CITY OF EUREKA SPRINGS
CITY COUNCIL

REGULAR MEETING

MONDAY, MARCH 15, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, March 15, 2010, in the jury room on the second floor of the Western District Carroll County Courthouse. The meeting was one week off the regular schedule because the city was hosting the 36th annual Arkansas Governor Conference on Tourism.

PRESENT: Mayor Dani D. Joy, Aldermen Robert, Butch, Berry, Beverly Blankenship, James DeVito, Mickey Schneider, City Attorney Tim Weaver, Finance Director Yvonne Kline, City Clerk-Treasurer Mary Jean Sell CMC. Alderman Brammer joined the meeting at 6:10 p.m. Alderman Zeller arrived at 6:45 p.m.

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. Mr. Berry seconded.
Ms. Sell asked to move New Business Item #1, application for moped franchise, up on the agenda so the applicants wouldn't have to wait through the meeting.
Mayor Joy said information is still being collected for Old Business Item #2, repair to city water tower at Best Western Inn of the Ozarks, and there was not anything to discuss this evening.
On the motion to approve the agenda as amended, all voted aye. Motion passed 5/0/0

APPROVAL OF THE MINUTES: Feb. 22, 2010
Mr. DeVito moved to approve the minutes of the regular City Council meeting of Feb. 22, 2010, as presented. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

CHILD ABUSE MONTH PROCLAMATION
Mayor Joy read aloud a proclaiming April as Child Abuse Month.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:
Planning, Position 2 - expires 1/1/11, Position 6 - expires 1/1/12
HDC, Position 6 - expires 3/07/11
Parks Position 1 - expires 5/01/12, Position 4 - expires 5/01/10, Position 5 - expires 05/01/11
CAPC - Position 1, expires 7/1/12

Finance Director Ms. Kline said she is looking for auditors to do the 2008 and 2009 federal audit and the water and sewer audit. She would like to write an engagement letter to BKD of Rogers to do the city's federal audit and the 2008 for the FEMA and Transit Department. She asked for a total of $11,000 to be transferred from the reserve to the Mayor's line item for professional services. She estimated the Transit 2008 audit at $5,500 and the 2009 FEMA and Transit audits at $9,000. Ms. Blankenship moved to increase the Mayor's professional services line item in the 2010 budget by $20,000. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

Public Works Director Dwayne Allen asked the Council to authorize the issuance of a letter of credit from the Cornerstone Bank of Eureka Springs for $30,000 to back up the city's composting facility. There will be a fee of two percent per year. Allen said the Arkansas Department of Environmental Quality (ADEQ) requires such a letter of credit.
Ms. Blankenship moved to authorize the city to get a letter of credit. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0
Mr. Allen announced the annual city-wide Spring Clean Up will be held the last week of April, April 26-30.
Mr. Allen and Building Official Bobby Ray are beginning to notify property owners of impending curb cuts to meet the Americans with Disabilities Act (ADA) and marking of
crosswalks.

PUBLIC COMMENTS:
Rick Bright, 14 Angle, asked the Council to hire another code enforcement officer and a city planner.

NEW BUSINESS:
1.Application for moped franchise.
Phillip and LaTosha Thomas of Eagle Rock, MO, presented their application for a moped
Franchise to be located at 2059 East Van Buren under the name of Black Jack LLC. Mr. Thomas spoke briefly of how he intends to operate the business, train the scooter riders, require safety equipment, etc.
Ms. Schneider moved to open the public hearing on the application for the moped franchise at 6:42 p.m. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0
There were no comments from the public regarding the application.
Mr. Brammer moved to close the public hearing at 6:45 p.m. Ms. Schneider seconded.
Ms. Schneider moved to accept a new franchise for mopeds. Ms. Zeller seconded.
Ms. Schneider moved to amend her motion to include from Phillip and LaTosha Thomas. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0
On the amended motion, all voted aye. Motion passed 5/0/0

