

**PLEASE TURN OFF ALL ELECTRONIC DEVICES AS THEY INTERFERE WITH
RECORDING EQUIPMENT**

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, February 27, 2012 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: February 13, 2012 meeting

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 1 – Mickey Schneider – expired 7/1/11. Pos. 6 – vacant – 1/1/12. Pos. 7 – Deni Flaherty – expired 1/1/12.

CAPC – Pos. 1 – vacant – 7/1/12. Pos. 3 – Lynn Bridwell – expired 6/30/11

Hospital – Pos. 4 – Pamela Crockett – expired 6/1/11

Parks – Pos. 5 – vacant – 5/1/11

HDC

Cemetery – Pos. 1 – June Westphal – expired 2/15/12. Pos. 2 – Bennie Clark – expired 2/15/12.

Yellow Bag Research Committee – decision target date

Deer Hunt Committee

PUBLIC COMMENTS

UNFINISHED BUSINESS:

1. Dog control ordinance – 3rd reading -- Mayor Pate
2. Non-conforming Off-Premise Signs – postponed until Code references are corrected – Planning Commission
3. Hospital Audit report/Hospital lease – postponed until the first meeting in March – Mr. Pownall and Ms. Ballance
4. Auditorium Commission ordinance review – update on workshop date in April -- Mr. Berry and Mr. DeVito
5. Ray Dotson's list for loading and unloading passengers – Dr. Kirkpatrick and Ms. Ballance
6. Handicap parking regulations ordinance – 3rd reading – Mayor Pate

NEW BUSINESS:

1. Setting date for workshop to review/rewrite Animal Drawn Vehicle requirements -- Mr. DeVito, Ms. Ballance, Mr. Berry
2. Discussion of the emissions reduction plan – Ms. Ballance and Mr. Raphael
3. Discussion of a license fee for apartment buildings – Mr. Berry and Mr. Pownall
4. Discussion of BKD audit (ACA 10-4-418) – Mr. Pownall and Ms. Ballance
5. Ordinance to regulate Limousines – workshop is scheduled for March 8 @ 6:30 p.m. – Mr. DeVito and Mr. Pownall
6. Discussion of Code chapter 2.32 City Attorney – Mr. Pownall and Mr. Raphael

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

FEBRUARY 27, 2012

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, February 27, 2012, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Morris Pate, Aldermen Parker Raphael, Dean Kirkpatrick, James DeVito, Ken Pownall, City Attorney Tim Weaver, and City Clerk/Treasurer Ann Armstrong
Alderman Lany Ballance arrived at 6:15 p.m.

ABSENT: Butch Berry

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pate led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve the agenda. Mr. Pownall seconded. Mr. Pownall moved to postpone New Business item #4 until the next meeting. Mr. DeVito seconded. A voice vote followed.

Motion carried 4/0/0.

Mr. DeVito moved to approve the agenda as amended. Mr. Pownall seconded. A voice vote followed.

Motion carried 4/0/0.

APPROVAL OF THE MINUTES:

Mr. DeVito moved to discuss the minutes from the February 13 meeting. Mr. Pownall seconded. A voice vote followed.

Motion carried 4/0/0.

Mr. DeVito moved to approve the minutes. Mr. Pownall seconded. A voice vote followed.

Motion carried 4/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Planning Chair Beverly Blankenship addressed the need for volunteers on the Commission. She noted training from the Municipal League will be available in Eureka Springs in September. Ms. Blankenship thanked Council for seeing the significance of a new zoning map and handicap parking spaces. She said that the Commission does not see plans for new construction because Code does not (require Planning Commission review). Ms. Blankenship noted legally non-conforming permits will be reviewed once a year.

CAPC – no report

Hospital – The Commission met with Mr. Bordelon and a report is forthcoming.

Parks – no report

HDC – no report

Cemetery – Mayor Pate said a meeting was held and personnel changes were made.

Yellow Bag Research Committee – no new information

Deer Hunt Committee – Mayor Pate reported that an orientation meeting is being scheduled.

PUBLIC COMMENTS:

Enid Swartz thanked Council for work on the Handicap Parking Ordinance. She expressed

City Council **2/27/12** **1**

concern about dangerous structures in town which (invite squatting).

UNFINISHED BUSINESS:

1. Dog control ordinance – 3rd reading

Mr. Pownall moved to discuss. Mr. Raphael seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2150 on its third reading by title only. Mr. Pownall seconded. A roll call vote followed. All voted “Aye.”

Motion carried 4/0/0.

Ms. Armstrong read “**Ordinance 2150 AN ORDINANCE TO AMEND CHAPTER 6.04 OF THE EUREKA SPRINGS MUNICIPAL CODE**”. Mr. DeVito moved to approve Ordinance No. 2150 on its third reading. Mr. Pownall seconded. A voice vote followed.

Motion carried 4/0/0.

2. Non-conforming Off-Premise Signs

Postponed until Code references are corrected

3. Hospital Audit report/Hospital lease

Postponed until the first meeting in March

4. Auditorium Commission ordinance review

Workshop date in April to be announced

5. Ray Dotson’s list for loading and unloading passengers

Mr. Pownall moved to discuss. Mr. DeVito seconded. Dr. Kirkpatrick (asked if Mr. Dotson had responded) to the letter. Ms. Armstrong said there was no answer. Mr. Pownall asked City Attorney Tim Weaver if there was a valid issue yet. Mr. Weaver answered he is not aware of (Mr. Dotson) operating yet.

