

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

**MONDAY**

**JANUARY 25, 2016**

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

**PRESENT:** Mayor Berry, Aldermen Joyce Zeller, Terry McClung, Bob Thomas, David Mitchell, 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. Ms. Schneider added discussion of updating the TV listings of events. Mr. Mitchell seconded. Mayor Berry called for a vote on the amended agenda. Motion carried 6/0/0.

**APPROVAL OF THE MINUTES: January 11, 2016**

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

**STATE OF THE CITY ADDRESS:**

Mayor Berry recalled collective efforts and success in defeating SWEPCO's attempts to clear cut, and the collapse and repair of the drainage tunnel with a \$140,000 matching grant. He spoke about upcoming tunnel repair near Flint and Steel St., the passage of Ordinance No. 2223 with a 71% vote, and new department heads and employees. Mayor Berry summarized achievements by Transit, the Police Department, Fire Department, Public Works, the Building Department, and CAPC. He spoke of impending infrastructure challenges and of Parks' accomplishments.

Diversification for economic development was addressed as well as Black Bass Dam repair. Mayor Berry spoke about the carefully trimmed budget and upcoming fee increases. He commended Council for cooperative efforts.

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

- Planning** – No report
- CAPC** – No report
- Hospital** – One vacant position
- Parks** – One vacant position
- HDC** – No report
- Cemetery** – Two vacant positions

**PUBLIC COMMENTS:** none

**UNFINISHED BUSINESS:**

**1. Ordinance No. 2235 – District Court fines – 3<sup>rd</sup> reading**

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Mr. McClung moved to suspend the rules and place Ordinance No. 2235 on the third reading by title only. Mr. DeVito seconded. A roll call vote followed.

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

Mr. McClung moved to approve Ordinance No. 2235 on its third reading. A roll call vote followed. Motion carried 6/0/0.

**NEW BUSINESS:**

**1. Re-zoning 120 S. Main from R-1 to C-1**

Mr. DeVito moved to discuss. Ms. Schneider seconded. Discussion followed regarding the intention to rezone both sides of S. Main and the ensuing problems that resulted in the decision to re-zone on a case-

by-case basis.

Mr. DeVito moved to have the City Attorney prepare an ordinance converting the mentioned property on the east side of Main St. from R-1 to C-1. Mr. Mitchell seconded.

Motion carried 6/0/0.

**2. Ordinance re: Home Occupations**

Ms. Schneider moved to discuss. Mr. DeVito seconded. Planning Commissioner Steve Beacham spoke about clarifying Code language regarding home occupations. He noted home occupations that do not involve the coming and going of the general public would be by-right uses in all residential areas. Those new businesses involving the coming and going of the general public in residential areas would now require a CUP (Conditional Use Permit). The ordinance also confirms the existing requirement for businesses involving the coming and going of the public to have business licenses.

Mr. DeVito moved to assign the ordinance a number and place it on the first reading. Ms. Schneider seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2236 AN ORDINANCE AMENDING TITLE 14 OF THE EUREKA SPRINGS MUNICIPAL CODE TO CLARIFY HOME OCCUPATION BUSINESS LOCATIONS.**

Mr. DeVito moved to approve. Ms. Schneider seconded.

Motion carried 6/0/0.

**3. Second ordinance re: Home Occupations**

Mr. Beacham noted this ordinance is for contractors whose licenses are issued to home addresses. Mr. DeVito moved to assign the ordinance a number and place it on the first reading. Ms. Schneider seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2237 AN ORDINANCE AMENDING TITLE 11.08.04 OF THE EUREKA SPRINGS MUNICIPAL CODE TO CLARIFY STORAGE AT HOME OCCUPATION BUILDING CONTRACTOR BUSINESSES.**

Mr. DeVito moved to approve Ordinance No. 2237 on its first reading. Ms. Schneider seconded.

Motion carried 6/0/0.

**4. 2016 Budget resolution**

Mr. Mitchell moved to discuss. Ms. Schneider 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. 674 A RESOLUTION PROVIDING FOR AND ADOPTING BUDGETS FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, FOR THE TWELVE-MONTH PERIOD BEGINNING JANUARY 1, 2016, AND ENDING DECEMBER 31, 2016; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR.**

Brief discussion followed regarding the Capital Fund revenues and expenditures.

**5. Discussion of updating the TV listings of events**

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Ms. Schneider expressed concern about the outdated listings and noted visitors use them to know what's going on in town. Mayor Berry agreed to look into it and noted efforts to have the CAPC compile and disseminate to other calendars.

**AGENDA SETTING:** no additions

**CITY COUNCIL COMMENTS:**

Mr. DeVito looked forward to a 65\* weekend for Mardi Gras.

Mr. Mitchell complimented the Mayor on the State of the City review.

Ms. Schneider wished family members Happy Birthday.

**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. The meeting adjourned at 7:08 p.m.

**ATTEST:**

  
Clerk Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Robert "Butch" Berry  
**City Council** **1/25/16**

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

**CALL TO ORDER  
ROLL CALL, ESTABLISH QUORUM  
PLEDGE OF ALLEGIANCE  
APPROVAL OF THE AGENDA  
APPROVAL OF THE MINUTES: January 11, 2016  
STATE OF THE CITY ADDRESS**

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

**Planning**

**CAPC**

**Hospital** – Pos. 1 – vacant – expires 6/1/18

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

**HDC**

**Cemetery** – Pos. 2 – vacant – expired 2/15/18. Pos. 4 – vacant – expires 2/15/17

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

1. Ordinance No. 2235 District Court Fines – 3<sup>rd</sup> reading

**NEW BUSINESS:**

1. Re-zoning 120 S. Main from R-1 to C-1 – Planning Commission for SBS Properties
2. Ordinance re: Home Occupations – Planning Commission
3. Second ordinance re: Home Occupations – Planning Commission
4. 2016 Budget – Mayor Berry
5. Discussion of updating the TV listings of events – Ms. Schneider and Mr. Mitchell

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**