

5:30 budget workshop

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, April 25, 2016 6 p.m.
AGENDA**

**CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: April 11, 2016**

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 6 – application for Susan Harman
CAPC
Hospital
Parks
HDC
Cemetery – Pos. 3 – vacant – expires 2/15/18

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Ordinance for expanding Parks Commission eligibility – Parks Commission
2. Ordinance No. 2240 Waive bidding for self-contained breathing apparatus – Mayor Berry
3. Discussion of sales tax – Mayor Berry

NEW BUSINESS:

1. Appeal Planning Commission decision re: Conditional Use Permit (CUP) for one unit Bed and Breakfast – 23 Elk St. – Martone/Toub for Dreamatrix LLC
2. Res. from the Planning Commission requesting adoption of the Hazard Mitigation Plan
3. Res. from the Planning Commission in support of forming an Improvement District
4. Planning Commission request for resolution for 90 day moratorium on licenses for Tour Homes in residential zones
5. Resolution to accept grant for early storm warning sirens – Mayor Berry
6. Second meeting of the month March financials review – Mayor Berry
7. Discussion of the 2015 budget cleanup – Mr. Thomas and Mr. Mitchell

**AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR'S COMMENTS
ADJOURNMENT**

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

MONDAY

APRIL 25, 2016

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 25, 2016 in the jury room in the Western District Carroll County Courthouse.

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

ABSENT: Mickey Schneider (with notice)

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve. Mr. McClung seconded. Mr. Thomas moved to postpone New Business #1. Mr. Mitchell seconded.

Motion carried 5/0/0. Mr. Thomas added discussion of the budget cleanup for 2015. Mr. Mitchell seconded.

Motion carried 5/0/0. A vote to approve the amended agenda followed.

Motion carried 5/0/0.

APPROVAL OF THE MINUTES: April 11, 2016

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

Motion carried 5/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – An application from Susan Harman for Position 6 was provided.

CAPC – No report

Hospital – No report

Parks – No report

HDC – No report

Cemetery – One open position

PUBLIC COMMENTS:

Susan Porter, 38 Pine St., said she objected to any sort of carve out in a residential neighborhood. Any spot zoning or conditional use permit should be for the greater good of the community. Ms. Porter was concerned about how narrow Elk St. is and about having a B&B next door to a Tourist Lodging.

Rick Bright, 14 Angle, brought a water sample from his kitchen tap. He said the problem has been ongoing, and ruins appliances. It was Mr. Bright's position the solution will be expensive and could require a bond issue. He was glad Council is stepping up to deal with the infrastructure.

Linda McBride, 264 Spring St., expressed concern about rezoning and how things are going with Bed and Breakfasts. It was her opinion Eureka has reached a saturation point and allowing rezoning is "giving a gift of many thousands of dollars" by turning residential into commercial property.

Glenda Satterfield said she was concerned about protection for residential areas. She also wanted Council to consider a moratorium on tours since they cause disturbances.

Laura Lee Wilcox, 310 Spring St., opposed the application for a B&B at 23 Elk. She said residential neighborhoods are at great risk of losing their property values. Ms. Wilcox favored preserving residential neighborhoods and opposed allowing any lodging of any type within 200 ft. of any existing lodging.

Jim Puckett, Elk St. resident, said there are 19 houses on Elk, and 7 have no private parking. He spoke about the narrowness of the street and asked Council to maintain it as a residential area.

UNFINISHED BUSINESS:

1. Ordinance for expanding Parks Commission eligibility

Mr. McClung moved to postpone. Mr. DeVito seconded.

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Motion carried 5/0/0.

2. Ordinance No. 2240 Waive bidding for self-contained breathing apparatus

Mr. McClung moved to discuss. Mr. Mitchell seconded. Mayor Berry confirmed the agreement at the last meeting was to strike the first clause in the proposed Ordinance. Mr. DeVito moved to suspend the rules and to place Ordinance No. 2240 on its second reading by title only. Ms. Zeller seconded.

Mr. Weaver again suggested adding the number intended for authorization. Discussion followed regarding how many units the grant would cover, the amount approved in the 2016 budget, and the plan to replace 10 air packs per year. Further discussion included the current grant requirement for \$16,904 in City funds for matching, Rural Fire's contribution of \$5000, and the City's cost of \$16,000 for two additional units.

Mr. DeVito moved to amend Ordinance No. 2240 by adding this first sentence under the title, "Whereas, the City of Eureka Springs Fire Department needs to purchase ten self-contained breathing apparatus and related accessories over the next three year period." Mr. McClung seconded.

Mr. Weaver recommended leaving out the first "Whereas" clause and putting "ten" in the first numbered paragraph because that is what is binding. Mr. DeVito amended his amendment to include under the first paragraph item #1, "The City of Eureka Springs needs to purchase ten self-contained breathing apparatus and related accessories;" then to move all the other numbers down a number so the last one will be number 4. Mr. McClung seconded.

Mr. Weaver suggested putting "ten" in the middle of the first paragraph. Mr. DeVito chose to follow Mr. Weaver's suggestion. Mr. McClung seconded. A voice vote on the amendment followed.

