

# CITY OF EUREKA SPRINGS

CITY COUNCIL

## REGULAR MEETING

MONDAY

AUGUST 24, 2009

Mayor Pro Tem Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Aug. 24, 2009, in the jury room on the second floor of the Western District Carroll County Courthouse.

**PRESENT:** Mayor Pro Tem Robert "Butch" Berry, Aldermen Beverly Blankenship, Patrick Brammer, James DeVito, Rob Wagner, Joyce Zeller, City Attorney Tim Weaver, Finance Director Yvonne Kline and City Clerk-Treasurer Mary Jean Sell CMC.

### PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pro-Tem Berry led the Pledge of Allegiance to the Flag.

### APPROVAL OF THE AGENDA:

Mr. Brammer moved to approve the agenda. Mr. DeVito seconded.

Mr. Wagner asked for a discussion of The Artery contract to be added as New Business Item #2. Ms. Zeller seconded.

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

### APPROVAL OF THE MINUTES: July 27, 2009 Aug. 10, 2009

**July 27** – Mr. DeVito moved to approve the minutes of the regular City Council meeting of July 27, 2009, as presented. Mr. Wagner seconded. Four voted aye. Mr. Wagner abstained. Motion passed 4/0/1

**Aug. 10** – Mr. Wagner moved to approve the minutes of the regular City Council meeting of Aug. 10, 2009, as presented. Mr. DeVito seconded. Four voted aye. Ms. Blankenship abstained. Motion passed 4/0/1

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

**Planning** - Position 2 - expires 1/1/11 Chairman Ken Pownall gave a brief report on the current projects for the Commission, including workshops and scheduled public hearings.

HDC – Position 3 – expires 11/30/11 Position 6 – expires 03/07/11

**Parks** – Director Bruce Levine introduced Dr. Phil Hayes of the U.S. Geological Survey (USGS) who presented a request for funding of a survey of city springs to identify contaminants, water character and quality. Levine asked for \$2,500 from the Council to put with additional monies from private contributors to match the USGS offer of \$6,000.

(Note: The Council took no action on the request, but during the approval of the mid-year budget adjustments, they noted the \$2,500 was included in the capital funds.)

**Public Works** – Mayor Berry read aloud a memo from Public Works Director Dewayne Allen regarding costs of street repairs, including Spring Street, the Upper Loop, Magnetic Road a low water bridge and new culvert on Mill Hollow, and possibly overlay paving portions of Council and Hale Streets.

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### PUBLIC COMMENTS:

Two citizens spoke about sidewalks and sidewalk surfaces.

### OLD BUSINESS:

#### 1. Discussion of Ordinance 2107, mid-year budget adjustments. 3rd reading

Mr. Brammer moved to suspend the rules and place Ordinance 2107 on its third reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 5/0/0

Ms. Sell read the title of Ordinance 2107 aloud.

Ms. Blankenship suggested adding in the FEMA (Federal Emergency Management Agency) reimbursement of \$200,000 and the expenses of \$8,617 when the city hall sustained a lightning strike. She moved to show increases and decreases in several account lines: to delete line 10-00-4502 FEMA decrease; 10-00-5590 expenses increased by \$200,000; 12-00-4115 transferring in \$10,000; 12-00-4052 decreasing by \$30,000; 12-10-5800 showing capital reserves at \$8,617; increasing 10-01-5572, professional services, increase of \$15,000. Mr. Brammer seconded. All voted aye. Motion

passed 5/0/0

Mr. Wagner moved to approve Ordinance 2107 as amended. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

## **2. Discussion of repair of City Auditorium parapets**

City Advertising and Promotion Commission (CAPC) Director Jim Williams said the Council had allocated \$15,000 for repair the parapets. He has a cost of \$11,900 to replace/repair the metal coping. He wants to refer the project to the Public Works Department.

## **NEW BUSINESS:**

### **1. Discussion of proposed amendment to sidewalk ordinance.**

Mr. Brammer moved to open the discussion. Mr. Wagner seconded.

Mr. Berry said the issue was brought up at the last Council meeting and had been sent to the Planning Commission for recommendations. The Commission is holding a public hearing on Sept. 10 and the Council should have a report for the meeting of Sept. 14.

Mr. Brammer moved to postpone further discussion until the next regular Council meeting, Sept. 14. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

### **2. Discussion of The Artery**

Mr. Wagner moved to open the discussion. Ms. Zeller seconded. Three voted aye. Mr. Brammer and Ms. Blankenship voted no. Mayor Pro Tem Berry voted aye to approve the motion. Motion passed 4/2/0

Mr. Weaver said he had not heard from Charlotte Buchanan, director of The Artery, and he had not been able to contact her. He sent a registered letter to her on Aug. 11. He said Ms. Buchanan signed for the letter on Aug. 14 but has not responded.

Ms. Blankenship moved to put the item on the Sept. 14 agenda. Mr. DeVito seconded. Ms. Blankenship and Mr. DeVito voted aye. Ms. Zeller, Mr. Brammer, Mr. Wagner and Mayor Pro-Tem Berry voted no. Motion failed 2/4/0

Mr. DeVito moved to schedule a regular meeting for 6 p.m. Friday, Sept. 4. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

Ms. Blankenship moved to postpone discussion of The Artery to the Sept. 4 regular meeting. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0 **City Council 8/24/09 2**

## **EXECUTIVE SESSION:**

Mr. Brammer moved at 7:30 p.m. to go into executive session. Mr. Wagner seconded. All voted aye. Motion passed 5/0/0 Meeting resumed at 7:38 p.m.

Mr. Brammer moved that no action be taken. Mr. Wagner seconded. All voted aye. Motion passed 5/0/0

## **COUNCIL COMMENTS:**

Mr. Wagner announced his resignation from the City Council due to health reasons.

Mr. Brammer said it has been a pleasure to serve with his neighbor and friend on the Council.

Ms. Blankenship said there is now one position open on the Planning Commission and two on the Historic District Commission (HDC). She said the recent Bluegrass Festival was a terrific success.

Mr. DeVito said he would like the Council to consider making BasinSpringPark a "smoke free" area. He wants to discuss allowing fire dancers to appear in local clubs and parks. He thanked Mr. Wagner for his service and said he hoped "someday not to see the level of animosity" Mr. Wagner referred to in his resignation statement.

Ms. Zeller said she would miss Mr. Wagner and she had enjoyed working with him. She thanked him for his service.

## **MAYOR'S COMMENTS:**

Mayor Pro-Tem Berry thanked Mr. Wagner for his service, saying he "was very glad you stepped up to the plate. You have contributed to a positive part of Eureka and politics."

## **ADJOURNMENT:**

Mr. Brammer moved to adjourn at 8:02 p.m. Mr. DeVito 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 Monday, Aug. 24, 2009.

APPROVED:

ATTEST:

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Mayor Pro-Tem Robert "Butch" Berry

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City Clerk-Treasurer Mary Jean Sell CMC