6. Handicap parking regulations ordinance – 3rd reading

Mr. DeVito moved to discuss. Mr. Raphael seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2149 on its third reading by title only. Mr. Pownall seconded. A roll call vote followed. All voted “Aye”.

Motion carried 4/0/0.

Ms. Ballance arrived at the table.

Following discussion, Mr. DeVito moved to amend Ordinance No. 2149 by deleting “It is also unlawful for any vehicle to be parked in an area designated for the exclusive use special certificate, or an official designation.” Mr. Pownall seconded.

Motion carried 4/0/0. Ms. Ballance did not vote.

Mr. DeVito moved to read as amended. Mr. Pownall seconded.

Motion carried 4/0/0. Ms. Ballance did not vote.

Ms. Armstrong read “**Ordinance No. 2149 AN ORDINANCE TO AMEND CHAPTER 8 OF THE EUREKA SPRINGS MUNICIPAL CODE**.” A roll call vote for approval followed. Mr. Raphael, Mr. Pownall, Dr. Kirkpatrick, and Mr. DeVito – “Aye.” Ms. Balance abstained.

Motion carried 4/0/1.

NEW BUSINESS:

1. Setting date for workshop to review/rewrite Animal Drawn vehicle requirements

Mr. DeVito moved to discuss. Mr. Raphael seconded. Currently scheduled workshop dates were reviewed. Mr. DeVito (requested that) the Clerk find a date that accommodates all of Council and to notify Mr. Tharp. A voice vote followed.

Motion carried 5/0/0.

2. Discussion of emissions reduction plan

Mr. DeVito moved to discuss. Mr. Pownall seconded. Jerry Landrum asked if there were specific questions regarding the Greenhouse Gas Reduction Plan prepared by Dr. Nick Brown. He

noted some of the problems with current efforts to extract depleted natural resources. Proposed projects to reduce greenhouse gas and equip the City to be in a better financial position (saving up to \$87 million by 2040) were recapped. An 80% reduction by 2050 is the goal. State action on policies prompted by (locally written) letters, Federal CAFÉ standards for automobile efficiency, and urban forestry were addressed. Mr. Landrum suggested registering the Lake Leatherwood forest as a carbon sequestration area. Building code upgrades could increase energy performance.

Mr. Landrum noted that Property Assessed Clean Energy (PACE) financing for property owners to improve energy efficiency and for renewable energy projects (increasing taxes while saving on reduced electricity use) failed at the State level by a few votes. A Feed-in tariff could provide incentive to install renewable projects. Utilities could be required to have a certain percentage of energy provided by renewable means.

The Incline/Block Rate Structure (e.g. water and electricity consumption) could provide lower rates for less-than-average users. Improvements in recycling, composting food waste from restaurants, bio-diesel, bio-mass, photo-voltaics, and solar hot water are options.

3. Discussion of a license fee for apartment buildings

Mr. DeVito moved to discuss. Mr. Pownall seconded. Ms. Ballance reported on the absence of business licenses in Berryville. Fayetteville residents are allowed up to three rental properties without having to register. Noting the dearth of affordable housing in Eureka Springs, Ms. Ballance did not favor a (fee schedule) that would be higher for those with fewer rental properties.

4. Discussion of State and BKD audits

Postponed until the March 12 meeting

5. Ordinance to regulate Limousines

Workshop is scheduled for March 8 at 6:30 p.m.

6. Discussion of Code chapter (2.32) City Attorney

Mr. Pownall moved to discuss. Mr. Raphael seconded. Mr. Pownall addressed what is in Code versus the budgeted personal services contract. He would like clarification. Mr. Pownall also noted a rule saying only the Mayor, department heads, and those filing a claim against a supervisor are allowed to contact the City Attorney.

Mr. Weaver spoke about State law allowing City officials to contact the City Attorney. Commissions go through the Mayor. Discussion followed regarding the possible conflict. Ms. Ballance moved to amend to Code to clearly delineate that Council and the Clerk can contact the City Attorney. The motion included bringing this topic forth during the next meeting. Mr. Raphael seconded.

Motion carried 4/1/0, with Mr. DeVito voting No.”

Mayor Pate agreed to research the question regarding the budget for (personal services).

AGENDA SETTING:

Mr. Pownall moved to discuss. Mr. DeVito seconded.

Mr. Pownall requested that the next agenda show which Department Heads and Commissions are going to be reporting to Council, as agreed in January. Mayor Pate said he believes that's his prerogative. Ms. Ballance stated she believes it is in the Code.

Mr. Raphael added discussion of a water rate increase and of minimum monthly billing on garden meters. Ms. Ballance seconded.

Ms. Ballance added discussion of planting invasive species. Mr. Raphael seconded.

COUNCIL COMMENTS:

Ms. Ballance asked about inspectors at the High School building project. Mayor Pate

agreed to contact Building Inspector Bobby Ray.

Mr. DeVito thanked the approximately 400 people who exercised their democratic rights on February 14 regarding the election of a city administrator.

MAYOR'S COMMENTS: none

ADJOURNMENT:

Mr. DeVito moved to adjourn. Mr. Pownall seconded.

Motion carried 5/0/0. The meeting ended at 6:55 p.m.

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of Monday, February 27, 2012.

APPROVED:



Mayor Morris Pate

ATTEST:



City Clerk/Treasurer Ann Armstrong