CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, June 13, 2016 6 p.m.
AGENDA

CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: May 23, 2016

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning
CAPC
Hospital
Parks
HDC
Cemetery
Auditorium Committee
Food Truck Committee

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Summary of Improvement District workshop – Mayor Berry
2. Ordinance reclaiming jurisdiction over portion of Hickory St. from Parks
3. Ordinance to allow sale of White St. Fire Station and adjacent property – Mr. McClung and Ms. Schneider
4. Ordinance to rectify encroachments re: White St. Fire Station – Mr. McClung and Ms. Schneider
5. Ordinance re: parking on Washington St. – Mr. Mitchell and Ms. Schneider

NEW BUSINESS:

1. Appeal Planning Commission denial re: Conditional Use Permit (CUP) for one unit Bed and Breakfast – 23 Elk St. -- Martone/Toub
2. Appeal Planning Commission denial re: Conditional Use Permit (CUP) for one unit Bed and Breakfast – 5 Kirk St. – Jacquelyn Cross
3. Discussion of the Fire Department – Ms. Schneider and Ms. Zeller
4. 1st meeting of the month April financials review – Mayor Berry
5. Discussion of B&Bs – Mr. DeVito and Ms. Schneider

AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR'S COMMENTS
ADJOURNMENT

CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING **MONDAY** **JUNE 13, 2016**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 13, 2016 in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Berry, Aldermen Bob Thomas, Terry McClung, James DeVito, David Mitchell, Mickey Schneider, City Attorney Tim Weaver, and City Clerk Treasurer Ann Armstrong
ABSENT: Joyce Zeller

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mr. McClung moved to approve. Ms. Schneider seconded. Mr. DeVito moved to have New Business #1 as the first item of discussion. He moved to have Unfinished Business #2 as the second item of discussion. Ms. Armstrong noted New Business #2 was deleted. Mayor Berry called for a vote on the amendments.

Motion carried 5/0/0.

Ms. Schneider moved to have New Business #3 as the third item for discussion. Mr. DeVito seconded.

Motion carried 4/1/0 with Mr. Mitchell voting "No."

Mr. DeVito moved to add discussion of B&Bs. Ms. Schneider seconded.

Motion carried 5/0/0.

At Mr. Weaver's suggestion, Mayor Berry reversed Unfinished Business items 3 and 4.

Motion carried 5/0/0.

Mayor Berry called for a vote on the agenda as amended.

Motion carried 5/0/0.

APPROVAL OF THE MINUTES: May 23, 2016

Mr. DeVito moved to approve. Mr. McClung seconded.

Motion carried 5/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – No report

CAPC – No report

Hospital – No report

Parks – No report

HDC – No report

Cemetery – Mayor Berry said Mary Ann Pownall has resigned after serving nine years on the Commission.

Auditorium Committee – A one page summary of recommendations was provided. Mayor Berry summarized the report saying approximately $26,000 per year is spent by the City on utility and management costs with an additional $68,000 expended by the CAPC. An estimated $34,000 in annual revenues was reported. The Committee favored a dedicated operating budget of $2-300,000 and noted infrastructure repairs of approximately $3-400,000 will be needed.

Food Truck Committee – Steve Beacham confirmed a proposal was offered at the previous meeting. Mr. McClung said he'd spoken with a property owner who would like to have his parking lot at the top of Benton St. added to the list of options. Mr. DeVito moved to have a workshop/public forum for mobile food truck and trailer vendors. Ms. Schneider seconded.

Motion carried 4/2/0 with Mr. Mitchell and Mr. Thomas voting "No" and Mayor Berry adding an "Aye."

PUBLIC COMMENTS:

Robert Ford, new co-owner of 12 Washington, favored painting the curb there red. He said the traffic is heavier than he'd anticipated, and noted often one lane is open to accommodate the trolley, delivery trucks, and cars. Use of the fire hydrant could result in the street being blocked.

Roderick Beattie, 17 ½ Elk, spoke about the 18 x 20 ft. guest cottage at 23 Elk St. and the events which caused him to at first oppose a B&B at that location, and then support it. He commented about the campaign to stain the credit of the petitioners.

Betsy Rodier, 20 Fairmount, spoke about Planning's denial of the B&B application for 23 Elk St. It was her position the application process was incorrect, and rules are being ignored when convenient. She opposed commercialization of quiet residential neighborhoods.

Lauralee Wilcox, 310 Spring St., spoke in opposition to the CUP application for 23 Elk. She expressed her belief the applicants were misinformed by City staff and applauded the Planning Commission denial of the application.

John Rankine, co-owner of 1 Washington, said those who would be most impacted by removing parking from Washington St. were not contacted before discussion. He suggested addressing the issue of safety throughout town and noted that, in residential areas, parking is always a challenge.

Pat Matsukis, 5 Mountain, noted the absence of a Master Plan. She favored upholding Planning's decision regarding 23 Elk and also a town-wide review of parking. Ms. Matsukis spoke about the regular burning of bamboo in her neighborhood and again called for a licensed pit for burning.

