

Mayor Kathy Harrison called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Sept. 26, in the courtroom of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Beverly Blankenship, Aaron Falotico, Terry McClung, Rick Rojek, Lori Weaver, City Attorney Tim Weaver, Fire Chief David Stoppel, Building Official Justin Fuson and City Clerk-Treasurer Mary Jean Sell. Alderman Robert "Butch" Berry was absent.

PLEDGE OF ALLEGIANCE:

Mayor Harrison led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

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

Mr. Falotico moved to add Resolution 517, regarding mid-year budget adjustments, as New Business #3.

Mr. Rojek moved to remove Old Business Item #2, discussion of CAPC request for city to fund auditorium. The request will be discussed as part of the 2006 budget. Mr. Falotico seconded.

Mr. Falotico moved to remove Old Business Item #3, discussion of the CAPC request for the city to pay loan for SAT match. He said the item is part of Resolution 517 and the 2006 budget discussions. Mr. Rojek seconded.

Mayor Harrison corrected the open CAPC position as #2 not #1.

Ms. Blankenship said the minutes of Sept. 12 should be postponed because they are not ready.

Mr. McClung asked to add the vacation of two streets on Wall St., South Nebo and McElyeu to the October 10 agenda. Mr. Rojek seconded.

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

APPROVAL OF THE MINUTES: Sept. 12, 2005 Postponed to Oct. 10.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

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

Historic District Commission – Position 2 – Expires 3/7/08

CAPC – Position 2 – Expires 6/30/05 - Mayor Harrison nominated Richard Grinnell. Mr. Rojek moved to approve Mr. Grinnell. Mr. Falotico seconded. All voted aye. Motion passed 5/0/0

Mr. McClung urged Mayor Harrison to reappoint Steve Roberson to the CAPC.

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

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DEPARTMENT & COMMISSION REPORTS:

CAPC, Fire/EMS, Building, Cemetery, Planning, Finance

CAPC – Executive Director Lynn Berry submitted her monthly report, but was not present. Mr. Falotico asked that the report be summarized and presented in one or two pages from now on.

Fire/EMS – Chief Stoppel read his report aloud. He briefly discussed the Carroll County Quorum Court Ordinance #2005-25, regarding payment for the trunk line, equipment lease and miscellaneous supplies for the dispatch center in Eureka Springs. He said the new ambulance billing service should have the billing accounts up to date in October.

Building – Mr. Fuson read his report aloud. He said he has sent 67 letters/invoices to businesses in town with grease traps giving the owners 30 days to pay the annual inspection fee and to make appointments to have the traps inspected.

Mr. Falotico asked Mr. Fuson to come to the next Council meeting with a grease trap progress report.

Mr. Falotico asked about the progress on the kitchen renovation at the Harmon Park Community Building. Mr.

Fuson said no mechanical system plans have been submitted to approval or permits issued for work. Mr. Falotico said he wants a weekly update on the project from Mr. Fuson.

Cemetery – Commission has not met.

Planning – Ms. Sell did not have a report.

Finance – Mayor Harrison said the state sales tax collections are up 2.10 percent for the year over 2004.

OLD BUSINESS:

1. Discussion of Ordinance #1997, regarding bid limits (3rd reading)

Mr. Rojek moved to suspend the rules and place Ordinance 1997 on its third and final reading by title only. Ms.

Blankenship seconded. By roll call, four voted aye, Mr. Falotico voted no. Motion passed 4/1/0

Mayor Harrison read the title aloud.

Mr. Rojek moved to approve Ordinance 1997 on its third and final reading by title only. Ms. Blankenship seconded.

Four voted aye, Mr. Falotico voted no. Motion passed 4/1/0

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

Mr. McClung moved to place Ordinance 2003 on its first reading. Ms. Weaver seconded. Four voted aye, Mr.

Falotico voted no. Motion passed 4/1/0

Mayor Harrison read the ordinance aloud.

Mr. McClung moved to approve Ordinance 2003 on its first reading. Mr. Rojek seconded.

Mr. Falotico moved to table the ordinance until after the election. Ms. Blankenship seconded. All voted aye. Motion

passed 5/0/0

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3. Discussion of Ordinance 2004, regarding creation of Finance Department/Director position (Falotico,

Blankenship)

Mr. Falotico moved to place Ordinance 2004 on its first reading. Mr. Rojek seconded. All voted aye. Motion

passed 5/0/0

Mayor Harrison read the ordinance aloud.

