

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

CITY OF EUREKA SPRINGS

COUNCIL MEETING

Monday, June 10, 2019

6 p.m.

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: May 13, 2019

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 3 – **vacant** – expires 7/1/20. Pos. 4 – **vacant** – expires 7/1/21. Pos. 7 – **vacant** – expires 1/1/21

CAPC – Pos. 3 – expiring 6/30/19

Hospital – Pos. 7 – **vacant** – expires 9/7/20 – application from Dr. Tyson Burden

Parks

HDC

Cemetery

PUBLIC COMMENTS -- 3 minutes for each citizen

UNFINISHED BUSINESS:

1. Ordinance No. 2278 Prohibiting animal suffering – 3rd reading
2. Ordinance No. 2279 Explosive Materials – 3rd reading
3. Update on Norris St. property – Mayor Berry

NEW BUSINESS:

1. Ordinance for aggregate in sidewalks – Mr. McClung and Ms. Schneider
2. Ordinance re: Animal law changes – Ms. Schneider and Ms. Greene
3. Discussion of speed limits on Echols and East Mountain Dr. – Mr. Meyer and Ms.

Harman

4. Discussion of adding Corley to the street system – Mr. Meyer and Ms. Schneider

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

JUNE 10, 2019

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 10, 2019 in the Auditorium lobby at 36 S. Main St.

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

ABSENT: Mickey Schneider (with notice)

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mr. McClung moved to approve the agenda. Ms. Harman seconded. A vote on the agenda followed. Motion carried 4/1/0 with Ms. Harman voting "No."

APPROVAL OF THE MINUTES: May 13, 2019

Ms. Harman moved to approve the minutes. Mr. Meyer seconded.

Motion carried 4/0/2 with Ms. Greene and Mr. McClung abstaining due to absence and Mayor Berry adding an "Aye" to carry.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Building Inspector – A printed activity summary was provided.

Planning – Three vacancies

CAPC – (Position 3) will expire at the end of June

Hospital – an application from **Dr. Tyson Burden** was received.

Parks – No report

HDC – No report

Cemetery – No report

PUBLIC COMMENTS:

Leon Bert, 15 East Mountain Dr., noted the street has no sidewalks or shoulders. He expressed continuing concern about speeding, and the children and walkers on the street. Mr. Bert's request was for speed tables, a 20 MPH limit and repositioning of the existing speed bumps.

Dr. Laura Roets, Clinical Supervisor for Dr. Paul's Behavioral Health Program, the new substance use disorder and dual diagnosis program. She described the facility and briefly outlined what is being offered, and gave the intake phone number: 800-375-5725.

Damon Henke said the Chamber is holding Morning Brew the following day with the presentation topic "How to make your business attractive for sale." He was in support of the proposed fireworks at Marble Flats and said there would be information networking with others to get the word out.

Carrie Marry described the low impact development housing project on Corley Loop and the water runoff/scouring problems that are prevented by retention on the property. She welcomed everyone interested to come and see the terracing and other design elements already installed.

Dave Marry noted the metal roofs and rain gardens retaining water on Corley Loop. He spoke of a recent two day rain event wherein 14 in. of rain were held on the land.

Holly Wescott read a letter from **Trace Ellen Kelly**, 190 N. Main St., expressing concern about the location of the proposed fireworks, parking, easy access for a fire truck and water and insurance. She asked if there was consideration for those with PTSD and for animals that will be traumatized.

David Zimmerman spoke about the land he co-owns with Alexander Stillman, across from the Corley development. He said David Marry should be told to build a road that is up to Code, with the knowledge and approval of the Director of Public Works. Until then, he proposed no more building permits.

UNFINISHED BUSINESS:

1. Ordinance No. 2278 Prohibiting animal suffering – 3rd reading

Ms. Greene moved to discuss. Ms. Harman seconded. Ms. Greene moved to suspend the rules and to place Ordinance No. 2278 on its third reading by title only. Ms. Harman seconded. A roll call vote followed.

Motion carried 4/1/0 with Mr. McClung voting “No.” Ms. Armstrong read the Ordinance title.

Ms. Greene moved to approve Ordinance No. 2278 on its third reading. Ms. Harman seconded. A voice vote followed.

Motion carried 4/1/0 with Mr. McClung voting “No.”

2. Ordinance No. 2279 Explosive Materials – 3rd reading

Mr. Meyer moved to discuss. Ms. Harman seconded. Ms. Harman expressed concern that (Council) is not limiting where the firing of fireworks can be, speaking of liability if on private land. Discussion followed about the Ordinance as (legalizing) fireworks, even at Leatherwood, about Parks’ approval via a special events line item, and about those with Post Traumatic Stress Disorder. Following confirmation that a fire truck will be on site, a description of the terrain at Marble Flats, and private versus public property, Mr. McClung called point of order. He said the ordinance was not about *where*.

Mr. Weaver spoke about the City as having tort immunity and the emergency clause referencing the welfare of the people, Mr. Thomas moved to suspend the rules and read Ordinance No. 2279 by title only on its third reading. Mr. McClung seconded. A roll call vote followed.

Motion carried 4/1/0 with Ms. Greene voting “No.” Mr. Thomas moved to approve Ordinance No. 2279. Ms. Harman seconded. A roll call vote was taken.

Motion carried 4/1/0 with Ms. Greene voting “No.” Mr. McClung moved to invoke the emergency clause for Ordinance No. 2279. Ms. Harman seconded. A roll call vote followed.

Motion carried 4/1/0 with Ms. Greene voting “No.” The emergency clause was read.

3. Update on the Norris St. property

Ms. Harman moved to discuss. Mr. McClung seconded. Mayor Berry said the property is too small for Mercy Hospital’s use. Both commercial and residential appraisals were sent to Council members so as to make a decision on how to progress.

Mr. McClung moved to put up for bid the City-owned property at 25 Norris St. Ms. Harman seconded.

Motion carried 5/0/0.

4. Mr. Thomas moved to rescind Ordinance No. 2275 from April 8, 2019, which revoked Ordinance No. 2179 (that allowed one member of the City Council to sit on the Planning Commission.) He said the Planning Commission has missed two meetings due to lack of a quorum. The last one included a public hearing where the person had sent out registered letters. Ms. Greene seconded. Following extensive discussion, Mr. Thomas withdrew the motion and Ms. Greene took back the second.

Mr. Thomas moved to take a break to let Mr. Weaver write a resolution (for a temporary suspension of Ordinance No. 2275.) Ms. Greene seconded. Mr. Thomas then moved to have Mr. Weaver write a resolution that allows (Council) to... Mayor Berry added, “so a Council member can be on the Planning Commission for a temporary time of six months.” Mr. McClung seconded.

Motion carried 4/1/0 with Ms. Harman voting “No.”

Mr. Thomas moved to take a 10 minute recess. Ms. Greene seconded.

Motion carried 5/0/0.

When the session resumed at 7:15, Mr. Thomas moved to hear the resolution Mr. Weaver had prepared. Mr. Meyer seconded.

No vote was taken. Mr. Weaver read **RESOLUTION NO. 780 A RESOLUTION SUSPENDING ORDINANCE NO. 2275 FOR A PERIOD OF SIX MONTHS FOR PASSAGE OF THIS RESOLUTION.**

Mr. Thomas moved to pass the Resolution that was just read by Mr. Weaver. Mr. Meyer seconded.

Ms. Harman began speaking about Planning meeting once a month and being able to do a workshop. Mr. Thomas called point of order and said that was not about the motion that was on the table. Mayor Berry chose to allow the discussion to continue.

Mayor Berry called for a vote on the Resolution as it was read.

Motion carried 4/1/0 with Ms. Harman voting “No.” Mr. Thomas moved to invoke the emergency

clause on the Resolution. Ms. Greene seconded. A roll call vote followed.

Motion carried 4/1/0 with Ms. Harman voting "No."

Mr. Weaver reread the emergency clause.

NEW BUSINESS:

1. Ordinance for aggregate in sidewalks

Mayor Berry called for a motion to discuss. Mr. McClung said he so moved. Ms. Greene seconded. Mr. Weaver indicated there was not yet an ordinance. Mr. Meyer moved to defer. Mr. McClung seconded. Motion carried 5/0/0.

2. Ordinance re: Animal law changes

Ms. Greene moved to discuss. Mr. Thomas seconded. Ms. Greene said there were two portions, one saying animals are not to be kept on unoccupied properties and one on livestock. She said she felt they should be two different ordinances and asked Mr. Weaver to prepare two separate things.

Ms. Harman spoke about her understanding that Council had voted on doing both as one and that the vote failed. October 2018 minutes were then referenced confirming an affirmative vote. Ms. Greene restated the request for two different ordinances. Mr. Weaver agreed two concepts could be two separate ordinances.

The existence of a 1952 Ordinance outlawing livestock was noted as was the presence of pot belly pigs City.

3. Discussion of speed limits on Echols and East Mountain Dr.

Mr. Meyer proposed reducing the speed limit on East Mountain to 20 miles an hour and on Echols to 15. It was his position that it will be easier for the Police to enforce the speed limit if it's cut down a bit.

Mayor Berry said that can be taken care of administratively. Chief Brian Young was concerned that lowering the speed limits would increase speeding because of the accustomed driving rates. He favored installing a washboard surface on the road by the gas substation to warn people of reduced speed ahead and to prevent sliding off the road in bad weather.

4. Discussion of adding Corley to the street system

Mr. McClung moved to discuss. Ms. Greene seconded. Mr. Meyer suggested saying what is to be done to the road surface in order to proceed.

Public Works Director Dwayne Allen said before a street could be put on the loop, two-foot sub-compaction at 95% density would be required. The drainage and utilities have been done perfectly but the street is loose gravel. City Code is not completely sufficient, but regulations have been developed and are provided for developers. Mr. Allen questioned whether it's wise to finish the road before the construction is finished. It could remain a private road.

AGENDA SETTING:

Mr. Thomas added appointing a Council person to Planning. Ms. Greene seconded.

CITY COUNCIL COMMENTS:

Mr. Thomas noted the two recent violations of the Open Meetings law with group emails and said, "Stop sending me group emails. I do not want to be a part of them."

Mr. Meyer said he can't wait for the 4th of July.

Mr. McClung said the Razorbacks slaughtered Old Miss 14-1 so they're on to the College World Series.

MAYOR'S COMMENTS:

Mayor Berry wished Mickey Schneider the Best in her recovery. He also read a list of upcoming events.

ADJOURNMENT:

Mr. McClung moved to adjourn. Ms. Greene seconded.
Motion carried 5/0/0. Meeting adjourned at 7:55 p.m.

ATTEST:



City Clerk Treasurer Ann Armstrong

APPROVED:



Mayor Robert "Butch" Berry

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