



**CITY OF EUREKA SPRINGS  
CITY COUNCIL**

**Amended 1/27/2011**

**REGULAR MEETING**

**MONDAY**

**DECEMBER 13, 2010**

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6:04 p.m. Monday, Dec. 13, 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, Patrick Brammer, James DeVito, Jeyce Zeller, City Attorney Tim Weaver, Finance Director Yvonne Kline, City Advertising and Promotion Commission (CAPC) Chairman Joanne Graupner, City Clerk-Treasurer Mary Jean Sell CMC. Alderman Schneider arrived at 6:45 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Joy led the Pledge of Allegiance to the Flag.

**APPROVAL OF THE AGENDA:**

Mr. Brammer moved to approve the agenda as presented. Ms. Zeller seconded.

Ms. Blankenship asked to combine Items #2 and #4 of New Business since both involve applications for animal-drawn vehicle franchises. On the amended agenda, all voted aye. Motion passed 5/0/0

**MINUTES:** Nov. 8, 2010

Ms. Blankenship moved to approve the minutes of the regular Eureka Springs City Council meeting of Nov. 8, 2010, as presented. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

Mayor Joy pointed out that a Boy Scout Troop is in attendance. The Scouts are working on the Citizenship in Community badges. They stayed for a portion of the meeting.

**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, Nominée Stephen Foster Ms. Blankenship moved to approve the appointment of Mr. Foster. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

**HDC** - Position 2- expires 11/30/13 Position 4- expires 11/30/13

**CAPC**, Ms. Graupner said the Commission is working on its 2011 budget. The regular meeting dates are being changed to 9 a.m. on the third Wednesdays of the month.

**PUBLIC COMMENTS:**

David Graupner thanked Mayor Joy, Council members and City Clerk Sell for their service to the City. He presented a cake as a gesture of thanks.

Ken Pownall thanked Mayor Joy and the Council for their service and encouraged all of them to carefully consider the items of new business on the agenda and their long-term financial effects on the city.

Danny Smith said he was speaking in support of his friend Ray Dotson's application for an animal-drawn vehicle franchise.

**OLD BUSINESS:**

**1. Discussion of proposed ordinance creating a Commission to operate the City Auditorium.**

Mr. DeVito moved to open discussion. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

Mr. Weaver said he did not have an ordinance ready and would have one for the first meeting in January.

Mr. DeVito moved to table the discussion to the second meeting in January 2011. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

**NEW BUSINESS:**

**1. Discussion of resolution giving domestic partner benefits in city personnel policy.**

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

Mayor Joy asked Mr. Weaver if he had any comments on the resolution. He said he had none.

Mr. Brammer moved to give the resolution a number (#572) and read it aloud. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

Ms. Sell read Resolution #572 aloud.

**2. Combining discussion of Agenda items #2 and #4 applications for animal-drawn vehicle franchise from Tom Tharp and Ray Dotson.**

Mr. DeVito moved to open discussion, Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

Mr. Dotson spoke about his carriage operations in Fayetteville, Ft. Worth and Dallas, Tex., the types of carriages he operates and his plans for operating in Eureka Springs.

Ms. Schneider arrived at 6:45 p.m. while Tom Tharp was talking about his carriage service in Eureka Springs. He spoke of his experience in operating carriages, the services he offers and that he will hire and train local persons as drivers. He said the required liability information would be provided Tuesday, Dec. 14. His insurance company is out of state.

Both companies are wanting to take over the route that is principally the Historic Loop from the Crescent Hotel to Highway 62 and from the hotel down Crescent Grade and along Spring Street to approximately the Carnegie Library.

Mr. DeVito moved to extend the franchise to Mr. Tharp. Ms. Zeller seconded. There was additional discussion. By roll call, Ms. Zeller, Mr. DeVito, Mr. Berry, Ms. Schneider, Ms. Blankenship voted aye. Mr. Brammer voted no. Motion passed 5/1/0

### 3. Discussion of resolution adopting 2011 budget.

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

Ms. Kline presented the budget information, saying it is a very conservative budget, reflecting a three percent drop in sales tax revenues. Ms. Blankenship didn't want to consider the resolution, saying another budget meeting is needed because all of the issues have not been addressed.

Mr. Brammer started going through the capital revenue expenditure requests. He moved to strike the lawn mower from the Cemetery Commission's request. Ms. Schneider seconded. All voted aye. Motion passed 6/0/0

Mr. Brammer moved to strike the request from Parks Commission for surveillance cameras in the parks. There was no second.

Ms. Schneider moved to give the resolution a number (#573) and read it aloud, as amended. Ms. Zeller seconded.

