

Mayor Kathy Harrison called the regular meeting of the City Council to order at 6:00 p.m. Monday, May 8, 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, Public Works Director Jay Wilson, Transit Director Lamont Richie 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. Rojek seconded.

Ms. Blankenship said Old Business Item 3, discussion of Resolution 529 amending 2006 Transit Department Budget, is now included in New Business Item 4, discussion of Resolution 531 amending 2006 Budget for Mayor's professional service line item.

Mr. Rojek said he would like to postpone the recycling discussion to the meeting of May 22.

Ms. Blankenship asked to add the proclamation of the Elks Lodge 100<sup>th</sup> anniversary as New Business Item 7 and discussion of the bids for tearing down the fire station at 144 Van Buren as New Business Item 8.

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

**APPROVAL OF THE MINUTES: April 24, 2006**

Ms. Blankenship moved to approve the minutes of the regular City Council meeting April 24 as presented. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

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

Historic District Commission – 1 Position

CAPC – 2 Positions open – Mayor Harrison nominated K.J. Zumwalt to the restaurant position.

**Planning Commission** – 3 Positions open – Mayor Harrison nominated Ed Leswig.

**DEPARTMENT & COMMISSION REPORTS**

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

**Police** – Ms. Sell read aloud the report from Police Chief Hyatt. He said a record

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number of arrest warrants have been issued by the District Court for failure to pay fines and appear in court. The increased warrants have resulted in increased revenue. The number of traffic citations has increased from 87 at this time last year to 165 as of the end of April of this year.

**Transit** – Mr. Richie presented the modified plans for the Park and Ride Lot at the top of Planer Hill, intersection of Highways 62 and 23. Plans call for three levels of parking with 70 spaces, including two for large buses and three handicapped spaces. The water feature has been changed to using donated limestone lintels with bubbling water, instead of a fountain. Approximately 70 trees will be planted in the area. There will be a visitor center with public restrooms and an electronic parking station for payment of parking fees.

**HDC** – Ms. Sell said the Commission is currently working on a demolition by neglect ordinance and dealing with the seasonal increase in applications.

**Building** – The city does not have a building inspector/official at this time. Mayor Harrison said she is approving

requests for dead tree removals. Fire Marshall Jimmy Kelley is assisting with some building inspections.

**Public Works** – Mr. Wilson said the recent heavy rains have resulted in overflows at the wastewater treatment plant. He said the scheduled April 27 bid opening for the construction at the plant has been delayed to May 16 because of changes in the plans. Prospective bidders have done a walk-through of the existing plant. He is hoping to have four bidders on the construction.

**Financials** – Mayor Harrison said a resolution needs to be prepared to adjust the 2005 budget for amounts actually spent. She said city sales tax revenues are up by 7%.

Ms. Blankenship asked about the hiring of a financial director. Mayor Harrison said she needs additional funds in the salary line to support a salary offer to a candidate.

Ms. Carroll moved to increase the budget line item to reflect a \$40,000 annual salary inclusive of an automobile and cell phone allowance. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

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

Mr. Rojek moved to take a short break at 7:03 p.m. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0 The meeting resumed at 7:15 p.m.

## **OLD BUSINESS:**

### **4. Discussion of financing construction of ambulance and truck bays at 144 Van Buren**

Mayor Harrison said the bid to remove the building was \$3,200 from Strough Construction of Berryville.

Mr. McClung moved to have a resolution written to approve spending the funds for the construction of the new building. There was some discussion of interest rates and the total amount actually required for the project.

Mr. McClung moved to table the resolution until the city has adequate information from the Municipal League about the funding. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

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## **NEW BUSINESS:**

### **2. Discussion of policy for speaking to council (Carroll, Berry)**

Ms. Carroll has asked for a discussion of determining how and when citizens may address the Council during regular meetings.

Mr. Rojek said the Council serves at the behest of the people, although discussion items could be restricted to only the Council members during meetings.

