

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, July 9, 2018 6 p.m.**

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: June 25, 2018

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 3 – **vacant** – expires 7/1/20. Pos. 5 – **vacant** – expires 1/1/19

CAPC – Pos. 2 – **expired** 6/30/18. Pos. 7 – **expired** 6/30/18

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

Parks

HDC – Pos. 6 – **vacant** – expires 3/7/20 – application from Margaret (Magi) Hayde

Cemetery – Pos. 1 – **vacant** -- expires 2/15/21. Pos. 2 – **vacant** – expires 2/15/21.

PUBLIC COMMENTS -- 3 minutes for each citizen

UNFINISHED BUSINESS:

1. Ordinance No. 2269 Amending Adoption of Plans – 2nd reading
2. Ordinance No. 2270 Amending R-1 Victorian residential -- 1st reading was not approved
3. Ordinance No. 2271 Amending C-1, C-2 and C-3 – 2nd reading
4. Ordinance No. 2272 Amending Planned Unit Development – also deferred
5. Fifth ordinance from Planning re: Amending R-2 Contemporary residential

NEW BUSINESS:

1. Rescinding motion of January 8 – Mr. Mitchell and Ms. Schneider
2. Update on Auditorium remodel – Mr. Thomas and Ms. Greene
3. Discussion of GPS warning signs at major entry points – Ms. Schneider and Ms. Greene
4. Resolution expressing willingness to utilize State and Street monies – Mayor Berry
5. Recognition of Karen Pryor – Ms. Kendrick and Ms. Greene

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

JULY 9, 2018

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, July 9, 2018, in the Auditorium lobby at 36 S. Main St.

PRESENT: Mayor Berry, Council members Melissa Greene, Mickey Schneider, Bob Thomas, David Mitchell, Kristi Kendrick, City Attorney Tim Weaver and City Clerk Treasurer Ann Armstrong

ABSENT: Terry McClung (with notice)

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Ms. Greene moved to approve the agenda. Ms. Schneider seconded. Ms. Kendrick added recognition of Karen Pryor of the CAPC as the winner of the International Travel Alliance Partners 2018 Spirit Award. Ms. Greene seconded.

Motion carried 5/0/0. Ms. Kendrick moved to add Dwayne Allen's request to adjust the budget. Mr. Mitchell seconded.

Motion failed 3/2/0 with Ms. Schneider and Mr. Thomas voting "No." Ms. Schneider moved to hear from the City Attorney concerning conflict of interest.

Motion failed due to no second. A vote on the agenda as amended followed.

Motion carried 5/0/0.

APPROVAL OF THE MINUTES: June 25, 2018

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

Motion carried 4/1/0 with Ms. Kendrick voting "No."

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Two seats are vacant.

CAPC – Two seats are vacant.

Hospital – One seat is vacant.

Parks – No report

HDC – An application from Margaret (Magi) Hayde was recognized for a vote at the next meeting.

Cemetery – Two seats are vacant.

PUBLIC COMMENTS:

John Speed, owner of Hidden Springs, addressed conflict of interest for those owning lodgings and voting on the issue. He viewed the enforcement of Code as haphazard and described his sense of having been chastised for improving safety without HDC approval.

Bob Jasinski, 46 Hillside, spoke against the proposed requirement for B&B owners to register the property as their primary domicile and about the Arkansas Private Property Act. He provided his written comments and comparisons of proposed ordinances with State law.

Susan Misavage favored using the Fayetteville ordinance regarding lodging. She said she has invested all of her money and energy in her B&B and finds the proposed requirements intrusive, expensive, and undesirable to prospective buyers. She favored enforcement of existing ordinances.

David Gallia spoke about the value of perception and being perceived as honest and trust worthy. To avoid driving others out of business and reducing competition, he encouraged recusing from voting on (related) ordinances.

Barb Gavron addressed the two year cycle of modifying lodging regulations rather than building the City up and trying to do something positive. She asked who the "everyone" is wanting B&Bs out of R-1, and favored addressing problems through the Building Inspector rather than negatively impacting property values.

Roger Muterspaugh, 11 Eureka St., favored clarification of the 200 ft. rule. He expressed the belief that the person across the street has no protection (from someone applying for a Conditional Use Permit for a B&B).

Mark Mattmiller spoke about an absentee neighbor kenneling three large dogs on the porch. He spoke about odor addressed in Code for Agricultural zones but not in R-1, and called for Council to address the issues of barking and odor. He also favored being supportive of people who are running businesses.

Zoie and Faryl Kaye submitted a letter regarding the new round of proposed regulations for Bed and Breakfasts. Contributions to the community in the form of employing people, advertising, commercial insurance rates, property taxes, as well as secondary benefits to related businesses were emphasized.

UNFINISHED BUSINESS:

1. Ordinance No. 2269 Amending Adoption of Plans – 2nd reading

Ms. Schneider moved to discuss. Ms. Greene seconded.

Ms. Schneider requested the City Attorney to clarify how conflict of interest of various Council members has to do with any of the ordinances that are now being (reviewed).

Mr. Weaver noted that, in Arkansas, the person who can call “conflict of interest” is the person who has the conflict of interest. Otherwise, if a conflict is suspected, a Court of Law is necessary to establish if there is a conflict. It’s generally expected to be if there is a monetary gain or loss to be had by legislation, or approval or disapproval of items before a member who is voting.

Following comments from some Council members regarding their own conflict/absence of conflict of interest on the pending ordinances, Mr. Mitchell moved to (suspend the rules) and read Ordinance No. 2269 by title only. Ms. Greene seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. Mitchell moved to approve. The Mayor called for a motion to approve. Mr. Mitchell said he’d make that motion. Ms. Greene seconded.

