

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Nov. 5, 2007, in the jury room on the second floor of the Western District Carroll County Courthouse.

**PRESENT:** Mayor Dani D. Joy, Aldermen Patrick Brammer, Charlotte Buchanan, Rae Hahn, Kathy Harrison, Eric Scheunemann, Joyce Zeller, City Attorney Tim Weaver, Police Chief Earl Hyatt, Planning Commissioner Ken Pownall and City Clerk-Treasurer Mary Jean Sell.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Joy led the Pledge of Allegiance to the Flag.

**APPROVAL OF THE AGENDA:**

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

Mr. Brammer questioned the listing of two Ordinance #2066s. The ordinance regarding raising the city clerk's salary is #2067.

Mayor Joy added Ordinance #2070 for a discussion of an amendment to the occupation license portion of the Municipal Code as New Business Item #3.

Mayor Joy added a discussion of a feasibility study of underground Eureka as New Business Item #4.

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

**APPROVAL OF THE MINUTES: Oct. 22, 2007**

Mr. Scheunemann moved to approve the minutes of the regular meeting of the City Council for Monday, Oct. 22, 2007. Ms. Hahn seconded.

Mr. Scheunemann said he wanted the fact that the city attorney was not present for the discussions of Items 2 and 3 of old business included in the minutes.

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

**DEPARTMENT HEAD AND COMMISSION REPORTS:**

**Police** – Chief Hyatt said the Municipal Code does not address the operation of limousine services within the city, therefore there is nothing for him to enforce – re: Ordinance 2066.

**PUBLIC COMMENTS:**

**Alvin Byrd** thanked Ms. Hahn for sponsoring Ordinance 2066 and asked that the current taxi company be held to obeying the current taxi ordinance in the Municipal Code.

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

Cemetery - Position 5, expiring 2/15/08

**Parks** – Position 2, expiring 5/1/08 – Nominee Ruth Goodwin Hager Mr. Brammer moved to approve the nomination of Ruth Goodwin Hager to Position 2 on the Parks and Recreation Commission. Ms. Zeller seconded. After discussion, Mr. Brammer withdrew his motion and Ms. Zeller withdrew her second to give Council members more time to contact Ms. Hager.

City Council 11/05/07 1

**Black Bass Dam Committee** – Ms. Hahn said there is a preliminary report on the dam and she wants to go over it thoroughly with Parks Director Bruce Levine.

**Podcast Equipment Committee** – Ms. Buchanan said she had talked with courthouse building manager Don Matt about the possibilities of podcasting.

**Annexation Committee** – Ms. Hahn said the committee has not met. Mr. Scheunemann read aloud a letter from Dr. Charles Merbitz protesting annexation of his property.

**Impact Fee Committee** – Ms. Harrison said several realtors came to the committee meeting. They have been asked for their ideas and suggestions.

**Community Building Repair Committee** – Mayor Joy said work is progressing.

**Transportation Committee** – Mayor Joy said Pat Matsukis has been chosen as chairman of the committee.

**Sidewalk Committee** – Mr. Brammer had no report.

**OLD BUSINESS:**

**1. Discussion of request for election from referendum petition on Ordinance 2051 regarding taxis/limousines.**

Mr. Brammer moved to set an election date for the second Tuesday of May to coincide with the statewide judicial election. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

**2. Discussion of Highway 62 West (Scheunemann)**

Mr. Scheunemann read aloud a proposed (*Amendment from Mr. Scheunemann – consensus resolution*) regarding the construction of the bridge and approaches on Highway 62 west. He will be meeting with area groups regarding the *consensus resolution*. He asked for telephone calls or written comments from citizens.

**3. Discussion of proposal for removing appointed officials (Harrison)**

There was discussion about the proposal.

Ms. Harrison moved to give the ordinance a number – 2068. Mr. Scheunemann seconded. Five voted aye. Ms. Zeller voted no. Motion passed 5/1/0

Ms. Harrison moved to place Ordinance 2068 on its first reading. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

Mayor Joy read Ordinance 2068 aloud.

Ms. Hahn moved to approve Ordinance 2068 on its first reading. Mr. Scheunemann seconded. Four voted aye. Ms. Zeller and Mr. Brammer voted no. Motion passed 4/2/0

**4. Discussion of Ordinance 2066 regarding taxis and limousines (Hahn)**

Ms. Hahn proposed an amendment to Municipal Code Section 4.32.01 to define "taxis."

There was some discussion. Mr. Weaver said any action regarding taxis and limousines should wait until after the referendum election on Ordinance 2051.

Ms. Hahn moved to give the proposal an ordinance number – 2069. Ms. Harrison seconded. Five voted in favor. Mr. Brammer voted no. Motion passed 5/1/0

Mr. Brammer moved to take a 10-minute recess at 8:05 p.m. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0 Meeting resumed at 8:25 p.m.

