

Mayor Kathy Harrison called the regular meeting of the City Council to order at 6 p.m. Monday, April 11, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert “Butch” Berry, Beverly Blankenship, Aaron Falotico, Rick Rojek, Terry McClung and Lori Weaver, City Attorney Tim Weaver, Eureka Springs Hospital Interim Administrator Craig Ortego, Parks Director Bruce Levine and City Clerk Mary Jean Sell.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Harrison led the Pledge of Allegiance to the Flag

APPROVAL OF THE AGENDA:

Ms. Weaver moved to approve the agenda. Mr. Rojek seconded.

Mr. Falotico moved to remove Old Business Item #1 regarding the Johnsons’ request to open Corley St. Ms. Weaver seconded. Mr. Falotico, Ms. Weaver and Mr. Rojek voted aye. Mr. Berry, Ms. Blankenship and Mr. McClung voted no. Motion failed 3/3/0

On the motion to approve the agenda, five voted aye, Mr. Falotico voted no. Motion passed 5/1/0

APPROVAL OF THE MINUTES: March 28, 2005

Mr. McClung moved to approve the minutes of the March 28 regular City Council meeting. Mr. Rojek seconded.

Mr. McClung noted the date in the Hospital Commission report for Mr. Ortego to meet with the Council is April 11, not April 4.

Mr. McClung moved to approve the minutes as amended. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning Commission – Position 6 – Expires 1/1/06

Hospital Commission – Position 6 – Expires 9/7/05

Historic District Commission – Position 6 – Expires 3/7/05

Parks and Rec Commission – Position 7 – Expires 5/1/05 – reinstate – Bill Featherstone

Parks and Rec Commission – Position 4 – Expires 5/1/05 – reinstate David Renko

Mr. Berry moved to reinstate Mr. Featherstone. Mr. Falotico seconded. All voted aye. Motion passed 6/0/0

Mr. Berry moved to reinstate Mr. Renko. Mr. Falotico seconded. All voted aye. Motion passed 6/0/0

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DEPARTMENT AND COMMISSION REPORTS

Hospital Report – Mr. Craig Ortego

Police, Transit, Public Works, Parks, HDC and Planning

Hospital – Mr. Ortego said he and the hospital staff are working to get the business of the hospital in good condition. Since his company, Quality Health Network of Lafayette, La., took over management of the hospital in September of 2004, he has focused on stabilizing the operation, taking care of accounts payable and receivable. He said he is impressed with the support of the community and local physicians for the hospital. The loan application to the USDA to fund construction of a new facility has been withdrawn. He wants to have the business of the hospital in stable shape before searching for construction funding. He will make quarterly/regular reports to Council.

Police – Ms. Sell read the report from Police Chief Earl Hyatt. Mr. Falotico asked about what is being paid for from

the professional services line item and whether or not the increased costs in fuel have been estimated in the department budget.

Transit – Ms. Sell read the report from Transit Director Lamont Richie.

Public Works – Mayor Harrison said plans for the wastewater treatment plant are almost complete. She said Pendergrass Corner “looks fabulous.” She said the project to patch the corner area with concrete cost approximately \$72,000. She also praised the department for the work on widening and resurfacing Magnetic Road. Council members set a workshop for 6:30 p.m. Wednesday, April 20, to discuss the treatment plant project.

Parks – Mr. Levine reported the list of repairs needed for the Community Building in Harmon Park is being developed. He has found a professor at the University of Arkansas in Fayetteville who is willing to do a needs assessment for the community center as a graduate student project in the spring of next year for minimal cost. The Eureka Springs High School EAST Lab students are working on the Harmon Park plan. Architect Larry Troillet is working on designs for public restrooms in Harmon Park. A grant application has been submitted to repair the band shell in Basin Spring Park. The Planning Commission has approved the necessary tree cuts to create the trail for handicapped access around the Lake Leatherwood Ball Fields.

Mayor Harrison suggested a short recess before starting the open microphone portion of the meeting. Mr. Falotico moved to recess at 6:57 p.m. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Meeting resumed at 7:05 p.m. Mayor Harrison left. Council President Falotico took charge of the meeting.

