

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

DECEMBER 11, 2006

Mayor Kathy Harrison called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Dec. 11, 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, Terry McClung, Lori Weaver, City Attorney Tim Weaver, Mayor-elect Dani Wilson, Alderman-elect Rae Hahn, Charlotte Buchanan, Patrick Brammer, Planning Commissioner Kenneth Pownall and City Clerk-Treasurer Mary Jean Sell. Aldermen Robert “Butch” Berry and Rick Rojek were absent.

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

APPROVAL OF THE AGENDA:

Mr. McClung moved to approve the agenda. Ms. Blankenship seconded.

Ms. Blankenship asked to add a discussion of the city’s health insurance as New Business Item #2 and a discussion of possibly leasing city property on Mill Hollow as Item #3. She said the items listed in New Business as 1 and 2 should actually be Old Business Items #1 and #2.

On the motion to approve the agenda as amended, all voted aye. Motion passed 4/0/0

APPROVAL OF THE MINUTES: Nov. 27, 2006

Mr. McClung moved to approve the minutes of the Nov. 27, 2006, regular City Council meeting as presented. Ms. Blankenship seconded. All voted aye. Motion passed 4/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Historic District Commission – 1 Position

CAPC – 1 Position

Planning Commission – 2 Positions

Hospital – 2 Positions – Re-appointment for Position 4 - Dr. Pam Crockett-term to expire 6/1/11 Nomination of Anna Ahlman to Position 1 – term to expire 6/1/08

Mr. McClung moved to approve the re-appointment of Dr. Pam Crockett to Position 4 on the Hospital Commission. Ms. Blankenship seconded. All voted aye. Motion passed 4/0/0

Ms. Blankenship moved to approve the appointment of Anna Ahlman to Position 1 on the Hospital Commission. Mr. McClung seconded. All voted aye. Motion passed 4/0/0

DEPARTMENT & COMMISSION REPORTS

Police, Transit, Building, Public Works, HDC

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

Public Works – Mayor Harrison read aloud the report from Public Works Director Jay Wilson. Ms. Blankenship asked about the report on the stability of Black Bass Dam.

HDC – Ms. Sell said the Commission has its demolition by neglect ordinance ready for an attorney’s review.

City Council 12/11/06 1

OLD BUSINESS:

1. Discussion of recommendation from Planning/Parks to vacate a portion of Fritz St., adjacent to 9 Summit. Determination of which version of Ordinance 2029 to read: (1) vacating entire area or (2) vacating a portion and leasing a portion of area.

Ms. Blankenship moved to open discussion. Ms. Carroll seconded.

Ms. Blankenship said the Council cannot do anything tonight because the ordinance taking the area out of the Parks and Recreation Commission authority does not go into effect until Dec. 18.

Mr. McClung said his preference is to vacate both portions of the street so future property owners and city councils will not have to deal with a lease.

Mr. Weaver said the city could not give the land away, but would have to receive good value for the land.

No action was taken

2. Discussion of Ordinance 2032 to amend the city’s budget (3rd reading).

Ms. Blankenship moved to suspend the rules and place Ordinance 2032 on its third reading by title only. Ms. Carroll seconded. By roll call, all voted aye. Motion passed 4/0/0

Mayor Harrison read the title of Ordinance 2032 aloud.

Ms. Blankenship moved to approve Ordinance 2032 on its third reading by title only. Mr. McClung seconded. All voted aye. Motion passed 4/0/0

Ms. Blankenship moved to read the emergency clause. Mr. McClung seconded. Three voted aye. Ms. Weaver voted no. Motion failed 3/1/0

3. Discussion of Ordinance 2033 giving Council authority over unnamed street in Block 83 of the Clayton Addition/Glenwood Park to Eureka Springs – Roenigk condo project area (3rd reading).

Mr. McClung moved to suspend the rules and place Ordinance 2033 on its third reading by title only. Ms. Blankenship seconded. By roll call vote, three voted aye, Ms. Weaver voted no. Mayor Harrison voted yes. Motion passed 4/1/0

Mayor Harrison read the title of Ordinance 2033 aloud.

Mr. McClung moved to table the vote on the third reading of Ordinance 2033 to the regular meeting of Dec. 19. Ms. Blankenship seconded. Three voted aye, Ms. Weaver voted no. Mayor Harrison voted yes. Motion passed 4/1/0

NEW BUSINESS:

1. Discussion of the 2007 Sunday Market (McClung, Berry)

Mr. McClung asked for the status of the 2007 Sunday Market.

Mayor Harrison said there was going to be a Sunday Market but she did not know who was going to operate it.

Ms. Blankenship said she would prefer the new council deal with the matter after the first of the year. She said she did not want to be named in a lawsuit and the lawsuit would be whether or not the city could subsidize one business by allowing rental of the parking lot.

Ms. Carroll said she did not want this council to deal wit the issue.

Mr. McClung moved to table the discussion of the 2007 Sunday Market to the first or second Council meeting in January of 2007. Ms. Carroll seconded. All voted aye. Motion passed

4/0/0 City Council 12/11/06 2

2. Discussion of the city’s health insurance.

Ms. Blankenship moved to open the discussion. Ms. Carroll seconded.

