

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, July 14, 2008, in the jury room on the second 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, Finance Director Yvonne Kline, Building Official Marion Chrysler, Public Works Director Duane Allen, Fire Chief Eddie Davis, Parks Director Bruce Levine, Michael Moyers, attorney with Friday, Eldredge and Clark of Little Rock, investment consultant Dennis Hunt of Stephens, Inc. of Fayetteville, and Mayor's Assistant Diane Wilkerson.

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 moved New Business Item #7 refunding the 2002 water and sewer bond issue to the first item for discussion. She said New Business Item #3 the proposed ordinance for transportation fuel fee has been tabled to the next Council meeting, July 28.

Ms. Hahn moved to approve the agenda as amended. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

APPROVAL OF THE MINUTES: June 23, 2008

Mr. Scheunemann moved to approve the minutes of the regular City Council meeting of Monday, June 23, 2008. Ms. Zeller seconded.

Mr. Scheunemann had several suggestions for changes in the minutes.

On the motion to approve the minutes as amended, three voted aye. Ms. Zeller and Mr. Brammer voted no. Motion failed 3/2/0

NEW BUSINESS:

1. **Discussion of refunding 2002 water and sewer bond.** (Mayor Joy)

Mr. Hunt explained the proposal for refunding the 2002 water and sewer bond which will save the city approximately \$74,000.

Mr. Moyers presented the ordinance.

Mr. Brammer moved to give the ordinance number 2088. Mr. Scheunemann seconded. Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Mr. Brammer moved to place Ordinance 2088 on its first reading in its entirety. There was no second.

Mr. Brammer moved to place Ordinance 2088 on its first reading by title only. Ms. Hahn seconded. By roll call, Ms. Hahn, Ms. Zeller, Mr. Brammer voted aye. Ms. Harrison voted no. Mr. Scheunemann voted present. Mayor Joy voted aye. Motion passed 4/2/0

Mr. Moyer read the title of Ordinance 2088 aloud.

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Mr. Brammer moved to approve Ordinance 2088 on its first reading 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 place Ordinance 2088 on its second reading by title only. Ms. Zeller seconded. By roll call, Ms. Hahn, Ms. Zeller, Mr. Brammer voted aye. Ms. Harrison voted no. Mr. Scheunemann voted present. Mayor Joy voted aye. Motion passed 4/2/0

Mr. Moyer read the title of Ordinance 2088 aloud.

Mr. Brammer moved to approve Ordinance 2088 on its second reading by title only. Ms. Zeller seconded. By roll call, Ms. Hahn, Ms. Zeller, Mr. Brammer voted aye. Ms. Harrison voted no. Mr. Scheunemann voted present. Mayor Joy voted aye. Motion passed 4/2/0

Mr. Brammer moved to place Ordinance 2088 on its third reading by title only. Ms. Zeller seconded. By roll call, Ms. Hahn, Ms. Zeller, Mr. Brammer voted aye. Ms. Harrison voted no. Mr. Scheunemann voted present. Mayor Joy voted aye. Motion passed 4/2/0

Mr. Moyer read the title of Ordinance 2088 aloud.

Mr. Brammer moved to approve Ordinance 2088 on its third reading by title only. Ms. Zeller seconded. By roll call, Ms. Hahn, Ms. Zeller, Mr. Brammer voted aye. Ms. Harrison voted no. Mr. Scheunemann voted present. Mayor Joy voted aye. Motion passed 4/2/0

Mr. Brammer moved to read the emergency clause. Ms. Zeller seconded. By roll call, Ms. Hahn, Ms. Zeller, Mr. Brammer voted aye. Ms. Harrison voted no. Mr. Scheunemann voted present. Mayor Joy voted aye. Motion passed 4/2/0

Mr. Moyer read the emergency clause aloud.

DEPARTMENT HEAD AND COMMISSION REPORTS

Building – Ms. Chrysler said she thought the Public Works Department should determine and collect capacity fees because the revenue goes to that department.

Parks – Mr. Levine reported facilities in place for recycling cans at Lake Leatherwood Park and Lake Leatherwood Fields. He asked that the discussions of artists and musicians in Basin Spring Park be handled by the Parks Commission.

Public Works – Mr. Allen reported FEMA (Federal Emergency Management Agency) has been here to see what damage was done to the city during the storms in March and April. A determination of possible funding for repairs has not been made.

He reported on the cost of speed humps. He said the current city ordinance restricts the dimensions of speed bumps and would have to be changed to allow for speed humps.

Ms. Harrison moved to amend the existing ordinance to allow for speed humps. Ms. Hahn seconded. All voted aye. Motion passed 5/0/0

Black Bass Dam Committee – Ms. Hahn reported on a letter from the director of Arkansas Natural Resources (ANR) to County Judge Richard Williams regarding the condition, status and safety of Black Bass Dam. The letter recommends the hiring of a professional engineer to examine the dam to make recommendations for repairs.

Mr. Scheunemann moved to have Ms. Hahn and Ms. Harrison bring a resolution to the Council regarding an engineering study and repair cost estimates. Ms. Harrison seconded. All voted aye.

PUBLIC COMMENTS:

Comments were taken from David Bland, Steven Gary, Melissa Greene and Michelle McDonald.

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COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Historic District Commission – Position 6 – expires 3/7/11 Mayor Joy re-nominated Vicki Webster.

