

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING  
Monday, January 26, 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:** January 12, 2015

**STATE OF THE CITY ADDRESS**

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

**Planning** – Pos. 1 – Vote on Steve Beacham’s application. Pos. 2 – Mickey Schneider (temp.) – expires 1/1/17. Pos. 6 – Ed Leswig – expired 1/1/15

**CAPC**

**Hospital**

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

**HDC** – Pos. 3 – vacant – expires 11/30/17

**Cemetery** – Pos. 2 – vacant – expires 2/15/15

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

1. Dwayne Allen’s recommendations for yard waste – Ms. Schneider and Mr. McClung
2. Ordinance No. 2220 County-wide CAPC membership – 3<sup>rd</sup> reading
3. Repair of parking lot by the Auditorium – report from Public Works -- Mr. McClung and Ms. Schneider
4. Update on the new hospital – Mr. McClung and Mr. Mitchell
5. Ordinance No. 2222 – Employment of the Mayor to complete two projects – 3<sup>rd</sup> reading
6. Fluoride letter – Mr. Weaver’s review -- Ms. Zeller and Mr. Mitchell

**NEW BUSINESS :**

1. Code enforcement regarding the Clean City and Noise ordinances – Mr. Mitchell and Mr. DeVito
2. Update on water meter installation project – Mr. Mitchell and Mr. DeVito

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR’S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**JANUARY 26, 2015**

Mayor Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, January 26, 2015 in the jury room in the Western District Carroll County Courthouse.

**PRESENT:** Mayor Berry, Aldermen James DeVito, Joyce Zeller, David Mitchell, Bob Thomas, Terry McClung, Mickey Schneider, 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. Mitchell moved to approve. Mr. DeVito seconded. Ms. Schneider moved to postpone Unfinished Business #1. A voice vote on approval of the Agenda followed.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES: January 12, 2015**

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

Motion carried 6/0/0.

**STATE OF THE CITY ADDRESS:**

Mayor Berry noted replacement of 15% of (commercial) water meters has resulted in January collections at about 50% above January 2014. Work with the State for funding the sewer line extension to the west side of town is in process. Some streets will be improved. Building permits have doubled since 2013-2014. Two structures have been removed since the Clean City ordinance was passed, and several are being repaired. Thomas Achord is the new Chief of Police and Billy Summers is the interim Fire Chief. The Hospital Commission donated a new \$280,000 ambulance.

The Fire Department received about \$24,000 in grants and is seeking grants for a new ladder truck. Transit is seeking a new low-floor trolley and there is now service to Lake Leatherwood. Bike racks on some trolleys are planned. The 2013 Legislative Audit has been completed. The CAPC recorded over \$1,200,000 in collections for 2014. Parks received over \$150,000 in grants in the past year for trails, restoration of the Harmon Park building, and for the pavilion at Lake Leatherwood. Pat Lujan was complimented for his work in the gardens. The Springs Committee is working towards a means to help insure private sewer lines. The new Dog Park has been a success. Underground drainage systems will have to be addressed.

Mayor Berry encouraged working together, new businesses, attractions, and spoke of a possible community center.

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

**Planning** – Mr. McClung moved to approve the nomination of Steve Beacham. Mr. Mitchell seconded.

Motion carried 6/0/0.

**CAPC** – No report

**Hospital** – No report

**Parks** – No report

**HDC** – No report

**Cemetery** – No report

**PUBLIC COMMENTS:**

**Peggy Duncan**, with the American Legion Auxiliary Unit #36, said a Veterans Memorial Parade is being planned for May 25. Participants were announced and Ms. Duncan requested the Council to take part. A concert and memorial service in Basin Park will follow.

**UNFINISHED BUSINESS:**

**1. Dwayne Allen's recommendations for yard waste**

Postponed during approval of the Agenda

**2. Ordinance No. 2220 County-wide CAPC membership – 3<sup>rd</sup> reading**

Mr. DeVito moved to discuss. Ms. Schneider seconded. Mr. DeVito spoke about the Attorney General's opinion that Commissioners must live within the City limits and he moved to table until the next meeting. There was no second. Following discussion regarding a challenge in court, Mr. McClung moved to suspend the rules and place Ordinance No. 2220 on its third and final reading by title only. Ms. Schneider seconded. Discussion followed regarding the CAPC Director's request to postpone until guidance is offered by the Attorney General. A roll call vote followed.

