

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday – May 13, 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: April 22, 2013 and Special Meeting April 30, 2013

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 1 – vacant – expires 7/1/14. Pos. 3 – nomination for Pat Lujan.
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 – vacant – expires 6/1/14

Parks

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

Cemetery

PROCLAMATIONS:

National Historic Preservation Month

Tree City/Arbor Day

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Sherwood Court's sewer problem – Mr. Purkeypile and Mr. DeVito
2. Town Hall meeting update – Mr. DeVito and Mr. Purkeypile
3. Limousine ordinance – Mr. DeVito and Ms. Schneider
4. Demolition by neglect workshop update – Mr. Mitchell and Mr. DeVito
5. Ordinance No. 2180 – Parking Lot Regulations – 2nd reading
6. Bicycle racks downtown – update – Mayor Pate

NEW BUSINESS:

1. Discussion of raising Council salaries – postponed until November
2. Taxi ordinance with “jumbo cabs” – Mr. DeVito and Ms. Schneider
3. Discussion of weekly rentals – Ms. Zeller and Mr. DeVito
4. Appeal for Conditional Use Permit for one-unit B&B – Ensminger
5. 1st quarter financials – A.C.A. 14-43-506
6. Ed Well's proposal for digitizing paper documents – Mayor Pate

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

MAY 13, 2013

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, May 13, 2013, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Morris Pate, Aldermen David Mitchell, Joyce Zeller, Dee Purkeypile, Terry McClung, James DeVito, 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 approve the agenda. Mr. Purkeypile seconded. Mayor Pate added Pat Lujan's nomination for Planning position 3. Mr. Purkeypile moved to accept. Mr. DeVito seconded. Ms. Schneider moved to have New Business #6 after Unfinished Business #1. Mr. DeVito seconded. Ms. Schneider moved to have New Business #4 follow (Mr. Well's proposal). Mr. Mitchell seconded. Mr. DeVito moved to strike New Business #1. Mr. Purkeypile seconded. Mr. DeVito motioned to approve the amended agenda. Mr. Purkeypile seconded.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: April 22, 2013 and Special Meeting April 30, 2013

Mr. DeVito moved to approve the April 22, 2013 minutes. Mr. Purkeypile seconded.

Motion carried 6/0/0.

Mr. DeVito moved to approve the April 30, 2013 minutes.

Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Planning Chair Beverly Blankenship noted Public Hearings will be held for 37 Mountain St. and for 123 S. Main. There will be a revocation hearing for 19 Judah St. Ms. Blankenship requested two agenda items: removal of front corner setbacks and removal of 80 Mountain from the list of R-1 buildings used for religious purposes.

Mr. McClung motioned to approve Pat Lujan. Mr. Purkeypile seconded.

Motion carried 6/0/0.

CAPC – no report

Hospital – no report

Parks – no report

HDC – no report

Cemetery – no report

PROCLAMATIONS: Mayor Pate read Proclamations for National Historic Preservation Month 2013 and for Tree City U.S.A./Arbor Day.

PUBLIC COMMENTS:

Bob Jasinski spoke about compliance with commercial wiring requirements when a residence is granted a CUP for a B&B. He asked why the law isn't being enforced with regard to tourist lodging. Mr. Jasinski spoke about filing lawsuits and the opportunity for those operating tourist lodging to show what they're doing is legal.

Melissa Greene, 17 Bridge St., spoke in behalf of Pam Ensminger and her application for a CUP for a Bed and Breakfast in R-2. She noted Ms. Ensminger met all of the criteria listed in Code.

UNFINISHED BUSINESS:

1. Sherwood Court's sewer problem

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mr. Purkeypile reviewed the opinion on probable cost for replacing approximately 175 ft. of the Glenn St. line and installing a manhole where the Avo St. line intersects. The estimate is \$10,785. Public Works Director Dwayne Allen indicated to Mr. Purkeypile this could be made a priority. The Avo St. estimate is approximately twice the cost for Glenn St. Mr. Purkeypile said Public Works operates on the slimmest margins of their budget and spoke about increasing wastewater fees. He asked Bryan and Lil Hostick if the repair would satisfy the issues brought to Council.