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

Planning Commission – Position 1 - expires 7/1/11 Position 2 - expires 1/1/11

Position 3 – expires 7/1/11 Position 7 – expires 7/1/09 There was a discussion about naming Greg Hughes to the Commission. He made a brief statement and answered some questions.

Ms. Hahn moved to postpone his nomination. Ms. Harrison seconded. By roll call, Ms. Hahn and Ms. Harrison voted aye. Mr. Brammer and Ms. Zeller voted no. Mr. Scheunemann voted present. Motion failed 2/3/0

Mr. Brammer moved to appoint Mr. Hughes to the Planning Commission. Ms. Zeller seconded. By roll call, Mr. Brammer and Ms. Zeller voted aye. Ms. Hahn and Ms. Harrison voted no. Mr. Scheunemann voted present. Motion failed 3/2/0

Mayor Joy said Robert “Butch” Berry has applied for the Planning Commission.

OLD BUSINESS:

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

Ms. Hahn moved to discuss. Mr. Brammer seconded. Four voted aye. Ms. Zeller voted

no. Motion passed 4/1/0

Mayor Joy said she had not been able to research any type of equipment to help the public that could be installed around town.

Ms. Hahn moved to postpone discussion until information about equipment is available. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

Ms. Hahn moved at 7:45 p.m. to take a break. Mr. Scheunemann seconded. All voted aye. Meeting resumed at 8:02 p.m.

NEW BUSINESS:

1. **Discussion of Ordinance 2086 referring question of four year staggered terms for city council members to general election.** (Harrison)

Ms. Hahn moved to discuss. Mr. Brammer seconded. Four voted aye. Ms. Zeller voted no. Motion passed 4/1/0

Ms. Zeller said citizens who have contacted her do not want four year terms without a recall process.

Ms. Hahn said she would never include a recall provision as part of an action to set up four year staggered terms.

Mr. Scheunemann quoted state law A.C.A. 14-42-109 saying there are provisions for removing elected officers for misfeasance, and malfeasance.

Jeff Feldman, president of the Greater Eureka Springs Chamber of Commerce, presented a statement from the Chamber's Board of Directors asking that this discussion not be held until a full Council is present.

Comments were taken from Tori Bush and Mickey Schneider.

Mr. Brammer suggested delaying any action until the first Council meeting in January of

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2009 when a new Council will be in place. There was no second.

Ms. Zeller moved to postpone the discussion until sometime in 2009. Mr. Brammer seconded. By roll call, Mr. Brammer, Mr. Scheunemann, Ms. Zeller voted aye. Ms. Harrison and Ms. Hahn voted no. Mayor Joy voted aye. Motion passed 4/2/0

2. **Discussion of Ordinance 2087 calling for election on whether or not to have four year staggered terms for city council members.** (Harrison)

Ms. Zeller moved to postpone discussion of an election on staggered terms until sometime in 2009. Mr. Brammer seconded. By roll call, Mr. Brammer, Mr. Scheunemann, Ms. Zeller voted aye. Ms. Harrison and Ms. Hahn voted no. Mayor Joy voted aye. Motion passed 4/2/0

3. **Discussion of sign ordinance.** (Hahn)

Ms. Hahn moved to discuss. Ms. Harrison seconded. Four voted aye. Ms. Zeller voted no.

Motion passed 4/1/0

Ms. Hahn asked if the proper procedures had been followed before the Transit Department banner was put up at the intersection of Spring and Main streets.

Ms. Harrison said the banner did not refer to a special event.

Mayor Joy said the department heads had discussed the matter and determined that it is in the best interest for the peace, health and safety of persons in the city to encourage riding of the trolleys to help lower the fuel emissions level in town and traffic problems.

4. **Discussion of regulations for musicians, artists in Basin Park.** (Scheunemann,

Harrison)

Vicki Rose asked questions about the regulations in the city ordinances and there was some discussion.

Ms. Harrison moved to postpone the discussion until Ms. Rose's questions were answered. There was no second.

Mr. Scheunemann moved to postpone the discussion until the regular Council meeting of July 28. Ms. Harrison seconded. All voted aye. Motion passed 5/0/0

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

Ms. Hahn moved to discuss. Mr. Scheunemann seconded. All voted aye. Motion passed

5/0/0

There was some general discussion about impact fees, their purpose, who should have to pay them.

Mr. Brammer asked to have another committee meeting. Ms. Harrison set a meeting for 9 a.m. Wednesday, July 16.

Mr. Scheunemann moved to postpone discussion to the July 28 regular Council meeting. Mr. Brammer seconded.

All voted aye. Motion passed 5/0/0

AGENDA SETTING:

Ms. Harrison asked about a mid-year budget review meeting. She said the resolutions for the engineering study of Black Bass Dam and speed humps should be on the agenda.

Ms. Hahn said she wants a discussion of department heads use of city vehicles.

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Ms. Zeller said an amendment to the city's budget is needed to appropriate \$32,000 to the City Advertising and Promotion Commission (CAPC) for having the restrooms at the City Auditorium cleaned.

ADJOURNMENT:

Mr. Brammer moved to adjourn at approximately 10 p.m. Ms. Hahn seconded. All voted aye.

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

Mayor Dani D. Joy

City Clerk-Treas. Mary Jean Sell CMC

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