**City Council 11/05/07 2**

**5. Discussion of request for election from referendum petition on Ordinance 2047 regarding demolition by neglect.**

Mr. Brammer moved to open discussion. Ms. Hahn seconded.

Mr. Brammer moved to set an election date for the second Tuesday of May to coincide with the statewide judicial election and the referendum election on Ordinance 2051. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

Ms. Zeller moved that if the referendum cannot be put on the May ballot that a discussion be held at the next Council meeting about a special election for Ordinances 2068, 2047, 2051. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

**6. Discussion of revised Ordinance 1022.**

Ms. Buchanan said amendments have been suggested to Ordinance 1022 and she would like for them to be presented.

Ms. Harrison said she would like to have the discussion added as New Business #5 so citizens can be aware of the discussion. Ms. Hahn seconded. All voted aye. Motion passed 6/0/0

**7. Discussion of cooperation of City Council and CAPC**

Mayor Joy said there had been a meeting this afternoon with members of the Council and the CAPC. She said discussion centered around the City Auditorium and its maintenance.

**8. Discussion of City Council's attitude toward taxpayers and citizens.**

Mr. Scheunemann moved to postpone the discussion until the individual requesting the agenda item was present. Ms. Harrison seconded.

**NEW BUSINESS:**

**1. Identification of crosswalks**

Mr. Brammer said the Sidewalk Committee would work with Ms. Buchanan on this project.

**2. Discussion of Ordinance 2067 raising City Clerk's salary**

Mr. Brammer moved to open discussion on Ordinance 2067. Mr. Scheunemann seconded.

Mr. Brammer moved to place Ordinance 2067 on its first reading. Ms. Zeller seconded. Mr. Scheunemann, Ms. Zeller and Mr. Brammer voted aye. Ms. Hahn, Ms. Harrison and Ms. Buchanan voted no.

Mayor Joy read Ordinance 2067 aloud.

Mr. Brammer moved to approve Ordinance 2067 on its first reading. Ms. Zeller seconded.

Ms. Hahn moved to amend the ordinance to increase the salary by three (3) percent or \$840 instead of the \$2,000 proposed. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0

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

**3. Discussion of Ordinance 2070 regarding occupation licenses.**

Mayor Joy said the proposed ordinance is to amend the current Municipal Code to correct the time frames included in the business/occupation license section.

**City Council 11/05/07 3**

Mr. Brammer moved to give the ordinance a number – 2070 – and place it on its first reading. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Ordinance 2068 aloud.

Mr. Brammer moved to approve Ordinance 2070 on its first reading. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

**4. Discussion of feasibility study for underground Eureka.**

Mayor Joy said representatives of Sen. Blanch Lincoln's office and Congressman John Boozman have expressed interest in exploring the possibility of developing underground Eureka, the area parallel to Main Street, as a new tourist attraction. She said a matching grant might be available from the Arkansas Department of Parks and Tourism to have engineers evaluate the area. She requested \$10,000 of the state turn back funds for the study.

Ms. Zeller moved to allow \$12,000 of the turn back funds to be put toward the matching grant. Mr. Brammer seconded. Four voted aye. Ms. Harrison and Ms. Buchanan voted no. Motion passed 4/2/0

**5. Discussion of Ordinance 1022**

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

Ms. Buchanan said a committee meeting has been held with discussion of amendments to Ordinance 1022. She enumerated some of the proposed amendments.

Ms. Harrison moved to take a break at 9:34 p.m. Mr. Brammer seconded. All voted aye. Meeting resumed at 9:47 p.m.

Ms. Harrison moved to give the amended ordinance a new number – 2071 – and put it on its first reading. There was no second.

Mr. Scheunemann moved to place a moratorium on permits for demolition from today (Nov. 5) until Ordinance 2071 is completed and including a penalty that each day is a separate and distinct offense and the property could not be built on for three years. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0

Mr. Brammer said he would insert the amendments into the ordinance and get copies to everyone.

**AGENDA SETTING:**

**Mr. Scheunemann** said he would like a discussion of speed bumps on the next agenda and would like for Public Works Director Jay Wilson to be present at the next meeting.

**Ms. Hahn** said the turkey vultures have returned and she wants to discuss them at the next meeting. She also asked about making arrangements for attending the annual Municipal League meeting in Little Rock in January.

Mayor Joy said those wanting to attend the Municipal League meeting will have to make their own reservations and apply for reimbursement after Jan. 2, 2008.

**Mr. Brammer** read aloud an article from a recent issue of *City & Town* magazine, published by the Municipal League, regarding the pruning and topping of trees.

City Council 11/05/07 4

**ADJOURNMENT:**

Mr. Brammer moved to adjourn at 10:45 p.m. Ms. Hahn seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular City Council meeting of Nov. 5, 2007.

\_\_\_\_\_  
Mayor Dani D. Joy

\_\_\_\_\_  
City Clerk-Treasurer Mary Jean Sell

City Council 11/05/07