

Mayor Pate called the special meeting of the Eureka Springs City Council to order on Thursday, December 15, 2011 in the jury room on the second floor of the Western District Carroll County Courthouse. Mayor Pate noted the purpose of the meeting: **Ordinance for the Group Tour Franchise**

PRESENT: Mayor Pate, Aldermen James DeVito, Lany Ballance, Dean Kirkpatrick, Parker Raphael, Ken Pownall, City Clerk/Treasurer Ann Armstrong, and City Attorney Tim Weaver
ABSENT: Butch Berry

Mayor Pate noted City Attorney Tim Weaver had prepared an ordinance. He called for a motion to discuss. Mr. DeVito did so. Mr. Pownall seconded. Mr. Weaver spoke about the changes from the previous Group Tour Franchise ordinance. Mr. DeVito moved to assign a number and place the ordinance on its first reading.

Mayor Pate spoke about a request from Transit Director Ken Smith to have a 60/40 split on tickets sold to groups that have made arrangements directly with Transit. It was also agreed to change the name of the occupation license to match what is actually issued – Tour Guide Service (step on) at a rate of \$50.

Discussion followed regarding granting one Group Tour Franchise until tour numbers increase and about the age and condition of the trams. Mr. Raphael seconded Mr. DeVito's motion.

Motion carried 4/1/0, with Ms. Ballance voting "No". **ORDINANCE NO. 2146 AN ORDINANCE REGULATING GROUP TOUR FRANCHISES** was read.

Mr. DeVito moved to approve Ordinance No. 2146 on its first reading. Dr. Kirkpatrick seconded. Ms. Ballance expressed concern for funding replacement of (the trams). Mr. DeVito favored addressing this when the need occurs and Mr. Raphael suggested including this in budget discussions. Clarification of the revocation and appeal process followed. Mr. Weaver spoke about each of the guides having a certificate and about Council as the "check" in potential revocations. A roll call vote followed: Mr. Pownall, Dr. Kirkpatrick, Mr. Raphael, and Mr. DeVito – "Aye". Ms. Ballance – "No".

Motion carried 4/1/0.

Mr. DeVito moved to suspend the rules and place Ordinance No. 2146 on its second reading by title only. Dr. Kirkpatrick seconded. A roll call vote followed: Dr. Kirkpatrick, Mr. Pownall, Mr. Raphael, and Mr. DeVito – "Aye". Ms. Ballance – "No".

Motion carried 4/1/0. Ms. Armstrong read the Ordinance title.

Mr. DeVito motioned to approve Ordinance No. 2146 on its second reading. Dr. Kirkpatrick seconded.

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

Mr. DeVito moved to suspend the rules and place Ordinance No. 2146 on its third reading by title only. A roll call vote followed: Mr. Raphael, Dr. Kirkpatrick, Mr. DeVito, and Mr. Pownall – "Aye". Ms. Ballance – "No".

Motion carried 4/1/0.

Mr. DeVito moved to approve Ordinance No. 2146 on its third reading. Dr. Kirkpatrick seconded. Ms. Ballance amended the motion to strike the word "in" from section 40.20.01 and to split the word "anyone" in section 3 to "any one". Mr. DeVito seconded.

Motion carried 5/0/0.

Mr. DeVito amended his motion to approve the Ordinance as amended. Dr. Kirkpatrick seconded.

A roll call vote followed: Mr. Raphael, Mr. Pownall, Dr. Kirkpatrick, and Mr. DeVito – “Aye”. Ms. Ballance – “No”.

Motion carried 4/1/0.

Mr. Pownall called for a recess for the purpose of writing an emergency clause. Dr. Kirkpatrick seconded.

Motion carried 5/0/0.

When the session resumed, Mr. DeVito moved to read the emergency clause. Dr. Kirkpatrick seconded. A roll call vote followed: Mr. DeVito, Dr. Kirkpatrick, Mr. Pownall, and Mr. Raphael – “Aye”. Ms. Ballance “No”.

Ms. Armstrong read the emergency clause.

Mr. DeVito moved to adjourn. Mr. Raphael seconded.

Motion carried 5/0/0.

This is the signature page for the minutes of the special meeting of the Eureka Springs City Council on Thursday, December 15, 2011.

ATTEST:


City Clerk/Treasurer Ann Armstrong

APPROVED:



Mayor Morris Pate

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