Ms. Blankenship said she would like for the city to investigate health insurance coverage costs from agencies other than the Arkansas Municipal League to see if costs could be reduced.

Mayor Harrison said the Municipal League insurance has had the lowest rates and the coverage is the only benefit the city offers to employees. They are given full coverage. She agreed to have Yvonne Kline look into other possibilities.

No other action was taken.

Mayor Harrison stopped the meeting at 7 p.m. for open mic.

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.

(Note: Martin and Elise Roenigk, owners of the Crescent and Basin Park Hotels, have proposed building 19

cottages with 40 living units in the area known as Glenwood Park, below the west/front Crescent Hotel parking lot, down to Spring Street, bounded on the west by Glen Ave./Ellis Grade.)

Jan Rowe said she is concerned about the impact of the proposed Roenigk condominium project on the springs. She is concerned about the city's park land being given away. She wants the springs protected.

Karen Lindblad said she has lived here 35 years. She does not want to see subdivisions in the historic district or the development in Glenwood Park (the Roenigk project). She said the HDC (Historic District Commission) did not follow its own guidelines in approving the designs for the buildings. She does not like the use of emergency clauses attached to ordinances when there is no real emergency affecting the peace, health or safety of the public.

Travis Walls read portions of the Eureka Springs Municipal Code and state law regarding procedures for vacating streets. He asked the Council to consider how the vacation of the platted street (within the Roenigk property) will affect the green space.

Bill King said the Council adopted the 2005 edition of the Municipal Code without reading it or proofreading it. The subdivision regulations are not in this code. A subdivision has been proposed in the historic district and there are no regulations for it. He wants the Council to declare an emergency, repeal the 2005 Code and declare a moratorium on any new subdivisions in the city.

Jamie Gregg thanked the Council members for their service. He said he has offered \$5,000 for the land in the street being considered for vacation in the Roenigk property and has put down a deposit. He said he has a right to purchase the land.

Lany Ballance read several of the guidelines from the Municipal Code regarding rezoning of property, including population density, overloading of infrastructure, drainage problems, special privilege, harmony in character with neighborhood and other locations. She also sang an original song asking the Council to reject the Roenigk project.

Barbara Lightner said she is concerned about the big earth moving and excavation that may be required for the Roenigk project. She said the engineering study calls for blasting and blasting is prohibited in the city limits. She said the proposed work is an assault on the land.

Beau Satori said the Council and the HDC should be safeguarding the historic district.

City Council 12/11/06 3

He said the HDC did not consider their 12 guidelines while discussing the Roenigk project. He said the HDC members should resign and be replaced with persons who will do their utmost to maintain harmony in the neighborhood.

It was noticed speakers had only been given two minutes instead of the usual three minutes to talk. They were given the opportunity to return to the microphone.

Karen Lindblad said she was disappointed in the actions of the HDC and in the Planning Commission for not allowing public comment during the (regular) meeting last Thursday night. It is unconstitutional and disgraceful that the public was not allowed to speak to the issues being considered.

Jan Rowe said it was alarming that nothing about the HDC meeting was reported in either newspaper. She thinks the whole (Roenigk) project is being done under the table.

Travis Walls said the people who are proposing the destruction of Glenwood Park are given hours to make their presentations and the local people can't have more than three minutes a person to speak.

Jamie Gregg said the City Council needs to consider how its decision will affect the green space. The land is worth more to the city now as green space than it will be as a housing project. The housing units will degrade over time and become an eyesore.

Barbara Lightner said the Council should allow persons five minutes to speak. She said the Planning Commission is only taking written comments on the zoning issue for its meeting Thursday, Dec. 14.

Harry Wilk said he has a lot of experience with group health insurance and will be willing to assist the city in finding information from other insurance carriers.

Beau Satori said this (Roenigk) whole matter needs to be tabled until next year to let the new council deal with it.

The meeting resumed at 7:32 p.m.

3. Discussion of leasing of city property on Mill Hollow as a parking lot.

Ms. Blankenship moved to open the discussion. Ms. Carroll seconded.

Ms. Blankenship said a nearby business owner has cleaned up the area on Mill Hollow

that has been used in the past as a parking lot. If the business owner is going to use the area as a parking lot, the city should have a lease agreement with him. She asked to have this on the agenda for the Dec. 19 meeting.

Mayor Harrison said it is the plan to talk with the business owner about a lease.

COUNCIL COMMENTS:

Ms. Blankenship said people do not understand that the Council has only received recommendations from the Parks and Planning Commissions to vacate the street within the Roenigk property. At this point, the only ordinance under consideration is to take the street from the Parks and Recreation Commission authority. She agreed with Mr. King that the Council had adopted the 2005 Municipal Code without knowing about the existing errors. Efforts have been made to get the Code corrected.

MAYOR'S COMMENTS:

Mayor Harrison read announcements for several December events.

City Council 12/11/06 4

ADJOURNMENT:

Mr. McClung moved to adjourn at 7:44 p.m. Ms. Blankenship seconded. All voted aye. Motion passed 4/0/0

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

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell

City Council 12/11/06 5