OLD BUSINESS:
1. Discussion of Ordinance 2116 sidewalk surfaces, 2nd reading Ms. Schneider moved to discuss Ordinance 2116. Mr. Brammer seconded. Five voted aye, one voted no. Motion passed 5/1/0 There was general discussion of the merits of concrete, patterned concrete, limestone, resurfaced limestone for the sidewalks. Ms. Blankenship moved to suspend the rules and place Ordinance 2116 on its second reading by title only. Mr. DeVito seconded. By roll call, Mr. Brammer, Ms. Zeller, Mr. DeVito, Ms. Blankenship voted aye. Ms. Schneider, Mr. Berry voted no. Motion passed 4/2/0 Mayor Joy read the title of Ordinance 2116 aloud. Ms. Blankenship moved to approve Ordinance 2116 on its second reading by title only. Ms. Zeller seconded. By roll call, Ms. Schneider, Ms. Zeller, Ms. Blankenship voted aye. Mr. Brammer, Mr. DeVito, Mr. Berry voted no. Mayor Joy voted aye to approve the second reading of Ordinance 2116. Motion passed 4/3/0

2.Discussion of Ordinance 2117, 2009 budget clean up, 2nd reading
Mr. Brammer moved to suspend the rules and place Ordinance 2117 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 2117 aloud.
Mr. Brammer moved to approve Ordinance 2117 on its second reading by title only. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0
3.Discussion of Ordinance 2118 limiting heavy truck traffic, 2nd reading.
Ms. Blankenship moved to suspend the rules and place Ordinance 2118 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 2118 aloud.
Mr. Brammer moved to approve Ordinance 2118 on its second reading by title only. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0
4.Discussion of Ordinance 2119 amending city sick leave policy, 2nd reading
Ms. Schneider moved to suspend the rules and place Ordinance 2119 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 2119 aloud.
Mr. Brammer moved to approve Ordinance 2119 on its second reading by title only. Mr. DeVito seconded.
Mr. Berry moved to amend Ordinance 2119 by removal of the sentence, Accumulated sick leave is payable at 25% of the hourly rate upon resignation or dismissal and replacing it, Accumulated sick leave is payable at 25% of the hourly rate or at a maximum of 120 hours, whichever is less, Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0
Mr. Brammer moved to approve Ordinance 2119 as amended. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Ms. Schneider moved at 7:47 p.m. to take a 10 minute break. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0, Meeting resumed at 8 p.m.

NEW BUSINESS:
2. Resolution for prescription drug card program
Mr. Berry moved to discuss. Ms. Blankenship seconded.
Mayor Joy explained the program is through the National League of Cities and will provide a 20 percent discount on medication for any resident who applies for a card. Mr. Brammer moved to give the resolution a number (565) and to approve the resolution by reading it aloud. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0
Mayor Joy read Resolution 565 aloud.
3.Discussion of amendments to Ordinance 2114 regarding lighting.

(Note: Ordinance 2114 was approved on its third and final reading by title only on Feb. 22, 2010.)

Mr. Brammer moved to discuss. Mr. DeVito seconded.

Mayor Joy said Ordinance 2114 was back at the table because SWEPCO had asked for changes.

Tommy DeWeese of SWEPCO went over the ordinance with the suggested changes.

Mr. Brammer moved to postpone discussion until the next regular meeting, Monday, March 29. Mr. DeVito seconded. Four voted aye. Mr. Berry and Ms. Schneider voted no. Motion passed 4/2/0

4.Discussion of amendments to Ordinance 2110 regarding business agent

(Note: Ordinance 2114 was approved on its third and final reading by title only on Oct. 12, 2009.)

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

Ms. Blankenship said the form that is being used does not fulfill the intention of the ordinance.

Mr. Weaver said he would review the form and bring it back to the table for discussion.

ADJOURNMENT:

Mr. Berry moved to adjourn at 8:50 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, March 15, 2010.

APPROVED:

ATTEST:

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Mayor Dani D. Joy

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City Clerk-Treasurer Mary Jean Sell CMC