

Mayor Kathy Harrison called the regular City Council meeting to order at 6 p.m. Monday, Jan. 24, in the jury room of the Western Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert “Butch” Berry, Beverly Blankenship, Aaron Falotico, Terry McClung, Lori Weaver, City Attorney Tim Weaver, Public Works Director Robert Forrest, Parks and Recreation Commission Executive Director Bruce Levine, Mayor’s Assistant Brenda Spencer, former Alderman Karen Lindblad, City Advertising and Promotion Commission (CAPC) Chairman Steve Roberson, CAPC Marketing Director Lynn Berry and City Clerk Mary Jean Sell. Alderman Rick Rojek was absent.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Harrison led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Mr. Falotico moved to approve the agenda, Mr. McClung seconded.

Ms. Blankenship said Old Business Item #1, discussion of Ordinance 1973 regarding sidewalks, is not ready and asked to postpone the discussion. All voted aye.

Mayor Harrison asked to add Resolution #508, regarding deposits and accounting for the Fire Department as New Business Item #2

Ms. Blankenship moved to approve the agenda as amended. Mr. Falotico seconded. All voted aye. Motion passed 5/0/0

APPROVAL OF THE MINUTES: Dec. 13, Dec. 27, 2004, and January 10, 2005

Mr. Falotico moved to approve the minutes of Dec. 13 as presented. Ms. Weaver seconded. All voted aye. Motion passed 5/0/0

The minutes of Dec. 27 were not ready.

Mr. Falotico moved to approve the minutes of Jan. 10 as presented. Ms. Weaver seconded. All voted aye. Motion passed 5/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

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

Historic District Commission – Position 1 – Expires 11/30/06 – vote – Richard Grinnell

Ms. Blankenship moved to approve the appointment of Richard Grinnell to Position 1 on the Historic District Commission. Ms. Weaver seconded. All voted aye. Motion passed 5/0/0

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DEPARTMENT AND COMMISSION REPORTS:

CAPC, Hospital, Fire/EMS, Building and Cemetery

Ms. Berry presented the CAPC report. She said the 2005 advertising campaign would be announced soon. She said plans are being made to move the CAPC office to the lower level at 121 E. Van Buren, Suite 2B. Sales trips will be made to military bases in Arkansas, Oklahoma, Missouri and Texas to market Eureka Springs.

Mayor Harrison read written reports from Fire/EMS Chief David Stoppel and Building Official Justin Fuson.

Ms. Sell reported on improvements at the Eureka Springs Hospital. She said the financial crisis of the past summer has been resolved and the hospital is showing a monthly profit. She encouraged Council members to tour the hospital and to meet interim administrator Craig Ortego.

Mayor Harrison said the Cemetery Commission wants to install additional street lighting this year, plant trees and install new signage in the cemetery. Commission members will be in charge of their own employee this year, not sharing one with the Public Works Department.

OLD BUSINESS:

1. Discussion of Corley St.

Mr. Falotico moved to open the discussion. Ms. Blankenship seconded.

Mr. Berry said the Johnsons, prospective buyers of several lots on Corley St., only want a portion of the street opened so they will have access to their property. He said the concerns of the property owners below Corley St. should be addressed as well as the recharge areas for Laundry and Little Eureka Springs. He said Steel Street already floods during heavy rainstorms and that needs to be addressed.

Ms. Blankenship suggested an environmental impact study in the area might help to determine a course of action.

Mr. Falotico moved to authorize an environmental impact study for the opening of Corley St., from Berryville Ave. to intersection with Corley St., within Block 29 of the Riley and Armstrong (R&A) Survey. Ms. Blankenship seconded.

Mr. Falotico suggested the city split the cost 50-50 with the Johnsons.

Mr. McClung said the city needs to be prepared to say yes to the opening of the road if the study says it is feasible.

Mr. Weaver said there might be other options to access the property. He said state law does not obligate the city to open streets. He cautioned the Council to be very careful about saying it would open the street if the study said it could be done.

Restating his motion, Mr. Falotico moved to provide an environmental impact study on Corley St; to pay 50-50 on the costs of the study; and for both parties to mutually agree on who would do the study. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0 Mayor Harrison is to notify the Johnsons of this action.

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2. Discussion of Ordinance #1982, an ordinance amending the Zoning Code,

Chapters 114-4 (C)(3)b and Chapters 114-4 (C)(4)b, regarding dwelling units in commercial buildings (3rd reading)

Mr. Berry moved to suspend the rules and place Ordinance 1982 on its third reading by title only. Mr. Falotico seconded. By roll call, all voted aye. Motion passed 5/0/0

Mayor Harrison read the title aloud.

Mr. Berry noted a correction, saying the word “unit(s)” was to be added.

Mr. Falotico moved to approve Ordinance 1982 on its third reading by title only. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

3. Discussion of Ordinance #1984, an ordinance amending Chapters 11-4(b) and 70-4 of the Eureka Springs Municipal Code regarding manufactured homes. (2nd reading)

Mr. Berry moved to suspend the rules and place Ordinance 1982 on its third reading by title only. Mr. Falotico seconded. By roll call, all voted aye. Motion passed 5/0/0

Mayor Harrison read the title aloud.

