

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

JANUARY 12, 2009

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Jan. 12, 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, Robert Wagner, Joyce Zeller, City Attorney Tim Weaver, Finance Director Yvonne Kline, Mayor's Assistant Diane Wilkerson and City Clerk-Treasurer Mary Jean Sell CMC.

Mayor Joy recognized City Advertising and Promotion Commission (CAPC) Publicist Ken Rundell as a member of the Mayor's Tourism Task Force and gave him a certificate to mark his service to the city.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Joy led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

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

Ms. Blankenship added a discussion of the 2009 budget as New Business Item #9.

Mr. DeVito added a discussion of placement of public comments on the agenda as New Business Item #10.

Mr. DeVito moved to postpone New Business Item #6 Discussion of proposed ordinance to raise city water rates in line with Carroll Boone increase. Mr. Berry seconded. On the motion to approve the agenda as amended, all voted aye. Motion passed 6/0/0

MINUTES: Nov. 24, 2008

New Council members were not comfortable approving minutes from a meeting they did not attend. Ms. Zeller suggested Mayor Joy and City Clerk Sell certify the minutes in lieu of the Council's vote.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning—Position 2 - expires 1/1/11 Position 7 – expires 1/1/09

Position 3 – expires 7/1/10 Mayor Joy nominated Greg Hughes for Position 1;

Brad Banaszek for Position 3, and re-nominated Commissioner Ken Pownall to Position 6.

HDC – Mayor Joy re-nominated Frank Green to Position 3; Doug Breitling to Position #4, and Melissa Greene to Position #7.

CAPC –Position 3 lodging – expires 6/30/11

Mr. Brammer moved to approve the re-appointment of Mr. Pownall to the Planning Commission/Board of Zoning Adjustment. Mr. Wagner seconded. All voted aye. Motion passed 6/0/0

Mr. Brammer moved to approve the re-appointment of Frank Green to the HDC. Mr. DeVito seconded. Five voted aye. Ms. Blankenship voted no. Motion passed 5/1/0

Mr. Brammer moved to approve the re-appointment of Ms. Greene to the HDC. Mr. Berry seconded. Five voted aye. Ms. Blankenship voted no. Motion passed 5/1/0

Mr. Brammer moved to approve Mr. Breitling to the HDC. Mr. Wagner seconded. Five voted aye. Ms. Blankenship voted no. Motion passed 5/1/0

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Mr. Brammer moved to suspend the two-week rule and appoint Brad Banaszek to Position 3 on the Planning Commission/Board of Zoning Adjustment. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Ms. Blankenship moved to approve the appointment of Mr. Hughes to Position 1 on the Planning Commission/Board of Zoning Adjustment. Mr. Wagner seconded. All voted aye. Motion passed 6/0/0

NEW BUSINESS:

1. Discussion to set regular Council meeting dates and time

Ms. Blankenship moved to continue meeting on the second and fourth Mondays of each

month at 6 p.m. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

2. Adoption of rules of procedure

Mr. Brammer moved to adopt *Robert's Rules of Order Revised Edition*. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

3. Election of mayor pro tem/vice-mayor

Ms. Blankenship nominated Mr. Berry to serve a mayor pro tem. Mr. DeVito seconded.

Ms. Zeller, Mr. DeVito, Ms. Blankenship voted aye. Mr. Brammer and Mr. Wagner voted no. Mr. Berry abstained. Mayor Joy voted aye to elect Mr. Berry. Motion passed 4/2/1

4. Appointment of CAPC members from Council

Mr. DeVito nominated Ms. Zeller. Mr. Wagner seconded. Five voted aye. Ms. Zeller abstained. Motion passed 5/0/1

Ms. Blankenship nominated Mr. DeVito. Mr. Berry seconded. Five voted aye.

Mr. DeVito abstained. Motion passed 5/0/1

5. Resolution for Firemen's Pension Fund

Mr. Brammer moved to read and adopt Resolution 557 adopting Pension Review Board Rule #4. All voted aye. Motion passed 6/0/0

Ms. Sell read the resolution aloud.

6. Valley View rezoning

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

Ms. Sell said the Planning Commission/Board of Zoning Adjustment had started three years ago to zone the Valley View Mobile Home Park as a mobile home park (MHP). There is no ordinance on record to show that this has ever been done. The city's current zoning map incorrectly identifies the park property and the property between it and Highway 62 as MHP. This proposed ordinance is to put the park in its proper zoning category.

Mr. Brammer moved to give the ordinance a number (2094) and place it on its first reading. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Ordinance 2094 aloud.

Mr. Brammer moved to approve the first reading of Ordinance 2094. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

Mr. Brammer moved to suspend the rules and place Ordinance 2094 on its second reading by title only. Mr. Wagner seconded. By roll call, four voted aye. Ms. Blankenship and Mr. DeVito voted no. Motion passed 4/2/0

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Ms. Sell read the title of Ordinance 2094 aloud.

Mr. Brammer moved to approve the second reading of Ordinance 2094 by title only. Ms. Zeller seconded. By roll call, all voted aye. Motion passed 6/0/0

7. Executive Session

Mr. Brammer moved at 6:52 p.m. to go into executive session to discuss the hiring of a building official. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Meeting resumed at 7:08 p.m.

Ms. Blankenship moved to hire Bobby Ray as full-time building official. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

8. Discussion of 2009 budget

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

Ms. Blankenship had several questions for Ms. Kline.

She said a budget workshop will be at 9 a.m. Wednesday, Jan. 14, Mayor's office.

9. Discussion of Public Comments

Mr. DeVito moved to place public comments on the Council's agenda between commission/committee reports and Old Business, allowing each speaker three minutes. Mr. Brammer seconded.

During discussion, Mr. DeVito moved to limit public comments to one hour. Mr. Brammer seconded. All voted aye.

Motion passed 6/0/0

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

CITIZEN'S COMMENTS:

Ken Pownall asked about having e-mail addresses for all commission members through the City Hall. He also suggested placing the vote on each ordinance by name when the three readings are completed.

Enid Swartz said she is concerned about the roadside litter, out of date signs, and signs with incorrect information.

ADJOURNMENT:

Mr. Brammer moved to adjourn at 7:47 p.m. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular City Council meeting of Jan. 12, 2009.

City Clerk-Treas. Mary Jean Sell CMC

Mayor Dani D. Joy

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