

Mayor Kathy Harrison called the regular meeting of the City Council to order at 6 p.m. Monday, March 14, 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, Planning Commission Chairman Leah Karnes 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. Berry moved to adopt the agenda. Mr. Falotico seconded.

Mr. McClung moved to consider Resolution #512, regarding proposed changes in the state enabling legislation regarding the City Advertising and Promotion Commission (CAPC). Mr. Rojek seconded.

Mr. Falotico said there is no reason to discuss the resolution since the deadline for submitting bills to the state legislature has passed.

Ms. Blankenship said she had just gotten the information today and did not have time to read and research the material. She did not want to discuss the resolution.

On the motion to consider the resolution, Mr. McClung, Mr. Rojek and Mr. Berry voted aye. Mr. Falotico, Ms. Blankenship and Ms. Weaver voted nay. Motion failed 3/3/0

Mr. McClung moved to place Resolution #512 on the March 28 agenda. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. Rojek asked if Corley St. is on the agenda. Mayor Harrison said the Johnsons have selected someone from the University of Arkansas in Fayetteville to do the environmental impact study. A request for the consultant's fee schedule has been made. She said there will be a discussion on the March 28 agenda.

Mayor Harrison said there will be an ordinance presented March 28 to adopt the new Municipal Code.

Mr. Falotico moved to add the annual Arbor Day Proclamation as New Business Item #5. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. Falotico moved to approve the amended agenda. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

**APPROVAL OF THE MINUTES: February 28, 2005**

Mr. Falotico moved to approve the minutes of Feb. 28. Mr. McClung seconded.

Mr. Falotico objected to the listing of two persons seconding a motion. He wants only one name listed. All voted aye. Motion passed 6/0/0

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**COMMISSION, COMMITTEE AND AUTHORITY REPORTS, 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 – reinstate – Debbie Frisbie**

Mr. McClung said he has gotten three telephone calls in favor of the nomination and 14 in opposition.

Ms. Blankenship said she had called commission members and citizens and had to solicit comments on the nomination. Since then, she has gotten seven calls in favor and 14 calls in opposition.

Mr. Rojek said he has had five calls in favor and 16 in opposition.

Mr. Berry said he has had similar telephone calls, maybe one in support. The bulk of e-mails and calls have been in opposition.

Ms. Weaver said citizens who have called her were uneasy about Ms. Frisbie.

**Karen Lindblad** said Ms. Frisbie is the best chairman the HDC has had. Her re-election as chairman was a vote of confidence from her Commission.

**Melissa Greene**, HDC Commissioner, said Ms. Frisbie is incredibly honest, tough but fair.

**Mark Mattmuller** said he supports Ms. Frisbie. The 17 who don't like the rules should move to Hogscald Hollow.

**Tony Halter** said he had called four Council members and three had called him back. He said he supports Ms. Frisbie and asked how many of the 14 callers are involved in litigation?

Mr. Falotico said he knows Ms. Frisbie is an advocate for preservation but he will not support her nomination.

Mr. McClung called the question to end discussion. All voted aye.

On the nomination to reinstate Ms. Frisbie on the HDC, no one voted aye. All voted nay. Nomination failed 0/6/0

**Historic District Commission – Position 7 – Expires 3/7/05 – reinstate Melissa Greene**

Mr. Rojek moved to reinstate Ms. Greene. Mr. Falotico seconded. All voted aye. Motion passed 6/0/0

## **DEPARTMENT AND COMMISSION REPORTS:**

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

Ms. Sell read aloud the report from the Police Department showing figures from Jan. 1 to March 14: 15 accidents; 51 persons booked into jail on 88 charges; 449 calls for service with an average call time of 51.25 minutes; 176 citations issued; 146 incident reports; 208 warnings issued; 27 warrants or civil papers issued; and 27 warrants or civil papers served.

Ms. Sell read aloud the Transit Department's report: Transit began providing daily service March 1. Revenues have been decreased by the construction on Spring St. at Pendergrass Corner. The Arkansas Highway and Transportation Department (AHTD) is reviewing the low bid for the enclosing of the downtown trolley depot. Two billboards

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are being rented, one on Highway 62 east near Johnson's Landscaping, and one on Highway 23 South near Harold's Storage, to advertise transit services. The trolley barn expansion is almost complete.

Mayor Harrison reported for Public Works. She said the work at Pendergrass Corner is to be finished in time for the St. Patrick's Day Parade at 3 p.m. Thursday, March 17. Mr. Berry asked that project plans for this year and next year be brought to the Council as soon as possible.

Mr. Levine said the city will celebrate Arbor Day on March 21 with a program at Lake Leatherwood Ball Fields, including the planting of 125 trees, some at the ball fields and in various spring and city parks. He has received a grant from AHTD for a handicapped access trail at the Lake Leatherwood Ball Fields. The Planning Commission will meet with him at 4 p.m. March 24 to walk the area and to see which trees are to be removed for the trail. Eureka Kids has gotten a \$1,000 grant of a Heritage Garden. He will be applying for a grant to do work on the band shell in Basin Spring Park. He would like to have a workshop session with the Council, members of the Parks and Recreation Commission and Green Zone Ordinance Committee to discuss the proposed ordinance.

Ms. Karnes reported the Planning Commission is reviewing the sign ordinance and proposing amendments. The committee of the whole is discussing developing maps and a web-based map program for the master plan. The 200-foot rule is still under consideration. Ms. Sell has provided information and is still researching existing, and past, conditional use permits (CUPs).

Ms. Sell read the HDC report. Certified Local Government (CLG) Glenna Booth attended the quarterly state CLG meeting in Little Rock Feb. 22-23. She heard presentations of Senate Bill 359: providing a 25 percent Arkansas tax credit for rehabilitation of residential and commercial properties, and House Bill 1705 changing the distribution of the current tax percentage that is collected for recreation, tourism and heritage. It also eliminates grant programs for courthouse restoration and historic preservation grants. The Eureka Springs nomination application for national significance will be reviewed in Little Rock April 6. The date for the CAMP training program for all Arkansas CLG coordinators and commission members is set for Nov. 3 and 4, the first weekend in November.

Mr. Berry moved to take a short break at 6:50 p.m. Mr. Falotico seconded. The meeting resumed at 7:04 p.m. with open microphone.

**Joe Zickmund** asked the Council to preserve fair and equitable treatment of everyone with regard to the collection of the CAPC tax. All or none of the retail shops should collect the tax. Is the tax fair to the consumers?

**Harley Fox**, director of Project Save Our Children Against Drunk Driving, asked the Council for an \$8,000 contribution to establish his program in the Eureka Springs Schools for 2005-2006. Berryville and Green Forest have promised support. He has letters of support from the state attorney general, Senator Blanch Lincoln and the school boards from all three communities.

The regular meeting resumed at approximately 7:15 p.m.

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## **OLD BUSINESS:**

### **1. Discussion of Ordinance #1989, an ordinance to amend Municipal Code Chapter 114-2(b) regarding existing historic churches. (3<sup>rd</sup> reading)**

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

Mayor Harrison read the ordinance aloud.

Mr. Weaver suggested replacing the word “churches” with “religious structures” and in Section 1, last line, to replace “churches” with “religious services.” He said he would not have listed the existing churches by name, only by address.

Mr. McClung asked if passing this ordinance would preclude 80 Mountain St. (the Old Stone Church) from getting a CUP as a wedding establishment because of the Christian Science Church on Mountain St. Mr. Weaver said 80 Mountain couldn't get a CUP.

Wade Williams, attorney for the owners of 80 Mountain St., said the ordinance was reactionary and not a good ordinance. He wanted to know the criteria for placing a structure on the list, does it have to do with appearance of the building, and why were some churches left off the list. He believes the ordinance gives benefit to some properties and restricts the use of other properties. He asked that it be tabled.

Ms. Blankenship moved to amend the ordinance to use “religious structures” in place of “churches”; to remove the names of the churches; and to change Section 1 to say “religious services.” Mr. Falotico seconded. All voted aye on the amendment. Motion passed 6/0/0

Mr. Falotico moved to approve Ordinance 1987, as amended, on its third reading by title only. Ms. Blankenship seconded. Mr. Berry, Mr. Falotico, Mr. Rojek and Ms. Blankenship voted aye. Ms. Weaver and Mr. McClung voted nay. Motion passed 4/2/0

### **2. Discussion of Ordinance #1988, an ordinance to rezone a vacant lot at 215 W. Van Buren from A, Agriculture, to C-2, Contemporary Commercial. (3<sup>rd</sup> reading)**

Mr. Falotico moved to suspend the rules and place Ordinance 1988 on its third reading by title only. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read the ordinance aloud.

