

JANUARY 11, 2010 MINUTES

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CITY COUNCIL REGULAR MEETING MONDAY JANUARY 11, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m, Monday, Jan. 11, 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, Mickey Schneider, Joyce Zeller, City Attorney Tim Weaver, Finance Director Yvonne Kline, 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. Berry moved to approve the agenda, Mr. DeVito seconded, Mr. DeVito asked to add a discussion of insurance for city employees as New Business Item #7. Ms. Blankenship seconded. By roll call, Ms. Blankenship, Mr. Berry, Mr. DeVito voted aye. Ms. Schneider, Ms. Zeller, Mr. Brammer voted nay. Mayor Joy voted aye. Motion passed 4/3/0. On the motion to approve the agenda as amended, all voted aye. Motion passed 6/0/0.

APPROVAL OF THE MINUTES: Dec. 14, 2009

Mr. Berry moved to approve the minutes of the regular City Council meeting of Dec. 14, 2009. Mr. DeVito seconded. Ms. Schneider noted a correction on Page 2 in the discussion of sidewalks. On the motion to approve the minutes as corrected, all voted aye. Motion passed 6/0/0.

PROCLAMATION FOR 100TH ANNIVERSARY OF CARNEGIE LIBRARY

Mayor Joy read aloud a proclamation recognizing the 100th anniversary of the establishment of the Eureka Springs Carnegie Public Library at 194 Spring St, saying that 2010 shall forever be known in the City of Eureka Springs as, The Centennial year of the Eureka Springs Carnegie Public Library. Members of the Library Board of Trustees and librarians were on hand to receive the proclamation.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning, Position 2 - expires 1/1/11 Position 5 - expires 1/1/12, Nominee Ed Leswig Ms. Blankenship moved to approve the nomination of Mr. Leswig to Position 5. Ms. Schneider seconded. All voted aye. Motion passed 6/0/0.

HDC, Position 6, expires 3/07/11

PUBLIC COMMENTS: None

OLD BUSINESS:

1. Discussion of sidewalks. Ordinance 2113, second reading.

Ms. Schneider moved to open discussion. Mr. Berry seconded. All voted aye. Motion passed 6/0/0. There was considerable discussion about the types of sidewalk materials required by the ordinance. Ms. Blankenship moved to suspend the rules and place Ordinance 2113, regarding sidewalks, on its second reading by title only. Mr. DeVito seconded. By roll call, Ms. Blankenship, Mr. Berry, Mr. DeVito, Mr. Brammer voted aye. Ms. Schneider, Ms. Zeller voted no. Motion passed 4/2/0. Mayor Joy read the title of Ordinance 2113 aloud. Mr. Brammer moved to approve Ordinance 2113 on its second reading by title only. Ms. Blankenship seconded. There was lengthy discussion. On the motion to approve Ordinance 2113 on its second reading, by roll call vote, Mr. Brammer, Mr. DeVito, Mr. Berry, Ms. Blankenship voted aye. Ms. Zeller, Ms. Schneider voted no. Motion passed 4/2/0.

2. Discussion of lighting ordinance.

Mr. DeVito moved to discuss the proposed ordinance regulating outdoor lighting. Mr. Berry seconded. All voted aye. Motion passed 6/0/0. Mr. DeVito moved to give the ordinance a number (2114) and place it on its first reading. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0. Ms. Sell read Ordinance 2114 aloud.

Mr. Brammer moved to approve Ordinance 2114 on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

NEW BUSINESS:

1. Discussion to set regular 2010 Council meeting dates and time

Mr. Brammer moved to discuss. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0. Ms. Blankenship moved to continue meeting on the second and fourth Mondays of each month at 6 p.m. in the jury room on the second floor of the Western District Carroll County Courthouse. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

2. Adoption of rules of procedure for 2010

Ms. Blankenship moved to continue to use *Robert Rules of Order Revised*. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

3. Election of mayor pro tem/vice-mayor for 2010

Mr. DeVito nominated Mr. Berry to serve as mayor pro tem/vice mayor for 2010. Ms. Schneider seconded. Five voted aye, Mr. Berry abstained. Motion passed 5/0/1

4. Appointment of CAPC members from Council for 2010

Mr. DeVito nominated Joyce Zeller. Mr. Brammer seconded. Five voted aye, Ms. Zeller abstained. Motion passed 5/0/1. Ms. Schneider nominated Ms. Blankenship. Mr. Berry seconded. Five voted aye. Ms. Blankenship abstained. Motion passed 5/0/1

