

Mayor Dani Wilson called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Aug. 13, 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, Building Official Marion Chrysler, City Advertising and Promotion Commission (CAPC) Director Jim Williams, Planning Commissioner Ken Pownall, Municipal League Attorney David Schoen, Jay Stallard, grants administrator for the Northwest Arkansas Economic Development District in Harrison, 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:

Mr. Brammer moved to approve the agenda. Mr. Scheunemann seconded.

Ms. Buchanan said she thought Ordinance 2047 should be given a new number and its first reading because of amendments to it.

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

APPROVAL OF THE MINUTES: July 23, 2007

Ms. Hahn moved to approve the minutes of the regular City Council meeting of July 23. Mr. Scheunemann seconded.

Ms. Hahn said she wanted the fact that Craig Ortego, general manager of Eureka Springs Hospital, said financing of the new hospital project would be done through local banks as much as possible in Item #1 of New Business.

Ms. Buchanan said she was asking about the process of putting back a yellow zone in her Council Comments, she does not want to put the loading zone back at the Gavioli Chapel on Mountain St. between Washington and White streets.

Mr. Scheunemann said he wanted to add "to provide a temporary sidewalk until one suitable for an Arts and Culture District on North Main can be added" to Item #7 on Page 5.

On the motion to approve the minutes of July 23 as amended, all voted aye. Motion passed 6/0/0

DEPARTMENT HEAD AND COMMISSION REPORTS:

CAPC – Mr. Williams introduced himself to the Council and said he is glad to be here. He will get around to meeting everyone individually as time goes by. (Note: Mr. Williams was hired as the CAPC director on July 26, 2007.)

PUBLIC COMMENTS: None

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COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Cemetery - Position 5, expiring 2/15/08

Parks – Position 2, expiring 5/1/08

CAPC – All positions are open pending creation of new Commission – Nominees Lynn Bridwell, Alvin Byrd, James DeVito, Richard Grinnell Mayor Wilson said these nominees are no longer to be considered because of the adoption of Ordinance 2060. She nominated Mike Drennon for the new at-large Commission seat. She said the Council is to choose its two representatives to the CAPC.

Mr. Brammer nominated Ms. Zeller. Nomination died for lack of a second.

Mr. Scheunemann nominated Ms. Buchanan. She declined.

Ms. Buchanan nominated Ms. Hahn. Ms. Harrison seconded. Four voted aye. Ms. Zeller voted no. Nomination approved 4/1/1

Mr. Brammer nominated Ms. Zeller. Nomination died for lack of a second.

Ms. Buchanan nominated Ms. Harrison. Mr. Scheunemann seconded. Ms. Buchanan, Ms. Hahn and Mr. Scheunemann voted aye. Mr. Brammer and Ms. Zeller opposed. Ms. Harrison voted for herself to give her nomination four votes. Nomination approved 4/2/0

OLD BUSINESS:

1. Discussion of Ordinance 2050 regarding adoption of Municipal Code (3rd reading)

Mr. Brammer moved to discuss Ordinance 2050. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

Mr. Schoen addressed some of the questions regarding the repealing of ordinances left out of the code book, and whether or not something previously included in a code book but left out of the last two books is still part of the code.

He suggested a moratorium on subdivisions might be appropriate until a new subdivision ordinance could be adopted. He said a recommendation for a moratorium should come from the Planning Commission.

Mr. Brammer moved to add April 25, 2005 in Section 1 of Ordinance 2050; 13th of August in Section 2, and April 25, 2005 in Section 3. Ms. Zeller seconded. All voted aye.

Mr. Brammer moved to approve Ordinance 2050 as amended on its third reading by title only. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Mr. Brammer moved to read the emergency clause for Ordinance 2050. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Mayor Wilson read the emergency clause aloud.

Mr. Brammer moved to approve the emergency clause. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Ms. Hahn asked Mayor Wilson to send a letter to the Planning Commission regarding a recommendation for a 120-day moratorium for Planned Unit Developments (PUD) and subdivision regulations.

2. Discussion of Ordinance 2059 (2nd reading) regarding increasing parking lot rental fees

Ms. Hahn moved to leave the parking lot rental fees as they are and revisit the issue at another time. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

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

Mr. Brammer moved to open discussion on Ordinance 2047. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

Certified Local Government (CLG) Coordinator Glenna Booth reviewed the changes in the ordinance following a lengthy workshop session.

