

Mayor Dani Wilson called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, May 21, 2007, in the jury room on the second floor of the Western District Carroll County Courthouse. This meeting is re-scheduled from May 29 because of the Memorial Day Holiday.

**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:**

Ms. Hahn moved to approve the agenda. Mr. Scheunemann seconded.

Mayor Wilson said Old Business Item 3 regarding Ordinance 2047 and Item 6 regarding the trash compactor proposal, are postponed to the next regular meeting.

Ms. Hahn asked the Mayor for information on the city's bond issues and Auditorium renovation funding.

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

**APPROVAL OF THE MINUTES:** May 14, 2007

Ms. Harrison moved to approve the minutes of the regular City Council meeting of May 14, 2007. Ms. Hahn seconded.

Mr. Scheunemann wanted a correction on Page 2 in Item 2 second paragraph discussion regarding the construction on Highway 62 West. He said he wanted the sentence about the resolution to say "to request the speed limits on the approaches to be 45 miles per hour..."

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

**DEPARTMENT HEAD AND COMMISSION REPORTS: None**

**PUBLIC COMMENTS:**

**Beau Satori** said he wants the plan for the downtown sidewalk work and the fate of the City Auditorium.

**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, and an at-large position

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**OLD BUSINESS:**

**1 Discussion of resolution concerning "protecting the city's gateways" and a study of plans for Highway 62 west.**

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

Mayor Wilson said she had met with Arkansas Highway and Transportation Department (AHTD) Director Dan Flowers in Little Rock and had delivered Resolution 540 to him. She has also talked with District Engineer Ralph Fulton and he is willing to come to a Council meeting to explain the Lake Leatherwood Bridge and highway project. She suggested asking Mr. Fulton to attend the June 11 regular meeting.

Jeff Feldman, president of the Greater Eureka Springs Area Chamber of Commerce, said Resolution 540 was a

surprise to him and the changing of the speed limits to 45 miles per hour was not part of the "agreement" Highway 62 Committee members had to work toward. He said AHTD had agreed to work with the Committee as a whole. He read aloud a letter severing the relationship with the City Council representatives.

Ms. Hahn invited Mr. Feldman to attend the meeting with Mr. Fulton.

## **2. Discussion of Ordinance 2045 requiring surety bond for contractors (3<sup>rd</sup> reading)**

Mr. Brammer moved to suspend the rules and place Ordinance 2045 on its third reading by title only. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Mayor Wilson read the title of Ordinance 2045 aloud.

Mr. Brammer moved to approve Ordinance 2045 on its third reading. Ms. Zeller seconded.

Ms. Hahn wanted a clarification of the meaning of "all others" in the ordinance. She does not want handymen penalized by the change in the amount of surety bond required.

On the motion, by roll call, Mr. Brammer and Ms. Zeller voted aye. Ms. Hahn and Ms. Harrison voted no. Mr. Scheunemann and Ms. Buchanan did not vote. Motion failed 2/2/2

Mr. Scheunemann moved to reconsider. Ms. Harrison seconded.

Ms. Hahn moved to amend the ordinance by adding "all general contractors and those contracting for jobs of \$500 or more must have surety bonds."

Mr. Brammer said he wanted the Building Official to be aware of the proposed amendment and to provide an opinion.

Ms. Hahn moved to postpone a vote on the amendment to the next regular meeting. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0

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

Ms. Harrison moved to place Ordinance 2051 on its first reading. Ms. Hahn seconded.

Mayor Wilson, Ms. Sell, Ms. Buchanan, Mr. Brammer and Ms. Zeller read the ordinance aloud.

Ms. Harrison moved to approve Ordinance 2051 on its first reading. Ms. Hahn

seconded.

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Discussion among Council members began. Mr. Weaver said the ordinance is full of holes, has ambiguities and is, in some places, illegal.

Ms. Hahn moved to take a break at 7:55 p.m. Mr. Brammer seconded. The meeting resumed at 8:15 p.m.

Comments on the ordinance were offered by Mr. Feldman, Alvin Byrd, Joe Ratliff, Mr. Satori and attorney Kent Crow.

Discussion continued. Mr. Weaver was asked to go through the 14 pages of the ordinance and make comments about the sections he found objectionable.

Mr. Crow, as author of the ordinance, was given the opportunity to refute Mr. Weaver's comments and to explain the reasoning behind each section.

