

5:15 -- Budget review

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, August 27, 2018 6 p.m.**

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: August 13, 2018

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 3 – **vacant** – expires 7/1/20. Pos. 5 – **vacant** – expires 1/1/19

CAPC – Pos. 2 – **expires** 6/30/22

Hospital – Pos. 7 – **vacant** – expires 9/7/20

Parks

HDC

Cemetery – Pos. 1 – **vacant** -- expires 2/15/21. Pos. 2 – **vacant** – expires 2/15/21.

PUBLIC COMMENTS -- 3 minutes for each citizen

NEW BUSINESS:

1. Public Hearing re: Completion of Flint St. project – Jay Stallard, NWAEDD
2. Resolution for mid-year budget adjustment – Mayor Berry
3. Quit Claim deeds – Parks Commission
4. Discussion of panhandling downtown – Ms. Greene and Mr. Thomas
5. Discussion of animal feces and bag dispensers around town – Ms. Greene and Ms. Schneider
6. Update on Roberts Rules of Order workshop – Mr. Thomas and Ms. Schneider
7. Appropriation of tax money to Parks for 2018 – Mr. Thomas and Ms. Greene
8. 2nd quarter financial report – A.C.A.14-43-506

UNFINISHED BUSINESS:

1. Ordinance No. 2272 Amending Planned Unit Development – 3rd reading
2. Larry Burkett damage claim – Mayor Berry
3. Suggestions for amending Code section on dogs – Ms. Schneider and Ms. Greene
4. Update on Auditorium remodel – Mayor Berry

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

AUGUST 27, 2018

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, August 27, 2018, in the Auditorium lobby at 36 S. Main St.

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

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

At the Mayor's request, the order of business for the beginning of the meeting became: New Business 1 and 4, followed by Unfinished Business 3. Chief Achord and the Animal Control Officer were also present to address some citizens' concerns. A vote on the amended agenda followed.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: August 13, 2018

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

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

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Two seats are vacant.

CAPC – One seat is vacant.

Hospital – One seat is vacant.

Parks – No report

HDC – No report

Cemetery – Two seats are vacant.

Police Chief Thomas Achord was present to speak about crime statistics in Eureka Springs, some of the reporting methods, and interpretations. The population of just over 2,000 people was compared to the 10,000 visitors over one weekend and the proportionate need for 12 police officers with some part-timers. He noted some definitions of crimes vary from state to state. Reports such as the three cited murders, for example, are not factual because those occurred in the county and were credited to Eureka Springs.

PUBLIC COMMENTS:

Rachel Brix, 1 Magnetic, spoke of concerns about decreasing the enclosure size requirements for dogs. She favored a time limit for containment and expressed concern for some animals that she believes are not receiving humane treatment, in violation of current Code.

Jay Fusario, Humane Society President, read American Society for Prevention of Cruelty to Animals guidelines for enclosures. He said the Humane Society is asking that the enclosure size requirements not be changed.

Fiona Richards, 1631 CR 266, asked that the current Codes for animals not be changed.

Ferguson Stewart spoke about how he came to be on the Parks Commission. He encouraged people to sign up for commissions and back those running for office.

Cameron DeNoewer expressed displeasure with the description of the N. Main enclosure size and conditions, considering it unfair and biased. He described concerns with other animals nearby he believes are not being cared for properly.

Jim Evans, Animal Control Officer, described what he found in the N. Main enclosure situation. He spoke about his job to determine if there's cruelty and the importance of having accurate information. It was his position that small, light dogs do not need the square feet that a shepherd or husky does.

NEW BUSINESS:

1. Public Hearing re: Completion of Flint St. project

Jay Stallard, Senior Grants Administrator for the Northwest Arkansas Economic Development District, noted the City received a \$200,000+ grant from Community Development Block Grant funds to repair the Flint St. cave-in. Almost two years passed before getting environmental clearance from the State Historic Preservation Office. The City added funding for the extended paving and for adding a culvert.

The public hearing is required to fulfill the grant and to report to the public that the project was completed. The public hearing was closed.

4. Discussion of panhandling downtown

Ms. Greene moved to discuss. Ms. Schneider seconded. Ms. Greene spoke about hearing from the merchants that this has become a problem and that the Police are really handling it.

Chief Achord said folks who travel alone often have a dog for a companion and sometimes use the dog to get money. The pattern cycles up and down through the year. He spoke about how the Police respond to calls, noting some transients are not homeless but are just traveling. Whether someone is a criminal becomes clear when contact is made. He encouraged people to call in.

UNFINISHED BUSINESS:

3. Suggestions for amending Code section on dogs

Mayor Berry called for a motion to discuss. Ms. Schneider so moved. Ms. Greene seconded. Ms. Schneider summarized the changes proposed by the Animal Control Officer, the Police Chief and Assistant, and the Building Inspector. Enclosure size would be based on animal weight. Habitat would include banning unoccupied residences or property. Additional changes would add rules for pot-bellied pigs, some language changes and a method for conflict resolution. Mr. Evans answered questions.

Objections were expressed regarding enclosure size, pot-bellied pigs and cleanliness standards. Ms. Schneider moved to apply the proposed changes starting with "add and the habitat," ignoring the 100 ft. per dog for now... so, everything but the 100 ft. that's in this printout." Ms. Greene seconded.

Following questions about the enforcement of pot-bellied pig regulations and Mr. Evans' clarifying his willingness to inspect regularly, Ms. Kendrick called the question. Mayor Berry spoke about why an outside time length is important. Ms. Greene seconded calling the question.

Motion carried 6/0/0. A vote on Ms. Schneider's motion followed.

Motion failed 3/3/0 with Mr. McClung, Ms. Kendrick and Mr. Thomas voting "No."

