

Mayor Kathy Harrison called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Nov. 14, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert “Butch” Berry, Beverly Blankenship, Terry McClung, Rick Rojek, Lori Weaver, City Attorney Tim Weaver, Acting Public Works Director Jay Wilson and City Clerk-Treasurer Mary Jean Sell. Alderman Aaron Falotico has resigned.

PLEDGE OF ALLEGIANCE:

Mayor Harrison led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

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

Ms. Sell said Resolution #517 should be #518 and the resolution for the Auditorium should be number #519.

Mr. McClung asked to add a formal acceptance of Alderman Falotico’s resignation; for an update on the waste treatment plant project; and to discuss the Angel at Rose Hall lawsuit as Old Business #2. Ms. Blankenship seconded.

Ms. Blankenship asked to add a discussion of the city’s check signers as New Business Item 8. Mr. Rojek seconded. She asked for an executive session for a disciplinary matter. Mr. Rojek seconded.

Mr. Berry asked that the state funds for the Parks and Recreation Commission be added as New Business Item #10. Mr. McClung seconded.

On the agenda as amended, all voted aye. Motion passed 5/0/0

APPROVAL OF THE MINUTES: Oct. 24, 2005, two meetings of Nov. 8, 2005

Oct. 24 – Mr. Rojek moved to approve the minutes of Oct. 24. Mr. McClung seconded. All voted aye. Motion passed 5/0/0

Nov. 8 – A - Mr. Rojek moved to approve the minutes of the first special meeting Nov. 8. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

Nov. 8 – B - Mr. Rojek moved to approve the minutes of the second special meeting Nov. 8. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

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

Historic District Commission – Position 2 –Expires 11/30/07

CAPC – Position 4 – Expires 6/30/08

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

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DEPARTMENT & COMMISSION REPORTS:

Police, Transit, HDC, Building/Harmon Park Community, Public Works/Update on waste treatment plant project

Police – Ms. Sell read aloud the report from Police Chief Earl Hyatt.

Transit – Ms. Sell read aloud the report from Transit Director Lamont Richie. Mayor Harrison said she has met with landscape architect Mark Robertson of Mesa Landscape in Little Rock about the features of the Planer Hill Park and Ride lot. She said he has recently won two national awards for his work. He has some wonderful plans for the project.

Building/Harmon Park Community Building – Mr. Berry said he is almost finished with the plans for the fire

suppression system and vent hood for the kitchen area. He hopes to give them to the Building Official this week.

Public Works – Mr. Wilson reported a concrete pad has been built for the belt press and a metal building has been ordered to cover it. He will be meeting with the consulting engineers from USI on Tuesday. Working with USI engineers, they have made some changes in the plans to start saving costs, particularly by using pumps and equipment already on hand instead of ordering new. He estimated USI would be taking the plans to the Arkansas Department of Environmental Quality (ADEQ) by the end of the month. Mr. Berry said he still wants a preliminary budget on the project.

HDC – Ms. Sell reported on the recent CAMP meeting held here, sponsored by the Arkansas Historic Preservation Program (AHPP) and the National Alliance for Preservation. Approximately 60 persons attended the meeting and reported a good time. An impromptu survey showed the visitors had spent \$17,500 in town before the meeting adjourned at noon on Friday.

EXECUTIVE SESSION:

Mr. Berry moved to go into executive session for the purpose of hiring a public works director at 6:35 p.m. Mr. Rojek seconded. The meeting resumed at 7 p.m.

Mr. McClung moved to approve the hiring of Jay Wilson as public works director. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

Council took a break at 7:02 p.m. The meeting resumed at 7:08 p.m.

Open mic

The purpose of open mic is to allow residents to address the Council on any topic. The Council does not engage in questions or discussion of the issues at this time.

Lori Davis spoke to her application for vacating an alley on Peerless Ave. She wants to construct a parking area and wants the additional eight feet of property.

