

Mayor Dani Wilson called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 11, 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, Chief of Emergency Services David Stoppel, Building Official Marion Chrysler, Economic Development and Certified Local Government Coordinator Glenna Booth 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 asked to add Resolution 541 regarding reimbursement for expenditures on the wastewater treatment plant construction from the new bond issue as New Business Item 1.

Ms. Hahn asked for discussion of a workshop for the mid-year budget review.

Mr. Harrison moved to approve the agenda as amended. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: May 21, 2007 Special meeting June 7, 2007

May 21 – Mr. Scheunemann moved to approve the minutes of the regular City Council meeting of May 21. Ms. Hahn seconded.

Ms. Hahn asked that Mr. (Jeff) Feldman’s letter to the Council be included in the minutes.

Mr. Scheunemann said Item 7 on Page three was incorrect. He (*was contacted by*) local real estate broker Genes Bland to get in touch with the owners of the (Landaker) property who live in Missouri.

Ms. Hahn said she wanted hotels, motels, bed and breakfast owners included in the new CAPC ordinance during discussion of New Business Item 4.

On the motion to approve the minutes of the regular City Council meeting of May 21, 2007, as amended, all voted aye. Motion passed 6/0/0

June 7 – Mr. Brammer moved to approve the minutes of the special City Council meeting of June 7, 2007. Mr. Scheunemann seconded. Four voted aye. Ms. Harrison and Ms. Hahn abstained because they were not at the meeting. Motion passed 4/0/2

DEPARTMENT HEAD AND COMMISSION REPORTS:

Fire – Chief Stoppel gave an update on numbers of calls for the year. The open house for the new fire station at 142 Van Buren will be from 10 a.m. to 2 p.m. Saturday, June 23.

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PUBLIC COMMENTS:

James DeVito said the creation of the Arts & Culture District (along North Main and west on Grand Avenue) should be revived as a method of heightening interest in the artists of this community. With the construction of the Crystal Bridges Museum in Bentonville, Eureka has an opportunity to capitalize on the national media that will be a part of the museum’s publicity.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Cemetery - Position 5, expiring 2/15/08

Hospital – Position 1, expiring 6/1/07 Mayor Wilson nominated Dr. Jack Pritchard for re-appointment to Position

1.

CAPC – Position 3, expiring 6/30/07 and an at-large position

OLD BUSINESS:

1. Discussion of resolution concerning “protecting the city’s gateways” and a study of plans for Highway 62 west. Tabled to June 25.

Mr. Scheunemann moved to discuss the issue. Mr. Brammer seconded.

Mr. Scheunemann said a meeting of the committee working on this project had been scheduled for May 7, but no one from the county or state senate/representative’s offices had attended. They told him they had not been invited. Mr. Scheunemann wants to schedule another meeting and make sure everyone involved is invited to attend.

2. Discussion of Ordinance 2045 requiring surety bond for contractors (3rd reading) A third reading has been done. An amendment is waiting for a vote.

Ms. Harrison moved to suspend the rules and place Ordinance 2045 on its third reading by title only. Mr. Brammer 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 the third reading of Ordinance 2045 by title only. Ms. Zeller seconded.

Ms. Chrysler explained the reasoning behind the lowering of the surety bond amount.

On the motion to approve the ordinance, all voted aye. Motion passed 6/0/0

3. Discussion of Ordinance 2047 regarding demolition by neglect (2nd reading)

Mr. Brammer moved to suspend the rules and place Ordinance 2047 on its second reading by title only. Ms. Zeller seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Wilson read the title of Ordinance 2047 aloud.

Mr. Brammer moved to approve Ordinance 2047 on its second reading by title only. Ms. Zeller seconded.

Ms. Booth explained the necessity for the ordinance and the use of it as part of foundation work to enable the city to participate in state and federal programs from which grant funds might become available to assist homeowners. Amendments had been suggested for the ordinance and she and Ms. Chrysler explained them.

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Mr. Brammer moved to approve Ordinance 2047 as amended on its second reading by title only. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Mr. Scheunemann moved to take a break at 7:50 p.m. Ms. Buchanan seconded. All voted aye. Meeting resumed at 8:09 p.m.

4. Discussion of Ordinance 2051 proposed amendments to Municipal Code Chapter 4.36 regarding taxis (2nd reading).

Ms. Harrison moved to suspend the rules and place Ordinance 2051 on its second reading by title only. Ms. Hahn seconded. By roll call, four voted yes. Mr. Scheunemann and Mr. Brammer voted no. Motion passed 4/2/0

Mayor Wilson read the title of Ordinance 2051 aloud.

Ms. Harrison moved to approve the second reading of Ordinance 2051 by title only for purposes of discussion. Ms. Buchanan seconded.

Attorney Kent Crow went through the ordinance explaining changes and amendments.

Jeff Feldman, president of the Greater Eureka Springs Area Chamber of Commerce, said the city needs a taxi service but maybe not a taxi franchise. In the opinion of the Chamber of Commerce, this ordinance doesn’t do a clear and good job of what is needed. He asked for a lot more discussion before passing the ordinance on its second reading.

Alvin Byrd said the city needs a more reliable taxi service than the one Mr. White is providing.

Bill Earngey said everyone at the table is in the business of working for the welfare and safety of the residents of the

community. It is of the utmost importance to have a taxi service here. It is negligent not to provide the service.

Patti Corcelli said Mr. Crow was speaking because the issues of the ordinance need to be hammered out. The taxi service needs to be viable. She is here to help work things out.

Mr. Scheunemann suggested a workshop to review taxi ordinances from other cities and possible changes to Ordinance 2051.

Ms. Hahn said she wanted to pass the ordinance now and iron out problems later.

Ms. Zeller called for the question.

