

CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, Jan. 24, 2011 6 p.m.
AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: Dec.13, 2010

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning - Position 1 – expires 7/1/11 Position 2 -- expires 1/1/14

 Position 6 – expires 1/1/12

Parks – Position 1 – expires 5/1/12

Hospital – Position 6 – expires 9/7/15

HDC – Position 2 – expires 11/30/13 Position 4 – 11/30/13

PUBLIC COMMENTS:

OLD BUSINESS:

1. Discussion of 2011 budget amendments
2. Discussion of proposal to establish Auditorium Commission
3. Discussion of Courthouse parking lots and City Hall lease

NEW BUSINESS:

1. Discussion to set regular 2011 Council meeting dates and time
2. Adoption of the rules of procedure for 2011
3. Election of mayor pro tem/vice-mayor for 2011
4. Discussion of floodplain ordinance
5. Appointment of CAPC members from Council for 2011
6. Discussion of application from Ray Dotson for animal-drawn vehicle franchise
7. Discussion of amendments to water rates

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

JANUARY 24, 2011

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, January 24, 2011 in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Morris Pate, Aldermen Janet Alexander, Lany Ballance, Robert “Butch” Berry, James DeVito, Dean Kirkpatrick, Ken Pownall, City Attorney Tim Weaver, Finance Director Yvonne Kline, City Clerk/Treasurer Ann Armstrong

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pate led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Mr. Berry moved to approve the agenda. Mr. Pownall seconded.

Following discussion, Mayor Pate stated his choice to follow the written agenda.

Motion passed 5/1/0

APPROVAL OF THE MINUTES: December 13, 2010

Mr. Pownall moved to approve the minutes of the December 13, 2010, regular City Council meeting. Mr. Berry seconded.

Ms. Alexander noted the item headings in the minutes did not reflect the agenda, and also requested the word “benefits” in item #5 be struck from the record.

Tom Tharp confirmed at Mayor Pate’s request that the two applications for the animal-drawn vehicle franchise were indeed combined.

Mr. Pownall moved to approve the minutes as amended. Mr. DeVito seconded.

Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning - Position 1 – expires 7/1/11 Position 2 -- expires 1/1/14 – Mayor Pate nominated Beverly Blankenship. Position 6 – expires 1/1/12 – Mayor Pate nominated Mickey Schneider.

Parks – Position 1 – expires 5/1/12

Hospital – Position 6 – expires 9/7/15. Bill Fort (Position 2 – expires 6/1/14), Chairperson Pamela Crockett (Position 4 – expires 6/1/11), and Dr. Jack Pritchard (Position 5 – expires 6/1/12) have announced they are leaving the commission.

HDC – Position 3 – expires 11/30/13 – Mayor Pate nominated Dee Bright.
Position 4 – expires 11/30/13

Cemetery – Position 5 – expires 2/15/14 – Mayor Pate nominated Mary Ann Pownall

CAPC – Chairperson Joanne Graupner outlined primary goals of awarding website development and printing contracts more locally. All CAPC offices are now in the same building.

PUBLIC COMMENTS:

Nine citizens spoke in favor of supporting Parks Director Bruce Levine's plans to improve Leatherwood soccer and baseball fields, and recognizing the importance of youth activities sponsorship.

Mr. DeVito addressed the spirit of compromise and consideration at the Council table.

Paul Justus and Becky Gillette spoke in favor of moving forward with former Mayor Joy's Climate Protection Agreement, policy changes to encourage energy efficiency in buildings, and the opportunity to market Eureka Springs as a green community. Ms. Gillette also called for better communication in notifying the public when policy changes may be made, and for education in procedural rules.

Beau Satori welcomed the new City government, noted that three Auditorium Commissions have been formed in recent years, and encouraged the Mayor and Council to ask for help from experienced and willing members of the community.

UNFINISHED BUSINESS:

1. Discussion of 2011 budget amendments

Mr. Berry moved to postpone discussion until February 14. (date became February 3 when the Council meeting schedule changed.) Mr. DeVito seconded. Motion passed 6/0/0

2. Discussion of proposal to establish an Auditorium Commission

Mr. Pownall motioned to open discussion on the proposal to establish an Auditorium Commission. Mr. DeVito seconded. Motion passed 6/0/0

Mr. DeVito moved to table until the next meeting. Mr. Berry seconded. Motion passed 6/0/0

3. Discussion of the Court House parking lots and City Hall lease

Mr. Pownall moved to discuss the parking lots and lease. Mr. DeVito seconded. Motion passed 6/0/0

Mayor Pate noted the leases have been secured and this is a contractual issue within his purview. Mr. Pownall would like the Council to read the contract so as to participate in the agreement. Mayor Pate assured the Council the paperwork will be available at the next meeting. Mr. Pownall moved to postpone. Ms. Ballance seconded. Motion passed 6/0/0

NEW BUSINESS:

1. Discussion to set regular 2011 Council meeting dates and time

Mr. Berry moved to open discussion of dates and time. Dr. Kirkpatrick seconded. Motion passed 6/0/0

Mr. Pownall motioned to change the meeting dates to the first and third Thursdays of each month and the November and December meetings to the first Thursday, so as to avoid the meeting cancellation because of federal holidays. Ms. Ballance seconded. Ms. Alexander favored having more time to receive and process information for upcoming meetings. Mr. DeVito noted the publication dates of the local newspaper and expressed concern that reports would be "old news".

Mr. Pownall, Dr. Kirkpatrick, Ms. Alexander, and Ms. Ballance voted "Aye". Mr. DeVito and Mr. Berry voted "No". Motion passed 4/2/0

2. Adoption of the rules of procedure for 2011

Mr. Pownall moved to open discussion of rules of procedure for 2011. Mr. DeVito seconded.

Mr. Berry moved to adopt Roberts Rules of Order. Mr. DeVito seconded. Mr. Pownall requested adding other procedural items to the next agenda. Ms. Ballance concurred.

Motion passed 6/0/0

3. Election of mayor pro tem/vice-mayor

Mr. Pownall moved to open discussion of election of mayor pro tem/vice-mayor. Ms. Balance seconded.

Mr. DeVito nominated Mr. Berry. Ms. Alexander seconded.

Motion passed 4/2/0

4. Discussion of the floodplain ordinance

Mr. Pownall moved to discuss the floodplain ordinance. Mr. DeVito seconded. Public Works Director Dwayne Allen addressed the need to replace the 1987 ordinance with updated information and maps. He noted there have been two public hearings and the new ordinance must be passed in time to meet March 17 FEMA requirements.

Dr. Kirkpatrick moved to give the ordinance number 2133 and read into the record. Ms. Alexander seconded.

Motion passed 6/0/0

Ms. Armstrong read the Ordinance aloud, noting a sentence needing completion.

Mr. DeVito moved to approve Ordinance #2133 on its first reading. Mr. Berry seconded. Mr. Weaver suggested sending the ordinance back for clarification on item 11-A and proceeding with the vote so as to meet the deadline. Motion passed 6/0/0

Mr. DeVito moved to suspend the rules and read Ordinance #2133 by title only. Mr. Berry seconded.

Motion passed with a roll call vote 4/2/0: Ms. Alexander, Dr. Kirkpatrick, Mr. DeVito and Mr. Berry-“Aye”. Mr. Pownall and Ms. Balance-“No”

Ms. Armstrong read the Ordinance title.

Mr. DeVito moved to approve Ordinance #2133 on the second reading. Mr. Berry seconded. Mr. Berry commented on the importance of passing this ordinance so as to not jeopardize the people in that area.

Motion passed 4/2/0

5. Appointment of CAPC members from Council for 2011

Mr. Pownall moved to discuss appointment of CAPC members. Dr. Kirkpatrick seconded. Motion passed 6/0/0

Mr. DeVito nominated Mr. Berry. Mr. Pownall seconded. Ms. Ballance nominated Ms. Alexander. Dr. Kirkpatrick seconded. Both were elected by a vote of 6/0/0. These terms will expire 12/31/11.

6. Discussion of application from Ray Dotson for animal-drawn vehicle franchise

Mr. Pownall moved to open discussion of the application. Mr. Dotson was not present as required. He had been notified of the meeting by phone. Mayor Pate ordered the item stricken from the agenda.

7. Discussion of amendments to water rates

Mr. Pownall moved to open discussion of amendments to water rates. Mr. Berry seconded.

Mr. Pownall and Ms. Ballance expressed concern about passing an ordinance with an emergency clause. Finance Director Yvonne Kline noted Municipal Code 10-44-04 Sec. G, allowing her to make adjustments based on the South Urban Consumer Price Index (CPI) for November 2010. The 1.1% increase will appear on the February water bills.

Motion passed after confirming voice vote: Ms. Alexander, Mr. Berry and Mr. DeVito-“Aye”. Dr. Kirkpatrick, Ms. Ballance and Mr. Pownall-“No”. The tie was broken by Mayor Pate’s “Aye”. 4/3/0

Mr. DeVito moved to assign an ordinance number and place on the first reading. Mr. Berry seconded.

Motion passed 4/2/0

The ordinance increasing water rates was given #2134 and read aloud.

Mr. DeVito moved to approve Ordinance #2134 on the first reading. Mr. Berry seconded.

Motion passed 4/2/0

Mr. DeVito moved to suspend the rules and read Ordinance #2134 by title only.

Mr. Berry seconded.

Motion passed by roll call vote: Ms. Alexander, Dr. Kirkpatrick, Mr. Berry and Mr. DeVito-“Aye”. Mr. Pownall-“No”. Ms. Ballance-“Present”. 4/1/1

Ordinance was read by title only.

Mr. DeVito moved to approve Ordinance #2134 on the second reading. Mr. Berry seconded.

Motion passed with four “Aye” votes, one “No” and one “Present”.

Mr. DeVito moved to suspend the rules and read Ordinance #2134 by title only. Mr. Berry seconded.

Motion passed by roll call vote: Mr. DeVito, Mr. Berry, Ms. Alexander, and Dr. Kirkpatrick-“Aye”. Mr. Pownall-“No”. Ms. Ballance-“Present”. 4/1/1

Ordinance #2134 was read by title only.

Mr. DeVito moved to approve Ordinance #2134 on the third reading. Mr. Berry seconded.

Motion passed with four “Aye” votes, one “No” and one “Present”.

Mr. DeVito moved to read the emergency clause. Mr. Berry seconded.

Motion carried by roll call: Ms. Alexander, Dr. Kirkpatrick, Mr. Berry, and Mr. DeVito-“Aye”. Mr. Pownall-“No”. Ms. Ballance-“Present”. 4/1/1

Ms. Armstrong read the emergency clause.

CITY COUNCIL COMMENTS:

Ms. Alexander and Mr. DeVito were pleased to be at the table.

Mr. Berry addressed pending decisions in the Legislature which could take money from the Western District and redistribute it. He cautioned everyone to stay informed.

MAYOR'S COMMENTS:

ADJOURNMENT:

Mr. DeVito moved to adjourn at 8:17 p.m. Mr. Pownall seconded.
All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of Monday, January 24, 2011.

APPROVED:



Mayor Morris Pate

ATTEST:



City Clerk/Treasurer Ann Armstrong