Motion carried 5/0/0.

2. Ordinance No. 2270 Amending R-1 Victorian residential

Mr. Mitchell moved to read Ordinance No. 2270. Ms. Greene seconded.

Discussion followed regarding objections to parts of the ordinance, consistency with past amendments to sections of Code, and the meaning of “registration.” After Ms. Sallee’s confirming that monitoring B&Bs is not Planning’s responsibility and general agreement that the phrase “primary domicile” was a problem, Mr. Mitchell moved to send the Ordinance back to Planning. Ms. Greene seconded.

Motion carried 5/0/0.

3. Ordinance No. 2271 Amending C-1, C-2 and C-3 – 2nd reading

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mr. Thomas moved to (suspend the rules) and read Ordinance No. 2271 by title only for the second reading. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mayor Berry called for a motion to approve Ordinance No. 2271 on the second reading. Mr. Mitchell said he so moved. Ms. Schneider seconded.

Motion carried 5/0/0.

4. Ordinance No. 2272 Amending Planned Unit Development

Mr. Mitchell moved to discuss. Ms. Greene seconded. Ms. Kendrick explained that she considered what she’d drafted for the first sentence to be a better replacement in the proposed revision (of the 200 ft. rule). Following discussion of the two referenced Code paragraphs as separate topics, Mr. Mitchell moved to defer and send the ordinance back to Planning. Ms. Greene seconded.

Motion carried 5/0/0.

5. Fifth ordinance from Planning re: Amending R-2 Contemporary residential

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Ms. Kendrick moved to defer the ordinance back to Planning and listed her objections. Ms. Greene seconded.

Motion carried 4/0/1 with Mr. Mitchell abstaining.

NEW BUSINESS:

1. Rescinding motion of January 8

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

Mr. Mitchell read the referenced motion concerning in-depth review of the Community Center financial records.

Ms. Schneider moved to rescind the vote on the resolution from January 8 in regards to the Community Center. Ms. Kendrick seconded. A roll call vote was taken.

Motion carried 4/0/1 with Mr. Mitchell abstaining.

Mr. Weaver confirmed this would allow the City or a Board to engage with the Community Center.

2. Update on the Auditorium remodel

Ms. Kendrick moved to discuss. Ms. Greene seconded. Mayor Berry said he met with an architect, a structural engineer and the Building Inspector downstairs. A hole will be cut in the floor to learn where the grade is. Then it will be determined what is needed for a foundation for the elevator. Handicap bathrooms will be included in the plans as well as developing the back area for a two-compartment sink and handwashing sink. He is planning for the 2500 lb. elevator and hopes to have preliminary plans by the meeting after next.

3. Discussion of GPS warning signs at major entry points

Ms. Schneider moved to discuss. Ms. Greene seconded. Ms. Schneider summarized discussions with the Fire Chief and Police Chief about signs to inform visitors that GPS does not work well in Eureka. She described some of the problems that have occurred with tractor trailers and car haulers on small side streets.

Discussion followed about having truck warning signs, the abundance of signs already in place and cars with the same problem.

Ms. Greene moved to ask Dwayne Allen to look into small warning signs at the major entry points. Ms. Schneider seconded. Ms. Schneider then made a motion to talk to Public Works in regards to looking into a "Do Not Use GPS" sign and what he thinks would be the most effective design. Ms. Greene seconded.

Mr. Weaver cautioned care before putting up signs without doing some study on the words to avoid a law suit. Discussion continued about those who find getting lost quaint and talking with the Police Chief again. Ms. Greene withdrew the second and Ms. Schneider withdrew the motion.

4. Resolution expressing willingness to utilize State and Street monies

Mayor Berry called for discussion... Ms. Greene so moved... of Resolution... Ms. Kendrick seconded. Following discussion of available funds for overlaying Hillside and part of Grand Ave., and clarification of what the grant will not cover, Ms. Kendrick moved to change the word "Forces" to "employees" or "agents." When it was explained the wording of the resolution was sent by the State Highway Dept., Ms. Kendrick withdrew the motion.

Ms. Greene moved to give the resolution a number and read it for passage. Ms. Kendrick seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read **RESOLUTION NO. 732 A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF EUREKA SPRINGS TO UTILIZE STATE AID STREET MONIES FOR THE FOLLOWING CITY PROJECT.**

5. Recognition of Karen Pryor

Ms. Kendrick moved to recognize Karen Pryor of the CAPC as the winner of The International Travel Alliance Partners 2018 Spirit Award. Ms. Greene seconded.

Motion carried 5/0/0.

AGENDA SETTING:

Ms. Kendrick added the June 2018 letter from Dwayne Allen re: adjusting the (Public Works) budget. Mr. Thomas seconded.

Mr. Mitchell added discussion of curb cuts within the downtown area. Ms. Schneider seconded.

CITY COUNCIL COMMENTS:

Ms. Greene asked that the (people) come to public meetings please.

Ms. Schneider honored the passing of Frank Egan and Ron Derge.

Mr. Thomas clarified the need for Council to follow through and allocate the funds for the Leatherwood tax.

Ms. Kendrick supported the Council action to allocate the tax funds.

MAYOR'S COMMENTS:

Mayor Berry acknowledged that the Eureka Springs Cemetery was recently listed on the National Register of Historic Places. He thanked Glenna Booth and the Commission for their efforts.

He read an extensive list of upcoming events.

ADJOURNMENT:

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


Motion carried 5/0/0.

ATTEST:



City Clerk Treasurer Ann Armstrong

APPROVED:



Mayor Robert "Butch" Berry

City Council 7/9/18 4