

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

OCTOBER 12, 2009

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Oct. 12, 2009, 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, Finance Director Yvonne Kline, City Advertising and Promotion Commission (CAPC) Director Jim Williams and 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. Berry moved to approve the agenda. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: Aug. 24, 2009 Sept. 14, 2009 Sept. 28, 2009

Aug. 24 – Mr. DeVito moved to approve the minutes of the regular City Council meeting of Aug. 24, 2009. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Sept. 14 - Mr. DeVito moved to approve the minutes of the regular City Council meeting of Sept. 14, 2009. Ms. Schneider seconded.

Ms. Blankenship said she wanted to add "to ask for clarity" in the section regarding the Parks' allocation of \$50,000. All voted aye. Motion passed 6/0/0

Sept. 28 - Mr. DeVito moved to approve the minutes of the regular City Council meeting of Sept. 14, 2009. Mr. Berry seconded.

Ms. Blankenship said again she wanted to add "to ask for clarity" in the section regarding the Parks' allocation of \$50,000. All voted aye. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning— Position 2 - expires 1/1/11 Position 7 – expires 1/1/12

HDC – Position 3 – expires 11/30/11 Mayor Joy nominated Ray Dilfield to the Position 3 seat. Position 6 – expires 3/07/11

Hospital – Position 7 – expires 9/7/15 Ms. Sell said Hospital Administrator David Wheeler has announced an agreement has been reached between Rock Bordelon, CEO of Allegiance Health Management (AHM) and owners of a piece of property across the road from the Eureka Springs Family Medical Center, 146 Passion Play Road, to purchase the property for the new hospital.

OLD BUSINESS:

1. Discussion of Ordinance 2108 setting real and personal property millage for

2010. 3rd reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2108 on its third and

City Council 10/12/09 1

final reading by title only. Mr. DeVito seconded. By roll call, all voted aye.

Ms. Sell read the title of Ordinance 2108 aloud.

Mr. Brammer moved to approve the third reading of Ordinance 2108 by title only. Ms. Schneider seconded. All voted aye. Motion passed 6/0/0

2. Discussion of sidewalks

Mr. Brammer moved to open the discussion. Ms. Schneider seconded. All voted aye.

Motion passed 6/0/0

Mayor Joy introduced Dennis Hunt and Michael McBride of Stephens Inc. of Fayetteville and Michael Moyers of Friday, Eldridge and Clark in Little Rock, to present information on creating and financing an improvement district to repair and replace sidewalks in the downtown area.

Mr. Moyers and Mr. Hunt outlined the steps to creating an improvement district, associated costs and methods of payment.

Ms. Blankenship moved to amend the proposed ordinance, to give it a number (2112) and put it on its first reading. Mr. Brammer seconded. By roll call, Ms. Schneider, Ms Blankenship, Mr. Brammer, Ms. Zeller voted aye. Mr. DeVito and Mr. Berry voted nay. Motion passed 4/2/0

Ms. Blankenship said she had several amendments to the ordinance, including removing some sections.

Ms. Sell read Ordinance 2112 aloud.

Following additional discussion, Mr. DeVito moved to table the issue to the next regular meeting, Monday, Oct. 26. Ms. Schneider seconded. Four voted aye. Ms. Zeller and Ms. Blankenship voted nay. Motion passed 4/2/0

Mr. Brammer moved at 7:40 p.m. to take a short recess. Ms. Schneider seconded. All voted aye. Motion passed 6/0/0 The meeting resumed at 7:50 p.m.

3. Discussion of Ordinance 2109 raising City Clerk's salary. 2nd reading

Mr. DeVito moved to suspend the rules and place Ordinance 2109 on its second reading by title only. Ms. Zeller seconded. By roll call, five voted aye, Ms. Blankenship voted nay. Motion passed 5/1/0

Mayor Joy read the title of Ordinance 2109 aloud.

Mr. Brammer moved to approve Ordinance 2109 on its second reading by title only. Ms. Schneider seconded. Five voted aye, Ms. Blankenship vote nay. Motion passed 5/1/0

4. Discussion of Resolution 472 giving Council responsibility for operations of City Auditorium.

CAPC Director Jim Williams said portions of Resolution 472, passed April 6, 2000, is illegal because the city council cannot tell the CAPC what to do with its revenues. He has two Attorney General's opinions on the issue. He read aloud a letter written in May of 2009 from the CAPC to the Council saying the CAPC will no longer pay the utility bills or maintenance costs.

Ms. Blankenship said she would like to have a workshop with the CAPC to find out what the costs are before she makes a motion.

Mr. Williams said the Commission will have a budget workshop at 1 p.m. Wednesday, Oct. 21. He invited the Council members to attend.

City Council 10/12/09 2

5. Discussion of Ordinance 2110 to amend Municipal Code regarding business agents. 3rd reading

Mr. Brammer moved to suspend the rules and place Ordinance 2110 on its third and final reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2110 aloud.

Mr. Brammer moved to approve Ordinance 2110 on its third and final reading by title only. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

6. Discussion of Ordinance 2111 regarding firefighters' sick leave accrual. 2nd reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2111 on its second reading by title only. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read the title of Ordinance 2111 aloud.

Mr. Brammer moved to approve the second reading of Ordinance 2111 by title only. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

NEW BUSINESS:

1. Resolution regarding Transit Department substance abuse policy.

Ms. Blankenship moved to number the resolution (560) and to read it. Ms. Schneider seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read the resolution aloud.

COUNCIL COMMENTS:

Ms. Schneider asked to have a discussion of how many chickens a resident can have on the next agenda. Mr. Berry seconded.

Ms. Schneider asked to have a discussion regarding establishing the five mile territorial jurisdiction area on the next agenda. Mr. Brammer seconded.

Ms. Blankenship asked to have a discussion of the capital budget regarding filming and audio taping meetings.

MAYOR'S COMMENTS:

Mayor Joy read aloud a list of coming events.

ADJOURNMENT:

Mr. Brammer moved to adjourn at 8:37 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, Oct. 12, 2009.

ATTEST:

APPROVED:

City Clerk-Treasurer Mary Jean Sell CMC

Mayor Dani D. Joy

City Council 10/12/09 3