

Mayor Kathy Harrison called the regular City Council meeting to order at 6 p.m. Monday, Aug. 14, 2006, in the jury room of the Western District Carroll County Courthouse.

**PRESENT:** Mayor Kathy Harrison, Aldermen Beverly Blankenship, Penny Carroll, Terry McClung, Lori Weaver, Parks Director Bruce Levine and City Clerk-Treasurer Mary Jean Sell. Aldermen Robert "Butch" Berry, Rick Rojek and City Attorney Tim Weaver were absent.

**PLEDGE OF ALLEGIANCE:**

Mayor Harrison led the Pledge of Allegiance to the Flag.

**APPROVAL OF THE AGENDA:**

Mr. McClung moved to approve the agenda. Ms. Weaver seconded.

Mr. McClung said Old Business #3, request of Special Events Coordinator to close Spring St. from Main to Mountain Sept. 16 has been resolved.

Mayor Harrison said New Business Item #2, discussion of changing the Parks ¼-cent sales tax to a permanent tax has been postponed to the Aug. 28 meeting at the request of Mr. Levine.

Mayor Harrison added New Business Item #2 as a discussion of proposed Ordinance 2025 with the mid-year budget adjustments and #3 as a discussion of Ordinance 2026, an amendment to the city's gas code, at the request of the Building Official. She also had some financial matters to discuss during the departmental reports.

Ms. Blankenship asked for a discussion of the Mayor's vetoes of Resolution 533 regarding the mid-year budget adjustments and the execution of the intergovernmental agreement between Public Works and Parks. Mayor Harrison added the discussion as New Business Item #4.

Ms. Blankenship asked about the Council needing to take action on the request from SWEPCO regarding the shielding of city's streetlights to come into compliance with new state statutes. Ms. Sell said the Council did not have to take an action. The Planning Commission and Historic District Commission (HDC) have made recommendations for the Mayor to forward to SWEPCO.

On the motion to approve the agenda as amended, all voted aye. Motion passed 4/0/0

**APPROVAL OF THE MINUTES:** July 24, 2006 Special meeting Aug. 1, 2006

**July 24** - Ms. Blankenship moved to approve the minutes of the regular Council meeting of July 24. Mr. McClung seconded.

Ms. Blankenship noted a correction on Page 2: Mayor Harrison "read" the Building Department report, not "reviewed." On Page 1, she asked that a copy of the letter from Municipal League attorney David Schoen regarding appointed commissioners being "held over" be attached to the minutes.

Ms. Carroll noted a correction in the CAPC discussion near the bottom of Page 1, that Mr. Weaver "spoke" against closing Spring St.

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On the motion to approve the minutes as amended, all voted aye. Motion passed 4/0/0

**Aug. 1** – Ms. Blankenship noted that she and Mr. McClung had not been present for the special meeting. With Mr. Rojek and Mr. Berry absent tonight, there is not a quorum of members present for the special meeting to approve the minutes. The minutes were postponed to the Aug. 28 regular meeting.

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:**

Historic District Commission – 1 Position

CAPC – 2 Positions – Mayor Harrison nominated Richard Grinnell to continue as the lodging representative.

Planning Commission – 1 Position

## **DEPARTMENT & COMMISSION REPORT**

Police, Transit, Building, Public Works, Parks

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

**Transit** – Ms. Sell read aloud the report from Transit Director Lamont Richie.

**Public Works** – Mayor Harrison read aloud the report from Public Works Director Jay Wilson. She said Branco has moved a construction trailer office to the wastewater plant site on North Main and, hopefully, construction will start later this week on the new wastewater treatment plant.

**Finance** – Mayor Harrison read aloud and reviewed the financial report.

There was discussion with Mr. Levine about the agreement to hire an employee to assist with the city's garden maintenance and payment of invoices for materials and supplies used. Mayor Harrison said invoices from Parks have to be submitted to the Public Works Department in the same way invoices from contracted personnel for labor and materials have to be submitted for payment.

## **OLD BUSINESS:**

### **1. Discussion of Ordinance 2021, rezoning Carroll House Apartments, 71 Pivot**

### **Rock Road, and Swiss Villa Apartments, 62 Pivot Rock Road, from R-2 to R-3, Multiple Family. (3<sup>rd</sup> reading)**

Mr. McClung moved to suspend the rules and place Ordinance 2021 on its third and final reading by title only. Ms. Weaver seconded. By roll call, all voted aye. Motion passed 4/0/0

Mayor Harrison read the title of Ordinance 2021 aloud.

Mr. McClung moved to approve Ordinance 2021 on its third and final reading by title only. Ms. Blankenship seconded. All voted aye. Motion passed 4/0/0

### **2. Discussion of Ordinance 2023, regulating group tour franchises. (3<sup>rd</sup> reading)**

Ms. Blankenship moved to suspend the rules and place Ordinance 2023 on its third and final reading by title only. Ms. Weaver seconded. By roll call, all voted aye. Motion passed 4/0/0

Mayor Harrison read the title of Ordinance 2023 aloud.

