

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

FEBRUARY 12, 2018

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, February 12, 2018, in the Auditorium lobby at 36 S. Main St.

PRESENT: Mayor Berry, Council members Terry McClung, Kristi Kendrick, Melissa Greene, David Mitchell, Mickey Schneider, Bob Thomas, 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. McClung moved to approve. Ms. Greene seconded. Mr. Mitchell added a discussion of City Commission and Council meeting minutes. Ms. Schneider seconded. Ms. Greene added a discussion of putting notices of Code violations on properties. Mr. Mitchell seconded. Ms. Greene added reconsideration of the vote to move meetings to Norris St. Ms. Schneider seconded. A vote on the amended agenda followed.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: January 29, 2018

Ms. Schneider moved to approve. Ms. Greene seconded.

Motion carried 5/1/0 with Ms. Kendrick voting "No."

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning -- Ms. Schneider moved to accept Theodore Cottingham for the Planning Commission. Ms. Greene seconded.

Motion carried 6/0/0. One seat is vacant.

CAPC -- No report. One seat is vacant.

Hospital -- No report. One seat remains vacant.

HDC -- Ms. Greene moved to approve John Nuckolls for Position 1. Mr. McClung seconded.

Motion carried 6/0/0.

Ms. Schneider moved to accept Judy Holden for Position 3. Mr. Mitchell seconded.

Motion carried 6/0/0.

Cemetery -- Ms. Greene moved to re-appoint L.B. Wilson for Position 1. Mr. McClung seconded.

Motion carried 6/0/0.

Ms. Schneider moved to re-seat Susan Tharp. Mr. Mitchell seconded.

Motion carried 6/0/0.

Ms. Greene moved to re-seat Jim Jordan in Position 2. Ms. Schneider seconded.

Motion carried 6/0/0. One seat is vacant.

PUBLIC COMMENTS:

Laura Jo Smole expressed concern about the decision to move City meetings to Norris St. It was her position pertinent people were not consulted, nor was there consideration of a place to turn cars around or a known building occupancy rating. Use by the hospital and potential income were also referenced.

Harry Meyer objected to Norris St. for meetings. He said there is zero dedicated parking and one handicap parking space -- by the emergency room entrance. Mr. Meyer proposed selling the building and constructing an A.D.A. accessible City Hall.

Joyce Knowles spoke about the condition of sidewalks, the sidewalk survey done in the Historic District, economic hardship for property owners in repairing sidewalks, and revisiting the sidewalk ordinance. Ms. Knowles referenced incentives and provided information on a rebate program.

Christopher Fischer expressed several concerns about Parks' plan for trails at Leatherwood, citing a narrowly focused and rapid ecological assessment, the intention to expand the park, and the absence of a truly comprehensive Parks plan.

Pat Costner addressed liability for downhill mountain biking injuries, the downhill trails now being constructed at Leatherwood, and the potential for adventurous children drawn to unplanned and unsupervised biking, sledding and snowboarding.

UNFINISHED BUSINESS: none

NEW BUSINESS:

1. Ordinance to add Planning recommendations to Code/City Attorney's opinion of proposed B&B owner requirement

Mr. Mitchell moved to discuss. Ms. Greene seconded. Following Mr. Weaver's confirmation that the ordinance is not finished due to his recent illness, Mr. McClung moved to defer for one month. Ms. Kendrick seconded.

Motion carried 6/0/0.

2. Update on moving City meetings to Norris St.

Ms. Schneider moved to discuss. Ms. Greene seconded. Mayor Berry said the current tenant has not responded to the letter that was sent, and another will be prepared that will also include a rent amount.

3. Ordinance for paying down bond payments

Mr. Mitchell moved to discuss. Ms. Greene seconded. Mr. Weaver said it will probably be ready in two weeks. Mr. McClung moved to defer until the next meeting. Ms. Kendrick seconded.

Motion carried 6/0/0.

4. Update on Dairy Hollow trail grant funds

Ms. Schneider moved to discuss. Ms. Kendrick seconded. A written update from Parks Director Justin Huss was provided. Commission Chair Bill Featherstone spoke about the \$80,000 80/20 TAP grant from the Arkansas Highway and Transportation Department to build a trail from Harmon Park to the Clear Spring School. It was decided an eight foot wide trail far exceeded the need and to redirect that money elsewhere and get more done for the same money. That money was then directed to the Community Center project, along with the 20% commitment.

A four foot wide compacted limestone trail with two culverts and one bridge is scheduled for construction in Dairy Hollow this Spring.

Mr. Featherstone said the trail at the Community Center is under review and may be resolved within the month. It will also involve City sidewalk from the property next to the Community Center to the three-way corner.

Ms. Kendrick recalled the Resolution approved by Council for the Dairy Hollow trail and noted the funds were redirected without Council approval or knowledge. She expressed surprise that Parks believes it has the power to divert grants approved by City Council for particular purposes to another purpose.

Mr. McClung recalled updates from Parks about changing plans for both Dairy Hollow and the Community Center.

