CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING, MONDAY, APRIL 12, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 12, 2010, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy, Aldermen Robert, Berry, Beverly Blankenship, Patrick Brammer, James DeVito, Mickey Schneider, Joyce Zeller, City Attorney Tim Weaver, Planning Commission Chairman Brad Banaszek, 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. DeVito moved to approve the agenda. Mr. Berry seconded.
Mayor Joy postponed Old Business Item #1, discussion of repair to city water tower at Best Western Inn of the Ozarks. She said she is still getting estimates and proposals on the project. She postponed the discussion to the next regular meeting, Monday, April 26.
On the motion to approve the amended agenda, all voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: March 29, 2010
Ms. Blankenship moved to approve the minutes of the March 29, 2010, regular City Council meeting. Ms. Schneider seconded. All voted aye. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:
Planning, Position 2 - expires 1/1/11, Position 6- expires 1/1/12
HDC. Position 6 - expires 3/07/11
Parks, Position 1 - expires 5/01/12, Position 4 - expires 5/01/10, Position 5 - expires 05/01/11, Position 5 Nominee, Todd Maberry, Ms. Blankenship moved to accept the nomination of Todd Maberry to Position 5 on the Parks and Recreation Commission. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0
Hospital, Ms. Sell reported Administrator David Wheeler has been relieved of his job. Assistant Administrator Jodi Smith has been named interim administrator along with Joe Mitchell and the financial officer of Dardanelle, AR. She said one of AHM, (Allegiance Health Management) officers had recently told her AHM still wants to build a hospital for Eureka Springs, although the proposal to purchase land has not been completed.

PUBLIC COMMENTS: None

OLD BUSINESS:
1. Discussion of amendments to Ordinance 2114 regarding lighting.
Mr. DeVito moved to open discussion. Mr. Berry seconded.
Mr. Weaver said he has not received a copy of the contract SWEPCO uses for residential
or commercial customers for outdoor lighting as was requested.
City Council- 1

Mayor Joy said there are still two weeks in the enforcement moratorium.
Mr. Berry moved to defer any action until the next regular meeting, Monday, April 26, and to ask Mr. Weaver to contact SWEPCO about getting a copy of the contract. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

2.Discussion of Ordinance 2118 limiting heavy truck traffic, vote on 3rd reading
Ms. Blankenship moved to open discussion. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0
There was some discussion about wording of signs regarding the 20,000 pound load limit on the specified streets and the location of the signs.
Mr. Brammer moved to amend Section 3 by adding, to and from, between U.S. Highway 62 and the Great Passion Play on Passion Play Road.Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0
Ms. Blankenship moved to approve Ordinance 2118 as amended on its third reading. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

3.Discussion of Ordinance 2120 regarding vacating streets and alleys
Mr. DeVito moved to discuss. Ms. Zeller seconded.
Mr. Brammer moved to suspend the rules and place Ordinance 2120 on its second
reading by title only. Ms. Zeller seconded. By roll call, all voted aye. Motion passed 6/0/0
Mayor Joy read the title of Ordinance 2120 aloud.
Mr. Brammer moved to approve Ordinance 2120 on its second reading by title only. Ms. Zeller seconded.
Mr. Berry moved to include the entire section of Municipal Code Chapter 9.08.08, particularly regarding fair market value, in Ordinance 2120.
Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0
Mr. Brammer moved to approve Ordinance 2120 as amended on its second reading by title only. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

NEW BUSINESS:
1. Discussion of request to vacate unnamed alley lying between Lots 8-11 and Lot
7, Block 10, Bays Survey, off Magnetic Road.
Mr. Brammer moved to discuss. Mr. DeVito seconded.Mr. Berry abstained because of a conflict of interest. Five voted aye. Motion passed 5/0/1
Contractor Travis Holloway presented the application for property owner Pat Fitzsimmons.
Ms. Blankenship moved to have an ordinance drafted to vacate the alley. Mr. Brammer seconded. Five voted aye. Mr. Berry abstained. Motion passed 5/0/1

2.Discussion of request for a moratorium of 180 days on the issuance of building
permits for telecommunication towers from Planning Commission.
Mr. Brammer moved to discuss. Mr. Berry seconded. All voted aye. Motion passed 6/0/0
Mr. Banaszek explained the Planning Commission's reasons for asking for the delay, including work on a proposed ordinance to limit tower locations.
Ms. Blankenship moved to put a 180 day moratorium on the issuance of building
City Council¬ 2
permits for telecommunication towers. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

3.Discussion of request for a moratorium of 180 days on the issuance of building
permits for wind turbines in excess of 50 feet tall in the city limits from Planning Commission.
Ms. Blankenship moved to grant the 180 day moratorium on the issuance of building permits for wind turbines in excess of 50 feet tall in the city limits. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

4.Discussion of a request for a moratorium of 180 days on applications for
rezoning residential property to commercial property from Planning Commission.
Ms. Schneider moved to open discussion. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0
Mr. Banaszek said the Planning Commission is concerned about the number of property uses permitted in some of the zoning categories. As part of the master plan project, the Commission wants to review, and possibly alter, some of the categories and permitted land uses.
Ms. Zeller said she is concerned, and has been for several years, that the rezoning of property for commercial use is getting out of proportion.
Ms. Blankenship moved to have the city attorney draw up a resolution to declare the moratorium. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

5.Discussion of amendments to Ordinance 2060 regarding collection of CAPC tax
Ms. Blankenship had presented proposed amendments to Ordinance 2060 during the regular meeting of Monday, March 29, based on changes to the state statutes by the Arkansas Legislature.
Mr. Weaver said the city's ordinance did not have to be amended, it has the scope of collection of the advertising and promotion tax (A&P) that Ms. Blankenship is wanting.
No further action was taken.

CITY COUNCIL COMMENTS: None
MAYOR'S COMMENTS:Mayor Joy read aloud a list of coming events.
ADJOURNMENT:
Mr. Berry moved to adjourn at 7:22 p.m. Mr. DeVito 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 of Monday, April 12, 2010.

ATTEST:

APPROVED:

City Clerk-Treasurer Mary Jean Sell CMC
City Council-3

Mayor Dani D. Joy