

# City council debates The Artery, sign ordinance and sidewalks

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EUREKA SPRINGS -- The Eureka Springs City Council Monday night tabled action on some major controversies of late -- revisions to the city's sign ordinance and approval of a contract for continued operation of The Artery -- and spent nearly a hour delving deep into a \$10,000 engineering report detailing the strengths and weaknesses of the Auditorium.

In late February, council passed a 60-day moratorium on all new off-site signage after a new billboard popped up on Planer Hill near the entrance to downtown. Alderperson James DeVito said at the time he was surprised to find the city's sign ordinance had "holes big enough you could drive a billboard through."

The Planning Commission was asked to revise the city's sign ordinance. But a lengthy draft ordinance presented Monday night was too different from the original to allow easy comparisons, said Alderperson Beverly Blankenship. Blankenship said that the present sign ordinance was studied carefully over a six-month period, with the public and various city boards being allowed to go through the ordinance in great detail.

"I'm not wanting to start over and go through it line by line," Blankenship said.

Alderperson Butch Berry acknowledged the hard work by the Planning Commission in rewriting the ordinance. But he said he had some serious questions about it, and had comments on most every page of the 23-page document.

## Sign workshop preferred

"Instead of taking an hour to go through and debate this, I would feel better if we had a workshop," Berry said.

For expediency's sake, Berry said council could pass a resolution outlawing off-site signage. But it became apparent that there was no consensus about a total ban on signs located off the property of the business doing the advertising.

"Some businesses up on the highway may need off-site signage," said Alderperson Joyce Zeller. "I'm not sure this is entirely fair to business owners. It may be different for the downtown where you have customers walking by, and an off-premise sign is not needed. But businesses on the highway may on occasion want off-premise signs."

Planning Commission Director Ken Pownall said studies have been done showing there is not a good payback for off-premise signs. The signs cost more than the revenue they generate.

Council decided to table the issue until a workshop can be held.

## Artery contract blocked

Action was also tabled on a proposal contract with promoter Charlotte Buchanan and her husband, artist James Yale, for continued operation of The Artery, an outdoor art gallery downtown with large paintings measuring 4 x 8 ft. Earlier there had been heated debate about the city discussing taking over operation of The Artery, with criticism of some of the artwork Zeller felt was offensive.

After heated discussion with a large number of residents speaking for Buchanan's continued operation of The Artery and opposition to censorship of the art, on March 25 the council voted to have City Attorney Tim Weaver draw up a contract for Buchanan and Yale to continue operating The Artery. But Monday, Weaver said he needed more direction from council about the terms of the contract.

Weaver said Buchannan and Yale had proposed an open-ended contract with no expiration date while Weaver's sense was the council wanted the contract to be reviewed every year or two. Buchannan and Yale also wanted another public area provided to them if the city ever decided it needed The Artery area for something else.

### **Contract lacks 'give and take'**

The attorney also said that to be a valid contract, there needed to be "give and take," some kind of monetary return for allowing use of the public property.

Zeller said she had received more comments on The Artery than just about any other issue since she has been on the council.

"This is a profit-making venture, but the person wants the use of city property for free for an unspecified amount of time," Zeller said. "We need to specify a time limit, and some sort of return to city. We need to decide if this is only for Carroll County artists, or artists anywhere. How much benefit has there been to local artists? How many panels have sold? How much money has been made?"

She referred to a recommendation earlier in the meeting by City Parks and Recreation Director Bruce Levine that an art committee be formed to consider issues such as what kind of art can be sold at Basin Spring Park. Zeller said that art committee could also review art proposed for The Artery.

The council tabled action, and decided to hold a workshop on The Artery issues.

### **Sidewalk saga continues**

The council also discussed progress on drafting a new sidewalk ordinance. Zeller said work by the sidewalk committee has been going on for two years, with the sidewalk committee doing a survey of every sidewalk in Eureka.

"This is an emotional issue in this town that has been under debate for 20 years," Zeller said. "Earlier we came up with an ordinance that was unenforceable."

The city requires owners of buildings located next to a sidewalk to be responsible for repairs. But requiring limestone sidewalks to be repaired with limestone is prohibitively expensive. The sidewalk committee decided requiring limestone for repairs puts it beyond the ability of anyone to afford.

For example, the cost of repairing a sidewalk for a downtown business could run \$75,000 to \$80,000. Zeller said new limestone sidewalks are incapable of earning a return on investment. They don't significantly improve the value of the building, and costs couldn't be recouped by selling the building.

Repairs to the sidewalks are an important public safety consideration. Zeller recently saw a visitor fall on the wet sidewalk near Basin Spring Park.

"I was sure he was dead," Zeller said. "It was a bad fall. Some of the downtown sidewalks are very dangerous."

She said the sidewalk committee proposes first addressing downtown sidewalks starting at the Eureka Springs Historical Museum and going up Main and Spring streets. The proposed ordinance would allow limestone sidewalks to be repaired with limestone or stamped concrete.

"If a sidewalk is broken or out of repair, the building inspector will give notice and we will go from there," Zeller said. "The city will repair the base, and property owners will be responsible for the top four inches. We will start on public sidewalks downtown first. It will be a while before we get to homeowners."

The city attorney recommended additions to the ordinance "putting some teeth in it" so the city has options if property owners refuse to repair their sidewalks.

### **The Aud**

Council also went over a detailed engineering report on the Auditorium. Don Spann, an architect from Rogers, discussed the facilities report developed to help the city decide what issues and problems with the Auditorium need to be addressed. The report included estimates for the costs of repairs and renovations, with estimated payback periods for improvements such as energy efficient lighting, and sealing cracks to reduce moisture intrusion and improve the energy efficiency of the building.

Asked what was the "scariest" thing that they found, Spann said there are concerns about moisture intrusion on the south side of the building, and that the sidewalk and parking lot on the south side of the building has settled four to six inches. He said wood framing on the south side of the building shored up the structure, but nothing has been done to address the root cause of the problem -- water filtration due to the sidewalk and parking lot settlement and inadequate stormwater drainage infrastructure.

"There is no structural jeopardy to the building, but the situation in the parking lot needs to be watched," Spann said.

He estimated it would cost \$20,000 to \$50,000 to repair the foundation wall leak. The extent of repairs needed won't be known until the area is excavated.

### **'A magnificent old building'**

Overall, he said the structure of the building is in remarkable condition with no signs of foundation settling or cracking.

"You have a magnificent old building," Spann said. "It is not in any danger of falling down. It does have a few issues and problems that need to be addressed and looked at. This facilities audit tool is for you to use to maintain the building, addressing liability and code issues. There are a number of items with a good return on investment, primarily on energy."

Spann said the roof is in very good condition. Lower walls are in good shape, but some upper walls need repair. A lot of work needs to be done up high on the building, and he recommended working on capstones and the upper wall at same time to minimize costs for rental of scaffolds.

The city has applied for a heritage preservation grant to fund some of the repairs needed on the building.

In other action, Mayor Dani Joy touted Eureka Springs being featured in an advertisement for Arkansas purchased by the Arkansas Department of Parks and Tourism in Southern Accent magazine, which has a circulation of more than two million. She also lauded the local free health clinic group ECHO for recognition in an article in People magazine. An ECHO story is expected to air on Oprah this Thursday. Earlier ECHO was featured on ABC Evening News.

### **Brush removal to continue**

Public works director Dwayne Allen said 15,000 cubic yards of debris from the ice storm has been removed, and the city plans to go back to brush removal next week.

"Hopefully it won't get too dry too soon and won't be too much a fire hazard," Allen said.

The council approved a lease to purchase a backhoe needed for debris removal and cleanup. Allen said FEMA prefers leases to purchase, so the city is complying in order to get reimbursed. He said the lease price was very favorable.

The city also voted to accept ownership of the Leatherwood Bridge. The state built a new bridge near Lake Leatherwood City Park, and wanted to tear down the old bridge or give it to the city or county. The county wasn't interested, but the city feels the old bridge is necessary to provide the safest access to and from the park. The bridge is deemed to be in good condition.

"Chances are that bridge will outlive all of us and then some," DeVito said.

DeVito and Barry also appealed to the public to consider serving on the Planning Commission, which currently has two vacancies.

"I would really like people to step up to the plate and get involved," Barry said. "This is an important commission. I can't stress enough for citizens to be involved in city government. Our government functions better the more people who participate."

Applications can be found at [www.cityofeurekasprings.org](http://www.cityofeurekasprings.org), the city's Web site.

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