

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING  
Monday, June 10, 2013 6 p.m.  
AGENDA**

**CALL TO ORDER**

**ROLL CALL, ESTABLISH QUORUM**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF THE AGENDA**

**APPROVAL OF THE MINUTES: May 29, 2013**

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

**Planning** – Pos. 1 – vacant – expires 7/1/14. Pos. 4 – Jim Morris – expired 7/1/12.  
Pos. 5 – Melissa Greene – expired 1/1/13.

**CAPC** – Pos. 2 – vacant – expires 6/30/14

**Hospital** – Pos. 2 – **vote on Suzanne Tourtelot**

**Parks**

**HDC** – Pos. 1 – vacant – expired 11/30/12

**Cemetery**

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

1. Town Hall meeting update – Mr. DeVito and Mr. Purkeypile
2. Ordinance No. 2181 – Jumbo cabs and Limousines – 3rd reading
3. Demolition by neglect workshop update – **postponed until June** -- Mr. Mitchell and Mr. DeVito
4. Draft Ordinance re: Weekly rentals – Mr. McClung and Mr. Mitchell
5. Ordinance No. 2183 -- rezone 123 S. Main from R-1 to C-1 – 2<sup>nd</sup> reading
6. Commercial recycling of glass and cardboard – Mr. DeVito and Mr. Mitchell
7. Removal of 80 Mountain from list of buildings in R-1 used for religious purposes – Ms. Schneider and Mr. Mitchell
8. Permitted uses in C-3 – Ms. Schneider and Mr. Mitchell
9. Ordinance re: Removal of all front corner setbacks – Mr. DeVito and Ms. Schneider

**NEW BUSINESS:**

1. Taxi cab space or stand – Mr. Purkeypile and Ms. Zeller
2. Discussion of new business license category for tour vehicle with food – Mr. DeVito and Mr. Purkeypile

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**JUNE 10, 2013**

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 10, 2013, in the jury room on the second floor of the Western District Carroll County Courthouse.

**PRESENT:** Mayor Morris Pate, Aldermen Joyce Zeller, Terry McClung, James DeVito, David Mitchell, Dee Purkeypile, Mickey Schneider, City Attorney Tim Weaver, and City Clerk/Treasurer Ann Armstrong

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Pate led the Pledge of Allegiance to the Flag.

**APPROVAL OF THE AGENDA:**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mayor Pate added the nomination of Melissa Greene for HDC Position 1. Mr. Purkeypile moved to delete New Business #1. Mr. DeVito seconded. Mr. Mitchell moved to postpone Unfinished Business #3 until the second meeting in June. Mr. Purkeypile seconded. Mayor Pate called for approval of the amended agenda.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES: May 29, 2013**

Mr. McClung moved to approve the May 29, 2013 minutes. Mr. Purkeypile seconded.

Motion carried 6/0/0.

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

**Planning** – Planning Chair Beverly Blankenship said Planning has not yet addressed Unfinished Business items #7 and 8. On June 11, there will be a commercial construction review for 105 E. Van Buren. The commercial construction review for 5 Judah has been taken off the Planning agenda. There will be a workshop on June 18 to review definitions, a public hearing on June 25 for a Conditional Use Permit for a one-unit B&B at 30 King St., a public hearing on July 9 for a 200 ft.-rule variance for 8 Washington, and a July 9 public hearing for rezoning S. Main St. from R-1 to C-1.

**CAPC** – no report

**Hospital** – Mr. DeVito moved to approve the nomination of Susan Tourtelot for Position 2. Mr. Purkeypile seconded. Motion carried 6/0/0.

**Parks** – no report

**HDC** – Mr. Mitchell moved to approve the nomination of Melissa Greene for Position 1. Ms. Schneider seconded. Motion carried 6/0/0.

**Cemetery** – no report

**PUBLIC COMMENTS:**

**Bob Jasinski** spoke about information he'd provided regarding rentals and about a threat made to his wife. He provided copies of a Police Report filed by Joe Joy and recordings of a telephone conversation. He requested that the Mayor, as the Chief Law Enforcement Officer, take appropriate legal action.

**Joseph Joy**, 265 Spring St., asked Council to look at the conflict in the law as it relates to weekly rentals. He believes he should be "grandfathered".

**UNFINISHED BUSINESS:**

**1. Town Hall meeting update**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mr. DeVito noted Sally Gorrell has tentatively agreed to be the facilitator for the Town Hall meeting. He suggested a workshop in July to prepare an agenda for the meeting.

**2. Ordinance No. 2181 – Jumbo cabs and Limousines – 3<sup>rd</sup> reading**

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mr. DeVito moved to suspend the rules and

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place Ordinance No. 2181 on its third reading by title only. Mr. Mitchell seconded. A roll call vote followed. Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2181 on its third reading. Mr. Mitchell seconded. A roll call vote followed. Motion carried 6/0/0.

**3. Demolition by neglect workshop update**

Postponed during agenda setting until the second meeting in June

**4. Draft Ordinance re: Weekly rentals**

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mr. Weaver said he reviewed the ordinance voted down by the previous Council on the second reading. He proposed no changes other than an attached list created with the help of the Planning Commission after hearings. Discussion followed regarding having two readings of the proposed ordinance prior to preparation of a list, the fine of up to \$500, enforcement of the 31 day rental minimum, and failure of passage due to the proposed appendix. Further discussion included rentals in residential areas made unavailable for people who live and work in the community, the dwindling number of high school students, the Building Official's letter regarding legality of weekly rentals, and a list of those who have been renting in R-1 as landlord-tenant. More specific language, personal property rights, the right of Councils to pass zoning regulations, and empty commercial properties were discussed.