Motion carried 5/0/0. A roll call vote on the original motion followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2240 on its second reading. A voice vote followed.

Motion carried 5/0/0. Mr. DeVito moved to suspend the rules and place Ordinance No. 2240 on its third reading by title only. Mr. McClung seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2240 on its third reading. Mr. McClung seconded. A roll call vote followed.

Motion carried 5/0/0.

3. Discussion of sales tax

Mayor Berry noted there is no cap on sales tax. He said Don Zimmerman of the Municipal League will be researching the City's ability to have a local tax that we would collect ourselves so it wouldn't go into the State.

Discussion followed regarding funds for infrastructure and for the Auditorium. Mayor Berry's suggestion was for \$200,000 to go toward the Auditorium and the balance to go for water and sewer. He envisioned the money now contributed by the CAPC going away except for sound equipment and the salary for Ron Sumner, and advertising. Utilities would be paid from the Auditorium budget.

Ms. Zeller spoke in favor of separating the issues on which the vote would be taken. Mr. Mitchell and Mr. McClung favored a percentage for the Auditorium. Discussion followed regarding having reserves for both the Auditorium and infrastructure, a possible sunset clause, and funds for advertising and promotion.

NEW BUSINESS:

1. Appeal Planning Commission decision re: Conditional Use Permit (CUP) for one unit Bed and Breakfast – 23 Elk St.

Postponed until the next meeting

2. Planning request for adoption of Hazard Mitigation Plan

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Planning Chair Steve Beacham recapped briefly the plan that has been developed over a two year period to address the main drainage tunnel, Black Bass Dam, and the sewer system. He confirmed adopting the Plan is a FEMA requirement so as to be able to apply for grant funds.

Mr. DeVito moved to draft a resolution following the guidelines of the Planning Commission resolution for a Hazard Mitigation Plan. Mr. Mitchell seconded.

Motion carried 5/0/0.

3. Planning support for forming an Improvement District

Mr. McClung moved to discuss. Mr. DeVito seconded. Mr. Beacham clarified this would be a

partnership between public and private individuals. Discussion included reference to easements, tax breaks, and involvement of owners of property over the drainage tunnel.

Mr. Mitchell moved to table discussion until Mr. Hull could be present. Mr. DeVito seconded. Motion carried 5/0/0.

4. Planning Commission request for resolution for a 90 day moratorium on licenses for Tour Homes in residential zones

Mr. McClung moved to discuss. Mr. Mitchell seconded. Mr. Beacham spoke about the Planning Commission’s efforts to review and compile definitions for businesses. Tour Homes would be one of those, and the moratorium would allow them time to complete the project. The absence of pending applications was noted as well as the petition circulated to stop this particular use of a home. No action was taken.

5. Resolution to accept grant for early storm warning sirens

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mayor Berry spoke the plan to install three sirens that would be activated by the Police. The City matching funds would be \$14,350 and would come from refinancing the ambulance. Discussion followed about public awareness due to the subject having now come to the table, other existing warning methods, and the spending freeze. Public safety and global warming were referenced.

Mr. McClung moved to assign the resolution a number and read it for passage. Mr. DeVito seconded. A roll call vote followed.

Motion carried 4/1/0 with Ms. Zeller voting “No.”

Ms. Armstrong read RESOLUTION NO. 681 A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A USDA RURAL SERVICES GRANT AND EXPRESSING THE WILLINGNESS OF THE CITY OF EUREKA SPRINGS TO UTILIZE THE MONIES TO PURCHASE AND INSTALL AN EARLY STORM WARNING SYSTEM

7. Discussion of the 2015 budget cleanup

At Mr. Thomas' request, this topic was addressed before item #6. He distributed copies of past budget cleanup resolutions. Mr. Thomas suggested using the format listing the original appropriation followed by the amended figure and where the adjustment monies came from. There would be a total for each column.

Finance Director Lonnie Clark said he’d like to reserve an opportunity to analyze it a little further but he didn’t think there’d be a problem doing it that way.

6. Second meeting of the month March financials review

Mr. DeVito moved to discuss. Mr. McClung seconded. Mayor Berry noted the percent of expenditures would be 24.8% at the end of March. He observed several totals are under and the Fire Department is a little over at 25.18%. Although operations are within budget, revenues are under.

Mr. McClung noted Transit works with their own funds.

Mayor Berry said a freeze has been placed on all non-operational essential expenditures. The list includes all new hires, pay increases, travel, education, professional services, and uniform purchases. Maintenance, unless considered an emergency, will be reviewed on a case-by-case basis. He referenced the possible sales tax increase on retail sales to offset costs for infrastructure

AGENDA SETTING: no additions

CITY COUNCIL COMMENTS:

Mr. Thomas apologized for misdirecting a remark made during the meeting.
Mr. Mitchell accepted and returned the same apology.

MAYOR’S COMMENTS:

Mayor Berry read a list of upcoming events.

ADJOURNMENT:

Mr. DeVito moved to adjourn. Ms. Zeller seconded.
Motion carried 5/0/0. The meeting ended at 7:54 p.m.

ATTEST:

APPROVED:


City Clerk Treasurer Ann Armstrong


Mayor Robert “Butch” Berry
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