

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, July 13, 2015 in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Berry, Aldermen Joyce Zeller, Bob Thomas, James DeVito, Terry McClung, Mickey Schneider, David Mitchell, 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. McClung seconded. Mr. DeVito noted the request from Beth Smith to postpone New Business #1 until July 27. A vote on the amended agenda followed.
Motion carried 6/0/0.

APPROVAL OF THE MINUTES: June 22, 2015

Mr. DeVito moved to approve. Mr. McClung seconded.
Motion carried 6/0/0.

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:

Laura Coker spoke about the fluoride mandate and noted the State is not authorized to administer medicine. She said the State Legislature is in violation of the Medical Practices Act. Ms. Coker expressed displeasure with the absence of action from the Council regarding Act 197 for fluoridation.

UNFINISHED BUSINESS:

1. Ordinance No. 2226 Amending Code Title 4.48.01(A) and.01(D) – 2nd reading

Mr. DeVito moved to suspend the rules and place Ordinance No. 2226 on its second reading by title only. Mr. McClung seconded. Following a request to change the Ordinance number, Mr. DeVito amended the motion to reflect the change in the number to 2227. Mr. McClung seconded. A vote on the amendment followed.

Motion carried 6/0/0. A roll call vote on reading by title only followed.

Motion carried 4/2/0 with Mr. Thomas and Ms. Schneider voting "No." Ms. Armstrong read the Ordinance title.

Mr. DeVito moved to approve Ordinance No. 2227 on its second reading. Mr. McClung seconded. Ms. Schneider voiced again the suggestion to have a workshop on food trucks before proceeding further. She favored separating the two topics addressed in the Ordinance.

Motion carried 4/3/0 with Ms. Schneider, Mr. Thomas and Ms. Zeller voting "No" and Mayor Berry adding an "Aye" to carry.

2. Elijah Hamon's broken car window

Mr. Mitchell moved to discuss. Mr. McClung seconded. The Police report and an estimate were provided. Mr. McClung motioned to pay for repairs from Public Works. Mr. Mitchell seconded. Mr.

McClung amended the motion to pay Dave Williams, the owner of the repair shop, \$275.99. Mr. Mitchell seconded.

Motion carried 6/0/0. A vote on Mr. McClung's first motion followed.

Motion carried 6/0/0.

3. Discussion of ordinance re: 2008 and 2010 Bonds

Mr. DeVito moved to table until the next meeting. Mr. Mitchell seconded.

Motion carried 6/0/0.

4. Second bid on the Public Works building

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mayor Berry noted the building was redesigned for additional concrete and another location. A turnkey bid from Barrows Construction came in at \$230,000. When the bid was broken out, the building and concrete minus interior work or a lift came in at \$148,000. With a lift, plumbing, mechanical and electrical (but not finishing of the interior), the estimate was \$155,000. The mechanical, electrical, plumbing and interior walls could be bid separately.

Discussion followed regarding calling for other bids, waiting until after the mid-year budget review, and maintenance of the existing building. Mr. McClung motioned to put this off until after the mid-year budget review. Mr. Mitchell seconded. Discussion followed regarding having passed the first ordinance on an emergency basis, whether the reserved funds are available for maintenance of the existing building, and distribution of sales tax money.

Motion carried 6/0/0.

NEW BUSINESS:

1. Discussion of re-zoning 4 Armstrong from R-1 to C-1

Postponed until July 27 during approval of the agenda

2. Update on Municipal League conference/Discussion of Ordinance No. 2223

Ms. Schneider moved to discuss. Mr. Mitchell seconded. A letter from Fayetteville City Attorney Kit Williams cautioning against some of the language in Eureka Springs' Civil Rights Administration chapter was provided.

Mayor Berry indicated neither the Municipal League nor the ACLU would be pro-active in filing lawsuits.

Mr. Thomas understood that each of the protected categories was included in State law, but recognized Mr. William's opinion. Discussion continued regarding State Legislators' opinions similar to those of Mr. Williams, actions the State may take, and legal defense for the City. Following confirmation that the Municipal League is a private organization rather than a State agency, discussion continued regarding the absence of Federal and State legal protection for "socioeconomic background."

Mr. Mitchell suggested a motion to ask the City Attorney to make the necessary changes to the Ordinance language and have a special meeting. Mr. DeVito interpreted this as a motion and seconded.

Motion carried 6/0/0. Mr. Weaver agreed to invite Mr. Williams to address Council. A tentative special meeting was discussed for Friday, July 17.

Ms. Schneider spoke about new legislation regarding Arkansas municipalities.

AGENDA SETTING: No new items were added.

CITY COUNCIL COMMENTS:

Ms. Zeller said she was able to pay her personal property taxes online.

Ms. Schneider spoke about Ft. Smith's ordinance allowing food trucks in the public right-of-way downtown between 9 p.m. and 2 a.m.

Mr. DeVito thanked Ilene Powell and Teresa DeVito for their hard work on the 5th annual Fleur Delicious Weekend.

MAYOR'S COMMENTS:

Mayor Berry introduced his new Assistant, Kim Stryker.

A list of upcoming events was read.

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, July 13, 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: June 22, 2015

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning

CAPC

Hospital

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

HDC

Cemetery – Pos. 2 – vacant – expired 2/15/15

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Ordinance No. 2226 Amending Code Title 4.48.01(A) and .01(D) – 2nd reading
2. Elijah Hamon's broken car window – Mr. McClung and Ms. Schneider
3. Discussion of ordinance re: 2008 and 2010 Bonds – Mr. McClung and Mr. DeVito
4. Second bid on the Public Works building – Mayor Berry

NEW BUSINESS:

1. Discussion of re-zoning 4 Armstrong from R-1 to C-1 – Mayor Berry
2. Update on Municipal League conference/Discussion of Ordinance No. 2223 – Mr. Thomas and Ms. Schneider

AGENDA SETTING

CITY COUNCIL COMMENTS

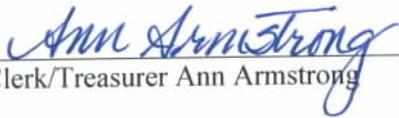
MAYOR'S COMMENTS

ADJOURNMENT

ADJOURNMENT:

Mr. DeVito moved to adjourn. Mr. McClung seconded.
Motion carried 6/0/0. The meeting ended at 7:15 p.m.

ATTEST:



Clerk/Treasurer Ann Armstrong

APPROVED:



Mayor Robert "Butch" Betry