

TURN OFF ALL ELECTRONIC DEVICES, AS THEY INTERFERE WITH THE RECORDING EQUIPMENT

**CITY OF EUREKA SPRINGS
COUNCIL MEETING**

Monday, April 8, 2019
6 p.m.

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: March 25, 2019

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 3 – **vacant** – expires 7/1/20. Pos. 7 – **vacant** – expires 1/1/21

CAPC – Pos. 1 – **vacant** – expires 6/30/21

Hospital

Parks

HDC

Cemetery

PUBLIC COMMENTS -- 3 minutes for each citizen

UNFINISHED BUSINESS:

1. Ordinance addressing animals in hot cars – Ms. Greene and Ms. Harman
2. Ordinance No. 2275 Revoking Ordinance No. 2179 – 3rd reading

NEW BUSINESS:

1. Ordinance for aggregate in sidewalks – Mr. McClung and Ms. Schneider
2. Report from the ADA Coordinator on the transition plan – Mr. Thomas and Ms. Greene
3. Discussion of Code on waiving fees and Council discretion – Mr. Thomas and Ms. Greene
4. Discussion of warning signs near the emergency sirens – Ms. Schneider and Ms. Greene
5. Discussion of possible FOIA/Open Meeting violations

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

APRIL 8, 2019

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 8, 2019 in the Auditorium lobby at 36 S. Main St.

PRESENT: Mayor Berry, Council members Harry Meyer, Susan Harman, Bob Thomas, Terry McClung, Mickey Schneider, City Attorney Tim Weaver and City Clerk Treasurer Ann Armstrong

ABSENT: Melissa Greene (with notice)

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mr. McClung moved to approve the agenda. Ms. Schneider seconded. Mr. Thomas added discussion of possible FOIA/Public Meeting violations. Ms. Schneider seconded. Unfinished Business #1 and New Business # 1 and 3 were postponed. The Mayor called for a vote on the amended agenda.

Motion carried 5/0/0.

APPROVAL OF THE MINUTES: March 25, 2018

Mayor Berry called for a motion to approve the minutes. Mr. McClung said he so moved. Ms. Schneider seconded.

Motion carried 5/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Two vacancies

CAPC – One vacancy

Hospital – No report

Parks – No report

HDC – No report

Cemetery – No report

PUBLIC COMMENTS:

Bob Jasinski respectfully disagreed with the opinion that Planning can impose special conditions on B&B owners. It was his position it is done when someone applies for a CUP (Conditional Use Permit). He appealed to Council again to change the "one strike and you're out" rule for CUP revocations.

Damon Henke noted the upcoming opportunity to learn about Facebook ads and the April 23 Tourism and Trade Show. Everyone is invited.

David Mitchell submitted a letter objecting to the edited version published in a local newspaper, and to the letter submitted by another B&B owner. He noted the writer did not have the blessing of the collective B&B community and expressed his view of the structure, opinion and publication of that letter.

UNFINISHED BUSINESS:

1. Ordinance addressing animals in hot cars

Postponed during approval of the agenda

2. Ordinance No. 2275 Revoking Ordinance No. 2179 – 3rd reading

Ms. Schneider moved to suspend the rules and read Ordinance No. 2275 by title only for the third and final reading. Mr. McClung seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Ms. Schneider moved to approve the third reading of Ordinance No. 2275. Mr. McClung seconded.

Mr. Thomas said he considered the (Ordinance being repealed) an emergency backup. Ms. Schneider noted again her objection to a Council member voting twice. A roll call vote on approval of the third reading followed.

Motion carried 4/1/0 with Mr. Thomas voting "No."

NEW BUSINESS:

1. Ordinance for aggregate in sidewalks

Postponed during approval of the agenda

2. Report from the ADA (Americans With Disabilities) Coordinator on the transition plan

Mr. McClung moved to discuss. Ms. Harman seconded.

Kim Stryker noted Title II of the Americans With Disabilities Act requires municipalities to provide access to all services, programs and activities that they offer, including to those with disabilities. Cities are required to make reasonable modifications in policies, practices and procedures to accommodate people with disabilities. She summarized efforts in the last year and a half to fulfill the requirements, including a draft self-assessment of all City property, facilities, programs and services. The first draft of the transition plan was prepared.

Ms. Stryker said, in Eureka Springs, factors working in opposition to physical barriers being removed are terrain and the Historic distinction. Progress has been made in training front line employees in processing relay calls, closed captioning City Council meetings, and in quality control procedures used to measure accuracy in closed captioning. Emergency services personnel have been trained in recognition and interaction. City meetings have been moved to ADA accessible locations. Ms. Stryker spoke about changes being made in City-owned buildings.

3. Discussion of Code on waiving fees and Council discretion

Postponed during approval of the agenda

4. Discussion of warning signs near the emergency sirens

Ms. Schneider moved to discuss. Mr. Thomas seconded. After describing her experience driving by one of the emergency warning sirens when it went off, Ms. Schneider made a motion to put up warning signs so no one, hopefully, wrecks their car. There was no second.

No further action was taken.

5. Discussion of possible FOIA/Open Meeting violations

Mr. Thomas moved to discuss not following the FOIA and Opening Meeting guidelines. Ms. Schneider seconded. Mr. Thomas spoke about having been contacted separately by three B&B owners asking if they had to sign the form sent from Planning. Since he did not know the answer, he visited with the City Attorney and relayed the response via email to the three private citizens. One of them then emailed that message to a group of public officials and citizens.

Continuing the time line, Mr. Thomas noted two Council members and a Planning Commissioner sent group emails to Council, City staff, other elected officials and commissioners. Following Ms. Schneider's apology, Mr. Meyer agreed (Council does) need to be careful.

AGENDA SETTING:

Mr. McClung added an update on the Norris St. property. Ms. Schneider seconded.

CITY COUNCIL COMMENTS:

Mr. Thomas responded to comments made in one of the group emails from a Council member regarding his relaying of the City Attorney's opinion to the three constituents. He added that he will not be reading (into the record) any more letters sent for Public Comments.

Ms. Schneider spoke about progress made in cleaning headstones at the Cemetery and called for more volunteers, noting that newly revealed (epitaphs) can bring tears to eyes.

Ms. Harman responded to Mr. Thomas's comments, saying she was uncomfortable with a City Council individual responding to citizens as a member of the City Council. She favored an opinion from the City Attorney and from (an attorney with the) Municipal League.

Mr. Meyer said he learned again that people don't care about signs and go wherever their GPS shows them, even if the signs say "ONE WAY STREET."

Mr. McClung said he's enjoying Spring and hopes everyone else is too. He added that he was in agreement with Mr. Thomas on not reading letters submitted for Public Comments, favoring citizens using their 3 minutes at the mic.

MAYOR'S COMMENTS:

Mayor Berry read an extensive list of upcoming events.

ADJOURNMENT:

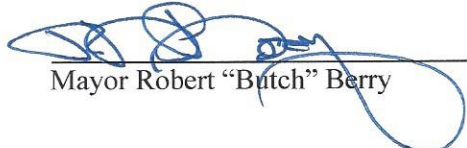
Mr. McClung moved to adjourn. Ms. Harman seconded.
Motion carried 6/0/0. Meeting adjourned at 6:58.

ATTEST:



City Clerk Treasurer Ann Armstrong

APPROVED:



Mayor Robert "Butch" Berry

City Council 4/8/19 3