

Mayor Kathy Harrison called a special meeting of the City Council to order at 7 p.m., Tuesday, Nov. 8, 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, Police Chief Earl Hyatt, Fire Chief David Stoppel, Transit Director Lamont Richie, Building Official Justin Fuson, Bob Rennels of the *Carroll County News*, Bill King of the *Lovely County Citizen* and City Clerk-Treasurer Mary Jean Sell. Alderman Aaron Falotico has resigned his seat and was not present for the meeting.

**Aldermen Blankenship, McClung and Berry called the meeting to discuss the appeal of the Latimer Settlement.**

(Note: Citizen petitions calling for a referendum election on the Council's action to settle the Latimer lawsuit and to grant an easement for a roadway on Corley St. (See minutes of Aug. 22 and Sept. 12, 2005) were presented to the Carroll County Election Commission Sept. 23. On Oct. 13, Judge Alan Epley ruled the petitions in the Latimer case had not been filed in a timely matter. On Oct. 18, Judge Epley ordered the issue removed from the Nov. 8 special election ballot. On Oct. 20, an appeal was filed by attorney Kent Crow of Berryville to the Supreme Court of Arkansas asking for relief from Judge Epley's decision, on behalf of Mayor Harrison, City Clerk Sell, Election Commissioners Brian King and James Phillips.)

Mr. Weaver said he had a lengthy telephone conversation with Municipal League Attorney Mark Hayes about this situation. It was Mr. Hayes' opinion that Mr. Crow could write the ballot title for the referendum election and file an answer to the lawsuit because Mr. Weaver had stepped recused himself from the case. Mr. Hayes said the Council has the authority to determine if there will be an appeal for a lawsuit. Mr. Hayes said the Mayor has the right to contract for services for the city and can contract with an attorney for an appeal. Mr. Hayes said the Council should make a decision as quickly as possible to go ahead with the appeal or to pull the appeal. Mr. Crow would be entitled to compensation for his work, according to Mr. Weaver.

Ms. Blankenship moved to end the appeal and have Mr. Crow cease and desist from any further work. Mr. McClung seconded.

At Mr. Weaver's suggestion, Mr. McClung moved to define the actions as the Latimer referendum appeal and the Corley St. referendum appeal, if there is one, and to instruct Mr. Crow to file a petition to dismiss the appeals as his last act in this matter. Ms. Blankenship seconded. Four voted aye, Ms. Weaver voted no. Motion passed 4/1/0

On the amended motion, four voted aye, Ms. Weaver voted no. Motion passed 4/1/0

**City Council 11/8/05 1**

**ADJOURNMENT:**

Ms. Blankenship moved to adjourn at 7:20 p.m. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the special City Council meeting minutes of Nov. 8, 2005.

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Mayor Kathy Harrison

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City Clerk-Treasurer Mary Jean Sell

**City Council 11/8/05 2**