

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

APRIL 9, 2007

Mayor Dani Wilson called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 9, 2007, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Wilson, Aldermen Patrick Brammer, Charlotte Buchanan, Rae Hahn, Kathy Harrison, Eric Scheunemann, Joyce Zeller, City Attorney Tim Weaver, and City Clerk-Treasurer Mary Jean Sell.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Wilson led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Ms. Hahn moved to approve the agenda. Mr. Brammer seconded.

Ms. Zeller withdrew consideration of ordinance 2034 until the regular meeting of October 8, 2007, as per letter of request from surrounding property owners Martin and Elise Roenigk.

Mr. Scheunemann asked to add an executive session to clarify action agreed upon for discipline of a commissioner in executive session of Jan. 22, 2007, as New Business Item #2 Ms. Harrison seconded.

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

APPROVAL OF THE MINUTES: March 26, 2007

Ms. Hahn moved to approve the minutes of the regular City Council meeting of March 26, 2007. Mr. Scheunemann seconded.

Ms. Hahn asked if the proposed legislative bill Mayor Wilson referred to in her comments was the one regarding increasing the fees for marriage licenses. Mayor Wilson said yes.

Mr. Scheunemann said he wanted the name of Cheryl Hall of the Arkansas Attorney General's Office added to his comments on Page 3.

Ms. Harrison said she wanted her comments on Page 7 to include three of the 17 persons who spoke were in favor of the CAPC amendment, three persons against it, and the rest did not have public comments.

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

DEPARTMENT HEAD AND COMMISSION REPORTS: None

PUBLIC COMMENTS:

Alvin Byrd said the proposed trash compactor will be located on Center Street behind his business. He has cleaned up and beautified Tibbs Alley and does not want to deal the stench from the compactor in the Historic District.

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Harold Ellis said he owns the building on the other side of Tibbs Alley. He has put a lot of money into restoration of the building and to have a recycle bin at the end of the stairs is not a good idea. Someone needs to figure out how to get the garbage out of view.

Larry Suchand owns 21 lots below the proposed location of the trash compactor. He said the compactor in Berryville is not quiet. He is concerned about the smells that will come from the compactor. He does not want a trash dump in the middle of the city.

Beverly Blankenship asked for a discussion of downtown sidewalks to be on the next agenda. She wants a moratorium on the construction of any more sidewalks in town until the downtown sidewalks are safer to walk on. She wants the public works department to purchase replacement limestone and for property owners to pay for installation.

Terry McClung said the clock is ticking on a new CAPC (City Advertising and Promotion Commission) ordinance. The Council has a fiduciary responsibility to collect the tax and get the new ordinance in place.

Mayor Wilson said Act 464 will go into effect 90 days after the Legislature adjourns so the effective date of the Act is Aug. 3.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Cemetery - Position 5, expiring 2/15/08

Planning Commission – Position 5, expiring 1/1/10 – Nominee Bill Earngey Mayor Wilson read aloud the nomination of Bill Earngey. Ms. Buchanan seconded. All voted aye. Motion passed 6/0/0 **Position 7**, expiring 1/1/09 – Nominee Ken Foggo Mr. Scheunemann moved to approve the nomination of Mr. Foggo. Ms. Buchanan seconded All voted aye. Motion passed 6/0/0

Parks - Mayor Wilson said Dawn Hagin's appointment to Position 1 on the Parks and Recreation Commission will expire May 1. She nominated Ms. Hagin for re-appointment.

OLD BUSINESS:

1. Discussion of resolution concerning “protecting the city’s gateways” and a study of plans for Highway 62 west.

Mr. Brammer gave an update on some of the issues being considered by the committee.

Mr. Scheunemann said there will be a committee meeting at 10 a.m. Monday, April 16, at the Eureka Springs Chamber of Commerce office.

2. Discussion of Ordinance 2049 to allow Alderman Charlotte Buchanan to do business with the city. (3rd -reading)

Ms. Harrison moved to suspend the rules and place Ordinance 2049 on its third reading by title only. Mr. Scheunemann seconded. By roll call, five voted aye. Ms. Buchanan recused herself. Motion passed 5/0/1

Mayor Wilson read the title of Ordinance 2049 aloud.

