

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING  
Monday, November 23, 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: November 9, 2015**

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:**

**Planning**

**CAPC**

**Hospital**

**Parks** – Pos. 1 – vacant -- expires 5/1/17

**HDC**

**Cemetery** – Pos. 2 – vacant – expired 2/15/15. Pos. 4 – vacant – expires 2/15/17

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

1. Ordinance raising water rates – Mr. McClung and Mr. Mitchell

**NEW BUSINESS:**

1. Renewal of Olden Days' upper loop carriage franchise – Ms. Zeller and Mr. Thomas
2. Ordinance for financing new tram – Mayor Berry
3. Resolution amending Transit budget – Mayor Berry
4. Ordinance for financing ladder truck – Mayor Berry
5. Resolution for amending Fire Department budget – Mayor Berry
6. Resolution for auctioning City property – Mayor Berry
7. Summary of food truck workshop – Ms. Schneider and Mr. Mitchell

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

**CITY OF EUREKA SPRINGS  
CITY COUNCIL**

**REGULAR MEETING**

**MONDAY**

**NOVEMBER 23, 2015**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, November 23, 2015 in the jury room in the Western District Carroll County Courthouse.

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

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Berry led the Pledge.

**APPROVAL OF THE AGENDA:**

Mr. DeVito moved to approve. Mr. McClung seconded. Mayor Berry noted, under the advice of the City Attorney, New Business items 2, 3, 4 and 5 were covered by previous resolutions. He called for a vote on the amended agenda.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES: November 9, 2015**

Mr. DeVito moved to approve. Mr. McClung seconded.

Motion carried 6/0/0.

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:**

**Planning** – No report

**CAPC** – No report

**Hospital** – No report

**Parks** – Mayor Berry noted an open position on this Commission.

**HDC** – No report

**Cemetery** – There are two open positions. Mayor Berry called for applicants.

**PUBLIC COMMENTS:**

**Richard September**, co-owner of Grandma's Beans and Cornbread, spoke about expenses restaurants have that food trucks do not. He said they did \$900 less in business than in the years past and attributed it to the two food trucks that were present.

**Mike Shah** provided a Harvard report on using a cost benefit analysis in budgeting and a case study on insights into food truck regulations in four U.S. cities. He spoke about the effect of food trucks in certain areas of Washington D.C., and of use of time and energy in analysis.

**Joe Joy**, co-owner of Casa Colina, said he'd spoken to the restaurant owners in town and that not one of them supports the idea of food trucks. It was his position there are "x" number of dollars spent on food and dividing those between restaurants and food trucks would hurt Eureka Springs.

**Rachel Brix** spoke about potential Code violations and expressed her concerns about Karen Garriot's carriages, responsibility for inspection, and welfare of the horses. She expressed her view that Hwy. 23 is not a safe carriage route and supported an escort following with 4-way flashers.

**Rod Minner**, co-owner of the Rowdy Beaver, said he believes food trucks would put people out of work. He spoke of restaurant expenses for advertising, and considered food trucks as good in large cities but not in Eureka Springs.

**Victor Smith**, owner of Catered Creations, spoke about being a 24-year resident and in support of everyone having equal opportunity to make a living. He favored consideration of up to five food trucks and broadening the range of what Eureka Springs has to offer.

#### **UNFINISHED BUSINESS:**

##### **1. Ordinance raising water rates**

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mayor Berry explained the proposed water rate increase of 50 cents per 1,000 gallons. Mr. DeVito moved to assign the ordinance a number and place it on the first reading. Mr. Mitchell seconded.

Mayor Berry said the sewer rates will remain the same and raising that requires a vote of the people. A voice vote on the motion followed.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2234 AN ORDINANCE AMENDING CHAPTER 10.44.04 OF THE MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ESTABLISHING RATES FOR SERVICES RENDERED BY THE WATER FACILITIES OF THE WATER AND SEWER SYSTEM OF THE CITY OF EUREKA SPRINGS, ARKANSAS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

Mr. DeVito moved to approve Ordinance No. 2234 on its first reading. Ms. Schneider seconded.

