CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, October 10, 2016 6 p.m.
AGENDA

CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: September 26, 2016

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning
CAPC – Pos. 4 – review 1/2017 -- expires 6/30/20
Hospital – Pos. 4 – vacant – expires 6/1/16
Parks
HDC
Cemetery – Pos. 5 – vacant – expires 2/15/17

PUBLIC COMMENTS:

NEW BUSINESS:

1. Update from the CAPC on plans for the Auditorium – Mr. Mitchell and Ms. Schneider
2. Ordinance No. 2248 Real and Personal Property tax – 3rd reading
3. Morris settlement – Michael Mosley, Municipal League
4. Proportionate share agreement for Judge Ramsey's salary

UNFINISHED BUSINESS:

1. Date for workshop on lands under the jurisdiction of Parks -- Ms. Kendrick and Mr. DeVito
2. Date for workshop on food trucks – Mayor Berry

AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR COMMENTS
ADJOURNMENT

CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING **MONDAY** **OCTOBER 10, 2016**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, October 10, 2016 in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Berry, Aldermen David Mitchell, Kristi Kendrick, James DeVito, Bob Thomas, Mickey Schneider, Terry McClung, 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. Mayor Berry added Michael Mosley's report from the Municipal League. Mr. DeVito moved to have it as the first item of New Business. Mr. McClung seconded. Mayor Berry added discussion of the Proportionate Share Agreement for paying the new Judge. Mr. DeVito moved to add that item. Ms. Kendrick seconded. A vote on the amended agenda followed.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: September 26, 2016

Mr. DeVito moved to approve the minutes. Ms. Kendrick seconded.
Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – No report
CAPC – No report
Hospital – One seat is open.
Parks – No report
HDC – No report
Cemetery – One seat is open.

PUBLIC COMMENTS: none

NEW BUSINESS:

3. Morris settlement – Michael Mosley, Municipal League

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mr. Mosley introduced himself as the City's Attorney from the Municipal League who is defending the City in a lawsuit initiated by plaintiff Morris. He summarized the suit as a First Amendment retaliation lawsuit. Mr. Morris alleges he was the head of Local 4708 Union branch and, because of that, former Fire Chief Ates fired him.

Mr. Mosley said he has a duty to present the settlement offer from the plaintiff to Council. Mr. Morris wants back pay in the amount of $12,583.39, reinstatement with the Eureka Springs Fire Department to the position of Captain with corresponding pay rate and benefits of all other Captains, restoration of sick leave balance, compensatory damages in the amount of $20,000 for alleged emotional and mental anguish, $45,000 in fees and costs, expungement of all personnel files regarding any reference to disciplinary actions taken by defendants against Mr. Morris (including, but not limited to the October 2 termination and any investigation related thereto), and a provision in the settlement agreement saying (the City) will not discriminate or retaliate against employees for exercising their right to belong to a labor organization.

It was Mr. Mosley's opinion that a "nuisance offer" of $3-5,000 as a counter-offer wouldn't get anywhere. He reminded Council they are the entity for the City of Eureka Springs who has control of the purse strings and, in that regard, only Council can vote to approve an offer that would require the City to pay money, or to do a counter-offer, or do nothing.

Ms. Kendrick made a motion to not accept the opponent's offer. Mr. Mitchell seconded. Motion carried 6/0/0.

1. Update from the CAPC on plans for the Auditorium

Mr. Mitchell moved to discuss. Mr. McClung seconded. Mr. DeVito read from "The AUD City Council Presentation October 10, 2016," with a few changes. He then referenced a chart comparing City tax revenues with CAPC tax revenues from 1998 until 2015. Mr. DeVito spoke about the upswing in 2012 and said that, as the CAPC moves out of management of the Auditorium and reduces cash flow into the Auditorium by year three, discussion is again taking place about a parking facility funded solely by CAPC revenue.

Susan Harman said the document that was offered is a draft that is 98% complete. Council had requested the summary so people who are voting on the tax would be informed. It was agreed State laws allow the CAPC to fund the building of a parking garage for the Auditorium and City.

If the tax passes, a portion of the revenue could be set aside for needed repairs to the Auditorium. Matching funds for grants would be available. Mayor Berry suggested that an elevator could be installed for access to the basement.

The Johanson study of the CAPC is available for review.

2. Ordinance No. 2248 Real and Personal Property tax – 3rd reading

Mr. DeVito made a motion to suspend the rules and place Ordinance No. 2248 on its third 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. 2248 on its third reading. A roll call vote followed.

Motion carried 6/0/0.

4. Proportionate share agreement for Judge Ramsey's salary

Mr. DeVito moved to discuss. Ms. Schneider seconded. Mayor Berry referenced the notice regarding payment of the salary for the State district court judgeship. Eureka Springs will pay one seventh – approximately $8,378.

Mr. McClung proposed preparation of a resolution for the next Council meeting. Mr. DeVito seconded.

Motion carried 6/0/0.

UNFINISHED BUSINESS:

1. Date for workshop on lands under the jurisdiction of Parks

Mr. DeVito moved to discuss. Ms. Schneider seconded. It was agreed to meet the following Monday, October 17, 2016 at 5:00 for one hour.

2. Date for workshop on food trucks

Ms. Schneider moved to discuss. Mr. DeVito seconded. Mayor Berry noted an ordinance had been included in Council packets.

Ms. Schneider objected to two elements of the latest proposal. Following brief discussion of a license revocation process, it was agreed a date will be set for a workshop.

AGENDA SETTING:

Mr. Mitchell added reports from each of the Committee and Commission chairs on 2016 accomplishments and 2017 goals. Ms. Schneider seconded. Mr. Mitchell then added the Building Inspector.

Mr. DeVito added the status on prohibition of smoking in City parks. Ms. Kendrick seconded.

CITY COUNCIL COMMENTS:

Mr. Mitchell said he'd heard great things about music in the Park on Saturday, although people were surprised it ended at 6:00.

Ms. Schneider said she needs appropriate bumper stickers for her blindingly white car.

Ms. Kendrick said there may have been some misunderstanding about her proposal to Council and it is posted on her website kristi4council.com.

MAYOR'S COMMENTS:

Mayor Berry read an extensive list of upcoming events.

He complimented Department Heads and noted a 29% decrease in overall expenditures – approximately $98,000.

Mayor Berry showed the plaque given to the City by the Corvette Club in thanks for their 26th annual weekend.

ADJOURNMENT:

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

Motion carried 6/0/0. The meeting ended at 7:06 p.m.

APPROVED:

Mayor Robert "Butch" Berry

ATTEST:

Ann Armstrong

City Clerk Treasurer Ann Armstrong