

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

5:15 -- Budget review

**CITY OF EUREKA SPRINGS
COUNCIL MEETING**

Monday, February 25, 2019
6 p.m.

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: February 11, 2019

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 3 – **vacant** – expires 7/1/20. Pos. 6 – **vacant** – expires 1/1/21 – **vote on James Mitchell**
CAPC – Pos. 1 – **vacant** – expires 6/30/21
Hospital
Parks – Pos. 4 – **vacant** – expires 5/1/20 – **vote on David Hartmann**
HDC – Pos. 4 – **vacant** – expires 11/30/19 – **vote on Marty Cogan**
Cemetery

PUBLIC COMMENTS -- 3 minutes for each citizen

UNFINISHED BUSINESS:

1. Planning Commission request to reduce number of members to five – *place holder for March 11 meeting*

NEW BUSINESS:

1. Ordinance addressing animals in hot cars – Ms. Greene and Ms. Harman
2. Ordinance revoking Ordinance No. 2179 – Ms. Schneider and Mr. Meyer
3. Information from the Historic District Commission about sidewalk surfaces – Mayor Berry
4. Update on Code enforcement and policy procedures – Mayor Berry
5. Discussion of Commissioners and Council members voting on issues related to their own businesses -- Ms. Schneider and Ms. Greene
6. Mr. Weaver on ex parte – Mr. Thomas and Ms. Greene
7. Resolution to pursue grant for Auditorium remodel – Mayor Berry
8. Acceptance of 2017 Legislative audit – Mayor Berry
9. Ordinance to vacate 11 Midway alley – A.C.A 14-301-304

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

FEBRUARY 25, 2019

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, February 25, 2019 in the Auditorium lobby at 36 S. Main St.

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

ABSENT: Susan Harman (with notice)

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mayor Berry called for a motion to approve the agenda. Mr McClung said he so moved. Ms. Greene seconded. Mayor Berry moved New Business #8 to the first place for discussion. New Business items 1 and 6 were postponed. A vote on the amended agenda followed.

Motion carried 5/0/0.

APPROVAL OF THE MINUTES: February 11, 2018

Ms. Greene moved to approve the minutes of February 11, 2019. Ms. Schneider seconded.

Motion carried 5/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Ms. Greene moved to approve James Mitchell. Mr. McClung seconded.

Motion carried 5/0/0.

CAPC – No report

Hospital – An application from Peggy Duncan was provided.

Parks – Ms. Schneider moved to accept David Hartmann. Mr. Meyer seconded.

Motion carried 5/0/0.

HDC – Ms. Greene moved to accept Marty Cogan. Mr. McClung seconded.

Motion carried 5/0/0.

Cemetery – No report

PUBLIC COMMENTS:

Peggy Duncan introduced herself and said she'd put in an application for the Hospital Commission. She said she's been in Eureka Springs since '89 and intends to be here until she's hauled off on a slab.

Ferguson Stewart spoke about being proud of the local Police Department. He said the 100th Birthday celebration for the American Legion is going to be from 10:00 a.m. until 4:00 p.m. June 29th at the Post.

Joyce Knowles considered the plans for the Auditorium project incomplete and objected to spending the money for the location.

Josie Yerby expressed concern about the information on lead in the water. She said our children are drinking it and was of the belief that people were unaware of the levels. Ms. Yerby appealed for water filters in homes, particularly where children live.

Eric Knowles said he's one of 25% of water users not given access to the City sewer system. He said there are major and increasing problems with the rate structure, including excessive and un-needed revenue. Mr. Knowles considered using I&I funds for bond payments an unfair and unnecessary burden.

UNFINISHED BUSINESS:

1. Planning Commission request to reduce number of members to five – place holder for March

11.

NEW BUSINESS:

8. Acceptance of the 2017 Legislative audit

Ms. Greene moved to discuss the acceptance of the 2017 Legislative audit. Ms. Schneider seconded. Finance Director Lonnie Clark summarized the report, noting part of the process is seeing that the City is in compliance with State statutes regarding financials. The audit is on line under Division of Legislative Audit. Backup copies of the financial system are stored in the "cloud" on the east and west coasts.

Mr. McClung moved to approve and accept the Legislative audit for 2017. Ms. Greene seconded. Motion carried 5/0/0.

1. Ordinance addressing animals in hot cars

Postponed during approval of the agenda

2. Ordinance revoking Ordinance No. 2179

Ms. Schneider moved to discuss. Mr. Meyer seconded. Ms. Schneider offered the purpose for Ordinance No. 2179 having been written, and cited a potential problem with a Council member voting at both tables on an issue.