Motion carried 5/1/0 with Mr. Thomas voting “No” due to the absence of two ordinance sections. He offered that information and Ms. Armstrong read Sections 4 and 5. A second vote was taken on the first reading.

Motion carried 6/0/0. Mr. DeVito moved to suspend the rules and place Ordinance No. 2234 on its second reading by title only. Mr. McClung seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2234 on its second reading. Ms. Schneider seconded. Following clarification of figures listed in the ordinance, a voice vote was taken.

Motion carried 6/0/0.

#### **NEW BUSINESS:**

##### **1. Renewal of Olden Days’ upper loop carriage franchise**

Mr. DeVito moved to discuss. Mr. McClung seconded. Susan Tharp noted the application is to renew for another five years and a map of the route was shown. Discussion followed regarding serving the Inn of the Ozarks across Hwy. 62.

Mr. DeVito moved to renew the application from Susan Tharp for her animal-drawn vehicle franchise. Ms. Schneider seconded. Mr. Weaver cautioned Council to make sure they understand the route because one of the reasons the previous litigation is in place is over route designations and whether they could amend those at this table, on the vote about a year ago. Following confirmation that no change was made to the route used for the previous five years, discussion included the meaning of requesting to renew “within 45 days” and loading only in locations on the map.

A vote on the motion to approve renewal followed.

Motion carried 6/0/0.

##### **2. Ordinance for financing new tram**

Deleted during approval of the agenda

##### **3. Resolution amending transit budget**

Deleted during approval of the agenda

##### **4. Ordinance for financing ladder truck**

Deleted during approval of the agenda

##### **5. Resolution for amending Fire Department budget**

Deleted during approval of the agenda

**6. Resolution for auctioning City property**

Mr. DeVito moved to assign the resolution a number and read it for passage. Mr. Mitchell seconded. Mayor Berry noted the resolution is to conform with State law.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 672 A RESOLUTION APPROVING DISPOSAL OF SURPLUS CITY PROPERTY THROUGH AUCTION.**

**7. Summary of food truck workshop**

Ms. Schneider moved to discuss. Mr. DeVito seconded. Mayor Berry spoke about data to be reviewed and Ms. Schneider noted she'd asked for a committee to look into the topic.

Ms. Schneider moved to do a head count vote to see if Council is interested in sending the topic on. Mr. DeVito called point of order and said she can't poll Council.

Ms. Schneider made a motion to approve or disapprove the food truck idea. She then amended the motion to approve the food truck idea.

Mr. DeVito considered a vote premature and expressed his belief there was a consensus to send it to Planning. He made a motion to send the issue of food trucks to the Planning Commission for their input.

Ms. Zeller seconded. Ms. Schneider favored offering Planning some guidance on what it is they're to be looking at. Discussion followed regarding zoning, looking at the possibilities, Council's duty to do what is good for the City, and where food trucks can operate now.

Mr. DeVito confirmed his understanding that the discussion is about expanding food trucks into the public sector. A voice vote on the motion to send the topic to Planning followed.

Motion carried 6/0/0.

**AGENDA SETTING:** no items were added

**CITY COUNCIL COMMENTS:**

Mr. McClung wished everyone Happy Thanksgiving.

Mr. DeVito wished everyone Happy Thanksgiving and said to not eat too much.

Ms. Schneider wished everyone Happy Thanksgiving and thanked Veterans and volunteers for the Veteran's Day events.

**MAYOR'S COMMENTS:**

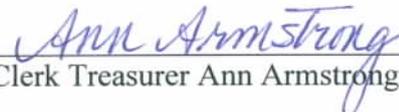
Mayor Berry read a list of upcoming events.

**ADJOURNMENT:**

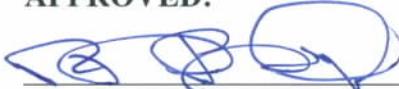
Mr. DeVito moved to adjourn. Mr. McClung seconded.

Motion carried 6/0/0.

**ATTEST:**

  
Clerk Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Robert "Butch" Berry