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Ms. Harrison moved to approve the third reading of Ordinance 2049 for discussion. Mr. Scheunemann seconded for discussion.

Ms. Hahn said she had made changes to the ordinance after talking with Municipal League attorney David Schoen. He said to make the ordinance general in nature, not specific to one alderman or official.

Mr. Weaver said he had also talked with Mr. Schoen. (*Amendment: Mr. Weaver*) is highly opposed to a general ordinance of this nature. If the Council wants the changes Ms. Hahn has proposed, the ordinance should be given a new number and the readings started over.

Mickey Schneider said the people have spoken through the e-mails Council members have received and they do not want this ordinance.

Marci Hayes said she was here to support Ms. Buchanan. Anyone qualified to give the city the biggest bang for the buck should be allowed to do so. Her advice to Ms. Buchanan is to not ask for funding or assistance. (*Amendment: assistance because she has been denigrated and treated disrespectfully by people who are not qualified to judge.*)

Beverly Blankenship said the Council could make the code read the way it wants. In 150 years, we have never had an ordinance like this.

Ernest Schrader said he recommends giving the ordinance to Mr. Weaver to work out the language to answer the questions and suggestions. Ms. Buchanan has brought new excitement to our city and in three months he has become soured by the attacks on her.

Ed Leswig said he wanted to remind the Council that because something is legal doesn't mean it is ethical.

Karen Lindblad said Ms. Buchanan was elected by a majority of the voters who knew what she was doing. The Sunday night movie is bringing people back to town. The Artery benefits artists and the whole town. She wants the ordinance tabled to give the public time to consider it.

Jamie Gregg said the ordinance started general then went specifically to Ms. Buchanan. Some conflict is going to

be unavoidable if she is to do her work.

Ms. Harrison moved to make the proposed changes to the ordinance and read it. Ms. Hahn seconded.

Mr. Weaver said he needed more input.

Ms. Harrison withdrew her motion. Ms. Hahn withdrew her second.

Ms. Harrison moved to table Ordinance 2049 to give Mr. Weaver time to prepare the new version for the third reading. Ms. Hahn seconded. All voted aye. Motion passed 6/0/0

3. Discussion of Ordinance 2048 changing parking on Spring St. between Howell and Crescent Spring.

(3rd reading)

Mr. Brammer moved to suspend the rules and place Ordinance 2048 on its third and final reading by title only. Mr. Scheunemann seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Wilson read the title of Ordinance 2048 aloud.

Mr. Brammer moved to approve the third reading of Ordinance 2048 by title only. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

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4. Discussions of Parks Commission requests for \$30,000 capital funding and funding for a gardener's position.

Parks Director Bruce Levine said there are continuing issues as to which department is going to pay for the maintenance of the city's parks. The Parks Commission funds the personnel and maintenance of the parks' parks, but cannot afford to fund the maintenance of the city's areas. He wants a commitment from the Council about funding of a position for someone to take care of the city's parks.

Parks Commissioner Dan Bennett said the parks' gardener needs more help and the funding for the assistance. Parks employees cannot be stretched any further.

Mr. Levine said he had asked for \$72,000 in capital funds in 2005 for several projects, including \$30,000 for the Harmon Park bathroom. When the scope of the project changed and an engineer had to be brought in, he did not request the funds in 2005 or 2006. He had assumed the \$30,000 had been set aside for Parks. He would like to have it now to go forward with the project.

Mayor Wilson suggested he use the \$30,000 set aside for the Lake Leatherwood Road and let the Street Department pay for the road repairs.

Ms. Hahn moved to revisit the issue of the \$30,000 during the mid-year budget review. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

5. Discussion of proposal to make the city a Patriot Act Free Zone.

Ms. Hahn moved to discuss the issue. Mr. Brammer seconded.

Mr. Weaver had prepared a resolution for the Council. There was discussion about the strength or weakness of the resolution and its possible ramifications.

Mr. Brammer said he wanted to hear from Megan Boes who brought the issue to the Council and get her opinion on the resolution.