Open Microphone

James DeVito – wants to hold open mic night in the third floor courtroom, the jury room is inconvenient when several people want to attend meetings or speak. He thinks the grease trap regulations are too strict and will cost local restaurant and food services establishments too much money to meet the ordinance standards. He said the Council should enforce what is on the books now and have unannounced inspections.

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Linda Rogers – spoke against allowing the city’s parking lot between the Basin Spring Bath House building and the Greenlee Funeral Home building for the Sunday market this year. She said the parking spaces are vital to downtown businesses. If the city is going to subsidize the Sunday Market, a private business, then she wants the city to subsidize her business as well.

Kathryn Greenlee – said many of the vendors at the Sunday Market are selling the same type of things as are being sold in downtown shops. If the market is a city festival, then why does it only operate on choice days of the year? Visitors need a place to park.

Mickey Schneider – said the minutes of the Sept. 27, 2004, open microphone session do not reflect the first 17 minutes of the session when merchants were arguing about who could speak. She went to three months of meetings and workshops with Council members to try to work out parking problems related to the Sunday Market. She suggests using the First Street area along the concrete wall as the market location, freeing up the parking spaces. Persons selling in the market should have current tax permits and business licenses, except for those selling produce.

Charlotte Buchanan – producer of the market, said she was available to answer questions. She held up a poster promoting the street dances in Basin Spring Park during the May Festival of the Arts. She said a story has been written in the *Arkansas Democrat Gazette* about the Sunday Market and she had gotten calls from *Southern Living Magazine* about the market.

David Anderson – said he has a shop on Spring Street and wants to keep as much parking available downtown as is available. He said moving the market to the Planer Hill parking lot would be the best location. He suggested the city’s parking lot on North Main would also be a good location for the market.

Karen Lindblad – spoke in favor of the Sunday Market. She thinks it is a good idea to have activities in town. She said she has gotten good feedback on the Market and the Sunday night movies. She wants to give the market and movies a chance to grow.

Bud Umland – said he has information about the parking situation and would like to see it on the agenda for the next meeting. He wants merchants to give free trolley passes to visitors and to have free parking spaces. He said he has a plan to make it all work.

Harley Fox – said he is making his third request of the Council to help fund the Save Our Children Against Drunk Drivers program. He is asking for \$8,000 as Eureka’s “share” of the total amount needed to purchase a vehicle and educational materials for the county schools. He would like to start the program during the 2005-2006 school year.

The open microphone session ended at 7:25 p.m. and the Council meeting resumed with committee and commission reports.

HDC - Ms. Sell reported the nomination application to move the historic district up to “national” significance on the National Register of Historic Places had been approved Wednesday, April 6, by the Arkansas Historic Preservation Program (AHPP) state Review Board. The application will go to the Department of the Interior/National Park Service for further review and action. The city has been named as a finalist in the 2004 Keep Arkansas Beautiful program and has earned recognition as a participant in First Lady Laura Bush’s Preserve America program. **City Council**

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Planning Commission – Ms. Sell reported the Commission is working on updating the master plan. Public hearings on amendments to the tree ordinance and the proposed abolishing of the Parking Authority will be held April 28, and on the sign ordinance May 26.

OLD BUSINESS:

1. Discussion of the Johnsons’ request to open Corley St.

Mr. Berry said he, Alderman Rick Rojek, Dr. and Mrs. Van Brahana, Barbara Harmony, John Mitchell, Lori Menichetti and James DeVito had walked the Johnsons’ property on Saturday, April 9. Dr. Brahana wants to do some dye tests on the springs in the area, other streets in town and to try to determine the directions of water run-off from the spring reservations.

Ms. Blankenship said the city should either vote to open the road or say no. The state law says the Johnsons can go to the county judge for a ruling and he can give them access to their property, even if it has to go through private land. The city could vacate the street and give half to each adjoining property owner, relieving the city of maintenance of the road.

Mr. Weaver said the city is not required to put the springs in greater danger by using a reverse condemnation procedure. If the case goes to a circuit judge, he could force the city to sell the land for a fair market value.

Mr. Berry said there are other property owners along the Corley St. route.

Mr. McClung moved to have the city attorney check into options for easements, ingress and egress to the property to facilitate the decision-making process. Ms. Blankenship seconded.

