

5:30 Budget workshop

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, August 22, 2016 6 p.m.
AGENDA**

**CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: August 8, 2016
PATRIOTISM PROCLAMATION FOR THE ELKS USA**

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 1 – expires 7/1/17 -- **vote on Ann Tandy-Sallee**
CAPC – Pos. 1 – expires 6/30/17 – confirmation of vote for Susan Harman. Pos. 4 –
expires 6/30/20 – confirmation of vote for Damon Henke
Hospital – Pos. 5 – vacant – expires 6/1/17
Parks
HDC
Cemetery – Pos. 5 – vacant – expires 2/15/17

PUBLIC COMMENTS:

NEW BUSINESS:

1. Ordinance outlawing smoking in all City parks – Mr. DeVito and Mr. Mitchell
2. Amend amended Resolution No. 679 Disposal of Surplus City Property – Mayor Berry
3. Resolution in support of Fayetteville's non-discrimination Ordinance – Mr. Mitchell and Ms. Schneider

UNFINISHED BUSINESS:

1. Ordinance to vacate a portion of Hickory St. and deed two segments of Girkin property to the City – Mr. McClung and Mr. Mitchell

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR PRO TEM'S COMMENTS

ADJOURNMENT

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

MONDAY

AUGUST 22, 2016

Mayor Pro Tem David Mitchell called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, August 22, 2016 in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Pro Tem Mitchell, Aldermen Bob Thomas, Terry McClung, Mickey Schneider, James DeVito, Kristi Kendrick, City Attorney Tim Weaver, and City Clerk Treasurer Ann Armstrong

PLEDGE OF ALLEGIANCE:

Mr. Mitchell led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES: August 8, 2016

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

PATRIOTISM PROCLAMATION FOR THE ELKS USA

Mr. Mitchell read the Proclamation for National Patriotism Week – September 5 – 11, 2016.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Mr. McClung moved to approve the nomination for Ms. Sallee. Ms. Schneider seconded.
Motion carried 6/0/0.

CAPC – Mr. DeVito moved to accept the nomination for Susan Harman for Position 1. Ms. Schneider seconded.

Motion carried 6/0/0.

Mr. DeVito moved to accept the nomination of Damon Henke for Position 4. Mr. McClung seconded.
Motion failed 3/2/1 with Ms. Schneider and Mr. Mitchell voting “No” and Ms. Kendrick abstaining.

Hospital – Position 5 is vacant.

Parks – Parks Director Justin Huss called for consideration of a moratorium on vacating properties within the City.

HDC – No report

Cemetery – Position 5 is vacant.

PUBLIC COMMENTS: none

NEW BUSINESS:

1. Ordinance outlawing smoking in all City parks

Ms. Schneider moved discuss. Ms. Kendrick seconded. Mr. Huss provided sample ordinances from other towns and a rough draft. He confirmed the No Smoking policy in Basin Spring Park does not have a supporting Ordinance, so the Police cannot write citations. Mr. Huss noted the request is for a ban in parks and playgrounds excluding Lake Leatherwood Park.

Discussion followed regarding balancing comfort and rights, cigarette butts, tourism, fire prevention, vaporizers, and exposure. Further discussion included trails, tobacco as a legal product, and banning vaporizers/ electronic cigarettes and all tobacco products.

Mr. Weaver spoke about a 25 ft. setback as a taking and advised using the park borders. He said the draft ordinance provided looked like a good start.

Mr. Huss agreed to speak with the committee about drafting an ordinance for banning all tobacco products within all park borders.

2. Amend amended resolution No. 679 Disposal of Surplus City Property

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

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 687 AMENDING RESOLUTION NO. 679 AUTHORIZING THE DISPOSAL OF SURPLUS CITY PROPERTY THROUGH AUCTION.**

3. Resolution in support of Fayetteville's non-discrimination Ordinance

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

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 688 A RESOLUTION IN SUPPORT OF FAYETTEVILLE, ARKANSAS'S EFFORTS TO ENSURE INDIVIDUAL RIGHTS.**

UNFINISHED BUSINESS:

1. Ordinance to vacate a portion of Hickory St. and deed two segments of Girkin property to the City

Mr. McClung moved to discuss. Mr. DeVito seconded. Mr. DeVito moved to assign the ordinance a number and place it on its first reading. Mr. McClung seconded.

Two numerical corrections were noted in one of the descriptions. Mr. McClung confirmed everything closes and the descriptions are where they're supposed to be. A voice vote followed.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2246 AN ORDINANCE VACATING A PORTION OF HICKORY STREET EXCHANGING A PORTION THEREOF FOR CERTAIN REAL PROPERTY OF THE ADJOINING LAND OWNER.**

Mr. DeVito moved to approve Ordinance No. 2246 on its first reading. Ms. Schneider seconded.

Motion carried 6/0/0. Mr. DeVito moved to suspend the rules and place Ordinance No. 2246 on its second reading by title only. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title.

Mr. DeVito moved to approve Ordinance No. 2246 on its second reading. A voice vote followed.

Motion carried 6/0/0.

AGENDA SETTING:

Mr. DeVito added a moratorium on vacating green space. Ms. Schneider seconded.

Ms. Kendrick added discussion of rescinding Ordinance No. 1628 Lands Under the Jurisdiction of Parks Commission. Mr. McClung seconded.

Mr. Mitchell added discussion of the 2013 and 2014 Legislative Audit reports. Mr. DeVito seconded.

CITY COUNCIL COMMENTS:

Ms. Schneider spoke about the success of the 6th Eureka event.

Mr. McClung noted the weekend of September 10 is the Jazz Festival and the Brubeck Brothers Quartet will be at the Auditorium.

Mr. Thomas confirmed agreement for budget workshops at 5:15 before the second Council meetings each month.

MAYOR PRO TEM'S COMMENTS:

Mr. Mitchell read a list of upcoming events.

ADJOURNMENT:

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

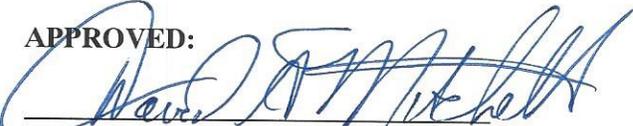
Motion carried 6/0/0. The meeting ended at 7:00 p.m.

ATTEST:



City Clerk Treasurer Ann Armstrong

APPROVED:



Mayor Pro Tempore David Mitchell

City Council **8/22/16** **2**