Mr. McClung said he is still not happy with Section 3 (a) which calls for a minimum depth on each side of at least 20 feet. He believes that would allow someone to build a 20-foot by 20-foot by 20-foot by 20-foot structure.

Mr. Weaver said most of the cities which have addressed allowing manufactured homes in residential areas have not addressed this particular issue. He said there is a proposal before the Arkansas Legislature to distinguish between “double wide” and “single wide” structures

Ms. Blankenship had distributed information from Jim Von Tunglen, a planner working with the Arkansas Municipal League. He had suggested language regarding the 20-foot dimension. She moved to substitute: “A. All dwelling units constructed in or set up in this district, whether by new construction, addition to an existing unit, placement of a multi-section manufactured or modular home, or combination of two or more single-section manufactured homes, shall have a minimum dimension on each side of at least 20 feet.” Mr. Falotico seconded. Mr. Falotico, Ms. Blankenship, Ms. Weaver voted aye. Mr. McClung and Mr. Berry voted nay. Mayor Harrison voted aye to pass the motion 4/2/0

On the motion to approve Ordinance 1984 on its second reading, Mr. Falotico, Ms. Blankenship, Ms. Weaver voted aye. Mr. McClung and Mr. Berry voted nay. Mayor Harrison voted aye to pass the motion 4/2/0

4. Discussion of Ordinance 1985, the Green Zone Ordinance. (1st reading)

Mr. Berry moved to place Ordinance 1985 on its first reading. Mr. Falotico seconded. All voted aye. Motion passed 5/0/0

Mayor Harrison read the ordinance aloud.

Mr. McClung moved to accept the ordinance on its first reading. Ms. Weaver seconded.

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Mr. McClung said the city needs to do a comprehensive study of the streets, alleys, Green Zones, to determine which streets can be opened and which can't. Those that can't be opened, he wants deeded to adjoining property owners so the property can generate property taxes. Areas truly suitable for streets or parks should be designated as such.

Mr. Levine said the purpose of the proposal for lease agreements, a fee structure, definitions, etc., is to develop a procedure to deal with properties that are already under a 99-year lease from the city. The issues will be handled on a case by case basis.

Mr. Falotico moved to table the discussion until there is a clear idea of what is actually being amended in the Municipal Code. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

The Council took a break at 8:15 p.m. and resumed at 8:30 p.m.

NEW BUSINESS:

1. Discussion of Ordinance 1975, an ordinance to prohibit the feeding of deer within the city limits. (1st reading)

Mr. Berry moved to discuss the proposed ordinance. Mr. Falotico seconded.

Mr. Berry gave a brief history of attempts to control the deer population within the city limits. A citywide hunt was proposed two years ago, but it failed on a general election ballot. He said the deer are becoming traffic safety hazards as well as nuisances.

Mr. Falotico wanted to know if there is really an over-population problem or if people are seeing the same groups of deer all the time.

Mayor Harrison asked if anyone wanted to move to read the ordinance. The Council agreed to let it go for now and perhaps citizens would be able to bring solutions to the next open mike night.

2. Discussion of Resolution #508, regarding deposits and accounting for the Fire Department.

Ms. Blankenship moved to read Resolution 508. Ms. Weaver seconded. All voted aye. Motion passed 5/0/0

Mayor Harrison read the resolution aloud.

EXECUTIVE SESSION:

Mr. Falotico asked for an executive session to discuss the insubordination of power of this Council by an employee

of the CAPC.

Mr. Berry said only the CAPC has the authority to reprimand its employees. He has an attorney general's opinion that it is the Commission's authority, not the Council's.

No second of Mr. Falotico's motion came forward. The motion failed.

COUNCIL COMMENTS

Mr. Clung restated his suggestion that the city take a long hard look at the Green Zone situation to try to alleviate some of the problems.

Ms. Blankenship thanked all those who had called her this week to help her with issues. She invited everyone to the next open mike night

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Mr. Falotico asked if the suggestion to appoint an appeals board to deal with city wall issues could be brought back to the table. He suggested having a budget workshop at 6:30 p.m. Tuesday, Jan. 25, and a special meeting at 6:30 p.m. Friday, Jan. 28, to finalize the 2005 budget. He encouraged everyone to "read up" on ethics and ethics violations.

Ms. Weaver congratulated the community on the Volunteer of the Year Award for 2004.

MAYOR'S COMMENTS

Mayor Harrison said she has a letter of congratulations from State Sen. Randy Lavery on the city's Volunteer of the Year award. She said everyone had a good time at the January Municipal League meeting and said she appreciated being allowed to attend.

ADJOURNMENT

Mr. Berry moved to adjourn at 9 p.m. Mr. Falotico and Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the City Council minutes of Jan. 24, 2005.

Mayor Kathy Harrison

City Clerk Mary Jean Sell

