

Mayor Kathy Harrison called the regular meeting of the City Council to order at 6:00 p.m. Monday, March 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, City Advertising and Promotion Commission (CAPC) Executive Director Lynn Berry, Economic Development Coordinator/Certified Local Government Coordinator Glenna Booth, Parks and Recreation Director Bruce Levine 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. Mr. Berry seconded.

Ms. Carroll asked to have the Arkansas Attorney General’s opinion (2005-286) regarding the 911 special election added as New Business #4.

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

**APPROVAL OF THE MINUTES:** Feb. 27, 2006

Ms. Blankenship moved to approve the minutes of the regular City Council meeting of Feb. 27. Mr. Rojek seconded.

Ms. Blankenship noted a correction on Page 1, removing the word “is” from the second line of the second paragraph of the Hospital Commission discussion. She asked that the minutes on Page 3 regarding the discussion of the CAPC collection policy be expanded to include the comments from Ms. Berry and Mr. Weaver about the legal situation and steps to be taken regarding one business refusing to collect the CAPC tax.

Mr. Berry moved to defer the approval of the minutes of Feb. 27 to the regular meeting of March 27. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

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

Historic District Commission – 2 Positions

CAPC – 2 Positions open

Planning Commission – 3 Positions open

**Parks and Recreation Commission** – 1 Position open Mayor Harrison nominated Dan Bennett to fill the open position.

**Cemetery Commission** - Mayor Harrison nominated June Westphal for reinstatement.

City Council 3/13/06 1

**DEPARTMENT & COMMISSION REPORTS:**

Police, Transit, HDC, Building/Harmon Park Community, Public Works/Update on waste treatment plant project, financials

**Police** – Ms. Sell read the Police Department report.

**Transit** – Ms. Sell read the Transit Department Report

**HDC** – Ms. Booth gave a report, including the publication of an insert into the *Lovely County Citizen* reporting Historic District Commission activities and project approved for 2005. She said the HDC has been profiled in the latest issue

of *The Alliance Review*, a quarterly journal published by the National Alliance of Preservation Commissions. Eureka Springs has been awarded a \$63,000 grant from Preserve America funded by the President's Advisory Council on Historic Preservation, the first one of its kind in Arkansas; a \$22,000 grant from the National Endowment for the Arts to host a Your Town Rural Design Institute for a workshop this summer to look at design possibilities for North Main Street; and a \$3,000 grant from ACE (Arkansas Community of Excellence) within the Arkansas Department of Economic Development (ADED) to add solar lighting to The ARTery on First Street.

**Building/Harmon Park Community Building** – Mayor Harrison said the work in the community building has been completed so this item no longer needs to be on the agenda.

**Public Works** – Mayor Harrison said the city now has to get a work permit from the Arkansas Department of Environmental Quality (ADEQ) for the wastewater treatment plant construction. USI, consulting engineers, is completing the bid package for the plant. A crew will be hired to put together the metal building for the sludge belt press.

**Financials** – Mayor Harrison said Dawn Allen, CPA and former state auditor, is now doing the account reconciliations for the city.

Ms. Blankenship said she wanted financials included in the first meeting of the month's discussion to discuss the previous month's reports. She will be bringing a resolution to the March 27 meeting to amend the city's 2006 budget to show administrative fees for bookkeeping services for departments and capital expenditures for the city auditorium operation.

Mr. McClung moved to approve a capital expenditure request from the auditorium for \$112.33 for a laptop computer and \$923.30 for an ice machine. Ms. Blankenship seconded.

Mr. McClung moved to amend his motion to have Ms. Blankenship prepare a resolution to approve the auditorium capital expenditures.

Mr. McClung withdrew his motion and his amendment.

Mr. McClung moved to have a resolution drafted to amend the 2006 budget to include the capital requests. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison announced a one-minute break to prepare for open microphone at 7 p.m.

### 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.

### City Council 3/13/06 2

**Mark Jipp** – said he is concerned about the city's lack of public warning systems for emergencies. Recent severe thunderstorms, tornado warnings and a residential fire have made the lack of warning systems obvious. He wants the city to look into installation of sirens, with possible funding through the Homeland Security programs.

There were no other speakers. The Council meeting resumed at 7:04 p.m.

