CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, March 23, 2015 6 p.m.
AGENDA

CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE TO THE FLAG
PUBLIC HEARING – Identifying and prioritizing the needs of the City
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: March 9, 2015

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

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

PUBLIC COMMENTS

UNFINISHED BUSINESS: none

NEW BUSINESS:

1. Authorization resolution – Mayor Berry
2. Designation resolution – Mayor Berry
3. Anti-displacement resolution – Mayor Berry
4. Civil rights resolution – Mayor Berry
5. Fair housing resolution – Mayor Berry
6. Discussion of Council meeting room – Mr. DeVito and Mr. Mitchell
7. Hospital Commission annual financial audit – Mayor Berry
8. Ordinance to waive bidding for drainage tunnel – Mayor Berry
9. Discussion of Black Jack franchise – Ms. Schneider and Mr. Mitchell
10. 4th quarter 2014 financial report – Mr. McClung and Ms. Schneider

AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR'S COMMENTS
ADJOURNMENT

CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING **MONDAY** **MARCH 23, 2015**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, March 23, 2015 in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Berry, Aldermen Bob Thomas, Joyce Zeller, Terry McClung, David Mitchell, James DeVito, 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.

PUBLIC HEARING: Identifying and prioritizing the needs of the City

Jay Stallard, Grants Administrator with the Northwest Arkansas Economic Development District, summarized the process for establishing an economic development plan. He noted the information is funneled to state and federal funding agencies.

James DeVito called for affordable housing.

Shakeenah Kedem agreed about the need for affordable housing. She favored small homes to minimize cost of energy, spaced to allow room for gardening, and parking.

Sandy Martin favored year-round employment. She spoke about proposals for the old Ice House near the north entrance to town for relocating the Historical Museum and for an interactive Water and Life Museum. Ms. Martin favored establishing job training and higher education at the old High School site, including solar-power, a culinary institute, arts center and farmers market.

Ann Armstrong spoke for Black Bass Dam and infrastructure.

Terry McClung spoke for repair of the bridge at Magnetic St. and Main St.

Joyce Zeller enquired about funds for affordable housing.

David Mitchell asked about connecting a new hospital to sewer and suggested a senior center at the old High School site.

Jay Stallard said the funds currently sought are for drainage and referenced the system between the Court House and Auditorium. He noted Eureka Springs is above 51% low to moderate income, according to Housing and Urban Development (HUD), making the City eligible for Community Development Block Grant funds. Mr. Stallard indicated Arkansas Economic Development Commission funds could be obtained for repairing Black Bass Dam.

Mayor Berry closed the Public Hearing and opened the Regular meeting.

APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve. Mr. McClung seconded. Mayor Berry moved the Hospital Commission financial report (New Business #7) to Commission reports. Ms. Schneider added discussion of the Black Jack franchise. Mr. Mitchell seconded. Ms. Armstrong added the fourth quarter 2014 report. Mr. McClung moved to do so. Ms. Schneider seconded. Mayor Berry called for approval of the amended agenda.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: March 9, 2015

Mr. McClung moved to approve the minutes from the last meeting. Mr. DeVito seconded.

Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – No report

CAPC – No report

Hospital – Commissioner Bob Walling provided and reviewed the Hospital Commission Audit Report for 2014. He noted current and fixed assets total $1,962,114.55. Mr. Walling recapped

liabilities and equity, revenues and expenses, and the statement of cash flow. He noted the ambulance equipment cost of $105,402.64. The new ambulance arrived in February 2015 and is not reflected in the audit report.

Parks – No report
HDC – No report
Cemetery – No report

PUBLIC COMMENTS:

Laura Coker said the Carroll Boone fluoridation will begin in late March or early April. She referenced several professional opinions regarding the effects of fluoride at 1.2 parts per million (ppm). Ms. Coker favored requiring the Legislature to provide an indemnity program to cover damages.

Ferguson Stewart, 7 Harvey, expressed great concern for the infrastructure and called for connecting houses to the sewer system.

UNFINISHED BUSINESS: none

NEW BUSINESS:

1. **Authorization resolution**

Ms. Zeller moved to discuss. Mr. DeVito seconded. Mayor Berry noted this was one of the resolutions required to be eligible for the Economic Development funds. Mr. McClung moved to read and approve the authorization resolution. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 657 A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR ARKANSAS COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM FUNDS TO THE STATE OF ARKANSAS.**

2. **Designation resolution**

Mr. Mitchell moved to assign the resolution a number and read for passage. Ms. Schneider seconded. A roll call voted followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 658 A RESOLUTION DESIGNATING THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC., AS A CONSULTANT TO ASSIST THE CITY IN THE ADMINISTRATION OF A GRANT UNDER THE ARKANSAS COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM, IF SUCH A GRANT IS AWARDED**

3. **Anti-displacement resolution**

Ms. Zeller moved to give the resolution a number and read it for passage. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 659 A RESOLUTION AFFIRMING THE CITY OF EUREKA SPRINGS' ANTI-DISPLACEMENT PLAN**

4. **Civil rights resolution**

Ms. Schneider moved to give the resolution a number and read it for passage. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 660 A RESOLUTION AFFIRMING THE CITY OF EUREKA SPRINGS' POLICY PROHIBITING THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES WITHIN THE CITY'S JURISDICTION AGAINST INDIVIDUALS ENGAGED IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS**

5. **Fair housing resolution**

Mr. Thomas moved to give the resolution a number and read it for passage. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 661 A RESOLUTION AFFIRMING THE CITY OF EUREKA SPRINGS' FAIR HOUSING AND EQUAL OPPORTUNITY POLICY**

6. **Discussion of Council meeting room**

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mr. DeVito expressed his view of the crowded conditions as not conducive to good government. He felt Council ought to face constituents rather than each other and favored using the Court Room. Discussion included the absence of an elevator, meeting at the Transit offices, poor acoustics in the Court Room, and the Echo Clinic meeting room. Further discussion

included the cost of moving the recording equipment, the motorized stair climber, embarrassment in using the stair climber, and tape-delaying the meetings rather than having live broadcasts. Access to records, unavailability of after-hours access to the High School, and the small meeting space at Transit were mentioned.

Mr. Mitchell moved to ask the Mayor to explore the opportunity of another location for City Council meetings. Ms. Schneider seconded. Mayor Berry agreed to do so.

Motion carried 6/0/0.

7. Hospital Commission annual financial audit

This item was heard during Commission reports.

8. Ordinance to waive bidding for drainage tunnel

Mayor Berry stated a grant was received from the Department of Energy Management for roughly $69,000, half of the estimated total project cost of $138,000. The Quorum Court has agreed to contribute $30,000. Discussion followed regarding the pre-cast units, logistics, timing, equipment and materials.

Mr. DeVito moved to give the ordinance a number and place it on its first reading. Mr. McClung seconded. Mayor Berry confirmed the purpose for waiving bids and for the emergency clause.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2226 AN ORDINANCE TO WAIVE COMPETITIVE BIDDING FOR GROUND AND SUBSTRUCTURE STABILIZATION WORK REGARDING SUPPORT AND REPAIR OF THE NORTH MAIN COURT HOUSE PARKING LOT AND DECLARING AN EMERGENCY.**

Mr. DeVito moved to approve Ordinance No. 2226 on its first reading. Mr. McClung seconded.

Motion carried 6/0/0. Mr. DeVito moved to suspend the rules and place Ordinance No. 2226 on its second 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. 2226 on its second reading. Ms. Schneider seconded.

Motion carried 6/0/0. Mr. DeVito moved to suspend the rules and place Ordinance No. 2226 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. 2226 on its third reading. Mr. McClung seconded. A roll call vote followed.

Motion carried 6/0/0. Mr. DeVito moved to invoke the Emergency Clause. Mr. McClung seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Emergency Clause.

9. Discussion of Black Jack franchise

Ms. Schneider moved to discuss. Mr. DeVito seconded. Ms. Schneider recalled the history of scooter rentals and accidents. She noted that Phillip and Latosha Thomas provided a test-riding area so riders could prove ability to ride safely before renting scooters. Since then, there have been no accidents or injuries. Ms. Schneider said there was agreement to increase the size of rentals incrementally, first to 150 ccs. She proposed adding the rental of motorcycles.

Ms. Thomas said some of their clients would prefer to ride motorcycles rather than scooters. It was confirmed motorcycle endorsement must be listed on drivers licenses to rent motorcycles.

Mr. Weaver said he was unsure whether the request to franchise motorcycles would be legal by the State since they are a primary means of transportation. Discussion followed regarding car rentals, business licenses, and the franchise specifically for small scooters. Further discussion included inability to regulate where motorcycles are ridden in town, limited growth potential for the Black Jack franchise, and a current Court case related to excessive noise from a motorcycle. Mr. Weaver confirmed the franchise is for bikes that do not require motor cycles endorsements.

Mr. Thomas agreed to do more research and come back to the table.

10. 4th quarter 2014 financial report

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Ms. Armstrong provided the required debt service schedule, bank reconciliation, clearing account, payroll and cash receipts as of the end of December 2014. The information is available for review and copying.

AGENDA SETTING:

Mr. McClung requested a review of financials. It was agreed to meet at 5:00 before the April 13 Council meeting.

Mr. Mitchell added an update on the water meter installations. Ms. Schneider seconded.

CITY COUNCIL COMMENTS:

Ms. Schneider encouraged all to contact Laura Coker for information regarding fluoridation.

Mr. DeVito noted the May 12 election and encouraged everyone to register to vote before April 11. He said it is a responsibility as well as a right and a privilege.

Mr. McClung expressed concern about the rapid deterioration of Black Bass Dam. He noted the Dam may have to be dismantled.

MAYOR'S COMMENTS:

Mayor Berry read an extensive list of upcoming events.

ADJOURNMENT:

Mr. DeVito moved to adjourn. Mr. McClung seconded.
Motion carried 6/0/0. The meeting ended at 8:05 p.m.

APPROVED:

Mayor Robert "Butch" Berry

ATTEST:

Ann Armstrong

Clerk/Treasurer Ann Armstrong