

Mayor Dani Wilson called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, May 14, 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, 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. Ms. Hahn seconded.

Ms. Harrison said she wants to discuss the city's giving out of permits that may be illegal at Item #4 of New Business. Ms. Hahn seconded.

Ms. Hahn asked to postpone Old Business Item #8, discussion of a downtown trash compactor, until Roger Miner of Carroll County Solid Waste could be present.

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

APPROVAL OF THE MINUTES: April 23, 2007

Ms. Harrison moved to approve the minutes of the regular City Council meeting April 23, 2007. Mr. Brammer seconded.

Ms. Buchanan said Pat Matsukis was in support of the special Council meeting in Item #6 on Page 4. She said Ms. Matsukis was in support of with staying with Mr. White's taxi operation.

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

DEPARTMENT HEAD AND COMMISSION REPORTS

Festival Director Sally Thackery asked the Council to consider the Around the Town events, scheduled through the first weekend of October, as a single festival and to allow the playing of amplified music at the Art Colony on North Main. Consideration as a single festival would eliminate the need for daily permits.

Ms. Harrison moved to discuss the situation at the next Council meeting to give everyone a chance to review the Municipal Code. Mr. Brammer seconded. No vote was taken.

Public Works Director Jay Wilson said the Arkansas Department of Environmental Quality (ADEQ) has made a site visit to the wastewater treatment plant on Highway 23 North. ADEQ has given the city until July 31 to get the area fenced. Mr. Wilson has taken three bids for fencing and the lowest was \$66,920. He has the money in his depreciation fund.

Ms. Harrison moved to approve the spending of \$66,920 from the Public Works depreciation fund for fencing. Ms. Hahn seconded. All voted aye. Motion passed 6/0/0

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PUBLIC COMMENTS: None

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Cemetery - Position 5, expiring 2/15/08

Hospital - Position 1, expiring 6/1/07

CAPC - Position 3, expiring 6/30/07

OLD BUSINESS:

1. Discussion of Ordinance 2052 regarding Domestic Partners Registry (3rd reading)

Mr. Brammer moved to place Ordinance 2052 on its third and final reading. Mr.

Scheunemann seconded.

Ms. Sell said Ordinance 2052 has been amended, removing the requirements for addresses on applications and the registry certificate. She read the entire ordinance aloud.

Mr. Brammer moved to approve the amendments. Ms. Hahn seconded.

Ms. Zeller moved to amend the ordinance to have the forms set by the City Council and not the City Clerk in Sections 3 a,b,c and 5 b. Ms. Harrison seconded. All voted aye. Motion to approve the amendments passed 6/0/0
Fifteen persons spoke to the ordinance. Eight supported it, seven were against it.

On the motion approve Ordinance 2052 as amended, by roll call vote, all voted aye. Motion passed 6/0/0

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

Mr. Scheunemann reported that construction in the area has moved to the north side of Highway 62. He had telephoned the Mayor and other Council members to visit the area and look at the work. He said he is concerned that the speed limit of 55 miles per hour on the new bridge will be too fast when the roadway narrows and will become a public safety hazard.

After discussion, Ms. Hahn moved to have a resolution drawn up and sent to AHTD to (*Amendment: request speed limits on the approaches*) be set at 45 miles per hour and for AHTD to study the demolition of the mountain on the north side of Highway 62 to see if it is really necessary. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

Mr. Weaver was instructed to write the resolution at the table. He read aloud his proposal.

Mr. Brammer moved to give the resolution number 540 and to read it aloud. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

Mr. Weaver read Resolution 540 aloud.

3. Discussion of Resolution 539 to make the city a Patriot Act Free Zone.

Mr. Weaver had provided copies of a proposed resolution to Council at the table.

Ms. Hahn moved to accept Resolution 539. Ms. Harrison seconded.

Ms. Sell read Resolution 539 aloud.

All voted aye. Motion passed 6/0/0

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4. Discussion of Ordinance 2050 regarding adoption of Municipal Code (2nd reading)

Ms. Hahn moved to suspend the rules and place Ordinance 2050 on its second reading by title only. Mr. Brammer seconded.

Mayor Wilson read the title of Ordinance 2050 aloud.

Mr. Brammer moved to approve Ordinance 2050 on its second reading by title only. Ms. Hahn seconded.

Ms. Hahn asked Ms. Sell if she had gotten a response from Municipal League attorney David Schoen regarding the inclusion of the subdivision ordinance into the new code. Ms. Sell said Mr. Schoen had deferred to Mr. Weaver.

