



CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

AUG. 9, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Aug 9, 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, Patrick Brammer, James DeVito, Mickey Schneider, Joyce Zeller, City Attorney Tim Weaver, Parks Director Bruce Levine, Finance Director Yvonne Kline, City Clerk-Treasurer Mary Jean Sell CMC. Alderman Beverly Blankenship was 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, Mr. Berry seconded.

Ms. Schneider asked to add a discussion of the petition to remove parking meters as New Business Item #9. Ms. Zeller seconded.

On the motion to approve the agenda as amended, four voted aye Mr. DeVito voted no. Motion passed 4/1/0

APPROVAL OF THE MINUTES: July 26, 2010

Mr. DeVito moved to approve the minutes of the regular City Council meeting Monday, July 26, 2010, Mr. Brammer seconded.

Ms. Schneider noted a correction in the recorded vote on the motion to table the discussion of a restricted bow hunt for deer.

On the motion to approve the minutes as corrected, 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

Hospital - Position 3 - expires 6/1/15 Mayor Joy nominated Michael Merry for re-appointment to Position 3. Mr. Brammer moved to approve the nomination of Michael Merry. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

PUBLIC COMMENTS:

Michael Walsh and Raven Derge spoke in support of the proposed resolution asking the Municipal League Insurance Fund to extend insurance coverage to domestic partners.

Gwenn Bennett, Becky Gillette, Lee Kroll and Pat Lujan asked the Council to allow a one time bow and arrow hunt for deer and to develop a deer management plan.

Jacqueline Wolven spoke in support of the proposed resolution to eliminate parking meter fees on Spring and Main streets in December.

OLD BUSINESS:

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

Mr. DeVito noted the vote on the second reading in the regular meeting of Monday, July 26, had been postponed.

Mr. DeVito moved to approve the amendments to Ordinance 2124 and place it on its second reading. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

Ms. Sell read Ordinance 2124 aloud.

Mr. Brammer moved to remove the first and in Section 2 A and replace it with or. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

Mr. Brammer moved to amend Section 2 C by adding ,beginning after Jan. 1, 2011, after calendar year. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

On the motion to approve Ordinance 2124 as amended on its second reading, all voted aye. Motion passed 5/0/0

NEW BUSINESS:

1. Discussion of proposed ordinance amending Title 14 Zoning, Section 14.08.13 Definitions of Eureka Springs Municipal Code adding wind generating device.

Mr. Brammer moved to discuss. Mr. DeVito seconded.

Ms. Sell gave a brief explanation of the Planning Commission's purpose for this ordinance.

Mr. DeVito moved to give the ordinance a number (2125) and place it on its first reading. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

Ms. Sell read Ordinance 2125 aloud.

Mr. Brammer moved to approve Ordinance 2125 on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

2. Discussion of proposed ordinance 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.

Mr. Brammer moved to discuss. Mr. DeVito seconded.

Several aldermen wanted more information about this recommendation than Ms. Sell was able to provide. They proposed asking the Planning Commission Chairman to attend the next regular meeting and to provide a map with new zoning areas indicated on it.

Mr. Brammer moved to give the ordinance a number (2126) and place it on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

Ms. Sell read Ordinance 2126 aloud.

Mr. Brammer moved to approve Ordinance 2126 on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

3. Discussion of proposed ordinance to place restricted bow hunt on November general election ballot.

Mr. Brammer moved to discuss. Mr. DeVito seconded. Four voted aye. Ms. Schneider voted no. Motion passed 4/1/0

Mr. DeVito moved to give the proposed ordinance to place the bow hunt on the Nov. 2 general election ballot a number (2127) and place it on its first reading. Mr. Berry seconded. Four voted aye. Ms. Schneider voted no. Motion passed 4/1/0

Ms. Sell read Ordinance 2127 aloud.

Mr. Brammer moved to approve the first reading of Ordinance 2127. Mr. DeVito seconded. Four voted aye. Ms. Schneider voted no. Motion passed 4/1/0

Mr. Brammer moved to suspend the rules and place Ordinance 2127 on its second 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.

Mr. Brammer moved to approve the second reading of Ordinance 2127 by title only. Mr. DeVito seconded. Four voted aye. Ms. Schneider voted no. Motion passed 4/1/0

4. Discussion of ordinance 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.

Mr. DeVito moved to discuss. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

Mr. DeVito moved to give the ordinance a number (2128) and place it on its first reading. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

Ms. Sell read Ordinance 2128 aloud.

Mr. Brammer moved to approve Ordinance 2128 on its first reading. Mr. DeVito seconded.

Mr. Berry moved to amend Ordinance 2128 by adding \$2,000 as the cost of the vacated land. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

On the motion to approve Ordinance 2128 as amended, all voted aye. Motion passed 5/0/0

Ms. Schneider moved at 7:32 to take a break. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0 Meeting resumed at 7:43 p.m.

5. Resolution asking Municipal League to change insurance guidelines to extend domestic partner benefits

Mr. DeVito moved to discuss. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

Mr. DeVito and Ms. Blankenship had proposed resolutions.

Mr. DeVito moved to use Ms. Blankenship's resolution, to give it a number (568) and read it. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

Ms. Sell read Resolution 568 aloud.

6. Resolution to discontinue parking meter fees on Spring and Main Streets during December.

Mr. DeVito moved to discuss. Ms. Schneider seconded. All voted aye. Motion passed 5/0/0

Mr. DeVito moved to give it a number (569) and read it. Ms. Schneider seconded. All voted aye. Motion passed 5/0/0

Ms. Sell read Resolution 569 aloud.

7. Resolution for mid-year budget adjustment

Ms. Kline explained the changes to the proposed resolution from amounts settled during a budget workshop.

Mr. Brammer moved to give the resolution a number (570) and read it. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

Ms. Sell read Resolution 570 aloud.

8. Resolution supporting grant application for sidewalk construction

Mr. DeVito moved to discuss. Ms. Schneider seconded. All voted aye. Motion passed 5/0/0

Mayor Joy explained the grant would be for the construction of sidewalks along Highway

62. This grant is an 80-20 percent match. At the maximum grant amount, the City's matching amount would be approximately \$120,000.

Mr. DeVito moved to give the resolution a number (571) and read it. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

Mayor Joy read Resolution 571 aloud.

9. Discussion of the parking meter petition.

An initiative petition is being circulated through the town asking that all of the parking meters in the Historic District be removed. Ms. Sell said there were not enough certifiable signatures in the first group of petitions submitted. The petitioners have additional time to gather more signatures.

Ms. Schneider and Ms. Zeller expressed their opinions on what the loss of the parking meter revenue would mean to the City's annual budget. Mr. DeVito said tourists and citizens alike prefer the meters because it is easier to put a quarter in a meter for a few minutes than to put paper bills into a pay station for five hours of parking at a time.

COUNCIL COMMENTS:

Mr. DeVito said he will be hosting a meet and greet, for mayoral and council candidates in the City Auditorium in the near future.

MAYOR'S COMMENTS:

Mayor Joy outlined some of the anticipated financial problems for the City if the parking meter funds are taken out of the City's budget.

ADJOURNMENT:

Mr. Brammer moved to adjourn at 8:40 p.m. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of Monday, Aug. 9, 2010.

ATTEST:

APPROVED:

City Clerk-Treasurer Mary Jean Sell CMC

Mayor Dani D. Joy