CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, June 22, 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: June 8, 2015

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 6 – **vote on Ed Leswig** – expired 1/1/15
CAPC
Hospital – Pos. 3 – **vote on Michael Merry** – expired 6/1/15
Parks – Pos. 6 – vacant -- expires 5/1/19
HDC
Cemetery – Pos. 2 – vacant – expired 2/15/15

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Ordinance for clarifying Code sections on peddling and festivals – Mr. DeVito and Mr. Mitchell
2. Municipal League opinion re: keeping Ord. No. 2223 enforceable – Mr. DeVito and Mr. Mitchell

NEW BUSINESS:

1. Resolution for final year end (2014) budget – Mayor Berry
2. Discussion of ordinance re: rate structure for refunding 2008 and 2010 bonds – Mayor Berry
3. Update on Public Works maintenance garage – Mr. Mitchell and Ms. Schneider
4. Analysis of water meter revenue and Carroll Boone rate increase – Mr. Mitchell and Ms. Schneider
5. Elijah Hamon's broken car window

AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR'S COMMENTS
ADJOURNMENT

CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING **MONDAY** **JUNE 22, 2015**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 22, 2015 in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Berry, Aldermen Bob Thomas, James DeVito, Joyce Zeller, Terry McClung, Mickey Schneider, David Mitchell, 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:

Mr. DeVito moved to approve. Mr. McClung seconded.
Motion carried 6/0/0.

APPROVAL OF THE MINUTES: June 8, 2015

Mr. McClung moved to approve. Mr. DeVito seconded.
Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Ms. Schneider moved to approve the nomination of Ed Leswig for Position 6. Mr. McClung seconded.

Motion carried 6/0/0. Ms. Schneider moved to reappoint Jim Morris. Mr. McClung seconded.
Motion carried 6/0/0.

CAPC – No report

Hospital – Mr. DeVito moved to approve the nomination of Michael Merry. Ms. Schneider seconded.
Motion carried 6/0/0.

Parks – No report

HDC – No report

Cemetery – No report

PUBLIC COMMENTS:

Elijah Hamon, 40 Pine St., spoke about the window of his wife's car that was broken when a City crew was weedeating. Mr. Hamon obtained a police report. Mr. McClung moved to add this topic to the agenda. Ms. Schneider seconded.

Motion carried 6/0/0.

Amy Hartley expressed frustration with the parking situation at the Post Office and lack of enforcement of the fifteen minute limit. She suggested signs that say "Post Office Parking."

Frank Rebiejo spoke about his food truck. He said he has a rental agreement for use of a café parking lot. Mr. Rebiejo respectfully asked that Council review and tweak the rules and said he would like to continue collecting and paying taxes in this town.

Bruce Levine spoke about being terminated as Director of Parks and Recreation with no reason given. He requested due process through a hearing to clear his name and asked that Council put this topic on the next agenda.

UNFINISHED BUSINESS:

1. **Ordinance for clarifying Code sections on peddling and festivals**

Mr. McClung moved to discuss. Mr. Mitchell seconded. Mr. McClung noted Mr. Weaver had provided an ordinance as requested. He motioned to assign a number and place the ordinance on its first reading. Mr. DeVito seconded.

Mr. Thomas said he did not recall a request to basically eliminate food trucks. Mr. DeVito favored

having a workshop to discuss food trucks. Following extensive discussion of the purpose for the proposed ordinance, the word "contiguous," and language restricting hours to those of the regular business, Mr. Mitchell called for the question. Mr. DeVito seconded.

Motion carried 6/0/0. A vote on assigning a number and reading the ordinance followed.

Motion carried 4/2/0 with Ms. Schneider and Mr. Thomas voting "No." Ms. Armstrong read **ORDINANCE NO. 2226 AN ORDINANCE AMENDING TITLE 4.48 SUBSECTIONS .01(A) AND .01(D) OF THE EUREKA SPRINGS MUNICPAL CODE TO CLARIFY PEDDLING.** Mr. DeVito moved to approve Ordinance No. 2226 on its first reading. Mr. McClung seconded.

Discussion followed regarding the requirement for the owner of the business inside to also be the owner of the business operated in the parking lot.

Motion carried 4/2/0 with Mr. Thomas and Ms. Schneider voting "No."

2. Municipal League opinion re: keeping Ord. No. 2223 enforceable

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mayor Berry said he'd spoken with David Schoen from the Municipal League. Mr. Schoen said League is not in the business of filing lawsuits, but is in the business of defending cities against lawsuits.