Karen Lindblad said Council members had broken state law in settling the Latimer lawsuit and granting a transferable conditional use permit (CUP). She cited the specific sections of Arkansas law. She said the Council had circumvented the right of the people to a referendum election by stopping the Supreme Court appeal on the filing date for the petitions calling for an election on the Latimer settlement.

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

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EXECUTIVE SESSION:

Ms. Blankenship moved to have an executive session for discipline of an employee at 7:15 p.m. Mr. Rojek seconded. The meeting resumed at 7:32 p.m.

Mayor Harrison announced no action would be taken.

OLD BUSINESS:

1. Discussion of Ordinance #2003, amending budget to fund special election.

Ms. Blankenship moved to place Ordinance 2003 on its first reading. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

Mayor Harrison read the ordinance aloud.

Mr. McClung moved to approve Ordinance 2003 on its first reading. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

Mr. McClung moved to suspend the rules and place Ordinance 2003 on its second reading by title only. Mr. Rojek seconded. By roll call, all voted aye. Motion passed 5/0/0

Mayor Harrison read the ordinance aloud.

Mr. Rojek moved to approve Ordinance 2003 on its second reading by title only. Mr. McClung seconded. All voted aye. Motion passed 5/0/0

Mr. McClung moved to suspend the rules and place Ordinance 2003 on its second reading by title only. Mr. Rojek

seconded. By roll call, all voted aye. Motion passed 5/0/0

Mayor Harrison read the ordinance aloud.

Mr. Rojek moved to approve Ordinance 2003 on its third reading by title only. Mr. Berry seconded. All voted aye.

Motion passed 5/0/0

Mr. Rojek moved to read the emergency clause. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

Mayor Harrison read the emergency clause aloud.

NEW BUSINESS:

1. Discussion of vacating a portion of Hines St. (Parks Commission)

Mr. Weaver recommended that the Council take back all of Hines St. then determine what could be given back to the Parks and Recreation Commission by ordinance.

Ms. Blankenship moved to discuss the taking back of Hines St. Mr. McClung seconded.

Ms. Blankenship said she was having trouble understanding why the Parks Commission was not sending the three proposed street vacations to the Planning Commission/Board of Zoning Adjustment for recommendations even though the Council has the final authority over the city's property.

Mr. Weaver said it is the Planning Commission's duty to make recommendations on such requests, but the Council has the final decision on use of the City's property.

Ms. Blankenship moved to have all three items (the vacations of a portion of Hines St., an unnamed alley between Peerless Ave. and Highway 62, and a portion of McElyeau St.) sent to the Planning Commission for recommendations; to have the city attorney draft three ordinances for the City to take authority over the property; and to have the property owners provide legal descriptions. Mr. Rojek seconded.

Four voted aye. Mr. McClung voted nay. Motion passed 4/1/0

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2. Discussion of filling Council vacancy in Ward 1, Position 2

Ms. Blankenship moved to accept Aaron Falotico's resignation. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

Mayor Harrison said she has received applications from Penny Carroll and Patrick Brammer as candidates for the position.

Mr. McClung moved to appoint Penny Carroll. Mr. Berry seconded. Four voted aye. Ms. Weaver voted nay. Motion passed 4/1/0

3. Discussion of Resolution #518 amending Personnel Policy regarding sexual harassment/discrimination.

Ms. Sell explained the city's Personnel Policy Handbook already addresses sexual harassment and discrimination. This proposal expands definitions and additional protections for employees. She and Mr. Richie have developed the proposal. Resolution 518 requires department heads to provide individual training for new employees and annual training for all employees.

Ms. Blankenship moved to read Resolution 518. Mr. Rojek seconded. All voted aye.

Mayor Harrison read the resolution aloud.

4. Discussion of resolution supporting Auditorium application to ABC to sell alcohol for on-premise consumption. (Berry, Rojek)

Mr. Berry moved to read Resolution 519. Mr. Rojek seconded.

