

5:30 Budget workshop

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

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

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 1 – vacant – expires 7/1/17. Pos. 3 – expired 7/1/16 -- **Nomination for Pat Lujan**

CAPC

Hospital – Pos. 4 – vacant – expires 6/1/21. **Vote on Dr. John House.** Pos. 5 – vacant – expires 6/1/17

Parks

HDC

Cemetery – Pos. 5 – vacant – expires 2/15/17

PUBLIC COMMENTS:

NEW BUSINESS:

1. Vote for Ward 3 Position 2 Council member – A.C.A. 14-43-411
2. 2015 Budget clean-up resolution – Mayor Berry
3. Sales tax discussion and ordinances – Mayor Berry
4. Discussion of process to amend previously approved motion – Mr. Thomas and Mr. Mitchell
5. Discussion on clarification of emails – Ms. Schneider and Mr. Mitchell

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'S COMMENTS

ADJOURNMENT

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

MONDAY

JULY 25, 2016

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

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

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve the agenda. Mr. McClung seconded. Mr. Thomas added discussion of process to amend a previously approved motion. Mr. Mitchell seconded. The Mayor called for a vote.

Motion carried 5/0/0. Ms. Schneider added a short discussion on the clarification of emails sent by the Mayor to the Council regarding the upcoming vote. She requested that it be the first item for discussion under New Business. Mr. Mitchell seconded.

Motion carried 5/0/0. Unfinished Business #1 was postponed. A vote on the amended agenda followed.

Motion carried 5/0/0.

APPROVAL OF THE MINUTES: July 11, 2016

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

Motion carried 5/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Mr. DeVito moved to accept the nomination of Pat Lujan to Position 3. Ms. Schneider seconded.

Motion carried 5/0/0.

CAPC – No report

Hospital – Mr. Mitchell moved to accept Dr. John House for Position 4. Ms. Schneider seconded.

Motion carried 5/0/0.

Parks – No report

HDC – No report

Cemetery – No report

PUBLIC COMMENTS:

Kristi Kendrick spoke about owning two businesses in town. She said she's been practicing law since 1977 and in this city since 2010. Ms. Kendrick summarized her experience in management, and achievements in improving blighted neighborhoods in New Orleans. She believes in diversity and tolerance.

NEW BUSINESS:

5. Discussion of emails sent by Mayor

Ms. Schneider recapped a discussion with the Mayor and strongly expressed her objection to his emailing what she considered a private exchange, and twisting words. She also considered signing her Council ballot constitutionally wrong.

Mr. Weaver confirmed the absence of a requirement for a ballot. He said he'd have liked the opportunity to read the case cited regarding ballot signatures. Discussion followed regarding ballots and law about a mayor's participation in the process. Mr. DeVito moved to distribute the ballots and vote on the replacement for Joyce Zeller's position for Ward 3. Mr. Mitchell seconded. Following more discussion concerning the impact of signing or not signing ballots, Mr. DeVito called the question. A vote on calling the question followed.

Motion carried 4/1/0 with Ms. Schneider voting “No.” A vote on passing out the ballots followed.
Motion carried 5/0/0.

1. Vote for Ward 3 Position 2 Council member

Mr. Mitchell moved to open the vote for the Ward 3 position for City Council. Mr. McClung seconded.

Motion carried 5/0/0. The ballots were placed face down on the table. Council members marked, folded, and deposited them in a clear container. Ms. Armstrong read the votes and held them up for video confirmation. One unsigned ballot was for “Neither of the above.” Four signed ballots were for Kristi Kendrick.

2. 2015 Budget clean-up resolution

Mayor Berry said a couple of items are still needed and the resolution will be ready for the next meeting.

3. Sales tax discussion and ordinances

Ms. Schneider moved to discuss. Mr. Mitchell seconded.

Mr. Weaver pointed out the longer of the two draft documents is for passage before the election, if there is to be an election. Although it starts the process, it doesn’t become effective until after the people have voted. If the electorate votes in favor of the tax, it will direct the finance people to set up the process for collection. The second ordinance would direct the people at the county level to set up a special election.

Discussion followed confirming the tax would be for all collecting categories including retail. A sunset clause will be added. Mr. Weaver noted a Municipal League attorney’s review of wording is still pending.

Mr. McClung moved to assign the first ordinance a number and read it for approval. Mr. DeVito seconded.

Motion carried 5/0/0. Ms. Armstrong read **ORDINANCE NO. 2244 AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE PERCENT (1%) SALES AND USE TAX WITHIN THE CITY OF EUREKA SPRINGS, ARKANSAS; DECLARING THAT AN EMERGENCY EXISTS AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

Mr. McClung moved to approve Ordinance No. 2244 on its first reading. Mr. DeVito seconded.

Motion carried 5/0/0.

Mr. McClung moved to suspend the rules and place Ordinance No. 2244 on its second reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title.

Mr. McClung made a motion to add a sunset clause to the Ordinance for a ten-year period, from the date that it takes effect. Discussion followed regarding the timing in adding the sunset clause and having it ready for the third reading. Mr. Weaver agreed to prepare a sunset clause. There was no second.

Mr. McClung moved to approve the second reading. Mr. DeVito seconded.

Motion carried 5/0/0.

Mr. McClung moved to assign a number to the second ordinance and put it up for its first reading for approval. Mr. DeVito seconded.

Motion carried 5/0/0. Ms. Armstrong read **ORDINANCE NO. 2245 AN ORDINANCE CALLING FOR A SPECIAL ELECTION TO REFER THE ISSUE OF LEVYING A ONE PERCENT (1%) SALES AND USE TAX WITHIN THE CITY LIMITS OF EUREKA SPRINGS, ARKANSAS TO THE VOTERS OF THE CITY OF EUREKA SPRINGS, ARKANSAS FOR THEIR ACCEPTANCE OR REJECTION; DECLARING AN EMERGENCY TO EXIST AND FOR OTHER PURPOSES.**

Mr. McClung made a motion to approve Ordinance No. 2245 on its first reading. Mr. DeVito seconded.

Motion carried 5/0/0. Mr. Weaver said he’ll pursue confirmation of the term “retail.”

Mr. McClung made a motion to suspend the rules and place Ordinance No. 2245 on its second reading by title only. Mr. DeVito seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title.

Mr. McClung moved to approve Ordinance No. 2245 on its second reading. Mr. DeVito seconded.

Motion carried 5/0/0.

4. Discussion of process to amend a previously approved motion

Mr. Thomas cited the June 27 motion for a moratorium on CUPs for B&Bs in residential zones. He said that, at the July 11 meeting, Mr. DeVito did clarify his intent by saying it’s for new B&Bs, not transferring B&Bs.

Mr. Thomas specified that his real concern was about correctly amending a previously approved motion. After further discussion, Mr. Weaver confirmed Council could establish a procedural rule to put resolutions in written form to make the intent clear.

UNFINISHED BUSINESS:

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

Postponed during approval of the agenda

AGENDA SETTING:

Mayor Berry added discussion of a solution for speeding on East Mountain.

Mr. DeVito added an amicus brief/show of support for Fayetteville and the non-discrimination ordinance. Mr. Mitchell seconded.

Mr. Thomas added discussion of need for written resolutions. Mr. Mitchell seconded.

CITY COUNCIL COMMENTS:

Ms. Schneider noted there will be a workshop on Food Trucks at 5:00 before the August 8 meeting.

MAYOR'S COMMENTS:

Mayor Berry apologized for the misunderstanding with Ms. Schneider.

He read a list of upcoming events.

ADJOURNMENT:

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

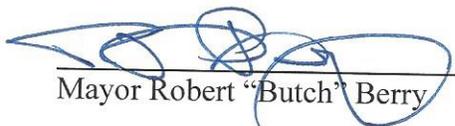
Motion carried 5/0/0. The meeting ended at 7:20 p.m.

ATTEST:



City Clerk Treasurer Ann Armstrong

APPROVED:



Mayor Robert "Butch" Berry