

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

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING**

Monday, August 12, 2019

6 p.m.

**AGENDA**

**CALL TO ORDER**

**ROLL CALL, ESTABLISH QUORUM**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA**

**APPROVAL OF THE MINUTES: July 22, 2019**

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

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

**CAPC**

**Hospital**

**Parks** – Pos. 1 – **vacant** – expires 5/1/22

**HDC**

**Cemetery**

**PUBLIC COMMENTS -- 3 minutes for each citizen**

**UNFINISHED BUSINESS:**

1. Ordinance No. 2280 Sidewalk replacement/repair and aggregate – 2<sup>nd</sup> reading
2. Food Trucks at special events survey – Mayor Berry
3. Ordinance No. 2281 Vacate alley east of Kimberling Alley – 2<sup>nd</sup> reading

**NEW BUSINESS:**

1. Resolution for 2019 mid-year budget adjustment – Mayor Berry
2. Ordinance for Animal law changes re: animals on unoccupied property – Ms. Greene and Ms. Harman
3. Ordinance to raise special event meter fees to equal daily non-event fees – Mayor Berry
4. Update on 25 Norris St. bid opening – Mayor Berry
5. Resolution to waive bids for shuttle -- Mayor Berry for Parks
6. 2<sup>nd</sup> quarter financial report – A.C.A. 14-43-506
7. Approval of I&I expenditure (MatchPoint) – Mayor Berry
8. Update on Entertainment District

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**AUGUST 12, 2019**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, August 12, 2019 in the Auditorium lobby at 36 S. Main St.

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

**PLEDGE OF ALLEGIANCE:**

Mayor Berry led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA:**

Mr. McClung moved to discuss. Ms. Greene seconded. Mayor Berry postponed New Business #2 and moved New Business #1 and 7 for first items of discussion. He requested a vote on the agenda as amended.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES: July 22, 2019**

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

Motion carried 6/0/0.

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

**Planning** – One vacancy

**CAPC** – No report

**Hospital** – No report

**Parks** – An application from Scott Bardin for position 1 was provided.

**HDC** – No report

**Cemetery** – No report

**PUBLIC COMMENTS:** none

**Joe Gunnels** spoke about an item on the renewal application regarding insurance as required by the State, and noted there is no insurance required by the State. As in previous renewal cycles, he requested removal of the item from the application.

**Damon Henke** spoke about an upcoming discussion of online shopping and how it relates to tourism, Business After Hours and the Antique Auto Festival parade. He noted the Chamber of Commerce is in support of an entertainment district and the economic opportunities.

**NEW BUSINESS:**

**1. Resolution for 2019 mid-year budget amendment**

Mr. McClung moved to discuss. Ms. Greene seconded. Mr. McClung moved to assign the resolution a number and read it for passage. Mr. Meyer seconded.

Mr. Thomas said he wanted to add a line item for Council Travel, explaining the reasoning and offering figures for consideration. He moved to add a line in the Non-Departmental portion of the budget. Ms. Schneider seconded. Discussion followed about including it when preparing the 2020 budget. A roll call vote on the amended motion followed.



Motion failed 2/4/0 with Mr. Meyer, Ms. Harman, Mr. McClung, and Ms. Greene voting “No.” A roll call vote on the original motion followed.

Motion carried 6/0/0. The Clerk Treasurer read **RESOLUTION NO. 758 A RESOLUTION AMENDING THE ADOPTED 2019 BUDGET FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, AS A RESULT OF THE MID-YEAR BUDGET REVIEW PROCESS.**

**7. Approval of I&I expenditure (MatchPoint)**

Mayor Berry called for a motion to discuss. Ms. Greene said she so moved. Ms. Harman seconded. Public Works Director Dwayne Allen spoke about the request (\$14,850 from I&I funds) for further leak detection with the same company. He noted nine significant leaks were located in the first phase, an estimated 32 million gallons per year/\$50,000. To date this year, that is approximately 53 million gallons/\$79,000.

Mr. Allen said the plans include isolating the water system more since there are two pressure planes, and installing flow meters in mains. Data would be logged for two months and used to pinpoint leaks.

Mr. McClung moved to approve the I&I expenditure. Ms. Harman seconded.

Motion carried 6/0/0. The Ordinance title was read.

**UNFINISHED BUSINESS: none**

**1. Ordinance No. 2280 – Sidewalk replacement/repair and aggregate – 2<sup>nd</sup> reading**

Mr. McClung moved to discuss. Ms. Greene seconded. Mr. McClung moved to suspend the rules and read Ordinance No. 2280 by title only. Ms. Greene seconded. A roll call vote followed.

Motion carried 6/0/0. The title was read.

Mr. McClung moved to approve Ordinance No. 2280. Ms. Greene seconded.

Motion carried 6/0/0.

**2. Food Trucks at special events survey**

Copies of the proposed survey and results pie chart were offered. Ms. Greene moved to discuss. Ms. Schneider seconded.

Mayor Berry opined it is not the City’s business what restaurants serve. Discussion followed about business owners knowing what is permitted, providing background information, and the method of transmission for the survey. Mr. McClung moved to approve the survey (as proposed). Ms. Harman seconded.

Motion carried 5/1/0 with Ms. Schneider voting “No.”

