

Mayor Kathy Harrison called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, July 11, 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, Parks Director Bruce Levine and City Clerk-Treasurer Mary Jean Sell.

PLEDGE OF ALLEGIANCE:

Mayor Harrison led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Mr. Falotico moved to approve the agenda. Mr. Rojek seconded.

Mayor Harrison asked to add Ordinance 1995, regarding levying a tax on real and personal property. Mr. Falotico wanted to move consideration to the July 25 agenda because the ordinance had just been presented.

Mr. Berry said Dr. Van Brahana is not ready to present a report on the proposed opening of a portion of Corley St. He asked that Dr. Brahana be put on the July 25 agenda.

Mayor Harrison said there has been a request for a hearing by the Stone Wall Board of Appeals. She set the request as Item #4 under New Business.

Ms. Blankenship moved to add discussion of a finance director as Item #5 under New Business. Mr. Falotico seconded.

Mr. Falotico asked if the Parks and Recreation Commission has presented an estimate for the repairs to the Harmon Park Community Center Building. Parks Director Levine said he could discuss the issue during his report.

Mr. Berry said there had been a clerical error in Tom Tharp's application for an animal-drawn vehicle franchise last year and asked that it be added as Item #6 under New Business for correction. Mr. Falotico seconded.

All voted in favor of approving the agenda as amended. Motion passed 6/0/0

APPROVAL OF THE MINUTES: June 13, Special meetings June 23, and June 27

June 13 – Mr. McClung moved to approve the minutes of the regular meeting June 13. Ms. Blankenship seconded.

Mr. Falotico corrected the vote in Item #5 of New Business. He said the vote had to be 5/0/1 because he was not in the room.

Mr. McClung said that he asked for better enforcement of the loading zone area in front of Michael's Center Street Pub, not to remove it, in the mayor's comments.

Ms. Blankenship said she asked for a discussion of an accounts director to be added to the June 27 agenda, not the July 11 agenda.

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

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June 23 – First Special Meeting – Mr. Berry moved to approve the minutes of the first special meeting of June 23. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

June 23 – Second Special Meeting – Mr. Falotico moved to approve the minutes of the second special meeting of June 23. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

June 27 – Ms. Blankenship moved to approve the minutes of the regular meeting June 27. Mr. Berry seconded.

Mr. Falotico noted that in Old Business Item #2 discussion on Page 3, Mr. Berry had agreed to the ordinance amendment. Mr. McClung voted nay.

Ms. Blankenship noted in Item #3 of New Business that she asked to have the discussion of an accounting

supervisor on the July 11 agenda.

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:

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

Hospital Commission – Position 3 – Expires 6/1/09 – Vote – Michael Merry

Mr. Berry moved to approve Michael Merry for Hospital Commission Position 3. Mr. Falotico seconded. All voted aye. Motion passed 6/0/0

Historic District Commission – Position 2 – Expires 3/7/08

CAPC – Position 1 – Expires 6/30/05

Planning Commission – Position 1 – Expires 7/1/05 – Patrick Brammer reappointment

Mayor Harrison nominated Patrick Brammer for a reappointment to the Planning Commission. Vote will be during the July 25 meeting.

Mr. McClung said Mr. Brammer is already a member of the Planning Commission. Steve Roberson has been on the CAPC. He encourages the Mayor to nominate Mr. Roberson for a reappointment.

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

DEPARTMENT AND COMMISSION REPORTS:

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

Fire/EMS – Johnson Troillet to address Council on fire station building.

Police – Mr. Falotico asked how Lower Wall Street got to be one way without Council approval.

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

Mr. Falotico asked about the status of the contract for the purchase of the Planer Hill parking lot (at the intersection of Planer Hill/South Main Street and Highway 62).

Mayor Harrison said she had just signed the contract to purchase the property from owner Jimmy Jones about 30 minutes ago. The contract is with the real estate agent for revisions and completion, anticipating closing on or before Aug. 1. Funding from the Arkansas Highway and Transportation Department (AHTD) is not confirmed.

Parks – Mr. Levine presented a packet of information on equipment and prices for a commercial kitchen for the Harmon Park Community Building. He said re-roofing

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of the building had been completed today. The new air conditioning and heating unit has been installed. He said repairing the building to correct health and safety code violations has been done.

He asked to not be made construction manager on the remainder of the projects related to the building because of a personality conflict between himself and Commission/Eureka Kids Director Barbara Dunnam.

There was discussion about the budget numbers presented for the rest of the projects. Ms. Blankenship moved to approve \$15,000 for installation of a commercial kitchen and repairs/relocation of interior stairs and for the funds to be taken from the community center fund.

Mr. McClung moved to amend the motion to allocate \$8,500. Mr. Rojek seconded.

There was some discussion as to who would approve the checks to pay for the work. Mr. Falotico thought the money should go to the Parks Commission and checks written as other checks are written. Mayor Harrison said she would be more comfortable with a third party at City Hall administering the funds. Mr. McClung suggested Building Official Justin Fuson since he will know what has to be done. Mayor Harrison said she would talk with state auditor Mark Marley and see about setting up an account for the project.

Mr. McClung moved to amend the motion to have purchases for the Harmon Park Community Building approved by the Building Official. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

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

Mayor Harrison stopped the meeting at 7:03 p.m. to begin the monthly open microphone session. Open mic is for

citizens to address the Council about any issue.

No one signed up to speak.

The Council meeting resumed at 7:05 p.m.

Planning – Ms. Blankenship asked why the resolutions from the Planning Commission regarding hiring of an enforcement officer and city planner, or the recommendation for no change in the 200-foot rule in the Municipal Code have not been brought to the table for discussion.

Mr. McClung asked about the ordinance rezoning property to R-3, multi-family zone, to allow manufactured housing. Ms. Sell said there had been a long delay in trying to identify owners of one portion of property in the area along Pivot Rock Road. An owner has not been determined.

Fire/EMS – Architect Tom Johnson presented drawings of the new fire station proposed for 144 E. Van Buren. The old station is to be completely demolished and the basement filled in. The new station will be on one level and will have enough space for five vehicles, weight training, work and repair areas and restrooms. He said the exterior finish is proposed of Hardy Plank on three sides and the front to be of split faced concrete blocks. There will be a small tower with arch near the front door for the display of a fire bell.

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Financial – Aldermen agreed to a mid-year budget review workshop at 6:30 p.m. Monday, July 18. Mayor Harrison asked for any changes or corrections from the Council members so they could be included before the total budget is printed.

Mr. McClung moved to recess for a short break at 7:40 p.m. All voted aye. Motion passed 6/0/0 The meeting resumed at 7:57 p.m.

OLD BUSINESS:

1. Discussion of the grease trap Ordinance 1895 – McClung, Berry.

Mr. Weaver presented Ordinance 1996, amending the requirement involving grease traps and their operation in the Municipal Code.

Mr. McClung moved to place Ordinance 1996 on its first reading. Mr. Rojek seconded.

Mr. Berry said the proposal says nothing about new technology, does not incorporate any of the Hot Springs, Ark., ordinance regarding grease traps, and does not allow for variances.

Mr. Weaver said this ordinance only deals with removing a portion of Article 10 Section 12.06.

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

The five pages were read aloud by Mayor Harrison, Ms. Sell, Ms. Weaver and Ms. Blankenship.

Mr. Rojek moved to approve Ordinance 1996 on its first reading. Ms. Blankenship seconded. After additional discussion about what to include in the ordinance, all voted aye. Motion passed 6/0/0

2. Discussion of Ordinance #1973 – regarding sidewalks. (2nd reading)

Mr. Falotico moved to table the ordinance until the Historic District Commission (HDC) has reviewed it and made recommendations and the Municipal Code citation numbers are correct. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

3. Discussion of Ordinance #1991, an ordinance repealing Chapter 8.32 of the Eureka Springs Municipal Code eliminating the Parking Authority and placing parking matters under the Transit Department (3rd reading)

Ms. Blankenship moved to suspend the rules and place Ordinance 1991 on its third reading by title only. Mr. Berry seconded. By roll call, four voted aye. Mr. Falotico and Mr. Rojek voted nay. Motion passed 4/2/0

Mayor Harrison read the title of the ordinance aloud.

Ms. Blankenship moved to approve Ordinance 1991 on its third reading by title only. Mr. Berry seconded.

Mr. McClung moved to amend Section 3 d to strike the word “approval” and insert “recommendation. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

On the motion to approve Ordinance 1991 on its third reading as amended, five voted aye. Mr. Falotico voted no. Motion passed 5/1/0

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4. Discussion of Ordinance #1992, an ordinance amending Chapter 7.92.03 Application A of the Eureka Springs Municipal Code, requiring flagging tape to be used to mark trees to be removed. (3rd reading)

Mr. Falotico moved to suspend the rules and place Ordinance 1992 on its third reading by title only. Mr. Rojek 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 1992 on its third reading by title only. Mr. Rojek seconded. By roll call, all voted aye. Motion passed 6/0/0

5. Discussion of lease of Harmon Park Community Building.

Mr. Weaver distributed copies of a draft lease. He asked the Council to consider several specific sections, including that there is no paragraph allowing for termination with 30 days' notice. During discussion, there was talk of charging a deposit fee or a cleaning fee for the public's use of the building.

Mr. Weaver will continue to negotiate with attorney Matt Bishop on the terms of the lease.

NEW BUSINESS:

1. City attorney report on I-9 forms.

Mr. Weaver said he has talked with attorneys at the Municipal League. They do not believe the city has the ability to look at subcontractors' I-9 forms because of confidentiality rules. He thinks the City could get copies of the forms if the Social Security numbers were blacked/blanked out.

Mr. Falotico moved that the City of Eureka Springs not enter into any verbal or written contract with anyone without I-9 forms provided. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

2. Discussion of city attorney's clarification on bid limits.

Mr. Weaver said that during the recent meeting of the Arkansas General Assembly, the limits on which items could be purchased or contracts made without taking competitive bids has been raised to **\$20,000**.

Ms. Blankenship moved for Mr. Weaver to draft an ordinance raising the City's bidding and purchasing limits to those set by the new state code. Mr. Rojek seconded. Five voted aye. Mr. Falotico voted no. Motion passed 5/1/0

3. Discussion of an ordinance calling for a special election – Falotico, Weaver

Mr. Falotico moved to instruct the city attorney to prepare an ordinance calling for a special election to create and fund a parks and tourism department.

His proposal included repealing the portions of the Municipal Code establishing the City Advertising and Promotion Commission and the Parks and Recreation Commission.

His proposal included creating a parks and tourism department, all commissions necessary and creating a position of director, to serve as department head.

His proposal included authorizing the City to impose a 1¼-cent tax on items authorized by the State of Arkansas, excluding unprepared foods, pharmaceuticals and hardware.

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His proposal included designating 1 percent of the revenue collected to be used for tourism and the ¼ of a percent to be used for the maintenance and preservation of the city parks and recreational programs.

Ms. Weaver seconded the motion.

Mr. Rojek asked Mr. Falotico if he had run the numbers on this proposal and knew how much would be collected.

Mr. McClung wanted to know how the City would be able to generate more income to make up for what would be lost from the 2 percent now being collected for the CAPC and the ¼ percent for the parks.

Ms. Blankenship said the only good thing would be the fair and equal treatment, across the board, of merchants in town. She didn't think tearing things down and starting over from nothing was the answer.

Mr. Berry said the City should take a positive approach to the situation and he wasn't sure this was the answer. The CAPC is autonomous in its operation and should be kept out of the political ball field.

On the motion, Mr. Falotico and Ms. Weaver voted aye. Four voted no. Motion failed 2/4/0

4. Set date on request for hearing before Stone Wall Board of Appeals.

Mr. Falotico set the hearing on a request from Mark Jipp for 7 p.m. during the regular meeting July 25.

5. Mr. Falotico asked to move up the discussion of Tom Tharp's animal-drawn vehicle franchise. Mr. Berry seconded.

Mr. Tharp said there has been a clerical error on the application for a franchise he filed with the city in April of 2004. His address and telephone number have changed. In the line asking for days and hours of operation, he only wrote in 8 a.m. to midnight, not listing any days. The city clerk did not record the council's action or sign the bottom of the form.

Mr. Weaver said if no days were written in, it is implied that operation will be seven days a week.

Ms. Sell said that two of the three applicants did not write in days of operation and none of the applications were completed by the clerk at the time the franchises were approved.

Mr. Rojek moved to fill in all the blanks. Mr. Falotico seconded. All voted aye. Motion passed 6/0/0

6. Discussion of finance director's position.

Ms. Blankenship moved to hire a finance director and to find the salary in the budget. Mr. Rojek seconded.

Mr. Berry suggested a workshop to determine the salary and job description. Aldermen agreed to 6:30 p.m. Thursday, July 14.

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CITY COUNCIL COMMENTS:

Mr. Falotico asked for an executive session to be added at the beginning of the agenda for the July 25 meeting. He wants to discuss requirements for personnel, qualifications and potential discipline. Mr. Rojek seconded.

Ms. Blankenship asked the Mr. Weaver if he is dealing with the CAPC delinquent collections. He said he had finally received a list of business owners from the CAPC and had requested summons from the judge.

Ms. Blankenship said she would like for the new transit vans to be painted. She asked for this as an agenda item for the Aug. 8 Council meeting. Mr. Falotico seconded.

Mr. Rojek asked if the cost of painting the vans could be provided at that meeting.

Ms. Blankenship asked Mr. Weaver to look into the procedures the CAPC is using to hire a new auditorium/special events director.

MAYOR'S COMMENTS:

Mayor Harrison said the fire department has received a grant for \$36,000 to purchase a mobile educational unit. There are only two manufacturers of these units in the United States. She asked if the Council would be willing to waive the bidding process so the department can purchase a unit. Mr. Berry moved to have an ordinance prepared waiving the bid process for the purchase of a mobile education unit. Mr. Falotico seconded.

Mayor Harrison said the CAPC is now looking at a proposal to hire a special events coordinator, rather than a director. She said a proposal was submitted to the CAPC after the deadline for resumes for those interested in the director's position. She has told the CAPC members they need to advertise for a statement of qualifications if this is the direction they want to take.

ADJOURNMENT:

Mr. Falotico moved to adjourn at 10:10 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 July 11, 2005.

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell

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