

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

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING  
Monday, March 26, 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:** March 12, 2012 meeting

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:**

**Planning** – Pos. 1 – Mickey Schneider – expired 7/1/11. Pos. 5 – vacant – 1/1/13. 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. Pos. 6 – vacant -- 9/7/15

**Parks** – Pos. 5 – vacant – 5/1/11

**HDC** – Pos. 7 – vacant – 3/7/14

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

**Yellow Bag Research Committee**

**Deer Hunt Committee**

**PUBLIC COMMENTS**

**UNFINISHED BUSINESS:**

1. Non-conforming Off-Premise Signs – postponed until Code references are corrected – Planning Commission
2. Hospital Audit report/Hospital lease – postponed until the April 23 – Mr. Pownall and Ms. Ballance
3. Auditorium Commission ordinance review – workshop April 22, 2 p.m.-- Mr. Berry and Mr. DeVito
4. Review/rewrite Animal Drawn Vehicle requirements – update from March 20 workshop --Mr. DeVito, Ms. Ballance, Mr. Berry
5. Update on the emissions reduction plan – Ms. Ballance and Mr. Raphael
6. Discussion of a license fee for apartment buildings – Mr. Berry and Mr. Pownall
7. Ordinance to regulate Limousines – update on March 22 workshop – Mr. DeVito and Mr. Pownall
8. Update on Code chapter 2.32 City Attorney – Mr. Pownall and Mr. Raphael
9. Discussion of water rate increase – Mr. Raphael and Ms. Ballance
10. Discussion of minimum monthly billing on garden meters – Mr. Raphael and Ms. Ballance

**NEW BUSINESS:**

1. Discussion of budget overspending/mis/malfesance – Ms. Ballance and Mr. Raphael
2. Discussion of extending Moratorium on Digital/Electronic Signs – Mayor Pate
3. Discussion of vacating Vine St. – Mayor Pate

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**MARCH 26, 2012**

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, March 26, 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, Butch Berry, City Attorney Tim Weaver, and City Clerk/Treasurer Ann Armstrong  
**ABSENT:** Lany Ballance

**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. Berry seconded. Mr. Pownall moved to postpone Unfinished Business item #1 until the April 23 meeting. Mr. DeVito seconded. Mr. Pownall moved to postpone New Business item #1 until the next meeting. Mr. DeVito seconded. Mr. Pownall moved to approve the agenda as amended. Dr. Kirkpatrick seconded. A voice vote followed.

Motion carried 5/0/0.

**APPROVAL OF THE MINUTES:**

Mr. DeVito moved to approve the minutes as amended March 26. Mr. Pownall seconded. A voice vote followed.

Motion carried 5/0/0.

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:**

**Planning** – Mayor Pate nominated Ken Rundel for Position 6.

**CAPC** – no report

**Hospital** – Mayor Pate nominated John Dolce for Position 6.

**Parks** – no report

**HDC** – Charles Templeton resigned as of March 15, 2012.

**Cemetery** – no report

**Yellow Bag Research Committee** – no report

**Deer Hunt Committee** – Mayor Pate reported he is waiting for a reply from Mr. Baxter of the Game and Fish Commission regarding an orientation meeting.

**PUBLIC COMMENTS:**

**Jerry Landrum**, 19 Kimberling, spoke about the greenhouse gas reduction plan. Regarding use of food waste from restaurants in the City composting project, he noted USDA guidelines require 30 minutes of cooking at boiling temperature. About compressed natural gas to fuel vehicles, Mr. Landrum said Dr. Nick Brown believes it releases (approximately) the same amount of carbon as gasoline. He said Richard Goodyear is building a biomass gasifier to produce heat and leave carbon in a form (suitable for) agricultural fertilizer. Mr. Landrum is moving forward with registration of the Lake Leatherwood forest for carbon sequestration. He favors a workshop/committee to “drill down into” some of these issues.

**UNFINISHED BUSINESS:**

**1. Non-conforming Off-Premise Signs**

Postponed during Agenda Setting until April 23.

**2. Hospital Audit report/Hospital lease**

Postponed until April 23.

**3. Auditorium Commission ordinance review**

A workshop will be held on Sunday, April 22 at 2:00 p.m.

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

Mr. DeVito moved to discuss. Mr. Pownall seconded. A draft of proposed changes to the requirements was presented. Olden Days Carriage owner Susan Tharp said the carriage length of 11.5 ft. was added for safety. A longer carriage would require two horses. The proposal will be clarified with strike-outs of the language in the current code to be omitted.

Mr. Raphael moved to postpone until the next meeting. Mr. DeVito seconded.

Motion carried 5/0/0.

**5. Discussion of emissions reduction plan**

Mr. Raphael moved to discuss. Mr. DeVito seconded. Mr. Raphael moved to take this off the agenda and set up a workshop. Mr. Pownall seconded.

Motion carried 5/0/0.

**6. Discussion of a license fee for apartment buildings**

Mr. Raphael moved to discuss. Following brief discussion as to whether this item was to be on the agenda, Mr. Pownall moved to delete it. Mr. DeVito seconded.

Motion carried 5/0/0.

**7. Ordinance to regulate Limousines**

Mr. Pownall moved to discuss. Mr. DeVito seconded. Mr. Pownall moved to postpone until the April 23 meeting. Mr. Raphael proposed review of the Hot Springs ordinance. Dr. Kirkpatrick seconded Mr. Pownall's motion.

Motion carried 5/0/0.

**8. Discussion of Code chapter 2.32 City Attorney**

Mr. Pownall moved to discuss. Mr. DeVito seconded. Mr. Weaver said the way the City Attorney has been paid is in order according to the Municipal League. An ordinance with the suggested Code changes was presented. Mr. Pownall moved to assign a number and to place the ordinance on its first reading. Mr. Raphael seconded.

Motion carried 5/0/0. Ms. Armstrong read **Ordinance 2151 AN ORDINANCE AMENDING TITLE 6 TO CLARIFY CONTACT INITIATED BY VARIOUS CITY PERSONNEL WITH THE CITY ATTORNEY**. Following Mr. Berry's suggestion to remove the portion to be deleted, Mr. Weaver suggested simply referencing the subsection. Mr. Pownall suggested removing a comma in Section 2. Mr. Berry seconded the changes. Mr. DeVito moved to approve Ordinance 2151 as amended. Mr. Pownall seconded. A roll call vote followed.

Motion carried 5/0/0 with all voting "Aye."

Mr. DeVito moved to approve Ordinance 2151 on its first reading. Mr. Pownall seconded. A voice vote followed.

Motion carried 5/0/0.

**9. Discussion of water rate increase**

Mr. Raphael moved to postpone (until consultants have completed their review). Dr. Kirkpatrick seconded.

Motion carried 5/0/0.

**10. Discussion of minimum monthly billing on garden meters**

Included in the above motion to postpone.

**NEW BUSINESS:**

**1. Discussion of budget overspending/mis/malfeasance**

Postponed during Agenda Setting until the next meeting.

**2. Discussion of extending Moratorium on Digital/Electronic Signs**

Mr. DeVito moved to discuss. Mr. Pownall seconded. Mr. Pownall moved to assign a resolution number and read for discussion purposes only. Mr. DeVito seconded. Mr. Armstrong read Resolution No. 595 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, DECLARING A MORATORIUM ON APPROVAL OF ANY DIGITAL/ELECTRONIC SIGNS AS IT PERTAINS TO TITLE 7, SIGNS, OF THE MUNICIPAL CODE.

Mr. Pownall recommended May 22, 2012 as the expiration date for the resolution. Mr. DeVito seconded. A roll call vote followed.

Motion carried 5/0/0 with all voting "Aye."

Mr. Pownall motioned to approve Resolution 595 as amended. Mr. DeVito seconded. A roll call vote followed.

Motion carried 5/0/0 with all voting "Aye."

**3. Discussion of vacating Vine St.**

Mr. Pownall moved to delete this from the agenda until procedural review has been completed. Mr. Raphael seconded. A voice vote followed.

Motion carried 5/0/0.

**AGENDA SETTING:**

Mr. Raphael added discussion of February financials. There was no second.

**COUNCIL COMMENTS:**

Mr. Pownall thanked Mr. Clark for his hard efforts presented at the last meeting.

**MAYOR'S COMMENTS:** none.

**ADJOURNMENT:**

Mr. DeVito moved to adjourn. Dr. Kirkpatrick seconded.

Motion carried 5/0/0. The meeting ended at 6:30 p.m.

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of Monday, March 26, 2012.

ATTEST:

  
City Clerk/Treasurer Ann Armstrong

APPROVED:

  
Mayor Morris Pate