

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, June 9, 2014 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 28, 2014

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 2 – vacant – expires 1/1/17. Pos. 5 – Melissa Greene – expired 1/1/13. Pos. 7 – vacant – expires 1/1/15

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

Hospital – Pos. 1 -- Anna Ahlman – expired 6/1/13. Pos. 2 – Suzanne Tourtelot – expired 6/1/14

Parks –

HDC – Pos. 6 – Richard Grinnell – expired 3/7/14. Pos. 7 – Susie Allen – expired 3/7/14.

Cemetery – Pos. 2 – vacant – expires 2/15/15. Pos. 4 – Henry Romanski – expired 2/15/14.

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Ordinance No. 2209 Noise – 3rd reading -- Mr. Mitchell and Mr. DeVito
2. Ordinance No. 2210 Vacating a portion of Sweeney Alley – 3rd reading – Mr. DeVito and Mr. Purkeypile
3. Ordinance No. 2211 Vacating a portion of an unnamed street/Rock St. – 2nd reading -- Mr. Purkeypile and Mr. Mitchell
4. Ordinance No. 2212 Purchase and installation of water meters – 2nd reading – Mr. Purkeypile and Ms. Schneider
5. Update on disposal of yard waste – Ms. Schneider and Mr. Mitchell
6. Decision re: extension of wastewater lines to Miles Mountain – **pending for July 21, 2014 meeting** – Mr. Mitchell and Mr. Purkeypile

NEW BUSINESS:

1. Appeal re: New Construction review denial for 101 N. Main – BPH Property LLC
2. Discussion of amended Multi-family ordinance – Planning Commission
3. Discussion of a parking garage – Mr. DeVito and Mr. Mitchell
4. Discussion of moped franchise – Mayor Pate
5. Rap-up of Energy Symposium – Ms. Schneider and Mr. Purkeypile

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

Mayor Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 9, 2014, in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Pate, Aldermen Terry McClung, Mickey Schneider, Dee Purkeypile, 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. Mitchell moved to approve. Mr. DeVito seconded. Ms. Schneider added a wrap-up of the Energy Symposium. Mr. Purkeypile seconded. Mr. Mitchell postponed Unfinished Business #5. Mr. Purkeypile seconded. Mayor Pate called for a vote on the amended agenda.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: May 28, 2014

Mr. McClung to approve the May 28, 2014 minutes. Mr. Purkeypile seconded.

Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Planning Chair Jim Morris has requested approval of Alderman Schneider as a temporary Planning Commissioner. Mr. Purkeypile moved to nominate her. Mr. Mitchell seconded.

Motion carried 5/0/1 with Ms. Schneider voting “Present.”

CAPC – no report

Hospital – Mayor Pate nominated Anna Ahlman to continue serving in Position 1. Mr. McClung moved to approve. Mr. Mitchell seconded.

Motion carried 6/0/0.

Parks – no report

HDC – no report

Cemetery – no report

PUBLIC COMMENTS:

Daniel Jackson, Vice Chair of the Parks Commission, spoke about plan for the trails system as supported by tourists and locals. He questioned motives and alliances that might lie underneath the proposed Ordinance 2211.

Glenda Satterfield, member of Respect Eureka, favored approval of the Noise Ordinance and expressed concern for the homeowners who would be affected by the proposed motorcycle garage. She also favored vacating Rock St.

Donna Hersey, 20-year owner of property above the Basin Park Hotel parking lot, spoke about the behavior of motorcycle riders in the lot and as they roar up Mountain St. She expressed concern about the negative effects on the newly revived Main St. area.

David Chadder, 37 Jackson St., spoke about opposition to the proposed garage from all owners of property abutting the Basin Park Hotel lot. He compared the sound from motorcycles to blasting rap music.

Susan Morrison spoke about loss of businesses and negative press, and favored protection of the planned trails system. She asked that Council stop and consider Parks’ proposal.

Randy Woodward spoke about other towns (with trails systems) and in favor of bringing businesses to town through leadership.

Dick Titus, member of Respect Eureka, asked for passage and enforcement of the Noise Ordinance. He suggested sending the proposal for the motorcycle garage back to Planning to prepare a well thought-out ordinance and suggested concentrating Parks’ funds at Lake Leatherwood.

Adam Biossat, member of the Trails Committee, spoke about the nature of people who use trails and favored connectivity of trails. He favored not vacating any land.

Al Larson spoke in favor of the trails system and opposed vacating Rock St. He said he would ride in-town trails and spoke in support of contiguous trails.

Will Wall spoke favorably of in-town trails systems. He said trails are virtually free to maintain once built and considered the positive economic benefits of drawing people who use trails to Eureka Springs.

