



CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

AUG. 23, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Aug. 23, 2010, 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, James DeVito, Mickey Schneider, Joyce Zeller, City Attorney Tim Weaver, Parks Director Bruce Levine, Finance Director Yvonne Kline, Police Chief Earl Hyatt, Fire Chief Rhys Williams, City Advertising and Promotion (CAPC) Commissioner Joanne Graupner; City Clerk-Treasurer Mary Jean Sell CMC. Alderman Patrick Brammer was absent.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Joy led the Fledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve the agenda, Ms. Blankenship seconded. All voted aye, Motion passed 5/0/0

APPROVAL OF THE MINUTES: Aug. 9, 2010

Mr. DeVito moved to approve the minutes of the regular City Council meeting of Monday, Aug. 9, 2010. Ms. Schneider seconded. All voted aye, Motion passed 5/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning - Position 1 - expires 7/1/11 Position 2 - expires 1/1/11 Position 6 - expires 1/1/12

Parks - Position 1 - expires 5/1/12 Position 4 - expires 5/1/15

Carroll County Sheriff Beh Grudek made a presentation about the Operation Pill Drop, program. The county-wide effort is to collect prescription and non-prescription medications not being used to keep them out of the hands of young people. He said Arkansas "has the worst teen prescription pain reliever abuse problems in the entire United States." A drop/collection location will be set up at Fire Station #1, 144 E. Van Buren, on Saturday, Sept. 25.

Chief Williams said the Western District Ambulance District Board has agreed to purchase up to \$35,000 worth of rescue/auto extrication equipment for the ambulance district. He said the equipment purchased in 1979 is outdated and some of it cannot be repaired. He said there have been 876 EMS (emergency services/ambulance) calls to date.

Ms. Graupner gave an overview of CAPC current projects including support of the All American Weekend sponsored by the Police and Fire Departments and featuring a sanctioned chili cook-off. Paperwork is being processed to trademark "Wedding Capital of the South" for Eureka Springs. Christmas decorations have been ordered. She said \$850,000 worth of advertising has been purchased at an actual cost of \$400,000.

Chief Hyatt said Spring Street between Center and Mountain would be closed at 6 a.m.

Wednesday, Aug. 25, to allow the water main in the street to be tapped to provide fire protection to a portion of the building at 37 Spring Street. He said the street would be re-opened in mid-afternoon "if everything goes according to plan"

Mayor Joy said requests have been sent to three insurance companies asking about rates for providing coverage for domestic partners. She had a response from Ameritas Group saying the Department of Insurance for the State of Arkansas does not allow such coverage. Cigna Insurance could offer the coverage but it would cost the City an additional \$208,944 a year for premiums for 75 City employees. The third company has not responded.

PUBLIC COMMENTS:

Two persons spoke against the proposed Ordinance 2124 restricting activities in Basin Spring Park by not allowing all artists to set up display/sales areas.

OLD BUSINESS:

1. Discussion of Ordinance 2124 regulating activity in Basin Spring Park, 3rd reading.

Mr. DeVito moved to suspend the rules and place Ordinance 2124 on its third reading by title only. Ms. Schneider seconded. By roll call, all voted aye. Motion passed 5/0/0

Ms. Sell read the title of Ordinance 2124 aloud.

Mr. DeVito moved to approve the third reading of Ordinance 2124 by title only. Ms. Schneider seconded.

During discussion, Mayor Joy suggested using Center Street on Sundays as an alternate location for artists who would not be permitted to set

up in Basin Spring Park.

Mr. DeVito called the question to stop discussion, Ms. Schneider seconded. All voted aye. Motion passed 5/0/0

On the motion to approve Ordinance 2124, by roll call, all voted aye. Motion passed 5/0/0

Mr. DeVito moved to have the City Attorney draft an ordinance to close Center Street on Sundays. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

2. Discussion of Ordinance 2125 amending Title 14 Zoning, Section 14.08.13

Definitions of Eureka Springs Municipal Code adding, "wind generating device" 2nd reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2125 on its second reading by title only. Ms. Schneider seconded. By roll call, all voted aye. Motion passed 5/0/0

Ms. Sell read the title of Ordinance 2125 aloud.

Ms. Blankenship moved to approve the second reading of Ordinance 2125 by title only. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

3. Discussion of Ordinance 2126 amending Title 14 Zoning Chapter 14.08.01 Zoning Districts adding a C-2-C Contemporary Commercial zone outside the Historic District and C-2-H for the Commercial zone inside the Historic District, 2nd reading

Mr. DeVito moved to suspend the rules and place Ordinance 2126 on its second reading by title only. Ms. Schneider seconded. By roll call, all voted aye. Motion passed 5/0/0

Ms. Sell read the title of Ordinance 2126 aloud.

Mr. DeVito moved to approve the second reading of Ordinance 2126 by title only. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

4. Discussion of Ordinance 2127 to place restricted bow hunt on November general election ballot, 3rd reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2127 on its third reading by title only. Mr. DeVito seconded. By roll call, four voted aye, Ms. Schneider voted no. Motion passed 4/1/0

Ms. Sell read the title of Ordinance 2127 aloud.

Ms. Blankenship moved to approve Ordinance 2127 on its third reading by title only. Mr. DeVito seconded.

Mayor Joy said representatives of Arkansas Game and Fish Commission had told her the deer hunt could only be on public property. She had a map of the City showing locations of public property.

Ms. Schneider suggested developing some sort of waiver system to allow hunting on private property by property owner permission.

On the motion, four voted aye, Ms. Schneider voted no. Motion passed 4/1/0

Ms. Blankenship moved to read and approve the emergency clause. Ms. Zeller seconded. By roll call, four voted aye, Ms. Schneider voted no. Motion passed 4/1/0

Ms. Sell read the emergency clause aloud.

5. Discussion of Ordinance 2128 to vacate alley lying between Lots 10-14, 16 and 17, 20-23 in Block 1, between Lot 17 and portion of Lot 20 Block 1, Bays survey, 2nd reading

Mr. DeVito moved to suspend the rules and place Ordinance 2128 on its second reading by title only. Ms. Schneider seconded. By roll call, all voted aye. Motion passed 5/0/0

Ms. Sell read the title of Ordinance 2128 aloud.

Ms. Blankenship moved to approve the second reading of Ordinance 2128 by title only. Mr. DeVito seconded.

Ms. Blankenship said the property description in the title does not match the description in the text of the ordinance.

Mr. DeVito moved to table the vote on the second reading to the next regular meeting, Monday, Sept 13. Mr. Berry seconded. Four voted aye.

Ms. Blankenship voted no. Motion passed 4/1/0

ADJOURNMENT:

Mr. DeVito moved to adjourn at 8 p.m. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the Aug. 23, 2010, regular meeting of the Eureka Springs City Council.

ATTEST:

APPROVED:

City Clerk-Treasurer Mary Jean Sell CMC

Mayor Dani D. Joy