

Mayor Kathy Harrison called the regular meeting of the City Council to order at 6 p.m. Monday, Nov. 28, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert “Butch” Berry, Beverly Blankenship, Penny Carroll, Terry McClung, Rick Rojek, Lori Weaver, City Attorney Tim Weaver, Public Works Director Jay Wilson, Parks And Recreation Commission Director Bruce Levine, City Advertising and Promotion Commission (CAPC) Director Lynn Berry 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. Rojek moved to approve the agenda. Ms. Weaver seconded.

Ms. Blankenship noted the financial status reports are to be discussed during the second meeting of each month. Mayor Harrison said that is item #1 of New Business.

Mr. McClung asked to add a discussion of the Latimer lawsuit referendum as item #5 of Old Business. Ms. Blankenship seconded.

Mr. Berry asked if the discussion of the judge’s retirement payment, which had been the topic of one of the special meetings Nov. 17, should be on this agenda. Mayor Harrison set the discussion as Item #2 under New Business.

Ms. Carroll asked about the position of finance director. Mayor Harrison said that would be part of the finance review later in the meeting.

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

APPROVAL OF THE MINUTES: Nov. 14, 2005 Special meeting Nov. 17, 2005

Nov. 14 – Mr. Rojek moved to approve the minutes of the regular meeting Nov. 14. Mr. Berry seconded.

Ms. Blankenship noted a correction on Page 3 in item #1 of New Business regarding vacation a portion of Hines St. She said the third paragraph should be “...Commission *was not* sending...recommendations *even though* the...” On Page 4, she wanted information added to item #5 discussion of Latimer/Angel at Rose Hall lawsuit to reflect the motion to put the lawsuit on the agenda for the Planning Commission had failed.

Ms. Blankenship moved to table approval of the Nov. 14 minutes so the corrections could be made. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Nov. 17 – Ms. Blankenship moved to approve the minutes of the special meeting Nov. 17. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

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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

DEPARTMENT & COMMISSION REPORTS:

CAPC, Fire/EMS, Building/Harmon Park Community Building, Cemetery, Planning, Parks, Update on waste

treatment plant project

CAPC – Ms. Berry gave the report of collections for September, including overall collections down 2.2 percent from last year. Inquiries for information on the website are up by 18 percent. There is a plan to have a PDF version of the *Visitors' Guide* on line next year. Work is progressing on the Christmas lights in the downtown area.

Fire/EMS – Ms. Sell read aloud the report from Fire Chief David Stoppel. He said the city has received \$10,000 of the \$38,360 FEMA fire prevention grant money for the down payment on the Fire Safety House. The rest of the payment will be requested when the house arrives, hopefully in August of 2006. Ambulance calls are up 13.8 percent over 2004 and fire calls are 8 percent down, from 105 to 97 for the same time of year.

Building/Harmon Park Community Building – Mayor Harrison read aloud the report from Building Official Justin Fuson. Mr. Berry said he is waiting on drawings and specifications for kitchen equipment so he can finish his plans for the kitchen area of the community building.

Planning – Ms. Sell reported the Planning Commission is working on revisions to the proposed sign ordinance and up-dating applications and procedures during workshops.

Parks – Mr. Levine said most of the springs now have bronze plaques telling their names and some of their history. The plaques are part of a program lead by Johnice Cross for the Community Development Partnership (CDP) of Western Carroll County. Harmon Park has been given a \$4,000 check from the Harmon Foundation. The Green Zone Committee is meeting regularly to develop a “less difficult” way of getting through the process of vacating a property.

Public Works – Mr. Wilson reported the USI engineers have almost completed reviewing the plans for the proposed waste treatment plant. They are willing to come to Eureka Springs to do a “walk through” of the site with Council members. Council settled on 11 a.m. Thursday, Dec. 1, to meet with engineers. He will be publishing a legal notice in the newspaper soon regarding notification of property owners who have lead or copper pipes regarding repairs/remedies for problems. This is a requirement of the State Health Department. There are 10 areas in town which failed the recent line test, which is done every three years.

