

Mayor Kathy Harrison called the regular meeting of the City Council to order at 6 p.m. Monday, April 25, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert “Butch” Berry, Beverly Blankenship, Aaron Falotico, Terry McClung, Rick Rojek, Lori Weaver, City Attorney Tim Weaver, City Advertising and Promotion Commission (CAPC) Marketing Director Lynn Berry 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:

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

Mayor Harrison asked to add a proclamation for National Building Safety Week to New Business. Mr. McClung moved to read the proclamation after the commission and committee reports. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. Falotico noted the financial report is not on the agenda. He moved to add financial reports to the agenda of the second meeting of each month and a quarterly report as a regular line item under Department and Commission reports. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Ms. Blankenship said the discussion of Ordinance #1973 regarding Historic District Commission recommendations for sidewalks should be deferred because the ordinance is not ready.

Mayor Harrison asked to add under commission reports, the proposed projects for the Harmon Park Community Center repairs. Mr. Falotico moved to have the list included in the Parks and Recreation Commission report during the May 9 meeting. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison called for a vote to accept the agenda as amended. All voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: April 11

Ms. Weaver noted a correction on Page 5 New Business Item #1 should be Ms. Weaver not Mr. Weaver

Mr. Falotico noted in Council Comments that Mr. Rojek did not make a motion to include financial reports and Mr. Falotico did not second the motion.

Mr. McClung moved to approve the minutes of April 11 as amended. Mr. Falotico seconded. All voted aye. Motion passed 6/0/0

City Council 4/25/05 1

COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:

Planning Commission – Position 6 – Expires 1/1/06 Mayor Harrison nominated Bill Earngey

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

Historic District Commission – Position 6 – Expires 3/7/05 Mayor Harrison nominated John Swallow

PROCLAMATION:

Mr. Falotico moved to have the proclamation for National Building Safety Week, May 8-14, read aloud. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read the proclamation aloud. The document was provided by Tony Williams, president of the Carroll

DEPARTMENT AND COMMISSION REPORTS:

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

CAPC – Ms. Berry gave a lengthy report on activities. The CAPC office is now located at 121 E. Van Buren, Suite 3B. There is new furniture and new computers in the auditorium office. More than 100 events are scheduled for the May Festival of the Arts.

Ms. Sell read aloud the reports from the Transit, Fire/EMS Department and Building Official.

Financial – Mayor Harrison went over the financial report with Council members. Ms. Blankenship wants a report from all departments on professional services expenditures. Mr. Falotico wants a report from departments on fuel consumption added into the monthly reports to make sure the budgeted amounts are covering costs. Mr. McClung wants a breakdown of costs on the Pendergrass Corner repairs and paving of Magnetic Road. Mr. Rojek says the spending trend on property maintenance and gardens is not good since approximately 40 percent of that budget has already been spent. Council members decided to have a budget workshop at 6:30 p.m. Monday, May 2.

OLD BUSINESS:

1. Discussion of the Johnsons' request to open Corley Street.

Mr. Falotico doesn't want this item carried forward on the agenda until new information is available. Mr. Weaver said he hasn't found any information that would be helpful. All voted aye to postpone discussion to the May 9 meeting.

2. Discussion of Ordinance #1989 – an ordinance to establish a board of appeals for stone walls. (3rd reading)

Mr. Falotico moved to suspend the rules and place Ordinance 1989 on its third reading by title only. Ms. Blankenship seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Harrison read the title of the ordinance aloud.

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

City Council 4/25/05 2

3. Discussion of Ordinance #1990 – An ordinance to adopt the city code book (3rd reading)

Ms. Blankenship moved to suspend the rules and place Ordinance 1990 on its third reading by title only. Ms. Weaver seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Harrison read the title of the ordinance aloud.

Ms. Blankenship moved to approve Ordinance 1990 on its third reading by title only. Mr. Rojek seconded.

Mr. Falotico asked if the ordinances setting the city's sales taxes are included in the Municipal Code. Mr. Weaver said according to the Municipal League, those ordinances do not have to be included in the code. Mr. Falotico asked that copies of the sales tax ordinances be provided to him.

On the motion to approve Ordinance 1990, all voted aye. Motion passed 6/0/0

NEW BUSINESS:

1. Discussion of grease traps letter issued in regards to Ordinance #1895, passed December 2002.

McClung, Berry

Mr. McClung is concerned about the lack of inspections of grease traps, the inconsistency of enforcement of existing ordinances, and no grandfathering allowance for persons who have grease traps that meet the city codes.