### **OLD BUSINESS:**

#### **1. Discussion of Ordinance #2018 rezoning 3062 E. Van Buren to C-2, Contemporary Commercial – 3<sup>rd</sup> reading**

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

Mayor Harrison read the title of Ordinance #2018 aloud.

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

#### **2. Discussion of Ordinance #2012 trading a portion of Hines St.**

Ms. Blankenship moved to place Ordinance #2012 on its first reading. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read Ordinance #2012 aloud.

Mr. McClung moved to approve Ordinance #2012 on its first reading. Mr. Rojek seconded. All voted aye. Motion

### **3. Discussion of amendment to signage/peddling ordinances**

Mr. Weaver said he has a letter from Police Chief Earl Hyatt requesting an amendment to the city's sign ordinance to prohibit people from standing on the side of the road and waving signs to call attention to businesses. He said it leads to inattentive driving and creates safety issues. The city has gotten four convictions in court on citations related to this matter.

Ms. Weaver wanted to know how an amendment would affect the non-profit organizations that use parking lots to raise funds for their organizations.

Mr. Weaver said it would be up to the Council to decide what is safe and what is not. The state has no regulations on the issue. He said that prior to the issuance of citations, the affected business had been sent letters, contacted by the city's Building Official and city police about the safety issues.

Council members agreed to keep the discussion item on the agenda.

### **NEW BUSINESS:**

#### **1. Resolution No. 525 accepting \$48,000 grant for trails, restroom at Black Bass Lake**

Mr. Berry moved to read Resolution 525. Mr. Rojek seconded.

Mr. Levine explained the \$48,000 Arkansas Highway and Transportation Department (AHTD) grant would be matched by a \$10,000 grant from the Western Carroll County Community Development Partnership to develop trails around Black Bass Lake and a restroom facility.

**City Council 3/13/06 3**

All voted aye. Motion passed 6/0/0

Ms. Sell read the resolution aloud.

#### **2. Resolution No. 526 supporting Endangered Species Act**

Mayor Harrison explained the resolution was brought by citizens in response to a seminar they had attended. This resolution is being read and adopted by city councils across the country and sent to Congressional delegations as a way to support the existing Endangered Species Act and to have it extended.

Ms. Blankenship said she did not see the need to support one of thousands of federal laws already in existence.

Mr. Berry said he supported the Act, but didn't see the need for a local resolution.

All voted aye. Motion passed 6/0/0

Mayor Harrison read the resolution aloud.

#### **3. Proclamation for 2006 Victorian Classic**

Mayor Harrison read a proclamation Making March 13, 2006, Victorian Classic Day and recognizing the benefits of the event for the community.

#### **4. Discussion regarding Arkansas Attorney General's opinion (2005-286) regarding the 911 special election.**

(Note: The special election was held Nov. 8, 2005, to give Eureka Springs voters the opportunity to ask that a portion of a 5% tariff on basic telephone services be separated out from the Carroll County portion of the tariff to support the local 911 emergency telephone system. Attorney General Mike Beebe opined that since the original tariff was set through a county-wide election, that one political subdivision could not modify the results of an authorized election conducted by another political subdivision.)

Mr. Weaver said there is an active lawsuit pending over this issue brought by Southwestern Bell suing the city and the county asking that the funds be put in an escrow account until the matter is settled. Southwestern Bell will pay the fees and costs of the lawsuit.

Mayor Harrison said a mutual agreement would probably be worked out before the matter actually got into court.

Mr. Weaver advised against any further discussion of the matter at this time.

**CITY COUNCIL COMMENTS:**

Ms. Blankenship asked that the Code Book Review Committee be carried under Old Business on the agenda to get something done.

**MAYOR'S COMMENTS:**

Mayor Harrison said the Victorian Classic and Adventure Race at Lake Leatherwood this past weekend had both been very successful.

**ADJOURNMENT:**

Mr. McClung moved to adjourn at 7:52 p.m. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

**City Council 3/13/06 4**

This is the signature page for the minutes of the regular meeting of the Eureka Springs City Council Monday, March 13, 2006.

---

Mayor Kathy Harrison

---

City Clerk-Treasurer Mary Jean Sell