Business licenses – Ms. Sell reported approximately 75 business licenses have been renewed for 2006 since notices were mailed the second week of November. Income from the licenses is approximately \$7,400.

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OLD BUSINESS:

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

Mr. Weaver had prepared Ordinance No. 2009 for the Council to reclaim jurisdiction over Block 27, 28, Lot 94 of Hines St.

Mr. Berry moved to discuss the situation. Mr. Rojek seconded. Mr. McClung explained the Parks and Recreation Commission recommended vacating 2 feet around the perimeter of the house actually in the street.

Ms. Blankenship moved to place Ordinance 2009 on its first reading, Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read the ordinance aloud.

Mr. Rojek moved to approve Ordinance 2009 on its first reading. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Mr. McClung moved to suspend the rules and place Ordinance 2009 on its second reading by title only. Mr. Rojek seconded. By roll call, four voted aye, Ms. Blankenship and Ms. Weaver voted no. Motion passed 4/2/0

Ms. Sell read the title of the ordinance aloud. Mr. McClung noted the title should read “the Riley and Armstrong Survey.”

Mr. McClung moved to approve Ordinance 2009 on its second reading by title only, subject to correction of the title description. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. McClung moved to suspend the rules and place Ordinance 2009 on its third reading by title only. Mr. Rojek seconded. By roll call, four voted aye, Ms. Blankenship and Ms. Weaver voted no. Motion passed 4/2/0

Ms. Sell read the title of the ordinance aloud.

Mr. McClung moved to approve Ordinance 2009 on its third reading by title only. Ms. Carroll seconded. All voted

aye.

Mr. McClung moved to read the emergency clause. Mr. Berry seconded. Five voted aye, Ms. Weaver voted no.

Motion passed 5/1/0

Mayor Harrison read the emergency clause aloud.

2. Discussion of vacating an unnamed alley between Peerless Ave. and Highway 62. (Parks Commission)

Mr. Weaver had prepared Ordinance No. 2010 for the Council to reclaim jurisdiction of part of an alley between Lots 1 and 2, Block 38, Freeman Addition.

Mr. McClung moved to place Ordinance 2010 on its first reading. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read the ordinance aloud.

Mr. McClung moved to approve Ordinance 2010 on its first reading. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. McClung moved to suspend the rules and place Ordinance 2010 on its second reading by title only. Mr. Rojek seconded. By roll call, five voted aye, Ms. Weaver voted no. Motion passed 5/1/0

Mr. McClung moved to approve Ordinance 2010 on its second reading by title only. Mr. Rojek seconded.

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Mr. McClung moved to suspend the rules and place Ordinance 2010 on its third reading by title only. Mr. Berry seconded. By roll call, five voted aye, Ms. Weaver voted no. Motion passed 5/1/0

Mayor Harrison read the title of the ordinance aloud.

Mr. McClung moved to approve the third reading of Ordinance 2010 by title only. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Mr. McClung moved to read the emergency clause. Mr. Berry seconded. Four voted aye, Ms. Blankenship and Ms. Weaver voted not. Motion passed 4/2/0

Mayor Harrison read the emergency clause aloud.

3. Discussion of vacating a portion of McElyeu St. (Parks Commission)

Mr. Weaver said he did not prepare an ordinance to reclaim this portion of McElyeu because it had been done through Ordinance 2008, approved Oct. 10, 2005.

Mr. McClung moved to table action pending a recommendation from the Planning Commission. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

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

Mr. Weaver said he had talked with Mark Hayes, an attorney with the Arkansas Municipal League, about the proposed Resolution 519. Mr. Hayes suggests removing any language regarding "generating funds."

Mr. Rojek and Mayor Harrison said the CAPC has not discussed the resolution or any of the operations or guidelines for selling alcohol in the auditorium.

Mr. McClung moved to have the CAPC rewrite the resolution in a more pleasant manner and provide the City Council with guidelines and procedures for the sale of liquor in the auditorium. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

5. Discussion of the Latimer lawsuit referendum appeal. (Blankenship, McClung)

Ms. Blankenship asked for a status report on the appeal.

