



**CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING**

MONDAY MARCH 29, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m., Monday, March 29, 2010, in the jury room on the second floor of the Western District Carroll County Courthouse. The meeting was one week off the regular schedule because the city was hosting the 36th annual Arkansas Governor's Conference on Tourism earlier in the month.

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

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Joy led the Fledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Mr. Brammer moved to approve the agenda, Ms. Blankenship seconded.

Mayor Joy said Public Works Director Dwayne Allen is still talking to potential consultants about repair of the city water tower at the intersection of Hwy. 62 and Kingshighway at the Best Western Inn of the Ozarks so Old Business Item #2 will be postponed to the next meeting.

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

APPROVAL OF THE MINUTES: March 15, 2010

Mr. Berry moved to approve the minutes of March 15, 2010, regular City Council meeting, Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning, Position 2 - expires 1/1/11, Position 6 - expires 1/1/12

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, Mayor Joy nominated Todd Maberry for Position 5.

CAPC - Position 1, expires 7/1/12, Mayor Joy said the CAPC has nominated Rick Rojek to Position 1. Mr. Brammer moved to approve Mr. Rojek, nomination. Ms. Schneider seconded. All voted aye. Motion passed 5/0/0

Sidewalks, Mayor Joy said bids will be taken Tuesday for repairs of the sidewalk in front of the Courthouse. She asked Mr. Weaver to research whether or not the city could repair sidewalks on county property.

Courthouse, Mayor Joy explained District Judge Kert Crow has ordered the two judicial districts in Carroll County combined into one district with offices and records to be moved to Berryville by June 1. She said a law suit has been filed with the Arkansas Supreme Court to stop the order.

CAPC, Ms. Blankenship said there has been new state legislation (Act 274 of 2009) to change the language regarding the collectors of the A&P (advertising and promotion) tax. She wants Ordinance 2060 amended to include the new collectors.

Ms. Blankenship moved to ask the city attorney to draft an amendment to Ordinance 2060 to include the new collectors as set out in Act 274. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

PUBLIC COMMENTS:

Sam Ray of The Great Passion Play said he is concerned about Ordinance 2118 which limits heavy truck traffic on Magnetic and Passion Play roads. He said the bus and motor home traffic is crucial to the Play's success. He said many of those vehicles are over the gross weight limit, but he wants the buses and motor homes to have access to the Passion Play grounds.

OLD BUSINESS:

1. Discussion of Ordinance 2116 sidewalk surfaces, 3rd reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2116 on its third reading by title only. Ms. Schneider seconded. By roll call, Ms. Blankenship, Ms. Zeller, Ms. Schneider voted aye, Mr. Brammer and Mr. Berry voted no, Mayor Joy voted aye to approve the motion to read the title of the ordinance. Motion passed 4/2/0

Ms. Sell read the title of Ordinance 2116 aloud.

Ms. Blankenship moved to approve Ordinance 2116 on its third reading by title only. Ms. Zeller seconded.

Ms. Zeller moved to amend Section 9.08.04(1) to read, will be repaired, to make repair mandatory. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

Discussion followed.

On the motion to approve Ordinance 2116 on the third reading as amended, Ms. Blankenship, Ms. Zeller, Ms. Schneider voted aye. Mr. Brammer and Mr. Berry voted no, Mayor Joy voted aye to approve the motion. Motion passed 4/2/0

Ms. Blankenship said Ordinance 2116 removed Section 9.08.08 of the Municipal Code regarding the vacating of streets and alleys. She had a proposed ordinance to put vacations back into the Municipal Code.

Ms. Blankenship moved to give the ordinance a number (2120) and to place it on its first reading. Mr. Brammer seconded.

Ms. Sell read Ordinance 2120 aloud.

Mr. Brammer moved to approve Ordinance 2120 on its first reading. Ms. Schneider seconded.

Mr. Berry said the new ordinance leaves out references to the city getting fair market value for land that is vacated. Mr. Weaver said he would look into the matter and clarify the proposed ordinance.

On the motion to approve Ordinance 2120 on its first reading, all voted aye. Motion passed 5/0/0

2. Discussion of Ordinance 2117 2009 budget clean up, 3rd reading

Mr. Brammer moved to suspend the rules and place Ordinance 2117 on its third reading by title only. Mr. Berry seconded. By roll call, all voted aye. Motion passed 5/0/0

Ms. Sell read the title of Ordinance 2117 aloud.

Mr. Brammer moved to approve Ordinance 2117 on its third reading

by title only. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

3. Discussion of Ordinance 2118 limiting heavy truck traffic, 3rd reading.

Ms. Schneider moved to suspend the rules and place Ordinance 2118 on its third reading by title only. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 5/0/0

Mayor Joy read the title of Ordinance 2118 aloud.

Ms. Blankenship had questions about Section 3 of the ordinance.

Ms. Schneider had questions about wording on directional signs regarding where vehicles could go.

Mr. Berry moved to defer action on the ordinance to the next regular meeting and to have a workshop on signage. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

4. Discussion of Ordinance 2119 amending city sick leave policy, 3rd reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2119 on its third reading by title only. Mr. Berry seconded. By roll call, all voted aye. Motion passed 5/0/0

Ms. Sell read the title of Ordinance 2119 aloud.

Mr. Brammer moved to approve Ordinance 2119 on its third reading by title only. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

5. Discussion of amendments to Ordinance 2114 regarding lighting.

Ms. Blankenship moved to discuss amendments to Ordinance 2114. Mr. Berry seconded.

There was discussion.

Mr. Berry moved to put a moratorium on enforcement of Ordinance 2114 for 30 days until SWEPCO provides copies of individual contracts to the City Attorney. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

6. Discussion of amendments to Ordinance 2110 regarding business agent

Mr. Berry moved to discuss. Ms. Blankenship seconded.

Mr. Weaver said the ordinance doesn't need to be amended, but he had a suggested change for the form business owners are asked to fill out.

Ms. Blankenship moved to approve the application as revised. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

MAYOR'S COMMENTS:

Mayor Joy explained the new prescription card program offered through the National League of Cities.

ADJOURNMENT:

Ms. Schneider moved to adjourn at 7:15 p.m. Ms. Blankenship 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 Monday, March 29, 2010.

APPROVED:

ATTEST:

Mayer Dani D. Jcy

City Clerk-Treasurer Mary Jean Sell CMC