

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

JUNE 22, 2009

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 22, 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, and City Clerk-Treasurer Mary Jean Sell CMC.

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.

Mayor Joy said she will postpone Old Business Item #6, Appeal of property owner regarding review of plan for covering portion of parking lot at 109-113 N. Main from Basin Park Hotel by Planning Commission, to the regular meeting of July 13.

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

APPROVAL OF THE MINUTES: June 8, 2009

Mr. DeVito moved to approve the minutes of the regular City Council meeting of Monday, June 8, 2009, as presented. Mr. Wagner seconded. All voted aye. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning—Position 1- expires 7/1/11 Position 2 - expires 1/1/11 Position 7 – expires 1/1/12 Mayor Joy nominated Jim Morris for re-appointment to Position 4 with his term to expire 7/1/12.

Hospital – Mayor Joy nominated Bill Fort to re-appointment to Position #2 with his term to expire 6/1/14.

Parks – Position #3 – expires 5/1/12 Position #6 – expires 5/1/12

PUBLIC COMMENTS:

Twenty persons spoke in support of Charlotte Buchanan and the continuation of The Artery on First Street.

OLD BUSINESS:

1. Discussion of the Artery on First Street.

(Note: There is an on-going discussion to develop a contract between the City and Charlotte Buchannan for use of the concrete wall on which The Artery, a display of four foot by eight foot painted panels mounted to the wall, is located.)

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

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There was a brief review of documents provided by Ms. Buchanan showing her arrangement with the National Heritage Foundation of Falls Church, VA, and the CDP (Congressional District Programs).

Mr. Weaver said he had not found either organization registered as an Arkansas corporation. He did not recommend signing any documents with either group.

Ms. Zeller moved to approve the contract with the CDP. Mr. Wagner seconded. By roll call, Ms. Blankenship, Mr. DeVito voted aye. Ms. Zeller, Mr. Wagner, Mr. Berry voted no. Mr. Brammer abstained. Motion failed 2/3/1

Mr. DeVito moved to enter into a contract with the Artery to run one year with oversight provided by a jury determined by Charlotte Buchanan and terms to be worked out with the city attorney. Mr. Berry seconded.

Mr. Weaver said "The Artery" does not exist as a legal entity, it is a trademark.

Mr. DeVito withdrew his motion. Mr. Berry withdrew his second.

Mr. DeVito moved to have a special City Council meeting to deal with the contract issue. Mr. Berry seconded.

After discussion, Mr. DeVito withdrew his motion. Mr. Berry withdrew his second.

Mr. Berry moved to enter into a contract with GlamOrama Productions for two years with the panels to be juried by Charlotte Buchanan or her representative. Ms. Blankenship seconded. By roll call, Ms. Zeller, Ms. Blankenship, Mr.

DeVito, Mr. Berry voted aye. Mr. Brammer and Mr. Wagner voted no. Motion passed 4/2/0

Mr. Weaver asked the Council to instruct Ms. Buchanan to provide paperwork to him about GlamOrama Productions within five days. Mr. DeVito instructed Ms. Buchanan.

2. Discussion of Leatherwood Bridge proposed annexation

Mr. Weaver said he attended the Carroll County Quorum Court meeting. The Quorum Court is waiting to find out the costs for the survey of the bridge or line cut for the roadway. The Quorum Court wants the city to split the cost of the survey, but the amount is not determined.

Mr. Berry moved to defer any action to the next regular City Council meeting July 13.

3. Ordinance 2102 regarding group tour franchises, third reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2102 on its third reading by title only. Mr. Wagner seconded. By roll call, five voted aye. Mr. Brammer recused.

Mayor Joy read the title of Ordinance 2102 aloud.

Ms. Blankenship moved to approve Ordinance 2102 on its third reading by title only. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

4. Ordinance 2103 rezoning property behind Best Western Eureka Inn from R-1 to C-2, third reading

Mr. Wagner moved to suspend the rules and place Ordinance 2103 on its third reading by title only. Mr. DeVito seconded. By roll call, Ms. Zeller, Ms. Blankenship, Mr. Wagner, Mr. DeVito voted aye. Mr. Brammer and Mr. Berry recused.

Mayor Joy read the title of Ordinance 2103 aloud.

Ms. Blankenship moved to approve the third reading of Ordinance 2103 by title only. Mr. DeVito seconded. Ms. Zeller, Ms. Blankenship, Mr. Wagner, Mr. DeVito voted aye. Mr. Brammer and Mr. Berry recused.

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5. Ordinance 2105 updating fire safety code, second reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2105 on its second reading by title only. Mr. Wagner seconded. All voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2105 aloud.

Mr. Berry moved to approve the second reading of Ordinance 2105 by title only. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

NEW BUSINESS:

1. Discuss repair of parapets on City Auditorium.

City Advertising and Promotion Commission (CAPC) Director Jim Williams read aloud a letter from the Department of Arkansas Heritage in Little Rock denying the city's application for a grant to repair the stone parapets on the City Auditorium. He has asked for copies of the applications which were approved and funded.

Mr. DeVito asked the Council to authorize Mr. Williams to explore a "Plan B."

ADJOURNMENT:

Mr. DeVito moved to adjourn at 8:15 p.m. Mr. Wagner seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular City Council meeting of Monday, June 22, 2009.

APPROVED

Mayor Dani D. Joy

ATTEST

City Clerk-Treasurer Mary Jean Sell CMC

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