

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

NOVEMBER 13, 2006

Mayor Kathy Harrison called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Nov. 13, 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, Public Works Director Jay Wilson, Planning Commissioner- Alderman-elect Patrick Brammer, Mayor-elect Dani Wilson, 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. Berry seconded.

Mr. McClung asked to add on discussion of the 2007 Sunday Market. Ms. Carroll agreed to have the discussion but wanted to wait until the meeting of Nov. 27 when the market producer could participate in the discussion.

Ms. Blankenship moved to add Resolution 535 as Old Business Item #4.

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

APPROVAL OF THE MINUTES: Oct. 23, 2006

Mr. McClung moved to approve the minutes of the regular meeting of Oct. 23. Ms. Blankenship seconded.

Ms. Blankenship said she would like to correct the minutes on Page 4, item 3, that the motion was to write a resolution removing parking on Spring and Main Streets during December. The resolution was not read.

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

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Historic District Commission – 1 Position

CAPC – 1 Position

Planning Commission – 2 Positions

DEPARTMENT & COMMISSION REPORTS

Police, Transit, Building, Public Works, HDC

Transit – Ms. Sell read the Transit Department report aloud. Transit Director Lamont Richie announced the go-ahead has been given by the Chief Engineer of the Arkansas Highway and Transportation Department to begin work on the Planer Hill Park and Ride Facility. A contract with Jimmy Jones Excavation Company will be entered into. The project includes asphalt paving, retaining walls, water feature, sidewalk and landscaping. The visitors’ center/restroom facility was removed from the plan because of cost considerations.

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- **Building** – Mayor Harrison reviewed the Building Official’s report, noting permit revenue is up approximately \$11,000 over the same time last year.

Public Works – Mr. Wilson said the footings for the new wastewater treatment plant concrete tanks are scheduled to be poured this week. The new estimated completion date is July 10, 2007. The project was delayed approximately three weeks as city and Arkansas Department of Environmental Quality (ADEQ) dealt with permits to pump runoff rainwater collected in the area into the creek. He has the list of road projects completed this year but has not had time to get them written up for the Council. ADEQ is requiring a fence around the property. He has a bid for \$25,000 for materials only. He is working to figure out how to install the fence on the creek side.

OLD BUSINESS:

1. Discussion of Ordinance 2030 taking a portion of Fritz Street out of Green Zones

(2nd reading)

Mr. McClung moved to suspend the rules and place Ordinance 2030 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 2030 aloud.

Mr. McClung moved to approve the reading of Ordinance 2030 by title only. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. McClung moved to suspend the rules and place Ordinance 2030 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 2030 aloud.

Mr. McClung moved to approve the reading of Ordinance 2030 by title only. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

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

Summit.

Mr. McClung moved to discuss the recommendation. Mr. Berry seconded.

Mr. Weaver said the ordinance to take back the property would have to be published and have its full 30 days to go into effect before the ordinance to vacate the property could be read.

Mr. McClung asked Parks Director Levine what would be a fair market value for the property. Mr. Levine did not have a value.

There was no action taken.

2. Discussion of Ordinance 2027, signs. (2nd reading)

Mr. Berry moved to suspend the rules and place Ordinance 2027 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 2027 aloud.

Mr. McClung moved to approve Ordinance 2027 on its second reading by title only. Mr. Berry seconded.

Ms. Blankenship moved to amend the Appendix 7(B) K to include the wording “These banners not to exceed twenty-four (24) square feet.” Mr. Rojek seconded.

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Ms. Blankenship moved to amend Appendix 7(B) L with the same language. Mr. Rojek seconded. All voted aye on both amendments. Motions passed 6/0/0

Mr. McClung moved to amend Appendix 7(C) by adding #24 – “Houses and Fences – Whoever shall stick or put upon any house, fence, wall or other public place in this city any printed, written, painted or other advertisement, bill, notice, sign or poster or cause same to be done, without having first obtained permission of the owner of such house, fence, wall or other public place, shall be deemed in violation of this section.” Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. Brammer said “Also see Snipe Signs” should be included in #24. Ms. Blankenship moved to add “Also see Snipe Signs.” Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mr. Weaver said there might be an issue with Section “V” on Page 14 regarding the number of days campaign signs may be displayed. He said a recent Florida court decision had invalidated a sign ordinance because of restrictive campaign sign language. He wants to research the matter.

On the motion to approve amended Ordinance 2027, all voted aye. Motion passed 6/0/0

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

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.

Karen Lindblad displayed a photograph of some of the trees proposed for removal as part of the Crescent Park Condominium project. She is concerned that the Planning Commission and Historic District Commission are rushing through the approval processes and neighborhoods will be lost if the project goes forward.

The Council meeting resumed at 7:07 p.m.

4. Discussion of Resolution 535 to remove parking meter fees on Spring and Main Streets Monday through Thursday during December of 2006.

Ms. Blankenship moved to read Resolution 535. Mr. Rojek Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read Resolution 535 aloud.

NEW BUSINESS:

1. Discussion with Roger Miner of locating a trash sub-compact in the downtown area by Carroll County Solid Waste Authority.

Mr. Miner did not attend the meeting. The item will be continued to the Nov. 27 meeting.

2. Proclamation for National GIS Day

The proclamation was requested by Mila Powell, director of the EAST Lab at Eureka Springs High School in support of National GIS Day and activities at the school on Nov. 15.

Ms. Blankenship moved to read the proclamation. Mr. Rojek seconded. All voted aye. Motion passed 6/0/0

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There was discussion of the budget workshop scheduled for 5 p.m. Nov. 27. Ms. Blankenship asked that it be rescheduled to give Council members time to consider the amendments to the Mayor's legal fund and the Police Department budget. Council members agreed to meet at 5 p.m. Monday, Nov. 20.

COUNCIL COMMENTS:

Mr. McClung thanked everyone for voting and congratulated the winners.

Ms. Blankenship said Ms. Lindblad had some important points in her presentation. She said there would be a site visit of the area for the proposed condominiums at 4:30 p.m. Tuesday, Nov. 14, starting at Harmon Park. She encouraged the Mayor and Council members-elect to attend the Municipal League Winter Conference in Little Rock in January.

Mr. Rojek congratulated those who won their elections and wished them good luck. He thanked everyone who voted.

Mr. Berry said he felt the same (as Mr. Rojek) and said the next two years and four years can be very exciting.

Ms. Weaver congratulated everyone and wished them good luck.

MAYOR'S COMMENTS:

Mayor Harrison said she feels the same and early voting started today for the run-off election between herself and Mr. Berry.

Ms. Blankenship asked about December meetings. The Council agreed to wait until the Nov. 27 meeting to make a decision.

ADJOURNMENT:

Ms. Blankenship moved to adjourn at 7:25 p.m. Mr. McClung seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of Nov. 13, 2006.

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell

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