

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

JUNE 8, 2009

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 8, 2009, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy, Aldermen Beverly Blankenship, James DeVito, Rob Wagner, Joyce Zeller, City Attorney Tim Weaver, Fire Chief Rhys Williams and City Clerk-Treasurer Mary Jean Sell CMC. Aldermen Robert "Butch" Berry and Patrick Brammer were absent.

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 as presented. Mr. Wagner seconded. All voted aye. Motion passed 4/0/0

APPROVAL OF THE MINUTES: May 11, 2009, Special meeting May 18, 2009

May 11 – Mr. DeVito moved to approve the minutes of the regular City Council meeting of May 11, 2009, as presented. Mr. Wagner seconded. All voted aye. Motion passed 4/0/0

May 18 - Mr. DeVito moved to approve the minutes of the special City Council meeting of May 18, 2009, as presented. Ms. Blankenship seconded. All voted aye. Motion passed 4/0/0

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

PUBLIC COMMENTS:

Comments were taken from four citizens regarding The Artery on First St.

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 Buchanan 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. Wagner moved to open discussion. Ms. Zeller seconded. All voted aye. Motion passed 4/0/0

Mr. Weaver said he did not have any information about a corporation called The Artery, but he did have information on a corporation in Florida. He said he has been instructed by the Council to deal with James Yale, Ms. Buchanan's husband, and he has not talked with him in several weeks.

Ms. Blankenship said she had talked with a Jan Ridgley at Congressional District Programs (CDP) Inc. of Falls Church, VA, and she had agreed to sign a contract with the city for her organization as a representative of The Artery.

Ms. Buchanan has said The Artery is registered with the CDP as a non-profit organization.

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There was additional discussion of who would be signing a contract with the city.

Mr. DeVito moved to table the discussion of the contract to the next regular meeting, Monday, June 22. Ms. Blankenship seconded. Ms. Blankenship and Mr. DeVito voted aye. Ms. Zeller and Mr. Wagner voted no. Motion failed 2/2/0

Ms. Zeller moved to deny the use of the wall, to have the current panels removed, and to revisit the issue in January of 2010. Ms. Zeller and Mr. Wagner voted aye. Ms. Blankenship and Mr. DeVito voted no. Motion failed 2/2/0

Mr. DeVito moved to ask Ms. Blankenship and Ms. Buchanan to give paperwork, including tax returns and corporation documents, to Mr. Weaver so he could contact Ms. Ridgley and determine how to go forward with the contract for use of the wall. Ms. Blankenship seconded. Mr. DeVito and Ms. Blankenship voted aye. Mr. Wagner and Ms. Zeller voted no. Motion failed 2/2/0

Mr. Wagner moved to table the issue indefinitely. Ms. Zeller seconded. Mr. Wagner and Ms. Zeller voted aye. Ms. Blankenship and Mr. DeVito voted no. Motion failed 2/2/0

Ms. Blankenship moved to table the issue to the next regular meeting, Monday, June 22. Mr. DeVito seconded. Ms. Blankenship, Mr. DeVito, Ms. Zeller voted aye. Mr. Wagner voted no. Mayor Joy voted aye. Motion passed 4/1/0

2. Discussion of Leatherwood Bridge proposed annexation

(Note: The Arkansas Highway and Transportation Department has offered to “give” the two-lane bridge on Highway 62 west, commonly known as the Leatherwood Bridge, to the city. Carroll County actually owns the adjoining property and the bridge. The Quorum Court must agree to release ownership of the bridge if the city is to take charge of it.)

Mr. Wagner moved to open discussion. Mr. DeVito seconded. All voted aye. Motion passed 4/0/0

Mr. Weaver said he had talked with Carroll County Prosecutor Tony Rogers. Mr. Rogers said the county does not want to spend the money for a survey of the bridge and its property. He wants the City Council to propose covering part of the costs.

Mr. DeVito moved to offer that the county pay 75 percent of the survey costs and the city pay 25 percent. Mr. Wagner seconded. All voted aye. Motion passed 4/0/0

3. Ordinance 2101 adoption of city emergency plan, third reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2101 on its third reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 4/0/0

Mayor Joy read the title of Ordinance 2101 aloud.

Ms. Blankenship moved to approve Ordinance 2101 on its third reading. Mr. DeVito seconded. All voted aye. Motion passed 4/0/0

4. Ordinance 2102 regarding group tour franchises, second reading

Mr. Wagner moved to suspend the rules and place Ordinance 2102 on its second reading by title only. Ms. Blankenship seconded. By roll call, all voted aye. Motion passed 4/0/0

Mayor Joy read the title of Ordinance 2102 aloud.

Ms. Blankenship moved to approve Ordinance 2102 on its second reading. Mr. DeVito seconded. All voted aye. Motion passed 4/0/0

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5. Ordinance 2103 rezoning property behind Best Western Eureka Inn from R-1 to

C-2, second reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2103 on its second reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 4/0/0

Mayor Joy read the title of Ordinance 2103 aloud.

Ms. Blankenship moved to approve Ordinance 2103 on its second reading. Mr. Wagner seconded. All voted aye. Motion passed 4/0/0

NEW BUSINESS:

1. Discussion of ordinance updating fire safety code.

Mr. DeVito moved to open discussion. Ms. Blankenship seconded. All voted aye. Motion passed 4/0/0

Chief Williams presented the ordinance which updates the references to the International Fire Code (IFC), International Building Code (IBC) and International Residential Code (IRC).

Ms. Blankenship moved to give the ordinance a number (2105) and place it on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 4/0/0

Ms. Sell read Ordinance 2105 aloud.

Ms. Blankenship moved to approve Ordinance 2105 on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 4/0/0

2. 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.

Jack Moyer, representing Martin and Elise Roenigk, owners of the Basin Park Hotel, said architect Robert “Butch” Berry and contractor Don Alberson have presented plans to the Planning Commission for the construction of a 17-stall motorcycle parking garage on the existing parking lot at 109-113 North Main. The plans included additional lighting and landscaping for the area. The Planning Commission was unable to approve the plans during the regular meeting of May 28

Planning Commissioner Bill Earngey said the discussion of the plans “got bogged down over the ownership of the property” and the surface of the parking lot.

Mr. DeVito moved to table the discussion to the next regular meeting. Ms. Zeller seconded.

Mr. DeVito and Ms. Blankenship said they wanted copies of the plans and the minutes of meetings where the project was discussed by the Historic District Commission (HDC) and the Planning Commission/Board of Zoning Adjustment.

On the motion to table the issue, all voted aye. Motion passed 4/0/0

Mr. Wagner moved to direct the city attorney to see if the issued had to go to the Planning Commission. Ms. Zeller seconded. All voted aye. Motion passed 4/0/0

ADJOURNMENT:

Mr. DeVito moved to adjourn at 8:05 p.m. Mr. Wagner seconded. All voted aye. Motion passed 4/0/0

This is the signature page for the City Council regular meeting minutes for June 8, 2009.

ATTEST:

APPROVED:

City Clerk-Treasurer Mary Jean Sell CMC

Mayor Dani D. Joy
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