Sara Knight, 1 Washington, spoke as a handicapped person who needs the parking on Washington St. She noted the multiple trips that are required to and from a vehicle to get gear and supplies into her home.

Bill King, co-owner of 1 Washington, noted there is one off-street parking space for the building that has been apartments for at least 40 years. He spoke about the needed parking and the new business that has just opened on Washington.

NEW BUSINESS:

1. <u>Appeal Planning Commission denial re: Conditional Use Permit (CUP) for one unit Bed and Breakfast – 23 Elk St. – Martone/Toub</u>

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Planning Chair Steve Beacham recapped the process used by the Commission for review of the application and observed that more than 20% of the property owners within 200 ft. objected to the CUP. He read the "same or similar" portion of Code and noted there is a Tourist Lodging next door to the CUP applicant's address.

Mr. Mitchell spoke about the question of a variance not having been addressed and about the term "similar" not being referenced when the first Planning decision was made. He cited three instances when the term "similar" was not considered. Discussion followed regarding "primary frontage street," having banned Tourist Lodgings in R-1 but not B&Bs, and commercial activities in neighborhoods.

Mr. Thomas spoke about applicants relying on advice offered when applying, and objected to changing processes during consideration of an application. Following discussion regarding words, interpretation through time, and clarifying Code, Ms. Schneider moved to approve the CUP application. Mr. Mitchell seconded.

Mr. Toub recapped statements made during the first Planning review that were changed in the second meeting. He also said the application was being held to a different standard than the 8 Washington St. application.

Ms. Martone spoke about not having had an opportunity to get a variance. Since new Tourist Lodgings in R-1 have been banned and B&Bs are still allowed, it was her position the City recognizes they are different. A roll call vote followed.

Motion carried 5/0/0.

UNFINISHED BUSINESS:

2. <u>Ordinance reclaiming jurisdiction over portion of Hickory St. from Parks</u>

Mr. McClung moved to discuss. Mr. Mitchell seconded. Mr. McClung moved to craft an ordinance to take the land back from Parks and to craft an ordinance to vacate (a portion of) the street and to deed two

small pieces of land to the City. Mr. Mitchell seconded.

Parks Director Justin Huss noted Parks would be getting something that would allow keeping the master trail plan intact and retain some green space.

Motion carried 5/0/0.

NEW BUSINESS:

3. Discussion of the Fire Department

Ms. Schneider move to discuss. Mr. DeVito seconded. Ms. Schneider asked Chief Ates to give background information.

Chief Ates expressed concerns about the financial state of the City. He provided a fact sheet that showed EMS services as providing just over half of the Fire Department operating budget. Keeping the Western District contract revenues and the insurance rating are essential in his view. Chief Ates expressed support for an additional sales tax. He proposed using funds from the sale of the White St. fire station to renovate the downtown station.

The suggestion was again made to have contracts with paramedics who are trained with City funds.

Ms. Schneider began to explore questions about insurance rates for home and business owners when Mr. Mitchell called point of order, saying accusations were being made that have no foundation.

Mr. DeVito moved to table the discussion until the midyear budget review. Mr. McClung seconded.

Motion carried 4/1/0 with Ms. Schneider voting "No."

Ms. Schneider left the table.

UNFINISHED BUSINESS:

1. Summary of Improvement District workshop

Mayor Berry called for a motion to defer the workshop summary until the next meeting. Mr. McClung moved to do so. Mr. DeVito seconded.

Motion carried 4/0/0.

4. Ordinance to rectify encroachments re: White St. Fire Station

Mr. McClung moved to discuss. Mr. Mitchell seconded. Mr. Weaver summarized the proposed ordinance as switching the two pie-shaped pieces of property.

Mr. McClung moved to take a five minute break. News was received that Joyce Zeller passed away.

When the session resumed, Mr. Weaver noted quit claim deeds will be the method for exchanging the properties. He confirmed there is no issue with Parks/greenspaces. Mr. Mitchell made a motion to assign a number to the ordinance authorizing the exchange of certain parcels and place it on its first reading. Mr. McClung seconded.

Motion carried 4/0/0. Ms. Armstrong read **ORDINANCE NO. 2241 AN ORDINANCE AUTHORIZING THE EXCHANGE OF CERTAIN REAL ESTATE PARCELS LOCATED ON PARTS OF LOTS 4 AND 5 OF BLOCK 52, OF THE ARMSTRONG AND RILEY SURVEY TO THE CITY OF EUREKA SPRINGS, CARROLL COUNTY, ARKANSAS.**

Mr. McClung moved to approve Ordinance No. 2241 on its first reading. Mr. DeVito seconded.

Motion carried 4/0/0. Mr. McClung moved to suspend the rules and place Ordinance No. 2241 on its second reading by title only. Mr. DeVito seconded. A roll call vote followed.

Motion carried 4/0/0. Ms. Armstrong read the Ordinance title. Mr. McClung moved to approve Ordinance No. 2214 on its second reading. Mr. DeVito seconded. A voice vote followed.

