

Mayor Kathy Harrison called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Sept. 11, 2006, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Beverly Blankenship, Robert "Butch" Berry, Penny Carroll, Terry McClung, Rick Rojek, Lori Weaver, City Attorney Tim Weaver, Building Official Marion Chrysler and City Clerk-Treasurer Mary Jean Sell.

PLEDGE OF ALLEGIANCE: Mayor Harrison led the Pledge of Allegiance to the Flag.

Mayor Harrison called for a moment of silence in remembrance of those who lost their lives during the tragedies of Sept. 11, 2001.

APPROVAL OF THE AGENDA:

Mr. Berry moved to approve the agenda. Mr. Rojek seconded.

Ms. Carroll moved to have New Business Item #1 to be a discussion of following procedures outlined in Robert's Rules of Order regarding comments made during open microphone sessions, rather than a discussion of limiting topics. Mr. McClung seconded. All voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: August 14, 2006 August 28, 2006

Aug. 14 – Mr. McClung moved to approve the minutes as amended, regarding the open microphone comments. The motion died for lack of a second.

Ms. Carroll continued the discussion of the minutes of the open microphone session. She moved to amend the minutes to say only "Ernst Schrader read a statement to the Council." Ms. Blankenship seconded.

Mr. Weaver said to eliminate the comments made by speakers from the minutes could possibly eliminate potential evidence.

On the motion to amend the minutes, five voted aye. Ms. Weaver voted no. Motion passed 5/0/1

Mr. McClung moved to approve the minutes as amended. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Aug. 28 – Mr. McClung moved to approve the minutes as presented. Mr. Rojek seconded.

Ms. Blankenship said she wanted something included in the minutes to indicate the mayor had sent a letter to SWEPCO recommending the retro-fit shields for the downtown street lights, following the recommendations of the Planning and Historic District Commissions.

Mr. McClung moved to add "a letter has been sent to SWEPCO recommending the retro-fit shields for street lights" to the minutes under the Planning Commission report. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

Ms. Blankenship moved to approve the minutes as amended. Ms. Carroll seconded. All voted aye. Motion passed 6/0/0

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COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Historic District Commission – 1 Position

CAPC – 1 Position

Planning Commission –3 Positions Nominated-Kenneth Pownall

Mr. Berry moved to approve the nomination of Kenneth Pownall to Position 6, serving until January of 09. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

DEPARTMENT & COMMISSION REPORT

Hospital, Police, Transit, Building, Public Works, Parks

Hospital – There was no report.

Police Department – There was no report.

Transit – Ms. Sell read the report from Transit Director Lamont Richie aloud.

Building – Ms. Chrysler said revenues are up approximately \$10,000 over last year. Election signs cannot be put up until Oct. 8 and they must be removed within three days after the election. Letters have been sent to approximately 90 businesses regarding grease trap and inspection fees. She is still using the Public Works Department Head's truck.

Public Works – Ms. Sell read the report from Jay Wilson. Excavation for the new wastewater treatment plant works on Highway 23 North is underway.

Mr. McClung asked for a list of streets to be repaired this year.

Mr. Berry asked for a copy of the engineer's report regarding the stability of Black Bass Lake Dam.

NEW BUSINESS:

1. Discussion of permitted topics for discussion during open mic. (City Attorney)

Ms. Carroll said she asked for a discussion of open microphone protocol because she wants speakers to maintain a respectful atmosphere. She wants those persons speaking to address the Council through the chairman; to not use names or "you," and not to attack persons at the council table.

She then moved to apply the rules from *Robert's Rules of Order* to have persons speaking to address the Council through the chairman; to not use names or "you," and not to attack persons at the council table. Mr. McClung said he would second for discussion purposes.

After discussion, Ms. Carroll voted aye. Five voted no. Motion failed 1/5/0

Mayor Harrison asked for a short break at 6:55 p.m. All voted aye. Meeting resumed at 7:07 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.

