commission.

Mr. Berry said he has been in contact with Richard and Jane Johnson about purchasing property along Corley Street which is platted and dedicated but not open.

He said the Johnsons have asked for a dirt road. He said he had talked with Public Works Director Robert Forrest and he did not see a problem with the proposal. The Johnsons have talked with the city attorney about legal issues surrounding the street.

City Attorney Tim Weaver said the city will have to take back Corley Street from the control of the Parks Commission and decide how to proceed with opening the street.

Ms. Lindblad moved to ask Forrest to investigate the proposed costs of the project to the city and the feasibility, including installation of utilities and construction of the street. Ms. Money seconded. After additional discussion, Ms. Lindblad withdrew her motion and Ms. Money withdrew her second.

Mr. Ott moved to have the city take back Corley St. Mr. Falotico seconded. All voted aye. Mr. Ott moved to approve Ordinance 1968 on its second reading by title only. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Ms. Lindblad moved to have the Public Works Department, Fire Department and Police Department bring information and projected costs on the project to the city to the Oct. 11 meeting. Mr. Umland seconded. All voted aye. Mr. Ott moved to approve Ordinance 1968 on its second reading by title only. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

5. Discussion of the Historic District Commission recommendations for revising the existing sidewalk ordinance.

Mr. Berry asked if the city attorney had looked at the recommendations and at Ordinance 1931. He moved to the attorney to review both documents and to put them into a single ordinance. Mr. Ott seconded. All voted aye. Motion passed 6/0/0

6. Discussion of Ordinance 1969 regarding the purchase of a bucket truck.

Ms. Money moved to put Ordinance 1969 on its first reading. Ms. Lindblad seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read the ordinance aloud.

Ms. Money moved to approve Ordinance 1969 on its first reading. Mr. Ott seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to suspend the rules and put Ordinance 1969 on its second reading by title only. Mr. Ott seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Harrison read the title of the ordinance aloud.

Mr. Ott moved to approve Ordinance 1969 on its second reading by title only. Ms. Money seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to suspend the rules and put Ordinance 1969 on its third reading by title only. Mr. Ott seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Harrison read the title of the ordinance aloud.

Ms. Money moved to approve Ordinance 1969 on its third reading by title only. Ms. Lindblad seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to read the emergency clause. Mr. Ott seconded.

Mayor Harrison read the emergency clause aloud.

COUNCIL COMMENTS:

Mr. Umland thanked the citizens for participating in open mic night and the council for putting a workshop together to address the merchants' concerns.

Mr. Berry said he appreciated all that came and expressed their concerns. He said he appreciated Ms. Braswell attending the meeting to discuss her situation. He apologized for the inconvenience to her.

Mr. Ott thanked those who came to talk to the council. He thanked the members of the Vision Committee for their hard work, particularly Transit Director Lamont Richie. He said he and Mr. Berry would form a Deer Committee to try to come up with some solutions to the deer problems. He said the committee would meet at 5:30 p.m. Tuesday, Oct. 5.

Mr. Falotico thanked those who came to talk to the council and for taking initiative in the issues they are concerned about.

Ms. Lindblad thanked all those who came to talk about issues. She also thanked the mayor, city department heads and council members for working with the Johanson Group to get the job descriptions and proposed salary schedules together. She volunteered to serve on the Deer Committee.

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MAYOR'S COMMENTS:

Mayor Harrison thanked the citizens for participating. She wanted everyone to understand that sometimes the parking of large buses near the auditorium is part of a performer's contract. She said those issues should be negotiated with Pearl Brick, Special Events coordinator. She said the Sunday Market was approved by the council to encourage more people into the downtown area on Sundays and to stay for the outdoor movies Sunday evenings. She thanked promoter Charlotte Buchanan for her efforts in putting the two together.

ADJOURNMENT:

Ms. Money moved to adjourn at 9:30 p.m. Everyone seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular City Council meeting Monday, Sept. 27, 2004.

Mayor Kathy Harrison

City Clerk Mary Jean Sell

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