CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, June 8, 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: May 11, 2015

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 2 – **vote on Tom Buford** -- expires 1/1/17. Pos. 6 – **application from Penny Carroll** – expired 1/1/15

CAPC

Hospital – Pos. 3 – Michael Merry – expired 6/1/15

Parks – Pos. 4 – **vote on Ferguson Stewart** – expired 5/1/15. Pos. 6 – vacant -- expires 5/1/19. Pos. 7 – **vote on Bill Featherstone** – expired 5-1-15

HDC

Cemetery – Pos. 2 – vacant – expired 2/15/15

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Bond issue discussion with Bo Bittle (Stephens Inc.) – Ms. Schneider and Mr. Mitchell

NEW BUSINESS:

1. Discussion of Code sections 4.44 (Outdoor Sales) thru 4.56 (Special Events) – Mr. McClung and Mr. Mitchell
2. First quarter 2015 financials – A.C.A. 14-43-506
3. Discussion of Ord. No. 2223 – Mr. DeVito and Mr. Thomas

AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR'S COMMENTS
ADJOURNMENT

CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING **MONDAY** **JUNE 8, 2015**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 8, 2015 in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Berry, Aldermen Joyce Zeller, Terry McClung, James DeVito, Bob Thomas, 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. Mitchell seconded.
Motion carried 6/0/0.

APPROVAL OF THE MINUTES: May 11, 2015

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

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Mr. DeVito moved to approve the nomination of Tom Buford for Position 2. Ms. Schneider seconded.

Motion carried 6/0/0.

Mayor Berry noted he'd received a phone call from Mr. Leswig saying he would like to stay on. The Mayor brought Mr. Leswig's nomination to the table for a vote at the next meeting.

CAPC – No report

Hospital – Mayor Berry said Michael Merry would like to be re-nominated.

Parks – Mr. McClung moved to approve Ferguson Stewart. Ms. Schneider seconded.
Motion carried 5/0/1 with Mr. Mitchell voting "Present."
Mr. McClung moved to approve Bill Featherstone. Ms. Schneider seconded.
Motion carried 5/0/1 with Mr. Mitchell voting "Present."

HDC – No report

Cemetery – Position 2 is vacant.

PUBLIC COMMENTS:

Joshua Bass, part time worker in Eureka and Branson, expressed concern about how people in transition are treated in town. He felt he was being discriminated against by sleeping in his van and he spoke in support of a hostel and/or work program for those less fortunate.

Laura Coker requested installation of a marker listing the non-discrimination categories supported by Ordinance No. 2223, and the date of passage. She recalled the voting method by which the State Senate was prevented from considering local control of water fluoridation.

UNFINISHED BUSINESS:

1. **Bond issue discussion with Bo Bittle (Stephens Inc.)**

Mr. Mitchell moved to discuss. Mr. McClung seconded. Mr. Bittle spoke about monitoring outstanding bond issues for potential refunding candidates. He spoke about consolidating the 2008 and 2010 bonds and shrinking the debt. Finance Director Lonnie Clark agreed future payments would be lower. Savings would be gained in the first five years of payments. Discussion followed regarding bond covenant requirements for reserves, interest, reducing the principal, and the impact of bonding money for the hospital sewer line. Further discussion included the advantage of combining the 2008 and 2010 bonds with a new sewer bond versus beginning the refunding process now.

Mr. Mitchell motioned to assign the provided resolution for refunding the bond issues a number and to read it for passage. Ms. Schneider seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 662 A RESOLUTION AUTHORIZING STEPHENS INC. AND FRIDAY, ELDREDGE & CLARK, LLP, TO PROCEED WITH A BOND ISSUE TO REFUND CERTAIN WATER AND SEWER REVENUE BONDS.**

NEW BUSINESS:

1. **Discussion of Code sections 4.44 (Outdoor Sales) thru 4.56 (Special Events)**

Mr. McClung moved to discuss. Mr. DeVito seconded. Mr. McClung said the issue came up in relationship to a food truck that was set up on Memorial Day. He suggested clarifying Code and read from the section on peddling and the section on festivals. Discussion followed regarding Health Dept. regulations, CAPC tax collection, a rental agreement, and the definition of "contiguous." Mr. Weaver suggested wording to include "a part of the business that is being run on the general property." He noted most cities designate areas for food trucks.

Discussion continued about traffic, parking, restrooms, competition with other restaurants, and private property rights. Mr. DeVito moved to have the City Attorney come back with a clarification of 4.48.01(A). Mr. Mitchell seconded. Mr. McClung suggested adding food to what can be sold at festivals, Section D. Mr. DeVito seconded the amendment. A vote on the amendment followed.

Motion carried 6/0/0. A vote on the original motion was taken.

Motion carried 6/0/0.

2. **First quarter 2015 financials**

Ms. Armstrong provided the first quarter summaries for the City's check registers, payroll, disbursements, receipts and debt service payments. The information will be available through the Clerk's office.

3. **Discussion of Ordinance No. 2223**

Mr. DeVito moved to discuss. Ms. Schneider seconded. Mr. DeVito said he felt an obligation to continue since a mandate has been received from the constituency. Late in July the State will have, in essence, rendered 2223 moot, unenforceable. He made a motion to ask the Mayor to get with the Municipal League and see if they have any ideas -- whether it is an injunction, whatever action -- to keep the Ordinance enforceable after July 22. Mr. Mitchell seconded.

In response to Mr. Mitchell's question about how to put the State's action "on hold," Mr. Weaver said it is possible, if an injunction were filed, that a judge could rule that way. He noted it is not likely to occur in a State court. Extensive discussion followed regarding Home Rule, caution in choosing allies, engaging the Municipal League, and challenging the State. Mr. DeVito called point of order, considering the last comment not germane to the motion. A vote on the motion followed.

Motion carried 6/0/0.

AGENDA SETTING:

Mr. Mitchell added an update on the Public Works maintenance garage. Ms. Schneider seconded.

Mr. Mitchell added an analysis of the water meter revenue to date with what's left to be installed and the Carroll Boone rate increase. Ms. Schneider seconded.

CITY COUNCIL COMMENTS:

Ms. Schneider spoke about the State overstepping. She noted the passing of Richard Early.

Mr. Mitchell spoke optimistically about the many people in town and favorable weather.

Mr. McClung said several people have commented about the fountain at the top of Planer Hill not working.

MAYOR'S COMMENTS:

Mayor Berry spoke about the letters sent out by a company for voluntary warranties for water and sewer lines. He noted the policies are not from the City. Mayor Berry said citizens can contact Public Works for information about sewer lines.

He said the Planning Commission will be discussing building permits for new commercial construction. Mr. McClung agreed to attend the June 23 meeting.

There was an all-day workshop with Northwest Arkansas Economic Development and Rural Services. A grant has been prepared for repair of the drainage tunnel at the intersection of Water St. and Main St. The next grant cycle will include Black Bass Dam and storm sirens.

ADJOURNMENT:

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

APPROVED:

Mayor Robert "Butch" Berry

ATTEST:

Ann Armstrong

Clerk/Treasurer Ann Armstrong