CITY OF EUREKA SPRINGS
CITY COUNCIL
SPECIAL MEETING,

MONDAY, FEBRUARY 8, 2010
Mayor Dani D. Joy called the special meeting of the Eureka Springs City Council to order at 1 p.m. Monday, Feb. 8, 2010, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy, Aldermen Robert, Berry, James DeVito, Mickey Schneider, Joyce Zeller, City Attorney Tim Weaver, City Clerk-Treasurer Mary Jean Sell CMC. Aldermen Beverly Blankenship and Patrick Brammer were absent.

The purpose of the special meeting was to discuss the cell tower lawsuit.

The city has been sued in Smith Communications vs. The City of Eureka Springs, Arkansas in the U.S. District Court, Western District of Arkansas No. 09-5237 regarding the City Council, denial of a location for the construction of a communication tower Oct. 2, 2009.
Municipal League of Arkansas attorney Rob Beard spoke to the Council today regarding the lawsuit. It was his recommendation that based on the current situation and federal statutes prohibiting discrimination against cell/communication towers, that the City settle the lawsuit with the general terms he outlined.
He said the most important terms were that Smith Communications would allow two locations on the tower, one each for the city, police and fire departments. The company will assist in relocating current equipment to the tower without charge, unless additional equipment is needed for the transfer.
Mr. Weaver concurred with Mr. Beard, assessment of the situation and recommendation.
Mr. DeVito moved to allow the Mayor to enter into the settlement agreement with Smith Communications with the terms as described. Ms. Zeller seconded. All voted aye. Motion passed 4/0/0

ADJOURNMENT:
Ms. Schneider moved to adjourn the special City Council meeting at 1:17 p.m. Mr. DeVito seconded. All voted aye. Motion passed 4/0/0

This is the signature page for the minutes of the special Eureka Springs City Council meeting of Monday, Feb. 8, 2010.

APPROVED:

ATTEST:

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Mayor Dani D. Joy

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City Clerk-Treasurer Mary Jean Sell CMC