Mr. Falotico moved to approve Ordinance 2004 on its first reading. Mr. Rojek seconded. All voted aye. Motion

passed 5/0/0

Mayor Harrison read aloud a memo from Mr. Berry regarding the ordinance and said he had provided copies of

another ordinance setting up the finance department.

Mr. Falotico said he wanted the department and position well defined so there would be no gray areas.

Mayor Harrison asked if the finance director was to receive the same benefits as other department heads, including a

monthly vehicle allowance and cell phone. She said it would increase the cost of the position by approximately \$5,000 per

year.

Mr. McClung moved to call the question to stop discussion. Mr. Falotico seconded. All voted aye. Motion passed

5/0/0

On the motion to approve the ordinance on its first reading, all voted aye. Motion passed 5/0/0

Mr. Falotico said he wanted the second and third readings of the ordinance on the Oct. 10 agenda.

NEW BUSINESS:

1. Discussion of Ordinance #1932, duties of city attorney (Blankenship, Falotico)

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

Ms. Blankenship read aloud the duties of the city attorney as specified in Ordinances 1932 and 1868. She said she

didn't think one person could be all things for the city. She said Mr. Weaver has been outlawyered on several things recently

and it has cost the city dearly.

Mayor Harrison gave the chairmanship of the meeting to Mr. Falotico.

She explained the history of the ordinance putting the city attorney's position to part-time and the reinstatement of the full-time position. She explained it is always possible to hire another attorney to handle the city's legal issues. The city is not restricted to using only the city attorney.

Mr. McClung said the Council should be able to confer with Mr. Weaver when lawsuits come up and the Council should decide about additional counsel.

Mr. Weaver said he has recused himself from representing the Council in matters related to the proposed special referendum elections so he can represent the people of the city. He has recommended hiring other attorneys on two pending lawsuits. He said his duty is to the public at large, not just the Mayor and Council.

Mayor Harrison said the Council is at a disadvantage because lawsuits cannot be discussed at the council table or with Council members, as a group, away from the table. Mr. Weaver would have to discuss each case individually with each Council member.

Mr. Weaver said he expected Council members to call him about cases and for information.

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Mr. McClung said the Council needs to be informed about legal issues so everyone can contribute ideas toward defense.

Mr. Falotico returned chairmanship of the meeting to the Mayor.

2. Discussion of amending Municipal Code, Chapter 7.84, and Ordinance #1951 to allow sponsor names on festival/special event banners

Mr. McClung said a banner put up in Basin Park during the Bluegrass Festival had been removed because it had a sponsor's name on it.

Mayor Harrison said banners and signs with commercial advertisements have always been taken down.

Mr. Falotico said there is nothing in the city's Municipal Code Chapter 7.84.06 to prevent the use of banners with sponsors' names on them

3. Discussion of Resolution 517 regarding the mid-year amendments to the city budget.

Mr. Falotico moved to read Resolution 517. Mr. Rojek seconded.

Mr. Falotico said all travel, training and dues funds, except for the expenses for the city clerk to attend the recent Municipal Clerks' Institute, are to be frozen at the mid-year level through the end of the year.

Ms. Weaver said she was concerned about freezing the funds for the firefighters and policemen who are required to attend training schools throughout the year, as they are offered.

Mr. Falotico said he had asked department heads for information about these items and had been given nothing. He said he is cutting the expenses and department heads can find funds in other areas of their budgets.

On the motion to read the resolution, all voted aye. Motion passed 5/0/0

Mayor Harrison read the resolution aloud.

COUNCIL COMMENTS:

Mr. McClung said he would like to have the discussion of the 2006 Sunday Market on the Oct. 10 agenda. He also wants the discussion of the proposed vacation of South Nebo and McElyeu streets on the Oct. 10 agenda.

Mr. Falotico said he wants proposed 2006 budgets from department heads as soon as possible so the Council can get started on the 2006 budget and capital requests.

Ms. Blankenship said she will be gone during October and will miss the next two meetings.

Ms. Sell thanked the Council for providing the funding for her to attend the Municipal Clerks' Institute.

MAYOR'S COMMENTS:

Mayor Harrison said Eureka Springs is mentioned in the November issue of *Ride Texas* magazine, for motorcycle riders, and will be featured in the April-May 2006 issue of the magazine.

ADJOURNMENT

Mr. Falotico moved to adjourn at 8:27 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 Sept. 26, 2005.

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell