

5:30 BUDGET WORKSHOP

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, June 27, 2016 6 p.m.
AGENDA**

**CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: June 13, 2016**

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 1 – vacant – expires 7/1/17
CAPC
Hospital
Parks
HDC
Cemetery – Pos. 5 – vacant – expires 2/15/17
Auditorium Committee – next meeting date
Food Truck Committee – workshop date

PUBLIC COMMENTS:

NEW BUSINESS:

1. Announcement of vacancy, and A.C.A. 14-43-411 Alderman vacancy in mayor-council form of government

UNFINISHED BUSINESS:

1. Summary of Improvement District workshop – Mayor Berry
2. Ordinance reclaiming jurisdiction over portion of Hickory St. from Parks – McClung and Mr. Mitchell
3. Ordinance to vacate a portion of Hickory St. and deed two segments of Girkin property to the City – Mr. McClung and Mr. Mitchell
4. Fire Marshal Kelley's update – Mr. Mitchell and Mr. DeVito

NEW BUSINESS:

2. Discussion of B&Bs – Mr. DeVito and Ms. Schneider
3. Discussion of grant for the Fire Department – Mayor Berry

**AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR'S COMMENTS
ADJOURNMENT**

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

MONDAY

JUNE 27, 2016

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 27, 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

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

The Mayor added a General Improvement Fund grant resolution and deferred Unfinished Business #3 until the next meeting. A vote on the amended agenda followed.

Motion carried 5/0/0.

APPROVAL OF THE MINUTES: June 13, 2016

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

Motion carried 5/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Position 1 is open. Mayor Berry requested applications.

CAPC – No report

Hospital – No report

Parks – No report

HDC – No report

Cemetery – No report

Auditorium Committee – Mayor Berry noted the Committee's work will continue through the CAPC.

Food Truck Committee – Bob Thomas confirmed the new proposal included both Mr. Mitchell's suggestion for an early start and the addition of a location across the street from the future Community Center site. It was agreed to have a workshop at 5:00 p.m. on August 8.

PUBLIC COMMENTS:

Ken Foggo read information from news articles written in the last 6-8 months. It was his position that anyone who is unwilling or unable to perform the task of analyzing, setting, and keeping a budget should step down from the table.

Susan Porter, 38 Pine St., spoke about B&Bs as transient housing and expressed her belief that Conditional Use Permits are issued based on personality and other inconsequential reasoning. Ms. Porter was displeased with the Council's decision regarding the 23 Elk appeal.

Ferguson Stewart, 7 Harvey, said there will be a Eureka Springs Block Party on August 20 at the Lake Leatherwood ballpark. The event will include Fire, EMS, Police, Air Evac, Good Shepherd, the Flint St. Mission, the Museum, and the Public Library.

John Rankine, co-owner of 1 Washington, noted the Democrat Gazette front page story on housing in Eureka and referenced gentrification. He was concerned about proposed removal of parking on Washington and pointed out several other narrow streets with parking on them.

NEW BUSINESS:

1. Announcement of vacancy and A.C.A. 14-43-411 Alderman vacancy in mayor-council form of government

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mr. Mitchell made a motion for City Council to declare there is an open seat for one alderman from Ward 3. Mr. DeVito seconded. Mr. Weaver noted the

requirement for a quorum of Council when the vote is taken. Discussion followed regarding schedules, the system for electing, and methods used in the past. A vote on the motion followed.

Motion carried 4/1/0 with Ms. Schneider voting "No." Mr. McClung moved to have the vote on July 25. Mr. Mitchell seconded.

Motion carried 4/1/0 with Ms. Schneider voting "No." Mr. McClung made a motion that, to simplify the matter of electing the vacant position, that all applications that are received prior to the meeting, that their names are put into a hat and drawn arbitrarily, and voted on as each one comes up. There was no second. Discussion continued about preparing a ballot that can be marked.

Mr. DeVito made a motion for all nominee (applications) to be received by the (close of business on the) 18th of July and that a ballot be prepared for the meeting on the 25th where (Council) will vote for a replacement for Ms. Zeller, and that the ballots be available to the public. At Mr. Weaver's suggestion, Mr. DeVito added the Mayor would receive the applications. Mr. McClung seconded.

Motion carried 5/0/0.

UNFINISHED BUSINESS:

1. Summary of Improvement District workshop

Mayor Berry said there will be a general workshop with the shareholders along Main St. and the time is yet to be decided.

2. Ordinance reclaiming jurisdiction over portion of Hickory St. from Parks

Mr. McClung moved to discuss. Mr. Mitchell seconded.

Mr. McClung moved to give the ordinance a number and place it on its first reading for approval. Mr. DeVito seconded.

Motion carried 5/0/0. Ms. Armstrong read **ORDINANCE NO. (*number was corrected later in the meeting to 2243) AN ORDINANCE AUTHORIZING THE CITY COUNCIL, PURSUANT TO CHAPTER 12.08.01 OF THE MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS, ARKANSAS, TO RECLAIM JURISDICTION OVER CERTAIN PROPERTY COMMONLY KNOWN AS A PART OF HICKORY STREET.**

Mr. McClung moved to approve Ordinance No. (2243) on its first reading. Mr. DeVito seconded. A voice vote followed.