Motion carried 4/0/0. Mr. McClung moved to suspend the rules and place Ordinance No. 2241 on its third and final reading by title only. Mr. DeVito seconded. A roll call vote followed.

Motion carried 4/0/0. Ms. Armstrong read the Ordinance title. Mr. McClung moved to approve Ordinance No. 2241 on its third reading. Mr. DeVito seconded. A roll call vote followed.

Motion carried 4/0/0.

3. Ordinance to allow sale of White St. Fire Station and adjacent property

Mr. DeVito moved to discuss. Mr. McClung seconded. Mr. McClung moved to assign a number to the ordinance for passage and read it for its first reading. Mr. Mitchell seconded.

Motion carried 4/0/0. Mayor Berry read **ORDINANCE NO. 2242 AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL ESTATE PARCELS LOCATED ON PARTS OF LOTS 4 AND 5 OF BLOCK 52, OF THE**

ARMSTRONG AND RILEY SURVEY TO THE CITY OF EUREKA SPRINGS, CARROLL COUNTY, ARKANSAS.

Mr. Weaver observed the bid notices must go out at least two weeks before opening but there is not a restriction against putting them out sooner. Following discussion, it was agreed to have the bids opened August 8 at 2 p.m.

Mr. DeVito moved to amend Ordinance No. 2242 by adding the words under Section 2: "final written bids must be received by the City on August 8 by 2 p.m. Bids shall be opened by the Mayor or his designee at 2 p.m. on the same day in the presence of the Finance Director." Mr. McClung seconded. A vote on the amendment followed.

Motion carried 4/0/0. Mr. Weaver summarized the process for Council's decision regarding bids.

Mr. McClung moved to approve Ordinance No. 2242 on its first reading. Mr. DeVito seconded.

Motion carried 4/0/0. Mr. McClung moved to suspend the rules and place Ordinance No. 2242 on its second reading by title only. Mr. DeVito seconded. A roll call vote followed.

Motion carried 4/0/0. Ms. Armstrong read the Ordinance title. Mr. McClung made a motion to approve Ordinance No. 2242 on its second reading. Mr. DeVito seconded. A voice vote followed.

Motion carried 4/0/0. Mr. McClung moved to suspend the rules and place Ordinance No. 2242 up for its third and final reading by title only. Mr. DeVito seconded. A roll call vote followed.

Motion carried 4/0/0. Ms. Armstrong read the Ordinance title. Mr. McClung motioned to pass Ordinance No. 2242 on its third reading. Mr. DeVito seconded. A roll call vote followed.

Motion carried 4/0/0.

5. Ordinance re: parking on Washington St.

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mr. Mitchell spoke about the letter from Fire Marshal Kelley and expressed his view that this is a public safety issue. He favored asking the Fire Department to do a survey to find any place where there is a street that cannot be accessed because there is parking across from it or there are other issues that inhibit the Fire Department from getting fire suppression equipment down to put out a fire.

Mr. McClung recalled no problems accessing buildings during 20 years with the Department and said the parking is important to have there. Mr. Thomas asked how much money would be spent making the town fire truck accessible. Discussion continued about parking by the Episcopal Church and the library, "T" intersections, and who initiated the query.

Bill King spoke about Fire Marshal Kelley's successful access to Point St. with the ambulance. Discussion continued about other streets difficult to access by fire trucks, Fire Code, and addressing issues one by one. Since the trucks are apt to come from the direction of the station, the compromise of removing only parking from that direction was suggested.

Mr. Mitchell made a motion to table until Mr. Kelley has a chance to give Council a different letter. Mr. DeVito seconded.

Motion carried 4/0/0.

NEW BUSINESS:

2. Appeal Planning Commission denial re: Conditional Use Permit (CUP) for one unit Bed and Breakfast – 5 Kirk St. – Jacquelyn Cross

Deleted at the request of the applicant.

4. 1st meeting of the month April financials review

Mayor Berry spoke about progress being made through the spending freeze. He noted revenues are still a bit under and noted items that will be addressed during the midyear budget.

5. Discussion of B&Bs

Mr. DeVito moved to table until the next meeting. Mr. Mitchell seconded. Mr. Weaver noted that was an extraordinary motion since it was to table prior to discussion. A roll call vote followed.

Motion carried 4/0/0.

AGENDA SETTING: no additions

CITY COUNCIL COMMENTS: none

MAYOR'S COMMENTS:

Mayor Berry introduced Interim Fire Chief Nick Samac. He also extended support to the families and loved ones of those who lost their lives in Orlando, Florida, as well as to the Police and Paramedics. Mayor Berry offered deep sympathy to the relatives of Joyce Zeller, noting she'll be missed at the table and within the community. He read a short list of upcoming events.

ADJOURNMENT:

Mr. DeVito moved to adjourn. Mr. McClung seconded.
Motion carried 4/0/0. The meeting ended at 9:04 p.m.

APPROVED:

Mayor Robert "Butch" Berry

ATTEST:

Ann Armstrong

City Clerk Treasurer Ann Armstrong