

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, January 12, 2015 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: December 8, 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. Pos. 6 – Ed Leswig – expired 1/1/15. Pos. 7 – Woodie Acord – expired 1/1/15.

*****CAPC – Two Council seats: Pos. 5 and Pos. 6**

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:

NEW BUSINESS:

1. Set meeting dates for 2015
2. Pro tempore/vice mayor for 2015
3. Rules of procedure for 2015

UNFINISHED BUSINESS:

1. Dwayne Allen's recommendations for yard waste – Mr. DeVito and Mr. McClung
2. Ordinance No. 2220 County-wide CAPC membership – 3rd reading
3. Ordinance No. 2221 – Amending Personnel Policy Handbook – 3rd reading

NEW BUSINESS (cont'd):

4. Decision on Ray Dotson's Animal Drawn Franchise application – Judge Crow
5. Repair of parking lot by the Auditorium – Mr. McClung and Ms. Schneider
6. Update on the new hospital – Mr. McClung and Mr. Mitchell
7. Ordinance to allow Butch Berry to continue work on the Leatherwood pavilion project – former Mayor Pate
8. Discussion of 2015 budget
9. Fluoride letter – Ms. Zeller and Mr. Mitchell
10. Mayor's Taskforce on Economic Development, and Council representative – Mayor Berry

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

JANUARY 12, 2015

Mayor Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, January 12, 2015 in the jury room in the Western District Carroll County Courthouse.

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

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve. Mr. Mitchell seconded. Mayor Berry moved New Business #8 for discussion following Unfinished Business. Mayor Berry added a Proclamation for Save the Ozarks, to follow approval of Minutes. Mr. DeVito moved to defer Unfinished Business #2 until the next meeting. Ms. Zeller seconded. A roll call vote followed.

Motion carried 4/2/1 with Ms. Schneider voting "Present" and Mayor Berry adding an "Aye" to carry. A voice vote on approval of the Agenda followed.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: December 8, 2014

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

Motion carried 6/0/0.

SAVE THE OZARKS DAY PROCLAMATION:

Mayor Berry read a Proclamation commending the success in legally preventing construction of a 345kV transmission line across Northwest Arkansas and Southwestern Missouri. April 3 was designated "Save the Ozarks Day." He thanked Pat Costner and the thousands of people involved.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Mr. McClung moved to approve the nomination of Woodie Acord for Position 7. Mr. DeVito seconded.

Motion carried 6/0/0.

CAPC – Mayor Berry noted two open Council positions. Four names were put forward: Joyce Zeller, Terry McClung, David Mitchell, and James DeVito. Voting by written ballot followed.

Mr. McClung and Mr. DeVito won four votes each and were reelected.

Hospital – Mr. McClung moved to approve Suzanne Tourtelot for Position 2. Ms. Schneider seconded.

Motion carried 6/0/0.

Parks – No report

HDC – Mayor Berry noted Position 3 is vacant.

Cemetery – Mr. McClung moved to approve Henry Romanski for Position 4. Ms. Zeller seconded.

Motion carried 6/0/0.

PUBLIC COMMENTS:

Jacqueline Wolven, Director of the Main Street program, noted five new businesses opened in December in the Main Street District and two properties were sold. She said the High School FBLA (Future Business Leaders of America) were granted \$500 raised by the Main Street Program.

Ferguson Stuart, 7 Harvey Dr., welcomed those elected to the table. He read from a report on the State's infrastructure and encouraged Council to focus on those issues within the City.

NEW BUSINESS:

1. Set meeting dates for 2015

Mr. DeVito moved to continue meeting on the second and fourth Mondays of the month. Ms. Schneider seconded.

Motion carried 6/0/0.

2. Pro tempore/Vice Mayor for 2015

Mr. McClung moved to appoint Mr. DeVito. Mr. Mitchell seconded.

Motion carried 5/0/0 with Mr. DeVito abstaining.

3. Rules of Procedure for 2015

Mr. DeVito moved to continue using Roberts Rules of Order. Mr. Mitchell seconded.

Motion carried 6/0/0.

UNFINISHED BUSINESS:

1. Dwayne Allen's recommendations for yard waste

Ms. Schneider moved to postpone until the next meeting. Mr. DeVito seconded.

Motion carried 6/0/0.

2. Ordinance No. 2220 County-wide CAPC membership – 3rd reading

Postponed during Approval of the Agenda

3. Ordinance No. 2221 – Amending Personnel Policy Handbook – 3rd reading

Mr. DeVito moved to suspend the rules and place Ordinance No. 2221 on its third reading by title only. Mr. McClung seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2221 on its third reading. Mr. McClung seconded. Ms. Schneider favored amending to include "receipts of up to \$50.00 per day, spent on meals, will be reimbursed." Mr. McClung seconded. A vote on the amendment followed.

Motion carried 6/0/0. Mr. DeVito moved to approve Ordinance No. 2221 on its third reading as amended. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0.

NEW BUSINESS (cont'd):

8. Discussion of the 2015 budget

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Finance Director Lonnie Clark estimated reserves of \$4-500,000. He confirmed the positive impact of installing new water meters and rapid repair of leaks. Following discussion of an anticipated \$3,360,373 in General Fund revenues and an overall 3% increase in revenues, Mr. DeVito moved to assign the resolution a number and pass it by reading. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 652 A RESOLUTION PROVIDING FOR AND ADOPTING BUDGETS FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, FOR THE TWELVE-MONTH PERIOD BEGINNING JANUARY 1, 2015, AND ENDING DECEMBER 31, 2015; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR.**

4. Decision on Ray Dotson's Animal Drawn Franchise application

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Discussion followed regarding franchise law and the City's right to modify franchises. Travis Story, representing Ray Dotson, expressed his belief that a complete application was provided and the only change was a request for one route. He noted the Writ of Mandamus that was issued. Mr. Story said he believed that once it's filed with the City Clerk, that application is deemed complete and accurate. Discussion followed regarding incomplete portions of the application, review of regulations by the City Attorney, and the Writ ordering a vote.

Mr. DeVito made a motion to accept the franchise application for the Main St. route. Mr. McClung seconded. Discussion continued regarding the Writ and Code. Ms. Zeller called the question. Mr. DeVito seconded. A roll call vote followed.

Motion carried 6/0/0. A roll call vote for accepting the application followed.

Motion failed 0/3/3 with Mr. DeVito, Ms. Schneider and Mr. McClung voting "No" and Ms. Zeller, Mr. Thomas and Mr. Mitchell voting "Present."

5. Repair of parking lot by the Auditorium

Mr. DeVito moved to discuss. Mr. McClung seconded. Mr. McClung favored repairing right away. Mr. DeVito moved to see whether Public Works could do the work before putting it out for bid. Mr. Weaver suggested notice to the County Judge before moving dirt. Mr. DeVito amended his motion to include a letter to the County Judge as to any actions that would be taken regarding the parking lot. Mr. Mitchell seconded.

Motion carried 5/0/1 with Ms. Schneider voting "Present." Mayor Berry assured Council there will be a report as to whether Public Works can take of this.

6. Update on the new hospital

Mr. Mitchell moved to discuss. Mr. McClung seconded. Mr. Mitchell noted Allegiance has not come up with their part of the equation. Mayor Berry said Chris Bariola's update was Allegiance is meeting with architects on Tuesday so as to get a cost estimate for financing. Mr. McClung favored keeping the topic on the agenda.

7. Ordinance to allow Butch Berry to continue work on the Leatherwood pavilion project

Mayor Berry stepped away from the table and Mr. DeVito stepped in as pro tem. Mr. DeVito motioned to place the ordinance for its first reading. Ms. Schneider seconded. Mr. Weaver noted one version of the two ordinances offered would allow the Mayor to continue to serve in the capacity in which he's served for many years, working with the various departments and commissions. The second version would allow him to complete projects he's currently on, only. Mayor Berry confirmed there are two active projects.