Mayor Harrison said she had a telephone conversation with attorney Kent Crow and had told him to cease and desist any further action on the appeal to the Arkansas Supreme Court. She said he had done that, but he might request an opinion from the state's attorney general (on the matter of number of days to file a referendum petition after a mayor's veto of a council action).

Mr. Weaver said transcripts of the local court's action on the referendum petition for the appeal would have been ordered before the Council's decision to stop the appeal. He explained the optional methods for stopping an appeal to the state supreme court.

Ms. Blankenship moved for the mayor to have Mr. Crow file a petition to dismiss the supreme court appeal and for the city to pay for that petition preparation. Mr. Berry seconded. Five voted aye, Ms. Weaver voted no. Motion passed 5/1/0

Ms. Sell asked if Resolutions 520 and 521 could be added to the agenda since both deal with grant applications that need to be filed the first week of December. Mr. Berry moved to place the resolutions on the agenda as New Business Item #1, before the

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finance discussion. Mr. McClung seconded. All voted aye. Motion passed 6/0/0

Ms. Blankenship moved to take a short break at 8 p.m. Mr. Rojek seconded. The meeting resumed at 8:12 p.m.

NEW BUSINESS:

1. Discussion of Resolution 520 in support of an application for Your Town grant funding for rural design to enhance the historic assets of Eureka Springs, Arkansas.

Mayor Harrison said this grant is to pay for the main speaker for a two-day design workshop to help with the development of the creative industries zone in town.

Ms. Blankenship moved to read Resolution 520. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read the resolution aloud.

2. Discussion of Resolution 521 in support of an application for the Preserve America grant funding to enhance knowledge of the historic assets of Eureka Springs, Arkansas.

Mr. Berry moved to read Resolution 521. Mr. Rojek seconded. All voted aye.

Ms. Sell read the resolution aloud.

3. Finance line item detail review.

Ms. Blankenship said she has received the mid-year budget revisions from department heads. Mayor Harrison said those revisions are reflected in the budget information in Council members' packets this evening.

Mayor Harrison said the Council will need to consider allocating funds in the 2006 budget for at least one person, possibly two, to train a minimum of one month with Municipal Court Clerk Linda Clark before she retires in September. Mr. Weaver recommended at least two months' training time.

Mayor Harrison explained an addition of \$5,858 needs to be made to the clerks and judges' retirement line item in the budget for the one year Judge Tim Parker served on the bench.

Ms. Blankenship moved to amend the clerks and judges' retirement line item to include an additional \$5,858. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison said the Council must consider allocation of \$36,000 to \$38,000 for the proposed finance director's salary as well as monthly vehicle allowance, cell phone expenses and benefits package before the position can be advertised.

There was a brief discussion about the line item account in the budget for the deposit of the Latimer lawsuit settlement check. Ms. Blankenship said it should be put into miscellaneous revenue account #4993 and titled Latimer settlement.

Mr. McClung made some suggestions for cutting costs.

Mr. Berry asked that the "percent amount of the budget spent to date" be added to the budget report spread sheet.

Council members agreed to meet at 6:30 p.m. Monday, Dec. 5, for a budget workshop focusing on general fund.

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5. Discussion of the scheduled Dec. 26 Council meeting.

Several Council members said they will be gone during the week after Christmas. Mr. Berry moved to cancel the Dec. 26 meeting. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

COUNCIL COMMENTS:

Mr. Rojek asked everyone to put up their Christmas lights and turn them on.
Mayor Harrison welcomed Ms. Carroll back to the Council table.

MAYOR'S COMMENTS:

Mayor Harrison announced several upcoming holiday events.
She wished Alderman Lori Weaver a happy birthday.

She said the plans for the development of the Planer Hill park and ride lot are well underway. She showed large drawings of proposed landscaping designs including a waterfall feature, several stone walls, possible location for the visitors' center and public restrooms, traffic patterns and picnic areas.

ADJOURNMENT:

Ms. Blankenship moved to adjourn at 9:22 p.m. Mr. Rojek seconded. All voted aye.

This is the signature page for the minutes of the regular City Council meeting Monday, Nov. 28, 2005.

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell