

Council Chairman Aaron Falotico called the regular meeting of the City Council to order at 6 p.m. Monday, May 9, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Aldermen Robert "Butch" Berry, Beverly Blankenship, Aaron Falotico, Terry McClung, Rick Rojek, Lori Weaver, City Attorney Tim Weaver, Public Works Director Robert Forest, Mayor's Assistant Brenda Spencer and City Clerk Mary Jean Sell.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Chairman Falotico led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

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

Mr. Berry moved to defer New Business Item #5 regarding a discussion of nepotism since Mr. Weaver doesn't have anything prepared. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. Berry said New Business Item #1, discussion of Ordinance #1973, is not prepared. Chairman Falotico deferred the item.

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

APPROVAL OF THE MINUTES: April 25, 2005

Mr. Rojek moved to approve the minutes of April 25. Ms. Weaver seconded.

Ms. Blankenship noted she had asked for reports from department heads on expenditures for professional services and that Mr. Falotico had not seconded his own motion to adjourn in the minutes of the April 11 meeting. The deferment of the discussion of the resolution in support of the Community Development Partnership grand request to HUD was not included in the minutes of April 25.

Mr. Berry asked to have the comment by David Correll of CC Cinnamon volunteering to be the grease trap inspector removed from New Business Item #1 on Page 3.

Mr. Berry moved to approve the amended minutes of April 25. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning Commission – Position 6 – Expires 1/1/06 – vote – Bill Earngey

Mr. Berry moved to approve Mr. Earngey's appointment. Ms. Weaver seconded. Ms. Blankenship, Mr. Berry and Mr. McClung said they had telephone calls from persons opposing Mr. Earngey's appointment, but they thought he could do the job. On the motion, all voted aye. Motion passed 6/0/0

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

Historic District Commission – Position 6 – Expires 3/7/05- vote- John Swallow

Mr. McClung moved to approve Mr. Swallow's appointment. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

DEPARTMENT AND COMMISSION REPORTS:

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

Ms. Sell read reports from the Transit Department and HDC. She said the Planning Commission is continuing work

on up-dating the city's master plan and announced public hearings on changes proposed by the Commission to the Municipal Code.

The Parks report was delayed until Director Bruce Levine arrived at 6:40 p.m. He said he wants to have a structural engineer look at the foundation of the Community Building in Harmon Park.

Mr. Berry said if repairs to the foundation are needed, to come back to the Council.

Mr. Levine encouraged everyone to look at the gardens, they have never looked better.

Mr. Berry said he would make a proposal for the Parks to take over the landscaping and maintenance of the city's gardens from Public Works, including moving one employee to Parks.

OLD BUSINESS:

1. Discussion of City Attorney's findings concerning easements/vacating or purchase of unopened city right of way.

Mr. Weaver said the city can vacate land to adjacent property owners, but it would not have the authority to create an easement through the property. The city could not create an easement and then vacate the property.

When the 99-year leases are up, the leased property could be given to owners on one side or the other, who would have gotten the property if it had been vacated, in his opinion.

Mr. Weaver is unable to find cases or law having direct bearing on granting surface easements for ingress and egress to property. He has talked with attorneys at the Municipal League and for the cities of Rogers and Springdale, but they have not had experience with similar issues.

Mr. McClung asked for writings on the issue to read for himself.

2. Discussion of grease traps Ordinance #1985 – McClung, Berry

Chairman Falotico said a proposed ordinance is supposed to be ready for the May 23 meeting.

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NEW BUSINESS:

1. Discussion of transit hours. Falotico, Blankenship

Chairman Falotico said he has gotten complaints that the trolleys are not running late enough into the evening as the summer season gets underway. He said there is \$30,000 in the budget to cover additional man-hours. He wants Transit Director Lamont Richie to come to the May 23 meeting to answer questions about trolley scheduling.

2. Discussion of city leasing Benton St. parking lot from Bank of Eureka Springs. Berry, McClung

Mr. McClung said an offer has been made to rent the city to rent the spaces so the parking spaces near the courthouse could be opened as paid parking for visitors.

Mayor Kathy Harrison had told the Council during the April 25 meeting she, Police Chief Earl Hyatt and a bank representative had discussed the proposal but came to the conclusion it was not advantageous to the city.