Ms. Schneider moved to strike the Parks capital revenue request from this budget. Mr. Brammer seconded. Five voted aye, Ms. Blankenship opposed. Motion passed 5/1/0 after additional discussion, Ms. Schneider moved to withdraw her motion. Ms. Zeller withdrew her second.

After additional discussion, Mr. Brammer moved to strike the entire request from the Cemetery Commission, which included a new computer and roadway signs, Ms. Zeller seconded. On the vote, four voted for the motion and two, Ms. Blankenship and Mr. DeVito, voted against the motion. Motion passed 4/2/0

Mr. Brammer moved to take \$10,000 from the amount just removed from the capital budget and put it in general fund account #12005700 for the land bank. Ms. Blankenship seconded. By roll call, Mr. Brammer, Ms. Blankenship voted aye. Ms. Zeller, Mr. DeVito, Mr. Berry, Ms. Schneider voted no. Motion failed 2/4/0

Ms. Schneider moved at 8:10 p.m. to take a five minute break. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0 Meeting resumed at 8:22 p.m.

Ms. Kline distributed new copies of the proposed budget resolution with amendments included. Mr. Brammer moved to give the resolution a number (#573) and to read it aloud. Ms. Schneider seconded. By roll call, Ms. Schneider, Mr. DeVito, Ms. Zeller, Mr. Brammer voted aye. Mr. Berry, Ms. Blankenship voted no. Motion passed 4/2/0

Ms. Sell read Resolution #573 aloud.

### 4. Discussion of Courthouse parking lots (Agenda item #5)

Mayor Joy said she has received a letter from Carroll County Judge Sam Barr saying the City's lease of the parking lots on either side of the Western District Carroll County Courthouse will be cancelled at the end of 2010. She said he is getting pressure from members of the Quorum Court to raise the cost of the lease with the city based on incorrect information about the revenues from the parking lots. She said the city is only profiting approximately \$6,000 per year from the parking revenues in the two lots. There is a common misconception that the 22 spaces along the walls on the south side of First Street are part of the parking lots. They are not, the spaces are City property.

She said Mr. Barr wants to remove the parking meters and open the lots for free parking and no reserved spaces for persons wanting to do business in the City Hall.

Mayor Joy said the suggestion has been made to move City Hall to the Transit Department building at 137 W. Van Buren. The City would have to pay some rent, but there is office space, the building is ADA (Americans with Disabilities Act) compliant, parking is available. There will have to be some remodeling done and the greatest potential expense will be moving the cable television lines to have live broadcasting of city meetings. There will be additional talks with Judge Barr by Mayor-elect Morris Pate regarding the leases for the Courthouse and parking lots.

### 5. Discussion of City Clerk-Treasurer's retirement (Agenda item #6)

Ms. Sell has applied for retirement benefits under state statutes 24-12-121 and 24-12-122. The statutes allow a retirement benefit of one-half the annual salary for life for a city Clerk-treasurer and deputy city clerks to be paid from the city's general fund account. Ms. Sell is finishing her second four year term as elected city clerk-treasurer (eight years) and was employed as a deputy city clerk from May of 1990 to January of 1995, totaling 12 years of service.

Mr. Brammer moved to open discussion, Mr. DeVito seconded.

There was general discussion as to whether or not Ms. Sell has met the standards set out in the state statutes. In Mr. Weaver's opinion, Ms. Sell has met the standards.

Ms. Schneider moved to approve retirement for Mary Jean Sell. Mr. Brammer seconded. Five voted aye. Ms. Blankenship voted no. Motion passed 5/1/0

**COUNCIL COMMENTS:**

Ms. Blankenship said "good luck to the next council!"

Ms. Schneider apologized for being late and wished the new council good luck.

Mr. Berry thanked Ms. Sell, Mayor Joy and council members for their service.

Mr. DeVito said he had the same sentiments and this has been a very effective council.

He thanked Mayor Joy for her efforts and wished the best to the new council.

Ms. Zeller said it has been a real joy to work with this council.

Mr. Brammer said he encourages the new administration to return to using ordinances for approval of budgets.

**MAYOR'S COMMENTS:**

Mayor Joy spoke to some of the accomplishments of the past four years including winning \$3.5 million in grants for city projects; getting a "green grant," for repairs to the Auditorium and lighting in city parks; an ordinance to allow repairs to sidewalks; finishing the sewer plant on Highway 23 North; the Tourism Task Force; the Mayor's Arts Council.

She encouraged citizens to stop fighting among themselves and to work together for the city.

**ADJOURNMENT:**

Ms. Blankenship moved to adjourn at 9:20 p.m. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

**These are the minutes of the regular meeting of the Eureka Springs City Council of Monday, Dec. 13, 2010.**

ATTEST:

APPROVED:

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City Clerk-Treasurer Ann Armstrong

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Mayor Morris R. Pate