

**CITY OF EUREKA SPRINGS**

**CITY COUNCIL**

**REGULAR MEETING**

**MONDAY**

**NOVEMBER 27, 2006**

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Mayor Kathy Harrison called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Nov. 27, 2006, in the jury room on the second floor of the Western District Carroll County Courthouse.

**PRESENT:** Mayor Kathy Harrison, Aldermen Beverly Blankenship, Penny Carroll, Robert “Butch” Berry, Terry McClung, Rick Rojek, Lori Weaver, City Attorney Tim Weaver, Fire Chief David Stoppel, Parks Director Bruce Levine, Mayor-elect Dani Wilson, Alderman-elect Rae Hahn 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.

Mayor Harrison said Sunday Market Producer Charlotte Buchanan was not in attendance and she did not want to have a discussion about the market without her. Mr. Berry moved to defer the discussion of New Business Item #4 Sunday Market to the regular meeting of Dec. 11. Mr. McClung seconded. All voted aye. Motion passed 5/0/0 (Ms. Weaver had not arrived.)

Mayor Harrison said two position openings on the Hospital Commission need to be added.

Voting on the agenda as amended, all voted aye. Motion passed 5/0/0

**APPROVAL OF THE MINUTES: Nov. 13, 2006**

Mr. McClung moved to approve the minutes of the regular City Council meeting Nov. 13, 2006. Mr. Rojek seconded.

Ms. Blankenship noted a typographical error in Council Comments on Page 4.

Ms. Blankenship moved to approve the minutes as amended. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

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

Historic District Commission – 1 Position

CAPC – 1 Position

Planning Commission – 2 Positions

**Hospital Commission** – 2 Positions – Mayor Harrison nominated Dr. Pam Crockett for re-appointment in Position 4, expiring 6/1/11, and Anna Ahlman for Position 1, expiring 6/1/08.

**DEPARTMENT & COMMISSION REPORTS**

CAPC, Fire/EMS, Cemetery, Planning, Parks, Financials

**CAPC** – Director Lynn Berry presented her report. She said the CAPC tax receipts for October showing collections in September reflect an overall 2.3 percent increase over 2005.

**Fire/EMS** – Mr. Stoppel presented his report. He has estimated the completion of construct of the truck bay building at 145 E. Van Buren at the end of this year, depending on potential weather delays.

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**Planning** – Ms. Sell read aloud the report from Chairman Leah Karnes.

**Parks** – Mr. Levine said the concession stand building at Lake Leatherwood Ball Fields is now “dried in.” The Preservation Society is wanting to place lighting at Harding, Grotto and Magnetic Springs. Students at Clear Spring School have adopted Conway Spring as a project. He has a proposed budget for 2007 for the city’s gardener and maintenance.

**Financials** – There was no financial report.

**OLD BUSINESS:**

**1. Discussion of recommendation from Planning/Parks to vacate a portion of Fritz St., adjacent to 9**

**Summit.**

Mr. McClung moved to open discussion. Mr. Berry seconded.

Mr. McClung wants to get the application taken care of before the end of the year.

Ms. Blankenship said she would like to have a second December meeting so this, and other matters, can be finished.

No action was taken.

**2. Discussion of Ordinance 2027, signs. (3<sup>rd</sup> reading)**

Ms. Blankenship asked Mr. Weaver for his determination about the limit on the number of days prior to an election that relevant signs can be put up.

Mr. Weaver quoted decisions in cases in the 8<sup>th</sup> and 11<sup>th</sup> Circuits and suggested removing the time limitation from Eureka Springs' ordinance.

Ms. Blankenship moved to amend Item T of Appendix 7(B) to Ordinance 2027 removing the 30-day time limit prior to elections and inserting "may be." Mr. Rojek seconded. Four voted aye. Mr. McClung voted no. Motion passed 5/1/0

Mr. McClung moved to suspend the rules and place Ordinance 2027 on its third 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.

Ms. Blankenship moved to approve Ordinance 2027 on its third reading by title only. Mr. McClung seconded. All voted aye. Motion passed 6/0/0.

**NEW BUSINESS:**

**1. Discussion of Ordinance 2031 to purchase a CT unit for Eureka Springs Hospital.**

Mr. Rojek moved to open discussion. Ms. Carroll seconded.

Hospital Administrator David Wheeler presented information regarding the unit, the accessory equipment and the need to act quickly to sign a purchase contract. He said the estimated increase in revenue to the hospital through the use of the equipment would more than cover the monthly payments. Director of Radiology Leslie Bowling assisted in the presentation.

Mr. Berry moved to place Ordinance 2031 on its first reading with the emergency clause. Mr. Rojek Seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read Ordinance 2031 aloud.

