

Mayor Kathy Harrison called the regular City Council meeting to order at 6:02 p.m. Monday, July 10, 2006, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert “Butch” Berry, Penny Carroll, Terry McClung, Rick Rojek, Lori Weaver, City Attorney Tim Weaver, Planning Commission Chairman Leah Karnes and City Clerk-Treasurer Mary Jean Sell.

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. Blankenship seconded.

Ms. Sell said New Business Item #2 should be discussion of city sales tax rebate for movie company expenses, not CAPC tax.

Mr. Berry asked that a discussion of the sign ordinance be added as New Business Item #5. Ms. Carroll seconded. All voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: June 26, 2006

Ms. Weaver moved to approve the minutes as presented. Mr. McClung seconded. All voted aye. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Historic District Commission – 1 Position

CAPC – 1 Position open – Nominee Joyce Zeller Ms. Blankenship moved to approve the nomination of Joyce Zeller to the CAPC. Ms. Weaver seconded.

Ms. Blankenship said she wanted to make it clear the Council would be appointing someone to the CAPC, not removing someone.

(Note: Steve Roberson has continued to serve on the CAPC since his position expired June 30, 2005. He has applied to be reappointed but has not been nominated.)

There was discussion of Ms. Zeller’s qualifications and Mr. Roberson’s contributions.

Ms. Carroll called the question to stop discussion. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

On the motion to approve Ms. Zeller, by roll call, Ms. Weaver and Ms. Blankenship voted aye. Ms. Carroll, Mr. Berry, Mr. Rojek and Mr. McClung opposed. The motion failed 2/4/0

Planning Commission –1 Position

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DEPARTMENT & COMMISSION REPORTS:

Police, Transit, HDC, Building, Public Works, Financials

Police – Mayor Harrison read the report aloud.

Transit – Ms. Sell read the report aloud. Bids on the Planer Hill Park and Ride Lot construction will be opened at 2 p.m. Thursday, Aug. 24. Mr. Richie hopes to have a groundbreaking in October during the Arkansas Transit Association’s Annual Conference in order to gain more publicity for the project. Trolley #5 has been delivered and two new mini-buses are

expected to arrive within the next week or two.

HDC – Ms. Sell said the Commission is working on the demolition by neglect ordinance and hopes to have it to the Council in August. Four Commissioners and Ms. Booth are scheduled to attend the National Alliance of Preservation Commissions (NAPC) national meeting in Baltimore, MD, at the end of July.

Building – Mayor Harrison said Building Official Marion Chrysler will be going to Jonesboro, Ark., next week to take a master plumbing test.

Public Works – Mayor Harrison read the report from Director Jay Wilson aloud. Work on the new wastewater treatment plant is scheduled to start this week with 300 days allowed for final completion. He is putting together a list of roads and sidewalks that will need support repair this winter.

Financials – Mr. McClung asked about a problem with the contract for the construction of the fire truck/ambulance building at 144 W. Van Buren. Mayor Harrison said additional digging had to be done on one side to find a secure area for the placement of a stem wall. She said the additional expense is covered in the contract's contingency fund.

Mr. McClung asked if the Bank of Eureka Springs had been notified by mail that it had won the bid for financing the fire truck/ambulance building construction. Mayor Harrison said a letter was hand-carried to the bank with the notification.

Mr. McClung asked Mr. Weaver about the length of time it seems to be taking to process subpoenas for collection of CAPC taxes. Mr. Weaver said the summons are issued in conjunction with the district judge's schedule of availability.

Ms. Blankenship asked about the interdepartmental agreement between the Parks and Recreation Commission and Public Works Department for a gardener and assistant. Mayor Harrison said consultant Dawn Allen does not think there is adequate funding available for both positions. She said she would invite Ms. Allen to meet with Finance Director Kristi Rachel, Ms. Blankenship and herself to go over the figures.

OLD BUSINESS:

1. Discussion of Ordinance 2019 raising Mayor's salary to \$12,000 Jan. 1, 2007, (2nd reading)

Ms. Weaver moved to place Ordinance 2019 on its second reading. Ms. Blankenship seconded. Four voted aye, Mr. Berry and Mr. McClung voted no. Motion passed 4/2/0

Mayor Harrison read Ordinance 2019 aloud.

Ms. Weaver moved to approve Ordinance 2019 on its second reading. Ms. Blankenship seconded. After a brief discussion, four voted aye, Mr. Berry and Mr. McClung voted no. Motion passed 4/2/0

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NEW 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.

Mr. Rojek moved to place Ordinance 2021 on its first reading. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison and Ms. Sell read the ordinance aloud.

Mr. Berry moved to approve Ordinance 2021 on its first reading. Mr. Rojek seconded.

Mr. McClung explained some of the history of the attempt to rezone areas to R-3 to comply with Arkansas Act 624 to allow manufactured homes in R-3.

Ms. Karnes said a new public hearing had been held on the proposal at the suggestion of the City Attorney because of new property owners. Several property owners had objected to the rezoning because the roads in the area would not accommodate more traffic.

Ms. Carroll said she does not believe the city is following the spirit of the law by not setting areas aside for manufactured housing.

Mayor Harrison asked Ms. Carroll and Ms. Karnes to join her in a task force to try to determine suitable areas within the city for manufactured housing. She said she would invite Mr. Wilson.

On the motion to approve Ordinance 2021, all voted aye. Motion passed 6/0/0.

The discussion halted at 7:10 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.

Eddie Silver, owner of Cafe Luigi Patio Restaurant, 91 S. Main St. – said the current enforcement of the sign ordinance is negatively affecting his business and other businesses. He said the signs he has been ordered to remove have been part of his business for 18 years.

Steve Miller, co-owner of the Palace Hotel and Bath House, 135 Spring St. – said he has been told to take down a sign on an easel that has been display on the entry way of the hotel, private property, not on the sidewalk, public property, for 19 years. He believes such signage is appropriate to Victorian-era properties.

Mayor Harrison called for a short break at 7:17 p.m. All voted aye. Meeting resumed at 7:28 p.m.

2. Discussion of city sales tax rebate for movie company expenses.

This is a consideration requested by the CAPC on behalf of the movie company. The State of Arkansas allows a 5 percent sales tax rebate. The City Advertising and Promotion Commission (CAPC) has voted to rebate its 2 percent sales tax. The rebates are only on materials and supplies purchased for the production of the movie, not the personal purchases of employees.

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Mr. McClung moved to approve the rebate of the 2.25 percent city sales tax on materials and supplies purchased for the movie production. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

3. Discussion of Ordinance 2022, regarding mid-year budget adjustments.

Mr. Berry moved to place Ordinance 2022 on its first reading. Mr. Rojek seconded. Five voted aye, Ms. Blankenship voted no. Motion passed 5/1/0

Mayor Harrison read Ordinance 2022 aloud.

Ms. Carroll moved to approve Ordinance 2022 on its first reading, Mr. Rojek seconded.

There was some discussion about the accuracy of some of the figures.

Council members agreed to hold a workshop at 5 p.m. Monday, June 17, to discuss budget revisions.

Mr. McClung moved to table Ordinance 2022 to the regular meeting of July 24. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

4. Discussion of Ordinance 2023, regulating group tour franchises.

Mr. McClung moved to place Ordinance 2023 on its first reading. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read the ordinance aloud.

Council members asked Ms. Sell to notify the four current franchisees of the July 24 Council meeting, to send them copies of the ordinance, and to invite them to attend the Council meeting or send comments.

On the motion to approve the first reading, all voted aye. Motion passed 6/0/0

5. Discussion of sign ordinance.

Council members discussed the recent efforts of enforcement of the existing sign ordinance by the Building Official. Ms. Carroll suggested creating a list of illegal signs.

Mr. Weaver cautioned the Council about creating such a list because of on-going prosecutions regarding sign violations. He said there has not been a consistent pattern of enforcement in the city because of the turnover of building officials.

Mayor Harrison said many of the past building officials were not willing to enforce the sign ordinance, thinking it was up to commissions.

Ed Leswig, member of the Planning Commission, said work is being done by the Commission to revise the sign ordinance. He thinks it is almost ready to return to the Council.

Mr. Silver said signs are as important as setting out antiques or models of geese to attract customers to businesses. If the city wants revenues to increase, businesses have to be able to attract customers.

Mark Jipp, co-owner of the Veranda Inn, said the city should return to numbering signs when permits are issued and all signs without numbers should be taken down.

(Note: Mr. Gustin arrived at the meeting during Council Comments and Council agreed to let him speak.) Rex Gustin, co-owner of Razorback Gifts, said his sign with flashing lights has been in place since before the sign ordinance was adopted. The flags on the front of his business are merchandise for sale. If the city wants to increase tax

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collection, business owners need to be allowed to attract customers.

No action was taken.

COUNCIL COMMENTS:

Ms. Carroll thanked the Parks and Recreation Commission for the fabulous fireworks display on the 4th of July.

Ms. Sell said she has nomination petitions for anyone who wants to run for city offices. Filing with the Carroll County Clerk opens July 20 and closes at noon Aug. 9.

MAYOR’S COMMENTS:

Mayor Harrison complimented Yao Angelo and Jennifer Clay for the production of Africa in the Ozarks this past weekend. She said it was an international festival, because performers from Africa and France participated.

The Fat Tire Festival is this coming weekend.

She had a conversation with Arkansas Attorney General Mike Beebe earlier today. He said there is a proposal in the state legislature to make school superintendents state employees. She asked everyone to contact local members of the legislature to express an opinion on the proposal.

ADJOURNMENT:

Mr. McClung moved to adjourn at 9:04 p.m. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the July 10 regular City Council meeting.

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell

