

Mayor Kathy Harrison called the regular meeting of the City Council to order at 6 p.m. Monday, Feb. 27, 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, Parks and Recreation Director Bruce Levine, Planning Commission Chairman Leah Karnes, City Advertising and Promotion Commission (CAPC) Executive Director Lynn Berry 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 moved to add the election of the Invoice Review Committee as New Business Item #2. Mr. Berry seconded.

All voted in favor of approving the agenda as amended. Motion passed 6/0/0

APPROVAL OF THE MINUTES: Feb. 13, 2006

Ms. Blankenship moved to approve the minutes of the regular meeting of the City Council on Feb. 13. Mr. Rojek seconded.

Ms. Blankenship noted on Page 1 in the discussion of Larry Harrison’s nomination to the Parks and Recreation Commission that she said she wanted more time for public input on the nomination.

Mr. Berry said the Mayor had asked the Council why there was no second to the nomination in the same discussion.

All voted in favor of approving the minutes of Feb. 13, 2006, as amended. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Hospital Commission – 1 Position open—Nominee Mary Jean Sell

Ms. Weaver moved to appoint Mary Jean Sell to Position 6 on the Hospital Commission. Mr. Rojek seconded.

Ms. Blankenship wanted Mr. Weaver to clarify how Ms. Sell could serve on the Commission without a conflict of interest since she receives a salary from the city. Mr. Weaver had not arrived yet. Ms. Blankenship moved to postpone the vote on the nomination to the end of the meeting. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

City Council 2/27/06 1

At the end of the meeting, Mr. Weaver said Ms. Sell could be appointed to the Hospital Commission because of its independence from the rest of the city’s government. It has it’s own budget, hires it’s own attorney, and residents of the county are allowed appointments. Although the city clerk receives a salary from the city, she is not considered a city employee.

On the motion to appoint Ms. Sell, Ms. Weaver, Mr. Berry and Mr. Rojek voted aye. Ms. Carroll, Ms. Blankenship and Mr. McClung voted no. Mayor Harrison voted aye to approve the nomination. Motion passed 4/3/0

Historic District Commission – 2 Positions open

CAPC – 2 Positions open

Planning Commission – 2 Positions open

Parks and Recreation Commission – Position 5

Cemetery Commission – Nominees for reinstatement – Frank Green Jr., Bennie Clark

Ms. Weaver moved to approve the reinstatement of Frank Green Jr. to the Cemetery Commission. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. McClung moved to approve the reinstatement of Bennie Clark to the Cemetery Commission. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

DEPARTMENT & COMMISSION REPORTS:

CAPC, Fire/EMS, Building/Harmon Park Community Building, Cemetery, Planning, Parks, Update on waste treatment plant project

CAPC – Ms. Berry presented her report on the past month's activities. At 6 p.m. on Monday, March 20, the CAPC will sponsor Infomania at the City Auditorium as a town hall meeting. Joe David Rice, director of the state Parks and Tourism Department, Tim Allen of the Arkansas Department of Economic Development and Stephanie Austin of the Arkansas Hospitality Association will be guest speakers. The second Infomania will be June 20 and the third will be Sept. 20.

Harmon Park Community Building – Mr. Berry said the vent hood for the kitchen stove has been ordered and the remodeling is going forward.

Planning – Ms. Karnes said a public hearing will be held March 23 for a proposed rezoning of a portion of the city to R-3 to come into compliance with ACA 624 to allow placement of manufactured homes. The commission is working on revisions to the sign ordinance and subdivision regulations and will soon be starting to prepare an ordinance on exterior lighting.

Parks – Mr. Levine said the new playground equipment is up in Harmon Park. He particularly credited volunteer Rick Momper of Holiday Island for his help in getting the equipment together and set up. The Commission has been awarded a \$48,000 grant to build two trails and a restroom facility at Black Bass Lake. Funds from the Community Development Partnership (CDP) will be used for matching monies. Levine said he needs a resolution from the Council accepting the grant. Mayor Harrison said the resolution could be on the March 13 Council meeting agenda.

City Council 2/27/06 2

Update on waste treatment plant project – Mayor Harrison said the engineers at USI have almost completed their report for the Arkansas Department of Environmental Quality (ADEQ) on the new treatment plant and are completing the bid package for the equipment. ADEQ has approved everything the city has proposed for the plant.

OLD BUSINESS:

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

Mr. Weaver said he still does not have an adequate legal description of the property to be traded.

Ms. Sell said Jack and Tiffney Gentry have obtained all of the necessary signatures to support the vacation/trade agreement. She provided a recommendation from the Planning Commission/Board of Zoning Adjustment to go forward with the land vacation/trade.

Ms. Blankenship moved to postpone discussion of Ordinance #2012 until Mr. Weaver can get the ordinance prepared. Ms. Weaver seconded. All voted aye. Motion passed 6/0/0

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

Mr. McClung moved to place Ordinance #2013 on its first reading. Mr. Rojek seconded. Mr. Rojek, Mr. Berry and Mr. McClung voted aye. Ms. Blankenship, Ms. Weaver and Ms. Carroll voted no. The motion failed for lack of a fourth vote, 3/3/0.

3. Discussion of Ordinance #2018 rezoning 3062 E. Van Buren to C-2, Contemporary Commercial, from Planning Commission – 2nd reading

Ms. Blankenship moved to suspend the rules and place Ordinance #2018 on its second reading by title only. Mr. Berry seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Harrison read the title of the ordinance aloud.

Mr. Rojek moved to approve Ordinance #2018 on its second reading by title only. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

4. Discussion of amendment to signage/peddling ordinances

Mayor Harrison said she is waiting on recommendations from Police Chief Hyatt before going forward with this proposal.

NEW BUSINESS:

1. Discussion of CAPC collection policy

Ms. Berry said the discussion is in regards to Ordinance 1971 and proceeding with collecting taxes from a particular businesses. The CAPC has been dealing with three businesses, two have agreed to start collecting the tax and one has refused. She wants to know how to proceed, using the ordinance, to determine whether or not this business should collect the tax.

Mr. Weaver said he needed to have information regarding the steps taken so far.

City Council 2/27/06 3

She said Mr. Weaver has told her he cannot pursue legal action against a corporation, he has to have the name of a person.

She asked for a clearer understanding of why one business had actually been taken to court, had pleaded guilty but had only been ordered to pay fines and costs and not restitution. Mr. Weaver said the business owner pleaded guilty during his arraignment proceedings. There was not information from the CAPC about how much the business owed so restitution could be assigned.

2. Election of Invoice Review Committee members.

Ms. Blankenship nominated Penny Carroll. Mr. Berry seconded. Five voted aye, Ms. Carroll abstained. Motion passed 5/0/1

Mr. McClung nominated Beverly Blankenship. Mr. Rojek seconded. Five voted aye, Ms. Blankenship abstained. Motion passed 5/0/1

Ms. Carroll nominated Rick Rojek. Mr. Berry seconded. Five voted aye, Mr. Rojek abstained. Motion passed 5/0/1

CITY COUNCIL COMMENTS:

Ms. Blankenship said she would like for the Municipal Code Book Committee to move forward on getting the Code revised and corrected as soon as possible.

Ms. Weaver thanked everyone who participated in the chili cook-off and auction for the Academy of Excellence.

MAYOR'S COMMENTS:

Mayor Harrison read an announcement from the Arkansas Historic Preservation Program (AHPP) regarding programs available for funding for restoration work for structures on the National Register of Historic Places.

She said there will be a bid opening at 10 a.m. Tuesday, March 1, on investment CDs.

ADJOURNMENT:

Mr. Berry moved to adjourn at 7:23 p.m. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular City Council meeting of Feb. 27, 2006.

Mayor Kathy Harrison

Addendum: During the regular City Council meeting of Monday, March 27, Councilman Berry asked to have a letter dated Feb. 22, 2006, from USI-Arkansas, Inc., Consulting Engineers in Springdale, AR, included in the minutes. A copy of the letter will be included in the minutes placed in Minute Book R.

A summary of the information from Terry W. Carpenter, vice-president, is: The plans and specifications submitted to the Arkansas Department of Environmental Quality (ADEQ) and the Arkansas Department of Health and Human Services (ADHHS) Dec. 28, 2005, should have final approval by the end of March 2006.

The following time schedule is proposed:

- Advertise project April 2, 2006
- Receive bids May 3
- Recommend award to Council May 8
- Issue Notice to Proceed June 5
- Substantial Completion (270 days min) March 1, 2007
- Final Completion and Start-up April 2, 2007

The maximum construction period would not exceed 360 days.

