CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING MONDAY JULY 26, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, July 26, 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, Parks Director Bruce Levine, Finance Director Yvonne Kline, 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. Brammer moved to approve the agenda. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: July 12, 2010
Mr. DeVito moved to approve the minutes of the regular City Council meeting Monday, July 12, 2010. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:
HDC Position 6 - expires 3/7/11 Nominated Scott Bounds Mr. Brammer moved to approve the appointment of Scott Bounds to Position #6. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0
Planning - Position 1 - expires 7/1/11 Position 2 - expires 1/1/11 Position 6 - expires 1/1/12
Hospital - Position 3 - expires 6/1/15

Mayor Joy reported the annual G.R.E.A.T. (Gang Resistance Education and Training) Program had 102 youth participate at Holiday Island Recreation Center. Members of the Police Department, Fire Department, teachers and paraprofessionals volunteered their time for the program. Food was donated by Hart's Family Center in Eureka Springs, Ben E. Keith, food distributor, and SunFest Market at Holiday Island.

PUBLIC COMMENTS:
Rachel Love said she didn't think the proposed raise for the mayor's salary was a good idea. She believes it should be more of a volunteer job than paid. She wants the salary left as it is (at $18,000 per year).

OLD BUSINESS:
1. **Discussion of Ordinance 2123 regarding the deer population, 3rd reading**

Mr. DeVito moved to suspend the rules and place Ordinance 2123 on its third reading by title only. Mr. Berry seconded. By roll call, all voted aye. Motion passed 6/0/0
Mayor joy read the title of Ordinance 2123 aloud.
Mr. Brammer moved to approve Ordinance 2123 on its third reading by title only. Ms. Zeller seconded. Five voted aye. Mr. Brammer voted no. Motion passed 5/1/0

2. **Discussion of Ordinance 2124 regulating activity in Basin Spring Park, 2nd reading**

Mr. Brammer moved to suspend the rules and place Ordinance 2124 on its second 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 2124 aloud.
Mr. DeVito moved to approve the second reading of Ordinance 2124 by title only. Mr. Brammer seconded.
There was brief discussion of defining artist, based on Supreme Court decisions.
Mr. DeVito moved to table to the next meeting, Monday, August 9, to amend the ordinance to include the definition of artist as set out by the Supreme Court.
There was additional discussion.
Ms. Blankenship seconded the motion to table the ordinance. All voted aye. Motion passed 6/0/0
Parks Director Bruce Levine asked about extending the 60 day moratorium in Resolution 567, approved June 11, 2010, suspending enforcement of ordinances restricting amplified sound and drumming. The ordinance expires Aug. 13.
Mr. DeVito moved to extend the moratorium an additional 60 days. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

3. Discussion of Mayor's position and salary

(Note: During the regular meeting of Monday, July 12, Mr. DeVito moved to increase the Mayor's annual salary from $18,000 to $36,000. Ms. Schneider seconded. There was discussion. Mr. DeVito moved to table the discussion to the next regular meeting, Monday, July 26. Ms. Schneider seconded. All voted aye. Motion passed 5/0/0)

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

After discussion, Mr. DeVito moved to withdraw his motion to double the mayor's salary. Ms. Schneider withdrew her second.

Mr. Brammer moved to give the proposed ordinance regarding increasing the mayor's salary a number and place it on its first reading. Ms. Blankenship seconded. Mr. Brammer, Ms. Blankenship voted aye. Four voted nay. Motion failed 2/4/0

NEW BUSINESS:

1. Public hearing on an application from Arlie Weems to vacate an 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.

Mr. Brammer moved to open the public hearing. Mr. DeVito seconded.

Mr. Levine said the Parks and Recreation Commission had considered the application and held a public hearing. He said the alley is of no use to the Commission. He had contacted utility companies and they had no objection.

No member of the public appeared to support or oppose the application.

Mr. Brammer moved to close the public hearing. Ms. Schneider seconded. All voted aye. Motion passed 6/0/0

Ms. Blankenship moved to have an ordinance drawn to vacate the alley. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

2. Discussion of restricted bow hunt to control deer population.

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

Ms. Schneider moved to amend the Eureka Springs Municipal Code allowing no hunting in the city limits unless it is a controlled bow hunt ordered by the seated City Council. Mr. Brammer seconded.

There was brief discussion.

Ms. Schneider withdrew her motion. Mr. Brammer withdrew his second.

Ms. Schneider moved to amend the Eureka Springs Municipal Code allowing no hunting in the city limits unless it is a controlled bow hunt ordered by the seated City Council in conjunction with the Arkansas Fish and Game Commission (AFGC). Ms. Zeller seconded.

By roll call, Ms. Schneider voted aye. Ms. Blankenship, Mr. Berry, Ms. Zeller, Mr. Brammer, Mr. DeVito voted no. Motion failed 1/5/0

Mr. Berry moved to table discussion and asked the City Clerk to contact the Carroll County Election Commission about putting the bow hunt issue on the general election ballot in November. Mr. DeVito seconded. Four voted aye. Ms. Schneider voted no. Motion passed 4/1/0.

COUNCIL COMMENTS:

Mr. DeVito said he would be bringing a resolution to the Council at the next meeting asking the Arkansas Municipal League to change its policy and to offer health care coverage to domestic partners. Ms. Blankenship seconded the placement on the agenda for Aug. 9.

ADJOURNMENT:

Mr. Brammer moved to adjourn at 7:05 p.m. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular City Council meeting of Monday, July 26, 2010.

APPROVED:

ATTEST:

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Mayor Dani D. Joy

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City Clerk-Treasurer Mary Jean Sell CMC