Mr. Falotico moved to approve Ordinance 1988 on its third reading by title only. Mr. McClung seconded. All voted aye. Motion passed 6/0/0

## **NEW BUSINESS:**

### **1. Discussion of Ordinance #1989, an ordinance to establish a Board of Appeals for stone walls.**

Mr. Weaver said he has written a rough draft, but he wants to review the draft with Public Works Director Robert Forest before presentation to the Council.

### **2. Discussion of Resolution #511, a resolution for review of projects before advertisement of bid.**

Mr. Falotico moved to approve Resolution 511. Mr. Berry seconded.

Mr. Falotico said he wants to see bid specifications.

Mr. McClung wants a detailed description of the projects and to have the projects explained to the Council.

Mr. Berry wants to have the project prior to or in the preliminary design phase, before too much money has been spent. He wants to be informed of the design scope and estimated cost of projects.

Mr. Berry moved to table the resolution for better verbiage. Mr. Falotico seconded. Discussion continued and changes were made. Mr. Berry withdrew his motion and Mr. Falotico withdrew his second.

Mr. Berry moved to read Resolution #511 as amended. Mr. Falotico seconded.

Mayor Harrison read the resolution aloud.

### **3. Discussion of a Community Center. (Falotico, Blankenship)**

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

Mr. Falotico said there is money available from the state to construct a new community center. All we have to do is figure out what we want and ask for the funding from state legislators.

Mr. McClung said we need to have a committee to determine what we want to achieve, size and possible uses for a community center.

Mr. Falotico moved to instruct the Parks and Recreation Commission to form a Community Center Committee with at least one member from that commission and the rest from the public, with a limit of five members. Mr. Rojek seconded.

All voted aye. Motion passed 6/0/0

Mr. Falotico moved to take \$20,000 from the Community Center Fund in the capital budget for repairs to the existing Community Center Building in Harmon Park. Mr. McClung seconded.

Mr. Falotico amended his motion to spend a maximum of \$20,000 for repairs.

Mr. Falotico moved to authorize the Parks and Recreation Commission to develop a scope of work, not to exceed \$20,000, for repairs to the existing Community Center. Mr. McClung seconded. All voted aye. Motion passed 6/0/0

### **4. Discussion of Resolution #510, a resolution adopting a substance abuse policy for the city's Transit System.**

Mr. Falotico moved to read Resolution #510. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read the resolution aloud.

### **5. Discussion of Arbor Day Proclamation.**

Mr. Falotico moved to read the Arbor Day Proclamation. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read the resolution aloud.

## **COUNCIL COMMENTS**

**Mr. McClung** asked listening residents to volunteer for the HDC, Planning and Hospital Commissions. He wanted to know if the capital budget is finished. Mayor Harrison said she would ask department heads to prioritize their capital budgets.

**Mr. Rojek** thanked citizens for their input. He said "ditto" to Mr. McClung's request for volunteers for commission positions. He asked to have Ordinance #1114, regarding processes for calling special meetings, put on the March 28 agenda. He would like to update the methods of notification.

**Mr. Falotico** wants to tackle the hospital situation and find out where we are. He asked that Interim Administrator Craig Ortego be invited to the April 4 Council meeting for discussion. Ms. Blankenship seconded.

He wants to discuss the structure of the CAPC at the March 28 meeting. Ms. Blankenship seconded.

He wants the city financials, report of sales tax revenue and last year's comparable numbers and monthly financial reports for the March 28 meeting.

He wants commission members to contact City Hall or Council members if they need assistance in properly holding meetings.

**Mr. Berry** asked if it is necessary to schedule another capital budget workshop. Meeting was set for 6:30 p.m. Thursday, March 17.

He said Eureka Springs has lost a long-time community activist with the death of Carolyn Green Friday night. He extended his sympathy and condolences to her husband, Shalom, and her family and friends.

**Ms. Blankenship** said she has gotten a lot of calls about this year's Sunday Market. Mayor Harrison said the discussion is already on the March 28 agenda.

Ms. Blankenship said it is not acceptable to not have the December and January financial statements yet. She wants them done as soon as possible.

Ms. Weaver wished everyone a great spring break.

**MAYOR'S COMMENTS:**

Mayor Harrison extended her condolences to Shalom and the family of Carolyn Green.

**ADJOURNMENT:**

Mr. Falotico moved to adjourn at 8:40 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 March 14, 2005.

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City Clerk Mary Jean Sell

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Mayor Kathy Harrison