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CITY OF EUREKA SPRINGS

COUNCIL MEETING

Monday, August 9, 2021

6 p.m.

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: July 26, 2021

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

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

CAPC

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

Parks – Pos. 7 – **vacant** – expires 5/1/25

HDC

Cemetery

PUBLIC COMMENTS: 3 minutes per speaker

UNFINISHED BUSINESS:

1. Ordinance No. 2308 Juneteenth holiday – 3rd reading

NEW BUSINESS:

1. Resolution for nine-month moratorium on tourist lodging in R-2 and R-3 – Ms. Greene and Mr. Ott
2. Ordinance for repairing sidewalks with a limit on exterior building repairs or new construction in the Historic District – Ms. Greene and Mr. Meyer
3. Ordinance for new language re: conditions and definitions for Bed and Breakfasts – Ms. Greene and Mr. Ott
4. Ordinance re: procedure for removing City commission members – Mayor Berry
5. Discussion of adjusting speed limits on City-owned streets – Ms. Smole
6. Discussion of downtown firehouse and Auditorium basement – Mr. McClung
7. Discussion of Eureka Springs economic development – Ms. Slane
8. Resolution for face masks in public buildings – Mayor Berry

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

AUGUST 9, 2021

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6:00 p.m. Monday, August 9, 2021, in the Auditorium at 36 S. Main St.

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

ABSENT: Bill Ott (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 postponed New Business items #2 and 4 and added a resolution for masks in public buildings. He requested a motion to approve the agenda as amended. Mr. McClung said he so moved. Mr. Meyer seconded. Motion carried 5/0/0.

APPROVAL OF THE MINUTES: July 26, 2021

Mayor Berry called for a motion to approve the minutes. Ms. Smole said she so moved. Ms. Greene seconded.

Motion carried 5/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – One seat remains open, position 7.

CAPC – A letter of resignation was received from Greg Moon.

Hospital – Position 4 is open.

Parks – One seat is open, position 7.

HDC – no report

Cemetery – no report

PUBLIC COMMENTS:

Rain Equine, who worked on the 2020 Census, encouraged forward thinking on (Conditional Use Permits) due to the impact of over-tourism and resulting lack of housing. She favored a permanent restriction to establish a balance in maintaining quality of life for the community.

UNFINISHED BUSINESS:

1. Ordinance No. 2308 Juneteenth holiday – 3rd reading

City Attorney Tim Weaver confirmed that the Clerk Treasurer's suggestion to complete a step missed during the last meeting was appropriate.

Ms. Greene moved to (suspend the rules) and read Ordinance No. 2308 by title only. Mr. Meyer seconded. A roll call vote followed.

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

The Ordinance title was read.

Ms. Greene moved to approve Ordinance No. 2308 on its third and final reading. Ms. Slane seconded. A roll call vote was taken.

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

NEW BUSINESS:

1. Resolution for nine-month moratorium on tourist lodging in R-2 and R-3

Mr. Meyer moved to discuss. Ms. Greene seconded.

Mr. Weaver summarized discussion at the last meeting regarding having the moratorium. He pointed out the three areas that presented problems, including the absence of requirement for a notary seal on a purchase contract.

A second draft ordinance was provided that would be effective August 9, without reference to an open contract. Discussion followed regarding existing tourist lodging CUPs and the historic right to appeal for continued use when the property sells.

Mr. Weaver opined “additional” would be an increase in the number the City has now. A court would look for language and for discussion (currently) taking place for interpretation.

Mr. Meyer moved to assign the resolution a number and to read it for passage. Ms. Smole seconded. Mr. Meyer clarified he was referencing the draft document listing August 9, 2021.

Following discussion of the word “new” and the right to be heard for renewal of an existing CUP, Ms. Smole called for the question. Mr. Meyer seconded. A vote on ending discussion followed.

Motion carried 5/0/0. A vote on the motion to assign a number and to read followed.

Motion carried 5/0/0. The Clerk Treasurer read **RESOLUTION NO. 798 A RESOLUTION IMPOSING A 270 DAY MORATORIUM ON APPROVAL OF NEW CONDITIONAL USE PERMITS FOR TOURIST LODGING IN R-2 AND R-3.**

A vote was taken on approval of the Resolution.

Motion carried 5/0/0.

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

Postponed during approval of the agenda

3. Ordinance for new language re: conditions and definition for Bed and Breakfasts

Ms. Greene moved to discuss. Ms. Smole seconded.

