

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, March 14, 2016 6 p.m.
AGENDA**

**CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: February 22, 2016**

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning

CAPC

Hospital – Clarification of eligibility. Pos. 1 – vacant – expires 6/1/18 – application from Barbara Dicks

Parks – Pos. 1 – vacant -- expires 5/1/17 – application from Barry Reed

HDC

Cemetery – Pos. 1 – vacant – expires 2-15-18. Pos. 3-- vacant – expires 2/15/18 – application from Gloria Stevens. Pos. 4 – vacant – expires 2/15/17 – application from Steve “Yip” Vorbeck

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Ordinance No. 2239 -- Adjusting EMS fees – 3rd reading

NEW BUSINESS:

1. Recommendations re: Food Trucks – Planning Commission
2. Res. #1 for Fire/Rescue Breathing Apparatuses – Mayor Berry
3. Res. #2 for Fire/Rescue Breathing Apparatuses – Mayor Berry
4. First meeting of the month budget review – Mayor Berry
5. Discussion of B&B licensure in residential zones – Mr. Mitchell and Ms. Schneider

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR’S COMMENTS

ADJOURNMENT

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

MONDAY

MARCH 14, 2016

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, March 14, 2016 in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Berry, Aldermen Bob Thomas, David Mitchell, Joyce Zeller, Terry McClung, James DeVito, 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:

Mr. DeVito moved to approve. Mr. McClung seconded. Mr. Mitchell added discussion of B&B licensure in residential zones. Ms. Schneider seconded. Mr. DeVito moved to approve the amended agenda. Mr. McClung seconded.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: February 22, 2016

Mr. DeVito moved to approve. Ms. Schneider seconded.

Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – No report

CAPC – No report

Hospital – An application from Barbara Dicks was offered for consideration at the next meeting.

Parks – Barry Reed submitted an application on which a vote will be taken at the next meeting.

HDC – No report

Cemetery – Mayor Berry called for a vote on the application from Steve Vorbeck. Ms. Schneider moved to approve. Mr. Mitchell seconded.

Motion carried 6/0/0.

Mr. McClung moved to approve Gloria Stevens for the Commission. Ms. Schneider seconded.

Motion carried 6/0/0.

PUBLIC COMMENTS: none

UNFINISHED BUSINESS:

1. Ordinance No. 2239 – Adjusting EMS fees – 3rd reading

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mr. Weaver observed the listed interest charge of 5% per cent per month would violate Arkansas Constitutional law. Mr. McClung moved to suspend the rules and read Ordinance No. 2239 by title only and then make the amendment. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title.

Mr. McClung moved to amend Ordinance No. 2239 to read the "maximum rate allowable by law." Mr. Mitchell seconded. A roll call vote on the amendment followed.

Motion carried 6/0/0.

Mr. DeVito moved to approve Ordinance No. 2239 on the third reading. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 6/0/0.

NEW BUSINESS:

1. Recommendations re: Food Trucks – Planning Commission

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Planning Commission Chair Steve

City Council 3/14/16 1

Beacham noted the Commission reviewed all of the City-owned spaces in C-1 and C-2 zones. The only property in C-2, the Transit lot, is not available due to a Federal contract. The “music park” near the train station is being well used for parking. The conclusion was that private property could work with Council coming up with restrictions based on the issuance of the business license.

Discussion followed regarding congestion downtown, the Auditorium parking lot after nine o’clock at night, and private lots downtown. Further discussion included franchises, another workshop, lotteries, and addressing restrictions in the current peddling ordinance. Mr. DeVito motioned to have a Council workshop to establish parameters, with Planning involved. Ms. Schneider seconded.

Motion carried 6/0/0.

2. Resolution #1 for Fire/Rescue Breathing Apparatus – Mayor Berry

Mr. McClung moved to discuss. Ms. Schneider seconded. Mayor Berry noted one grant would cover the entire expense and one would be for partial payment. The first resolution was for a Federal Emergency Management Agency (FEMA) grant with 5% coming from the City. Mayor Berry indicated funds were in the budget for ten units at \$8000 each, by combining loans.

Mr. McClung motioned to assign the resolution a number and read it for passage. Mr. DeVito seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 676 A RESOLUTION AUTHORIZING THE CHIEF OF EUREKA SPRINGS FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM THE 2016 ASSISTANCE TO FIREFIGHTERS GRANT (AFG).**

3. Resolution #2 for Fire/Rescue Breathing Apparatus – Mayor Berry

Ms. Schneider moved to discuss. Mr. DeVito seconded. Mayor Berry noted this resolution would allow the City to buy a smaller number of units and it has a 25% match. He confirmed this would be for the initial ten units and it would be awarded earlier than the FEMA grant. Discussion followed regarding timelines for awarding the grants, the possibility of getting both grants, and being able to purchase “turn out” equipment. Discussion continued regarding the bid process, currently outdated equipment, and re-financing loans.

Mr. DeVito moved to assign the resolution a number and read it for passage. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 677 A RESOLUTION AUTHORIZING THE CHIEF OF EUREKA SPRINGS FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM USDA RURAL DEVELOPMENT.**

4. First meeting of the month budget review – Mayor Berry

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mayor Berry said the City is operating near the projected revenues and expenses. Revenues in the General Fund were under expectation for January and expenses were a little higher. Revenues and expenses were under in the Street Fund and in Water and Sewer. Transit (was off) due to the purchase of a tram. Overall, expenses were over by 7%. The February report will be discussed at the workshop prior to the next meeting.

5. Bed and Breakfast licensing in residential zones

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mr. Mitchell expressed concern about B&Bs operating without someone on-site and without serving breakfast. Online advertising revealed four illegal lodging establishments. Mr. Mitchell suggested there might be a problem with the B&B licensure in residential areas and favored a moratorium on B&B licensure for four months. Interpreting this as a motion, Ms. Schneider seconded.

Discussion followed regarding “cease and desist” letters that have gone out to illegal operations, the current ban on new tourist lodgings in residential areas, and existing rules for B&Bs. Further discussion included impact of a moratorium on legitimate people who are seeking a B&B and on the real estate business. Mayor Berry suggested that people who know of illegal operations contact City Hall so letters can be sent out. Mr. DeVito favored quarterly inspection of the sites and Mr. McClung favored spot checks.

Mr. Mitchell withdrew his suggestion. Ms. Schneider withdrew her second.

AGENDA SETTING: no additions

CITY COUNCIL COMMENTS:

Ms. Schneider congratulated her husband who has managed to stay married to her for 33 years.

Mr. DeVito reminded everyone the April second Saturday concert in Basin Park will feature John Hammond.

MAYOR'S COMMENTS:

Mayor Berry read a list of upcoming events.

ADJOURNMENT:

Mr. DeVito moved to adjourn. Ms. Schneider seconded.
Motion carried 6/0/0. The meeting adjourned at 7:12 p.m.

ATTEST:



Clerk Treasurer Ann Armstrong

APPROVED:



Mayor Pro tempore David Mitchell