

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

OCTOBER 9, 2006

Mayor Kathy Harrison called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Oct. 9, 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, City Attorney Tim Weaver, Public Works Director Jay Wilson and City Clerk-Treasurer Mary Jean Sell. Alderman Lori Weaver was absent.

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

APPROVAL OF THE AGENDA:

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

Ms. Carroll asked to have a discussion regarding Mr. Scheunemann remaining on the Planning Commission as New Business #3.

Ms. Sell noted the Parks report should be removed from this agenda. The scheduled reporting date for Parks is the second meeting of each month.

On the motion to approve the agenda as amended, all voted aye. Motion passed 5/0/0

APPROVAL OF THE MINUTES: Sept. 11, 2006 Sept. 25, 2006

Sept. 11 - Mr. McClung moved to approve the minutes of the regular City Council meeting of Sept. 11, 2006. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

Sept. 25 – Mr. Berry moved to approve the minutes of the regular City Council meeting of Sept. 25, 2006. Mr. Rojek seconded.

Mayor Harrison noted an incorrect date at the top of the first page.

Ms. Blankenship said that the only the minutes of Aug. 14 were included in the veto discussion in Item #1.

On the motion to approve the minutes as amended, all voted aye. Motion passed 5/0/0

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, Parks

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

Building – Mayor Harrison read the Building Department report from Building Official Marion Chrysler.

Public Works – Director Wilson said work on the wastewater treatment plant on Highway 23 N has been halted by the Arkansas Department of Environmental Quality (ADEQ) to deal with the storm water runoff accumulating in the construction area. He is waiting on a temporary permit from ADEQ to be able to pump the water into Leatherwood Creek.

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Mr. Wilson said acts of vandalism at the treatment plant have caused three overflows, the failure of an \$800 pump and other problems. He is sure it is someone who knows what he or she is doing because of the nature of the vandalism.

Ms. Blankenship asked him for an update on the list of street projects for the winter and the stability report on Black Bass Dam.

OLD BUSINESS:

1. Public hearing on request for Certificate of Public Convenience (taxi) from Robert Wagner.

Mr. McClung noted the discussion tonight is not the public hearing on the request from Mr. Wagner. The public hearing was held and closed during the regular Council meeting on Sept. 25.

Mr. Berry moved to open discussion on Mr. Wagner's request. Mr. Rojek seconded.

Attorney Kent Crow, representing David "Fuzzy" White, explained the requirements of the state statutes and said the city's ordinances are not in compliance with state law.

Ms. Carroll said the "need" for another service needs to be established.

Mr. Wagner said the need is created by the tourists needing taxi service after the trolleys have stopped running in the evening and when Mr. White is not available.

Mr. Rojek moved to grant the Certificate of Public Convenience to Mr. Wagner. Ms. Blankenship seconded.

There was additional discussion about the need for another taxi service, the service from Mr. White to the community, whether or not Mr. White actually has a franchise, and the ability of the Council to withdraw a certificate once it is granted.

Mayor Harrison called for a break in the meeting at 6:58 p.m. All voted aye. Meeting resumed with open microphone at 7:08 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.

Karen Lindblad said a lot of elderly people have been helped by David White. She opposes the reading of Resolution 534 and feels it is being rushed through the Council without giving residents a chance to consider it. She does not want an additional tax imposed on retail businesses. She feels this resolution should be considered after the November general election.

Bill Earngey spoke in support of David White and his taxi service. He said Mr. White's business has grown and he now has four vehicles and four drivers. He has been generous in his help of citizens in the community.

Helena Bodo said she and a friend of her depend on Mr. White and his taxi service. She said it is very hard for her to get around and she hopes Mr. White can stay because he is such a nice man.

Joe Tucker said the necessity is not there for two cabs. The opportunity to eek out a slight business is slight. Mr. White has never let him down when he has needed his service.

Melissa Greene said we do need more than one taxi service in town. The necessity is the competition. Business owners have to fight for their slice of the economic pie. Competition is American.

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Wayne Schmidt asked how many complaints have to be received before action is taken against an existing company?

The Council meeting resumed at 7:20 p.m. and the discussion of Mr. Wagner's request for a Certificate of Public Convenience continued.

