

5:15 budget workshop

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

**CITY OF EUREKA SPRINGS
COUNCIL MEETING**

Monday, August 26, 2019

6 p.m.

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: August 12, 2019

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 3 – vacant – expires 7/1/20

CAPC

Hospital

Parks – Pos. 1 – vacant – vote on application from Scott Bardin

HDC

Cemetery

PUBLIC COMMENTS -- 3 minutes for each citizen

UNFINISHED BUSINESS:

1. Ordinance No. 2280 Sidewalk replacement/repair and aggregate – 3rd reading
2. Ordinance No. 2281 Vacate alley east of Kimberling Alley – 3rd reading
3. Ordinance No. 2282 Parking meter rate for special events – 2nd reading
4. Ordinance No. 2283 Entertainment Districts – 3rd reading

NEW BUSINESS:

1. Discussion of removing requirement for insurance from the Tram tours – Ms. Schneider and Mr. Thomas
2. Resolution to set a public hearing date for vacating an alley east of Alamo – A.C.A. 14-301-302(c)
3. Resolution to waive bidding for shuttle for Parks
4. Ordinance for animal law changes re: animals on unoccupied property – Ms. Greene and Ms. Harman
5. Update on Auditorium – Ms. Greene and Ms. Harman
6. Update on the Street plan – Mr. Meyer and Mr. McClung
7. Appointment of City Council liaison to Planning Commission for subdivision inspection team – MC Code section 15.04.03 (B)
8. Discussion of Norris St. property – Ms. Harman and Ms. Greene

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

AUGUST 26, 2019

Mayor Pro Tem Bob Thomas called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, August 26, 2019 in the Auditorium lobby at 36 S. Main St.

PRESENT: Mayor Pro Tem Thomas, Council members Susan Harman, Melissa Greene, Terry McClung, Harry Meyer, Mickey Schneider and City Clerk Treasurer Ann Armstrong

ABSENT: Mayor Butch Berry and City Attorney Tim Weaver (with notice)

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Thomas led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Ms. Greene moved to approve. Mr. McClung seconded. Ms. Schneider moved to postpone New Business #1. The Mayor Pro Tem postponed New Business #3, 4, 5 and 6.

Ms. Harman asked if discussion of the Norris St. property could be added. Following discussion about adding topics at the table and Ms. Greene's seconding Ms. Harman's question, the voting process for adding topics was noted.

Motion carried 4/1/0 with Ms. Schneider voting "No."

Ms. Greene moved to approve the agenda as amended. Mr. McClung seconded.

Motion carried 5/0/0.

APPROVAL OF THE MINUTES: August 12, 2019

Ms. Greene moved to approve the minutes of August 12, 2019. Ms. Schneider seconded.

Motion carried 5/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – One vacancy

CAPC – No report

Hospital – No report

Parks – Ms. Greene moved to accept for Position 1 the application from Scott Bardin for the Parks Commission. Ms. Schneider seconded.

Motion carried 5/0/0.

HDC – No report

Cemetery – No report

PUBLIC COMMENTS:

Laura Jo Smole expressed concerns about the proposed ordinance on entertainment districts, including the emergency clause, hours of operation, possibly impaired drivers, insurance, noise, sanitation, and the costs of extra fire and police personnel.

Ferguson Stewart spoke highly of the Entertainment District Committee's open meeting. He thanked Scott (Bardin) for stepping forward, saying the community needs people to get active.

Damon Henke noted the upcoming Business After Hours gathering. He said he appreciated being part of the Committee and noted the Ordinance at the table is to enable (defining of districts.)

UNFINISHED BUSINESS:

1. Ordinance No. 2280 -- Sidewalk replacement/repair and aggregate – 3rd reading

Mr. McClung moved to discuss. Mr. Meyer seconded. Mr. McClung moved to suspend the rules and place Ordinance No. 2280 on its third and final reading by title only. Ms. Schneider seconded. A roll call vote followed.

Motion carried 5/0/0. The Clerk Treasurer read the Ordinance title. Mr. McClung moved to approve Ordinance No. 2280 on its third reading. Ms. Greene seconded. A roll call vote followed.

Motion carried 5/0/0.

2. Ordinance No. 2281 -- Vacate alley east of Kimberling Alley – 3rd reading

Mr. McClung moved to discuss. Mr. Meyer seconded. Mr. McClung moved to suspend the rules and read Ordinance No. 2281 for its third and final reading. Ms. Greene seconded. A roll call vote followed.

Motion carried 5/0/0. The Ordinance title was read. Mr. McClung moved to approve Ordinance No. 2281 on its third reading. Mr. Meyer seconded. A roll call vote followed.

Motion carried 5/0/0.

