

Mayor Dani Joy read a statement to the public before calling the meeting to order. She reviewed her Dec. 10, 2007, veto of the naming (*Mr. Scheunemann wants "elected" to replace naming*) of Pat Matsukis to take Ward 2 Position 1 council seat. She read aloud an Arkansas Attorney General's opinion from 2004 regarding a mayor's authority to veto council actions. She said the actions of former Mayor, now Alderman Kathy Harrison and Ms. Matsukis this morning in going to Green Forest so Ms. Matsukis could be sworn in as an alderman by the Mayor of Green Forest was an affront to Eureka Springs and to the current city administration. She said although Ms. Matsukis has taken a seat at the council table tonight, she will not be recognized, allowed to participate or vote on issues until the veto measure has been discussed as part of the agenda. She asked Ms. Matsukis to leave the table.

Mayor Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Jan. 14, 2008, in the courtroom on the third floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy, Aldermen Patrick Brammer, Rae Hahn, Kathy Harrison, Eric Scheunemann, Joyce Zeller, City Attorney Tim Weaver, Parks and Recreation Director Bruce Levine and City Clerk-Treasurer Mary Jean Sell. There is one vacancy on the Council.

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. Ms. Zeller seconded.

Ms. Hahn asked to have Mr. Weaver report on the city hall rent situation as Old Business Item #3.

Mr. Scheunemann said he would like to make a report on C.A.R.E.S. during committee reports.

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

APPROVAL OF THE MINUTES: Dec. 10, 2007

Mr. Scheunemann moved to approve the minutes of the regular City Council meeting of Dec. 10, 2007. Mr. Brammer seconded. Four voted aye. Ms. Harrison did not vote. Motion passed 4/0/0

STATE OF THE CITY ADDRESS:

Mayor Joy said she was postponing the first part of her State of the City Address and would give the entire statement during the meeting of Jan. 28.

DEPARTMENT HEAD AND COMMISSION REPORTS:

Parks – Mr. Levine said he has received a memo that his request for a state grant has been denied. He has applied for another grant and needs a resolution of support. He would like to hold the \$15,000 approved by the Council in anticipation of the second grant award. He said the resolution could wait until the meeting of Jan. 28 for action. City

Council 1/14/08 1

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Cemetery - Position 5, expiring 2/15/08 Mayor Joy nominated Mary Ann Pownall.

Historic District Commission – Position 2 – expires 11/30/10 Position 6 – expires 3/7/08

Transportation Committee – Ms. Matsukis said the next meeting will be Jan. 21.

Highway 62 Committee – Mr. Scheunemann said he has met with the Berryville City Council and received favorable comments on the consensus agreement. He will prepare a resolution for adoption.

C.A.R.E.S. – Mr. Scheunemann said he has met with C.A.R.E.S. (Citizen Awareness Regarding Eureka Springs)

three times. He said major points of discussion have been: the Council needs a better meeting space; the A&P tax needs to be reviewed by the Council; reconsideration of Ordinance 2068 regarding removal of commission members should be postponed; city e-mail addresses should be provided for all Council and commission members; the Council needs a report on the status of the requests of the Planning Commission; the taxi and limousine ordinance should be discussed; and to have Alderman Zeller appointed to the City Advertising and Promotion Commission (CAPC).

Ms. Zeller asked the Mayor to ask Ms. Matsukis to change seating position with Mr. Scheunemann. (He was sitting behind Ms. Zeller, not at the table.) Ms. Matsukis called for a point of order. Ms. Matsukis relinquished her chair at the table to Mr. Scheunemann.

PUBLIC COMMENTS:

Beverly Blankenship said the trip to Green Forest was an attempt to circumvent the system and defined it as an attempt to perpetrate a fraud upon the court. She said legal action should be taken.

Alvin Byrd said he would like to see some new blood elected as mayor pro tem. He would like to see business people from the Council appointed to the CAPC.

Micky Schneider said she has asked for a discussion of council protocol behavior. She is shocked and astounded at the recent behavior of council members.

OLD BUSINESS:

1. Discussion of Ordinance 2070 regarding occupation licenses (Mayor) 3rd reading

Mr. Brammer moved to suspend the rules and place Ordinance 2070 on its third reading by title only. Mr. Scheunemann seconded. By roll call, all voted aye. Motion passed 5/0/0

Mayor Joy read the title of Ordinance 2070 aloud.

Mr. Brammer moved to approve Ordinance 2070 on its third reading by title only. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0

2. Discussion of Ordinance 2072 regarding cable tv franchise agreement (Mayor) (3rd reading)

Mr. Brammer moved to suspend the rules and place Ordinance 2072 on its third reading by title only. Ms. Hahn seconded. By roll call, all voted aye. Motion passed 5/0/0

Mayor Joy read the title of the Ordinance 2072 aloud.

Mr. Brammer moved to approve Ordinance 2072 on its third reading by title only. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0 **City Council 1/14/08 2**

3. Discussion of the proposed lease for the City Hall space in the Western District Carroll County

Courthouse.