Charlotte Buchanan spoke to the Christmas lights issue. She encouraged merchants to decorate their store windows; for the trolleys to have musicians; to give away \$10,000 shopping spree; to use this issue as a way for citizens to come together.

Karen Lindblad thanked those Council members who voted to keep free speech during the open microphone sessions. She is outraged that the city's Building Official does not have a reliable vehicle to drive or an assistant for code enforcement.

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Beau Satori said the CAPC needs to be responsible for the \$1.4 million budget. In other cities, meeting minutes are almost verbatim accounts of discussion, not a summary.

Mark Jipp said *Robert's Rules of Order* are for elected officials, not the persons speaking during open microphone. He asked the Council to make more efforts at attracting new businesses to town and to revive some of the activities of years past.

OLD BUSINESS:

1. Discussion of Ordinance 2024 setting 2007 real and personal property tax levies. (3rd reading)

Mr. McClung moved to suspend the rules and place Ordinance 2024 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 2024 aloud.

Mr. Rojek moved to approve Ordinance 2024 on its third and final reading. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

2. Discussion of request for maintenance of bathrooms at 185 N. Main, Art Village, from J.D. Harris.

Mayor Harrison said no one was present to discuss the request.

Mr. Weaver said the proposed partnership between a private entity and the city was problematic in that such an agreement with one business could not be made with other businesses in town. If the property could be transferred to the city, then the city could maintain the bathrooms.

There was no action taken on the request.

3. Discussion of application for Certificate of Public Convenience (taxi) from Robert Wagner.

There was discussion about the documentation needed to meet the state statute and local ordinance requirements.

Mr. Berry asked if David White, owner of Ozark Taxi, had been notified in writing of tonight’s discussion. Ms. Sell said Mr. White had been notified by telephone and was present.

Ms. Blankenship quoted state statute saying the city needs to notify Mr. White in writing and to publish a separate notice of a public hearing on the request in the newspaper.

Mr. McClung moved to set a public hearing on the request for a Certificate of Public Convenience (taxi) from Robert Wagner for 6 p.m. Monday, Sept. 25, during the next regular Council meeting. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

4. Discussion of construction financing for fire truck/ambulance building at 144 Van Buren.

(Note: the Council voted Aug. 28 to approve a change order for \$98,532.79 to cover the costs of changing the design and construction plans for the fire truck/ambulance building.)

Mayor Harrison said Finance Director Kristi Rachel had been communicating with representatives of the Bank of Eureka Springs about adding the amount to the existing loan. She does not have a report on whether or not that can be done.

Ms. Blankenship moved to keep the item on the agenda so the Council can be kept aware of the situation. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

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COUNCIL COMMENTS:

Mr. McClung said the Planning Commission is going to hold a public hearing at 6 p.m. Thursday, Sept. 14, on the proposed sign ordinance. He urged everyone to attend.

Ms. Blankenship thanked everyone who participated in the annual Bank Robbery and Antique Automobile Show this past weekend. She said before Mr. Satori was mayor, the city had an auditorium commission and he had abolished it. The Council had (years past) approved an ordinance for the CAPC to have charge of the auditorium and to pay all of its expenses.

MAYOR’S COMMENTS:

Mayor Harrison said she wanted to correct some statements made in the recent CAPC meeting: The restoration project for the theater portion of the City Auditorium cost half a million dollars, with only \$250,000 of it having to be paid back because it was a matching funds agreement with \$250,000 coming from the Saving America’s Treasures grant and a \$250,000 promissory note from the city. This year’s payment on the amount is \$58,412.

She has gotten several telephone calls from persons concerned about the installation of holiday lights by the city on private property, why will the city be paying a master electrician to do the work, and who is going to pay the additional electric bill?

ADJOURNMENT:

Mr. Berry moved to adjourn at 7:58 p.m. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the Sept. 11, 2006, regular City Council meeting.

Mayor Kathy Harrison

