



## CITY OF EUREKA SPRINGS

## CITY COUNCIL

## REGULAR MEETING

MONDAY

JUNE 14, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 14, 2010, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy, Aldermen Beverly Blankenship, Patrick Brammer, James DeVito, Mickey Schneider, Joyce Zeller, City Attorney Tim Weaver, City Clerk-Treasurer Mary Jean Sell CMC. Alderman Robert Butch, Berry was absent.

## 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.

Ms. Blankenship asked to add a discussion of the purchase of video equipment as Old Business Item #4.

Ms. Zeller asked to add a discussion of renting/leasing city parking spaces for special events as New Business Item #4. Ms. Schneider seconded.

Mayor Joy said representatives from the Arkansas Game and Fish Commission were present for the deer discussion. She moved New Business Item #3 discussion of deer problem to follow Public Comments.

On the motion to approve the agenda, all voted aye. Motion passed 5/0/0

## APPROVAL OF THE MINUTES: May 24, 2010 and Special minutes of June 11, 2010

May 24, Mr. DeVito moved to approve the minutes of the regular City Council meeting May 24, 2010, as presented. Ms. Blankenship seconded. all voted aye. Motion passed 5/0/0

June 11, Mr. DeVito moved to approve the minutes of the special City Council meeting June 11, 2010. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

## COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

HDC Position 6 - expires 3/7/11

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

Position 6 - expires 1/1/12

Parks - Position 5 - expires 5/01/11

CAPC Mayor Joy re-nominated Joanne Graupner to a full-term as the at-large member in Position 7.

Mayor Joy announced curb cuts will start soon for cross walks as part of efforts to meet

the Americans with Disabilities Act (ADA). Efforts are being made to apply for two grants through the Arkansas Highway Department for T-21 funds and the Safe Routes to School program.

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## PUBLIC COMMENTS:

Ten persons spoke about the deer problem in town. The majority want people in town to stop feeding the deer to eliminate the potential for the chronic wasting disease, abundance of disease-carrying ticks, potential traffic hazards and accidents, and damage to property. Two of those persons said there is no problem and one said he will continue to feed the deer.

Dr. Brad Miller, deer coordinator for the Arkansas Game and Fish Commission (AGFC) from Little Rock, said there are no good options to solving a deer problem. The Commission will not relocate deer; bringing in sharpshooters is very expensive; trapping, euthanizing and any type of attempted contraception will not solve the problems.

Four children and two adults spoke in support of the Eureka Kids' program in the Community Building in Harmon Park.

One citizen asked the Council to reconsider renting the city-owned parking lots and eliminating parking for downtown visitors and customers.

## NEW BUSINESS:

1. Discussion of deer population

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

Ms. Schneider proposed having an ordinance written to allow a controlled bow hunt. She said the hunt could be coordinated with the AGFC and

the Arkansas Bow Hunters Association. She suggested the Historic District Commission (HDC) relax its regulations regarding fencing.

Mr. DeVito said the Council has two options, a controlled hunt and a ban on feeding deer.

Ms. Blankenship moved to have the City Attorney draft an ordinance to ban deer feeding. Mr. DeVito seconded. Four voted aye, Ms. Schneider abstained. Motion passed 4/0/1

#### OLD BUSINESS:

##### 1. Discussion of underground channel/tunnel repairs

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

Mayor Joy said she has called for RFQs (Request for Qualifications) from engineering firms who might be interested in doing the study of the channel/tunnel. She has received responses from seven firms. She does not have any estimates of costs yet.

She said there are some federal there are some Community Development Block Grants (CBDG) funding available to repair damage from the weather disasters of 2008. Since damage has been done to the channel/tunnel by flood waters, she is hoping to get some funding for repairs.

Ms. Schneider moved at 7:26 p.m. to take a five minute break. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0 Meeting resumed at 7:35 p.m.

##### 2. Discussion of moving city meetings to another location

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

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Mayor Joy said the school board is still considering whether or not to allow the city to use the meeting facility in the school administration building. The board members are concerned about security for the building maintenance and clean-up after the meetings.