(Note: Carroll County Judge Richard Williams has notified Mayor Joy that the rental fee will be raised from \$720 per month to \$1,440.)

Mr. Weaver said he has asked Carroll County Prosecutor Tony Rogers to review the documentation of the history of the city's involvement with the courthouse and the rental agreements. Mr. Williams has said he may be retaining another lawyer for the issue.

Ms. Harrison asked why the city has stopped paying the rent. Mayor Joy said the contract agreement expired in November and she could not pay rent without a contract.

NEW BUSINESS:

1. Discussion of Mayor's veto of the appointment of Pat Matsukis to Ward 2,

Position 1

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

Mayor Joy again cited the attorney general's opinion saying the mayor has veto power.

She said she has discussed the matter with Municipal League Attorney David Schoen and he agrees with the attorney general.

Ms. Hahn, Ms. Harrison, Mr. Scheunemann disagreed with the opinions. They offered their own polls from citizen comments as to who should be appointed to the vacant council seat.

Mr. Weaver said the council members were incorrect in their opinions and he believed the courts would uphold the attorney general's opinion and the veto.

Several citizens spoke about the issue and the actions of Ms. Harrison and Ms. Matsukis.

Ms. Zeller moved to override the mayor's veto. Ms. Harrison seconded. By roll call, Mr. Scheunemann, Ms. Hahn and Ms. Harrison voted aye. Ms. Zeller and Mr. Brammer voted no. Motion failed 3/2/0

2. Year in Review (Citizen Request – Deborah Stroup)

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

Mr. Scheunemann reviewed his own actions throughout the year, including respecting citizens, calling attention to errors, applauding the work of the citizens who brought two ordinances to a referendum vote.

Ms. Hahn began a review of ordinances approved. She said the community needs more town hall meetings and meetings of aldermen with residents of their wards. She wants the Council to be more informed about city projects, including sewer projects on the west side of town.

Ms. Zeller reviewed her work with the CAPC, including volunteering to serve as director for several months. She was involved with the hiring of publicist Ken Rundell and director Jim Williams and feels confident in the future.

Mr. Brammer said if he didn't believe in an ordinance, he wouldn't vote for it, he would vote no. He said that is his biggest accomplishment.

Ms. Harrison said she has made an effort to follow the rules and the law.

City Council 1/14/08 3

3. Discussion of changing form of government (Citizen Request – Joe Zickmund)

No one spoke to the issue.

4. Discussion of regular meeting dates and time for 2008

Mr. Brammer moved to continue with the current schedule – 6 p.m. on the second and fourth Mondays of each month. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

5. Election of mayor pro tem/vice-mayor

Ms. Hahn moved to keep Ms. Harrison as mayor pro-tem. Mr. Scheunemann seconded. By roll call, Ms. Hahn, Ms. Harrison and Mr. Scheunemann voted for Ms. Harrison. Mr. Brammer and Ms. Zeller voted no. Motion failed 3/2/0

Ms. Zeller nominated Patrick Brammer. Mr. Brammer seconded. By roll call, Mr. Brammer and Ms. Zeller voted aye. Ms. Hahn, Ms. Harrison, Mr. Scheunemann voted no. Motion failed 2/3/0

6. Appointment of CAPC members from Council

Mr. Brammer nominated Ms. Zeller. Mr. Scheunemann seconded. By roll call, Ms. Zeller, Mr. Scheunemann, Ms. Hahn and Mr. Brammer voted aye. Ms. Harrison voted no. Motion passed 4/1/0

Ms. Hahn nominated Ms. Harrison. Ms. Harrison said she did not want to serve.

Ms. Harrison nominated Ms. Hahn. Mr. Scheunemann seconded. Mr. Scheunemann and Ms. Harrison voted aye. Ms. Zeller and Mr. Brammer voted no. Ms. Hahn recused. Motion failed 2/2/1

Mr. Brammer nominated Mayor Joy. Ms. Zeller seconded. Ms. Zeller, Mr. Scheunemann, Mr. Brammer voted aye. Ms. Harrison and Ms. Hahn voted no. Mayor Joy said she would follow the precedent set last year by former Mayor Harrison and voted for herself. Motion passed 4/2/0

AGENDA SETTING:

Ms. Harrison said she would like to have a discussion of the new streamlined sales tax on the next agenda. Mr.

Brammer seconded.

Ms. Hahn said she would like to add a discussion of Ordinance 2069 to reconsider clarifying the taxi definition. Ms. Harrison seconded.

Ernest Schrader said he would like to have representatives from the Quorum Court present for the next meeting's discussion of the city hall rental rate increase.

Lany Ballance asked the Mayor to have the city comply with recommendations in a letter of Dec. 5, 2007, from Fred J. Morgan, P.E., water resources engineer with the Arkansas Natural Resources Commission, to bring Black Bass Dam into compliance. She also requests a discussion on how to maintain an atmosphere of decorum during meetings.

ADJOURNMENT:

Mr. Brammer moved to adjourn at 8:12 p.m. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of Jan. 14, 2008.

City Clerk Treasurer Mary Jean Sell CMC

Mayor Dani D. Joy