

<https://www.youtube.com/user/cityofeurekasprings/live>
5:15 -- June 2021 budget review

**CITY OF EUREKA SPRINGS
COUNCIL MEETING**

Monday, July 26, 2021

6 p.m.

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: July 12, 2021

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 7 – **vacant** – expires 1/1/24

CAPC – **Vote on application to renew from Jeff Carter for Pos. 1. 2nd quarter report**

Hospital -- Pos. 4 – **vacant** – expires 6/1/21

Parks – Pos. 7 – **vacant** – expires 5/1/25. **2nd quarter report**

HDC – Pos. 3 – **vacant** – expires 11/30/23

Cemetery – **2nd quarter report**

PUBLIC COMMENTS: 3 minutes per speaker

UNFINISHED BUSINESS:

1. Discussion of Flint/Douglas intersection – Ms. Greene
2. Ordinance No. 2308 Juneteenth holiday – 2nd reading

NEW BUSINESS:

1. Approval of the new Finance Director – M.C. 2.36.01
2. Recommendation for moratorium on tourist lodging in R-2 and R-3 – Planning Commission
3. Ordinance for repairing sidewalks with a limit on exterior building repairs or new construction in the Historic District – Ms. Greene and Mr. Meyer
4. Recommendation for definition of Bed and Breakfast – Planning Commission
5. Ordinance for Board of Zoning Adjustment appeals to be heard by City Council – per HB 1660
6. Ordinance re: procedure for removing City commission members – Mayor Berry
7. 2nd quarter financials – A.C.A. 14-43-506

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

JULY 26, 2021

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6:00 p.m. Monday, July 26, 2021 in the Auditorium at 36 S. Main St.

PRESENT: Mayor Berry, Council members Terry McClung, Autumn Slane, Melissa Greene, Harry Meyer, Bill Ott, LauraJo Smole, and City Clerk Treasurer Ann Armstrong

ABSENT: City Attorney Tim Weaver (with notice)

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Ms. Greene moved to approve the agenda. Ms. Smole seconded. Mayor Berry removed New Business items #1 and 5 and (postponed) New Business items #3 and 6. Mr. Ott said he so moved. Ms. Smole seconded.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: July 12, 2021

Ms. Greene moved to approve the minutes for July 12, 2021. Mr. Ott seconded.

Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – One seat remains open.

CAPC – Ms. Greene moved to accept the application for position 1 from Jeff Carter. Mr. Meyer seconded. Mr. Ott moved to table due to flux in the situation with the CAPC. Ms. Slane seconded. A roll call vote followed.

Motion failed 3/3/0 with Ms. Smole, Ms. Greene, and Mr. Meyer voting "No."

Discussion followed regarding innocence until proven guilty, the need to keep Commission business going during the suit, and Commissioners remaining seated without a vote. Further discussion included a new director, a parking garage that could have been built, and the right of the Commission (to nominate.)

Mr. McClung called the question. Ms. Greene seconded.

Motion carried 5/0/1 with Mr. Ott abstaining. A roll call vote on the original motion to approve the application followed.

Motion carried 4/2/1 with Mr. McClung and Ms. Slane voting "No," Mr. Ott abstaining and Mayor Berry adding an "Aye" to carry.

The second quarter CAPC financial report was provided.

Hospital – One seat remains open.

Parks – One seat is open. The second quarter report was provided.

HDC – Ms. Greene moved to accept the application for position 3 from Judy Holden. Mr. Ott seconded.

Motion carried 6/0/0.

Cemetery – The second quarter financials were provided.

PUBLIC COMMENTS:

Ferguson Stewart, 7 Harvey Rd., spoke about changes in his neighborhood with more traffic

at all times of night. He said there should not be any tourist lodging in the area but “there is something going on” and he wanted the City to get involved.

Mickey Schneider offered a summary of The Eureka events, noting 95% of the participants were from outside the 72632 zip code and from 15 states. She said there were three bike races with 62 people participating in the 100-mile race. The youngest rider was six years old.

Steve Beacham, 101 Owen Rd., asked Council to protect residential neighborhoods from commercial encroachment. He suggested redefining short term rentals as 45 days or less, or 90 days or less.

Laura Covington said all seven streets in the Pines subdivision are dead ends. People from other parts of East Mountain also come there to walk. She hoped Council would support the neighborhood and favored a six-month moratorium on short term rentals.

Joe Hill, 38 Huckleberry, was there to support a six-month moratorium on nightly lodging. He said the neighbors were told a house would be a vacation home, and later, a retirement home. but 3 Huckleberry is advertised as a 30 day rental.

Melinda Large, resident of Oakridge, said the Pines have covenants and good people living there. She spoke of musical vagrants living next door and asked for a moratorium on any tourist residential Airbnb because she is next to, possibly, a flop house.

Margie Bullock, Oakridge Dr. resident since 1975, said allowing apartment, overnight, Airbnb and housing rentals is devaluing the permanent residents’ property values.

Ken Covington, 105 Oakridge, was there to express concern about seeing someone walk down the street at three o’clock in the morning, then down into the woods, or down to a vacant lot without his knowing who they are. Live-alones could find it a bother and a worry.

Kathy Gilmore, 6 Charles Circle, said she loves her neighborhood and does not want it to change. She was in support of a six-month moratorium and opposed to a (tourist lodging) in the area.

David Brashears, 1 Charles Circle, spoke about older people walking in the neighborhood, and agreed with others who had spoken.

Anna Lux spoke about moving to the Pines because it was a pristine, quiet neighborhood and she echoed the sentiments of neighbors. She said it is a neighborhood of dog walkers and of all ages and requested support in protecting it from lodging and boarding businesses.