Mr. DeVito moved to direct the City Attorney to file an injunction against Act 137. Ms. Schneider seconded. Mr. McClung said he will not support anything that runs the risk of costing the City money. Discussion followed regarding the chances of winning with an injunction, health, safety and welfare, and seeking outside help. Mr. Mitchell called for the question. Mr. DeVito seconded.

Motion carried 5/1/0 with Ms. Schneider voting "No." A roll call vote on the original motion followed.

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

Ms. Schneider moved to have New Business #5 as the next item for discussion. Mr. DeVito seconded. Motion carried 6/0/0.

NEW BUSINESS:

5. Elijah Hamon's broken car window

Mr. Hamon summarized the incident. He noted Building Inspector Bobby Ray was present, the City workers agreed, photos were taken, and a report was filed with the Police. He got two estimates but brought one. Mr. McClung made a motion to, if substantiated by the Police report, pay for it out of the Mayor's budget. Ms. Schneider seconded. Mr. McClung amended his motion to make payment from the Public Works budget. Mr. DeVito seconded. Discussion followed regarding tort immunity and duties of the Council to substantiate the claim. Mr. Hamon will bring the documents for Council's review.

1. Resolution for final year end (2014) budget

Mr. DeVito moved to discuss. Mr. McClung seconded. Finance Director Lonnie Clark confirmed the resolution was to adjust the 2014 budget to the actual numbers for revenue and expenses. He spoke about funds still set aside for the Public Works building, paving projects that occurred, and an increase in the Firemen's Pension Fund contribution rate. Mr. Clark said reserves were drawn but no certificates of deposit were cashed. He noted the purchase of a new street sweeper and the refurbishing of a rural fire truck. Following comments regarding not having put money in reserves, Mr. McClung moved to have a budget workshop in July. Mr. Mitchell seconded.

Motion carried 6/0/0. Mr. McClung motioned to assign the resolution a number and read it for passage. Mr. DeVito seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 663 A RESOLUTION AMENDING THE 2014 ADOPTED BUDGETS FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, FOR THE YEAR 2014; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN AND FOR OTHER PURPOSES**

2. Discussion of ordinance re: rate structure for refunding 2008 and 2010 bonds

Mr. McClung moved to discuss. Ms. Schneider seconded. Mr. McClung referenced the unknown status of a new hospital and favored moving ahead with the ordinance for refunding the bonds. Mr. McClung said there was no reason to not instruct the City Attorney to prepare the ordinance. Mr. DeVito seconded. It was clarified Mr. Weaver would review the ordinance being prepared by Michael Moyer. Mayor Berry rephrased the motion and second as "to go ahead and have an ordinance prepared for review, for discussion."

Motion carried 6/0/0.

3. **Update on Public Works maintenance garage**

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mayor Berry noted the second bid being sought has not yet come in and will be available at the next meeting. He anticipated an approximate cost increase of $25,000 due primarily to the need for a thicker concrete pad. The new building location will be down the hill and the original building will be used for storage.

4. **Analysis of water meter revenue and Carroll Boone rate increase**

Mr. Mitchell moved to discuss. Mr. McClung seconded. Mr. Clark said approximately 30% of the meters have been replaced. The sale of water in gallons has increased 8-10% per month, compared with last year. He said he anticipates a 12-15% increase in revenue.

The 25 cents per thousand gallon rate increase from Carroll Boone has not been passed on and will equal an increased cost to the City of approximately $8000 a month.

Mr. Clark agreed to have a comparison of increased water revenue from the meter installations for the budget workshop.

AGENDA SETTING:

Ms. Schneider spoke in favor having a workshop for food trucks. She added discussion of Ordinance 2223. Mr. Mitchell seconded.

CITY COUNCIL COMMENTS:

Mr. Thomas apologized to (Elijah Hamon) for the way in which the information about payment for his broken window was delivered.

Mr. McClung said he had a good time at the Blues Festival.

Mr. DeVito thanked Lori and Charles Ragsdell and volunteers for keeping the Blues Festival going.

Ms. Schneider spoke for having City employees know the process for dealing with issues such as the broken car window.

MAYOR'S COMMENTS:

Mayor Berry said Senator Bryan King informed him the City will receive a $220,000 grant to repair the storm sewer at the intersection of Steel, Water and Armstrong St. It is from the Arkansas Economic Development Commission. He spoke about the potential of funds to repair Black Bass Lake dam.

A list of upcoming events was read.

ADJOURNMENT:

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

Motion carried 6/0/0. The meeting ended at 8:15 p.m.

APPROVED:

Mayor Robert "Butch" Berry

ATTEST:

Ann Armstrong

Clerk/Treasurer Ann Armstrong