Mr. Brammer moved to read amended Ordinance 2047 aloud in its entirety as the third reading. Ms. Zeller seconded.

Ms. Buchanan, Ms. Hahn and Ms. Zeller read the ordinance aloud.

Bill Earngey said he doesn't like the ordinance because it is complicated and invasive and a micromanagement of property. This should go to the Planning Commission for review.

Following additional discussion, Mr. Brammer moved to amend sections 2.60.18 and 2.60.20 to include the building official and a Certificate of Appropriateness. Ms. Zeller seconded. Five voted aye. Ms. Harrison voted no. Motion passed 5/1/0

Mr. Brammer moved to approve Ordinance 2047 as amended. Ms. Zeller seconded. By roll call, five voted aye. Ms. Harrison voted no. Motion passed 5/1/0

4. Discussion of Resolution 542, a resolution in support of an Application for Grant Funding from the Arkansas Economic Development Commission to be used for necessary upgrades needed to the City's existing water system between Spring Street and Prospect Street.

Ms. Hahn moved to take a break at 7:57 p.m. Mr. Scheunemann seconded. The meeting resumed at 8:16 p.m.

Mayor Wilson became ill and asked Mayor Pro Tem Kathy Harrison to take over the meeting.

Mr. Brammer moved to open discussion on Resolution 542. Mr. Scheunemann seconded.

Mr. Stallard explained the resolution simply authorizes him to apply for a grant of approximately \$183,000 to install a water line to service the Crescent Park Condominium Project and to loop the existing water distribution line serving part of Prospect and Linwood streets rather than continue to allow the line to dead end. He has been working with Crescent Park owners Martin and Elise Roenigk and General Manager Jack Moyer on the application.

He said this is the first time these funds have been available for infrastructure work. They are usually reserved for manufacturing and industrial projects.

There was some discussion with Mr. Moyer regarding the water pressure on the top floor of the Crescent Hotel and the possible improvement of water pressure to residents of Linwood St.

Mr. Moyer said Mr. Roenigk has promised to pay any costs for the new line exceeding the amount of the grant, including the tap-in fees to hook into the city's water distribution line.

Barbara Lightner said she wanted to know who is going to enforce the conditions of the contract, particularly the hiring of 25 persons, and who will see that all of the agreements are carried out.

Mr. Moyer read aloud a lengthy letter from Mr. Roenigk regarding the project.

Karen Lindblad said she did not want said the federal funds were provided by the taxpayers of Eureka Springs and she did not want the tax money to go to a private project. She would rather funds be used to provide water and sewer lines to areas of town that do not have services.

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Ms. Hahn moved to read and adopt Resolution 542. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

5. Discussion of Ordinance 2061 adopting policy and procedures manual for city employees

Mayor Wilson said Police Chief Earl Hyatt and Transit Director Lamont Richie want to have a workshop with the Council to review the manual.

Ms. Hahn said she wanted job descriptions for all the city employees.

Mr. Brammer moved to postpone any action on the ordinance until the regular meeting of Aug. 27. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0

6. Discussion of Highway 62 West

Mr. Scheunemann gave a report on meetings with various citizen groups regarding the Arkansas Highway and Transportation Department's (AHTD) work on widening Highway 62 west near the Lake Leatherwood turnoff.

Mr. Brammer said he had been in Dallas, Texas, recently and had seen attractive bridge designs and landscaping near major interstate intersections.

Mr. Scheunemann said residents of the Grassy Knob area want to restrict billboard signage along Hwy. 62. The Greater Eureka Springs Chamber of Commerce has also expressed concerns about the size and materials for potential billboards.

He read aloud a proposed resolution that had been presented to the Council in April for consideration.

He asked that the discussion item be on the Aug. 27 agenda.

NEW BUSINESS:

1. Discussion of Resolution 543 Parks Recreation Grant Application.

Parks Director Bruce Levine and Parks and Recreation Commission Chairman Bill Featherstone said the grant

application is to finish the Lake Leatherwood Ball Fields project. Included in the proposal is construction of a deck on the front of the concession stand, installation of a water fountain, a roof for the dugouts, bleachers for the fans and asphalt for the handicapped access areas. The grant request is for \$33,000 with the city's matching portion of \$16,500.

