

**5:15 -- Budget workshop (for December 2019 financials)**

**TURN OFF ALL ELECTRONIC DEVICES, AS THEY INTERFERE WITH THE  
RECORDING EQUIPMENT**

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING**

Monday, January 27, 2020

6 p.m.

**AGENDA**

**CALL TO ORDER**

**ROLL CALL, ESTABLISH QUORUM**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA**

**APPROVAL OF THE MINUTES: Regular meeting – January 13, 2020**

**STATE OF THE CITY ADDRESS**

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

**\*\*\* Planning – Pos. 3 – vacant – expires 7/1/20. Update on review of the Vision Plan**

**CAPC**

**Hospital**

**Parks**

**HDC**

**Cemetery – Pos. 4 – expires 2/15/20 – application to renew term -- Glenna Booth. Pos.  
5 – expires 2/15/20 – application to renew term -- David Sallee**

**PUBLIC COMMENTS -- 3 minutes for each citizen**

**UNFINISHED BUSINESS:**

1. Vote on budget line item additions
2. 2020 Budget – A.C.A. 14-58-202
3. Ordinance No. 2292 Creation of Entertainment District – 2<sup>nd</sup> reading

**NEW BUSINESS:**

1. Application for Taxi Service – Dennis Feole/All Around Cab – M.C. 4.32.02
2. Lease for 71 Spring St. patio – Mayor Berry
3. Discussion of Council email notification of special events – Ms. Schneider and Ms.

Greene

4. Discussion of employee manual and conflicts with Code – Mr. Meyer and Ms.

Greene

5. Carroll Boone Water District rate increase – Mayor Berry
6. Workshop date with Hospital Commission after February 1 – Ms. Harman and Ms.

Greene

7. Travel guidelines – Mr. Thomas and Ms. Greene

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**JANUARY 27, 2020**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, January 27, 2020 in the Auditorium lobby at 36 S. Main St.

**PRESENT:** Mayor Berry, Council members Terry McClung, Mickey Schneider, Melissa Greene, Susan Harman, Bob Thomas, Harry Meyer, 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. McClung moved to approve the agenda. Ms. Greene seconded. Mayor Berry combined Unfinished Business items 1 and 2. Mr. Thomas added travel guidelines. Ms. Greene seconded. A vote on the amended agenda followed.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES:** January 13, 2020

Ms. Harman moved to approve. Ms. Greene seconded.

Motion carried 6/0/0.

**STATE OF THE CITY ADDRESS:**

Mayor Berry summarized 2019 accomplishments in reducing debt and water loss, in community outreach, street and drainage repair and increased Transit ridership. CAPC changes, Auditorium events, Parks developments, new local Hospital management, and County-wide collaborations were recapped. The municipal solar project and awards granted were noted.

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

**Planning** – Commission Chair Laura Jo Smole reported that (Arkansas Municipal League staff planning consultant) Jim von Tungeln advised that the Master (Vision) Plan is suitable and does not need any major revisions at this time. Review details were provided as were copies of the Commission's proposed tree preservation ordinance.

**CAPC** – no report

**Hospital** – No report

**Parks** – No report

**HDC** – No report

**Cemetery** – Ms. Schneider moved to renew Glenna Booth ('s position.) Ms. Harman seconded.

Motion carried 6/0/0. Ms. Greene moved to approve David Sallee for Position 5. Ms. Harman seconded.

Motion carried 6/0/0.

**PUBLIC COMMENTS:**

**Linda McBride** expressed concerns about Parks' accountability and transparency based upon gleanings from 38 FOIA (Freedom of Information Act) requests filed since August 2019, and the hiring of a forensic accountant and two attorneys. She cited relevant Code and FOIA law.



**Damon Henke** summarized upcoming Mardi Gras events and encouraged people to dust off their beads and come out.

**Christopher Fischer** spoke about the Lake Leatherwood City Park Master Plan that has not been presented for approval nor adequately reviewed and updated by Parks since 2014. The miles of downhill trails constructed since 2017 are mentioned in none of the plans.

**Pat Costner** provided a summary handout of Parks general ledgers from 2013-2019, noting the 2017 1/8c tax income listed only 9 months of income. Expenditures for 2019 included a shuttle turnaround, the making of a video, and shuttles service – none of which are in the Master Plan.

#### **UNFINISHED BUSINESS:**

**1. Vote on budget line item addition and**

**2. 2020 Budget**

Ms. Harman moved to discuss. Ms. Greene seconded. The addition of a non-departmental line item for sales tax income for Parks and a line item for transfers out of those funds was noted. Following discussion of how the tax money comes to the City from the State and about Public Works wages, Mr. McClung moved to assign the resolution a number and read it for passage. Ms. Harman seconded. A roll call vote was taken.

Motion carried 5/1/0 with Mr. Meyer voting “No.” The Clerk Treasurer read **RESOLUTION NO. 770 A RESOLUTION PROVIDING FOR AND ADOPTING BUDGETS FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, FOR THE TWELVE-MONTH PERIOD BEGINNING JANUARY 1, 2020, AND ENDING DECEMBER 31, 2020; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR.**

**3. Ordinance No. 2292 Creation of Entertainment District – 2<sup>nd</sup> reading**

Mr. McClung moved to discuss. Ms. Greene seconded. Mr. Thomas read aloud the Committee recommendations. Following discussion of costs to the City, the time of year for the “test run,” and reducing the size of the District, Mr. Thomas moved to (change the sunset date) to September 13. Ms. Greene seconded.

Motion carried 6/0/0.

Mr. Weaver noted a couple of the 6 recommendations from Mr. Thomas were combined in the amended ordinance, and one was not included. It would have not allowed for alcohol to be consumed within the District by anyone not using a District cup, thus keeping those in non-participating bars, or homes within the District from having alcohol.

Ms. Schneider moved to defer until the next meeting. Motion failed due to lack of a second.

Mr. Meyer moved to “truncate to where it goes down the steps to Mountain St. and go down Mountain St. to Center St. and back, instead of going up all the way up around to German Alley.” Ms. Schneider seconded.

Motion failed 2/4/0 with Mr. McClung, Ms. Harman, Ms. Greene and Mr. Thomas voting “No.”

Mr. Thomas said he would like to extend up the hill to 173 S. Main. Motion failed due to lack of a second.

Mr. McClung moved to suspend the rules and read Ordinance No. 2292 as amended, by title only. Ms. Greene seconded. A roll call vote followed.

Motion carried 4/2/0 with Ms. Schneider and Mr. Meyer voting no. The Ordinance title was read.

Mr. McClung moved to approve Ordinance No. 2292 on its second reading. Ms. Greene seconded.

Motion carried 4/2/0 with Mr. Meyer and Ms. Schneider voting “No.”

## **NEW BUSINESS:**

### **1. Application for Taxi Service**

Dennis Feole provided information on the proposed business, All Around Cab Company.

Following discussion of his living in Huntsville and transportation availability, Ms. Harman moved to approve the certificate of public convenience and necessity. Ms. Greene seconded.

Motion carried 4/2/0 with Mr. McClung and Mr. Meyer voting "No."

### **2. Lease for 71 Spring patio**

Ms. Greene moved to discuss. Ms. Harman seconded. Mayor Berry offered some history on previous leases for the property. Discussion followed about the changes in the amount being charged and the length of the agreement. Mr. Meyer moved to make it \$1,000 a year. Motion failed for lack of a second.

Ms. Greene moved to assign the resolution a number and read it into passage. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. **RESOLUTION NO. 771 A RESOLUTION FOR EXTENDING THE LEASE ON CITY OWNED PROPERTY ADJOINING 71 SPRING STREET** was read.

### **3. Discussion of Council email notification of special events**

Ms. Schneider moved to discuss. Ms. Greene seconded. Ms. Schneider clarified she was referencing particular events not typically open to the general public and which help to inform. Discussion followed about various methods to learn of events, events with fees, and seminars. The Mayor agreed to try to be better about notification of special events.

### **4. Discussion of employee manual and conflicts with Code**

Mr. Meyer said he makes a motion. Ms. Greene said she'd second that. Mr. Meyer referenced a Code portion regarding Council approval of hiring Police Officers. He questioned the process for notating specific Code sections when passing an ordinance that changes Code. Mr. Weaver replied with the description of a humorously obsolete requirement that wasn't removed from Code in another town, and confirmed current Ordinances override Code language.

No action was taken.

### **5. Carroll Boone Water District rate increase**

A notice was received from the District (Office Manager) about the January 1, 2020 rate increase of 20c per 1,000 gallons sold. Discussion followed on whether to absorb the increase or pass it on. Mr. Meyer moved to table until the next meeting so (Council) can come back with some numbers on rates. Ms. Schneider seconded.

Mr. McClung said he'd like the Mayor and Public Works Director to come together and make a recommendation. Following discussion of the last rate increase, raising the (City system) customer rates 30c per 1,000 gallons and lowering the discount for larger users, Mr. Thomas spoke in favor of authorizing the writing of an ordinance passing (the increase) on.

Mr. Meyer withdrew his motion. Ms. Schneider withdrew her second. Mr. Thomas moved to ask Mr. Weaver to draft an ordinance passing on the 20c per 1,000 gallons increase. Ms. Greene seconded.

Motion carried 5/1/0 with Ms. Green voting "No."

### **6. Workshop date with Hospital Commission after February 1**

Ms. Harman moved to discuss. Ms. Greene seconded. Ms. Harman favored meeting in March. Mayor Berry indicated he would get back with a date.

### **7. Travel guidelines**

Mr. Thomas moved to discuss. Ms. Green seconded. Mr. Thomas spoke about the \$6,000 line item in the Mayor's budget for travel, funds already spent and the absence of guidelines. He moved to appoint someone to work with the Mayor to assist him in developing some guidelines for equitably dispensing travel funds. Ms. Green seconded and nominated (Mr. Thomas.)



Motion carried 4/2/0 with Mr. McClung and Mr. Meyer voting "No."

**AGENDA SETTING:**

Ms. Greene added a discussion of the Lake Leatherwood Master Plan. Ms. Harman seconded.

Ms. Greene added a discussion of Ordinance No. 2176 and the 1/8c tax for Parks. Ms. Harman seconded.

Ms. Greene added discussion of Resolution 737/properties accepted by the City. Ms. Harman seconded.

Ms. Schneider added discussion of improving wages for the employees from the budget. Ms. Greene seconded.

Mr. Thomas added discussion of problems Council has been hearing about with Parks. Ms. Greene seconded.

Ms. Greene then withdrew her agenda items and requested a workshop date with the Parks Commission and Director. Ms. Harman seconded.

Mr. Meyer added discussion of Council committees. Ms. Schneider seconded.

**CITY COUNCIL COMMENTS:**

Mr. Thomas expressed displeasure with what he considered the CAPC Commissioners' responsibility to address language quoted in a recent newspaper article.

Ms. Greene found the recent Parks meeting on finances disturbing and said expressing concern about Parks does not mean a person is against Parks.

Ms. Schneider expressed her belief the writer of the newspaper article has a personal agenda against the person referenced.

Ms. Harman spoke in favor of policies for vetting potential staff, and about professionalism.

Mr. Meyer said he thinks Council should have its own committee to discuss the travel issue.

Mr. McClung noted that lots and lots of really good entertainment is coming to the Auditorium and encouraged people to "catch all of it you can."

**MAYOR'S COMMENTS:**

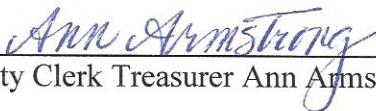
Mayor Berry read an extensive list of upcoming events.

**ADJOURNMENT:**

Mr. McClung moved to adjourn. Ms. Greene seconded.

Motion carried 6/0/0. The meeting ended at 8:42 p.m.

**ATTEST:**

  
City Clerk Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Robert "Butch" Berry

City Council      1/27/20      4