

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Aug. 11, 2008, in the jury room on the second floor of the Western District Carroll County Courthouse.

**PRESENT:** Mayor Dani D. Joy, Aldermen Patrick Brammer, Eric Scheunemann, Rae Hahn, Kathy Harrison, Joyce Zeller, City Attorney Tim Weaver, Finance Director Yvonne Kline, Public Works Director Dwayne Allen, Mayor's Assistant Diane Wilkerson.

**PLEDGE OF ALLEGIANCE:** Mayor Joy led the Pledge of Allegiance to the Flag.

**APPROVAL OF THE AGENDA:**

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

Ms. Hahn moved to add a discussion of use of vehicles by department heads. Ms. Harrison seconded. By roll call, Ms. Hahn, Ms. Harrison, Mr. Scheunemann voted aye. Mr. Brammer, Ms. Zeller voted no. Motion failed 3/2/0

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

**APPROVAL OF THE MINUTES:** June 23, 2008 July 28, 2008

**June 23** – Mr. Brammer moved to approve the minutes of the June 23, 2008 regular meeting. Ms. Zeller seconded. Mr. Brammer, Ms. Zeller voted aye. Mr. Scheunemann, Ms. Hahn, Ms. Harrison voted no, because amendments were not added. Motion failed 3/2/0

**July 28** – Mr. Scheunemann moved to approve the minutes of the July 28, 2008, regular meeting. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

**DEPARTMENT HEAD AND COMMISSION REPORTS:**

**Black Bass Dam** – Ms. Hahn said she has asked for a list of dam inspectors/engineers from the Arkansas Natural Resources Commission. Mr. Allen said there is a possibility of some financial assistance with dam repairs from FEMA (Federal Emergency Management Agency). Mr. Allen said a Texas company recommended dam repairs on a “pro bono” basis but between \$1,000 and \$1,500 will go to that company.

Ms. Zeller asked how the dam could be reduced from “high hazard” designation. Mr. Allen said if the dam is historic, it is high hazard.

**PUBLIC AGENDA REQUESTS:**

Rick Bright asked for a discussion and clarification of Ordinance 2060 and the state's Attorney General's opinion regarding bed and breakfasts, cabins and cottages, tourist lodging owners collecting the CAPC (City Advertising and Promotion Commission) tax. He said no city collects taxes on B&Bs, cabins and cottages.

Mr. Grinnell said all the B&Bs here collect the tax.

Ms. Zeller said the state legislature has to make a definition of “lodging.”

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

**Historic District Commission** – Position 6 – expires 3/7/11- Nominee Vicki Webster

Mr. Brammer moved to approve the nomination of Vicki Webster to Position 6 on the HDC. Ms. Zeller seconded. By roll call, Mr. Brammer, Ms. Hahn, Ms. Zeller voted aye. Ms. Harrison voted no. Mr. Scheunemann voted present. Mayor Joy voted aye. Motion passed 4/2/0

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Parks and Recreation Commission – Position 6 – expires 5/01/09

**Planning Commission** – Position 1 - expires 7/1/11 – Nominee Robert “Butch” Berry

Mr. Brammer moved to approve the nomination of Robert “Butch” Berry to Position 1. Ms. Zeller seconded. Six citizens expressed their opinions about Mr. Berry and the need for a full Planning Commission. On the motion, four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Position 2 - expires 1/1/11 Position 3 – expires 7/1/11 Position 7 – expires 7/1/09

CAPC –Position 3 lodging – expires 6/30/11 Position 4 restaurant – expires 6/30/11

CAPC Chairman Richard Grinnell nominated James DeVito for Position 4. Ms. Zeller moved to accept the nomination. Mr. Brammer seconded. Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

**Highway 62 West** – Mr. Scheunemann said information has been presented to the Green Forest City Council this evening regarding the Highway 62 west initiative. He will contact each member of the Council.

**Planning** – Commissioner Ken Pownall presented several maps and said he had been in contact with county officials and representatives of a mapping company regarding the updating of the city’s zoning map and the possibility of developing overlay maps for planning.

**OLD BUSINESS:**

1. **Discussion regarding cleaning up after animals in public areas.** (Hahn)

Ms. Hahn presented information on a variety of containers.

Mr. Brammer moved to postpone discussion to the regular meeting of Sept. 8, 2008. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

2. **Discussion of Carroll County Solid Waste collection rate increases.** (Mayor Joy)

Mayor Joy said Carroll County Solid Waste Director Phil Jackson has sent a proposed contract amendment, including rate increases, for consideration.

Mr. Scheunemann moved to read and consider the proposal. Ms. Harrison seconded. All voted aye. Motion passed 5/0/0

Mayor Joy read the contract amendment aloud.

Mr. Brammer moved to approve the contract amendment. Ms. Harrison seconded. All voted aye. Motion passed 5/0/0

Ms. Hahn moved to take a break. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

**NEW BUSINESS:**

1. **Discussion of proposal for impact fees.** (Harrison, Hahn)

Ms. Harrison moved to postpone discussion to the regular meeting of Sept. 8, 2008. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

2. **Discussion of ordinance amending Municipal Code regarding speed bumps/humps** (Harrison, Hahn)

Ms. Hahn moved to open discussion. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

Mr. Weaver presented an ordinance for consideration that was given the number 2089.

Mr. Scheunemann moved to postpone discussion to the regular meeting of Sept. 8, 2008. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

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**Resolution for engineering study of Black Bass Dam** (Hahn, Harrison)

Ms. Hahn said she had made her report earlier in the meeting.

3. **Discussion of 2007 budget clean-up ordinance.** (Mayor Joy, Fin. Dir. Yvonne Kline)

Mr. Brammer moved to put a number on the ordinance and place it on its first reading. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Mayor Joy said the ordinance number will be 2090. She read the ordinance aloud.

Mr. Brammer moved to approve the first reading of Ordinance 2090. Ms. Zeller seconded. Four voted aye. Mr.

Scheunemann voted present. Motion passed 4/1/0

Mr. Brammer moved to suspend the rules and place Ordinance 2090 on its second reading by title only. Ms. Zeller seconded. By roll call, four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Mayor Joy read the title of Ordinance 2090 aloud.

Mr. Brammer moved to approve the second reading of Ordinance 2090 by title only. Ms. Zeller seconded. By roll call, four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Mr. Brammer moved to suspend the rules and place Ordinance 2090 on its third reading by title only. Ms. Zeller seconded. By roll call, three voted aye. Ms. Harrison voted no. Mr. Scheunemann voted present. Mayor Joy voted aye. Motion passed 4/2/0

Mayor Joy read the title of Ordinance 2090 aloud.

Mr. Brammer moved to approve the third reading of Ordinance 2090 by title only. Ms. Zeller seconded. By roll call, four voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

**AGENDA SETTING:**

Ms. Hahn said she wanted a discussion of the Municipal Code and Municipal League Handbook regarding department heads. Ms. Harrison seconded.

Ms. Harrison said there would be a presentation by Carroll County Judge Richard Williams and 911 Director Candy Bawcom regarding maps and mapping.

Ms. Hahn said she wanted to discuss a limousine ordinance. Ms. Harrison seconded.

**ADJOURNMENT:**

Ms. Hahn moved to adjourn at 8:50 p.m. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the regular meeting Aug. 11, 2008, of the Eureka Springs City Council.

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Mayor Dani D. Joy

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City Clerk-Treasurer Mary Jean Sell CMC