Mayor Harrison said there is a state code, which provides a formula for calculating the size of a grease trap based on water usage. The Council needs to decide what is reasonable and what can be enforced.

Ms. Blankenship said many restaurant owners have paid the annual fee for grease trap inspections and have never been inspected.

Jack Albertson, owner of the Oasis, said he has looked at the Hot Springs ordinance and surveyed a lot of the

available technology through the Internet. He would like for the Council to amend and enforce whatever ordinance is approved.

Mr. McClung moved to set a moratorium on the upgrading of grease traps to a minimum of 200 gallons for six months or until Ordinance 1895 can be amended. Mr. Rojek seconded.

Mr. Weaver said the Council would need a written resolution to set a moratorium.

Mr. McClung withdrew his motion. Mr. Rojek withdrew his second.

2. Discussion of funding – Project Save Our Children

Ms. Blankenship said she thought the city would be able to assist the program with funding, but she has found out it is not possible. She wants to encourage private donations to the anti-drunk driving program.

3. Approval of budget expenditure for Planer Hill parking lot purchase.

Mayor Harrison explained it may be possible to get matching funds from the Arkansas Highway and Transportation Department (AHTD) to purchase the parking lot

City Council 4/25/05 3

for \$400,000. She believes the city's portion of the price will be \$100,000. The Council has already budgeted \$75,000 for the project.

Mr. Falotico moved to amend the budget and place an additional funding, with a \$25,000 cap, in the line item for purchase of the Planer Hill parking lot, contingent on AHTD's approval of the city's request for funding. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

The Council took a break at 7:52 p.m. and returned to the meeting at 8:05 p.m.

4. Discussion to create a temporary vendor license and fee.

The discussion arises from the establishment of a Sunday Market in the downtown area in a parking lot on Main Street which allows individuals to rent booth space to sell a variety of items, including fresh produce.

Mayor Harrison said there has been a suggestion to ask the vendors to purchase a temporary city business license to participate in the event and to pay CAPC taxes.

Mr. Falotico said the producer of the market should purchase a "flea market" business license and operate as outlined in the Municipal Code.

5. Discussion regarding city parking lot rental fees.

The producer of the Sunday Market was allowed to use the city's parking spaces between the Basin Spring Bath House building and the old Greenlee Funeral Home building in 2004 without paying any fees.

Mr. McClung suggested charging \$250 per Sunday usage.

Mr. Rojek suggested \$100 per usage.

Mr. Falotico moved to charge \$3 per space per day for any event, festival or any city approved activity authorized by a Special Event Permit. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

CITY COUNCIL COMMENTS:

Mr. McClung said there are two positions open on the HDC and Planning Commission. It is important for people to continue to volunteer for these positions.

Mr. Falotico said he would like for Frank Green Jr., chairman of the HDC, and Bruce Levine, parks director, to bring activity reports to the May 23 meeting. He wants a discussion of the Transit Department's hours of operation of the trolleys on the May 23 agenda. He still wants to discuss the CAPC enabling legislation. He moved to have that discussion during the May 23 meeting. Ms. Weaver seconded.

Mr. Berry asked the Mayor about discussions with John Cross' proposal for the City to rent his Benton St. parking lot for city employees. Mayor Harrison said she had met with Randy Wolfinbarger and Police Chief Hyatt to talk about the proposal. She said they could not find an advantage for the city in renting the parking area. Mr. Berry wants the proposal on the May 23 agenda.

Ms. Blankenship thanked everyone for supporting and participating in the first Chainsaw Carving Festival this past weekend. She said the carvers loved it. The auction raised just under \$12,000 with half of that going to the carvers and a portion of the proceeds going to the Make A Wish Foundation and the Eureka Springs Historical Museum.

City Council 4/25/05 4

Ms. Weaver said the sewer workshop set for April 28 needs to be rescheduled. The Council agreed on 6:30 p.m. Thursday, May 5.

MAYOR'S COMMENTS:

Mayor Harrison announced the Books in Bloom party at the Crescent Hotel on Sunday afternoon, May 1, the White Street Walk May 20, the Saturday night street dances in Basin Park and the ArtRageous Parade May 7, all as part of the May Festival of the Arts activities.

ADJOURNMENT:

Mr. Falotico moved to adjourn at 8:33 p.m. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the City Council regular meeting minutes of April 25, 2005.

Mayor Kathy Harrison

City Clerk Mary Jean Sell