Ms. Hostick said, "It's a start. Seeing is believing." Ms. Zeller suggested a timeframe for the project. Mr. McClung motioned for the City Council to direct the Director of Public Works to facilitate this repair to Glenn St. as he has proposed and to start the work as soon as possible. Mr. Purkeypile seconded.

Motion carried 6/0/0.

NEW BUSINESS:

6. Ed Well's proposal for digitizing paper documents

Mr. Ed Wells said a lot of the City records are still in paper form. His proposal was to make the records into digital form, place them into a data archive that would be accessible by anyone who is associated with the City. Mr. Wells noted this would cut down on searching for files and they would be kept safe. The plan is for scanning and saving in the PDF format in a server outside of the building. The proposed two-year contract for \$39,520 also includes developing a database program for access.

Another project, adding a Town Hall Meeting section to the new web site, would allow viewers to post comments related to a subject. Mr. Wells spoke about options for viewing, hiding, removing, and closing times for accepting comments. He estimated a cost of \$180.

Mr. Wells confirmed PDFs are encrypted and there will be no additional annual hosting fee.

Referencing again, the second project, Mr. Wells noted this is not intended to be a discussion board.

Mr. DeVito moved to ask the Finance Director to see if there is \$10,000 available for this year's digitizing of City records. Ms. Schneider seconded.

Motion carried 6/0/0. An effort will be made to have a presentation for the next meeting.

4. Appeal for Conditional Use Permit for one-unit B&B – 8 Drennon Dr.

Mr. Purkeypile moved to discuss. Mr. Mitchell seconded. Pam Ensminger summarized the appeal. She noted all four of the Planning Commissioners present at the meeting would have had to approve and did not. The one 200-ft. neighbor who objected owns a vacant lot within the zone. Ms. Ensminger mentioned having managed a resort for three years and her understanding of the obligations and responsibilities. She read supportive letters from Nancy Wines, Wayne Schmidt and Roderick Beattie.

Beverly Blankenship recapped the process for approving a Conditional Use Permit in R-2.

Discussion followed regarding the appeal process, Ms. Ensminger living on-site, distance from other dwellings, and the one objection within 200 ft. Mr. Purkeypile motioned to approve the application for a Conditional Use Permit for 8 Drennon Dr. Ms. Schneider seconded.

Motion carried 6/0/0.

UNFINISHED BUSINESS:

2. Town Hall meeting update

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mr. DeVito said he does not yet have an answer from Sally Gorrell regarding interest in facilitating the meeting.

3. Limousine ordinance

Mr. Purkeypile moved to discuss. Mr. DeVito seconded. Discussion included the two-hour waiting period for limousines and an email from Abundant Taxi regarding a taxi stand. Mr. DeVito moved to assign the ordinance a number and place it on its first reading. Ms. Schneider seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2181 AN ORDINANCE AMENDING EUREKA SPRINGS MUNICIPAL CODE TITLE 4**. Mr. Weaver noted the subsection that specifies violation fines and suggested the possibility of spot-checks. He noted the \$50 Court cost and possible consideration of each passenger as a separate violation. Mr. DeVito moved to approve Ordinance No. 2181 on its first reading. Ms. Schneider seconded.

Motion carried 6/0/0.

4. Demolition by neglect workshop update

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mr. Mitchell said he met with Glenna (Booth) and they have a rough “decision tree” drafted based on earlier input. He anticipated having a draft available for Council in June or July which would meet all legal requirements, touch on social issues, and handle issues of neglect before they become an issues of demolition.

Mr. DeVito moved to table until the next agenda. Mr. Mitchell seconded.

Motion carried 6/0/0.

5. Ordinance No. 2180 – Parking Lot Regulations – 2nd reading

Mr. Purkeypile moved to suspend the rules and read Ordinance No. 2180 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. 2180 on its second reading. Mr. McClung seconded. A voice vote followed.

Motion carried 6/0/0.

6. Bicycle racks downtown – update

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mayor Pate confirmed the Post Master approved a rack at the Post Office. An unobtrusive location between the trees in the Court House parking lot has been selected.

Mr. DeVito moved for a ten-minute recess. Mr. Purkeypile seconded.

Motion carried 6/0/0.