NEW BUSINESS:

2. Resolution for mid-year budget adjustment

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

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 736 A RESOLUTION AMENDING THE ADOPTED 2018 BUDGET FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, AS A RESULT OF THE MID-YEAR BUDGET REVIEW PROCESS.**

3. Quit claim deeds – Parks Commission

Ms. Greene moved to discuss. Mr. McClung seconded. Four deeds were compared with the map that was keyed with locations of the parcels. Mr. McClung moved to assign the resolution a number and read it for passage. Ms. Schneider seconded.

Ms. Kendrick expressed her concerns about the reversionary clause in the deeds saying 30 days would make it so easy for the property to be taken back. Following discussion of other such clauses in property deeds, a roll call vote was taken.

Motion carried 5/1/0 with Ms. Kendrick voting "No." Ms. Armstrong read **RESOLUTION NO. 737 A RESOLUTION TO ACCEPT CERTAIN REAL PROPERTY.**

5. Discussion of animal feces and bag dispensers around town

Mayor Berry called for a motion to discuss. Ms. Greene so moved. Ms. Schneider seconded. Ms. Greene spoke about having dispensers by trash cans downtown as friendly and welcoming. Ms. Kendrick proposed an initiative where the merchants may take up the cause by getting together as an association and try

to handle this. Following a mention of approximate cost, Ms. Greene moved to (have the City put) up about four new bag dispensers for animal cleanup. Ms. Schneider seconded.

Mr. Thomas moved to amend the motion by saying a maximum of \$1,000. Ms. Greene seconded.

Motion carried 6/0/0. Mr. Thomas then moved to defer until there are specific sites to consider. Ms. Greene seconded. A vote on deferring followed.

Motion carried 6/0/0.

6. Update on Roberts Rules of Order workshop

Mayor Berry called for a motion to discuss. Ms. Schneider so moved. Mr. Thomas seconded. He recalled the agreement to hold a workshop after the November elections on Roberts Rules of Order. Mr. Thomas said Tuesday, December 4, has been worked out. It's scheduled to begin at 6 p.m. and end no later than 7:30. The presenter will be Dr. Stacey McCall who oversees programs in leadership, local government, strategic planning, community and regional capacity building, and economic development.

The only expense to the City will be the purchase of pocket guides to Parliamentary Procedure that cost \$1.30 each.

Ms. Kendrick moved to accept this meeting. Ms. Greene seconded.

Motion carried 6/0/0.

7. Appropriation of tax money to Parks for 2018

Ms. Greene moved to discuss. Mr. Thomas seconded. Mr. Thomas clarified that he's not suggesting taking anything away from anyone or giving any more power to anybody. He provided a flow chart on procedure and explained the process by which Council, by law (14-43-502[b][1]), appropriates money to the City via the budget. The chart also indicated that Parks' tax funds currently route directly to the General Fund and onto Parks, without Council's inclusion in the process.

Discussion followed regarding two Municipal League opinions, the State law on quarterly reports to and appropriations by Council, appropriation as meaning authorization to transfer funds, and Mr. Weaver's opinion that passage of the tax was appropriation.

Mr. Thomas moved to have someone prepare a resolution authorizing the transfer of funds from the General Fund to the Parks Commission in an amount equal to the money that is received under the two tax ordinances. Ms. Kendrick seconded. A roll call vote followed.

Motion failed 2/4/0 with Mr. McClung, Ms. Schneider, Ms. Greene and Mr. Buford voting "No."

8. 2nd quarter financial report

Ms. Armstrong provided the required reports for debt services, bank balances, receipts, the check register and payroll.

UNFINISHED BUSINESS:

1. Ordinance No. 2272 Amending Planned Unit Development – 3rd reading

Mr. McClung moved to discuss. Ms. Kendrick seconded. Mr. McClung moved to suspend the rules and read Ordinance No. 2272 by title only. Ms. Greene seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. McClung moved to approve Ordinance No. 2272 on its third and final reading. Ms. Kendrick seconded. A roll call vote followed.

Motion carried 6/0/0.

2. Larry Burkett damage claim

Mr. Burkett was not present. Ms. Schneider moved to drop the issue and go to tort immunity. Ms. Greene seconded.

Motion carried 6/0/0.

4. Update on Auditorium remodel

Mayor Berry called for a motion to discuss. Mr. McClung so moved. Ms. Kendrick seconded. Mayor Berry reported that the structural engineer came up with a creative solution for the (underfloor anomaly) and two proposals are being prepared for the next meeting. One would be for a system that allows the 1500 lb. elevator capacity. The other would have a 1000 lb. capacity.

AGENDA SETTING:

No new items were added.

CITY COUNCIL COMMENTS:

Mr. McClung asked about the appraisal for Norris St. and learned a report is almost ready.

Ms. Schneider noted the American Legion is hosting a Meet the Candidates on Thursday, September 20, at 7 p.m. in the Auditorium. She added remembrance for Senator John McCain.

Mr. Buford apologized for being late for the budget meeting. He did not see it on the agenda.

MAYOR'S COMMENTS:

Mayor Berry thanked the citizens who contacted him about the crime rate and for their concern about the national misinformation that was being passed out as factual.

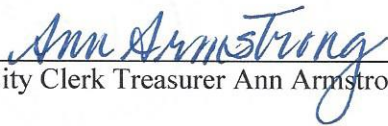
He read a list of upcoming events.

ADJOURNMENT:

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

Motion carried 6/0/0. The meeting ended at 8:25 p.m.

ATTEST:


City Clerk Treasurer Ann Armstrong

APPROVED:


Mayor Robert "Butch" Berry

City Council 8/27/18 4