Ms. Blankenship said if a policy was to be determined, she wants it to be consistently used. She would rather have people speaking to issues rather than restricting speakers. She wants to be as fair as possible.

Ms. Carroll said her concern is to make sure the Council acts consistently toward those who wish to speak to issues. No motions were made or actions taken.

### **3. Discussion of appointments, removals from city commissions (Carroll, Blankenship)**

Ms. Carroll said she is waiting on information from Mr. Weaver.

Mr. Weaver said the Council could not remove members from the hospital and HDC. A change in the city's ordinance would be required before the Council could remove members from the other commissions.

Ms. Carroll moved to amend Chapter 2.24.02 of the Eureka Springs Municipal Code determining who has the authority to appoint and remove members of the Planning Commission and City Advertising and Promotion Commission (CAPC). Mr. McClung seconded.

(Note: Chapter 2.24.02, in its entirety, says: The Mayor shall appoint, with the approval of the City Council, all officers of the city whose election or appointment is not provided for by statute or ordinance.)

Ms. Carroll moved to table the item to get public input and to do research. Mr. McClung seconded. All voted aye. Motion passed 6/0/0

### **4. Discussion of Resolution 531 amending 2006 Mayor's professional services budget (Blankenship, McClung)**

Ms. Blankenship moved to read Resolution 531. Mr. Rojek seconded. Five voted aye. Ms. Weaver abstained.

Motion passed 5/0/1

Ms. Sell read Resolution 531 aloud.

### **5. Discussion of upgrading of Main Street accounting program. (Blankenship, McClung)**

Ms. Blankenship said \$18,000 had been set aside in the budget for the purchase of a new accounting program for the city's financial records at the end of this year. She has invoices showing more than \$7,000 was spent to upgrade the current system and to replace a computer. She said there was no approval given for the spending of the funds and there will not be enough money in the line item for the new program.

Mayor Harrison said a Municipal League attorney has said the mayor has exclusive authority to spend the city's funds. The current accounting program had not

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been updated in at least five years and could not print reports requested by the state auditor. She said a new computer has not been purchased, but an existing computer repaired after an electrical problem "fried" the circuits.

There was some additional discussion as to whether or not the Council should have approved the expenditures and what fund should have been used.

No motions were made or action taken.

### **6. Discussion of proclamation recognizing the Eureka Springs Elks Lodge 100<sup>th</sup> anniversary July 4, 2006.**

Mr. Berry moved to read the proclamation. Mr. McClung seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read the proclamation aloud.

### **COUNCIL COMMENTS:**

**Mr. McClung** asked Mr. Weaver about two pending legal matters, without mentioning specific details. Mr. Weaver said he is working on both.

Mr. McClung said he was disappointed that a city employee had to go to Little Rock for a hearing before the Alcohol Beverage Control (ABC) Board regarding a license for the auditorium staff to sell alcoholic beverages during performances because the Mayor had opposed the application. He said the Mayor did not appear at the hearing or send an explanation of her opposition.

**Ms. Blankenship** said she wants a discussion on the May 22 agenda regarding A.C.A. 14-43-315 and the appointment of a city attorney rather than an election of one.

**Mr. Berry** asked if the Council's city hall mail boxes could be relocated. He welcomed members of the America In Bloom (AIB) staff who are here doing preparation work for the September national symposium.

### **MAYOR'S COMMENTS:**

Mayor Harrison recognized the selection of Linda Clark as Clerk of the Year for the Arkansas District and City Clerk Association. Ms. Clark has been the court clerk in Eureka Springs for 20 years and plans to retire this fall.

Mayor Harrison also read a list of up-coming May Festival of the Arts events.

### **ADJOURNMENT:**

Ms. Blankenship moved to adjourn at 8:47 p.m. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular May 8 City Council meeting.

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Mayor Kathy Harrison

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City Clerk-Treasurer Mary Jean Sell

