CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING
MONDAY May 10, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, May 10, 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, Chamber of Commerce Director Jeff Feldman, 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. DeVito seconded.

Mr. DeVito asked to add a discussion of meeting space as Item #1 under New Business.

On the motion to approve the agenda as amended, all voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: April 26, 2010

Ms. Blankenship moved to approve the minutes of the regular meeting of April 26. Mr. DeVito seconded. Five voted aye. Mr. Berry abstained because he was absent. Motion passed 5/0/1

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning - Position 1 - expires 7/1/11 Position 2 - expires 1/1/11

Position 6 - expires 1/1/12

HDC, Position 6 - expires 3/07/11 Nominee Richard Grinnell Mr. Brammer moved to reappoint Mr. Grinnell to Position 6 on the HDC. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Parks - Position 1 - expires 5/01/12 ,Mayor Joy nominated Melissa Sisco Position 4 - expires 5/01/15 Mayor Joy re-nominated Joanne Graupner Position 5 - expires 5/01/11

Position 7- expires 5/01/15 Mayor Joy re-nominated Bill Featherstone

Fire ,Chief Rhys Williams reported the award of an $8,000 grant from the Arkansas Department of Emergency Medical Services for purchase of equipment. A local citizen has anonymously donated a LifePak 15, valued at approximately $36,000, to the Fire Department.

PUBLIC COMMENTS:

Becky Gillette said the Springs Committee has received a report on the testing of the water quality in several of the city springs. Magnetic, Basin and Sweet springs are clean and Harding Spring is the most polluted on the ones tested.

City Council 5/10/10 1

OLD BUSINESS:

1. **1. Discussion of ordinance to vacate unnamed alley lying between Lots 8-11 and**

Lot 7, Block 10, Bays Survey, off Magnetic Road, 2nd reading

Mr. Brammer moved to suspend the rules and place Ordinance 2121 on its second reading by title only. Ms. Blankenship seconded. By roll call, Ms. Schneider, Ms. Zeller, Ms. Blankenship, Mr. DeVito, Mr. Brammer voted aye. Mr. Berry abstained. Motion passed 5/0/1

Ms. Sell read the title of Ordinance 2121 aloud.

Mr. Brammer moved to approve the second reading of Ordinance 2121 by title only. Mr. DeVito seconded.

Ms. Schneider questioned whether or not the City could sell land it has vacated.

Mr. Weaver said if the City owns the land it can sell it. Research is being done to try to determine whether or not the City actually owns the streets and alleys.

Mr. Brammer said the legal description for the lots may not be accurate to the map that is provided.

Mr. Berry asked the City Clerk to contact the contractor for the project to verify the description.

On the motion to approve the second reading of Ordinance 2121, five voted aye. Mr. Berry abstained. Motion passed 5/0/1

1. **2. Discussion of underground channel/tunnel repairs**

Mr. Berry moved to open discussion. Mr. Brammer seconded.

Mayor Joy said she has an opinion from a Municipal League attorney that if the City

doesn't have easements for the path of the tunnel, then the property doesn't belong to the City.

She said she has a breakdown of the proposal to survey the tunnel from McClelland Engineering of Fayetteville.

There was a brief discussion of possibly establishing an improvement district for the tunnel and to repair the sidewalks.

Ms. Zeller moved to ask the Mayor to get an estimate for a survey of the tunnel for only the portions that belong to the City. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

1. **3. Resolution to consider naming a portion of Hwy 23 for Lewis Epley**

Mr. Feldman said the proposal to name Highway 23 from its junction with Highway 12 to

the Missouri border had come from a local citizen to honor Mr. Epley for his many years of efforts on improvements to the highway and to boost tourism in Eureka Springs.

Ms. Schneider, Ms. Blankenship and Mr. Berry said they think there are other persons in the community who are equally deserving of such an honor.

Mr. DeVito moved to read the resolution. Mr. Brammer seconded. By roll call, Mr. DeVito voted aye. Ms. Schneider, Ms. Blankenship, Mr. Berry and Mr. Brammer voted no. Ms. Zeller abstained. Motion failed 4/1/1

NEW BUSINESS:

1. **1. Discussion of meeting space**

Mr. DeVito moved to open discussion. Mr. Berry seconded. All voted aye. Motion passed

6/0/0

City Council 5/10/10 2

Mr. DeVito said the current meeting space in the jury room of the Western District Courthouse is really not adequate to serve the citizens. There is almost no space for spectators to sit during meetings and Council members face each other, not the public. He wants some research into other possible locations around the city for meetings.

Ms. Blankenship said the City also needs to look at new technology for filming and broadcasting the meetings.

Mr. Berry moved to defer discussion to the next regular meeting, Monday, May 24. Ms. Blankenship seconded. All voted aye. Motion passed 6//0/0

COUNCIL COMMENTS:

Ms. Blankenship said it is time to review the positions of mayor, city clerk and city attorney to see if any changes are needed before the filing period opens for the November election. She asked to add a review of the city attorney for the next regular meeting, Monday, May 24. Mr. Berry seconded.

Ms. Blankenship said the lease of the Harmon Park Community Building to Eureka Kids will expire in August. She wants the Council to review that lease.

MAYOR'S COMMENTS:

Mayor Joy reminded everyone that early voting is underway prior to the Tuesday, May 18, primary election. She read aloud a list of events in the City for the next few weeks.

ADJOURNMENT:

Mr. Brammer moved to adjourn at 7:35 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, May 10, 2010.

APPROVED:

ATTEST:

_____

Mayor Dani D. Joy

_____

City Clerk-Treasurer Mary Jean Sell CMC

City Council 5/10/10 3