

Mayor Kathy Harrison called the regular meeting of the City Council to order at 6:05 p.m. Monday, Feb. 13, 2006, 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 and City Clerk-Treasurer Mary Jean Sell.

PLEDGE OF ALLEGIANCE:

Mayor Harrison led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

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

Ms. Blankenship asked that a report from the Code Book Committee be added to the commission reports.

Ms. Sell asked that the reading of Resolution 1-2006 from the Planning Commission be added as New Business Item #5.

Mayor Harrison asked to move the discussion of the solid waste removal contract to the commission reports.

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

APPROVAL OF THE MINUTES: Jan. 23, 2006 Special meeting Jan. 30, 2006

Jan. 23 – Ms. Blankenship moved to approve the minutes of the regular meeting of Jan. 23 as presented. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Jan. 30 – Ms. Carroll moved to approve the minutes of the special meeting of Jan. 30 as presented. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Hospital Commission – 1 Position open Mayor Harrison nominated Mary Jean Sell.

Historic District Commission – 2 Positions open Position 5 – Nominee Doug Breitling Mr. Rojek moved to approve the nomination of Mr. Breitling. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

CAPC – 2 Positions open

Planning Commission – 2 Positions open

Parks and Recreation Commission – Position 5 – Nominee Larry Harrison Ms. Weaver moved to approve the nomination of Mr. Harrison. There was no second. Mayor Harrison asked why no one seconded the motion. Ms. Carroll said she is not comfortable having Mr. Harrison serve on the commission as long as his wife is mayor of the city. Ms. Blankenship said she wanted the public to have an opportunity for input and didn't feel there had been enough notice of the vacancy.

City Council 2/13/06 1

Cemetery Commission – Mayor Harrison nominated Frank Green Jr. and Bennie Clark for re-appointment.

Code Book Revision Committee – Ms. Sell reported the Municipal League is willing to work with the City to get the Municipal Code book corrected and revised in a format that will be more accurate and usable. Mayor Harrison asked to have a committee meeting scheduled as soon as possible.

Carroll County Solid Waste Authority – Director Roger Miner made a presentation asking for the annual rate increases as allowed by the contract between the City and the Carroll County Solid Waste Authority. He cited increased fuel costs and tipping fees at landfills as the driving factors in needing the increase.

Ms. Carroll moved to approve the requested increase. Mr. Rojek seconded. Five voted aye. Ms. Weaver voted no.

Motion passed 5/1/0

Ms. Blankenship asked that a method be developed for the yellow trash bags to be purchased from waste removal service fees, and the service fees be used to support the service so that the costs to residents might be lowered.

Open Mic – No one signed up to speak during the open mic portion of the meeting.

DEPARTMENT & COMMISSION REPORTS:

Police, Transit, HDC, Building/Harmon Park Community, Public Works/Update on waste treatment plant project
Mayor Harrison reviewed the drawing of the proposed visitor center in the Planer Hill Parking Lot as part of the Transit Department report. Other written reports were in Council's meeting information.

OLD BUSINESS:

1. Discussion of Ordinance #2011, creating City Council finance committee – 3rd reading

There was some discussion about proposed changes to the ordinance. Council agreed the changes were sufficient to require a new ordinance number. Ordinance #2011 became Ordinance #2017

Ms. Blankenship moved to place Ordinance #2017 on its first reading. Mr. Rojek seconded. Five voted aye, Ms. Weaver voted no. Motion passed 5/1/0

Mayor Harrison read the ordinance aloud.

Ms. Blankenship moved to approve Ordinance #2017 on its first reading. Mr. Rojek seconded.

Mr. Rojek moved to amend Section 2 to change "certified for payment in such a manner as may be established by the City Council" to "attested and signified by initials and date." Ms. Blankenship seconded. Five voted aye, Ms. Weaver voted no. Motion passed 5/1/0

Ms. Blankenship moved to approve Ordinance #2017 as amended on its first reading. Ms. Carroll seconded. Five voted aye, Ms. Weaver voted no. Motion passed 5/1/0

City Council 2/13/06 2

Ms. Blankenship moved to suspend the rules and place Ordinance #2017 on its second reading by title only. Mr. McClung seconded. By roll call, five voted aye and Ms. Weaver voted no. Motion passed 5/1/0

Mayor Harrison read the title aloud.

Ms. Blankenship moved to approve Ordinance #2017 on its second reading. Mr. Berry seconded. Five voted aye, Ms. Weaver voted no. Motion passed 5/1/0

Ms. Blankenship moved to suspend the rules and place Ordinance #2017 on its third reading by title only. Mr. Rojek seconded. By roll call, five voted aye and Ms. Weaver voted no. Motion passed 5/1/0

Mayor Harrison read the title aloud.

