

Mayor Kathy Harrison called the regular City Council meeting to order at 6:02 p.m. Monday, Aug. 28, 2006, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Beverly Blankenship, Robert “Butch” Berry, Penny Carroll, Terry McClung, Rick Rojek, Fire Chief David Stoppel, Building Official Marion Chrysler, Parks and Recreation Commission Chairman Bill Featherstone, Parks Director Bruce Levine, CAPC Director Lynn Berry and City Clerk-Treasurer Mary Jean Sell. Aldermen Lori Weaver 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. Carroll seconded.

Mayor Harrison asked to put a request for a certificate of public convenience and necessity from Robert Wagner to operate a taxi/limousine service on as New Business Item #2. She asked to put a request to partner in the maintenance of private/public bathrooms at 185 N. Main from Kathy Harris on as New Business Item #3.

Ms. Carroll opposed adding both items for discussion because they had not been on the published agenda and the public has had no notice.

Mr. McClung moved to put the items on the agenda for discussion only, no vote tonight. Mr. Rojek seconded.

Mayor Harrison added a discussion of the Building Official’s truck as Old Business Item #2 and a discussion of a change order in the contract for the construction of the fire truck/ambulance garage at 144 Van Buren during the Fire/EMS department report.

All voted aye to approve the agenda as amended. Motion passed 5/0/0

APPROVAL OF THE MINUTES: Special meeting Aug. 1, Regular meeting Aug. 14, 2006, Special meeting Aug. 23, 2006

Aug. 1 – Mr. Berry moved to approve the minutes of the special City Council meeting of Aug. 1, Mr. McClung seconded. Three voted aye, Mayor Harrison voted aye to give four votes to approve. Motion passed 4/0/1

Aug. 14 – Ms. Blankenship moved to approve the minutes of the regular City Council meeting of Aug. 14. Mr. McClung seconded.

Ms. Carroll wanted to correct the comments made by Ernst Schrader during the open mic section of the minutes. She did not want to include personal comments in the minutes. She does not want personal comments allowed during open mic during the “political season.” She wants the minutes corrected and e-mailed to the Council for a vote during the Sept. 11 meeting.

Mr. McClung moved to place a discussion of topics allowed for discussion during open mic on the agenda for the regular meeting of Sept. 11. Ms. Carroll seconded. All voted aye. Motion passed 5/0/0

Aug. 23 – Mr. McClung moved to approve the minutes of the special City Council meeting Aug. 23. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

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COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Historic District Commission – 1 Position

CAPC – 2 Positions – Re-nomination of Richard Grinnell for lodging Mr. McClung moved to re-appoint Mr. Grinnell to the CAPC. Mr. Rojek seconded.

Mr. Berry said he has been accused of having a conflict of interest when he votes on the nominations of persons to sit on the CAPC since his wife works for the CAPC. He has talked with Municipal League Attorney David Schoen. In Mr. Schoen’s opinion, Mr. Berry has no control over the actions of members once they are on the commission, therefore no

conflict of interest.

On the re-appointment of Mr. Grinnell, all voted aye. Motion passed 5/0/0

Planning Commission –1 Position Mayor Harrison nominated Kenneth Pownall.

Ms. Sell said Commissioner Marc Acuff has moved to Tulsa so there is a second position open on the Commission.

Ms. Blankenship said Commissioner Eric Scheunemann's position expired at the end of July, so there are three positions open. She asked that it be noted that a letter has been sent to SWEPCO recommending the use of retro-fit shields for the city's street lights.

DEPARTMENT & COMMISSION REPORTS

CAPC, Fire/EMS, Cemetery, Planning, Parks, Financials

CAPC- Ms. Berry presented her report. The 2 percent gross sales tax collections for July (revenue collected in June) was approximately 8 percent less than projected and 2.1 percent less than July of 2005. Lodging ended up 8.8 percent; restaurants down 6.3 percent; gift shops down 16.9 percent and attractions up 69.9 percent compared to July of 2005. Collections overall are up 1.5 percent over last year.

Fire/EMS – Chief Stoppel announced several classes and no progress on the 911 dispatch agreement. Mayor Harrison said he has been appointed to the Governor's Advisory Board on Emergency Services.

Architect Tom Johnson presented information regarding the halting of the construction at 144 Van Buren for the fire truck/ambulance garage. The soil in the area is not sufficient to support the building and digging will have to go to approximately 20 feet down to find good ground. This means thicker concrete footings, thicker walls and more steel for construction.

He has been able to rotate part of the building further forward on the lot and configure a cantilever system 8 feet over the hillside. Working with Greer Construction, Mr. Johnson negotiated a group of credits for materials and work already done and arrived at an additional cost of \$98,532.79.

Ms. Carroll moved to approve the request for the additional \$98,532.79 for the project as Change Order #1. Mr. Rojek seconded.

There was additional discussion as to whether or not the amount could be included in the loan obtained from the Bank of Eureka Springs without bidding the amount. Mayor Harrison said she would talk with bank representatives.

On the motion to approve the change order amount of \$98,532.97, all voted aye. Motion passed 5/0/0.

Planning Commission – Ms. Sell read aloud the report from Chairman Leah Karnes.

There was a brief discussion of the notification of SWEPCO that the Planning Commission and Historic District Commission (HDC) had approved the retrofit shields for the

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existing street light fixtures downtown. Mayor Harrison said she had told Chuck Easterling of SWEPCO what the Commissions had chosen. Ms. Sell has also sent copies of the minutes from Commission meetings indicating the choices and maps indicating the priority of areas to be modified first.