Ms. Harrison moved to redraft the resolution with the help of Megan Boes and to have it ready to read at the April 23 meeting. Mr. Scheunemann seconded. All voted aye.

6. Discussion of Ordinance 2045 requiring surety bond for contractors (2nd reading).

Ms. Harrison moved to suspend the rules and place Ordinance 2045 on its second reading by title only. Ms. Buchanan seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Wilson read the title of Ordinance 2045 aloud.

Mr. Brammer moved to approve Ordinance 2045 on its second reading by title only. Ms. Zeller seconded.

After some discussion, Mr. Scheunemann moved to table the vote on the second reading to the regular meeting of April 23. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

7. Discussion of Ordinance 2047 regarding demolition by neglect.

Certified Local Government (CLG) Coordinator Glenna Booth and Historic District Commission Chairman Frank Green Jr. presented the ordinance.

Ms. Booth said having the ordinance in place will strengthen the city's ability to maintain the integrity of the Historic District structures. The ordinance is also a

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requirement in upgrading the status of the city's CLG certification. There are a variety of loan programs which also require this type of ordinance to be in the city's code.

Ms. Harrison moved to put Ordinance 2047 on the agenda for the April 23 meeting. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

8. Discussion of Ordinance 2051 proposed amendments to Municipal Code Chapter 4.36 regarding taxis.

Ms. Hahn moved to discuss the proposed ordinance. Ms. Harrison seconded. All voted aye.

David "Fuzzy" White said he has presented the proposed ordinance because the application of another individual in September of 2006 brought out the deficiencies in the existing Municipal Code regarding taxis and limousines.

Mr. Weaver said he found some unconstitutional issues in his first reading of the proposal and asked for two weeks to review it.

Ms. Zeller moved to table consideration of Ordinance 2051. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

9. Discussion of Ordinance 2050 regarding adoption of Municipal Code.

Ms. Harrison moved to postpone reading of Ordinance 2050. Ms. Hahn seconded.

After brief discussion, all voted aye. Motion passed 6/0/0

10. Discussion of Ordinance 2052 regarding Domestic Partners Registry.

Mayor Wilson distributed copies of a petition in support of the registry and information from the ACLU and other groups about a registry and its benefits. She also distributed a second version of the proposed ordinance.

Mr. Brammer moved to place Ordinance 2052 on its first reading. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0

Mayor Wilson and Ms. Sell read the Ordinance 2052 aloud.

Mr. Brammer moved to approve Ordinance 2052 on its first reading. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

NEW BUSINESS:

1. **Executive Session**

Ms. Harrison moved to go into executive session at 10 p.m. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0 Meeting reconvened at 10:10 p.m.

Mayor Wilson said no further action was necessary.

AGENDA SETTING:

Ms. Zeller said she wanted an update on the motorcycle signs and their effectiveness at the next meeting. Ms. Hahn seconded.

Mr. Scheunemann said he wanted to discuss the city purchasing of the Landaker Hotel property on North Main. Ms. Harrison seconded.

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CITY COUNCIL COMMENTS:

Ms. Buchanan said she is happy to see people participating in the meeting. She asked Council members to do their research, talk to their neighbors and listen to their opinions.

Ms. Hahn said she would like to encourage young, energetic folks to step forward as candidates for the CAPC. She has received a letter from a citizen that is very accusatory in nature. She would like for people to call her to talk about issues.

Mr. Scheunemann said he thinks generally the Council is going in a good direction, especially in this work with the Chamber of Commerce and the Economic Advisory Group work on the new CAPC ordinance. He appreciates all the input. He thinks the table is doing an excellent job.

Ms. Harrison gave greetings to her parents and wished them well.

Mr. Brammer said he will be on vacation for a week but will return e-mails.

MAYOR’S COMMENTS:

Mayor Wilson read a list of activities scheduled in town for the next two or three weeks.

ADJOURNMENT:

Ms. Harrison moved to adjourn at 10:25 p.m. Ms. Buchanan seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the April 9, 2007, regular Eureka Springs City Council meeting.

Mayor Dani D. Wilson

City Clerk Mary Jean Sell