

Mayor Dani Wilson called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 23, 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, Eric Scheunemann, Joyce Zeller, City Attorney Tim Weaver, and City Clerk-Treasurer Mary Jean Sell. Alderman Kathy Harrison was absent.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Wilson led the Pledge of Allegiance to the Flag.

**APPROVAL OF THE AGENDA:**

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

Mr. Scheunemann asked for a discussion of a moratorium on Planned Unit Developments (PUD) and condos in the Historic District to be added as New Business Item #4.

Ms. Zeller moved to make Old Business Item #8, discussion of Ordinance 2052, Item #2 on the agenda. Mr. Scheunemann seconded.

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

**APPROVAL OF THE MINUTES:** April 9, 2007 and Special meeting April 20, 2007

**April 9** - Mr. Scheunemann moved to approve the minutes of the regular meeting of the City Council April 9, 2007. Mr. Brammer seconded.

Mr. Scheunemann said he had asked for a clarification of action from the executive session with regard to a city commissioner, not a city employee, on Page 1 in the discussion of the approval of the agenda.

Ms. Hahn said the discussion of Ordinance 2049 on Page 3 it is unclear if it is Mr. Weaver or Mr. Schoen who is opposed to the ordinance. She would like that clarified. She had an addition to the comments from Marci Hayes after the word "assistance..." *because she has been denigrated and treated disrespectfully by people who are not qualified to judge.*

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

**April 20** – Mr. Brammer moved to approve the minutes of the special meeting of the City Council April 20, 2007. Mr. Scheunemann seconded.

Ms. Zeller said the meeting was called to discuss David White's taxi service and the minutes reflect discussion about recently issued limousine business licenses. She said the meeting should have been adjourned and reconvened if another topic other than Mr. White's taxi service was being discussed. She also questioned Mayor Pro Tem Harrison voting on the motion.

Mr. Weaver said Ms. Harrison could vote on the motion as a member of the body, even though she was chairing the meeting.

Mr. Brammer offered this amendment to the minutes: *The City Attorney advised the Council to adjourn and re-notify the public on the specifics of the moratorium and re-convene at a later time.*

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

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**DEPARTMENT HEAD AND COMMISSION REPORTS:**

**HDC** – Economic Development and Certified Local Government (CLG) Coordinator Glenna Booth read a report giving update information on preservation and economic development programs currently underway, including the annual Arbor Day celebration April 26 and May are Arkansas Heritage Month.

**Police** – Police Chief Earl Hyatt said small blue and white signs asking motorcyclists to ride quietly have been installed on private properties at the city entrances. The Public Works Department has requested larger signs and permission from the Arkansas Highway and Transportation Department (AHTD) to post them on the highway rights-of-way.

He said the city jail has received its annual inspection and for the sixth year in a row has received a perfect inspection report.

He gave an update on negotiations with Carroll County regarding the charges for dispatching of the 911 calls.

**Parks** – Parks Director Bruce Levine said Kathy Hughes has gotten a group of volunteers to take care of the city's garden areas on North Main Street. He hopes other individuals or groups will volunteer to maintain the remaining garden spots.

#### **PUBLIC COMMENTS:**

**Jamie Gregg** said that if the City Council approves Ordinance 2052 regarding a Domestic Partner Registry then the city should begin to offer benefits to domestic partners.

**Melissa Greene** said the April 20 special meeting was called for cronyism. She wanted to know what the emergency was that necessitated the meeting. She is tired of the Council constantly tabling agenda items.

#### **COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:**

Cemetery - Position 5, expiring 2/15/08

**Parks** – Position 1, expiring 5/1/12 – Re-nomination - Dawn Hagin Mr. Brammer moved to re-appoint Dawn Hagin to Position 1 on the Parks and Recreation Commission. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

CAPC – Mayor Wilson said persons who wish to volunteer for the City Advertising and Promotion Commission (CAPC) seats should get their applications in to her.

Hospital – Mayor Wilson said Position 1 held by Dr. Jack Pritchard will expire June 1.

#### **OLD BUSINESS:**

##### **1. Discussion of trash compactor proposal for downtown.**

Roger Miner of Carroll County Solid Waste was present to continue the discussion of the proposal to locate a trash compactor on Center Street for use by area businesses.

**Alvin Byrd** and **Harold Ellis**, property owners near the location, said they were opposed to the compactor site because of the effect it will have on their properties primarily from the smell, accumulated trash, insects, etc.

Ms. Hahn moved to take a break at 7:14 p.m. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0  
Meeting resumed at 7:28 p.m.

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##### **2. Discussion of Ordinance 2052 regarding Domestic Partners Registry (2<sup>nd</sup> reading).**

Mr. Brammer moved to place Ordinance 2052 on its second reading. Ms. Hahn seconded.

