CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, July 27, 2015 6 p.m.
AGENDA

CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE TO THE FLAG
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: July 13, 2015 and July 17, 2015 Special Meeting

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning
CAPC – Pos. 3 – Ken Ketelsen – expired 6/30/15
Hospital
Parks – Pos. 6 – vacant -- expires 5/1/19
HDC
Cemetery – Pos. 2 – vacant – expired 2/15/15

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Ordinance No. 2227 Amending Code Title 4.48.01(A) and .01(D) – 3rd reading
2. Discussion of ordinance re: 2008 and 2010 Bonds – Mr. McClung and Mr. DeVito
3. Second bid on the Public Works building – **postponed until August 10** -- Mayor Berry

NEW BUSINESS:

1. Discussion of re-zoning 4 Armstrong from R-1 to C-1 – Mayor Berry
2. Discussion of increasing the number of Cemetery Commissioners – Mayor Berry
3. Discussion of new tram – Mr. Mitchell and Ms. Schneider

AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR'S COMMENTS
ADJOURNMENT

CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING **MONDAY** **JULY 27, 2015**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, July 27, 2015 in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Berry, Aldermen David Mitchell, Terry McClung, Mickey Schneider, Joyce Zeller, Bob Thomas, James DeVito, City Attorney Tim Weaver, and City Clerk-Treasurer Ann Armstrong

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mayor Berry removed Unfinished Business #2 until a meeting with the bonding company has taken place. Mr. Mitchell moved to add discussion of a tram. Ms. Schneider seconded. Ms. Armstrong added approval of the July 17 Special Meeting minutes. Ms. Schneider moved to approve the amended agenda. Mr. DeVito seconded.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: July 13, 2015 and July 17, 2015 Special Meeting

Mr. DeVito moved to approve the July 13 minutes. Ms. Schneider seconded.

Motion carried 6/0/0. Mr. DeVito moved to approve the July 17 Special Meeting minutes. Mr. McClung seconded.

Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – No report
CAPC – Ken Ketelsen's re-nomination will be voted on during the next CAPC meeting.
Hospital – No report
Parks – No report
HDC – No report
Cemetery – No report

PUBLIC COMMENTS:

Laura Coker addressed the State's forcing of fluoridation despite the two public votes in opposition. She continues to seek means to reclaim individuals' medical, religious and parental rights to have water free of contaminants such as lead and arsenic. Ms. Coker appealed again to Council for help.

UNFINISHED BUSINESS:

1. **Ordinance No. 2227 Amending Code Title 4.48.01(A) and .01(D) – 3rd reading**

Mr. McClung moved to discuss. Mr. DeVito seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2227 on its third reading by title only. Mr. McClung seconded. Ms. Schneider recommended again separation of the two topics in the ordinance and she noted the upcoming workshop. A roll call vote followed.

Motion carried 4/3/0 with Ms. Zeller, Mr. Thomas and Ms. Schneider voting "No" and Mayor Berry adding an "Aye" to carry. Ms. Armstrong read the Ordinance title.

Mr. DeVito moved to approve Ordinance No. 2227 on its third reading. Mr. McClung seconded. A roll call vote followed.

Motion carried 4/3/0 with Ms. Zeller, Ms. Schneider and Mr. Thomas voting "No" and Mayor Berry adding an "Aye" to carry.

2. **Discussion of ordinance re: 2008 and 2010 bonds**

Tabled during approval of the agenda

3. **Second bid on the Public Works building**

Postponed until August 10

NEW BUSINESS:

1. **Discussion of re-zoning 4 Armstrong from R-1 to C-1**

Mr. DeVito moved to discuss. Ms. Schneider seconded. Ms. Schneider noted she asked Commissioner Melissa Greene to explain Planning's action. Ms. Greene noted the unanimous vote to deny re-zoning was not to prevent having a business there. It was because C-1 allows restaurants and bars and has no parking requirements. The neighbors had no problem with a Bed and Breakfast being run and favored a Conditional Use Permit (CUP). Mr. DeVito confirmed Ms. Smith would need a variance as well as a CUP.

Beth Martin Smith provided historical background on the home and said the previous owner let the CUP go. She provided a plat map of the immediate area, commented on the extreme noise level due to location, the high mortgage payments, and need for repairs.

It was confirmed Ms. Smith would need to go through the application process for a CUP and, if Planning denied a variance, an appeal could be filed with Council. Mr. Mitchell motioned to send the issue back to Planning. Mr. McClung seconded. Following discussion, Mr. Mitchell withdrew his motion and Mr. McClung withdrew his second. Mr. Weaver noted that, since this was an appeal, Council was to take a vote to not take an action. Mr. McClung made a motion to take no action on the agenda item. Mr. Mitchell seconded.

Motion carried 6/0/0.

2. **Discussion of increasing the number of Cemetery Commissioners**

Mayor Berry noted there is a vacancy on the Cemetery Commission. Ms. Schneider moved to discuss. Mr. DeVito seconded. Mayor Berry called for a volunteer to fill the vacancy, and considered asking Council to increase the number of positions to seven if more than one person applies.

3. **Discussion of purchasing a tram**

Mr. DeVito moved to discuss. Ms. Schneider seconded. Mayor Berry conveyed the request from Transit Director Ken "Smitty" Smith and noted the tram is self-supporting through its ridership. Net income in 2014 from tram tours was $68,362 and June 2015 revenue was up almost 20% from 2014. Mayor Berry said the number one attraction on Trip Advisor is our tram tours.

The Transit Director is seeking Council approval for his solicitation of financing to purchase a new tram at an estimated $164,000. He anticipates making the payments from the tram revenues. Finance Director Lonnie Clark expressed his belief a resolution would be required and the City would sign the note.

Discussion followed regarding the condition of other trams, setting funds aside over time for future purchases, and custom building of the trams.

Mr. McClung motioned for a resolution for a tram. Ms. Schneider seconded.

Motion carried 6/0/0.

AGENDA SETTING: No new items were added.

CITY COUNCIL COMMENTS:

Ms. Schneider called for volunteers for the upcoming August 14, 15, and 16 Eurekan event to contact the Mayor's Assistant, Kim Stryker.

Mr. McClung asked about the fountain at the top of Planer Hill. He also addressed the need for street repairs and enquired about the plan for repairs.

MAYOR'S COMMENTS:

Mayor Berry read a list of upcoming events.

ADJOURNMENT:

Mr. DeVito moved to adjourn. Mr. McClung seconded.

Motion carried 6/0/0. The meeting ended at 6:47 p.m.

APPROVED:

Mayor Robert "Butch" Berry

ATTEST:

Ann Armstrong

Clerk-Treasurer Ann Armstrong