Mr. Weaver suggested tabling the approval of the adoption ordinance. He said the Planning Commission needs to get a new subdivision ordinance written, hold a public hearing and make a recommendation to the Council as soon as possible so it can be included in the new code book.

Mr. Brammer moved to table Ordinance 2050. Ms. Hahn seconded. All voted aye. Motion passed 6/0/0

EXECUTIVE SESSION:

Ms. Harrison moved to go into executive session to discuss hiring at 9 p.m. Mr. Brammer seconded. All voted aye.

Motion passed 6/0/0 The meeting resumed at 9:08 p.m.

Mayor Wilson said the Council had decided to hire outside legal help on a specific case.

Mr. Weaver said the Council did not have that authority, it is his responsibility to hire legal assistance by city ordinance.

There was some discussion about what type of case it might be, whether or not Mr. Weaver would be working with a defendant or serving as a prosecutor. Details of the case were not available.

Ms. Hahn moved to table the decision. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

NEW BUSINESS:

1. Proclamation for Older Americans Month.

Mayor Wilson read aloud a proclamation of May as Older Americans Month.

2. Discussion of Around Town music permits.

Although the discussion had already been held at the beginning of the meeting, Mayor Wilson allowed Rick Bright to speak to the issue. He asked that festival musicians be asked to not use their amplifiers, particularly those playing in the Art Colony on North Main. The loud music interferes with weddings he conducts on his property and at the wedding chapel next to the Art Colony.

Ms. Buchanan said the music seemed particularly loud this past Saturday morning.

CAPC member K. J. Zumwalt gave everyone a schedule of performances for the summer. She agreed to ask musicians to turn their amplifiers down or off.

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3. Discussion of rescheduling second May meeting.

The fourth Monday of May, the 28th, is the Memorial Day legal holiday.

Mr. Brammer moved to reschedule the next meeting to 6 p.m. Monday, May 21, in the jury room on the second floor of the Western District Carroll County Courthouse. Ms. Hahn seconded. All voted aye. Motion passed 6/0/0

4. CAPC Workshop

Mayor Wilson said the Council should meet in a workshop as soon as possible to work on the draft of the new CAPC (City Advertising and Promotion Commission) ordinance. (Note: A new ordinance is made necessary by the General Assembly's approval of Act 464.)

Aldermen agreed to meet at 9 a.m. Friday, May 18, in the Mayor's office.

5. Discussion of issuing of city permits.

Ms. Harrison said she wanted to discuss the issuance of city permits, particularly the recent limousine licenses, but waiting until the next meeting would be fine.

AGENDA SETTING:

Ms. Hahn said she would like to have an ordinance for no parking on the south side of Mountain St. between White St. and Washington St.

Mr. Scheunemann said he would like to discuss mandatory recycling in the city. He said the current work being done in the Planer Hill Park and Ride Lot was not approved by the Planning Commission and he wants it to be reviewed by the Commission. Mayor Wilson told him to contact members of the Planning Commission to see if they would consider it.

COUNCIL COMMENTS:

Ms. Buchanan said she had asked for last Monday's breakfast gathering of Council members and press to discuss

“what we are doing right and what we can do better.” It was announced during the April 23 Council meeting. She said she got the idea during the January Municipal League meeting in Little Rock.

Ms. Harrison said she had heard the city’s bank accounts were being moved and wanted to be informed.

Ms. Hahn thanked the Council for passing the Domestic Partners Registry, for following Robert’s Rules of Order more closely tonight and not interrupting each other.

Mr. Brammer wished everyone happy Mothers’ Day.

MAYOR’S COMMENTS:

Mayor Wilson said she had taken bids on banking services for the city’s checking accounts and the Bank of Eureka Springs had the best bid.

She had invited representatives of the Arkansas Department of Parks and Tourism here for two days to get reacquainted with Eureka Springs. The various advertising groups will now coordinate with the state through her office.

She read a list of coming events for the May Festival of the Arts.

She told the Council she is “proud of what you have done tonight. It monumental because of the human rights issue.”

ADJOURNMENT:

Ms. Hahn moved to adjourn the regular meeting of the Eureka Springs City Council at 10 p.m. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the regular meeting of the Eureka Springs City Council of May 14, 2007.

Mayor Dani D. Wilson

City Clerk-Treasurer Mary Jean Sell