Parks – Mr. Levine reported the first pouring of concrete for the concession stand/restroom building at Lake Leatherwood would happen this week. The bids for the lighting at the Lake Leatherwood fields were high. The project will be rebid.

Mr. Levine asked again about the arrangements for the Public Works Department to pay for an employee and materials for the city's gardens. Public Works Director Jay Wilson has told Mr. Levine he is "pulling the plug in two weeks."

Mr. Levine said he has never received written guidelines or an agreement or contract about how the city's gardens are to be maintained and the bills paid. There was discussion. Ms. Blankenship said to submit the invoices for hours worked and materials purchased and Public Works would have to pay them. Ms. Carroll asked for a list of the city's rights-of-way and gardens involved.

Financials – Ms. Blankenship asked why an invoice for consulting engineer Ron Tracy submitted in December was just now being paid. Mayor Harrison said the invoice had been overlooked. Mr. Tracy has provided documentation of the invoice and his attorney. The invoice has now been paid.

Mayor Harrison announced a short break at 8 p.m. Meeting resumed at 8:13 p.m.

NEW BUSINESS:

Mayor Harrison asked the Council to allow the two individuals added to the agenda to go ahead and speak since the hour is growing late. Council agreed with all voting aye.

1. Taxi - Robert Wagner has applied for a certificate of public convenience and necessity as operator of a taxicab and limousine service (Municipal Code 4.32.01-4.32.06). He presented his letter of intent, documentation of availability of vehicle insurance and driver’s license.

Ms. Carroll moved to put the request on the agenda for the regular Council meeting Sept. 11. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

2. Public/private restrooms – Cathy Harris said she and her husband, J.D., have constructed bathrooms in the Art Village, 185 N. Main, intended for public use. She is requesting the city take over the maintenance of the restrooms so they may be available to the public 24/7.

Mayor Harrison said she would ask the city attorney if such a partnership is possible between the city and a private property owner.

Ms. Carroll moved to put the request on the agenda for the regular Council meeting Sept. 11. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

OLD BUSINESS:

1. Discussion of Ordinance 2024 setting 2007 real and personal property tax levies. (2nd reading)

Ms. Blankenship moved to suspend the rules and place Ordinance 2024 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 title aloud.

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Ms. Blankenship moved to approve Ordinance 2024 on its second reading by title only. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

2. Discussion of Ordinance 2026 amending the Arkansas Gas Code to require inspections for all schools within the corporate limits of Eureka Springs. (2nd reading)

Mr. McClung moved to suspend the rules and place Ordinance 2026 on its second reading by title only. Mr. Berry seconded. By roll call, all voted aye. Motion passed 5/0/0.

Mayor Harrison read the title of Ordinance 2026 aloud.

Ms. Chrysler said she intended for the change to affect all schools, although not necessarily massage or cooking schools, but schools where children are present.

Ms. Blankenship moved to amend the ordinance by removing “Each school accredited by the Arkansas Department of Education” and adding “*All schools, K-12, within the corporate limits of the City of Eureka Springs, Arkansas shall have conducted an annual inspection of its gas piping and gas utilization equipment.*” Mr. McClung seconded. All voted aye. Amendment approved 5/0/0

Mr. McClung moved to approve Ordinance 2026 as amended on its second reading by title only. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

Ms. Carroll moved to suspend the rules and place Ordinance 2026 on its third reading by title only. Mr. Rojek seconded. By roll call, all voted aye. Motion passed 5/0/0.

Mayor Harrison read the title of Ordinance 2026 aloud.

Ms. Blankenship moved to approve Ordinance 2026 on its third reading by title only. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0.

Ms. Blankenship moved to read the emergency clause. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0
Mayor Harrison read the emergency clause aloud.

3. Discussion of vehicle for Building Official.

Ms. Chrysler presented information on several new and used vehicles she felt would be suitable for her use.

Ms. Blankenship said she had talked with the mechanic working on the truck and he believes it can be repaired. She suggested repairing the vehicle and using it until at least the end of the year. She said it might be possible to purchase a different vehicle from capital expenditures fund in 2007.

There was no action taken on the issue.

4. Discussion of initiative petition to change temporary ¼-cent sales tax for Parks and Recreation

Commission to permanent ¼-cent sales tax.

There was no discussion of the initiative petition.

NEW BUSINESS:

1. Discussion of Council's review of invoices (Ordinance 2017, passed Feb. 13, 2006)

Mayor Harrison had asked the Council members if they still want to review the invoices and checks every two weeks, as outlined in Ordinance 2017.

Ms. Carroll said the review process sheds new light on expenditures and she wants to continue the practice.

No action was taken.

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COUNCIL COMMENTS:

Mr. McClung thanked everyone for participating and supporting the Bluegrass Festival this past weekend. He said the music was fabulous, congratulations and thanks to everyone.

Ms. Blankenship gave kudos to all the volunteers who worked the Volkswagen Rally this past weekend. She said everyone had a great time with it, too.

Mr. Berry thanked the McClung family for its hard work in producing the Blue grass Festival.

Ms. Carroll said the Bluegrass Festival was phenomenal and it was an interesting group of people.

MAYOR'S COMMENTS:

Mayor Harrison said it was nice to see the town full this past weekend with the two festivals. She was impressed by the sheer number of Volkswagens participating this year.

She said she isn't really sure how to go about limiting the comments of the citizens during open mic sessions. She said she would ask the city attorney for an opinion.

She read a list of coming events.

ADJOURNMENT:

Mr. McClung moved to adjourn at 9:04 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 Monday, Aug. 28, 2006.

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell

