

CITY OF EUREKA SPRINGS
COUNCIL MEETING
Thursday, March 3, 2011 6 p.m.
amended AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: February 17, 2011

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning -- Position 1 – expires 7/1/11 Position 6 – expires 1/1/12

Parks – Position 1 – expires 5/1/12

Hospital – Position 2 – expires 6/1/14 Position 4 -- expires 6/1/11

Position 5 -- expires 6/1/12

HDC – Position 4 – expired 11/30/10 Position 7 – expires 3/7/11

PUBLIC COMMENTS

UNFINISHED BUSINESS:

1. Discussion of proposal to establish Auditorium Commission
2. Discussion of Resolution 484 and Ordinance 1940 -- fee schedule for Planning Commission/BOZA -- Mr. Pownall

NEW BUSINESS:

1. Discussion of Domestic Fowl Ordinance – Planning Commission
2. ADA Resolution – AR Rural Development and E.S. Parks and Recreation
3. Discussion of Mun. Code 2.36.04 – Operations manual for the Finance Department – Ms. Ballance and Mr. Kirkpatrick
4. Discussion of new accounting software program for Finance Department – Ms. Ballance and Mr. Kirkpatrick
5. Discussion of new ordinance to require that all department heads reside within city limits with two-year window for compliance – Ms. Ballance and Mr. Kirkpatrick
6. Discussion of the sidewalk ordinance – Mr. Kirkpatrick and Mr. Pownall
7. Discussion of franchise fees
8. Concerned citizen email

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

THURSDAY

MARCH 3, 2011

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Thursday, March 3, 2011 in the jury room on the second floor of the Western District Carroll County Courthouse.

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

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. DeVito seconded. Ms. Ballance moved to postpone items #3 and 4 until the next meeting.

Motion carried 5/0/0

Mr. Pownall moved to add item #7 -- Franchise fees

Motion carried 5/0/0

Mr. Pownall moved to add item #8 -- Email from a concerned citizen. Following discussion, Ms. Balance moved to postpone until the next meeting. Mr. DeVito seconded.

Motion carried 5/0/0

Mayor Pate called for a vote on the amended minutes.

Motion carried 5/0/0

APPROVAL OF THE MINUTES: February 17, 2011

Mr. Pownall moved to approve the minutes from February 17, 2011. Mr. DeVito seconded. Mr. Pownall noted position #4 on the HDC, held by Doug Breitling, expired 11/30/10 and suggested he apply to fill the term to expire 11/30/13.

Mr. Pownall also said he would like clarification in the minutes on page two where ‘Ms. Kline reminded the Council the Resolution (#574) passed in the last meeting “gave the money” for retirement.’ He believed that since it was redlined by vote of Council, it needs to go on the record as being approved in the Resolution.

Mayor Pate called for a vote to approve the minutes as amended.

Motion carried 5/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Parks and Recreation Commission – Director Bruce Levine spoke about the rapid reproduction cycles of feral hogs at Lake Leatherwood. Arkansas Game and Fish representatives suggested trapping and removing. Discussion is ongoing about “dispatching” boars.

HDC – Position 7 – expires 3/7/11– Mayor Pate nominated Melissa Greene.

Police Department – A written report for January and February 2011 was submitted.

CAPC – Interim Director Joanne Graupner said the CAPC had agreed to form a ten-member Auditorium committee to be directed and funded by the CAPC. This committee will be dissolved December 31, 2011. Also, the Rogers web design company Rock Fish has been hired.

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A graphic design company has not yet been chosen. Ms. Graupner explained her exchange with Errol Severe regarding his production in the Auditorium

PUBLIC COMMENTS:

Bill Pugh spoke about the financial burden of buying yellow trash bags. He distributed a list of less expensive options and noted that several towns in the area no longer require residents to use special bags.

Nelli Clark described the February 2 inundation of her home with jetted raw sewage and the lack of accountability from the City. She described the ten-year history of problems with the main line and asked again for a downhill connection.

Errol Severe announced the opening of the Silver Wings airport outside Eureka. He then referenced a conversation with former CAPC Director Jim Williams about possible funding through the Arts Council for production of a play in the Auditorium four times a week. He expressed concern for people in Eureka not working together.

Beth Severe spoke about efforts to produce a musical play, and the need for the City to make decisions so as to move forward.

Becky Gillette spoke in support of her neighbor, Nelli Clark. Ms. Clark initially understood that in other such cases, the City has fixed the problem. Not only does the neighborhood “still stink”; Nelli now cannot sell her home. She asked that this issue be put on the agenda.

Beau Satori favored the CAPC decision to use the revenue stream available to take care of the Auditorium. He also distributed photos and City regulations addressing limestone removal, and the dark grey concrete poured in front of 80 Spring St.

UNFINISHED BUSINESS:

1. Discussion of proposal to establish an Auditorium Commission

Mr. DeVito referenced the Ms. Grauper’s report on the CAPC’s intent to manage the Auditorium by committee for the rest of the year. He motioned to withdraw his proposal to establish an Auditorium commission. Mr. Kirkpatrick seconded.

Motion carried 5/0/0

2. Discussion of Resolution 484 and Ordinance 1940 – fee schedule for Planning Commission/BOZA

Mr. Pownall motioned to discuss Resolution 484 and Ordinance 1940 – fee scheduling. Mr. DeVito seconded. Mr. Pownall noted the Resolution includes a section no longer in the City Code and cost increases over ten years. Mr. Pownall referenced 14.08.11 in the Code which requires posting fees. Mr. Pownall motioned to put this on the agenda for March 17. Mr. DeVito seconded.

Motion carried 5/0/0

NEW BUSINESS:

1. Discussion of Domestic Fowl Ordinance

Mr. DeVito moved to discuss. Mr. Berry seconded. Ms. Ballance noted several typos and points needing clarification. Mr. Weaver noted other phrases to be edited. Mr. DeVito moved to place under the review of the City Attorney for return to the table as soon as possible. Mr. Berry seconded.

Motion carried 5/0/0

2. ADA Resolution

Parks Director Bruce Levine spoke about a \$38,524.05 wildlife recreation facilities grant requiring no matching funds from the City. If awarded, the grant would cover engineering and carpentry to install a handicap accessible dock, launch, railing, and parking at Lake Leatherwood.

Mr. Pownall moved to have the Mayor sign the certification letter, and proceed with the Resolution. Mr. Berry seconded.

Motion carried 4/1/0

Mr. Pownall motioned to assign a number and read the Resolution. Mr. DeVito seconded.

Motion carried 4/1/0

Ms. Armstrong read Resolution 578.

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

Motion carried 4/1/0.

3. Discussion of Municipal Code 2.36.04 – Operations manual for the Finance

Department Postponed

4. Discussion of new accounting software program for Finance Department --

Postponed

5. Discussion of a new ordinance to require that all department heads reside within City limits with two-year window for compliance

Ms. Ballance moved to discuss. Mr. Pownall seconded. Mr. Kirkpatrick expressed concern about people using City vehicles for private transportation. Ms. Balance confirmed that at least two department heads in line for emergency response live in Holiday Island. She expressed concern for their ability to reach town and/or to communicate during serious emergencies. Mr. Pownall spoke about requirements for commissioners and elected officials to live in the City. Mr. DeVito expressed doubt in the idea that living inside the City has to do with dedication. Mr. Berry weighed in as having no problem with department heads living in Holiday Island and their need for City vehicles. Mayor Pate believes issues about department heads should be addressed to him before being put on the agenda. Ms. Ballance moved to postpone further discussion until the next meeting. Mr. Kirkpatrick seconded.

Motion carried 3/2/0

6. Discussion of the sidewalk ordinance

Mr. Pownall moved to discuss. Ms. Ballance seconded. Mr. Pownall ceded his time to Beau Satori. Mr. Satori referenced the handouts he'd prepared. He reviewed Code and October 2010 HDC recommendations for repair and replacement of limestone sidewalks. A 2007 Public Works report rating the condition of sidewalks in the Historic District is contained in the handout. Mr. Satori was distressed by the removal of 6 x 6 ft. slabs of highly rated limestone from in front of 84 and 86 Spring St.

Building Inspector Bobby Ray addressed efforts to comply with ADA requirements, City Code and HDC guidelines. He said he had not told anyone they have to replace their sidewalks. He noted the tinting in the concrete at 84 and 86 Spring St. is an HDC approved color. Mr. DeVito favored salvaging the stone and later use for repair. Mr. Berry suggested having Mr. Satori draft and present an improved ordinance.

7. Discussion of franchise fees

Mr. Pownall moved to discuss franchise fees and where they're found in the budget. He would like to see all such fees reported together. Mr. Pownall had seen a sign for motorcycle rentals and expressed concern about how this could affect the moped franchise regulations. Mr. Berry suggested this may already be included and suggested review of the ordinance.

8. Concerned Citizen email

Postponed

CITY COUNCIL COMMENTS:

Mr. DeVito referenced the vote on the deer hunt and suggested adding this to the next agenda. Mr. Berry agreed.

Ms. Ballance would like to see facts regarding the cost of and revenues from yellow trash bags. She expressed regret for Nelli Clark's sewage experience. Ms. Ballance would like to see agenda setting included in Council meetings.

Mr. Pownall noted the revenue from the sale of yellow trash bags. He agreed that agenda setting should be included at the table so the public knows what Council will discuss. Mr. Pownall recognized both the difference between legislative and administrative elements of City government and the need for disclosure in what department heads are doing. He also referenced a letter about portable carports and Code enforcement.

MAYOR'S COMMENTS:

Mayor Pate mentioned a change in procedures to access State procurement. He reported on the three major leaks in Black Bass Dam and the bowing handrail, a problem needing to be addressed quickly. Mayor Pate described a sinkhole redeveloping near the helipad at the hospital. He announced upcoming March events.

ADJOURNMENT:

Mr. DeVito moved to adjourn at 8:50 p.m. Mr. Pownall seconded.

All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of Thursday, March 3, 2011.

ATTEST:



City Clerk/Treasurer Ann Armstrong

APPROVED:



Mayor Morris Pate