



CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

SEPTEMBER 27, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Sept. 27, 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, 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. DeVito moved to approve the agenda. Ms. Blankenship seconded.

Ms. Schneider asked to add a discussion of a proposed resolution to save the city money.

All voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: Sept. 13, 2010

Mr. DeVito moved to approve the minutes of the regular City Council meeting of Monday, Sept. 13, 2010. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

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

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

Mr. Brammer moved to approve the appointment of Mary Jean Sell to Position 6. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Position 7 - expires 9/7/15, Enid Swartz nominated for re-appointment Ms. Schneider moved to approve the appointment of Enid Swartz to Position 7. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

CAPC, 2 positions

Mayor Joy said repairs to the city's water storage tank at the Best Western Inn of the Ozarks on Highway 62 west at the intersection with the Historic Loop will begin this week. She said more than 100 participants attended the Incendiary Explosive Device (IED) training at Lake Leatherwood. The three day class was sponsored by the Eureka Springs Police Department.

She read aloud a proclamation of Oct. 1-10, 2010, as American Craft Week on behalf of the Mayor's Arts Council acknowledging the contributions of artists and craft persons to our community. Zeek Taylor, Iris and Rick Feutz were present to receive the proclamation.

PUBLIC COMMENTS:

Dick Titus, co-owner of 12 White St., spoke regarding the proposed construction of a storage shed on city-owned property behind the Fire Station at 14 White St. He and Zeek Taylor purchased their property in August of 1989. A lease for the south 10 feet of Lot 4, Block 52, R&A Survey, behind the station went with the deed to the property.

He was asking the Council to purchase or continue to lease the area and build either a temporary or permanent storage building on it.

Council members asked Mr. Titus to do a title search to find any other information about the conditions of the lease and agreed he could build a storage building.

NEW BUSINESS:

1. Discussion of refunding Series 2005 Water and Sewer Revenue Bonds

Dennis Hunt of Stephens Inc., of Fayetteville, the city's investment bond advisor, brought a proposal to refund the City's Series 2005 Water and Sewer Revenue Bonds with a current outstanding balance of \$1,950,000 at an average interest rate of 4.16 percent. In the current market, these bonds could be refunded with an average interest rate of approximately 2.60 percent, resulting in a net savings to the City of approximately \$112,000.

Mr. Hunt presented a resolution for approval instructing Stephens Inc and attorneys Friday, Eldredge & Clark of Little Rock to go forward with refunding the bonds.

Mr. Brammer moved to put a number (#760) on the resolution and to read it aloud. Ms. Zeller seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the resolution aloud.

OLD BUSINESS :**1. 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, 3rd reading**

Ms. Blankenship moved to suspend the rules and place Ordinance 2128 on its second reading by title only. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2128 aloud.

Mr. Brammer moved to approve Ordinance 2128 on its third reading by title only. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

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

Ms. Blankenship moved to suspend the rules and place Ordinance 2128 on its second reading by title only. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2128 aloud.

Mr. Brammer moved to approve Ordinance 2128 on its second reading by title only. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

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

Mr. Thomas said he wanted to be able to upgrade his scooters to exceed 50ccs and to have five additional 150cc motorcycles available to rent. He will hold renters to the same standards and guidelines already set for his scooter franchise in addition to allowing persons to have the motorcycles on the road after dark.

Ms. Schneider moved to accept the proposed amendments: to increase vehicles from mopeds to scooters; to allow 10 to 15 scooters up to 50ccs; to allow five cycles at 150ccs, and for renters to use the vehicles after dark. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

NEW BUSINESS :**1. Discussion of proposed amendments to Chapter 4.28 Animal-drawn Vehicles in the City Eureka Springs of Municipal Code.**

Ms. Zeller moved to discuss. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Ms. Schneider went through Chapter 4.28 and explained her proposed changes, including keeping documentation of insurance, health certificates for horses and driver information on site. She also added information regarding the sale of such a business.

There was some discussion of the proposals, but no action was taken.

2. Discussion of proposed communication tower ordinance.

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

Mr. DeVito moved to put a number (#2130) on the ordinance and place it on its first reading. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Ordinance 2130 aloud.

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

During discussion, Mr. Weaver said amendments to the city's code could be done by reference, but when creating new law, all of the material should be included in the ordinance.

Mr. DeVito moved to table the first reading of Ordinance 2130 to the next regular meeting October 11, 2010. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

4. Discussion of proposed resolution to save the City money on travel expenses.

Ms. Schneider moved to discuss. Mr. DeVito seconded.

Ms. Schneider said she, Ms. Zeller and Ms. Blankenship went to Little Rock last week for an instructional seminar on budgeting. She was not aware of any guidelines for Council members to travel. She wants to see Council members carpool, share rooms, do whatever they can to save money when traveling.

Mayor Joy said she had implemented such a policy for City employees when she first took office, but there is no policy for elected officials. After some discussion, Ms. Schneider moved to have the City Attorney draw a resolution to create such guidelines. There was no second.

COUNCIL COMMENTS:

Mr. DeVito asked if the Council was interested in passing a resolution in support of Erroll Severe's effort to reopen the small airport just outside of town on Onyx Cave Road.

Ms. Schneider said the City has won a second Shine Award for cities under 5,000 population from the Keep Arkansas Beautiful program.

MAYOR'S COMMENTS:

Mayor Joy read aloud a list of coming events and activities.

ADJOURNMENT:

Ms. Blankenship moved to adjourn at 7:32 p.m. Mr. DeVito 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, Sept. 27, 2010.

APPROVED:

ATTEST:

Mayor Dani D. Jcy

City Clerk-Treasurer Mary Jean Sell CMC