

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Oct. 8, 2007, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy (Mayor Wilson was married Sept. 29), Aldermen Patrick Brammer, Charlotte Buchanan, Rae Hahn, Kathy Harrison, Eric Scheunemann, Joyce Zeller, City Attorney Tim Weaver, Police Chief Earl Hyatt, Building Official Marion Chrysler, Planning Commissioners Lany Ballance and Ken Pownall, City Advertising and Promotion Commission (CAPC) Director Jim Williams 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:

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

Mayor Joy said New Business Item #5, discussion of Ozark Regional Transit 2008 funding request, is postponed. She added new Business Item #5, a proclamation for Drug Free Work Week.

Mr. Brammer said New Business Item #2, discussion of ordinance regarding demolition, should be a discussion of minimum maintenance as specified in the *Municipal Code*.

Ms. Hahn said she would like to have a discussion of taxis/limos as New Business Item #6 and a discussion of the rules and procedures for discussions at the council table as New Business Item #7.

Ms. Harrison said she would like to have a discussion of funding for members of the Council and Planning Commission to attend a training session in Little Rock on Oct. 17 as New Business Item #8.

Mr. Scheunemann said to strike the report from the Bridge Artwork Committee.

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

APPROVAL OF THE MINUTES: Sept. 24, 2007

Mr. Brammer moved to approve the minutes of the regular City Council meeting of Monday, Sept. 24, 2007. Mr. Scheunemann seconded.

Mr. Scheunemann had corrections for the discussion of Highway 62 West on Page 2. He wanted "*Mr. York's letter was concerned with safety issues and the need for a new bridge.*" He also said he wanted "*Mr. Scheunemann agreed with the safety changes needed to make Highway 62 West safe and the consensus to preserve the scenic entrance for tourist purposes*" 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

CAPC – Mr. Williams made a brief report with the announcement that the 2010 Governor's Conference on Tourism will be held in Eureka Springs.

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PUBLIC COMMENTS:

Alvin Byrd asked Ms. Hahn why she had not responded to the situation of a Council member verbally attacking a citizen during previous Council Comments.

Kathy Hughes said if the Council approves an ordinance giving it the power to removed appointed officials, then the citizens want the same power to remove Council members. She promised a referendum petition on the issue.

Alvin Byrd spoke for a second time saying as a voter and taxpayer he does not like the directions the Council is taking. Approving an ordinance giving the Council the authority to remove appointed officials is a waste of time and he promises a referendum petition on the issue.

Kenneth Pownall said he is against any ordinance to allow the Council to remove anyone who doesn't bow to the Council. If this ordinance passes, it is with prejudices and vindictiveness because it is aimed at one commission and one person in particular.

Mike Fitzpatrick of the Eureka Springs Fire Department said he is serving as chairman of the Fire Department's Review Committee. The rules and regulations of the Fire Department establish a committee of six members of the department to assist the mayor in selecting a new fire chief. The committee has been established and would like to be included in the selection process.

Barbara Lightner presented a request as editor and publisher of ES Folk, an on-line newspaper, to be notified of any regular or special meetings, commission meetings, committee meetings, etc., as per the Freedom of Information Act (FOIA).

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Cemetery - Position 5, expiring 2/15/08

Parks – Position 2, expiring 5/1/08

CAPC – Mayor Joy offered the name of Annmarie Slane for a CAPC position. She was nominated by the CAPC. There was some discussion about whether or not to wait the usual two weeks before the Council votes on the nomination.

Mr. Brammer moved to amend the agenda to add nomination and confirmation of a CAPC Commissioner. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0

Ms. Harrison moved to confirm the nomination of Annmarie Slane to the CAPC. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

Black Bass Dam Committee – There was some discussion about who actually has authority over the Black Bass dam and area.

Podcast Equipment Committee – Ms. Buchanan has contacted the EAST Lab coordinator at Eureka Springs High School and said she now needs to talk with Courthouse Building Manager Don Matt regarding equipment on hand and what might be needed.

Sidewalk Committee – Mr. Scheunemann said the issue had been referred to Economic Development Coordinator Glenna Booth and it would be up to citizens to contact her at City Hall.

OLD BUSINESS:

1. Vote on third reading of Ordinance 2061 adopting new personnel policy

Mr. Hyatt talked with the Council about questions for material included or not included in the new policy.

Ms. Zeller moved to remove the words "purchase order" from Page 29. Mr.

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Scheunemann seconded. All voted aye. Motion passed 6/0/0

On the motion to approve Ordinance 2061 on its third reading by title only, all voted aye. Motion passed 6/0/0

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

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

Mr. Weaver said he has not been able to get information from the Carroll County Election Commission chairman about holding a special election in conjunction with a regularly scheduled election.

3. Discussion of Ordinance 2058 to correct typographical error in Ordinance 1308 (3rd reading)

Mr. Brammer moved to suspend the rules and place Ordinance 2058 on its third reading by title only. Ms. Zeller seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2058 aloud.

Mr. Brammer moved to approve Ordinance 2058 on its third reading by title only. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Ms. Harrison moved to refund the cost of a business license for a tourist lodging to Penny Carroll and to withdraw the business license. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

Mr. Brammer moved to take a 10-minute recess at 7:35 p.m. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0 Meeting resumed at 7:52 p.m.

4. Discussion of annexation

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

Ms. Harrison said the Annexation Committee had met and discussed several issues and concerns. It is the consensus of the group to ask Public Works Director Jay Wilson for priority areas for extending water and sewer lines and to consider those areas within the city limits not yet connected to the city's lines.

5. Discussion of impact fees

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

Ms. Harrison, Mr. Brammer, Mr. Pownall and Ms. Buchanan volunteered to serve as a committee to work on impact fees. They set their first meeting for noon Friday, Oct. 12, in the mayor's office.

6. Discussion of Highway 62 West

Mr. Scheunemann said he is working on compiling information and will bring a consensus report to the Oct. 22 regular Council meeting.

NEW BUSINESS:

1. Discussion of Ordinance 2065 setting real and personal property tax rates.

Ms. Harrison moved to place Ordinance 2065 on its first reading. Mr. Brammer seconded.

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Ms. Sell read the entire Ordinance 2065 aloud.

Ms. Harrison moved to approve Ordinance 2065 on its first reading. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Ms. Harrison moved to suspend the rules and place Ordinance 2065 on its second reading by title only. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0.

Mayor Joy read the title of Ordinance 2065 aloud.

Mr. Brammer moved to approve Ordinance 2065 on its second reading by title only. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Mr. Brammer moved to suspend the rules and place Ordinance 2065 on its second reading by title only. Mr. Scheunemann seconded. By roll call, all voted aye. Motion passed 6/0/0.

Mayor Joy read the title of Ordinance 2065 aloud.

Mr. Brammer moved to approve Ordinance 2065 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 of Ordinance 2065. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Mayor Joy read the emergency clause aloud.

2. Discussion of minimum maintenance section of Eureka Springs Municipal Code.

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

Ms. Buchanan said she had not read the minimum maintenance section of the Municipal Code or the International Building Code. She said Ms. Chrysler is doing a great job.

Ms. Chrysler said both codes give cities the authority to require property owners to keep their properties cleaned up.

3. Discussion regarding Harmon Park Community Building repairs

Mayor Joy read a loud a letter from Mr. Wilson stating the stone wall in Harmon Park that is failing is not the responsibility of the city for repairs.

Ms. Chrysler said Bill Humphries has volunteered to demolish the steps, fix the wall and handle other repairs around the building. Exterminators have treated the wasp situation.

Ms. Chrysler said she was willing to do an annual inspection of the building to make sure it is up to building and safety codes.

4. Discussion of proposal for removing elected officials.

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

Mr. Scheunemann read aloud a statement citing the state law in 14-42-109 and the need for adopting such authority. After some discussion, Ms. Harrison moved that Mr. Weaver take the proposed ordinance and give the Council reasons as to why it should be or not be adopted. Mr. Scheunemann seconded. (No vote was taken.)

5. Proclamation for Drug Free Work Week

Mayor Joy said she has a proclamation for Drug Free Work Week, Oct. 14-20.

Mr. Brammer moved to read the proclamation aloud. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

Mayor Joy read the proclamation aloud.

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Mr. Brammer moved to take a recess at 9:22 p.m. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0 Meeting resumed at 9:40 p.m.

6. Discussion of taxis/limos

Ms. Hahn moved to discuss taxis and limo services. Ms. Harrison seconded.

There was some discussion of state statutes covering taxi and limo services.

Ms. Hahn moved to have a number assigned to the ordinance she proposes and to place it on its first reading. Ms. Harrison seconded. Four voted aye. Ms. Zeller and Mr. Brammer opposed. Motion passed 4/2/0

Ms. Sell said the ordinance number will be 2066. She read the ordinance aloud.

There was further discussion. Mr. Weaver said the proposed ordinance breaks at least two federal laws and possibly some state laws. He advised against adopting this ordinance because of the current referendum petition calling for an election on Ordinance 2051, regarding taxis and limos.

(Added by Ms. Hahn – Mr. Weaver said the ordinance in the Municipal Code book is still in effect.)

Mr. Scheunemann moved that Mr. Weaver should take the ordinance home, make corrections and bring it to the Oct. 22 regular Council meeting. Ms. Buchanan seconded.

After additional discussion, Mr. Scheunemann withdrew his motion and Ms. Buchanan withdrew her second.

Ms. Hahn withdrew the motion to read the ordinance.

7. Discussion of rules and procedures

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

There was discussion regarding public comments and public participation in offering items for Council agendas.

No action was taken.

8. Discussion of funding travel expenses to planning seminar.

Ms. Harrison said she bought this topic up to make sure there is enough money available for any Council or Planning Commission member wishing to attend a planning seminar in North Little Rock Oct. 17.

She suggested taking \$750 out of the Building Official's training fund and putting it in the Mayor's budget line item 5530 to cover the expenses.

EXECUTIVE SESSION: Ms. Hahn moved to go into executive session at 10:47 p.m. Mr. Scheunemann

seconded. Mayor Joy said the discussion would be about hiring.

The meeting resumed at 11:05 p.m.

Mayor Joy said the Council had agreed to hire Eddie Davis as a consultant to train two persons within the fire department to potentially run the department. The situation will be evaluated in six months to see what has been accomplished.

Ms. Zeller moved to confirm the Mayor's comments. Mr. Brammer seconded. Five voted aye. Ms. Harrison voted no. Motion passed 5/1/0

AGENDA SETTING: No items presented.

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ADJOURNMENT:

Mr. Brammer moved to adjourn at 11:13 p.m. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular City Council meeting of Monday, Oct. 8, 2007.

Mayor Dani D. Joy

City Clerk-Treasurer Mary Jean Sell

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