Mr. Brammer asked about approving the resolution contingent upon the passage of the water and sewer bonds issue on Aug. 14.

Ms. Hahn said she wanted the Council to tour the fields and see where the work will be done.

Ms. Zeller moved to table the resolution to the meeting of Aug. 27. Ms. Hahn seconded. All voted aye. Motion passed 5/0/0

Council members agreed to meet at 8:30 a.m. Friday, Aug. 17, at Lake Leatherwood fields.

2. Discussion of Resolution 545 Designating Corvette Festival Weekend.

Jeff Feldman, president of the Greater Eureka Springs Chamber of Commerce, presented the resolution honoring those who have attended Corvette Weekends in the past and setting this year's event, Oct. 5-7, as a festival.

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Mr. Scheunemann moved to read and adopt Resolution 545. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

Mayor Pro Tem Harrison read the resolution aloud.

3. Discussion of Ordinance 2057 creating no parking zone on Mountain Street.

(Note: Ordinance 2057 removing the loading zone in front of the Gavioli Chapel on Mountain Street between Washington and White streets was approved by the Council during the regular meeting of Monday, June 25, 2007. Chapel owner Martin Roenigk has written a letter to the Council asking for a reconsideration of the ordinance and to restore the loading zone.)

Ms. Zeller moved to postpone the discussion to the meeting of Aug. 27. She said she Voted to approve the ordinance with the information that the police and fire chiefs were in agreement with the action. She said the fire chief was not aware of the action and an across-the-street neighbor also wants the loading zone back. She wants an ordinance prepared to repeal ordinance 2057.

Ms. Hahn said she brought the ordinance to the table after receiving telephone calls from four citizens. She said she had talked with Transit Director Lamont Richie, Assistant Fire Chief Jim Kelley and Police Chief Earl Hyatt and they agreed it was a blind corner. The particular area is not designated as a loading zone or no parking zone in the Municipal Code book.

Ms. Zeller moved to have an ordinance prepared to repeal Ordinance 2057 and to put the loading zone back in place. Mr. Brammer seconded.

There was discussion. Mr. Scheunemann called for the question. By roll call, all voted aye.

Ms. Zeller moved to have an ordinance prepared to create a loading zone at the Gavioli Chapel on Mountain Street. Mr. Brammer seconded. Ms. Zeller, Mr. Scheunemann and Mr. Brammer voted aye. Ms. Buchanan and Ms. Hahn voted no. Motion failed 3/2/0

4. Discussion of ordinance approving mid-year budget revisions.

Mayor Pro Tem Harrison said the numbers included in proposed Ordinance 2062 were not the correct numbers and the Council has not finalized the mid-year budget adjustments.

Council members agreed to a budget workshop and to let the finance director set the date before the next regular Council meeting.

AGENDA SETTING:

Ms. Buchanan said she would like to have information about the costs for equipment to do Pod casting of meetings.

Mr. Brammer said he wanted information about the designation of the loading zone on Pine Street at Spring Street. He said it is causing a traffic hazard.

Mr. Scheunemann said he would have a report on the Hwy. 62 West project at the next meeting.

Ms. Harrison said she has had a conversation with Mr. Schoen about city employees being involved with city projects that are not part of their regular jobs.

CITY COUNCIL COMMENTS:

Mr. Brammer encouraged everyone to vote tomorrow in the special election for the water and sewer bond issue.

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Ms. Buchanan encouraged everyone to vote tomorrow and said Raising Arizona would be the movie at Lucky 13 Cinema Sunday evening.

Mr. Scheunemann read aloud a lengthy statement regarding actions taken during executive sessions since the beginning of the year and his disappointment in the lack of action on Mayor Wilson's part.

Ms. Harrison said she voted no on Ordinance 2047 because she didn't want citizens to have to hire attorneys and go to court to protect their homes and property.

MAYOR'S COMMENTS:

Ms. Harrison encouraged everyone to vote tomorrow in the special election. She announced a disaster drill would be held at the Eureka Springs Hospital Wednesday.

ADJOURNMENT:

Mr. Scheunemann moved to adjourn at 10:47 p.m. Ms. Buchanan seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the regular City Council meeting of Monday, Aug. 13, 2007.

Mary Jean Sell, City Clerk Treasurer

Mayor Pro Tem Kathy Harrison

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