

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Dec. 10, 2007, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy, Aldermen Patrick Brammer, Rae Hahn, Kathy Harrison, Eric Scheunemann, Joyce Zeller, City Attorney Tim Weaver, Public Works Director Jay Wilson, Planning Commissioner Ken Pownall and City Clerk-Treasurer Mary Jean Sell. There is one vacancy on the Council.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Joy led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

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

Mr. Scheunemann moved to place Ordinance 2068 for removing appointed officials on the next (Jan. 14, 2008) agenda. Ms. Harrison seconded.

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

APPROVAL OF THE MINUTES: Nov. 5, 2007 and Nov. 26, 2007

Nov. 5 - Mr. Brammer moved to approve the minutes of the regular City Council meeting of Nov. 5, 2007. Mr. Scheunemann seconded.

Mr. Scheunemann corrected Item 2 on Page 2 to read "*consensus agreement.*"

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

Nov. 26 – Mr. Brammer moved to approve the minutes of the regular City Council meeting of Nov 26, 2007. Mr. Scheunemann seconded.

Mr. Brammer added an amendment to Page 2 in the Planning Commission report to add the word "*recommend*" between the words "including" and "removal," and to add "*continuing education requirements*" in the last sentence after the word "commission."

Mr. Scheunemann added "*The City Attorney noted that the Planning Commission policies would not hinder the City Council's legal power to remove appointed officials upon passage of Ordinance 2068*" at the end of the same paragraph.

Mr. Brammer noted the numbers of the vote in the second paragraph of Item 4 Discussion of Ordinance 2069 are reversed, the vote should be 0/2/3. He asked that the sentence saying he did not answer the roll call be removed.

On the motion to approve the Nov. 27 minutes as amended, all voted aye. Motion passed 5/0/0

DEPARTMENT HEAD AND COMMISSION REPORTS: No reports given.

PUBLIC COMMENTS:

Deborah Stroup asked that a "year in review" report outlining accomplishments

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in office, key projects started or finished, be given by the Council in January.

Rob Wagner suggested Council members attend counseling classes on how to conduct meetings.

Alvin Byrd said a concerned citizens group has asked for the Council's actions to be investigated. He believes those candidates who ran for the Ward 2 Position 1 against Ms. Buchanan be the only candidates considered for her replacement. (Ms. Buchanan resigned her seat Nov. 20, 2007.)

Susan Chamberlain said the Council's behavior at the last meeting was reprehensible. Members should take a retreat and get on a talking basis.

Tori Bush said she was appalled when the three Council members walked out of the last meeting and they should resign before the new year.

Paul Faulk said “enough is enough.” The needs of the many outweigh the needs of the few.

Constance Schrader spoke in support of Pat Matsukis as the appointee to the Council to replace Ms. Buchanan.

Kathy Hughes said the three other candidates for the Ward 2 Position 1 seat should be considered to replace Ms. Buchanan. When opinions from outside attorneys are brought to the Council table, they should be in writing with copies for everyone.

Michelle McDonald said Cynthia Moran will be teaching classes on “smoothing the edges.” She said there is revenge coming from the Council table.

Bob Jasinski said tourism is the city’s business and we should stop worrying about being a Patriot Act Zone or not enforcing marijuana laws. He would like to see something on the agenda about Council members seeing a psychiatrist.

Joe Zickmund said he wants to see a discussion about changing the form of city government on the next agenda.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Cemetery - Position 5, expiring 2/15/08

Historic District Commission – Position 2 – expires 11/30/10 Position 6 – expires 3/7/08

Transportation Committee – No report

Highway 62 Committee – No report

OLD BUSINESS:

1. Discussion of Ordinance 2069 regarding taxi definition (Hahn)

Ms. Hahn moved to open discussion. Ms. Harrison seconded.

Ms. Hahn moved to place Ordinance 2069 on its first reading. Ms. Harrison seconded. By roll call, Ms. Harrison and Mr. Scheunemann voted aye. Ms. Zeller, Mr. Brammer and Ms. Hahn voted no. Motion failed 2/3/0

2. Discussion of Ordinance 2067 raising City Clerk’s salary (Mayor) 2nd reading

Ms. Zeller moved to suspend the rules and place Ordinance 2067 on its second reading by title only. Mr. Brammer seconded. By roll call, Ms. Zeller and Mr. Brammer voted aye. Ms. Harrison, Mr. Scheunemann and Ms. Hahn voted no. Motion failed 2/3/0

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3. Discussion of Ordinance 2070 regarding occupation licenses (Mayor) 2nd reading

Mr. Brammer moved to suspend the rules and place Ordinance 2070 on its second reading by title only. Ms. Zeller seconded. By roll call, all voted aye. Motion passed 5/0/0

Mayor Joy read the title of Ordinance 2070 aloud.