Ms. Blankenship moved to approve Ordinance 2023 on its third and final reading by title only. Ms. Weaver seconded. All voted aye. Motion passed 4/0/0

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## **NEW BUSINESS:**

### **1. Discussion of Ordinance 2024 setting 2007 real and personal property tax levies.**

Mr. McClung moved to place Ordinance 2024 on its first reading. Ms. Blankenship seconded. All voted aye. Motion passed 4/0/0

Ms. Sell read ordinance 2024 aloud.

Ms. Blankenship moved to approve Ordinance 2024 on its first reading. Ms. Weaver seconded. All voted aye. Motion passed 4/0/0

### **2. Discussion of Ordinance 2025, making mid-year budget adjustments.**

Ms. Blankenship moved to place Ordinance 2025 on its first reading. Ms. Carroll seconded. All voted aye. Motion passed 4/0/0

Mayor Harrison and Ms. Sell read the ordinance aloud.

Ms. Blankenship moved to approve Ordinance 2025 on its first reading. Mr. McClung seconded. All voted aye. Motion passed 4/0/0

Ms. Blankenship moved to suspend the rules and place Ordinance 2025 on its second reading by title only. Ms.

Carroll seconded. By roll call, all voted aye. Motion passed 4/0/0

Ms. Sell read the title of Ordinance 2025 aloud.

Ms. Blankenship moved to approve Ordinance 2025 on its second reading by title only. Ms. Carroll seconded. All voted aye. Motion passed 4/0/0

Ms. Blankenship moved to suspend the rules and place Ordinance 2025 on its third reading by title only. Mr. McClung seconded. By roll call, all voted aye. Motion passed 4/0/0

Ms. Sell read the title of Ordinance 2025 aloud.

Ms. Blankenship moved to approve Ordinance 2025 on its third reading by title only. Mr. McClung seconded. All voted aye. Motion passed 4/0/0

Ms. Blankenship moved to read the emergency clause. Mr. McClung seconded. All voted aye. Motion passed 4/0/0

Mayor Harrison read the emergency clause aloud.

The discussion halted at 7 p.m. for open microphone.

### **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.

**Ken Pownall** lives at 6 Martz Circle. He had questions about an agreement between the former owner of the property and former Public Works Director Kirby Murray for the connection of the property to a new sewer line in the area. He said the new line is in but his property has not been connected. Mayor Harrison agreed to meet with him later in the week and to visit the property with Public Works Director Jay Wilson.

**Ernst Schrader** read aloud a statement to the Council.

The meeting resumed at 7:14 p.m.

### **3. Discussion of Ordinance 2026, amending the Arkansas State Gas Code as adopted into the Eureka Springs Municipal Code to require annual inspections of gas piping in all schools within the corporate limits of the city.**

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Ms. Weaver moved to place Ordinance 2026 on its first reading. Ms. Carroll seconded. By roll call, all voted aye. Motion passed 4/0/0

Mayor Harrison read Ordinance 2026 aloud.

Mr. McClung moved to approve Ordinance 2026 on its first reading. Ms. Carroll seconded.

There was a brief discussion about which schools or what grade levels to include. Ms. Blankenship said the Building Official should be present at the Aug. 28 meeting to explain the change to the Municipal Code.

On the motion to approve Ordinance 2026 on its first reading, all voted aye. Motion passed 4/0/0

### **4. Discussion of Mayor's veto of Resolution 533 regarding the mid-year budget adjustments and the execution of the intergovernmental agreement between Public Works and Parks.**

Ms. Blankenship said she didn't have any other issues since both topics were discussed earlier in the meeting.

Mayor Harrison agreed the issues were resolved for her.

### **COUNCIL COMMENTS:**

**Mr. McClung** thanked Ms. Blankenship for her time and energy working on the mid-year budget amendments and ordinance. He asked Mayor Harrison about the property tax notice on the Planer Hill Park and Ride property.

**Ms. Blankenship** asked if the Sunday Market as a festival for 2007 will come to the table again. Mayor Harrison said the issue is out of the Council's hands at this point.

**Ms. Carroll** said the presentation by Ed McMahon, Senior Resident Fellow of the Urban Land Institute, in the Auditorium on Sunday evening had been "incredible." She thanked Economic Development Coordinator Glenna Booth for writing the grant from the National Endowment for the Arts that funded McMahon's presentation.

**Ms. Weaver** thanked all of the persons who filed their petitions as candidates for offices in the November general election

**MAYOR’S COMMENTS:**

Mayor Harrison asked if the Council wants to continue reviewing invoices every other week now that the Financial Director is working. Ms. Blankenship said she found the information in the invoices very helpful and asked to put a discussion on the Aug. 28 agenda.

Mayor Harrison said she had attended the Your Town Citizens’ Institute on Rural Design, including Mr. McMahon’s presentation, and had thought the three days had been “an incredible experience for those who participated.” She also gave “thank yous and kudos” to Ms. Booth for writing the grant for the funding of the Institute, one of four funded in 2006 in the U.S.

**ADJOURNMENT:**

Ms. Blankenship moved to adjourn at 7:40 p.m. Mr. McClung seconded. All voted aye. Motion passed 4/0/0

- This is the signature page for the regular meeting of the Eureka Springs City Council on Aug. 14, 2006.

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Mayor Kathy Harrison

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City Clerk-Treasurer Mary Jean Sell

