

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

APRIL 13, 2009

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 13, 2009, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy, Aldermen Robert "Butch" Berry, Beverly Blankenship, Patrick Brammer, James DeVito, Rob Wagner, Joyce Zeller, City Attorney Tim Weaver, Mayor's Assistant Diane Wilkerson and City Clerk-Treasurer Mary Jean Sell CMC.

Rudy Sanchez gave the invocation.

Mayor Joy proclaimed Child Abuse Prevention Month, focusing on the work of the Merlin Foundation and Dr. Merlin Leach.

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. DeVito seconded.

Ms. Blankenship moved to add the minutes of the special meeting April 8. Mr. Brammer seconded. She also added the amended minutes of March 9. Mr. Berry seconded.

Mr. Berry asked to add the discussion of the purchase of a backhoe for the Public Works Department as New Business Item #4.

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

APPROVAL OF THE MINUTES: March 23, 2009 March 9, 2009, April 8, 2009.

March 9 – Mr. DeVito moved to approve the amended minutes of the regular City Council meeting of March 9, 2009. Mr. Wagner seconded. All voted aye. Motion passed 6/0/0

March 23 – Mr. DeVito moved to approve the minutes of the regular meeting of the City Council of March 23. Mr. Berry seconded. Ms. Blankenship noted there had been no time for discussion of the resolution supporting the Domestic Partnership Registry (DPR). All voted aye. Motion passed 6/0/0

April 8 – Mr. DeVito moved to approve the minutes of the special meeting of the City Council on April 8. Mr. Berry seconded. Ms. Blankenship noted the meeting was called to discuss a disciplinary action for a city employee, not a "personnel problem." Mr. Brammer corrected the heading to list the meeting happening on a Wednesday, not a Monday. On the motion to approve the amended minutes, all voted aye. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

CAPC - Report on condition of City Auditorium by Don Spann, consultant

Chairman Richard Grinnell introduced Mr. Spann and Bill Hodge. Mr. Spann gave a detailed review of the facilities study from the bottom floor to the roof of the City Auditorium. The report includes recommendations for maintenance and repair projects.

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Parks – Director Bruce Levine said the Parks and Recreation Commission has taken bids for the construction of the bathroom in Harmon Park. Bids ranged from \$19,300 to \$70,000. The low bid of \$19,300 won the contract. Some of the construction labor is being donated.

Mr. Levine said he has talked with J.D. Harris regarding the building Mr. Harris built partially on city property above and behind 184 N. Main St. Three surveys of the area have been done. The latest survey shows a portion of the building to be on an alley going from Angle St. to Main St. The alley is a crucial part of an urban trail system under development.

HDC – Mayor Joy said she is withdrawing the nomination of Greg Moon.

Cemetery – Mayor Joy re-nominated Bennie Clark to Position 2, expiring 2/15/12.

Public Works – Director Dwayne Allen reported the results of a recent inspection at the wastewater treatment plant on Highway 23 North. The report says the collection system is operating perfectly. Mr. Allen said 15,000 cubic yards of

material have been picked up as a result of the late January ice storm.

PUBLIC COMMENTS:

Kathy Hughes presented a proposal with alternate suggestions for outdoor art and activities in the city.

Deborah Stroup said the Artery is important to the community but she is opposed to someone running it who doesn't live in town.

OLD BUSINESS:

1. Discussion of the Artery on First Street

Mr. Wagner moved to discuss. Mr. DeVito seconded.

Mr. Weaver said he has met with James Yale, partner and husband of Charlotte Buchanan, founder and director of the Artery. Mr. Yale presented a lengthy proposed contract for continued use of the wall and space on First Street. Mr. Weaver asked for guidance from the Council members on what types of conditions they might want included in a contract.

Mr. DeVito moved to table the discussion and to have the attorney provide a list of the proposed contract conditions to the Council. Mr. Wagner seconded. During discussion, Mr. DeVito suggested a workshop with all involved. On the motion, all voted aye. Motion passed 6/0/0

2. Discussion of sidewalks

Mr. Wagner moved to open discussion. Mr. Brammer seconded. Five voted aye. Mr.

DeVito voted no. Motion passed 5/1/0

Ms. Zeller gave a brief report from the Sidewalk Committee.

NEW BUSINESS:

1. Discussion of outdoor lighting

Mr. Berry moved to open discussion. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

Council has asked the Planning Commission to review the proposed ordinance presented by a citizen and make recommendations.

Mr. DeVito moved to table the discussion. Mr. Wagner seconded. All voted aye. Motion passed 6/0/0

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2. Discussion of Leatherwood Bridge proposed annexation

Mr. DeVito moved to open discussion. Mr. Wagner seconded. All voted aye. Motion passed 6/0/0

Mayor Joy said the state is ready to tear down the old Leatherwood Bridge near the entrance to Lake Leatherwood City Park. Former Mayor Kathy Harrison had told the Arkansas Highway Department (AHTD) in late 1997 that the city would take over the maintenance of the bridge once the new highway construction was completed.

Mayor Joy said AHTD has made recent repairs to the bridge and it is "up to code."

In order for the city to annex the bridge property, it will have to be released by the Carroll County Quorum Court and given to the city. The City Council will have to approve an ordinance accepting the property.

Ms. Blankenship moved to annex the Leatherwood Bridge property contingent on the Quorum Court's authorization. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Mr. DeVito moved to recess at 7:50 p.m. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0 Meeting resumed at 8:05 p.m.

3. Discussion of proposed sign ordinance

Mr. DeVito moved to open discussion. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Planning Commission Chairman Ken Pownall said the sign ordinance has been re-written to incorporate Ordinances 2026 and 2037 amending the sign ordinance, to clarify some points and to add some points.

Mr. Berry said he has comments and questions in the ordinance draft.

Ms. Blankenship moved to set up a workshop with the council and commission. Mr. Wagner seconded. All voted aye. Motion passed 6/0/0

4. Discussion of purchase of backhoe for Public Works Department.

Mr. Allen said he needed additional equipment to continue and complete the city-wide clean up from the ice storm Jan. 27-29. He said he was only able to find one dealer with the backhoe he was looking for. He said he has leased the backhoe with intent to purchase.

Mr. Weaver presented an ordinance approving of the purchase.

Ms. Blankenship moved to give the ordinance a number (2099) and to put the ordinance on its first reading. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Ordinance 2099 aloud.

Mr. Brammer moved to approve Ordinance 2099 on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Ms. Blankenship moved to suspend the rules and place Ordinance 2099 on its second reading by title only. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0

Ms. Sell read the title of Ordinance 2099 aloud.

Mr. Brammer moved to approve Ordinance 2099 on its second reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 6/0/0

Mr. Brammer moved to suspend the rules and place Ordinance 2099 on its third reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 6/0/0

Ms. Sell read the title of Ordinance 2099 aloud.

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Ms. Blankenship moved to amend Ordinance 2099 by correcting typographical errors. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Mr. Brammer moved to approve Ordinance 2099 as amended on its third reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 6/0/0

Ms. Blankenship moved to read the emergency clause in Ordinance 2099. By roll call, all voted aye. Motion passed 6/0/0

Ms. Sell read the emergency clause aloud.

MAYOR'S COMMENTS:

Mayor Joy said she has a proposal from John Cross to provide parking for city hall employees in his parking lot on Benton St. and freeing up the spaces around the courthouse to allow visitor parking.

ADJOURNMENT:

Mr. Wagner moved to adjourn at 8:40 p.m. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of Monday, April 13, 2009.

APPROVED:

ATTESTED:

Mayor Dani D. Joy

City Clerk-Treasurer Mary Jean Sell, CMC

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