



CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

SEPTEMBER 13, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Sept. 13, 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, James DeVito, Mickey Schneider, Joyce Zeller, City Attorney Tim Weaver, City Clerk-Treasurer Mary Jean Sell CMC. Alderman Patrick Brammer arrived for the meeting at 6:25 p.m.

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

APPROVAL OF THE MINUTES: Aug. 23, 2010

Mr. DeVito moved to approve the minutes of the regular City Council meeting of Monday, Aug. 23, 2010. Mr. Berry seconded. All voted aye. Motion passed 5/0/0

PROCLAMATION OF CONSTITUTION WEEK FOR DAR

Mayor Joy read aloud the proclamation of Sept. 17-24, 2010, as Constitution Week for the Daughters of the American Revolution (DAR).

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

Hospital - Position 6 - expires 9/7/15 Mayor Joy nominated Mary Jean Sell for re-appointment to Position 6. Position 7 - expires 9/7/15

Mayor Joy nominated Enid Swartz for re-appointment to Position 7.

CAPC, Mayor Joy said there is one position open on the City Advertising and Promotion Commission.

PUBLIC COMMENTS:

Erroll Severe asked the Council for support in getting an airport open for small aircraft.

Ken Pownall said the stop work order issued on the proposed communication tower at 5 Judah St. is still in effect.

Jacqueline Wolven, Director of the Eureka Springs Downtown Network (ESDN) gave a report on recent and future activities.

OLD BUSINESS:

1. Discussion of Ordinance 2125 amending Title 14 Zoning, Section 14.08.13

Definitions of Eureka Springs Municipal Code adding, "wind generating device." 3rd reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2125 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 2125 aloud.

Ms. Blankenship moved to approve the third reading of Ordinance 2125 by title only. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

2. Discussion of Ordinance 2126 amending Title 14 Zoning Chapter 14.08.01

Zoning Districts adding a C-2-C Contemporary Commercial zone outside the Historic District and C-2-H for the Commercial zone inside the Historic District. 3rd reading

Mr. DeVito moved to suspend the rules and place Ordinance 2126 on its third reading by title only. Ms. Zeller seconded. By roll call, all voted aye. Motion passed 5/0/0

Mayor Joy read the title of Ordinance 2126 aloud.

Ms. Blankenship moved to approve the third reading of Ordinance 2126 by title only. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

3. Discussion of Ordinance 2128 to vacate alley lying between Lots 10-14, 16 and 17, 20-23 in Block 1, between Lot 17 and portion of Lot 20 Block 1, Bays survey, 2nd reading

(Note: Approval of the second reading was tabled so a correction could be made to the legal description in the text of Ordinance 2128.)

Mr. DeVito moved to approve Ordinance 2128 as amended on its second reading. Ms. Blankenship seconded. All voted aye. Motion passed

5/0/0

NEW BUSINESS:**1. Discussion of closing Center Street for vendors on Sundays**

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

Mr. Weaver said he needed guidance from the Council regarding dates, times, what portion of Center St. was to be closed, etc. before he could draft an ordinance.

Mayor Joy said she had talked with Glenna Booth of ESDN about possible management. Ms. Booth said the organization did not have enough volunteers at this time to handle the project. No individual or group has come to the Mayor to inquire about using Center Street.

Mr. DeVito moved to table the topic. Ms. Blankenship seconded. By roll call, four voted aye. Ms. Schneider voted no. Mr. Brammer was at the table but voted present. Motion passed 4/2/0

2. Discussion of Ordinance 2129 setting real and personal property levies

Ms. Sell said this ordinance is to set the real and property levies for 2011 and the amounts have not changed in several years.

Ms. Blankenship moved to place Ordinance 2129 on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Ordinance 2129 aloud.

Mr. Brammer moved to approve Ordinance 2129 on its first reading. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

3. Request for waiver of new owner permit fees from Arlene Pabian, Inc.

Ms. Schneider moved to open discussion. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Vicki Brown of Arlene Pabian, Inc. and Ms. Sell explained the restaurant-bar known as Chelsea's Corner Cafe, 10 Mountain St., has been owned by Arlene Pabian, Inc. since Jan. 1, 1990. All of the City's records and licenses relating to Chelsea's have been carried in the name of Arlene Pabian, an individual, not a corporation. Ms. Pabian died a year or so ago and the business has been held in probate court. The probate matters are now settled and when Ms. Brown came to the City Clerk to get new licenses in her own name as president of Arlene Pabian, Inc., the City Clerk was unable to transfer the licenses without charging the fees set out in the Municipal Code.

Ms. Brown explained the corporation has owned the business since 1990 but Ms. Pabian had failed to include the corporate name in her license applications. The only actual change in the management of Chelsea's is that Ms. Brown is now president of the corporation instead of Ms. Pabian.

Ms. Blankenship moved that since the fees for the 2010 licenses have been paid, that the charging of additional fees because of the name change from an individual to a corporation be waived and new licenses issued. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0

4. Application to upgrade vehicles in moped franchise held by Phillip and Latosha Thomas

Mr. DeVito moved to open discussion. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

Mr. Thomas explained that he wants to be able to rent scooters with a larger than 50cc capacity so two persons can ride one vehicle. He will require customers to have a motorcycle endorsement on their driver's licenses before renting a vehicle, plus take his training test.

Ms. Blankenship moved to put this item on the agenda for the next regular meeting, Sept. 20. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

COUNCIL COMMENTS:

Ms. Schneider had distributed a copy of the current Municipal Code Chapter 4.28 Animal-Drawn Vehicles. She said she wants to propose changes to the ordinance and wants the discussion on the agenda for the next regular meeting, Sept. 20. Ms. Zeller seconded.

ADJOURNMENT:

Mr. DeVito moved to adjourn at 6:58 p.m. Ms. Blankenship 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, September 13, 2010.

APPROVED:

ATTEST:

Mayor Dani D. Joy

City Clerk-Treasurer Mary Jean Sell CMC