Ms. Sell read the entire ordinance aloud.

Mr. Brammer moved to approve the second reading of Ordinance 2052 for the sake of discussion. Ms. Buchanan seconded.

Mayor Wilson opened the discussion to the public. Twenty persons spoke to the issue: 10 in favor of the ordinance, and 10 against the ordinance.

Ms. Hahn, Mr. Scheunemann and Ms. Buchanan spoke in favor of the ordinance.

On the motion to approve the second reading of Ordinance 2052, all voted aye. Motion passed 5/0/0

Mayor Wilson thanked all of those who participated in the discussion and those who came to the meeting but did not speak.

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

Jeff Feldman, president of the Greater Eureka Springs Area Chamber of Commerce, gave a brief update on the

committee meetings and meetings with members of the Carroll County Quorum Court and AHTD. Apparently it will be necessary to get assistance from our representatives at the federal level to get a waiver of highway construction regulations.

**4. Discussion of Ordinance 2049 to allow Alderman Charlotte Buchanan to do business with the city. (3<sup>rd</sup> reading has been done, vote was tabled waiting on amendments)**

Mr. Weaver presented a revised Ordinance 2049 with general references to alderman being able to contract for business with the City, instead of Ms. Buchanan specifically.

Ms. Hahn moved to place Ordinance 2049 on its third reading. Mr. Scheunemann seconded. By roll call, Ms. Hahn, Mr. Scheunemann and Ms. Buchanan voted aye. Ms. Zeller and Mr. Brammer voted no. Motion failed 3/2/0

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

Mr. Scheunemann moved to discuss the proposed resolution. Ms. Buchanan seconded.

Ms. Hahn had examples of resolutions from Brighton, N.Y., and Eureka, Montana, for discussion. Mr. Weaver said he thought the one from N.Y. expressed the sympathy and thoughts he believe he has heard from the Council.

The consensus was to have Mr. Weaver develop Resolution 539 for Eureka Springs based on the Brighton, N.Y., resolution.

**6. Discussion of Ordinance 2045 requiring surety bond for contractors (2<sup>nd</sup> reading has been done, vote was tabled).**

Mr. Brammer moved to open discussion. Mr. Scheunemann seconded.

Building Official Marian Chrysler explained her reasons for the change in requiring a \$100,000 surety bond from contractors to requiring a \$10,000 bond.

Mr. Brammer moved to approve Ordinance 2045 on its second reading. Mr. Scheunemann seconded. Four voted aye. Ms. Hahn voted no. Motion passed 4/1/0

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**5. Discussion of Ordinance 2047 regarding demolition by neglect.**

Mr. Brammer moved to place Ordinance 2047 on its first reading. Ms. Zeller seconded.

Mr. Brammer, Ms. Sell and Mr. Scheunemann read Ordinance 2047 aloud.

Mr. Brammer moved to approve Ordinance 2047 on its first reading. Mr. Scheunemann seconded.

Mr. Weaver said the ordinance should include an appeals process and the time limits should be lengthened.

Mr. Scheunemann moved to instruct Mr. Weaver and Ms. Booth to work out the differences and to present an acceptable ordinance at the next Council meeting.

On the motion to approve Ordinance 2047 on its first reading, four voted aye. Ms. Hahn voted no. Motion passed 4/1/0

Mr. Scheunemann moved to have a recess at 9:30 p.m. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0 Meeting resumed at 9:45 p.m.

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

Mr. Scheunemann said he had been asked to move to table the discussion because David White's attorney was not present.

Mr. Brammer said he would like to hear comments from the public.

**Jeff Feldman, Jamie Gregg, Karen Lindblad** said they would wait until the discussion was held.

**Alvin Byrd, and Rob Wagner** said they were unhappy with the way the topic of taxis and limousines was handled during the April 20 special meeting and did not understand the reasons for calling the meeting. They do not want taxi and limousine businesses tied together in the Municipal Code.

*(Amendment: Pat Matsukis said she is in favor keeping the taxi service with Mr. White.)*

Mr. Scheunemann moved to table the discussion. Mr. Brammer seconded. Four voted aye. Ms. Zeller voted no.

**7. Discussion of Ordinance 2050 regarding adoption of Municipal Code.**

Mr. Brammer moved to place Ordinance 2050 on its first reading. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0

Mayor Wilson and Ms. Sell read Ordinance 2050 aloud.

Mr. Brammer moved to approve Ordinance 2050 on the first reading. Ms. Zeller seconded.

There was some discussion about approving the revised codebook without the subdivisions chapter. Subdivisions was completely left out of the 2005 Code and not brought forward in the 2006 revision. Ms. Sell said she had written several questions to Municipal League attorney David Schoen about restoring the subdivision chapter, but has not received an answer. She said the Planning Commission has done some research to update the chapter but has not worked on it this year.