Motion carried 5/0/0. Mr. McClung moved to suspend the rules and to place Ordinance No. (2243) on its second reading by title only. Mr. DeVito seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. (2243) on its second reading. Mr. McClung seconded.

Motion carried 5/0/0. Mr. McClung moved to suspend the rules and read Ordinance No. (2243) on its third and final reading by title only. Mr. DeVito seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. (2243) on its third reading. Mr. McClung seconded. A roll call vote followed.

Motion carried 5/0/0.

3. Ordinance to vacate a portion of Hickory St. and deed two segments of Girkin property to the City

Deferred during approval of the agenda until the next meeting.

4. Fire Marshal Kelley's Washington St. update

Mr. DeVito moved to discuss. Ms. Schneider seconded. Fire Marshal Kelley spoke about a request for a compromise on the parking decision for Washington St. He took a fire truck, drove the street, made a couple of attempts to turn onto Point St., and was able to get it done. Mr. Kelley's position was to be in the interest of public safety and he recommended having 60 ft. from the center of Point St., north and south.

Discussion followed regarding evaluation of narrow streets all over town, ways other cities have solved parking problems, and the widening of narrow streets. Further discussion included Fire Code, methods for dealing with fires in tight areas, and possibly widening the entry to Point St.

Mr. Mitchell made to motion to amend Ordinance No. 1845, pg. 5, (t) No parking shall be allowed on the east side of Washington St. between Summit St. and Mountain St. to read, "No parking shall be allowed on either side of Washington St. between Summit St. and Mountain St." And on pg. 6 (cc) "No parking shall be allowed on the west side of Washington St."

Motion failed due to lack of a second.

Ms. Schneider asked for the Fire Marshall to look at setting back the curbs before making a decision on what to do with the area.

NEW BUSINESS:

2. Discussion of B&Bs

Ms. Schneider moved to discuss. Mr. DeVito seconded. Mr. DeVito spoke about the limited housing inventory, population loss, numerous second homes in town, and limits on the number of B&Bs allowed in some towns. He said fewer available properties drive rents higher and favored a moratorium on Conditional Use Permits for B&Bs.

Ms. Schneider noted B&Bs have people living in them and considered them an addition to the population and to the City. Discussion followed regarding lodging inventory, Airbnb, and interpretation of Code. Families in the community, working with the Planning Commission to clarify Code, and specific goals to be achieved during the moratorium were addressed.

Mr. DeVito moved to have a six month moratorium on CUPs for B&Bs in residential zones. Mr. McClung seconded.

Dealing with the word "similar," variances, and clarification of the two 200 ft. rules were identified as goals for the moratorium. A vote on the motion followed.

Motion carried 4/2/0 with Mr. Thomas and Ms. Schneider voting "No" and Mayor Berry adding his "Aye" to carry.

3. Discussion of grant for the Fire Department

Mr. DeVito moved to discuss. Mr. McClung seconded. Mayor Berry spoke about the no-match grant and the need to replace breathing apparatus. Mr. DeVito moved to assign the resolution a number and read it for passage. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read **RESOLUTION NO. 685 A RESOLUTION AUTHORIZING THE CHIEF OF EUREKA SPRINGS FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM THE ARKANSAS RURAL ECONOMIC DEVELOPMENT COMMISSION.**

*The Clerk Treasurer requested a change in the Hickory St. ordinance number from 2242 to 2243. Mr. McClung moved to do so. Mr. DeVito seconded.

Motion carried 5/0/0.

AGENDA SETTING: no additions

CITY COUNCIL COMMENTS:

Mr. Thomas said part of the problem with the last request to Planning was not giving direction in what they were to look at or do.

Mr. DeVito said he would like all of us to celebrate July 4 and free speech.

Mr. Mitchell said Planning got "hung up on the word 'similar'" and made distinct changes in interpretation between meetings.

Ms. Schneider favored giving direction when making requests to Planning and noted The Eureka is coming up.

MAYOR'S COMMENTS:

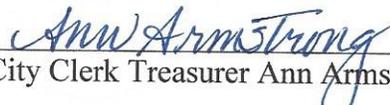
Mayor Berry read a short list of upcoming events and wished the City Happy Birthday on July 4.

ADJOURNMENT:

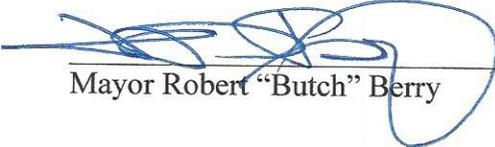
Mr. McClung moved to adjourn. Mr. DeVito seconded.

Motion carried 5/0/0. The meeting ended at 8:57 p.m.

ATTEST:


City Clerk Treasurer Ann Armstrong

APPROVED:


Mayor Robert "Butch" Berry