On the motion to approve Ordinance 2051 on its second reading by title only, five voted aye. Mr. Brammer voted no. Motion passed 5/1/0

5. Discussion of Ordinance 2050 regarding adoption of Municipal Code (2nd reading)

Mr. Weaver asked the Council to table the ordinance again. He has not been able to discuss the ordinance with the Municipal League attorney.

Mr. Scheunemann moved to postpone the second reading of Ordinance 2050 to the regular meeting of June 25. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0

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6. Discussion of proposal to purchase Landaker Hotel property on North Main St.

Ms. Harrison moved to discuss the purchase of the Landaker Hotel property. Mr. Scheunemann seconded.

Mr. Scheunemann said he has not talked with the property owners. He asked to wait to continue with this item until after the mid-year budget review.

Mr. Scheunemann moved to table the discussion to the regular meeting of June 25. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

7. Discussion of Ordinance 2053 regarding City Advertising and Promotion (CAPC) membership and levying the two percent gross receipts tax. (2nd reading)

Mr. Brammer moved to suspend the rules and place Ordinance 2053 on its second reading by title only. Ms. Zeller seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Wilson read the title of Ordinance 2053 aloud.

Mr. Brammer moved to approve Ordinance 2053 on its second reading by title only. Ms. Zeller seconded.

Ms. Zeller had presented a version of the ordinance outlining the method of staggering the commissioners' terms.

There was discussion about changing the two percent gross revenue sales tax to one percent, to delete the current exceptions to the local ordinance and to adopt those exemptions set out by state law.

Mr. Feldman said the collection of the tax is not now a level playing field. He reviewed comments made to the legislative committee in Little Rock prior to the passage of Act 464 by the General Assembly. He said the Council should carefully study the impact on CAPC revenues before making any changes.

Tom Tharp said the Council should adopt an ordinance that follows the state law. He said all of the tax collectors should be given adequate representation on the CAPC, that attractions do not have a representative. Someone who lives outside the city limits should be allowed a seat on the commission. He wants the state to fix Act 464 before the city approves any ordinances changing the CAPC.

Beau Satori said no one from the retail area of business has been to the Council asking for changes in the tax amount. Dropping to one percent would irrevocably damage the CAPC. He said no matter which version of the ordinance is passed; it will go to a referendum election.

There was more discussion at the table.

Mr. Brammer withdrew his motion to approve the second reading of Ordinance 2053 by title only.

Mr. Brammer moved to approve Ordinance 2053 with the proposed amendments. Ms. Hahn seconded.

There was discussion.

Ms. Harrison asked that the motion to approve be withdrawn so a clear reading of the ordinance can be done next

time.

Mr. Brammer withdrew his motion. Ms. Hahn withdrew her second.

Ms. Harrison moved to postpone the rewritten Ordinance 2053. Mr. Scheunemann seconded. All voted aye.

Motion passed 6/0/0

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8. Discussion of Ordinance 2057 for no parking on south side of Mountain St. between White and Washington streets (2nd reading).

Ms. Harrison moved to suspend the rules and place Ordinance 2057 on its second reading by title only. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Wilson read the title of Ordinance 2057 aloud.

Mr. Brammer moved to approve Ordinance 2057 on its second reading by title only. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

NEW BUSINESS:

1. Discussion of Resolution 541 regarding a bond issue for funding to finance sewer improvements.

Ms. Harrison moved to read Resolution 541: A RESOLUTION OF INTENT REGARDING THE ISSUANCE OF BONDS TO REFUND OUTSTANDING SALES AND USE TAX BONDS AND TO FINANCE SEWER IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO. Mr. Scheunemann seconded.

Ms. Harrison moved to remove Section 4, naming the bonding company, from the resolution. Ms. Hahn seconded.

After discussion, Ms. Harrison withdrew her motion to remove Section 4. Ms. Hahn withdrew her second.

On the motion to read Resolution 541, five voted aye. Ms. Hahn voted no. Motion passed 5/1/0

Mayor Wilson read Resolution 541 aloud.

AGENDA SETTING:

Council agreed to set a workshop for the mid-year budget review for 9 a.m. Monday, June 18.

Mr. Scheunemann asked for a discussion of the city's sidewalks. Mayor Wilson said Ms. Booth has prepared a timeline and proposal for the project to go to the Main Street Committee.

CITY COUNCIL COMMENTS:

Ms. Buchanan said the taxi/limousine issue is one of public safety and necessity, not a fight for a piece of a pie.

Mr. Scheunemann said he welcomes public input and discussion June 25 with Arkansas Highway and Transportation Department (AHTD) District Engineer Ralph Fulton.

Ms. Harrison thanked Transit Director Lamont Richie and Finance Director Yvonne Kline for their hard work in gathering information regarding the expenditures for the wastewater treatment plant. She would like to have the Planning Commission get information from Municipal League consultant Jim VonTunglen regarding Planned Unit Developments (PUD) and to look at utility impact fees. She said it was a shame the city had not budgeted enough money for everyone to attend the recent Municipal League meeting in Hot Springs.

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Ms. Hahn said Ordinance 2047 regarding demolition by neglect is very important and it is important to protect citizens' rights and home ownership. There are taxis being run illegally in town and she wants it stopped. There is a speed bump on Pine Street with a piece of metal sticking out of it and a large pothole on Pine Street she wants fixed. She asked about cable television lines going across and above Howell Street.

MAYOR'S COMMENTS:

Mayor Wilson said approximately one half of the budget line item for travel, training and dues had been spent so Ms. Booth could attend training in the Main Street program.

She read a list of upcoming events.

ADJOURNMENT:

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

This is the signature page for the minutes of the June 11, 2007, regular Eureka Springs City Council meeting.

Mayor Dani D. Wilson

City Clerk-Treasurer Mary Jean Sell