Following discussion of proposed ordinance, Ms. Smole moved to remove the words “when the business is operating.” Ms. Greene seconded.

Motion carried 4/1/0 with Mr. McClung voting “No.”

Ms. Greene moved to assign the ordinance a number and read it for its first reading. Mr. Meyer seconded. A voice vote was taken.

Motion carried 5/0/0.

ORDINANCE NO. 2309 AN ORDINANCE AMENDING TITLE 14 OF THE EUREKA SPRINGS ARKANSAS MUNICIPAL CODE REGARDING BED AND BREAKFASTS was read.

Ms. Greene moved to approve Ordinance No. 2309 on its first reading. Ms. Smole seconded.

Motion carried 5/0/0.

4. Ordinance re: procedure for removing City commission members

Postponed during approval of the agenda.

5. Discussion of adjusting speed limits on City-owned streets

Ms. Smole moved to discuss. Ms. Greene seconded.

Ms. Smole spoke about a proposal on which she has been working to draft a number of safety issues and breaking it down into “doable” sections. She said she’d like to present the outline at the next meeting.

Mayor Berry weighed in and noted (staff from) Public Works, Police, and he work together to establish speed limits since these are executive decisions, not legislative.

Mr. Weaver added that taking executive power and deciding legislatively would result in giving up legislative immunity. He said the Mayor has the most direct contact with the Police Chief, and that’s where most of the authority and understanding comes from.

Ms. Smole withdrew the item.

It was suggested Council Comments would be the time to express concerns about needed changes.

6. Discussion of downtown firehouse and Auditorium basement

Mr. McClung moved to discuss. Ms. Greene seconded.

Floor plans were offered, and Mayor Berry said the City is working with Nabholz (Construction) as the possible construction manager. A grant from Rural Development was received for the project at Fire Station #3. (The fire truck would remain.)

Discussion followed regarding seating capacity, final cost estimates, the Auditorium basement access, and (ADA) bathroom installation there.

Nabholz will be the construction manager for the building for Public Works, and meet bidding requirements.

7. Discussion of Eureka Springs economic development

Ms. Slane moved to discuss. Ms. Greene seconded.

Ms. Slane summarized discussion from Big Tent Topics about housing and community. Apartments, tiny houses, and mobile homes were discussed as was the current out-costing of residents' (incomes.) Finding investors, possible tax breaks, and rejuvenation of the Mayor's Task Force were suggested. Communities that have built housing for service people were noted.

Mr. McClung addressed the cost of construction as prohibitive in getting rents to an affordable level.

The Mayor said he would ask the Planning Commission to consider an area for mobile homes.

8. Resolution for face masks

Mr. McClung moved to discuss. Mr. Meyer seconded.

A graph of current COVID cases in Arkansas was provided and it showed an increase of 1100 active cases from the previous day. It was noted there are only 8 ICU beds open in the entire State.

Mr. Meyer moved to assign the resolution a number and to read it for passage. Ms. Greene seconded.

Motion carried 5/0/0. **RESOLUTION NO. 799 A RESOLUTION BY THE CITY OF EUREKA SPRINGS REGARDING THE USE OF MASKS BY UNVACCINATED PERSONS IN RELATION TO THE COVID-19 PANDEMIC** was read.

AGENDA SETTING: No new items were added.

CITY COUNCIL COMMENTS:

Ms. Smole was pleased to see the plans for the Fire Station and for access to the lower portion of the Auditorium for people with mobility challenges.

Ms. Greene thanked Ms. Slane for attending the meeting about housing and appreciated the evening's discussion.

Ms. Slane concurred and spoke about efforts to find solutions.

Mr. Meyer said he hopes all public employees are vaccinated.

Mr. McClung said the Cate Brothers knocked it out of the park again.

MAYOR'S COMMENTS:

Mayor Berry expressed appreciation for all that Council has done to help in dealing with COVID. He encouraged writing to Legislators who have passed legislation banning cities from mandates and whittling away from Home Rule.

He noted Drumming in the Park has again been curtailed because of close contact. Parades will not be coming downtown.


Housing shortages in Berryville, Green Forest and Branson were noted.

ADJOURNMENT:

Mayor Berry called for a motion to adjourn. Mr. McClung said he so moved. Ms. Greene seconded.

Motion carried 5/0/0. The meeting ended at 7:26 p.m.

ATTEST:


City Clerk Treasurer Ann Armstrong

APPROVED:


Mayor Robert "Butch" Berry

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