Josh Vail noted use of trails is a positive outlet for stress and good family time away from electronics. He noted positive reviews for Park City, Utah and their trails system and supported looking at what other successful towns are doing.

Ed Leswig asked for respect of the people of Eureka Springs and supported the Noise Ordinance. He asked for respect for the Planning Commission and citizens who rejected the motorcycle garage. Mr. Leswig noted the changes in the proposed multi-family dwelling ordinance were approved by the Building Official.

Susan Porter, 38 Pine St., noted no one wants to lose sleep or stop conversations because of noise. She favored passage and enforcement of the Noise Ordinance and considered the proposed location for a motorcycle garage inappropriate.

Melissa Greene, 17 Bridge St., supported passage and enforcement of the Noise Ordinance and opposed trails, or access to them, close to homes. She expressed concern about the condition of existing trails and favored the proposed vacating ordinance.

Beau Satori spoke in favor of the trails system and in opposition to vacating Rock St. He addressed improvements being made by rival destinations, opposed the design of the new O'Reilly's in the Historic District, and favored natural gas for engines rather than gasoline.

Pat Matsukis, 5 Mountain St., read from Code the purpose for the C-1 Victorian District. She spoke about property devaluation by building a motorcycle garage, and read into record a letter of opposition from the owners of Mountain Eclectic.

Charles Stanley, 50 Dickey, said he maintains the street/driveway to his home and noted a portion of the proposed trails system would preclude ability to park his car. He encouraged consideration for property owners who would be impacted by trails and favored passage of the Noise Ordinance.

Ken Foggo favored passage of the Noise Ordinance, protection for all property rights, and mandated enforcement of noise levels.

UNFINISHED BUSINESS:

1. Ordinance No. 2209 Noise – 3rd reading

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mr. DeVito moved to amend Ordinance No. 2209. Mr. Mitchell seconded. Mr. DeVito read current Code regarding amplified sound permits. He proposed removing "for festivals and special events" and replacing it with "for City sanctioned music festivals." Following discussion of permits and process for amending the proposed Ordinance, an additional section was added: "The Mayor or City Clerk may issue special permits allowing the production of amplified sound in commercially zoned districts to be extended until 2 a.m. and at a level not to exceed 85 dB for officially approved music festivals." It was confirmed event permits include review by the Mayor and Department Heads prior to approval. A roll call vote on the amendment followed.

Motion carried 5/1/0 with Mr. McClung voting "No." Mr. DeVito moved to suspend the rules and place Ordinance No. 2209 as amended 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. 2209 as amended on its third reading. Mr. Purkeypile seconded. A roll call vote followed.

2. Ordinance 2210 Vacating a portion of Sweeney Alley – 3rd reading

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2210 on its third 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. 2210 on its third reading. Mr. Purkeypile seconded. A roll call vote followed.

Motion carried 6/0/0.

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3. Ordinance No. 2211 – Vacating a portion of an unnamed street/Rock St. – 2nd reading

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. The Ordinance was amended to be number 2213. Rachel Brix recapped the proposed changes: 1) an easement granted to Marble Flats, LLC, rather than to the City, 2) a 15 ft. easement rather than 10 ft., 3) removal of the requirement for casing utilities, 4) agreement to not build a structure on another segment of easement, and 5) payment of up to \$250 towards a survey. The last item is not part of the proposed Ordinance.

Mr. Weaver opined the chief disadvantage to the City for granting an easement to Marble Flats would be that the City would have no ownership or right to use the easement. He said that the City would have to vacate not only that land, but the agreement he was told about would also call for the City to vacate or grant easement to Marble Flats on both sides of the proposed vacation to allow it to reach from Marble Flats to the current sewer and water lines. Mr. Weaver was unclear as to whether the City could grant that without condemning property. He advised questioning the attorneys before finishing the Ordinance.

Mr. McClung objected to the language implying the City never owned the easement. In response to Ms. Schneider's concern about cutting off access, the plat map was again reviewed to show platted access to properties above the Brixes'. Ms. Brix noted all procedures were followed. Mr. Mitchell made a motion to amend the misnumbered Ordinance and reviewed the proposed changes. Mr. Purkeypile seconded. Ms. Schneider spoke about the proposed trails plan and requests to not vacate. Mr. DeVito called point of order and said that was not germane to the motion to amend. Following discussion, Mr. DeVito called the question. A voice vote on the amendments followed.

Motion carried 4/2/0 with Mr. McClung and Ms. Schneider voting "No." Mr. DeVito moved to suspend the rules and place Ordinance No. 2213 on its second reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 4/2/0 with Mr. McClung and Ms. Schneider voting "No." Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2213 on its second reading. Mr. Mitchell seconded.