5. Discussion of appeal of re-zoning 42 Prospect from R-1 to C-3

(Note: The request of Rebecca Becker to rezone the property at 42 Prospect from R-1, Victorian residential, to C-3, Quiet Use Commercial, was not approved by the Planning Commission during its regular meeting of Dec. 10, 2009.) Mr. DeVito moved to open discussion. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0. Ms. Becker said she lives at 42 Prospect and wants to open a small art gallery in two rooms on the street level of the house. The property has C-3 zoning beside it and across the street and C-1 surrounding the nearby Crescent Hotel. Planning Commission Chairman Kenneth Pownall said even if the property were to be rezoned, there is not adequate parking on the property. Ms. Becker, representative, Keith Scales, had filled out an application for a parking variance from the Board of Zoning Adjustment (BOZA) but that had not been brought up since the motion to recommend the re-zoning had been defeated. Mr. DeVito said there is public parking one-half block away. Ms. Schneider suggested Ms. Becker operate as a home occupation, keeping the property residential. There was additional discussion of this possibility. Mr. DeVito moved to rezone the property at 42 Prospect from R-1 to C-3. Mr. Brammer seconded. After additional discussion, Mr. DeVito moved to table the discussion to the next regular meeting Monday, Jan. 25. Ms. Schneider seconded. By roll call, Ms. Schneider, Ms. Blankenship, Mr. DeVito, Mr. Brammer voted aye. Ms. Zeller, Mr. Berry voted no. Motion to table passed 4/2/0

6. Discussion of ordinance to raise water rates

Ms. Schneider moved to give the ordinance a number (2115) and to place it on its first reading. Mr. Brammer seconded. Five voted aye. Ms. Blankenship voted no. Motion passed 5/1/0. Ms. Sell read Ordinance 2115 raising water rates aloud. Mr. Brammer moved to approve the first reading of Ordinance 2115 raising water rates. Mr. DeVito seconded. There was discussion about the formula used in calculating the rates. Finance Director Kline said she had raised the rates three percent, as she is allowed to do by ordinance, based on the Consumer Price Index (CPI) and had added five cents per thousand gallons to offset the increased cost of purchasing water from the Carroll Beone Water District. On the motion to approve the first reading of Ordinance 2115, five voted aye, Ms. Blankenship voted no. Motion passed 5/1/0. Mr. Brammer moved to suspend the rules and place Ordinance 2115 on its second reading by title only. By roll call, Ms. Schneider, Ms. Zeller, Mr. Berry, Mr. DeVito, Mr. Brammer voted aye. Ms. Blankenship voted no. Motion passed 5/1/0. Mayor Joy read the title of Ordinance 2115 aloud. Mr. Brammer moved to approve Ordinance 2115 on its second reading by title only. Mr. DeVito seconded. On the motion to approve the second reading, five voted aye. Ms. Blankenship voted no. Motion passed 5/1/0

7. Discussion of health insurance for city employees.

(Note: The Municipal Health Benefit Fund through the Arkansas Municipal League is the current health insurance provider for the city. It does not offer benefits to domestic partners of the same sex or opposite sex. There have been inquiries from persons living outside the city as to why the city does not offer coverage to domestic partners. The city pays full insurance coverage to employees. Employees may pay for their own family extended coverage.) Mr. DeVito moved to discuss. Ms. Blankenship seconded. Four voted aye. Mr. Brammer and Ms. Schneider voted no. Motion passed 4/2/0. Mr. DeVito said that although it is within the mayor's purview to determine which insurance provider will be used by the city; and since the passage of the Domestic Partnership Registry (DPR) in June of 2007, we have provided a certificate for others to take to their workplace to obtain insurance coverage that our city doesn't offer. Mayor Joy said the city had started in August looking for insurance providers who might give better coverage, although coverage to domestic partners was not one of the criteria. She said that to switch to another insurance provider at this point would cost between \$20,873.16 and \$48,000 with deductibles going from \$1,500 to \$2,500. Family coverage would rise from \$375 to \$620 per employee per month. She said the estimated cost of changing coverage would cost the city \$362,753.16 more per year and none of the companies providing information cover domestic partners. The city cannot afford to change coverage at this time.

COUNCIL COMMENTS:

By consensus, the Council agreed to a budget workshop at 9 a.m. Wednesday, Jan. 20, in the Mayor's office.

ADJOURNMENT:

Mr. DeVito moved to adjourn at 8:47 p.m. Mr. Berry 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, Jan. 11, 2010.

APPROVED

ATTEST: Mayor Dani D. Jcy

City Clerk, Treasurer Mary Jean Sell CMC

City Council 1/11/10