Mr. Berry moved to have the discussion on the May 23 agenda and to ask Chief Hyatt for a report on the monthly income from the parking lot and projected income from the new spaces. Mr. McClung seconded. All voted aye. Motion passed 6/0/0

The Council took a short break and reconvened at 7:07 p.m.

Open Mic

The open microphone session are held during the first meeting of each month to give citizens the opportunity to directly address the Council about their concerns.

Andy Bettman resides at 31 Steel St. and is a geologist. He is concerned about the potential opening of Corley St. and objects to any development. He said the area is very sensitive with existing erosion problems and constructing a street will add to the erosion problems. Paving on a "karst" area invites problems. He believes there are also drainage and safety issues to deal with.

Maureen Bettman said they came into the Corley St. discussion late. She thinks of Eureka Springs as an ecologically developed area. She is concerned about the possibility of putting a street on top of the hill. She joins her husband in his objections.

Harley Fox, director of Save Our Children from Drunk Drivers, said he has talked with the Holiday Island Rotary Club about supporting his program. He has talked with the principals and superintendents of all three county high schools and is scheduling the start of his program for the 2005-2006 year. He is still looking for donations to purchase equipment. The Eureka Springs Rotary Club has promised \$2,500 if he can raise \$5,500. He is getting ready to send out 400 donation solicitation letters.

Lynn Berry, marketing director for the City Advertising and Promotion Commission (CAPC), said she came to plead and beg with business owners to turn off their Christmas lights that look like broken teeth. There are a lot of professional and magazine photographers scheduled to be here in May who will be taking photographs of the downtown area.

The City Council meeting resumed at 7:15 p.m.

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4. Discussion of Resolution #513 to sell a portion of Lake Leatherwood property to the Arkansas Highway Transportation Department.

Ms. Weaver moved to read Resolution #513. Mr. Rojek seconded.

Ms. Sell presented information regarding the property and the contract with the Arkansas Highway Commission for the sale of 3.71 acres alongside Highway 62 for \$7,450. The Arkansas Highway and Transportation Department (AHTD) is relocating the bridge and curve in Hwy. 62. The city will be given the approaches and old bridge for the entrance to Lake Leatherwood City Park and the Lake Leatherwood Ball Fields.

Mr. McClung said he thought there was a provision in the original deed between the city and federal government giving the Lake Leatherwood property to the city that if any of the property is ever sold, the land returns to the federal government.

Mr. Weaver said AHTD had not mentioned that as a factor of the sale. If the Council does not agree to the sale, the state is prepared to go forward and file an imminent domain suit to take the property.

Mr. Berry wanted to know why the Council had not been informed of the transaction earlier. He said the county judge had mentioned it to him six months ago.

Bill King said he had talked to Mayor Harrison on his cell phone and the city would also get the property between the old highway and the new highway as part of the agreement.

On the motion to read the resolution, all voted aye. Motion passed 6/0/0

Ms. Sell read the resolution aloud.

CITY COUNCIL COMMENTS:

Mr. McClung said he had gotten an e-mail from Ms. Blankenship about the city's finances, but he still doesn't understand the figures. He said someone had mentioned some bonds coming up for renewal. If that is the case, he wants them bid out.

Mr. Rojek thanked the citizens who had some to speak during open mic. He said the sewer workshop needs to be scheduled because Mr. Forrest has to be away next week.

Ms. Blankenship said there has been a lot of confusion about the Special Events permits and how they are supposed to be handled. She wants to have a discussion during the next meeting. Mr. Falotico seconded.

Ms. Sell said there has been a request from the Greater Eureka Springs Chamber of Commerce to waive the parking

lot rental fees for the Antique Car Show and the Corvette Show. Mr. McClung and Mr. Berry said they would sponsor consideration of waiving the fees for the agenda of May 23.

Mr. Berry said the PT Cruisers had gotten a parade permit this past weekend, but the department heads had not been notified and people had been stranded following the parade. He said he wants to start reviewing any mid-year budget changes in June. He wants information from Mr. Forrest on the sewer projects, how much money has been spent to date, how much money is available and what is left in the sewer line project.

Ms. Weaver said she hopes the Mayor is feeling better soon.

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ADJOURNMENT:

Mr. Berry moved to adjourn at 7:50 p.m. Mr. McClung seconded. All voted aye. Motion passed 6/0/0
This is the signature page for the minutes of the regular City Council meeting of May 9, 2005.

City Clerk Mary Jean Sell

Council Chairman Aaron Falotico