Motion carried 4/2/0 with Ms. Schneider and Mr. McClung voting "No."

Mr. DeVito motioned for a five minute recess. Ms. Schneider seconded.

Motion carried 6/0/0.

4. Ordinance No. 2212 – Purchase and installation of water meters – 2nd reading

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2212 on its second reading by title only. Ms. Zeller seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito motioned to approve Ordinance No. 2212 on its second reading. Mr. Purkeypile seconded.

Motion carried 6/0/0. Mr. DeVito moved to suspend the rules and place Ordinance No. 2212 on its third reading by title only. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2212 on its third reading. Mr. Purkeypile seconded. A roll call vote followed.

Motion carried 6/0/0.

5. Update on disposal of yard waste

Postponed during approval of the agenda

6. Decision re: extension of wastewater lines to Miles Mountain – pending for July 21, 2014

NEW BUSINESS:

1. Appeal re: New Construction review denial for 101 N. Main – BPH Property LLC

Mr. Purkeypile moved to discuss. Mr. DeVito seconded. Jack Moyer spoke in behalf of the owners of the Basin Park Hotel. He summarized approval by the HDC for a covered overnight parking shell for motorcycles, confirmation of parking as an accepted use in C-1, and current designation in the lot for motorcycles. Mr. Moyer showed a plat map of the parking lot with the proposed area for the garage marked. He said (the Hotel) owns property on both sides, showed photos of other covered parking on Main St. and one of the home 18 ½ ft. above the proposed location. Discussion included a parking apron, overnight parking, a previously considered location, and costly revisions recommended earlier by Planning.

Further discussion included other covered and locked motorcycle garages, noise as the City's problem, windows rather than vents, the possibility of restricting access times, signage, and Planning's 5/0/0 denial of the application. It was noted the reasoning for denial was not written and provided.

Mr. Moyer agreed to suggested signs and solid pane windows.

Mr. Purkeypile moved to approve the permit. Mr. McClung seconded. A roll call vote followed.

Motion carried 5/0/1 with Mr. Mitchell voting "Present."

2. Discussion of amended Multi-family ordinance

Mr. Purkeypile moved to discuss. Ms. Zeller seconded. Jim Girkin objected to sections 2, 7, 8, and 9 in the proposed Ordinance. He noted there is no, and cannot be, off-street parking on most of Spring St. Noting he owns several rental properties but has one business, Mr. Girkin questioned whether the requirement would be for each of the three+ units to be licensed. He indicated that duplexes and single family rentals were not addressed and that one of his properties has both a triplex and individual units.

Noting the author of the document was not present to answer questions, Mr. Mitchell made a motion to refer the issue back to Planning. Mr. Purkeypile seconded.

Motion carried 6/0/0.

3. Discussion of a parking garage

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

4. Discussion of moped franchise

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. It was confirmed the moped franchise had lapsed. Phillip Thomas, owner of Black Jack Scooters, was present. Code was reviewed confirming there is no limit on the number of moped franchises. Earlier Council approval for 150cc bikes and absence of a supporting ordinance were noted. Mr. Weaver offered background on why mopeds were franchised. Discussion included motorcycle endorsements, traffic flow and current Code requirements.

Mr. Mitchell moved to pass the application for a moped franchise for Mr. Phillip Thomas, the owner of Black Jack Adventures. Mr. Purkeypile seconded.

Motion carried 6/0/0.

5. Recap of Renewable Energy Symposium

Mr. Purkeypile moved to discuss. Mr. McClung seconded. Ms. Schneider spoke about a new design for silent wind turbines, solar panels and trail systems. She encouraged more focus on renewable energy to save taxpayers money.

AGENDA SETTING:

Mayor Pate added the (2013 year-end cleanup resolution).

CITY COUNCIL COMMENTS:

Mr. McClung suggested a mid-year budget review in early August since June numbers will be available in July.

Mr. DeVito encouraged everyone to enjoy the upcoming Blues Fest weekend.

Mr. Mitchell thanked all of the members who served on the Noise Ordinance Committee. He said recommendations for signage will be forwarded to the Mayor.

Ms. Schneider noted the Republican run-off election would take place the following day. She asked for prayers for Sue Glave and said there will be not be a July 4 parade this year.

MAYOR'S COMMENTS:

Mayor Pate called for prayers for Sue Glave. He read a list of upcoming Community events and spoke about the motorcycle tourism industry throughout the Nation and State.

ADJOURNMENT:

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

Motion carried 6/0/0. The meeting ended at 9:05 p.m.

ATTEST:


Clerk/Treasurer Ann Armstrong

APPROVED:



Mayor Morris Pate

City Council

6/9/14

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