Mr. Berry said this proposal is made to try to help the auditorium raise operating monies. Beverages will be allowed only in the lobby area, not in the seating area.

Auditorium Manager Ray Dilfield said the application is to sell only beer and wine for a limited amount of time prior to performances and during intermission.

Mr. Weaver cautioned the Council about allowing the auditorium to compete with other facilities also selling alcoholic beverages. He said the City is not supposed to be in a "for profit" business. He said he would do further research on the

matter.

Ms. Blankenship moved to table the discussion to the regular meeting Nov. 28 and to ask the City Attorney how to solve this problem and to enhance concerts. Ms. Weaver seconded. All voted aye. Motion passed 5/0/0

5. Discussion of Latimer/Angel at Rose Hall lawsuit. (McClung, Blankenship)

Mr. McClung asked why a discussion of the Latimer lawsuit has been put on the Planning Commission agenda.

Ms. Blankenship said there is no actual permit given to property owners when a conditional use permit (CUP) is approved. She hopes the Commission will develop such a document.

Ms. Sell explained that several members of the Planning Commission wanted to discuss the procedures for granting a CUP, the appeals process and why Chairman Leah Karnes had signed the settlement giving a CUP to Sandra Latimer. She and Ms. Karnes had suggested the matter be put off until the Dec. 8 regular meeting so Ms. Latimer, and others, could be notified of the discussion.

Mr. Berry said the motion to place the Latimer discussion on the Commission's

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agenda had died for lack of a second and shouldn't be on the agenda.

6. Discussion of the signers of the city's checks. (Blankenship, Rojek)

Ms. Blankenship said she is concerned about department heads over-spending budget line items. She would like to have a process in place to stop the issuance of a check if it is in a line item that is over the budget allocation. She suggested removing the Mayor as a check signer and putting two Council members into that position. She would like for Council members to review all of the checks before they are signed.

Mr. Weaver said putting the Council in that position would be stepping over the line of Council authority. He suggested talking with department heads about their budgets and how to rectify the over-spending situation. The Council is the budgeting authority, but the department heads are the administrators of the funds.

Ms. Blankenship moved to review the city's financials in a more detailed way on camera during the second meeting of each month. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

7. Discussion of Parks and Recreation Commission grant funds from the state.

Parks Director Bruce Levine provided information regarding grants from the state legislature for local projects and asked for the money to be deposited into Parks' bank accounts.

Mayor Harrison said the initial check from the state has been deposited in the city's accounts and Parks needs to provide a letter of request for the funds. She said she believed the funds had been transferred to Parks this afternoon.

Ms. Blankenship asked if the \$8,000 allocated for repairs in the Harmon Park Community Building has been paid. Mayor Harrison said she thought it had been.

COUNCIL COMMENTS:

Mr. Rojek asked about setting a budget meeting. Council members agreed to 6 p.m. Thursday, Nov. 17.

Mr. Berry said the Council should start looking at the Fire Department's salary request for 2006. He asked about another meeting of the Municipal Code Committee. Ms. Sell said she had some information and would e-mail it to the Committee members.

Ms. Blankenship reminded everyone of the opening of the free medical clinic by Dr. Dan Bell and others.

MAYOR'S COMMENTS:

Mayor Harrison said she has established an Arts and Cultural Heritage Task Force with Economic Development Coordinator Glenna Booth as chairman. The committee is to focus on going forward with the development of projects related to arts and cultural heritage and with promotion of the city.

She said citizens who have started a Citizens For Honest Government group have opened a bank account at Community First Bank to fund further legal work on the referendum petition/special election.

She said free hot meals are available from 5 to 7 p.m. Sundays at St. James Episcopal Church, 34

ADJOURNMENT:

Mr. Berry moved to adjourn at 9:15 p.m. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the regular City Council meeting of Nov. 14, 2005.

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell

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