Mr. McClung moved to assign the (proposed) ordinance a number and read it for its first reading. Ms. Schneider seconded.

Motion carried 5/0/0. Ms. Armstrong read **ORDINANCE 2275 AN ORDINANCE REVOKING ORDINANCE 2179 AN ORDINANCE AMENDING EUREKA SPRINGS MUNICIPAL CODE SUB-SECTION 13.04.02(A) REGARDING PLANNING COMMISSION MEMBERSHIP.**

Mr. McClung moved to approve Ordinance No. 2275 on its first reading. Ms. Schneider seconded. Motion carried 5/0/0.

3. Information from the Historic District Commission about sidewalk surfaces

Ms. Schneider moved to discuss. Ms. Greene seconded. The Code revision recommended by the HDC was provided and reviewed. Mr. McClung moved to endorse the HDC's proposal and request that the City Attorney prepare the ordinance. Ms. Schneider seconded.

Motion carried 5/0/0.

4. Update on Code enforcement and policy procedures

Ms. Greene moved to discuss. Ms. Schneider seconded. A summary of recent warnings and follow ups by the Building Inspector was provided. The Mayor said (Bobby Ray) will come to the next meeting and speak about procedures.

Planning had a workshop with (professional planner) Jim vonTungeln and the HDC will have a workshop on March 6 with a person from the Arkansas Historic Preservation Program. Mayor Berry said it would be about policies and procedures and Council is welcome to attend.

5. Discussion of Commission and Council members voting on issues related to their own businesses

Ms. Schneider moved to discuss. Ms. Greene seconded. Ms. Schneider noted concerns about Commissioners and Council members overriding citizens' will in favor of their own businesses.

Mr. Weaver replied to a question on conflict of interest by saying if you derive a benefit from the possibility of participating in the action, through your business, you are in conflict to act on that piece of legislation. As to calling conflict of interest, State law says that (you have to be call) it upon yourself. Other (members) cannot stop you even though it's inappropriate.

6. Mr. Weaver on ex parte

Postponed during approval of the agenda

7. Resolution to pursue grant for Auditorium remodel

Mayor Berry called for a motion to discuss. Mr. McClung said he so moved. Ms. Greene seconded and moved to assign the resolution a number and read it for passage. Mr. McClung seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read **RESOLUTION NO. 751 A RESOLUTION AUTHORIZING THE APPLICATION FOR ACCEPTANCE OF A HISTORIC PRESERVATION RESTORATION GRANT TO CREATE AN ADA COMPLIANT MEETING SPACE IN THE LOWER LEVEL OF THE EUREKA SPRINGS CITY AUDITORIUM.**

9. Ordinance to vacate 11 Midway alley

Mr. Meyer moved to discuss. Ms. Greene seconded. Mr. McClung moved to assign the ordinance a number and read it on its first reading. Ms. Schneider seconded.

Motion carried 5/0/0. Ms. Armstrong read **ORDINANCE NO. 2276 AN ORDINANCE VACATING A PORTION OF MIDWAY ALLEY AND RETURNING A PORTION THEREOF TO THE ADJOINING LAND OWNERS.**

Mr. McClung moved to approve Ordinance No. 2276 on its first reading. Ms. Greene seconded.

Mr. McClung moved to suspend the rules and read Ordinance No. 2276 by title only for the second reading. Ms. Schneider seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. McClung moved to (approve) Ordinance No. 2276 on its second reading. Ms. Schneider seconded.

Motion carried 5/0/0.

AGENDA SETTING:

Ms. Greene added discussion of the Norris St. property. Mr. Meyer seconded.

CITY COUNCIL COMMENTS:

Ms. Greene said it's a beautiful day out.

Mr. Meyer asked how many chickens (a person) can have on (his) property.

MAYOR'S COMMENTS:

A list of upcoming events was read.

ADJOURNMENT:

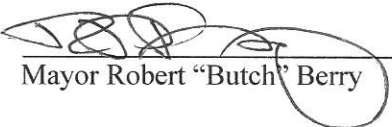
Mr. McClung moved to adjourn. Ms. Greene seconded.

Motion carried 5/0/0. Meeting adjourned at 7:09

ATTEST:


City Clerk Treasurer Ann Armstrong

APPROVED:


Mayor Robert "Butch" Berry