The reading and discussion of the ordinance took two and a half hours. On the motion to approve Ordinance 2051 on its first reading, Ms. Hahn, Ms. Harrison, Mr. Scheunemann and Ms. Buchanan voted aye. Ms. Zeller and Mr. Brammer voted no. Motion passed 4/2/0

## **5. Discussion of Ordinance 2050 regarding adoption of Municipal Code (2<sup>nd</sup> reading)**

(Note: Ordinance 2050 was given its second reading during the regular City Council meeting of May 14, 2007, but the vote on the second reading was tabled.)

Mr. Brammer moved to approve Ordinance 2050 for discussion. Ms. Zeller seconded.

Mr. Weaver said he is still waiting on guidance from Municipal League Attorney David Schoen regarding the ordinance. He asked that the vote be postponed again.

Ms. Harrison moved to postpone the vote on the second reading of Ordinance 2050. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

## **7. Discussion of proposal to purchase Landaker Hotel property on North Main St.**

Mr. Scheunemann moved to open discussion. Ms. Harrison seconded.

Mr. Scheunemann said he (*Amendment: was contacted by*) local real estate broker Genes Bland to get in touch with the owners of the property who live in Kansas. Mr. Bland had listed the property for sale for \$100,000 some time ago, but Mr. Scheunemann said the owners might be willing to consider a lower price. He said the owners will be in the area for a family reunion at the end of the month and they would be willing to meet with the Mayor or Council representatives.

## **8. Discussion of Around Town music permits.**

(Note: City Advertising and Promotion Commission Festival Director Sally Thackery has asked the Council to approve musical performances scheduled in several locations in town from April 28 through Oct. 14 as one festival event known as Around Town.)

Ms. Harrison moved to discuss the permit for the Around Town performances. Mr. Brammer seconded.

Ms. Hahn said there had been complaints about the loudness of the amplified music, particularly from the Art Colony on North Main Street. She said the neighbors and

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their businesses should be respected and efforts made to turn down the level of the music.

Cathy Harris, co-owner of the Art Colony, said she and her husband don't want loud music either, but they have sent a great deal of money on a sound system for the performance area in the Colony. The property is in a commercial zone. Performance is an art.

After discussion, Ms. Hahn moved to approve Around Town as a single festival. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

## **NEW BUSINESS:**

### **1. Discussion of proposed CAPC ordinance.**

Mr. Brammer moved to place Ordinance 2053 on its first reading. Ms. Zeller seconded.

Ms. Sell read Ordinance 2053 aloud.

Mr. Brammer moved to approve Ordinance 2053 on its first reading. Ms. Zeller seconded.

During discussion, Ms. Hahn suggested an amendment to Section 2 regarding "...one member at large who is an elector is appointed..." Ms. Sell suggested adding A.C.A in Section 5 for the Section 26-52-1001 reference.

(*Amendment: Ms. Hahn said she wants bed and breakfasts included in the lodging category.*)

Ms. Harrison moved to adopt the amendments to Ordinance 2053. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

On the motion to approve Ordinance 2053 on its first reading as amended, all voted aye. Motion passed 6/0/0

Mr. Weaver had provided three additional ordinances related to the changes in the CAPC structure, repealing the two percent gross revenue tax on retail sales, and revising the business license fees. Council members agreed to hold a town hall meeting on the proposed ordinances at 6 p.m. Tuesday, May 29, in the third floor courtroom of the Western District Carroll County Courthouse.

### **2. Discussion of proposed ordinance for no parking on south side of Mountain St. between White and Washington streets.**

Mr. Brammer moved to place Ordinance 2057 on its first reading. Ms. Hahn seconded.

Mayor Wilson read Ordinance 2057 aloud.

Mr. Brammer moved to approve Ordinance 2057 on its first reading. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

### **3. Discussion of mandatory recycling in the city.**

Ms. Hahn moved to discuss mandatory recycling. Ms. Buchanan seconded.

Mayor Wilson read aloud Section 5.12.08 of the Municipal Code regarding the recycling program available to

residents and commercial properties in the city.

Mr. Scheunemann moved to table the discussion. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

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**AGENDA SETTING:**

**Mr. Brammer** asked for information on the sidewalk program. Ms. Harrison requested information from the Public Works Department on how much money is available for sidewalk projects. She asked to have a discussion of sidewalks on the June 11 agenda.

**CITY COUNCIL COMMENTS:**

**Ms. Harrison** asked Mayor Wilson about the rates of interest to be earned on the recent awarding of checking accounts to the Bank of Eureka Springs and on the Certificates of Deposit.

**MAYOR'S COMMENTS:**

Mayor Wilson read a list of up-coming events.

**ADJOURNMENT:**

Mr. Brammer moved to adjourn at 11:05 p.m. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of May 21, 2007.

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Mayor Dani D. Wilson

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City Clerk-Treasurer Mary Jean Sell

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