



**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, Oct. 11, 2010 6 p.m.
AGENDA**

**CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE TO THE FLAG
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: Sept. 27, 2010**

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
CAPC – 2 positions

PUBLIC COMMENTS:

OLD BUSINESS:

1. Discussion of Ordinance 2129 setting real and personal property levies, 3rd reading
2. Discussion of proposed Ordinance 2130 regarding communication towers, 1st reading

NEW BUSINESS:

1. Discussion of resolution in support of opening private landing strip by Erroll Severe
2. Discussion of proposed ordinance regarding regulations for initiative petitions

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ANNOUNCEMENTS

ADJOURNMENT

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING MONDAY OCTOBER 11, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m., Monday, Oct. 11, 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, Finance Director Yvonne Kline, City Clerk-Treasurer Mary Jean Sell CMC. Aldermen 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:

Ms. Blankenship moved to approve the agenda. Ms. Schneider seconded.

Mr. DeVito moved to add a discussion of commissions as New Business #3. Ms. Schneider seconded.

Ms. Sell asked to have a discussion of tourism rentals added as New Business #4. Ms. Schneider moved to put the issue on the agenda. Ms. Zeller seconded.

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

APPROVAL OF THE MINUTES: Sept. 27, 2010

Mr. DeVito moved to approve the minutes of the regular meeting of Monday, Sept. 27, 2010, Ms. Blankenship seconded.

Ms. Blankenship noted a correction on Page 1, there are two CAPC positions open.

On the motion to approve the minutes as corrected, all voted aye. Motion passed 5/0/0

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

CAPC – 2 positions City Advertising and Promotion Commission (CAPC) Chairman Joanne Graupner said the Commission had agreed on two nominees, Rick Bright and Joe Joy.

Mr. DeVito moved to approve the nomination of Rick Bright to Position 1, a two-year term to replace Rick Rojek. Ms. Schneider seconded. All voted aye. Motion passed 5/0/0

Mr. Brammer moved to approve the nomination of Joe Joy to Position 2, replacing Richard Grinnell. Mr. DeVito seconded. After some discussion, four voted aye, Ms. Blankenship voted no. Motion passed 4/1/0

Mayor Joy said the Council had budgeted \$15,000 to purchase new video equipment, and spent only \$12,523.23, leaving approximately \$2,476.77. Building Supervisor Don Matt proposed purchasing new chairs for the Council/Jury room at a cost of \$154 each or a total of \$2,310 for 15 chairs.

Ms. Schneider moved to replace the beat up and sagging chairs. Ms. Zeller seconded.

Mr. DeVito was not in favor of the expenditure because of the difficult current economic situation.

On the motion, Ms. Schneider, Ms. Zeller, Mr. Brammer voted aye, Mr. DeVito, Ms. Blankenship voted no, Mayor Joy voted no, Motion failed 3/3/0

Quorum Court Representative Morris Pate was in the audience and said he would sponsor a resolution asking the Quorum Court to purchase new chairs.

Ms. Kline asked the Council to schedule a budget workshop as soon as possible. She has some budget adjustments. Council agreed on 6 p.m. Monday, Oct. 18, in the Mayor's Office.

CAPC – Director Jim Williams presented an activity report for himself and staff members.

PUBLIC COMMENTS:

Errol Severe asked the Council to approve a proposed resolution supporting the re-opening of his air strip on Onyx Cave Road in November. Tom Hammer reviewed some of the events leading up to the filing of a lawsuit against Mr. Severe which has resulted in a court-ordered closing of the airport facility.

Sue Glave said there will be a parade to honor veterans at 10 a.m. Monday, Nov. 11, starting in front of the library at 194 Spring Street and moving to the parking lot at the intersection of First and Main Street.

OLD BUSINESS:**1. Discussion of Ordinance 2129 setting real and personal property levies, 3rd reading**

Ms. Blankenship moved to suspend the rules and place Ordinance 2129 on its third reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 5/0/0 Mayor Joy read the title of Ordinance 2129 aloud.

Mr. Brammer moved to approve the third reading of Ordinance 2129 by title only. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0

2. Discussion of proposed Ordinance 2130 regarding communication towers, 1st reading

(Note: Ordinance 2130 was tabled during the regular City Council meeting of Monday, Sept. 27, so it could be written in the proper form.)

Ms. Blankenship moved to place Ordinance 2130 on its first reading. Mr. DeVito seconded. All voted aye.

Ms. Sell, Ms. Schneider, Ms. Zeller, Mr. DeVito and Ms. Blankenship took turns reading aloud.

Mr. Brammer moved to approve Ordinance 2130 on its first reading. Ms. Schneider seconded.

There was discussion of amendments to portions of the Ordinance. Mr. Weaver made some recommendations regarding fees and clarified language regarding majority votes.

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

NEW BUSINESS:**1. Discussion of resolution in support of opening private landing strip by Errol Severe**

Ms. Schneider moved to open discussion. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0 Ms. Schneider and Ms. Blankenship said the issue is a private matter, the landing strip is outside the city limits and the Council should not be involved. Mr. Weaver agreed that the Council should not get involved in this private issue, lest they be drawn into the lawsuit.

No action was taken on the request for a resolution.

2. Discussion of proposed ordinance regarding regulations for initiative petitions

Mr. DeVito moved to open discussion. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0 Ms. Sell explained the need to have an ordinance to govern the presentation of initiative petitions similar to the existing ordinance regarding referendum petitions. Ms. Blankenship moved to give the ordinance a number (#2131) and to place it on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0 Mayor Joy read Ordinance 2131 aloud. Mr. Brammer moved to approve Ordinance 2131 on its first reading. Ms. Blankenship seconded. Ms. Schneider said the third section should say "...he or she shall certify..." instead of "may certify." She moved to amend the third section to say "shall certify". Ms. Zeller seconded. All voted aye. Motion passed 5/0/0 On the motion to approve Ordinance 2131 as amended, all voted aye. Motion passed 5/0/0

3. Discussion of city commissions.

Mr. DeVito moved to open the discussion. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0 Mr. DeVito said the audit firm is currently stuck in limbo between the City and the CAPC as to who will oversee management and operations. He would like to resurrect the Audit Firm Commission to manage the property. He asked to have the item on the agenda for the next regular meeting, Monday, Oct. 25. Ms. Blankenship seconded.

4. Discussion of tourism rentals

Mr. DeVito moved to open discussion. Ms. Schneider seconded. All voted aye. Motion passed 5/0/0 Ms. Sell explained a property owner in town is now advertising the property on the internet as a weekly or longer vacation rental. The property does not have a Conditional Use Permit (CUP) as a tourist lodging or as a bed and breakfast. Mr. Weaver said his interpretation of the Municipal Code is that it forbids the using of the property as a tourist lodging, no matter what the length of the rental is. Additional tourist lodging facilities cannot be created. No action was taken by the Council.

MAYOR'S COMMENTS:

Mayor Joy said the state auditor has completed the 2008-2009 audit of the city's general fund accounts. The audit is being reviewed by the Legislative Audit Commission and will be posted on their website when it is complete.

ADJOURNMENT:

Ms. Blankenship moved to adjourn at 8 p.m. Mr. DeVito 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 of Monday, Oct. 11, 2010.

APPROVED:

ATTEST:

Mayor Dan D. Joy

City Clerk-Treasurer Mary Jean Sell CMC