Ms. Blankenship moved to approve the first reading of Ordinance 2031. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. McClung moved to suspend the rules and place Ordinance 2031 on its second reading by title only. Mr. Rojek seconded. By roll call, all voted aye. Motion passed 6/0/0

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Mr. McClung moved to suspend the rules and place Ordinance 2031 on its second 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 2031 aloud.

Mr. McClung moved to approve the second reading of Ordinance 2031 by title only. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. McClung moved to suspend the rules and place Ordinance 2031 on its third 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 2031 aloud.

Mr. McClung moved to approve the third reading of Ordinance 2031 by title only. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. McClung moved to read the emergency clause for Ordinance 2031. Mr. Rojek seconded. All voted aye.

Mayor Harrison read the emergency clause aloud.

Mr. Berry moved for a recess at 7:23 p.m. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0 The meeting resumed at 7:38 p.m.

**2. Discussion of Ordinance 2032 to amend the city's budget.**

Mr. McClung moved to place Ordinance 2032 on its first reading. Mr. Rojek seconded.

Ms. Blankenship said she had provided two versions, one with an emergency clause and one without, to get the budget adjustments made so the city would not be over budget.

On the motion to place the ordinance on its first reading, all voted aye. Motion passed 6/0/0

Mayor Harrison read Ordinance 2032 aloud.

Mr. McClung moved to approve the first reading of Ordinance 2032. Mr. Rojek seconded.

Mayor Harrison said the cost of municipal property insurance will be increased in December. Workman's Comp costs will also change in December.

On the motion to approve the first reading of Ordinance 2032, all voted aye. Motion passed 6/0/0

Mr. McClung moved to suspend the rules and place Ordinance 2032 on its second reading by title only. Ms. Blankenship seconded. By roll call, five voted aye. Ms. Weaver voted no. Motion passed 5/1/0

Mayor Harrison read the title of Ordinance 2031 aloud.

Mr. McClung moved to approve the second reading of Ordinance 2031 by title only. Ms. Blankenship seconded. Five voted aye. Ms. Weaver voted no. Motion passed 5/1/0

Ms. Blankenship asked about the finance director.

Mayor Harrison said Kristi Rachel has decided to work part-time and no longer wishes to be a department head.

Mr. McClung said he wanted to see a letter to that effect from Ms. Rachel. He wanted to know what is being done to hire a new finance director.

Mayor Harrison said she is going to leave that decision to Mayor-elect Wilson since she will be the person working with the finance director.

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**3. Discussion of Ordinance 2033 giving Council authority over unnamed street in Block 83 of the Riley and Armstrong Survey of Eureka Springs.**

(Note: The street is off of Spring Street, just east of the Parks and Recreation building. The request for proposed vacation is from Martin Roenigk as part of his proposed Crescent Hotel Condominium Project.)

Mr. McClung moved to place Ordinance 2033 on its first reading. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read Ordinance 2033 aloud.

Mr. McClung moved to approve Ordinance 2033 on its first reading. Mr. Rojek seconded.

Mr. McClung moved to change the description of the location of the street from the Riley and Armstrong Survey to the Clayton Addition Survey. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

On the motion to approve Ordinance 2033 as amended, five voted aye. Ms. Weaver voted no. Motion passed 5/1/0

Mr. McClung moved to suspend the rules and place Ordinance 2033 on its second reading by title only. Mr. Rojek seconded. By roll call, Mr. Rojek, Mr. Berry and Ms. Carroll voted aye. Ms. Blankenship and Ms. Weaver voted no. Motion passed 4/2/0

Mayor Harrison read the title to the ordinance.

Mr. McClung moved to approve the second reading of Ordinance 2033 by title only. Mr. Rojek seconded. Five voted aye. Ms. Weaver voted no. Motion passed 5/1/0

Mr. McClung moved to suspend the rules and place Ordinance 2033 on its third reading by title only. Mr. Rojek seconded.

Ms. Blankenship said that since the agenda had not been printed in the newspaper and citizens were not aware of the

discussion she would prefer to delay the third reading.

Mr. McClung withdrew his motion. Mr. Rojek withdrew his second.

Mr. McClung moved to set the date for the second December meeting for Tuesday, Dec. 19. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

**COUNCIL COMMENTS:**

**Ms. Blankenship** said she had questions about the city's parking lot behind the Art Colony at 185 Main: is it open to the public, is the city going to lease the area to the Harrises, and what about the big lights on the poles?

**Mr. Berry** said there is another election tomorrow and for everyone to please vote.

**MAYOR'S COMMENTS:**

Mayor Harrison encouraged everyone to vote and asked persons who are stealing candidates' signs to please stop.

**AJOURNMENT:**

Mr. McClung moved to adjourn at 8:28 p.m. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

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

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Mayor Kathy Harrison

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City Clerk-Treasurer Mary Jean Sell

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