

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING**  
Monday, September 23, 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:** September 9, 2013

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

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

**CAPC** – Pos. 2 – vacant – expires 6/30/14. Pos. 4 – vacant – expires 6/30/16

**Hospital** – Pos. 1 -- Anna Ahlman – expired 6/1/13

**Parks**

**HDC**

**Cemetery** – Pos. 4 – vacant -- expires 2/15/14

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

1. Ordinance No. 2189 Increase parking rate for special events – 2<sup>nd</sup> reading
2. Clarification of authority to close Spring St. -- Ms. Schneider and Mr. Mitchell
3. Ordinance No. 2190 Removing 80 Mountain from Religious Use list – 2<sup>nd</sup> reading

**NEW BUSINESS:**

1. Richard Grinnell/5 Ojo vacation request – Mayor Pate
2. Nut St. vacation request – Mayor Pate
3. Ordinance rezoning 80 Mountain to C-3 – Mr. Mitchell and Ms. Schneider
4. Ordinance for Intimate Theater in C-3 as a conditional use – Mr. Purkeypile and Mr. DeVito
5. Resolution for support of airport extension – Mayor Pate
6. Discussion of limiting CUPs in R-1 – Mr. DeVito and Ms. Zeller
7. Discussion of the Land Bank – Ms. Schneider and Mr. DeVito
8. Licenses for multi-family housing – Mr. Mitchell and Ms. Schneider
9. Restrictions in C-3 Quiet Commercial – Ms. Zeller and Mr. Mitchell
10. Resolution for Parks grant – Mayor Pate

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, September 23, 2013, in the jury room in the Western District Carroll County Courthouse.

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

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Pate led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA:**

Mr. DeVito moved to approve. Mr. Mitchell seconded. Mayor Pate added a Parks resolution for a grant. Ms. Schneider postponed New Business #1 until the next meeting. Mr. DeVito seconded. Mr. Mitchell moved to approve the amended agenda. Mr. DeVito seconded.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES: September 9, 2013**

Mr. DeVito moved to approve the September 9, 2013 minutes. Ms. Schneider seconded.

Motion carried 6/0/0.

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

**Planning** – no report

**CAPC** – no report

**Hospital** – no report

**Parks** – no report

**HDC** – no report

**Cemetery** – no report

**PUBLIC COMMENTS:**

**Bob Howle**, owner of two multi-family dwellings, opposed inspection of apartments and favored privacy for tenants and no more regulation.

**Bill King**, owner of a four-unit building, considered the draft ordinance ongoing harassment. He said bringing properties up to current Code would raise rents and noted the small inventory of affordable housing. Mr. King asked that Council think about the working people and noted the many vacant houses.

**UNFINISHED BUSINESS:**

**1. Ordinance No. 2189 Increase parking rate for special events – 2<sup>nd</sup> reading**

Postponed during approval of the agenda until the next meeting

**2. Clarification of authority to close Spring St.**

Mr. Purkeypile moved to discuss. Mr. Mitchell seconded. Mr. Weaver said, “The only relevant passages I can find to this would be our special event permit requirements, because it specifically addresses the use of a street or a parking lot. And, under it, the Mayor is given the authority to act on a permit when it is applied for. He is to consult with and receive the approval, or, the signatures of the Department Heads. And, in some instances, he has to also consult with the County’s Health Official. If there is a denial, then it can become a Council matter. But it appears the first line of decision making rests with the Mayor’s office and his Department Heads.”

He noted people opposed to closing Spring St. have no recourse because Code only addresses appeals of denial. Discussion followed regarding a workshop, the Mayor weighing things out, and opinions of Spring St. shop owners.

**3. Ordinance No. 2190 Removing 80 Mountain from Religious Use list – 2<sup>nd</sup> reading**

Mr. DeVito moved to suspend the rules and place Ordinance No. 2190 on its second reading by title only. Mr. Purkeypile seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2190 on its second reading. Mr. Purkeypile seconded. A voice vote followed.

Motion carried 6/0/0.

**NEW BUSINESS:**

**1. Richard Grinnell/ 5 Ojo vacation request**

Mr. DeVito moved to discuss. Ms. Schneider seconded. Mr. Grinnell noted the request is for vacating a portion of Palo Pinto St. in order to have a clear title. Documentation was provided showing two buildings on the upper portion of Palo Pinto. Mr. Grinnell indicated next door neighbor Walter Burrell, Parks, Planning and neighbors owning abutting properties approve. The street would be divided between the existing buildings, not 50/50. Mr. DeVito noted the public hearings were held in January 2011. Mr. Weaver noted the absence of a specified time length between hearings and a decision. Mr. McClung made a motion to postpone until the next meeting, for a site visit. Ms. Schneider seconded. A voice vote followed brief discussion about the age of the signatures.

Motion carried 6/0/0.

**2. Nut St. vacation request**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Butch Eichor noted the request is for vacating the portion of Nut St. that runs behind his home. Approval to vacate followed site visits from Parks and Planning. Mr. Eichor provided a plat map showing ownership of property on three sides of the referenced portion of Nut St., with Cold Spring Reservation on the fourth side.

Parks Director Bruce Levine confirmed Parks' approval and noted the property is part of the land owned by the City. He referenced an ordinance that set the value of the land at \$200 per lot or fair market value. Mr. Eichor interpreted the area in question as seven lots. Discussion followed regarding fair market value and current Code. Mr. Weaver confirmed that the process is to remove the property from the authority of Parks, by ordinance, and then to approve the vacation, by ordinance.

Ms. Schneider motioned to remove the Nut St. property from Parks by an ordinance the Attorney will write up. Mr. Mitchell seconded.

Motion carried 6/0/0.

**3. Ordinance rezoning 80 Mountain to C-3**

Ms. Schneider moved to discuss. Mr. Purkeypile seconded. Mr. Weaver said he has not yet found a complete legal description of the property and will try to have the ordinance for the next meeting. Mr. Mitchell moved to table. Mr. Purkeypile seconded.

Motion carried 6/0/0.

**4. Ordinance for Intimate Theater in C-3 as a conditional use**

Mr. Purkeypile moved to discuss. Mr. Mitchell seconded. In response to the question of what would happen with the currently operating theater if the ordinance passes, Mr. Weaver opined status would not change unless they come back and apply. He noted there have been no citations, the theater would not be "grandfathered", there would be problems in court enforcing it, and it could be addressed by a citation and a judge's decision. Discussion followed regarding conditional uses and neighborhood input, permitted uses, and possibly changing the ordinance to "grandfather" the existing theater. Ms. Zeller suggested removing the need for a CUP and noted movies are shown in the Library annex, which has no parking. Ms. Blankenship said Planning's effort was to try to make the theater work legally.

Mr. Mitchell made a motion to remove conditional use and make the "intimate theater" definition as written by the Attorney a permitted use. Mr. McClung seconded.

Motion carried 6/0/0.

**5. Resolution for Carroll County Airport**

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Airport Commissioner Lonnie Clark offered background on the resolution, noting the length of the runway prevents insurance coverage for jets.

Community support is being sought as a matter of record before appealing to the Federal Aviation Administration for funds. He noted light jets are sometimes medical transports and also could enhance the economic development of Carroll County. Mr. DeVito moved to assign the resolution a number and approve it on its reading. Mr. Purkeypile seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 627 A RESOLUTION SUPPORTING THE CARROLL COUNTY AIRPORT COMMISSION WITH DEVELOPMENT OF A RUNWAY EXTENTION AT THE CARROLL COUNTY AIRPORT**

Ms. Schneider motioned for a ten-minute break. Mr. Purkeypile seconded.

Motion carried 6/0/0.

