CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING **MONDAY** **MAY 23, 2016**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, May 23, 2016 in the jury room in the Western District Carroll County Courthouse.

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

PLEDGE OF ALLEGIANCE:
Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:
Mr. McClung moved to approve. Mr. Mitchell seconded. Mr. Mitchell moved to add discussion of Washington St. parking. Ms. Schneider seconded. New Business #1 was postponed. Mayor Berry called for a motion to approve the agenda as amended.
Motion carried 5/0/0.

APPROVAL OF THE MINUTES: May 9, 2016
Mr. McClung moved to approve. Ms. Schneider 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 – Ms. Schneider moved to approve Susan Tharp's application. Ms. Zeller seconded.
Motion carried 5/0/0.
Auditorium Committee – No report
Food Truck Committee – Steve Beacham read the proposed guidelines for private property owners to enter an annual lottery for mobile food trucks and trailers. Parks would determine where and when food trucks and trailers would be on property for which Parks has responsibility. Special event permits could also be issued. Generators would not be used on White St. or on Main. The Building Inspector would approve the sites.

PUBLIC COMMENTS:
The American Legion Post 9 gifted Council with poppies in remembrance of those who have fought for our country.

UNFINISHED BUSINESS:
1. **Date for workshop re: development of Improvement District**
Mayor Berry said the workshop will be on June 8 at 4:00 p.m.
2. **Ordinance reclaiming jurisdiction over portion of Hickory St. from Parks**
Mr. Girkin is working with Parks to prepare the legal description.
3. **Update on Ghost Tours/Tour Homes**
Mr. Beacham spoke about neighbors' concerns, tour owners' concerns and some ways tours are regulated in Savannah, Georgia. He noted Savannah places limits on walking tours in specific areas of town. Ms. Zeller asked how the Parks' trail system would be regulated and if people walking at night would be affected. Mr. Beacham referenced the Christmas Tour of Homes in residential neighborhoods. Ms. Armstrong suggested that the tour company have customers stay on the bus after a certain hour at night.

In response to Mayor Berry's question regarding whether they can legally get out on the sidewalk, Mr. Weaver spoke about not violating the noise ordinance. It was generally agreed to take no action at the time.

NEW BUSINESS:

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

Postponed during approval of the agenda.

Mr. Weaver confirmed the lack of a second on the motion to approve the CUP at the Planning table was a denial. He noted an appeal to Council is the only means for the applicant to get any reconsideration. The three options for Council were noted: approve, deny, or refer back to Planning with a request to make findings.

2. Date for acceptance of sealed bids for White St. Fire Station

Mr. Mitchell moved to discuss. Ms. Schneider seconded. For discussion, Mr. McClung moved to give the Mayor permission to put the White St. Fire Station up for bids. Mr. Mitchell seconded.

Adjoining property owner Dick Titus recapped the history of the lease behind the Station, a garage that was built partially on the leased property, and the vacated street (Edwards) on the west side. He noted the Station also encroaches slightly on the neighbor's property while that owner's driveway does the same on the White St. side.

Mr. Mitchell motioned for a five minute recess so the survey maps could be produced for Council. Mr. McClung seconded.

Motion carried 5/0/0. When the session resumed, the survey map with lease and building placement was reviewed. The two small encroachments were indicated. There was some vagueness as to whether all or some of Edwards had been vacated, although there are several structures built along its length. Discussion followed regarding the legalities of selling City property, encumbrances, clear title, and the sealed bid process.

Mr. Beacham said he'd prefer to get the issues settled before the bid process. Discussion followed regarding clearing up the encroachments prior to the bidding and avoiding circumvention of legal processes.

Mr. McClung motioned to draft an ordinance to allow the sale of the property known as the White St. Fire Station and all the City owns that is contiguous to that. Ms. Schneider seconded.

Motion carried 5/0/0.

Mr. McClung made a motion that the City, during the process of the ordinance for the Fire Station, draft an ordinance to rectify the encroachments between the Fire Station and the Beacham property next door. Ms. Schneider seconded.

Motion carried 5/0/0.

3. Amended Resolution No. 679 (correcting one Ordinance No.)

Mr. Mitchell moved to discuss. Mr. McClung seconded. Mr. McClung made a motion to amend the number. Ms. Schneider seconded. Mr. Weaver said the process is actually a reconsideration of what was passed and the resolution would be retyped with the correct number. A roll call vote followed.

Motion carried 5/0/0.

4. Second meeting of the month April financials review

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Mayor Berry provided a summary of the spending freeze results thus far. It indicated expenditures in the General Fund, Streets, Court Automation, Water and Sewer, Transit, Parks, and the CAPC were more than $400,000 from March 17 through April 14, 2016. In those categories, just over $200,000 were spent from April 28 through May 12, 2016.

Mayor Berry noted the freeze was necessitated because of cash flow. He expressed appreciation for the efforts of the Department Heads. Brief discussion followed regarding the hiring freeze and purchases that will have to be made.

4. Parking on Washington St.

Mr. Mitchell moved to discuss. Mr. McClung seconded. Mr. Mitchell spoke about ongoing discussion regarding the issue of parking on Washington St. He described his understanding of the history of the area and expressed concern about access to Point St. by fire trucks. Mr. Mitchell said the Department Heads have made the decision the curb needs to be painted red. He said all of the property owners within 200 ft. are in favor of it, and the multi-family dwelling owner is arranging to have parking at the end of Point St. for the tenants.

5:30 BUDGET WORKSHOP

CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, May 23, 2016 6 p.m.
AGENDA

CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: May 9, 2016

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning
CAPC
Hospital
Parks
HDC
Cemetery – Pos. 3 – vacant – expires 2/15/18. **Application from Susan Tharp**
Auditorium Committee
Food Truck Committee

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Date for workshop re: development of Improvement District – Mr. DeVito and Mr. Mitchell
2. Ordinance reclaiming jurisdiction over portion of Hickory St. from Parks
3. Update on Ghost Tours/Tour Homes – Planning Commission

NEW BUSINESS:

1. Appeal Planning Commission denial re: Conditional Use Permit (CUP) for one unit Bed and Breakfast – 5 Kirk St. – Jacquelyn Cross
2. Date for acceptance of sealed bids for White St. Fire Station – Mayor Berry
3. Amended Resolution No. 679 (correcting one Ordinance No.)
4. Second meeting of the month April financials review – Mayor Berry
5. Parking on Washington St. – Mr. Mitchell and Ms. Schneider

AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR'S COMMENTS
ADJOURNMENT

Mayor Berry confirmed Code does not list Washington as a no-parking zone.

Mr. Mitchell made a motion to take the stretch of Washington St. that is not painted red and modify the Code accordingly so that all that section can become red for no parking. Ms. Schneider seconded. Brief discussion followed regarding the specific portion to be painted. Mayor Berry said street addresses and linear feet will be known at the next meeting.

Motion carried 5/0/0.

AGENDA SETTING: no additions

CITY COUNCIL COMMENTS: none

MAYOR'S COMMENTS:

Mayor Berry read a list of upcoming events.

ADJOURNMENT:

Mr. Mitchell moved to adjourn. Ms. Schneider seconded.

Motion carried 5/0/0. The meeting ended at 8:00 p.m.

APPROVED:

Mayor Robert "Butch" Berry

ATTEST:

Ann Armstrong

City Clerk Treasurer Ann Armstrong