3. Ordinance No. 2282 – Parking meter rate for special events – 2nd reading

It was noted all overcharges have been refunded. Mr. McClung moved to discuss Ordinance No. 2282. Ms. Greene seconded. Mr. McClung moved to suspend the rules and read Ordinance No. 2282 for its second reading by title only. Mr. Meyer seconded. A roll call vote followed.

Motion carried 4/1/0 with Ms. Schneider voting “No.” The Ordinance title was read. Mr. McClung moved to approve Ordinance No. 2282 on its second reading. Ms. Greene seconded. A voice vote followed.

Motion carried 4/1/0 with Ms. Schneider voting “No.”

4. Ordinance No. 2283 – Entertainment Districts – 3rd reading

Pro Tem Thomas suggested having Kendra Hughes speak as the Committee representative. There was no objection. Mr. McClung moved to discuss. Ms. Harman seconded.

Mr. McClung moved to suspend the rules and read Ordinance No. 2283 for its third reading by title only. There was no second.

Motion failed.

Ms. Schneider moved to discuss. Ms. Greene seconded. Ms. Schneider spoke about contacts made with her regarding the Entertainment District and opined this is “so wrong for Eureka,” describing danger and expense to City departments.

Mr. McClung called point of order, saying this is the enabling ordinance, not anything specific to any district. The Pro Temp said the point of order was valid.

In speaking about the enabling ordinance itself, it was Ms. Schneider’s view that if the ordinance didn’t pass, there would not be any more discussions.

Ms. Harman noted nothing had been decided about fine (amounts) and received confirmation that a permanent district would be established by ordinance and a temporary district would require a resolution.

Ms. Hughes spoke of the current ordinance as allowing the creation of permanent or temporary districts. She said there’d been little resistance to the ordinance from a downtown merchants group to which she belongs.

Discussion followed on whether it needs to go to the Planning Commission, Mr. Meyer’s regretful supportive vote and about some bar owners’ concerns. Mr. McClung moved to postpone until the next meeting.

Motion carried 5/0/0.

NEW BUSINESS:

1. Discussion of removing requirement for insurance from Tram tours

Postponed during approval of the agenda

2. Resolution to set a public hearing date for vacating an alley east of Alamo

Mr. McClung moved to discuss. Ms. Greene seconded. Mr. McClung moved to assign the resolution a number, in regards to the alley at Alamo and read it for passage, with the date of September 23 as the date of the hearing. Ms. Harman seconded.

Motion carried 5/0/0. **RESOLUTION NO. 759 A RESOLUTION TO SET A PUBLIC HEARING DATE FOR CONSIDERATION OF VACATING AN ALLEY EAST OF ALAMO LOTS 1 AND 2 IN BLOCK 8 OF THE FREEMAN ADDITION** was read.

3. Resolution to waive bidding for shuttle for Parks

Postponed during approval of the agenda

4. Ordinance for animal law changes re: animals on unoccupied property

Postponed during approval of the agenda

5. Update on Auditorium

Postponed during approval of the agenda

6. Update on the Street plan

Postponed during approval of the agenda

7. Appointment of City Council liaison to Planning Commission for subdivision

inspection team

Ms. Greene moved to appoint a Council liaison. Ms. Harman seconded. Ms. Greene nominated Mr. McClung. He accepted. Ms. Harman seconded.

Ms. Greene made the motion to appoint Mr. McClung as the City Council liaison to the Planning Commission for the subdivision inspection team for the duration of (the subdivision project.) Ms. Harman seconded.

Motion carried 5/0/0.

8. Discussion of the Norris St. property

Ms. Harman moved to discuss. Ms. Greene seconded. Ms. Harman read from a newspaper article about the Hospital Commission's unanimous vote to ask the City to return the Norris St. property back to their care.

Discussion followed on ownership of the building by the City, stewardship, the Council decision to liquidate it, and an opportunity for the Commission to present a plan.

AGENDA SETTING:

Ms. Greene added the Food Truck ordinance. Ms. Schneider seconded.

Ms. Greene added discussion of the Hospital. Mr. McClung seconded.

Ms. Greene added discussion of the delivery of rental cars in Eureka. Ms. Schneider seconded.

CITY COUNCIL COMMENTS:

Mr. Meyer said he still wants the speed limit reduced on East Mountain and Echols St. to 15 m.p.h.

Mr. McClung it's sad to say he missed the Cate Brothers when they were here.

MAYOR'S COMMENTS:

Mayor Pro Tem Thomas read a list of upcoming events.

ADJOURNMENT:

Ms. Harman moved to adjourn. Mr. McClung seconded.
Motion carried 6/0/0. Meeting adjourned at 6:52 p.m.

ATTEST:



City Clerk Treasurer Ann Armstrong

APPROVED:



Mayor Pro tem Robert Thomas