Ms. Kendrick made a motion that, (an ordinance be prepared) when City Council approves the application for a grant, and it is awarded and the purpose of it becomes impossible, or if it is diverted for another purpose, that it be approved by City Council before they proceed with such plans. Ms. Greene seconded.

Following Mr. Thomas' enquiring about how Parks chose the Community Center for the grant funds, Mr. Mitchell called the question. There was no second. Discussion continued. The Mayor called for a vote on calling the question.

Motion carried 6/0/0. A vote on the motion for an ordinance followed.

Motion carried 6/0/0.

5. Council and Commission minutes/meetings

Mr. Mitchell moved to discuss. Ms. Schneider seconded. At Mr. Mitchell's request, Kim Stryker summarized which meetings are recorded, broadcast, roughly close-captioned, and edited, as well as the meetings that are recorded and televised on the local access channel. She noted which meetings are not recorded or televised.

Mr. Mitchell moved to revoke the motion he made at the last meeting. Ms. Schneider seconded. Following discussion, Mr. Mitchell withdrew his motion and Ms. Schneider withdrew her second.

Mr. Mitchell moved to go back to broadcasting City Council meetings, edited and close-captioned, and commission meetings – the four that (the City) currently does – will continue as they were in the past, and the two commission meetings that were not broadcast will not be broadcast. Ms. Schneider seconded. A roll call vote followed.

Motion carried 5/0/1 with Ms. Kendrick voting “No.”

6. Discussion of notices for Code violations

Ms. Greene moved to discuss. Ms. Schneider seconded. Ms. Greene spoke about people operating illegal Airbnbs. She proposed an ordinance for notices on doors for those violating Code, including neglecting houses. Mr. Weaver said that posting won’t necessarily get out-of-state people forced into court for Code violations. Posting would, however, let people know there are violations on the property.

Discussion followed about placing liens, operating illegal businesses, refining the Airbnb agreement with the CAPC, and the existing fine in Code for operating without a business license. Mr. Weaver agreed to look into it.

7. Discussion of reconsidering Norris St. vote

Ms. Schneider moved to discuss. Ms. Greene seconded. Following clarification of Ms. Greene’s vote having been on the prevailing side, she moved to reconsider (the Norris St. vote.) Ms. Schneider seconded. A roll call vote was taken.

Motion carried 5/1/0 with Mr. Mitchell voting “No.”

Ms. Greene moved to discuss moving (meetings) to Norris St. Ms. Schneider seconded. Ms. Greene said she was honoring constituents who expressed objections. Ms. Schneider spoke about the absence of money in the budget for renting meeting space. Discussion followed regarding renovation costs, possible income from the Norris St. property, staying in the Auditorium, whether the Hospital might need use of the property, and due diligence of Norris St.

Ms. Schneider made a motion to revoke the vote on Norris St. Mr. Thomas seconded. A roll call vote followed.

Motion carried 4/3/0 with Ms. Kendrick, Mr. McClung and Mr. Mitchell voting “No” and Mayor Berry adding an “Aye” to carry.

Mr. Thomas made a motion to bring in paper, put it up, and look at pros and cons of Norris St. and the Auditorium in a workshop. Ms. Schneider seconded.

Motion carried 4/3/0 with Ms. Kendrick, Ms. Greene and Mr. Mitchell voting “No” and Mayor Berry adding his “Aye” to carry.

AGENDA SETTING: No new items were added.

CITY COUNCIL COMMENTS:

Ms. Schneider spoke about the ribbon cutting at the Community Center. She recalled the process involved in writing the sidewalk ordinance.

MAYOR’S COMMENTS:

Mayor Berry read a list of upcoming events.

ADJOURNMENT:


Ms. Kendrick moved to adjourn. Ms. Greene seconded.

Motion carried 6/0/0. The meeting ended at 7:45 p.m.

ATTEST:


City Clerk Treasurer Ann Armstrong

APPROVED:


Mayor Robert “Butch” Berry

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, February 12, 2018 6 p.m.**

AGENDA

**CALL TO ORDER
ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE
APPROVAL OF THE AGENDA
APPROVAL OF THE MINUTES: January 29, 2018**

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 4 – vacant – expires 7/1/18. Pos. 5 – vacant – expires 1/1/19 –
application from Theodore Cottingham

CAPC – Pos. 3 – vacant -- expires 6/30/19

Hospital – Pos. 7 – vacant – expires 9/7/20

Parks

HDC – Pos. 1 – vacant – expires 11/30/18 – **vote on John Nuckolls.** Pos. 3 – vacant --
expires 11/30/20

Cemetery – Pos. 4 – vacant – expires 2/15/20

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Ordinance to add Planning recommendations to Code/City Attorney's opinion of proposed B&B owner requirement – Mr. Mitchell and Ms. Adamson
2. Update on moving City meetings to Norris St. – Mr. Mitchell and Ms. Greene
3. Ordinance for paying down bond payments – Mr. Mitchell and Mr. Thomas
4. Update on Dairy Hollow trail grant funds – Mr. Thomas and Ms. Greene
5. Council and Commission minutes/meetings
6. Discussion of notices for Code violations
7. Discussion of reconsidering Norris St. vote

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT