CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, March 9, 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: February 23, 2015 and Special Meeting February 24, 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 – Pos. 3 – **vote on Virgil Fowler**
Cemetery – Pos. 2 – vacant – expired 2/15/15

PUBLIC COMMENTS

UNFINISHED BUSINESS:

1. Update on Dwayne Allen's recommendations for yard waste – Ms. Schneider and Mr. McClung
2. Ordinance No. 2224 Prohibiting Traveling Exotic Animal Performances – 2nd reading

NEW BUSINESS:

1. Resolution re: National League of Cities warranty program – Mayor Berry
2. Resolution re: AHTD Transportation Alternatives Program – Mayor Berry
3. 2012 Legislative Audit Report – Mayor Berry
4. Setting date for meeting to discuss old High School property – Mayor Berry

AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR'S COMMENTS
ADJOURNMENT

CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING **MONDAY** **MARCH 9, 2015**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, March 9, 2015 in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Berry, Aldermen Joyce Zeller, Bob Thomas, 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.

APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve. Mr. Mitchell seconded. Mayor Berry added approval of the 2012 Legislative Audit report as the first item under New Business. He added setting a date for a meeting regarding the old High School property. Mr. DeVito moved to approve the agenda as amended. Mr. McClung seconded.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: February 23, 2015 and Special Meeting February 24, 2015

Mr. McClung moved to approve the February 23, 2015 minutes. Mr. DeVito seconded.
Motion carried 6/0/0.
Mr. McClung moved to approve the minutes from February 24, 2015. Mr. DeVito 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 – Mr. DeVito moved to approve the nomination of Virgil Fowler. Mr. Mitchell seconded.
Motion carried 6/0/0.
Cemetery – no report

PUBLIC COMMENTS:

Rachel Brix, 1 Magnetic, thanked Council for their work on Ordinance No. 2224. She said she's proud to be part of a community that says "No" to animal abuse and "No" to discrimination. Ms. Brix said Ringling Brothers announced they will phase out elephants from performances by 2018.

Jack Moyer spoke about street repair in front of the Crescent Hotel and about the 1% sales tax voted for infrastructure that was reallocated in 2008. He compared water rates with Fayetteville rates and expressed concern for impact on economic development and recruiting businesses.

Suzie Bell spoke about the Reconciling Ministries Network within the Methodist Church. She noted the goal of transforming the Church and world into "the full expression of God's inclusive love." Ms. Bell said the group pledges support for the City's Non-discrimination Ordinance.

Rebecca Zeleny encouraged Council to continue to vote "Yes" for prohibiting the wild traveling animal shows in Eureka Springs. Safety factors, public health issues, lack of federal oversight, and animal abuse were concerns. Ms. Zeleny thanked Council for the work on non-discrimination.

Ferguson Stewart, 7 Harvey, spoke of the character of people who live in Eureka Springs. He encouraged Council to heed the advice of the City Attorney and praised the Mayor on his work to get the funds to repair the collapsed tunnel.

UNFINISHED BUSINESS:

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

Ms. Schneider moved to discuss. Mr. DeVito seconded. Ms. Schneider summarized changes at the State level that resulted in the City being unable to find or provide a place for yard waste. She suggested donation of the use of private property gulches for dumping. Discussion followed regarding commercial waste processing, private yard waste and burning permits.

2. **Ordinance No. 2224 Prohibiting Traveling Exotic Animal Performances – 2nd reading**

Mr. DeVito moved to suspend the rules and place Ordinance No. 2224 on its second reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 4/2/0 with Mr. McClung and Ms. Schneider voting "No." Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2224 on its second reading. Mr. Mitchell seconded.

Discussion followed regarding the chances of a circus coming back to Eureka Springs, a lawsuit, putting it for a vote of the people, and response to external pressures. Further discussion included support for circuses as having come only from outside the City. Mr. DeVito called the question. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 6/0/0. A roll call vote followed on approving the second reading.

