

# CITY OF EUREKA SPRINGS

CITY COUNCIL

## REGULAR MEETING

MONDAY

APRIL 27, 2009

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 27, 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, Northwest Arkansas Economic Development District Grants Administrator Jay Stallard and City Clerk-Treasurer Mary Jean Sell CMC.

David Kline gave the invocation.

Mayor Joy proclaimed May 1, 2009, as Silver Star Banner Day honoring Silver Star Families and those who have members in the Armed Forces.

### PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Joy led the Pledge of Allegiance to the Flag.

### APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve the agenda. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

### APPROVAL OF THE MINUTES: April 13, 2009

Mr. DeVito moved to approve the minutes of the regular Eureka Springs City Council meeting of April 13, 2009. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

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

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

HDC – Position 5 – expires 11/30/11 Mayor Joy nominated Greg Moon.

**Cemetery** – Position 2 expires 2/15/12 Bennie Clark nominated for re-appointment Ms. Blankenship moved to approve Bennie Clark for reappointment to Position 2 on the Cemetery Commission. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

**Chamber of Commerce** – Director Jeff Feldman gave a brief overview of the "Welcome to Arkansas," a statewide customer service improvement initiative in partnership with the Arkansas Department of Parks and Tourism and the Eureka Springs Mayor's Tourism Task Force. He distributed copies of the program outline.

**Stimulus Funds** – Transit Director Lamont Richie said it appears that the transit department may be in line for \$2.2 million in stimulus funding.

**Emergency Plan Proposal** – Mr. Richie and Police Chief Earl Hyatt explained the emergency plan proposal for the city. Chief Hyatt said the information in the plan would be updated on a quarterly basis.

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### PUBLIC HEARING TO CLOSE OUT CRESCENT HOTEL WATER LINE PROJECT

**(Note:** On July 23, 2007, Jay Stallard, grants administrator for the Northwest Arkansas Economic Development District in Harrison, presented Resolution 542 authorizing the application for a grant, and four companion resolutions that will be part of the grant application paper work.

The application is for \$183,667 to upgrade the city's water system between Spring and Prospect Ave. The system would be expanded to serve the Crescent Park condominium project and to loop existing water lines for better service. This would be the first project of this type in the state, according to Mr. Stallard.

The area proposed for the entire project is property owned by Martin and Elise Roenigk that is west of the front parking lot, going downhill to Spring Street, bounded on the west by Glen Ave./Ellis Grade. The lower boundary is Spring Street to Grotto Spring. The proposal is to construct 19 buildings with 40 living units as condominium units. When the owners are not in residence, the units will be rented by the Crescent Hotel.)

Mr. Stallard reported tonight that the water line project had been completed as planned. Although 25-27 jobs were to have been created by the Crescent Hotel owners, only 10 have materialized. He does not anticipate the remaining jobs will be created or filled. Mr. Stallard said the national economic downturn had an effect on the entire project. Only two of the proposed buildings have been constructed to date.

Comments were taken from one citizen.

#### **PUBLIC COMMENTS:**

Comments were taken from six individuals, five supporting the Artery on First Street, and one discussing replacing of limestone sidewalks.

#### **OLD BUSINESS:**

##### **1. Discussion of the Artery on First Street**

Mr. Wagner moved to open discussion. Ms. Blankenship seconded. All voted aye.

Motion passed 6/0/0

Mr. Wagner said he is unhappy with the proposed contract and asked for more time to study it.

Ms. Zeller agreed and said Eureka Springs needs an arts council to oversee the selection of panels for the Artery.

Mr. Brammer asked that a portion, perhaps five percent, of the profits from sale of the panels be put into an account to repair the wall.

Mr. DeVito said there have been no statements regarding the integrity of the wall. He does not agree that an arts council is needed. He is not in favor of delaying the signing of a contract with Director Charlotte Buchanan.

After additional discussion, Mr. Wagner moved to table the item. Ms. Zeller seconded. Four voted aye. Ms. Blankenship and Mr. Berry voted no. Motion passed 4/2/0

##### **2. Discussion of Leatherwood Bridge proposed annexation**

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

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Mr. Weaver said he has not yet received a legal description of the land/bridge. He has talked to County Prosecutor Tony Rogers. He would like for the landowners to petition the city for annexation. Mr. Weaver hopes to have the matter on the Carroll County Quorum Court's agenda in late May.

Mr. Brammer moved for a ten-minute recess at 7:37 p.m. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0 Meeting resumed at 7:50 p.m.

##### **3. Discussion of proposed sign ordinance**

Ms. Blankenship moved to put a number (2100) on the ordinance and place it on its first reading. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Ordinance 2100 dealing with off-site signs aloud.

Mr. Brammer moved to approve the first reading of Ordinance 2100. Ms. Blankenship seconded.

Ms. Blankenship moved to amend Sec. 1 citation from 7.53 to 7.52. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

On the motion to approve the first reading of Ordinance 2100 as amended, all voted aye. Motion passed 6/0/0

Mr. Berry moved to extend the current moratorium on new off-site signs 45 days from tonight. Mr. DeVito seconded. Five voted aye. Ms. Blankenship voted no. Motion passed 5/1/0

Mr. Brammer moved to suspend the rules and place Ordinance 2100 on its second reading by title only. Mr. DeVito seconded. By roll call, Mr. DeVito, Mr. Berry, Mr. Wagner, Ms. Zeller and Mr. Brammer voted aye. Ms. Blankenship voted no. Motion passed 5/1/0

Ms. Sell read the title of Ordinance 2100 aloud.

Mr. Brammer moved to approve the second reading of Ordinance 2100 by title only. Mr. DeVito seconded. Five voted aye. Ms. Blankenship voted no. Motion passed 5/1/0

#### **NEW BUSINESS:**

##### **1. Discussion of ordinance for adoption of city emergency plan**

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

Ms. Blankenship moved to give the ordinance a number (2101) and to place it on its first reading. Mr. Wagner seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Ordinance 2101 aloud.

Mr. Brammer moved to approve the first reading of Ordinance 2101. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

**2.Discussion of ordinance regarding group tour franchises**

Mr. DeVito moved to table the ordinance. Mr. Berry seconded. Mr. DeVito rescinded his motion. Mr. Berry rescinded his second.

Mr. DeVito moved to table the ordinance to the next regular meeting, Monday, May 11.

Mr. Berry seconded. By roll call, all voted aye. Motion passed 6/0/0

**MAYOR'S COMMENTS:**

Mayor Joy said AEP/SWEPCO has given the city a \$500 grant to purchase replacement

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trees for some of those lost in the Jan. 26-27, 2009, ice storm.

**ADJOURNMENT:**

Mr. DeVito moved to adjourn at 8:23 p.m. Mr. Berry 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 Monday, April 27, 2009.

APPROVED:

ATTEST:

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Mayor Dani D. Joy

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City Clerk-Treasurer Mary Jean Sell CMC

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