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**CITY OF EUREKA SPRINGS
COUNCIL MEETING**

Monday, July 13, 2020

6 p.m.

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: June 22, 2020

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning

CAPC – 2020 2nd quarter report provided

Hospital –

Parks – Pos. 7 – **vacant** – expires 5/1/25.

HDC Pos. 1 – **vacant** – expires 11/30/21

Cemetery – vote on **Bruce Wright** – Pos. 5

PUBLIC COMMENTS: 3 minutes per speaker

UNFINISHED BUSINESS: none

NEW BUSINESS:

1. Resolution to amend 2019 budget – Mayor Berry
2. Discussion of request to impose an administration fee on Level III applications – Historic District Commission
3. Appeal of denial of Temporary Entertainment District – Ord. No. 2283 Sec. 9(a) -- Stephen Rodgers
4. Discussion of rules and guidelines for Council during meetings – Ms. Harman and Ms. Greene
5. Discussion of allowing people to speak for themselves during public comments, with protocols – Mr. Thomas and Ms. Greene
6. Discussion of Fayetteville and Rogers mask ordinances.
7. Discussion of Ordinance No. 2292 – Ms. Greene and Ms. Schneider

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

JULY 13, 2020

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6:00 p.m. Monday, July 13, 2020 in the Auditorium at 36 S. Main St.

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

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge.

APPROVAL OF THE AGENDA:

Mayor Berry called for a motion to approve the agenda. Mr. McClung said he so moved. Ms. Greene seconded. Ms. Greene seconded New Business 5. Mr. Thomas added discussion of the Fayetteville and Rogers mask ordinances. Ms. Greene seconded. Ms. Greene added discussion of Ordinance No. 2292 that enabled temporary and permanent entertainment districts. Ms. Schneider seconded. A vote on the amended agenda followed.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: June 22, 2020.

Mayor Berry called for a motion to approve the minutes for June 22. Mr. Meyer said he made a motion. Ms. Greene seconded.

Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – no report

CAPC – 2020 2nd quarter report was provided.

Hospital – no report

Parks – no report

HDC – no report

Cemetery – Ms. Schneider moved to accept Bruce Wright for the Cemetery Commission.

Mr. Meyer seconded.

Motion carried 6/0/0

PUBLIC COMMENTS:

Mark Hughes, 101 Owen, submitted a letter reflecting on the efforts to make and provide face masks throughout the community, and strongly favoring passage of a mask ordinance.

UNFINISHED BUSINESS: none

NEW BUSINESS:

1. Resolution to amend 2019 budget

Ms. Greene moved to discuss. Mr. McClung seconded. The resolution is required to finalize the 2019 year end. Ms. Greene moved to assign the resolution a number and read it for passage. Ms. Harman seconded. A roll call vote followed.

Motion carried 6/0/0. The Clerk Treasurer read **RESOLUTION NO. 781 A RESOLUTION AMENDING THE 2019 ADOPTED BUDGETS FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, FOR THE YEAR 2019;**

City Council **7/13/20** **1**

APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN AND FOR OTHER PURPOSES.

2. Discussion of request to impose an administrative fee on Level III applications

Ms. Greene moved to discuss. Ms. Harman seconded. Historic District Preservation Officer Glenna Booth spoke about the process for Level III applications that includes public notice, notification to other property owners within a 100 ft. radius via the mail, and making and posting a sign. She confirmed Level III applications are for major projects such as new construction and demolition of buildings larger than 200 sq. ft., and added or removed stories.

Ms. Greene moved to have an ordinance written to (charge) a \$50 fee on Level III applications. Ms. Schneider seconded.

Motion carried 6/0/0.

3. Appeal of denial of Temporary Entertainment district

Mr. Meyer moved to discuss. Ms. Greene seconded. Mayor Berry confirmed the denial was for the second application and based primarily on the security needs beyond what was offered, and public sentiment. Discussion followed about City staff shortages, COVID, time limits for temporary districts, and the legal right to apply for a temporary district.

(No action was taken, with the result the denial remained in place.)

4. Discussion of rules and guidelines for Council during meetings

Ms. Harman moved to discuss. Ms. Greene seconded. Ms. Harman offered her view of proper behavior for elected officials and favored adoption of an agreement. Mr. Thomas provided a resolution draft prepared by Municipal League attorneys. He made a motion to assign a number and to read the resolution for passage. There was no second.

Mr. Meyer moved to have the City Attorney look at (the resolution) and address it at the next meeting. Ms. Schneider seconded.

Motion carried 5/1/0 with Mr. Thomas voting "No."

5. Discussion of allowing people to speak for themselves during public comments, with protocols

Mr. Thomas reflected on the various ways public comments have been made in the recent past and said he'd like to see Council change and vote to allow people to come to the microphone and speak for themselves. He said he was making that a motion. Ms. Greene seconded.

Motion 6/0/0.

6. Fayetteville and Rogers mask ordinances

Mr. Thomas moved to discuss. Ms. Greene seconded. Mr. Thomas spoke about the ordinances passed and added Council does not have the authority to mandate wearing masks. Guidelines established by the (Arkansas Department of Health) were to be used. Mr. Thomas noted that if a business had a sign saying masks are to be worn there and a customer refused, that person would effectively be trespassing and the Police could be called in.

Mr. Weaver said he not know of a way to "put more teeth" in the resolution already passed, due to the Governor's limitations. He said we already have trespassing on the books and people can already be prosecuted for not leaving a business when asked. Fines (for not wearing a mask) violate the Governors' order. There are fines for trespassing however.

Mr. Weaver spoke about having a resolution asking the Governor to reconsider allowing penalties.

Discussion continued about posting more signs, and the availability via the City web site for signs and information.

Ms. Greene moved for a very strongly worded resolution to Governor Hutchinson asking him to mandate some kind of enforcement for mandatory masks in public places and places where (people) cannot socially distance. Ms. Harman seconded.

Motion carried 6/0/0.

7. Discussion of Ordinance No. 2292

Ms. Greene moved to discuss. Ms. Harman seconded. Ms. Greene spoke about the right to apply for a temporary entertainment district. She expressed her view there are not clear definitions for temporary and permanent entertainment districts. Discussion followed about events that last a month, locations outside of the permanent district where temporary districts can be requested, and possibly reviewing/changing the rules for temporary districts.

AGENDA SETTING:

Mr. Thomas added the Code of Conduct. Ms. Greene seconded.

CITY COUNCIL COMMENTS:

Mr. Thomas spoke about liking talking out ideas in a respectful manner.

Ms. Greene said she hopes people will see the benefits of the masks.

Ms. Schneider congratulated her son on passing his (Emergency Med Tech) exams.

Mr. Meyer encouraged everyone to stay safe.

Ms. Harman favored reconsideration of closing parking on Spring St. to let people spread out.

Mr. McClung said he echoed that.

MAYOR'S COMMENTS:

Mayor Berry spoke about possible times to meet with the Parks Commission members and Monday, August 3 at 6:00 was the time agreed upon. The workshop with Planning will be postponed until people can meet face to face. COVID testing will take place at the Berryville Community Center on Friday, August 7 from 4 until 8, and volunteers are needed.

ADJOURNMENT:

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

Motion carried 6/0/0. The meeting ended at 7:27 p.m.

ATTEST:


City Clerk Treasurer Ann Armstrong

APPROVED:


Mayor Robert "Butch" Berry