CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING MONDAY, JANUARY 25, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Jan. 25, 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, Historic Preservation Officer (HPO) Glenna Booth, 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. Brammer moved to approve the agenda. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: Jan. 11, 2010
Mr. Berry moved to approve the minutes of the regular City Council meeting of Jan. 11, 2010, as presented. Mr. DeVito seconded.
Ms. Schneider noted a correction on Page 4, Item #7, regarding the discussion of city employee insurance. She said the vote to discuss had split 3-3 and the Mayor had voted aye to discuss. (Note: A review of the DVD of the meeting showed the minutes to be correct as presented.)
On the motion to approve the minutes as corrected, all voted aye. Motion passed 6/0/0

STATE OF THE CITY ADDRESS
2010 State of the City Address.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:
Planning, Position 2 - expires 1/1/11
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
CAPC - Position 7, expires 12/31/10 Mayor Joy nominated Joanne Graupner for the at-large Position #7.

ESDN, Eureka Springs Downtown Network, Ms. Booth presented a report with information regarding the 2009 programs and activities. She said ESDN will hold two workshops during the 2010 Governor, Conference in Eureka Springs, the first time a group outside the tourism community has been allowed to hold workshops. They will cover the downtown underground tour. The tour will include video and podcast information.

PUBLIC COMMENTS: None

OLD BUSINESS:
1. Discussion of sidewalks, Ordinance 2113, third reading.
Mr. DeVito moved to open discussion. Mr. Berry seconded. All voted aye. Motion passed 6/0/0
Mr. DeVito moved to suspend the rules and place Ordinance 2113 on its third and final reading. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0
Mayor Joy read the title of Ordinance 2113 aloud.
Mr. Brammer moved to approve Ordinance 2113 on its third reading. Mr. DeVito seconded.
After a brief discussion, Ms. Zeller called for the question to stop discussion. All voted aye.
On the motion to approve ordinance 2113 on its third reading by title only, by roll call, Mr. Brammer, Mr. DeVito, Mr. Berry voted aye; Ms. Zeller, Ms. Schneider, Ms. Blankenship voted no. Motion died with a split 3/3/0.

2. Discussion of lighting ordinance, Ordinance 2114, second reading.
Mr. Brammer moved to suspend the rules and place Ordinance 2114 on its second reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2114 aloud.
Mr. Brammer moved to approve Ordinance 2114 on its second reading by title only. Mr. DeVito seconded.
Mr. Berry moved to remove Section 7.5c referring to examples in Appendix A and to remove, No sag or drop lens lighting fixtures may be installed under canopies or overhangs and to eliminate Section 7.06. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0
Ms. Blankenship moved to add to 7.xx.02 h Holiday lighting as per the current adopted National Electric Code. Ms. Schneider seconded. All voted aye. Motion passed 6/0/0
Mr. Brammer moved to renumber the sections following 7.5C. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0, Mr. Berry moved to insert the words, moved, replaced or repaired, into Sect 7.02C. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0
On the motion to approve Ordinance 2114 as amended, all voted aye. Motion passed 6/0/0

3.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. The Council discussed the appeal during the regular meeting of Jan. 20, 2010, and voted to table the issue to this meeting.)
Mr. DeVito moved to open the discussion. Mr. Brammer seconded.
There was discussion regarding the use of a home occupation designation for the property instead of rezoning. There would still be issues around the lack of parking on the property.
Mr. Berry moved to deny the request to re-zone the property at 42 Prospect from R-1 to C-3. Mr. Brammer seconded. Four voted in favor. Mr. Brammer and Mr. DeVito voted no. Motion to deny passed 4/2/0

4.Discussion of Ordinance 2115 raising water rates, third reading.
Mr. DeVito moved to suspend the rules and place Ordinance 2115 on its third reading by title only. Mr. Brammer seconded. By roll call, five 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 third and final reading by title only. Mr. DeVito seconded.
Ms. Blankenship moved to take out Section 6, the emergency clause, and to have Section 5 set the date for the, first billing after the effective date of this ordinance (30 days after publication), Mr. Brammer seconded. All voted aye.
On the motion to approve Ordinance 2115 on its third reading as amended, all voted aye. Motion passed 6/0/0

Ms. Schneider moved to take a break at 7:37 p.m. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0. Meeting resumed at 7:45 p.m.

NEW BUSINESS:
1.Discussion of contract for management of the City Auditorium
Mr. DeVito moved to open discussion. Ms/Blankenship seconded. All voted aye. Motion passed 6/0/0
Ms. Blankenship moved to amend the agreement to have the city agree to pay $1,000 yearly for a share of the utility bills, unless the agreement is amended. Mr. DeVito seconded. Five voted aye. Mr. Berry voted no. Motion passed 5/1/0.
Mr. DeVito moved to accept the amended contract between the city and the City Advertising and Promotion Commission (CAPC). Ms. Zeller seconded. Five voted aye. Mr. Berry voted no. Motion passed 5/1/0

1. Discussion of 2010 budget
Ms. Blankenship suggested two corrections to the figures in the document.
Ms. Blankenship moved to read Resolution 564 to approve the 2010 budget for the City of Eureka Springs. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0
Ms. Sell read Resolution 564 aloud.

COUNCIL COMMENTS:
Mr. DeVito said he had been contacted by members of a city commission by a member of the City Council and asked not to elect a particular member of the commission as chairman. He said it was a breach of protocol, it was a meddlesome action and inappropriate for a Council member to ask commission members to vote against a sitting chairman.
Ms. Blankenship asked to have sidewalks put on the Council agenda for Feb. 8. Ms. Schneider seconded.
Ms. Schneider announced the early voting dates on the proposed millage increase to build a new high school.

ADJOURNMENT:
Mr. DeVito moved to adjourn at 8 p.m. Ms. Schneider 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. 25, 2010.

APPROVED:

ATTEST:_____

Mayor Dani D. Joy

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City Clerk-Treasurer Mary Jean Sell CMC