NEW BUSINESS:

1. Discussion of raising Council salaries – postponed until November

Deleted during Approval of the Agenda

2. Taxi ordinance with “jumbo cabs”

It was agreed this item was included in Unfinished Business #3.

3. Discussion of weekly rentals

Mr. DeVito moved to discuss. Mr. McClung seconded. Ms. Zeller favored a workshop and a definition for Tourist Lodging. She suggested not renewing the licenses and for the property owners to apply for a Conditional Use Permit. Mr. DeVito said there is no loophole in the law. There are people who are forcing the issue. It was his understanding “30 day rental” would be used. Mr. Weaver reiterated his view concerning the difference between a tourist and someone who is a long-term resident who can afford only paying week to week. He noted advertising on a tourist website is not for those seeking to become residents. Mr. Weaver agreed “30 days” or more could protect R-1 and maybe even R-2. With enforcement, there could be prosecution of those who are renting to tourists right now in R-1 and R-2 if they don’t have a CUP or something in R-2 that allows it.

Mr. Mitchell enquired what Council needs to do to create enforcement. Mr. Weaver said it may “take a greater emphasis on the punishment phase of enforcement rather than on the portion of who gets charged”. He suggested it may not be a great enough penalty to justify man hours to investigate.

Bob Jasinski spoke about the difference between tourist lodging and landlord-tenant relationships. He said he had provided documentation of out-of-state license plates. Mr. Jasinski said there is a State law regarding renting to transients and the requirement for a guest register. He provided copies of law from Sedona, AZ regarding advertising.

Ms. Schneider suggested “27 days or less” and favored “grandfathering” those who have operated for several years due to oversight. Mr. DeVito noted disregard for the law does not give rights. Discussion followed regarding the possibility of removing CUPs from R-1 and R-2, the current regulation preventing CUPs in R-1, language in license renewal notices, income tax advantages in paying CAPC taxes, and “opening it all up”. Further discussion included erosion of the fabric of the unique community.

Ms. Schneider motioned to “accept the City Attorney’s original ordinance with the amendment of ‘30 days’ being changed to ‘less than 28 days’ accepted in full with the understanding that ‘grandfathered in’ means: once those places change hands or whatever, they’re gone”. Ms. Zeller seconded. Following discussion regarding having those who are renting weekly to petition Council, Mr. DeVito moved to table until the next meeting. Ms. Zeller seconded. A roll call vote was taken.

Motion carried 6/0/0.

5. 1st quarter financials

Mr. DeVito moved to discuss. Mr. Mitchell seconded. The debt service schedule, bank reconciliation, payroll, clearing account, and cash receipts for the first quarter were provided by the Clerk.

AGENDA SETTING:

Mr. DeVito added commercial recycling of glass and cardboard. Mr. Mitchell seconded.

Mr. Purkeypile added discussion of a taxi cab space or stand. Ms. Zeller seconded.

Ms. Schneider added discussion of permitted uses in C-3. Mr. Mitchell seconded.

Ms. Schneider added removal of 80 Mountain St. from the list of building used for religious purposes. Mr. Mitchell seconded.

Mr. Mitchell added status reports from Commissions for the first quarter 2013 priorities – special emphasis on the hospital, preferably in person. Mr. Purkeypile seconded.

Mr. Purkeypile added removal of all front corner setbacks. Mr. Mitchell seconded.

Mr. Purkeypile added an update on Black Bass Dam. Mr. McClung seconded.

Ms. Zeller added a moratorium on 199 business licenses. Ms. Schneider seconded.

CITY COUNCIL COMMENTS:

Mr. DeVito thanked Jeremy McGraw and Robert Norman for the Creative Energy Project.

Ms. Schneider said her Marine has retired after 20 years. She expressed her belief that SWEPCO may have forgotten that Hot Springs and Eureka Springs pretty much support the whole state.

MAYOR'S COMMENTS:

Mayor Pate noted some of the City officials have been rehabilitating the N. Main Transit valley. He read a list of upcoming events.

ADJOURNMENT:

Mr. Purkeypile moved to adjourn. Mr. DeVito seconded.

Motion carried 6/0/0. The meeting ended at 8:44 p.m.

ATTEST:



City Clerk/Treasurer Ann Armstrong

APPROVED:



Mayor Morris Pate