

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING  
Monday, October 13, 2014 6 p.m.  
AGENDA**

**CALL TO ORDER**

**ROLL CALL, ESTABLISH QUORUM**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF THE AGENDA**

**APPROVAL OF THE MINUTES:** September 22, 2014

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:**

**Planning** – Pos. 1 – Steve Beacham – expired 7/1/14. Pos. 2 – Mickey Schneider (temp.) – expires 1/1/17.

**CAPC** –

**Hospital** – Pos. 2 – Suzanne Tourtelot – expired 6/1/14

**Parks** – Pos. 6 – vacant -- expires 5/1/19

**HDC** –

**Cemetery** – Pos. 2 – vacant – expires 2/15/15. Pos. 4 – Henry Romanski – expired 2/15/14.

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

1. Update on disposal of yard waste – Ms. Schneider and Mr. Mitchell
2. Ordinance No. 2214 Multi-family – **postponed, pending Planning action**
3. Response from Hospital Commission re: meetings taped/occurring in the jury room – Mayor Pate
4. Discussion of fluoride – Ms. Schneider and Ms. Zeller

**NEW BUSINESS:**

1. Discussion with Parks regarding the circus – Ms. Schneider and Mr. Mitchell
2. Review by the City Attorney regarding options other than discussion with Parks, regarding the circus – Ms. Zeller and Ms. Schneider
3. Appraisal for two fire stations – **pending scheduling** -- Ms. Schneider and Mr. Mitchell
4. Summary of the September 25 Tourism workshop – Mr. Purkeypile and Mr. Mitchell
5. Discussion of changing CAPC limits on residency to include an at-large seat from within Carroll County – Ms. Schneider and Mr. McClung

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

**CITY OF EUREKA SPRINGS  
CITY COUNCIL  
REGULAR MEETING**

**MONDAY**

**OCTOBER 13, 2014**

Mayor Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, October 13, 2014, in the jury room in the Western District Carroll County Courthouse.

**PRESENT:** Mayor Pate, Aldermen Joyce Zeller, James DeVito, Terry McClung, Mickey Schneider, David Mitchell, City Attorney Tim Weaver, and City Clerk/Treasurer Ann Armstrong

**ABSENT:** Dee Purkeypile (with notice)

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Pate led the Pledge.

**APPROVAL OF THE AGENDA:**

Mr. DeVito moved to approve. Mr. McClung seconded. Ms. Schneider moved to add discussion of fluoride to Unfinished Business. Ms. Zeller seconded. Mr. Mitchell postponed New Business #4 due to Mr. Purkeypile's absence. Ms. Schneider seconded. Mr. Mitchell moved to combine New Business items # 1 and 2. Ms. Schneider seconded. Mayor Pate called for a vote on the amended agenda.

Motion carried 5/0/0.

**APPROVAL OF THE MINUTES: September 22, 2014**

Mr. McClung moved to approve. Mr. DeVito seconded.

Motion carried 5/0/0.

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:**

**Planning** – no report

**CAPC** – no report

**Hospital** – no report

**Parks** – no report

**HDC** – no report

**Cemetery** – no report

**PUBLIC COMMENTS:**

**Rachel Brix** spoke in favor of passing an ordinance to ban circuses in Eureka Springs. She noted the Traveling Exotic Animal Act was introduced into Congress, an increasing number of successful circuses with human performers only, and existing Code prohibiting animal abuse.

**Raven Derge and Steve Vorbeck** supported a semi-permanent public art installation on the "Henri's" stairway connecting Center and Main Sts. and provided sample images that could be painted on the riser portions to be seen from Main St. Private donations would cover the cost of repairs and installation.

**Darlene Schrum** spoke in favor of ensuring that contaminants are kept out of the drinking water. She supported passage of an ordinance Ms. Schneider would be providing and noted that many countries have banned fluoride from water treatment.

**Suzie Clippinger** spoke in favor of passing the proposed circus ban ordinance. She expressed concern about confinement and cruelty and noted the upcoming bill HR 4525, the Traveling Exotic Animal Act.

**Sue Ewan** noted her husband and she were drawn to Eureka Springs by the animal friendliness. She spoke in support of the proposed circus ban ordinance.

**Jerry Milligan** spoke as a representative of Carson and Barnes Circus. He invited the public to come and observe how the animals are treated and spoke about his experience with that Circus. He said if he believed in reincarnation, he would be a Carson and Barnes Circus elephant.

**Melissa Greene** encouraged reading the UDSA investigation reports of claims against Carson and Barnes. She spoke about Eureka facilities and events in support of animals and encouraged passage of the proposed ordinance.

**Kit Shepperd** said the citizens of the United States are supposed to be able to vote for what we want

and what we don't want. She expressed concern about the poisoning of the water, air and food, and said we are all responsible for stopping it.

**Holly Winger** urged Council to vote for the proposed (ordinance) and was concerned about the addition of unknown materials to the water as part of fluoridation. She noted the science involved, the non-disclosure of other contaminants, and potential liability. Ms. Winger also opposed the circus.

**Dave Spencer** said his partner Nan Johnson and he are opposed to the circus and the fluoridation.

**Barb Dunnam** spoke in support of the after-school programs for children and in opposition to the circus. She volunteered to write the (application) for a grant and supported passage of the proposed ordinance banning circuses.

**Natalie Mannering** considered calling what the circus animals go through "a travesty." About fluoride, she said the issue now is what is legal and what is not legal. Ms. Mannering noted that if Carroll Boone won't do what is legal, they'll hear from the citizens and it won't stop here.

#### **UNFINISHED BUSINESS:**

**1. Update on disposal of yard waste**

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Ms. Schneider recapped her findings on the challenge of disposing of vines. Since the vines cause problems with the chipper, burning is an option. Ms. Schneider proposed passing a resolution in preparation for State approval to burn once a month. Discussion followed about wording for the resolution, confirmation of agreement from (Public Works Director) Dwayne Allen, and a bad example being set by open burning.

Mr. Mitchell motioned to refer the issue to Dwayne for further input. Ms. Zeller seconded.

Motion carried 5/0/0.

**2. Ordinance No. 2214 – Multi-family – postponed, pending Planning action**

**3. Response from the Hospital Commission re: meetings taped/occurring in the jury room**

Mayor Pate said the topic is on the Commission agenda for next Monday for discussion. Mr. DeVito moved to table until the next meeting. Mr. Mitchell seconded.

Motion carried 5/0/0.

**4. Discussion of fluoride**

Ms. Schneider moved to discuss. Ms. Zeller seconded. Ms. Schneider provided copies of the response to the FOIA (Freedom of Information) request from Carroll Boone. It was noted that certification of the chemicals in the first 50 lb. bag have been requested from the supplier, Prayon. A copy of the proposed ordinance was provided and immediate passage was requested so as to provide it for the upcoming quarterly Board meeting.

Mr. Mitchell enquired about what jurisdiction the City of Eureka Springs has over Carroll Boone Water District in relation to the ordinance. Mr. Weaver opined Eureka Springs has a contractual relationship rather than control, and negotiations could occur when the contract is renewed at some point. It was his view efforts to try to dictate a change in the contract, if opposed by Carroll Boone, would result in them probably declaring breach of contract. Mr. Weaver said the draft ordinance itself probably would not get any effect from Carroll Boone and expressed reservations about certain portions of the ordinance.

Further discussion included efforts to delay until January when a new legislative body is seated and the State's having superseded Eureka's authority by the mandating fluoridation. Mr. DeVito called Point of Order and called for a motion or end of discussion because, he said, (Council) "has discussed everything that has occurred at this table, many times before." Ms. Schneider made a motion to give the ordinance a number and read it to, hopefully, pass it. Ms. Zeller seconded. Following discussion, a roll call vote was taken.

Motion failed 2/3/0 with Mr. DeVito, Mr. McClung, and Mr. Mitchell voting "No."

Ms. Schneider moved to take a five minute break. Ms. Zeller seconded.

Motion carried 5/0/0.

#### **NEW BUSINESS:**

**1. & 2. Discussion with Parks regarding the circus/Review by the City Attorney regarding options other than discussion with Parks**

Mr. Mitchell moved to discuss. Ms. Zeller seconded. Mr. Weaver said he had seen the proposed

ordinance and didn't necessarily think it would withstand a legal challenge in Court.

Mr. DeVito made a motion to ask the City Attorney to draft an ordinance prohibiting any future traveling circuses or animal shows within the city limits of Eureka Springs. Mr. Mitchell seconded. Discussion included input from Rachel Brix, definitions for caged animals and exotic animals, and too-restrictive language.

Jerry Milligan confirmed none of the Carson and Barnes animals were captured from the wild and said whatever laws are in place are met. He offered background on the care, housing, exercising and feeding of the elephants. A voice vote on drafting an ordinance followed.

Motion carried 5/0/0.

**3. Appraisal for two fire stations – pending scheduling**

**4. Summary of the September 25 Tourism workshop**

Postponed during approval of the agenda

**5. Discussion of changing CAPC limits on residency to include an at-large seat from within**

**Carroll County**

Ms. Schneider moved to discuss. Ms. Zeller seconded. Mr. DeVito made a motion to have the City Attorney draft an ordinance allowing an at-large seat from within Carroll County to serve on the CAPC. Ms. Schneider seconded. Discussion following regarding the current Code requirements, the State Statute, and the one existing at-large seat.

Motion carried 5/0/0.

**AGENDA SETTING:**

Mr. McClung added Mr. Dotson's application for a carriage franchise. Mr. Mitchell seconded.

Mr. McClung added discussion of the status of the new hospital. Ms. Schneider seconded.

Mr. Mitchell requested meeting at 5:00 to discuss the September financials. Mr. McClung seconded.

Ms. Schneider added discussion of yard waste. Mayor Pate said it is on the agenda.

**CITY COUNCIL COMMENTS:**

Mr. DeVito thanked Chief Hyatt for all of his years of service. Mr. DeVito wished him "Good fishing, hunting and riding."

Mr. Mitchell added "Ditto" to what Alderman DeVito said and praised Chief Hyatt's budgets.

Ms. Schneider noted the same thing goes to (Fire Chief) Rhys Williams. She congratulated her husband for his retirement after 41 years with Holiday Island. Ms. Schneider noted the need for convertible cars, people in the parade and restaurants to help with the Veteran's meet-and-greet.

**MAYOR'S COMMENTS:**

Mayor Pate read a list of upcoming Community events.

**ADJOURNMENT:**

Mr. DeVito moved to adjourn. Mr. Mitchell seconded.

Motion carried 5/0/0. The meeting ended at 7:56 p.m.

**ATTEST:**

  
Clerk/Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Morris Pate