##### 3. Discussion of Eureka Kids' contract for use of Community Building in Harmon

Park

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

Mayor Joy read aloud a list of minor repairs to the building from Building Official Bobby Ray. She said the City has spent \$28,500 on the building since 2004.

Mr. Brammer said he had been to the building and had noticed problems with the east door frame.

Barb Dunnam, director of Eureka Kids, said the front and side deck is beginning to settle and the deck has dropped about six inches in two months. If the City would replace the siding, the deck could be reattached to the wall. She said her program does pay for insurance on their property. She said there are anywhere from three to 30 or 40 kids in the program on a daily basis. The program serves approximately 200 persons per year.

Ms. Schneider moved to renew the lease to allow the Eureka Kids to use the Harmon Park Community Building for another three years as stated in the existing lease. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

##### 4. Discussion of purchase of video equipment to record and broadcast city meetings

Ms. Blankenship moved to open discussion. Ms. Schneider seconded. All voted aye.

Motion passed 5/0/0

Ms. Blankenship referred to a memo from Building Maintenance Supervisor Don Matt regarding the cost of new equipment.

Ms. Blankenship moved to approve moving \$15,000 from the Capital Equipment Fund to the Mayor's Capital Equipment Budget to purchase the video equipment. Mr. DeVito seconded.

All voted aye. Motion passed 5/0/0

#### NEW BUSINESS:

##### 1. Discussion of ordinance to rezone Lots 5 and 6 Block 10 Bays Survey off

Magnetic Road from R-1, Victorian Residential to C-1, Victorian Commercial

Mr. DeVito moved to open discussion. Mr. Brammer seconded. All voted aye.

Motion passed 5/0/0

Mr. DeVito noted the application has the approval of the Planning Commission and said he would endorse the rezoning as well.

Ms. Blankenship moved to give the ordinance a number (2122) and place it on its first reading. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

Ms. Sell read Ordinance 2122 aloud.

Mr. Brammer moved to approve Ordinance 2122 on its first reading. Ms. Schneider seconded. All voted aye. Motion passed 5/0/0

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2. Opinion on city's ownership of streets and alleys

Ms. Blankenship moved to discuss, Mr. Brammer seconded. All voted aye.

Motion passed 5/0/0

Mayor Joy said she has not heard from Judge Ohm.

Ms. Schneider moved to table the item to the next regular meeting, Monday, June 28. Mr.

Brammer seconded. All voted aye. Motion passed 5/0/0

3. Discussion of renting city-owned parking lots.

Ms. Schneider moved to open discussion. Ms. Zeller seconded.

Mayor Joy read aloud minutes from the regular City Council meeting of April 25, 2005,

in which the Council voted to rent city-owned parking spaces/lots for \$3/per space/per day during special events.

Ms. Schneider and Ms. Zeller said the parking lots at the Courthouse had been rented for the Blues Festival the weekend of June 3-5 and were not fully used, leaving visitors with no place to park.

Ms. Sell said only the lot between the Courthouse and the City Auditorium and the spaces along the First Street wall had been rented. The lot between the Courthouse and the Trolley Depot was not rented. On Friday, city and county employee vehicles were parked in that lot.

Mr. DeVito moved that the City will not continue to allow festival parking at the rate of \$3 per day. Ms. Schneider seconded.

After additional discussion, Mr. DeVito moved to table the discussion to the next regular meeting, Monday, June 28. Ms. Blankenship seconded. Four voted aye. Ms. Zeller voted no. Motion passed 4/1/0

CITY COUNCIL COMMENTS:

Ms. Zeller said she wanted a discussion of city policy regarding downtown parking on special occasions on the next agenda because parking is vital to business.

Mr. DeVito said he is concerned about developing the new ordinance for the use of Basin Spring Park. He hopes the Parks Commission can work quickly.

Ms. Blankenship said she wants a discussion of the City Clerk-Treasurer job and salary on the next agenda. Ms. Schneider seconded.

ADJOURNMENT:

Mr. DeVito moved to adjourn at 8:48 p.m. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the regular meeting of the Eureka Springs City Council of Monday, June 14, 2010.

APPROVED:

ATTEST:

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Mayor Dan J. Joy

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City Clerk-Treasurer Mary Jean Sell CMC

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