Following discussion of allowing the Mayor to complete the Parks pavilion and Public Works maintenance building, Mr. DeVito moved to vote on the version with "current projects." Parks Director Bruce Levine requested passage with an emergency clause. Mr. McClung seconded Mr. DeVito's motion. A voice vote followed.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2222 AN ORDINANCE PROVIDING FOR THE EMPLOYMENT OF MAYOR TO DO BUSINESS WITH THE CITY OF EUREKA SPRINGS WHILE SERVING AS MAYOR.** Mr. DeVito moved to approve Ordinance No. 2222 on its first reading. Ms. Zeller seconded.

Motion carried 6/0/0. Mr. McClung moved to suspend the rules and read Ordinance No. 2222 by title only. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2222 on its second reading. Ms. Zeller seconded.

Motion carried 6/0/0.

Mr. DeVito stepped back to his position and Mayor Berry rejoined the session.

9. Fluoride letter

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Ms. Zeller explained that since there has been so much opposition to fluoridation, the letter was prepared to ask the State Board of Health to insist that any product that is added to our water be certified as absolutely free of any chemicals that are harmful. She noted the listing of lead up to 50 ppm (parts per million) in the proposed product, and offered to read the letter.

Mr. DeVito called point of order and suggested Ms. Zeller put the letter in the form of a resolution although he did not know what good it would do. Mayor Berry proposed signing and sending the letter. Discussion followed about Council's authority, due diligence in looking out for health and safety, and review of the document by the City Attorney. Further discussion included other districts' rejection of fluoridation because of liability, and the impending ten-year fluoridation contract if treatment begins.

Mr. DeVito motioned to have the City Attorney look over the letter and bring it to the next meeting. Mr. McClung seconded.

Motion carried 6/0/0.

10. Mayor's Taskforce on Economic Development, and Council representative

Mayor Berry summarized progress in forming the Taskforce to promote communication and cooperation and to seek alternative industries, citing education as an example. He noted Mr. McClung agreed to represent the Council and retail. Mayor Berry said the core group would also include the CAPC, the Chamber, the Planning Commission, lodging, arts, and area-wide economic development interests.

AGENDA SETTING:

Mr. Mitchell added Code enforcement regarding the Clean City ordinance and noise. Mr. DeVito seconded.

Mr. Mitchell added an update on the water meter installation project. Mr. DeVito seconded. Mr. McClung added an update on the Planning Commission's progress toward minimum square footage in residential, and commercial building code for residential properties in the C-2 zone. There was no second.

CITY COUNCIL COMMENTS:

Ms. Schneider expressed joy in the SWEPCO decision and welcomed her 14th grandchild. Mr. DeVito welcomed Bob Thomas and Butch Berry to the table. Mr. McClung expressed optimism for the coming year. Mr. Thomas quipped about surviving the first meeting.

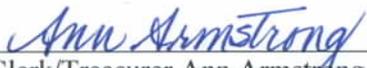
MAYOR'S COMMENTS:

Mayor Berry spoke about Eureka Springs hosting an upcoming Legislative luncheon meeting in Little Rock February 3 and encouraged participation and networking. He read a list of upcoming events and thanked Morris Pate and Dee Purkepile for their service.

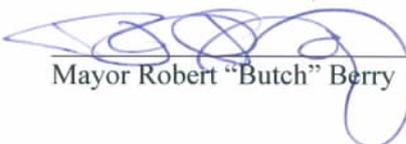
ADJOURNMENT:

Mr. DeVito moved to adjourn. Mr. McClung seconded. Motion carried 6/0/0. The meeting ended at 7:55 p.m.

ATTEST:


Clerk/Treasurer Ann Armstrong

APPROVED:


Mayor Robert "Butch" Berry