Ms. Blankenship moved to approve Ordinance #2017 on its third reading by title only. Mr. Rojek seconded. Five voted aye, Ms. Weaver voted no. Motion passed 5/1/0

2. Discussion of Ordinance #2015 vacating an unnamed alley between Peerless Ave. and Highway 62 – 2nd reading

Mr. McClung moved to suspend the rules and place Ordinance #2015 on its second reading by title only. Mr. Berry seconded. By roll call, four voted aye. Ms. Weaver and Ms. Carroll voted no. Motion passed 4/2/0

Mayor Harrison read the title of the ordinance aloud.

Mr. McClung moved to approve the second reading of Ordinance #2015 by title only. Mr. Berry seconded. Five voted aye. Ms. Weaver voted no. Motion passed 5/1/0

Mr. McClung moved to suspend the rules and place Ordinance #2015 on its third reading by title only. Mr. Rojek 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 second reading of Ordinance #2015 by title only. Mr. Rojek seconded. Five voted aye. Ms. Weaver voted no. Motion passed 5/1/0

Mayor Harrison called for a short break at 8 p.m. The meeting resumed at 8:15 p.m.

3. Discussion of Ordinance #2012 vacating a portion of Hines St.

Mr. Weaver explained a land swap has been offered by Jack and Tiffney Gentry for the portion of their house and the 2 feet around the house that are in Hines St. The offered land is directly across Hines St. from the house. Ms. Gentry is willing to have a legal description prepared if the Council is agreeable to the trade.

Ms. Carroll moved to have the City Attorney write an ordinance to trade land from a portion of Hines Street for a portion of Block 93. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

4. Discussion of Ordinance #2013 vacating a portion of McElyeu St.

Mr. Weaver asked for the discussion to be tabled until he can get the ordinance written. He does not have a legal description of the area to be vacated.

Mayor Harrison postponed the discussion to the meeting of March 13. Council agreed.

City Council 2/13/06 3

NEW BUSINESS:

1. Discussion recommendation for rezoning 3062 E. Van Buren to C-2, Contemporary Commercial, from Planning Commission

Ms. Sell explained the property at 3026 E. Van Buren had been included in the mobile home park (MHP) zone by mistake when the city's zoning map was created. The existing mobile home park is behind this property.

Ms. Carroll moved to put Ordinance #2018, rezoning 3062 E. Van Buren, from MPH to C-2, contemporary commercial, on its first reading. Mr. Rojek seconded.

Mayor Harrison read the ordinance aloud.

Mr. McClung moved to approve Ordinance #2018 on its first reading. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

2. Discussion of Resolution #524 regarding CAPC Festival Guide

Ms. Weaver moved to read Resolution 524. There was no second. No action was taken.

3. Discussion of Resolution 1-2006 from the Planning Commission regarding the construction of a portion of Highway 62 west of town and a new concrete bridge at Lake Leatherwood turnoff.

Planning Commissioner Eric Scheunemann said he has had comments from residents and he is personally concerned about massive tree cut and damage to the area as preparation for construction gets underway. He said the area is a transition zone from tourists' daily lives to historic Eureka Springs. The natural environment is one of the major reasons visitors come here. He would like for the Council to discuss construction of a concrete bridge in the style of bridges from the 1930s or 1940s with Arkansas Highway and Transportation Department (AHTD) representatives.

Council members made suggestions about actions that could be taken. Mayor Harrison said she would contact AHTD engineers regarding the plans and see what could be done.

COUNCIL COMMENTS:

Mr. McClung asked about the controversy over the land between 32 and 40 Armstrong St. Work on creating a parking area for 32 Armstrong has been stopped because the Historic District Commission (HDC) has not approved the construction of a rock retaining wall. Mayor Harrison said there is a spring reservation close by and part of the dispute is whether or not the reservation is part of the land that has been recently sold.

Ms. Blankenship said she has read in a local newspaper that a petition calling for a referendum on the Council's approval of the 2006 budget. She said she has talked with judges and a portion of an ordinance (approving the budget) cannot be challenged. The challenge has to be the entire ordinance. She said stopping the ordinance would stop the city's work and employees would not be paid. She said there is no truth to the rumors that the police and fire department budget requests were "slashed" to provide funding for the City Auditorium.

Mr. Rojek wished everyone a Happy Valentine Day.

City Council 2/14/06 4

Ms. Weaver announced the annual chili cook off for the Academy of Excellence will be Feb. 24 at the Inn of the Ozarks Convention Center.

MAYOR'S COMMENTS:

Mayor Harrison said the VFW will be giving a new American flag to the Eureka Springs Hospital at 10 a.m. Thursday, Feb. 16.

ADJOURNMENT:

Mr. McClung moved to adjourn at 9:32 p.m. Mr. Rojek seconded. All voted aye.
Motion passed 6/0/0

This is the signature page for the minutes of the Feb. 23, 2006, regular City Council meeting.

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell