

CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, January 14, 2019
6 p.m.

AGENDA

CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: December 10, 2018

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Carroll County Solid Waste
Planning – Pos. 3 – **vacant** – expires 7/1/20. Pos. 5 – **vacant** – expires 1/1/19. Pos. 6 –
vacant – expires 1/1/21
CAPC – Pos. 1 – **vacant** – expires 6/30/21. Pos. 2 – **vacant** -- expires 6/30/22. Pos. 5 –
vacant Council member seat – expires 12/31/19. Pos. 6 – **vacant Council member seat** –
expires 12/31/19
Hospital
Parks
HDC
Cemetery

PUBLIC COMMENTS -- 3 minutes for each citizen

NEW BUSINESS:

1. Public Hearing re: Vacating request – alley between Midway and Benton St.
2. Budget for 2019/Amortization chart – Mayor Berry
- 3.
4. Planning Commission request to reduce number of members to five – Mr. Buford and
Ms. Greene
5. Discussion of the Food Truck lottery – Ms. Schneider and Ms. Greene
6. Adding aggregate as an option for sidewalk surfaces – Ms. Schneider and Ms. Greene

UNFINISHED BUSINESS:

1. Ordinance No. 2274 Collection of Expenditures for Clean-up – amendment and 2nd
reading

AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR'S COMMENTS
ADJOURNMENT

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

MONDAY

JANUARY 14, 2019

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, January 14, 2019 in the Auditorium lobby at 36 S. Main St.

PRESENT: Mayor Berry, Council members Bob Thomas, Harry Meyer, Mickey Schneider, Terry McClung, Susan Harman, Melissa Greene, City Attorney Tim Weaver and City Clerk Treasurer Ann Armstrong

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mayor Berry called for a motion to approve the agenda. Mr McClung said he so moved. Ms. Greene seconded.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: December 10, 2018

Mayor Berry asked for motion to approve the minutes. Mr. McClung said he so moved. Ms. Schneider seconded.

Motion carried 5/0/1 with Ms. Harman abstaining due to not yet having been seated.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Carroll County Solid Waste – Director Phil Jackson said a 3.5% rate increase is being requested, the first since 2008. He invited Council to visit the facility to learn of the programs available. Mr. McClung moved to approve the rate increase for the trash service. Ms. Harman seconded.

Mr. Thomas amended to postpone until the next meeting. Mr. Meyer seconded. A roll call vote followed.

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

Planning – Two seats are vacant. Discussion followed regarding Ms. Harman's continued membership on the Commission. Ms. Harman said her plan is probably to resign.

CAPC – Two (non-Council) seats are vacant. Mr. McClung nominated Ms. Harman for CAPC (Pos. 5). Ms. Greene seconded.

Motion carried 4/1/1 with Ms. Schneider voting "No" and Mr. Thomas voting "Present." Ms. Harman nominated Terry McClung (for Pos. 6). Ms. Greene seconded. Ms. Schneider nominated Mr. Thomas. He declined.

Motion carried 5/0/1 with Mr. Thomas voting "Present."

Parks – No report

HDC – No report

Cemetery – No report

PUBLIC COMMENTS:

Victor Smith spoke about the value in having the food truck lottery. He also favored allowing a land owner to operate a food truck as a secondary business on his land.

NEW BUSINESS:

1. Set meeting dates

Mayor Berry called for a motion to discuss. Ms. Greene said she so moved. Ms. Schneider seconded. Ms. Greene moved to establish meeting dates for 2019 as what (Council) has present. Mayor Berry asked if she wanted to discuss November and December. Ms. Greene made a motion to discuss November and December. Ms. Greene moved to discuss the 2019 meeting dates to see if (Council) is going to keep them as stated or if (Council) is going to change them. She then moved to discuss the 2019 City Council meetings –

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the May 27th, November 11th, the November 25th and December 9th. Ms. Schneider seconded.

Mr. Thomas amended to adopt the schedule as printed, and then it can be up for discussion. Ms. Greene withdrew her motion and Ms. Schneider withdrew her second. Mr. Thomas then restated the motion to approve as printed. Ms. Harman seconded. Mr. McClung objected to meetings on Memorial Day or Veterans Day but favored leaving them on the (schedule) and, when closer, if nothing was pending, set them aside. The meeting date could be changed at that time. Discussion followed regarding the minimum number of meetings required and the purpose of Memorial Day and Veterans Day.

Mr. Weaver cautioned against approving with blanks in the (time listings) to avoid creating the argument that any other meeting in those months is a special meeting limited by special meeting rules. Ms. Harman amended the original motion to accept the meetings (listed) with the addition of May 27th and the November 11th meeting having a 6:00 regular meeting time added at this time. At the Mayor's request, she restated the motion as the acceptance of these dates for 2019 City Council meetings with the addition of a 6:00 p.m. start on May 27th and a 6:00 p.m. start on November 11th. Mr. McClung seconded.

Ms. Schneider moved to have a timeframe for date changes: by March 25, a decision on meeting on Memorial Day, and by August 26, a decision on Veterans Day. Ms. Harman seconded.

Motion failed 1/5/0 with Mr. McClung, Mr. Meyer, Ms. Harman, Ms. Greene and Mr. Thomas voting "No." A vote followed on Ms. Harman's amendment to accept the proposed schedule with the addition of Memorial Day and Veterans Day. Ms. Harman then withdrew the motion. Mr. McClung withdrew the second. Ms. Harman suggested, on the original amended, that (Council) accept the dates as is for 2019 City Council meetings with the addition of a 6:00 p.m. start time on the April 22nd meeting, a 6:00 p.m. start time on the May 27th meeting, a 6:00 p.m. start time on the September 23rd meeting and a 6:00 p.m. start time on the November 11th meeting. Ms. Greene seconded. Ms. Schneider noted there had not been a vote on meeting on Memorial Day and Veterans Day. Ms. Harman withdrew the motion. Ms. Greene withdrew her second.

Ms. Harman moved to accept this list for the 2019 City Council meetings with the addition of adding a 6:00 p.m. start time for the April 22nd meeting, noting the May 27th date is also a meeting that will begin at 6:00 p.m., an addition of the September 23rd meeting having a 6:00 p.m. start (time), an addition on November 11th of being an official meeting beginning at 6:00 p.m. Ms. Greene seconded.

Motion carried 5/1/0 with Ms. Schneider voting "No." A vote was taken on the original motion to adopt the (schedule as amended).

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

2. Pro tempore for 2019

Ms. Greene moved to discuss the pro tem for 2019. Ms. Schneider seconded. Ms. Schneider nominated Bob (Thomas). Mr. McClung seconded.

Motion carried 6/0/0.

3. Rules of procedure for 2019

Mr. Thomas moved to discuss rules of procedure for 2019. Ms. Schneider seconded. Mr. Thomas moved for Council to adopt the *Pocket Guide to Parliamentary Procedure* as Council's rules of procedure and *Roberts Rules of Order, Newly Revised* as the parliamentary authority – the backup if the answers are not found in the (Guide). Mr. McClung seconded. Following clarification that the *Pocket Guide* is different than the guide from the Municipal League guide, a voice vote was taken.

Motion carried 6/0/0.

4. Planning Commission request to reduce number of members to five

Mr. McClung moved to discuss. Ms. Greene seconded. Mr. McClung said that, as difficult as it is to keep those positions filled, it seems to make a lot of sense. Mr. Thomas noted a commission is to represent the citizens and if there is a problem finding members, Council needs to address that rather than reducing membership. Discussion followed about Council lack of regard for Planning recommendations, Council's vote to seat Planning members and the advantage of more opinions with the larger number. Mr. Weaver suggested consideration of six members.

Ms. Greene moved to table the Planning Commission request to reduce the number to five until the first meeting in March. Mr. McClung seconded.

Motion carried 6/0/0.

5. Discussion of the Food Truck lottery

Ms. Greene moved to discuss. Ms. Schneider seconded. In response to Ms. Schneider's request, Victor Smith said he thought a private business owners in a commercial zone should be allowed to operate a secondary business, whether it is a food truck or whatever they prefer. He noted the length of Hwy. 62 and favored having two lottery spots there.

Discussion followed regarding removing the one-year limit for those who win, knowledge of the ground rules when entering the lottery and the importance of enforcing ordinances.

6. Adding aggregate as an option for sidewalk surfaces

Ms. Greene moved to discuss adding aggregate as an option for sidewalk surfaces. Ms. Schneider seconded. Ms. Schneider spoke about the affordability of aggregate versus limestone, considering aggregate historical. Regulations for the Historic District sidewalks were reviewed.

Ms. Schneider moved to add aggregate to Code in regard to a surface to be used for sidewalk replacement in the Historic District. Mr. Thomas seconded. Discussion followed about the integrity of the Historic District, affordable sidewalk safety and comparative costs of various concretes.

Ms. Schneider moved to defer until Council hears from the HDC (Historic District Commission). Ms. Greene seconded.

Motion carried 6/0/0.

UNFINISHED BUSINESS:

1. Ordinance No. 2274 Collection of Expenditures for Clean-up

Ms. Greene moved to discuss. Ms. Schneider seconded. Mr. McClung moved to suspend the rules and read Ordinance No. 2274 by title only, which refers to the amendments that (Council) needs for this Ordinance. Following Mr. Weaver's recommendation, Mr. McClung moved to suspend the rules and read Ordinance No. 2274 by title only. Ms. Greene seconded.

Following Mr. Weaver's clarification of some phrases in the proposed Ordinance, a roll call vote was taken.

Motion carried 5/1/0 with Ms. Harman voting "No." Ms. Armstrong read the title read during the first reading. Mr. McClung moved to add and read the two proposed amendments. Ms. Schneider seconded.

Motion carried 5/0/1 with Ms. Harman abstaining. Mr. McClung moved to approve Ordinance No. 2274 on it second reading as amended. Ms. Greene seconded.

Motion carried 5/0/1 with Ms. Harman abstaining.

AGENDA SETTING:

Ms. Greene added adding a Planning Commissioner from Council. Ms. Schneider seconded.

Ms. Greene added discussion of the Animal ordinance. Ms. Schneider seconded.

Ms. Schneider added discussion of Council members who are also on a Commission voting at only one table. Ms. Greene seconded.

Ms. Harman asked for Ordinances to be included in packets. When the process was explained, Mr. Thomas called point of order and noted agenda setting is not for discussion. Mayor Berry concurred.

CITY COUNCIL COMMENTS:

Mr. Thomas spoke about the sound system that evening and said he hopes the equipment is replaced at least before the next Council meeting.

Ms. Greene said she's glad to be alive and here.

Ms. Schneider recalled that 40 years ago, the Peace Accord ending the Viet Nam War was signed. She spoke of her son's food truck adventures with zombies.

Ms. Harman thanked those who voted for her, allowing her to be in the position for 2019 and 2020.

Mr. Meyer said he has a lot of homework to do and is enjoying (Council) so far.

Mr. McClung said he's looking forward to 2019.

MAYOR'S COMMENTS:

Mayor Berry welcomed Ms. Harman and Mr. Meyer and returning officials. The Ozark Mountain Music Festival will be held from January 17-20.

ADJOURNMENT:


Mr. McClung moved to adjourn. Ms. Schneider seconded.
Motion carried 6/0/0. The meeting ended at 7:55 p.m.

ATTEST:



City Clerk Treasurer Ann Armstrong

APPROVED:



Mayor Robert "Butch" Berry

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