**3. Ordinance No. 2281 Vacate alley east of Kimberling Alley – 2<sup>nd</sup> reading**

Ms. Greene moved to discuss Ordinance No. 2281. Mr. McClung seconded. Ms. Greene moved to suspend the rules and read by title only Ordinance No. 2281 to Vacate the alley east of Kimberling alley on its second reading. Mr. McClung seconded. A roll call vote followed.

Motion carried 6/0/0. The Clerk Treasurer read the Ordinance title.

Mr. McClung moved to approve Ordinance No. 2281 on its second reading. Mr. Meyer seconded.

Motion carried 6/0/0.

**NEW BUSINESS:**

**2. Ordinance for Animal law changes**

Postponed during approval of the agenda

**3. Ordinance to raise special event meter fees to equal daily non-event fees**

Ms. Harman moved to discuss. Ms. Greene seconded. Mayor Berry confirmed the daily meter rate for days when lots are not rented for special events.

Mr. Thomas moved to assign the ordinance a number and read it for the first reading. Ms.

Greene seconded. Following discussion about times when car events were exempt from meter fees, a voice vote was taken.

Motion carried 5/1/0 with Ms. Schneider voting "No." **ORDINANCE NO. 2282 AN ORDINANCE AMENDING CHAPTER 8.48 OF THE MUNICIPAL CODE PERTAINING TO PARKING RATES FOR THE CITY OF EUREKA SPRINGS, ARKANSAS** was read. Mr. McClung moved to approve Ordinance No. 2282 on its first reading. Ms. Greene seconded.

Ms. Schneider expressed concern about putting money ahead of good will.

Motion carried 5/1/0 with Ms. Schneider voting "No."

**4. Update on 25 Norris St. bid opening**

Mayor Berry noted the only offer for the Norris Street property was from Windle and Ass. for \$45,750. Mr. McClung moved to discuss. Mr. Meyer seconded. Discussion followed on where notices were placed. It was agreed to post in the Democrat Gazette and to email all the realtors.

Mr. Meyer moved to reject the bid. Ms. Greene seconded.

Motion carried 6/0/0.

**5. Resolution to waive bid for shuttle for Parks**

The Mayor postponed this item.

**6. 2<sup>nd</sup> quarter financial report**

Ms. Greene moved to discuss. Ms. Harman seconded. Receipts through the end of the 2<sup>nd</sup> quarter, the check register, payroll, bank balances and long-term liabilities list were made available for review.

**8. Update on Entertainment District**

Mayor Berry called for a motion to discuss. Ms. Greene said she so moved. Ms. Harman seconded. Mr. Thomas noted the proposed is an enabling ordinance that would allow (the City) to establish permanent and temporary entertainment districts. The Little Rock ordinance was the model.

Discussion followed on the sale of cups as offsetting some of the increased Police security expenses, wristbands, possible formation of districts similar to home-owner associations for the incurred security costs, and access to alcohol by minors.

Mr. McClung moved to assign the ordinance a number and read it for the first time. Ms. Greene seconded.

Motion carried 5/1/0 with Ms. Schneider voting "No." **ORDINANCE NO. 2283 AN ORDINANCE TO AUTHORIZE THE CREATION OF PERMANENT AND TEMPORARY ENTERTAINMENT DISTRICTS, ESTABLISHING STANDARDS FOR THEIR CREATION AND DECLARING AN EMERGENCY TO EXIST** was read.

Mr. McClung moved to approve Ordinance No. 2283 on its first reading. Ms. Greene seconded.

Mr. Weaver clarified why the State definition of Open Beverage Container needs to be in the ordinance (even if the district will allow only labeled cups). He said Council could set the fine up to \$500 plus court costs on a violation (\$50) plus the County's \$20 fee. (No vote to add the fine was made.)

After more discussion, Mr. McClung called the question. He then withdrew (the calling). A voice vote was taken on approval of the first reading.

Motion carried 5/1/0 with Ms. Schneider voting "No." Mr. McClung moved to suspend the rules and read Ordinance No. 2283 for its second reading by title only. Ms. Greene seconded. A roll call vote followed.

Motion carried 5/1/0 with Ms. Schneider voting "No." The Ordinance title was read. Mr. McClung moved to approve Ordinance No. 2283 on its second reading. Ms. Greene seconded. A voice vote followed.

Motion carried 5/1/0 with Ms. Schneider voting "No."



**AGENDA SETTING:**

Mr. Meyer added an update on the Street plan. Mr. McClung seconded.  
Ms. Greene added an update on the Auditorium. Ms. Harman seconded.

**CITY COUNCIL COMMENTS:**

Mr. McClung said, "It's warm!" and recommended dressing appropriately and staying out of the heat.

Mr. Meyer noted how much got done that night.

Ms. Harman encouraged people with questions about what Council is considering to call City Hall to confirm or get more information.

Ms. Schneider said that, during the season, people don't have the time to keep up with everything and favored informing them.

Ms. Greene thanked Mr. Thomas and the committee for the ordinance and the two reporters for their great work.

Mr. Thomas opined that voting differently than someone else does not indicate that one person cares and the other doesn't, just that they have different perspectives.

**MAYOR'S COMMENTS:**

Mayor Berry read a list of upcoming events.

**ADJOURNMENT:**

Mr. McClung moved to adjourn. Ms. Greene seconded.

Motion carried 6/0/0. Meeting adjourned at 7:50 p.m.

**ATTEST:**

  
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City Clerk Treasurer Ann Armstrong

**APPROVED:**

  
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Mayor Robert "Butch" Berry