**6. Discussion of limiting CUPs in R-1**

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mr. DeVito favored looking at the City as a whole and not just focusing on one segment. He considered the value of commercial property diluted when in a residential neighborhood. Noting a shrinking population, he expressed concern for families affording the purchase of properties. Mr. DeVito proposed setting a cap on the number of CUPs in R-1 and a joint meeting of Planning and Council to look at all of the factors. Discussion followed regarding consideration of all residential neighborhoods, attrition, absence of a one/five/ten year plan, and absence of a current zoning map. Mr. DeVito made a motion to have a workshop sometime in the near future, including Planning and the City Council, to try to develop some type of a direction. Mr. Purkeypile seconded.

Motion carried 6/0/0.

**7. Discussion of the Land Bank**

Ms. Schneider moved to discuss. Mr. Purkeypile seconded. Mr. Levine provided a revised version of the proposed ordinance. Discussion included not having terms for membership and a committee with a focus other than that of the Commission. Mr. Weaver expressed concern with the proposed expenditure of funds by someone other than the Council or Mayor. Mr. Mitchell made a motion that the Director of Parks get with the City Attorney and re-draft Ordinance No. 2140. Ms. Schneider seconded.

Motion carried 6/0/0.

**8. Licenses for multi-family housing**

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Ed Leswig recapped the process wherein Planning reviewed multi-family dwellings in R-1. Noting B&Bs have to have certificates of occupancy and businesses licenses, he favored having multi-family housing have the same. Discussion followed regarding health, safety and welfare, review of properties by the Building Official and Fire Marshal, proposed license fees, liability, and the Code definition of multi-family as three units or more. Mr. Leswig noted that, currently for B&Bs, on transfer of ownership (the CofO) would have to be redone. Mr. Mitchell made a motion that this multi-family housing be referred to the City Attorney for inclusion into a properly worded and formatted ordinance. Ms. Schneider seconded.

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

**9. Restrictions in C-3 Quiet Commercial**

Mr. Purkeypile moved to discuss. Mr. Mitchell seconded. Mr. Mitchell noted two issues came up on the list of restrictions -- hours of operation and animals. He motioned for Beverly to get with the City Attorney and make the appropriate changes to the Code and come back to the table. Mr. Purkeypile seconded.

Motion carried 6/0/0.

**10. Resolution for Parks**

Mr. Purkeypile moved to discuss. Mr. Mitchell seconded. Mr. Levine provided a template resolution for application for Rural Development funds and noted Parks is applying for a \$150,000 grant for a new bathhouse/shower house at Lake Leatherwood. The old bathhouse could become a center for education in nature studies. With the wireless system, there is the capability to provide security with camera signals to the PD. Mr. DeVito moved to assign the resolution a number and approve it on its reading. Mr. Purkeypile seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 628 LAKE LEATHERWOOD CITY PARK ADA COMPLIANT BATHHOUSE**

**AGENDA SETTING:**

Mr. DeVito added discussion of the Tour Vehicle moratorium. Mr. Purkeypile seconded.

Mr. Mitchell added the Clean City ordinance. Ms. Schneider seconded.

Mr. Mitchell added Commission and Department Head reports on priorities. Ms. Schneider seconded, adding "in person or in writing".

Ms. Schneider added a discussion on fluoride. Mr. Mitchell seconded.

**CITY COUNCIL COMMENTS:**

Mr. DeVito corrected his comment regarding Veterans Day and noted it is a Federal holiday.

Mr. Mitchell commended the Spring St. shop owners for the way they presented concerns and expressed displeasure with citizens who paid for a newspaper ad to clarify their concerns.

Mr. Purkeypile spoke briefly about the potential importance of the Carroll County Airport and encouraged cooperation.

Ms. Schneider thanked everyone who took part in the Save the Ozarks fundraiser. She provided information on the history of Veterans Day.

Ms. Zeller showed a copy of her new book, Maddie's Choice. She noted there will be a book signing at the Book Nook on October 5.

**MAYOR'S COMMENTS:**

Mayor Pate spoke about the success of the Motorcycle Art Show and increasing motorcycle tourism. He read a list of upcoming workshops and events.

**ADJOURNMENT:**

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

Motion carried 6/0/0. The meeting ended at 8:30 p.m.

**ATTEST:**

  
City Clerk/Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Morris Pate