Mr. Brammer moved again to approve Ordinance 2050 on the first reading. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0

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**NEW BUSINESS:**

**1. Discussion of downtown sidewalks.**

Mr. Brammer moved to open the discussion of downtown sidewalks. Ms. Hahn seconded.

There has been a request from a citizen to replace or repair the limestone sidewalks in the downtown area because of the safety issues in dealing with uneven, slick sidewalks.

Mayor Wilson said she has talked to AHTD about funding but "all of the federal funds are tied up in Iraq." It will be a while before federal funds are available. Public Works has \$50,000 set aside in the budget to work on sidewalks for North Main St.

**Alvin Byrd** asked the Council to not take away funds from North Main St. He said sidewalks are needed in the area as it begins to grow and develop.

Ms. Zeller said she has faith in Ms. Booth's ability to work with groups and to find funding for the project. She suggested giving the project to Ms. Booth.

Mr. Brammer moved to keep the discussion item on the agenda. Mr. Scheunemann seconded.

Ms. Zeller moved to allow Glenna Booth to put together a committee to research the sidewalk issue and to work with the Planning Commission on it. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

**2. Discussion of purchase of Landaker Hotel property on North Main.**

Mr. Brammer moved to open discussion of the purchase of the Landaker Hotel property on North Main. Ms. Buchanan seconded.

(Mr. Scheunemann participated in the Your Town Citizen's Institute on Rural Design here Aug. 13-15, 2006. Part of the focus of the event was the design of the Arts and Culture District on North Main St. The use of the Landaker property was a proposal from one of the workshop groups. He brought the idea to the Council during the April 9 meeting.)

Mayor Wilson suggested waiting until the mid-year budget review to see what funds might be available.

Ms. Sell said she had talked with local realtor Gene Bland about identifying the owners of the property. He is willing to contact them on behalf of the city regarding a possible price.

Since Mr. Scheunemann wants to pursue the inquiries, Mayor Wilson asked him to be the liaison. He agreed.

**3. Arbor Day Proclamation**

Mayor Wilson read aloud a proclamation naming April 26, 2007, as Arbor Day, including the celebration of Eureka Springs' 25<sup>th</sup> year as a Tree City.

**4. Discussion of a moratorium on Planned Unit Developments (PUD) and hotel-condos in the Historic**

## **District**

Mr. Brammer moved to open discussion. Mr. Scheunemann seconded.

Mr. Scheunemann read a statement regarding PUDs and hotel-condos. He referred to statements on the issue from Mr. Shoen and Judge Ralph Ohm.

Mr. Brammer said he wants a clear definition in the Municipal Code of a hotel-condominium.

Mr. Weaver suggested involving the Planning Commission in the discussions.

Mr. Scheunemann moved to have a 120-day moratorium on accepting any applications

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for PUDs or subdivisions in the Historic District. Mr. Brammer seconded. No vote was taken.

Mr. Brammer moved to charge the Planning Commission to find a definition of hotel-condominiums. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

Mr. Brammer moved to charge the Planning commission to revise and amend the current PUD section of the Municipal Code as per the recommendations of the Municipal League attorney and Judge Ohm. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

## **5. Taxi/Limousine Licenses**

Ms. Hahn moved to have a moratorium on the issuance of taxi/limo, limo/taxi, taxi, limo business licenses. Ms. Buchanan seconded. All voted aye. Motion passed 5/0/0

**AGENDA SETTING:** There were no suggestions for new agenda items.

## **COUNCIL COMMENTS:**

**Ms. Hahn** said she sends her deepest sympathies to the family of Russell Clay who died at 1:30 a.m. today with his daughter, Alderman Kathy Harrison, at his side. She challenged all those persons opposed to Ordinance 2049 to step up and create a festival or an event and bring people to town.

**Ms. Buchanan** said she wants members of the Council, the press and others to sit down for breakfast and talk about community issues. Mr. Scheunemann seconded the suggestion. The Council agreed to meet at 9 a.m. Monday, May 7, at the Mud Street Café, 22 S. Main.

**Mr. Scheunemann** extended his condolences to Ms. Harrison's family. He is concerned that citizens be allowed to participate in the democratic process without having support cut out from under them. He read a statement regarding Planning Commission actions, asking commissioners not to rush through agenda items.

**Mr. Brammer** extended his deepest sympathy to Ms. Harrison's family.

## **MAYOR'S COMMENTS:**

Mayor Wilson extended her sympathies to Ms. Harrison and her family. She read a list of up-coming events in town.

## **ADJOURNMENT:**

Mr. Brammer moved to adjourn at 11:27 p.m. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the regular meeting of the Eureka Springs City Council April 23, 2007.

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Mayor Dani D. Wilson

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City Clerk-Treasurer Mary Jean Sell

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