On the motion to grant the certificate, Mr. Rojek voted in favor. Four voted no. Motion failed 1/4/0.

NEW BUSINESS:

1. Discussion of recommendation from Planning/Parks for vacation of a portion of Fritz St. adjacent to 9 Summit.

Mayor Harrison said the ordinance for vacating a portion of Fritz Street could not be read until an ordinance has been approved taking the area out of the Green Zones and putting it back under the Council's control.

Mr. McClung moved to have an ordinance prepared to take back the portion of Fritz Street between Blocks 76 and 77 of the R&A (Riley & Armstrong) Survey. Ms. Carroll seconded.

Parks Director Bruce Levine gave a review of the recommendations from the Parks and Recreation Commission regarding the property.

On the motion for an ordinance to take back the area, all voted aye. Motion passed 5/0/0

2. Discussion of Resolution 534, requesting changes in enabling legislation for the CAPC.

Mr. McClung moved to read Resolution 534. Mr. Rojek seconded.

Ms. Blankenship gave an explanation of the purpose of the resolution to change the wording in the state statutes from "hotel/motel" to "lodging,"; change the words "gift shops" to "retail"; changing the membership to "four members shall be owners of businesses currently collecting the tax" with one at-large position; and having only two members from the governing body.

Mr. Rojek said this is being brought up now so it can be approved and sent to the state legislature for consideration by the 2007 General Assembly.

There was lengthy discussion about whether or not someone who is not an electorate of the city can serve on the CAPC; the possibility of lowering the sales tax collection to 1 percent by retailers; and membership of the Commission.

Ms. Blankenship moved to table the discussion to the regular meeting of Oct. 23. Ms. Carroll seconded. Four voted aye. Mr. Rojek voted no. Motion passed 4/1/0

3. Discussion regarding Mr. Scheunemann remaining on the Planning Commission.

(Note: Eric Scheunemann's term on the Planning Commission/Board of Zoning Adjustment expired July 1. Mayor Harrison nominated him for re-appointment during the Sept. 11 regular meeting. The Council did not confirm the nomination on Sept. 25.)

Ms. Carroll wanted to know the legal ramifications of bringing the nomination back to the table and of his continuing to sit as a member of the Commission.

Mr. Weaver said he is sitting as a holdover member since he has not been replaced. There is not another nomination currently before the Council for consideration. Mr. Scheunemann can hold his position until someone else is nominated and confirmed for the position.

No action was taken.

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COUNCIL COMMENTS:

Mr. McClung asked Mr. Weaver about a discovering held on Oct. 6. Mr. Weaver said the hearing has been postponed. Mr. McClung said his heart is broken over the vandalism of the wastewater plant because any damage to the facility is serious damage. He hopes the vandals are caught and prosecuted to the fullest extent.

Ms. Blankenship asked for a copy of the latest hospital audit. She thanked everyone for cleaning up their properties and participating in the America In Bloom (AIB) Symposium Sept. 28-30. She said more than 1,000 Corvettes had been in town this past weekend for one of the largest Corvette Weekends on record.

Mr. Rojek read aloud a statement asking citizens hearing rumors and miss-statements of facts to call the source of the information during this political season. He said that CAPC commissioners strive to do what is best for the entire city. He said abolishing the CAPC tax in the November election will shut down four festivals, close the public restrooms and the City Auditorium. Less tax dollars means fewer city services.

Ms. Sell thanked volunteer gardener Georgette Garner, Economic Development Coordinator Glenna Booth, CAPC Director Lynn Berry and all the volunteers who have been working more than a year on the planning and hosting of the AIB Symposium. The attendees she met were all having fun, were happy to be here and were impressed with our town.

MAYOR'S COMMENTS:

Mayor Harrison said the city is currently paying for the maintenance of the public restrooms and making the loan payment on the 2003-2004 Auditorium restoration.

She announced several of the up-coming events in October. She encouraged everyone to participate in the 59th Annual Folk Festival Parade at 2 p.m. Saturday, Oct. 14.

She said there will be a special meeting of the CAPC at 2 p.m. Wednesday, Oct. 11, at the CAPC office for a presentation by the Chamber of Commerce.

ADJOURNMENT:

Mr. McClung moved to adjourn at 8:28 p.m. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the regular City Council meeting Oct. 9, 2006.

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell

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