Motion carried 4/2/0 with Mr. DeVito and Ms. Zeller voting "No." Ms. Armstrong read the Ordinance title. Mr. McClung moved to approve Ordinance No. 2220 on its third and final reading. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 4/2/0 with Mr. DeVito and Ms. Zeller voting "No."

**3. Repair of parking lot by the Auditorium**

Mayor Berry summarized his understanding of the almost complete collapse of a section of the drainage tunnel south of the Auditorium. Structural Engineer Bill Hathaway is helping to develop a plan and the County Judge and Quorum Court have been notified. An ordinance will be drawn up to allow Quorum Court participation in repairs. Randy Young, Director of the Natural Resource Commission, Senator King and Representative Ballinger have been contacted for financial resources. Discussion followed regarding the time frame, logistics, ownership of the Court House, and possible redirection of water flow in the interim.

**4. Update on the new hospital**

Mayor Berry said there is no update. Mr. McClung noted the newspaper article regarding architects being retained to prepare cost estimates.

**5. Ordinance No. 2222 – Employment of the Mayor to complete two projects – 3<sup>rd</sup> reading**

Mr. DeVito stepped in as Pro tem and entertained a motion to suspend the rules and place Ordinance No. 2222 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. McClung made a motion to approve the third reading of Ordinance No. 2222. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Mr. McClung made a motion to enact the emergency clause as prepared. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the emergency clause.

Mayor Berry returned to the chair.

**6. Fluoride letter – Mr. Weaver's review**

Mr. McClung moved to discuss. Ms. Schneider seconded. It was Mr. Weaver's opinion that the letter is not demanding anything of anyone that is beyond the scope of what can be requested by the Council. He provided a resolution in support of sending the letter. Mr. DeVito made a motion to assign the resolution a number and read it for passage, including the letter mentioned in the resolution. Mr. McClung seconded. Following discussion of the letter as not establishing liability, a roll call vote was taken.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 653 A RESOLUTION REGARDING LETTER IN OPPOSITION TO POSSIBLE CONTAMINATION OF THE EUREKA SPRINGS CITY WATER SUPPLY** and the letter to Dr. Nate Smith, Director of the Arkansas Department of Health. Ms. Zeller requested that copies be sent to Senator King and Representative Ballinger.

**NEW BUSINESS:**

**1. Code enforcement regarding the Clean City and Noise ordinances**

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mayor Berry said the Building Inspector sent certified letters to seven property owners about demolition by neglect. Two were returned with undeliverable addresses. Of the remaining five, three were approved for demolition. Two have been removed and one is in the bid process. Two are being repaired. Mayor Berry said he'll talk with the owner of old cars on a public street.

No specifics on citations or violations of the Noise ordinance were obtained from Chief Achord. Monitoring will continue. Discussion followed regarding the decibel level as measured at the property line of the person who called in the complaint.

Further discussion included the ordinance as a means to address all noise and to retain by the City money collected in fines. Mr. Weaver noted that, in the last session of the District Court, there were three tickets that were Noise ordinance violations. Discussion continued regarding consistency and follow up.

**2. Update on water meter installation project**

Ms. Schneider moved to discuss. Mr. DeVito seconded. Mayor Berry noted there are over 1800 water meters in town. About 15% of the larger meters have been replaced and revenue has roughly doubled. Some of the meters will be of a design that will allow the reader to know if there is a leak. Public Works Director Dwayne Allen anticipates replacement of all problem meters by the end of summer.

**AGENDA SETTING:**

Ms. Zeller added readdressing the circus animal ordinance. Mr. DeVito seconded.

Mr. Mitchell added discussion about the process of franchises within the City. Ms. Schneider seconded.

**CITY COUNCIL COMMENTS:**

Mr. Thomas spoke highly of the new Council members' workshop at the Municipal League conference.

Mr. McClung appreciated going beneath the Auditorium and getting first-hand knowledge.

Mr. DeVito spoke about the natural cycle of businesses and noted three new businesses are coming in within a half-block of his. He said he believes things are changing for the better.

Mr. Mitchell expressed his belief this will be the year of attention to infrastructure.

Ms. Schneider noted 42 years ago, tomorrow, is the anniversary of the signing of the Viet Nam Peace Accord.

**MAYOR'S COMMENTS:**

Mayor Berry read a list of upcoming events. He showed the Tourist Development award for cities under 5,000 people given to Eureka Springs at the Municipal League conference. He wished Joyce Zeller "Happy Birthday!"

**ADJOURNMENT:**

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

Motion carried 6/0/0. The meeting ended at 7:30 p.m.

**ATTEST:**

  
Clerk/Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Robert "Butch" Berry