



## CITY OF EUREKA SPRINGS

### CITY COUNCIL

#### REGULAR MEETING

MONDAY

NOVEMBER 8, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Nov. 8, 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, Finance Director Yvonne Kline, City Advertising and Promotion Commission (CAPC) Director Jim Williams, Building Official Bobby Ray, 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. DeVito moved to approve the agenda, Mr. Berry seconded.

Mayor Joy added New Business Item #3, a discussion of a proposed resolution giving domestic partnerships benefits through the city's personnel policy.

Mr. DeVito asked to move the discussion of waiving the permit fees for the school construction and the hospital to the first of the agenda. On the amended agenda, all voted aye. Motion passed 6/0/0.

#### APPROVAL OF THE MINUTES: Oct. 25, 2010

Mr. DeVito moved to approve the minutes of the Oct. 25, 2010, regular City Council meeting. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0.

#### 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

**Parks** - Position 1- expires 5/1/12 Position 4- expires 5/1/15- Mayor Joy nominated Stephen Foster.

**CAPC**, Mr. Williams said there would be a public presentation by representatives of Crystal Bridges Art Museum in Bentonville at 6 p.m. Tuesday, Nov. 16, followed by a small reception.

He introduced CAPC Sales Manager Karen Pryor who gave a report on her efforts to bring tour groups to town.

**Building**, Mr. Ray said letters notifying property owners of needed sidewalk repairs have been mailed. He is working with arborist Chris Fisher to determine method of repairs on the sidewalks on Spring Street, near Grotto Spring. Tree roots are pushing up sections of the sidewalk. City Website, Mayor Joy said the streaming of live City Council meetings through the city's website will be starting with tonight's meeting. Work has been on-going for about a year to get this accomplished. She thanked Diane Wilkerson and Nathan Crowder for their efforts.

#### PUBLIC COMMENTS:

Mary Ann Pownall, 6 Martz Circle, had some questions for hospital officials.

#### OLD BUSINESS:

##### 1. Discussion of request to waive construction permit fees for new high school.

School Superintendent Wayne Carr has asked the City Council to waive approximately \$68,000 in building permit fees related to the construction of the new high school behind 42-56 Greenwood Hollow Road.

Mayor Joy said approximately \$20,000 of the estimate can be subtracted because there will not be a need for a sewer capacity fee charge since the school is changing locations, not adding facilities.

She also quoted state code which does not allow the city to waive fees, but it can collect the fees and later donate them back to the school. Mr. Weaver agreed that method could be used.

The Council took no action.

##### 2. Discussion of plans for Eureka Springs Hospital from Rock Bordelon, CEO, of Allegiance Health Management.

Hospital Commission Chairman Dr. Pam Crockett read a brief statement explaining that the Commission and Allegiance had been in litigation since September of 2009 over funds collected by the hospital that the Commission believed belonged to it. A settlement in the lawsuit has been reached.

Mr. Bordelon said his company has made changes and added new services to the hospital since taking over management in October of 2007. His goal is to continue to operate the hospital indefinitely.

He said it was his intent to start a new building, and it is still his goal, but the project has been on hold until a settlement in the lawsuit was reached. He said it is his goal in 2011 to work collaboratively with the Commission to get a new building. He is not willing to commit to a timeline at this point, but it is a project he will tackle after the first of the new year.

Answering questions, he said the "disputes are behind us and we will try to work a deal for a new building. The past is the past."

Mr. Bordelon assured the Council he has the ability to secure the funding to put into a new hospital within the city limits.

#### **OLD BUSINESS :**

##### **1. Discussion of proposed Ordinance 2130 regarding communication towers, 3rd reading**

Mr. Brammer moved to suspend the rules and place Ordinance 2130 on its third and final reading by title only. Ms. Blankenship seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2130 aloud.

Mr. Brammer moved to approve the third reading of Ordinance 2130 by title only. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

##### **2. Discussion of proposed Ordinance 2131 regarding regulations for initiative petitions, 3rd reading**

Ms. Blankenship moved to suspend the rules and place Ordinance 2131 on its third and final reading by title only. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2131 aloud.

Mr. Brammer moved to approve the third reading of Ordinance 2131 by title only. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

##### **3. Discussion of reviving the Auditorium Commission or creating a new commission to operate the City Auditorium.**

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

Mr. DeVito said a commission is needed to operate a public building so it can make legally binding decisions, not a committee.

Ms. Zeller said a commission would have to be given a budget, a purpose and a function to operate the building. A committee could draw on ideas and expertise from a wide range of people before making final recommendations and finding fund raising methods.

Mr. Berry said a committee could be given a specific list of duties and a budget with a deadline to make a report on the possible uses for the building.

Ms. Schneider favored the idea of using a committee with a wide range of experts as consultants.

Mr. DeVito returned several times to using the state statutes as a basis for re-establishing an Auditorium Commission. He said other existing commissions operate without budgets and outside experts can consult at any time.

Mr. DeVito moved to direct the City Attorney to draft an ordinance to establish an Auditorium Commission. Mr. Brammer seconded. By roll call, Ms. Schneider, Mr. DeVito, Ms. Blankenship, Mr. Brammer voted aye. Ms. Zeller, Mr. Berry voted no. Motion passed 4/2/0

#### **NEW BUSINESS :**

##### **1. Request from St. Anne's Catholic Church Youth to sell wreaths in Basin Spring Park.**

Ms. Sell explained the youth group is trying to raise funds to attend the World Youth Day in Madrid, Spain, in 2011. They want to set up a canopy, tables and chairs to sell Christmas wreaths in Basin Park the afternoon of Dec. 4.

Mr. Berry moved to refer the question to the Parks and Recreation Commission. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

##### **2. Discussion of proposed resolution giving domestic partnerships benefits through the city's personnel policy.**

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

Ms. Schneider moved to give the resolution a number and read it. Ms. Blankenship seconded.

Mr. Weaver said the language in the sections of the resolution would mean the City would have to provide insurance coverage for domestic partners as it does now for married partners. Such coverage is not currently available through the Municipal League Health Benefits program. (Note: Mayor Joy and Transit Director Lamont Richie testified before the Municipal League Health Benefits Board of Directors on Nov. 4. They were asked if they were requesting an exemption from the Program's rules to be able to offer domestic partner benefits. Mayor Joy had said she would welcome the opportunity. The Board said it would notify her of its decision within 10 days.)

Mr. Brammer moved to postpone reading of the resolution until the next regular meeting Dec. 13. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

#### **MAYOR'S COMMENTS:**

Mayor Joy read a list of coming events.

#### **ADJOURNMENT:**

Mr. DeVito moved to adjourn at 7:47 p.m. Mr. Brammer 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, Nov 8, 2010.**

APPROVED:

ATTEST:

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Mayor Dani D. Jcy

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City Clerk-Treasurer Mary Jean Sell CMC