Motion carried 4/2/0 with Ms. Schneider and Mr. McClung voting "No."

Mr. DeVito moved to suspend the rules and place Ordinance No. 2224 on its third reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 4/3/0 with Mr. Thomas, Ms. Schneider, and Mr. McClung voting "No" and Mayor Berry adding an "Aye" to carry. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2224 on its third reading. Mr. Mitchell seconded.

Discussion followed regarding ordinances to fix things that did not exist in Eureka Springs, rushing the issue, and feedback from citizens. A roll call vote followed.

Motion carried 4/2/0 with Mr. McClung and Ms. Schneider voting "No."

NEW BUSINESS:

3. **2012 Legislative Audit report**

Mr. DeVito moved to discuss. Mr. McClung seconded. Mr. Mitchell motioned to accept the Legislative Joint Auditing Committee Division of Legislative Audit as submitted. Ms. Zeller seconded.

Motion carried 6/0/0. Finance Director Clark assured Council the monthly financial statements and 2013 Audit are forthcoming.

1. **Resolution re: National League of Cites warranty program**

Ms. Schneider moved to discuss. Mr. DeVito seconded. Mayor Berry noted citizen participation is optional. The company will notify all residential customers of the Water and Sewer Dept. and offer the warranty for repairs. Mayor Berry said the charge for water lines will be $5.75 per month and $7.75 per month for sewer lines. The company will do the billing and the City will get a rebate for each client. Coverage would pertain to lines only, not damages.

Mr. Mitchell motioned to assign the resolution to participate in the NLC service line warranty program a number and read it for passage. Ms. Schneider seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 655 A RESOLUTION TO PARTICIPATE IN NLC SERVICE LINE WARRANTY PROGRAM.**

2. **Resolution re: AHTD Transportation Alternatives Program**

Mr. McClung moved to discuss. Ms. Schneider seconded. Mayor Berry noted the application by Parks is for an 80/20 grant for trails in Dairy Hollow. A map and resolution were provided. The estimated cost is $39,500. Parks would be responsible for $7,900. Discussion followed regarding hard surfaces, culverts, current pedestrian and biking activity, and future linking to Main St.

Ms. Zeller motioned to give the resolution a number and read it for approval. Mr. DeVito seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 656 A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF EUREKA SPRINGS TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVE PROGRAM FUNDS.**

4. **Date for meeting to discuss old High School property**

Ms. Schneider moved to discuss. Mr. DeVito seconded. Mayor Berry noted a committee has been meeting almost weekly with an architectural firm in Little Rock and an economic development firm. The majority of people would like to have a community center. The City has no money to invest in the project. The meeting would be to provide information to Council and Parks and a later meeting would be held for the Historic District and Planning Commissions.

It was agreed to meet on Tuesday, March 17 at 5:00 p.m.

AGENDA SETTING:

Mr. DeVito added a discussion of the Council meeting room. Mr. Mitchell seconded.

CITY COUNCIL COMMENTS:

Ms. Schneider said the House passed the fluoride issue and then the issue died. She noted there will be a community meeting on March 18 at 6:30 p.m. at the ECHO building. She recalled the Selma march 50 years ago.

Mr. DeVito noted there will be an organizational meeting to bolster Ordinance No. 2223 at Caribe on Wednesday at 6:00 p.m.

Mr. McClung said Ordinance 2223 was done in a community where the problem does not exist. He said we set a better example by the way we get along here and expressed sadness about the Ordinance.

MAYOR'S COMMENTS:

Mayor Berry read a list of upcoming events. He extended personal thanks to Public Works for an extraordinary job in keeping the streets clean, safe and accessible.

ADJOURNMENT:

Mr. DeVito moved to adjourn. Mr. McClung seconded.

Motion carried 6/0/0. The meeting ended at 7:12 p.m.

APPROVED:

Mayor Robert "Butch" Berry

ATTEST:

Ann Armstrong

Clerk/Treasurer Ann Armstrong