Mr. Brammer moved to approve Ordinance 2070 on its second reading by title only. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

4. Discussion of Ordinance 2071 regarding demolition of property

(Buchanan)

Ms. Harrison moved to place Ordinance 2072 on its first reading. Ms. Hahn seconded. By roll call, Ms. Harrison and Mr. Scheunemann voted aye. Mr. Brammer, Ms. Hahn and Ms. Zeller voted no. Motion failed 2/3/0

5. Discussion of Ordinance 2072 regarding cable tv franchise agreement

(Mayor)(2nd reading)

Mr. Brammer moved to suspend the rules and place Ordinance 2072 on its second reading by title only. Ms. Zeller seconded. By roll call, Ms. Hahn, Mr. Scheunemann, Ms. Zeller and Mr. Brammer voted aye. Ms. Harrison voted no.

Motion passed 4/1/0

Mayor Joy read the title of Ordinance 2072 aloud.

Mr. Brammer moved to approve Ordinance 2072 on its second reading by title only. Ms. Zeller seconded. Four voted aye. Ms. Harrison voted no. Motion passed 4/1/0

NEW BUSINESS:

1. Discussion of speed bumps (Scheunemann)

Mr. Scheunemann said there are six speed bumps on Mill Hollow Road. Residents have asked him to have a discussion about having a speed hump instead of speed bumps so there is less danger of damage to vehicles.

Mr. Wilson said it takes five signatures of area residents on a petition to request placement of speed bumps and it takes the same amount to have one removed after a year.

Mr. Wilson agreed to add cold mix asphalt "ramps" to the speed bumps to see if that would solve the problems.

2. Discussion of turkey vultures (Hahn)

Ms. Hahn said the turkey vultures have returned to the end of Linwood Street and across the hollow. She said representatives of the Arkansas Game and Fish Department have recommended using fire hoses or strobe lights to get the birds out of trees. Another recommendation is to place sprinklers on top of houses to discourage the birds from landing. She thought volunteers might be available to help area residents resolve the problems.

3. Discussion of possible rent increase for city hall space (Mayor)

Mayor Joy distributed copies of the letter from Carroll County Judge Richard Williams proposing a rent increase for the City Hall space in the Western District Courthouse.

The rent has been \$756 per month for the past 20 years and Mr. Williams is wanting to double the amount.

Mayor Joy gave some history of the rent situation. She said there are no documents to be found indicating why the city started paying rent.

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Mr. Weaver said he has reviewed the historical documents and sees nothing requiring the city to pay rent for the space.

Mr. Brammer moved to have Mr. Weaver find a resolution to the situation. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

4. Discussion of new alderman for Ward 2, Position 1

Ms. Hahn moved to discuss appointment of an alderman for Ward 2, Position 1, to replace Ms. Buchanan. Ms. Harrison seconded. All voted aye. Motion passed 5/0/0

Mr. Weaver said a vacancy should be declared before someone was appointed.

Ms. Hahn moved to declare a vacancy in Ward 2 Position 1. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

Mayor Joy said Rick Bright and Robert "Butch" Berry have contacted her and said they are willing to be appointed.

Kathy Hughes, Mickey Schneider, Alvin Byrd said they would like to see Lori Weaver, Rick Bright or Butch Berry considered. They ran for the council position in November of 2006.

Ann Armstrong and **Karen Lindblad** supported a nomination for Pat Matsukis.

Pat Matsukis said she would be willing to serve if appointed.

Rick Bright said the Council should take some time before making an appointment, listen to residents, consider e-mails and telephone calls.

Mr. Brammer nominated Mr. Bright for Ward 2 Position 1. Ms. Zeller seconded. By roll call, Ms. Zeller and Mr. Brammer voted aye. Ms. Hahn, Mr. Scheunemann and Ms. Harrison voted no. Nomination failed 2/3/0

Ms. Hahn nominated Ms. Matsukis. Ms. Harrison seconded. By roll call, Ms. Harrison, Mr. Scheunemann and Ms. Harrison voted aye. Mr. Brammer and Ms. Zeller voted no. Nomination passed 3/2/0

Mayor Joy announced she was vetoing the appointment. She gave a copy of her written veto to the City Clerk.

AGENDA SETTING:

Mr. Brammer asked that a year-end review be placed on the agenda for the Jan. 14, 2008, meeting. Mr. Scheunemann seconded.

MAYOR'S COMMENTS:

Mayor Joy said agendas will no longer be printed in the local newspapers, as a cost-saving measure. They will be posted on the city's website and on the bulletin board in City Hall.

ADJOURNMENT:

Mr. Brammer moved to adjourn at 7:55 p.m. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0
This is the signature page for the minutes of the Dec. 10, 2007, regular Eureka Springs City Council meeting.

Mayor Dani. D. Joy

City Clerk-Treasurer Mary Jean Sell CMC