Mr. Weaver said that if Dr. Brahana gets six weeks to render his opinion of the situation, he (Weaver) wants four weeks to render his opinion.

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

2. Discussion of parking lot use.

Ms. Blankenship moved to allow the Sunday Market to use the city’s parking lot (between the Basin Spring Bath House and the Greenlee Funeral Home Building) May 8 to Oct 9, and before the end of the year to hold a workshop to determine the usage for 2006. Mr. Rojek seconded.

Mr. McClung asked if the market would be held on holiday Sundays, will there be fees for using the parking lot, will vendors get city business licenses and pay sales tax?

Ms. Blankenship said if vendors have their own Arkansas tax permit, they can pay their own taxes on sales. If they do not have tax permits, then Ms. Buchanan has to provide report forms and collect the taxes from the vendors and remit them to the state.

Mr. Weaver said there is a safety issue in that the stairway on the side of the building has to be kept clear and access allowed.

After some discussion, Ms. Blankenship moved to amend her motion to discuss the prospects for the market in 2006

by Nov. 1. Mr. Rojek seconded. Five voted aye, Mr. McClung voted no. Motion passed 5/1/0

On the amended motion, five voted aye, Mr. McClung voted no. Motion passed 5/1/0

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3. Discussion of Ordinance #1989, an ordinance to establish a Board of Appeals for stone walls. (2nd reading)

Ms. Blankenship moved to suspend the rules and place Ordinance 1989 on its second reading by title only. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read the title aloud.

Mr. Berry moved to approve Ordinance 1989 on its second reading by title only. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

4. Discussion of Ordinance #1990, an ordinance to adopt the city code book. (2nd reading)

Mr. Berry moved to suspend the rules and place Ordinance 1990 on its second reading by title only. Mr. Rojek seconded. By roll call, all voted aye. Motion passed 6/0/0

Ms. Sell read the title aloud.

Mr. McClung moved to approve Ordinance 1989 on its second reading by title only. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

NEW BUSINESS:

1. Discussion of Ordinance #114, an ordinance providing for emergency council meetings – changing notification procedures. Rojek, Berry

Mr. Rojek said the ordinance was written in 1981 and he would like to update it and bring it into the 21st century by including the use of e-mail and fax notification.

Ms. Blankenship said she likes the procedure the way it is.

Mr. McClung said it takes three members to call a special meeting and it is everyone's responsibility to try to attend.

Ms. Weaver said he likes the procedure as it is.

No action was taken on the ordinance.

COUNCIL COMMENTS:

Mr. McClung said he would like for the Mayor to bring forward applications she has received for commission positions. He asked to have Robert Forest, director of Public Works, provide a cost breakdown on the recent work at Pendergrass Corner. He said the minimum standards for grease traps should be examined with the idea that smaller tanks could be installed for smaller businesses. He asked for grease traps to be on the April 25 agenda and for Building Official Justin Fuson to attend the meeting to participate in the discussion.

Mr. Rojek asked for volunteers to apply for the several open commission seats. He moved to have the meeting with open microphone sessions held in the third floor courtroom, if it is available. Mr. McClung seconded. All voted aye. He asked for the monthly financials to be added to the April 25 agenda for discussion.

Mr. Berry said he would like to see the percentage spent of budget lines on the report and the year-to-date expenditures. He would like to have the cost breakdown of the Pendergrass Corner project a week before the next meeting.

Ms. Blankenship moved to have the Save Our Children from Drunk Drivers on

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the April 25 agenda to see what support for the program the Council might be able to provide. Ms. Weaver seconded. All voted aye. She announced the Chainsaw Festival for April 23 and 24 at the Victoria Inn on Highway 62 East.

Ms. Weaver wished Chairperson Falotico a happy birthday.

MAYOR'S COMMENTS:

Mayor Harrison asked for a workshop to discuss the possible purchase of the Planer Hill parking lot. The group agreed to 6:30 p.m. Wednesday, April 20.

Mr. Berry asked to have the sewer plant discussion moved to another date. The group agreed on 6:30 p.m. Thursday, April 28.

ADJOURNMENT:

Mr. McClung moved to adjourn at 8:47 p.m. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular City Council meeting Monday, April 11, 2005.

Mayor Kathy Harrison

City Clerk Mary Jean Sell