Susan Brashears, 4 Cedar Lane, spoke of living in the Pines because it’s a quiet neighborhood. It was her position the lodging property was affecting their way of life and property values.

Dee Rude spoke of observations through the years of the issue of nightly lodging and said it’s time for the () to stop, and expressed the opinion there are two illegal businesses in the Pines.

Gene Pierce wrote about fines listed in Ordinance No. 2184 and encouraged using fines. He considered some of the current activities to be un-neighborly, disruptive, and dangerous, and he noted the need for housing for the people who live and work here.

Maureen Goreman wrote about Pines covenants and considered what is happening in several areas and on several of the streets there illegal. She added that some are not respecting their fellow man or maintaining their property.

William Kearney noted the majority of neighbors are very considerate of walkers. He wrote that changed when a home on Oakridge was sold and the new owner turned it into a “quasi rental or squat.”

Ann and Doug Reed sent a letter to say they wish to keep the Pines neighborhood residential, and they do not want to see any tourist business in their neighborhood.

UNFINISHED BUSINESS: none

1. Discussion of the Flint/Douglas intersection

Ms. Greene moved to discuss. Ms. Smole seconded. Mayor Berry confirmed the plan is

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for five speed tables, and surveys have not been found for anything around Grand Central. A stop sign has been installed at the intersection.

2. Ordinance No. 2308 Juneteenth holiday 2nd reading

Ms. Greene moved to suspend the rules and place Ordinance No. 2308 on its second reading by title only. Mr. Ott seconded. Following brief discussion, a roll call vote was taken.

Motion carried 5/1/0 with Mr. McClung voting "No." The Clerk Treasurer read the Ordinance title.

Ms. Greene moved to approve the second reading. Mr. Ott seconded. A voice vote followed. Motion carried 5/1/0 with Mr. McClung voting "No."

Ms. Greene moved to suspend the rules and place Ordinance No. 2308 on its third reading by title only. Mr. Ott seconded. A roll call vote followed.

Motion carried 5/1/0 with Mr. McClung voting "No." (The Ordinance title was not read.)

There was a motion by Ms. Greene to approve the Ordinance on its third reading. Mr. Meyer seconded. A roll call vote was taken.

Motion carried 5/1/0 with Mr. McClung voting "No."

NEW BUSINESS:

1. Approval of the new Finance Director

Removed during approval of the agenda

2. Recommendation for moratorium on tourist lodging in R-2 and R-3

Ms. Greene moved to discuss the recommendation with an amendment to include "all new CUPs (Conditional Use Permits) for tourist lodging." Mr. Ott seconded. Mayor Berry read the recommendation from the Planning Commission and noted it included boarding houses.

Planning Chair Ann Sallee spoke of the Commission doing a study on tourist lodging. Referencing an article on Airbnb's, Ms. Sallee read about the impact on housing prices and rents and decrease in the supply of long-term rentals.

Discussion followed about concern for people who have put contracts on houses with the thought they could apply for a CUP. A nine-month moratorium, existing contracts, and a July 26 midnight deadline were discussed.

Ms. Greene moved to put a nine-month moratorium on tourist lodging and boarding houses in R-2 and R-3. This excludes those who have contracts contingent upon getting CUPs and signed by midnight July 26. Those applications will be heard by Planning. Existing Conditional Use properties may apply to transfer upon sale. Mr. Ott seconded.

Motion carried 6/0/0.

3. Ordinance for repairing sidewalks with a limit on exterior building repairs or new construction in the Historic District

Postponed during approval of the agenda

4. Recommendation for definition of Bed and Breakfast

Ms. Greene moved to discuss. Ms. Slane seconded. Mayor Berry noted conditions included that the owner or manager must reside on-site, and their contact information must be certified each year when the business license is renewed. Off-street parking for the B&B guests and manager must be provided and utilized.

The definition of Bed and Breakfast included that the owner or manager lives in one of the structures.

Ms. Greene moved to accept the recommendations and forward them to the City Attorney for an ordinance. Mr. Ott seconded.

Motion carried 6/0/0.

5. Ordinance for Board of Zoning Adjustment appeals to be heard by City Council – per HB 1660

Removed during approval of the agenda

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6. Ordinance re: procedure for removing City commission members

Postponed during approval of the agenda

7. 2nd quarter financials

The Clerk Treasurer provided the receipts summary, check register, payroll, and long-term liabilities. The bank balances were not yet available.

AGENDA SETTING:

Ms. Smole added discussion of adjusting speed limits other than the State (and the Federal) highway.

Mr. McClung added discussion of the downtown firehouse and Auditorium basement.

Ms. Slane added discussion of Eureka Springs economic development.

CITY COUNCIL COMMENTS:

Mr. Ott was pleased Planning will be working on tourist lodging and noted the number of non-vaccinated people becoming ill.

Ms. Smole noted the cooperation and commitment among business owners to promote the town as a whole.

Ms. Greene spoke about the Planning Commission's intention to discuss parking and affordable housing.

Ms. Slane spoke about the sad state of employment and said tourism is overrunning the town.

Mr. McClung spoke of "heads on beds" as a true qualifier of success.

MAYOR'S COMMENTS:

Mayor Berry offered an update on the Entegrity's installation of air conditioning for the Auditorium and said the overall project is almost completed.

He also noted the State Legislators made it illegal to require masks or vaccinations.

ADJOURNMENT:

Mr. Ott moved to adjourn. Mr. Meyer seconded.

Motion carried 6/0/0. The meeting ended at 7:31 p.m.

ATTEST:


City Clerk Treasurer Ann Armstrong

APPROVED:


Mayor Robert "Butch" Berry