Mr. DeVito motioned to assign the ordinance a number and place it on its first reading. Mr. Mitchell seconded. Discussion continued regarding the process involved for Conditional Use Permits (CUPs) and CUPs still permitted in R-2 and R-3. Ms. Zeller called for the question. Mr. DeVito seconded. A roll call vote on ending discussion was taken.

Motion failed 3/3/0 with Mr. Purkeypile, Mr. Mitchell, and Ms. Schneider voting "No". Discussion followed regarding cessation of collecting CAPC taxes for rentals over 31 days, legally non-conforming rentals that would continue to collect and remit the CAPC taxes for rentals of less than 30 days, and a new name with separate rules for weekly rentals in R-1. The plethora of available weekly rentals in commercial districts and the continuing availability of weekly rentals in R-2 and R-3 were discussed.

Mr. DeVito called Point of Order. He referenced Ms. Schneider's comment regarding whether a weekly rental is a tourist lodging and said this is not germane to the motion on the table. The Clerk read Mr. DeVito's motion to assign an ordinance number and read.

Motion carried 5/1/0 with Ms. Schneider voting "No". Ms. Armstrong read **ORDINANCE 2184 AN ORDINANCE PROHIBITING WEEKLY RENTALS OF PROPERTY LOCATED WITHIN ANY RESIDENTIAL ZONE.**

Mr. DeVito moved to approve Ordinance No. 2184 on its first reading. Mr. Mitchell seconded.

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

Mr. McClung motioned to direct the Planning Commission to take immediate action in preparing the list "X" to be attached. Mr. Purkeypile seconded.

Motion carried 6/0/0.

**5. Ordinance No. 2183 – rezone 123 S. Main from R-1 to C-1 – 2nd reading**

Mr. DeVito moved to discuss. Ms. Schneider seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2183 on its second reading by title only. Ms. Schneider seconded. A roll call vote followed.

Motion carried 5/1/0 with Mr. Mitchell voting "No". Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2183 on its second reading. Ms. Schneider seconded. A voice vote followed.

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

**6. Commercial recycling of glass and cardboard**

Mr. DeVito moved to postpone until the next meeting. Mr. Mitchell seconded.

Motion carried 6/0/0.

**7. Removal of 80 Mountain from list of buildings in R-1 used for religious purposes**

Mr. Mitchell moved to postpone. Mr. McClung seconded.

Motion carried 6/0/0.

**8. Permitted uses in C-3**

Mr. Mitchell moved to postpone. Mr. DeVito seconded.

Motion carried 6/0/0.

**9. Ordinance re: Removal of all front corner setbacks**

Mr. DeVito moved to discuss. Ms. Schneider seconded. Mr. DeVito moved to assign the ordinance a number and place it on its first reading. Mr. Mitchell seconded. A voice vote followed.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2185 ORDINANCE REMOVING FRONT CORNER SETBACK REQUIREMENTS IN CERTAIN ZONING DISTRICTS.**

Mr. DeVito moved to approve Ordinance No. 2185 on its first reading. Ms. Schneider seconded.

Motion carried 6/0/0. Mr. McClung observed that in C-2, C-2-C and C-3 requirements, the original intention was to have front setbacks of 35 ft. for greenbelts, and Code does not say that. He favored having the setback in at least C-2 and asked that the Planning Commission look into this before the next reading.

Mr. DeVito called Point of Order and noted (Council) passed the Ordinance on its first reading. Ms. Schneider then asked if Mr. McClung wanted a lesser amount or no amount. Ms. Blankenship then said Planning had not addressed front or side setbacks. Procedure for calling Point of Order was clarified.

**NEW BUSINESS:**

**1. Taxi cab space or stand**

Deleted during approval of the agenda

**2. Discussion of new business license category for tour vehicles with food**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Ms. Blankenship said she saw this on the agenda, sent an email to the sponsors, and noted Mr. Purkeypile answered that food vending is not pertinent to this discussion. Mr. Purkeypile then clarified that no food would be sold from a vehicle. These are pre-booked, much like tours and carriage rides.

Mr. Tharp said the meals are catered on-board. They will not be selling the food, and are selling the trip with food pre-purchased from restaurants in town with reservations made in advance. He noted he has been in negotiations with the Transit Director so as to not cause problems with the trolley routes. Discussion followed regarding the absence of need for a license, the topic having come to Council as a courtesy, and use of the step-on tour category for licensing. Mr. Tharp confirmed the vehicle is an out-of-service trolley that has been visually modified and can be further modified to prevent confusion.

**AGENDA SETTING:**

Mr. Mitchell added discussion of downtown landscaping, weed control, trash control. Ms. Schneider seconded.

Mr. Purkeypile added discussion of Black Bass Lake Dam. Mr. McClung seconded.

**CITY COUNCIL COMMENTS:**

Mr. DeVito thanked those responsible for bringing Brewer and Shipley to Basin Park. He noted the upcoming Blues Festival with over 40 acts, and thanked Charles Ragsdell.

Mr. Purkeypile said a website has been started for Black Bass Lake Dam to solicit funds from fundraiser sites such as INDIGOGO or KICKSTARTER.

Ms. Schneider extended congratulations to Pack Rats Paradise for having been open for 35 years. She congratulated the Class of 1993 and noted the upcoming 20<sup>th</sup> year reunion.

**MAYOR'S COMMENTS:**

Mayor Pate noted the International Blue Knights Motorcycle Club is coming to Eureka Springs with representation from four countries. He read a list of upcoming events.

**ADJOURNMENT:**

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

Motion carried 6/0/0. The meeting ended at 7:35 p.m.

**ATTEST:**



**APPROVED:**



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