

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

**PRESENT:** Mayor Kathy Harrison, Aldermen Aaron Falotico, Terry McClung, Rick Rojek, Lori Weaver, City Attorney Tim Weaver, Public Works Director Robert Forrest and City Clerk-Treasurer Mary Jean Sell. Aldermen Robert "Butch" Berry and Beverly Blankenship were absent.

**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 said Dr. Van Brahana will not be able to make his report, Old Business Item #1, and he would like to re-schedule for the meeting of Aug. 8

She asked to add Ordinance #1995, regarding levying of real and personal property taxes, as New Business Item 6.

She said Ordinance #1997, regarding bid limits, would not go into effect until the new state law changing the limits goes into effect in August. She postponed the first reading of the ordinance to the Aug. 8 meeting.

Mr. Falotico asked to postpone the executive meeting until the Aug. 8 meeting.

On the motion to approve the agenda as amended, all voted aye. Motion passed 4/0/0

**MINUTES: July 11, 2005**

Mr. McClung moved to approve the minutes of July 11. Mr. Falotico seconded.

Mayor Harrison noted a correction on Page 3 in the discussion of the new Fire/EMS station, the siding will be "of" Hardy Plank.

On the motion to approve the minutes as amended, all voted aye. Motion passed 4/0/0

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:**

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

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**

Mr. McClung moved to approve the nomination of Patrick Brammer for reappointment to the Planning Commission Position 1. Mr. Falotico seconded. All voted

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aye. Motion passed 4/0/0

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

**DEPARTMENT AND COMMISSION REPORTS:**

**CAPC, Fire/EMS, Building, Cemetery, Planning, Finance**

CAPC – Ms. Sell read aloud the report from Marketing Director Lynn Berry.

Fire/EMS – Mayor Harrison said Fire Chief David Stoppel has asked to be allowed to go ahead and have the architects put together the bid package for the demolition and construction of the new fire station at 144 E. Van Buren. She said it would be easier for the Council to know the estimated cost of the project once the bid package is prepared. There is

enough money in capital funds to pay for the preparation of the bid package. The department has taken possession of a new ambulance. She read the activity report aloud.

**Building** – Ms. Sell read aloud the report from Building Official Justin Fuson. Mr. Falotico asked for a report on the purchase and installation of kitchen equipment for the Harmon Park Community Center from Mr. Fuson at the Aug. 8 meeting.

**Cemetery** – Ms. Sell reported the Commission is considering a replacement for the current groundskeeper, because of a resignation. Arrangements have been made for the donation of a memorial fountain at the cemetery, to be funded by Community First Bank and some of the installation labor donated by Bruce Wright of Cornerstone Construction Co.

**Planning** – Ms. Sell reported the Planning Commission has temporarily suspended work on updating the master plan because it has two vacancies.

**Finance** – Mayor Harrison reported the overall collection of sales tax is up 3.52 percent over last year. Interest on the city's certificates of deposits (CDs) has earned \$119,886 to date. Interest on the water and sewer accounts is up 300 percent over what was budgeted.

She asked Council members to consider the community vision plan adopted by the last council and to look at the possibility of providing capital funding for installation of street lights and banners from the intersection of Highway 62 and Highway 23/Main Street at the top of Planer Hill. She estimated the cost at approximately \$100,000.

A mid-year budget workshop is scheduled for 6:30 p.m. Monday, Aug. 1.

## **OLD BUSINESS:**

### **1. Discussion of Ordinance #1996 – regarding grease traps (2<sup>nd</sup> reading)**

Mr. Rojek moved to suspend the rules and place Ordinance 1996 on its second reading by title only. Ms. Weaver seconded. By roll call, all voted aye. Motion passed 4/0/0

Mayor Harrison read the title of the ordinance aloud.

Mr. Falotico moved to approve Ordinance 1996 on its second reading by title only. Mr. Rojek seconded.

McClung asked Mr. Weaver about including information from the Hot Springs, AR, ordinance and for references regarding new technology to be included.

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Mr. Falotico asked for provisions for variance to be included and a reference to the state codes.

On the motion to approve the ordinance on its second reading, by title only, all voted aye. Motion passed 4/0/0

### **2. Discussion of Ordinance #1973 – regarding sidewalks (2<sup>nd</sup> reading)**

Mayor Harrison explained the revisions and corrections to the ordinance have been made by Certified Local Government (CLG) Coordinator Glenna Booth.

Mr. Falotico moved to suspend the rules and place Ordinance 1973 on its second reading by title only. Mr. Rojek seconded. By roll call, all voted aye. Motion passed 4/0/0

Mayor Harrison read the title of the ordinance aloud.

Mr. Falotico moved to approve Ordinance 1973 on its second reading by title only. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0

### **3. Discussion of lease of Harmon Park Community Building.**

Mr. Weaver said he is still negotiating the lease with attorney Matt Bishop.

Mayor Harrison said former Parks and Recreation Commission Chairman Bill Earngey had provided copies of the Commission's duties and responsibilities from the Municipal Code. He contends the Commission is the only entity with authority to deal with leasing the building.

Mr. Weaver said that if the Council wants to take the responsibility for the building, it could be done with a resolution.

Mr. Falotico said a resolution should be drafted. There was no second.

Mr. Falotico moved to hold off on further repairs to the Harmon Park Community Building until the lease (with

Eureka Kids) has been executed. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0

Mr. Falotico moved to close the City Council meeting at 7 p.m. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0

### **STONE WALL BOARD OF APPEALS HEARING**

Mr. Falotico moved to open the Stone Wall Board of Appeals hearing at 7 p.m. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0

The request for the hearing is from Mark Jipp, co-owner of Veranda Inn, 38 Prospect. He has asked the City to declare its ownership of the stonewall along Ellis Grade. He is concerned that the wall may be in need of major repair or failing.

Attorney Kent Crow represented Mr. Jipp. He said that a city map of 1893 shows Ellis Grade, without a house on the property. He believes whoever constructed Ellis Grade, constructed the wall to hold back the earth from the street. The Veranda Inn was built in 1899.

Mr. Crow said there is a City utility easement on top of the wall, although he and Mr. Jipp have been unsuccessful in getting the Public Works Department to determine the responsibility for the wall.

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Mr. Jipp presented a survey showing his property lines.

Mayor Harrison read aloud a letter from Ron Tracey of Tracy Consulting Engineers, Inc., of Tulsa, Okla., regarding a possible survey of the down slope street adjacent to the Veranda Inn property. It will take approximately 60 days to complete the survey work.

Looking at provided photographs of the wall, Mayor Harrison said it looks like there is a line in the wall that may be the capstone of the wall, which starts at the intersection with Prospect Ave. and continues down Ellis Grade. To her, it appears an additional section of the wall was built on top of the capstone.

Public Works Director Robert Forrest believes the wall exists to support the Veranda Inn property.

Mayor Harrison said it might not be possible to get a survey done within the seven days required for the Board to respond to the appeal.

Mr. Crow said his client had no objection to waiving the seven-day time limit and to waiting for a full Council to render a decision, since two are absent now.

Mr. McClung moved to continue the hearing during the Aug. 8 meeting and to see if a surveyor could be contacted to survey Lots 4, 5 and 6 of Block 44 of the Eureka Improvement Company Survey. Mr. Falotico seconded. All voted aye. Motion passed 4/0/0.

Mr. Forrest said he would not be able to attend the meeting of Aug. 8.

Mr. Falotico moved to amend the motion to discuss the wall appeal during the Aug. 22 regular meeting. Ms. Weaver seconded. All voted aye. Motion passed 4/0/0.

Mr. Falotico moved to adjourn the Stone Wall Board of Appeals hearing at 7:55 p.m. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0.

Mr. Falotico moved to resume the City Council meeting at 8:07 p.m., following a short break. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0.

### **5. Discussion of a new fire station at 144 E. Van Buren.**

Mr. Falotico said to move on to the next agenda item.

### **NEW BUSINESS:**

#### **1. Discussion of Ordinance #1998, regarding waiving bid process for Fire Safety Trailer.**

Mayor Harrison explained the Fire Department has gotten a 90/10 matching fund grant to purchase the Scotty Fire

Safety House at a cost of \$36,083. There are only two companies who make the fire safety education unit. There is a time consideration for committing the City's matching funds to the grant to secure the grant.

Mr. Falotico moved to place Ordinance 1998 on its first reading. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0.

Mayor Harrison read the ordinance aloud.

Mr. Falotico moved to approve Ordinance 1998 on its first reading. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0.

Mayor Harrison asked the Council to go forward with the second and third readings and adoption of the emergency clause, but Council members didn't see the need.

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**3. Discussion of resolutions from HDC and Planning Commission regarding hiring of an enforcement officer.**

Mayor Harrison said both commissions have requested the hiring of an enforcement officer to assist the Building Official in monitoring HDC projects and results of decisions.

Mr. Falotico moved to discuss the situation during the Aug. 1 budget workshop. Mr. McClung seconded. All voted aye. Motion passed 4/0/0.

**4. Discussion of Ordinance #1999, regarding loading zone at Pendergrass Corner. (1<sup>st</sup> reading)**

Mr. Weaver said he did not have all the information he needed to prepare the ordinance.

Mr. Falotico said to postpone the first reading of Ordinance 1999 to the Aug. 8 meeting.

**5. Discussion of Ordinance #2000, regarding naming of Lower Wall St., from Owl St. to Armstrong St. as one-way down hill. (1<sup>st</sup> reading)**

Bill King asked if a public hearing could be held on this issue before an ordinance is adopted.

Mr. Weaver did not have the ordinance prepared.

**6. Discussion of Ordinance #1995 – levying personal and real property taxes for 2006.**

Mr. Falotico moved to place Ordinance 1995 on its first reading. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0.

Mayor Harrison read the ordinance aloud.

Mr. Falotico moved to approve Ordinance 1995 on its first reading. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0.

**CITY COUNCIL COMMENTS:**

**Mr. McClung** asked Mr. Weaver about the issuance of summons for delinquent CAPC accounts. Mr. Weaver said they should be ready shortly. He asked Mayor Harrison for an update on the contract for the purchase of the parking lot at the top of Planer Hill, intersection of Highways 62 and 23. She said the Arkansas Historic Preservation Program (AHPP) has approved the site location and a topographic map has been sent to Little Rock. She is hoping to close on the deal Aug. 1. He reminded everyone of the town hall meeting by Stone Ward advertising agency at 5:30 p.m. Tuesday in the City Auditorium.

**Ms. Weaver** wanted to remind everyone that open microphone will be during the next meeting.

**MAYOR'S COMMENTS:**

Mayor Harrison encouraged everyone to attend the meetings from 1 to 4 p.m. and 4 to 7 p.m. Tuesday at the Beaver Fire Station to discuss the proposed Highway 187

bridge relocation. She said there are several new proposals for highway routes.

She congratulated her husband, Larry, on winning first place in his division of the recent Fat Tire Festival.

She wished her father, Russell Clay, a happy birthday.

**ADJOURNMENT:**

Mr. McClung moved to adjourn at 8:35 p.m. Mr. Falotico seconded. All voted aye. Motion passed 4/0/0.

This is the signature page for the minutes of the regular meeting of the City Council July 25.

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Mayor Kathy Harrison

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City Clerk Treasurer Mary Jean Sell