

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday – April 8, 2013 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 25, 2013

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 1 – vacant – expires 7/1/14. Pos. 3 – vacant – expires 7/1/13. Pos. 4 – Jim Morris – expired 7/1/12. Pos. 5 – Melissa Greene – expired 1/1/13.

CAPC – Pos. 4 – Bobbie Foster – expired 6/30/12

Hospital – Pos. 2 – vacant – expires 6/1/14

Parks

HDC – Pos. 1 – vacant – expired 11/30/12

Cemetery

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Sherwood Court's sewer problem – Mr. Mitchell and Mr. DeVito
2. Town Hall meeting – set date – Mr. Mitchell and Ms. Zeller
3. Ordinance No. 2178 Outdoor Sales – 3rd reading
4. Ordinance raising Mayor's salary to \$36,000 on Jan. 1, 2014 – Mr. DeVito and Mr. Purkeypile
5. Limousine workshop review – Mr. DeVito and Mr. Purkeypile
6. Planning Commission membership ordinance – Mr. Mitchell and Ms. Schneider

NEW BUSINESS:

1. Discussion of raising Council salaries – postponed until November
2. Discussion of demolition by neglect – Mr. Mitchell and Ms. Schneider
3. Discussion of smoking in establishments that serve food – Mr. Mitchell and Ms. Schneider
4. Parking lot regulations ordinance – Mayor Pate
5. Discussion of bicycle racks downtown – Mr. Mitchell and Mr. DeVito
6. Discussion of dedicated account labeled "Skateboard Park" – Mayor Pate
7. Review of Parks' Green Zone vacation application – Mayor Pate
8. 2008 Records removal – A.C.A. 14-59-114

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

APRIL 8, 2013

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 8, 2013, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Morris Pate, Aldermen James DeVito, Joyce Zeller, Dee Purkeypile, David Mitchell, Terry McClung, Mickey Schneider, City Attorney Tim Weaver, and 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. DeVito moved to approve the agenda. Mr. Purkeypile seconded. Mr. DeVito moved to postpone Unfinished Business #4 until the next meeting. Mr. McClung seconded. Mayor Pate called for a vote on the amended agenda.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: March 25, 2013

Mr. DeVito moved to approve the March 25, 2013 minutes. Mr. Purkeypile seconded.

Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Planning Chair Beverly Blankenship noted a Public Hearing is scheduled for April 9 for a CUP request at 8 Drennon Dr. for a one-unit B&B. A commercial construction review is scheduled for public bathrooms at the North Main parking lot. The County reported the mapping project may be finished by the end of April.

CAPC – no report

Hospital – no report

Parks – no report

HDC – no report

Cemetery – no report

PUBLIC COMMENTS:

Teresa DeVito spoke in favor of installing two bicycle racks downtown. She suggested one near the Court House and one by the Post Office, noting that would require Federal approval.

Ashton Shaw said Adventure Mountain Outfitters owner Denton West has offered to build the bike racks at no cost to the City.

Bryan and Lil Hostick, owners of Sherwood Court, provided a copy of expenses incurred by the sewage backup, less the 230-240 labor hours.

UNFINISHED BUSINESS:

1. Sherwood Court's sewer problem

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mr. Purkeypile and Public Works Director Dwayne Allen agreed there was no evidence the City's jetter had been used in the area until February. It was deduced the backflow was caused by a high pressure jetting operation from a private plumber. Mr. Allen said Public Works had not been informed although there was probably a clog in the sewer main. It was confirmed a backflow valve has since been installed on the private line. Rerouting the Sherwood lines was one option considered. Mr. Allen agreed to look into overtime hours back to December 15.

Reference was made to a line replacement for a neighboring property after the Hosticks returned. Mr. Allen noted a plumber had gone into the main with a camera and notified Public Works. He did not recall contact from the group working at the house referenced. Mr. Allen said the street cut was to have been

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permitted through Public Works, so it was illegal. The Hosticks agreed to speak with their neighbors and Mr. Purkeypile moved to put the subject on the agenda for the next meeting, with the Public Works Director present to discuss the time. Mr. DeVito seconded.

Motion carried 6/0/0.

2. Town Hall meeting

Mr. DeVito moved to discuss. Mr. McClung seconded. Mr. Mitchell said six priorities have been preliminarily identified and noted the steps to be taken in order to prepare a working document. Following discussion, Mr. DeVito moved to set a workshop for the Town Hall meeting. Mr. Purkeypile seconded.

Motion carried 6/0/0. Mayoral Assistant Diane Wilkerson will establish the date.

3. Ordinance No. 2178 Outdoor Sales – 3rd reading

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2178 on its third reading by title only. Mr. McClung seconded. A roll call vote followed.

Motion carried 6/0/0. Mayor Pate read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2178 on its third reading. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0.

4. Ordinance raising the Mayor's salary to \$36,000 on Jan. 1, 2014

Postponed during Approval of the Agenda until the next meeting

5. Limousine workshop review

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Ms. Schneider summarized the outcome of the workshop: Add a description of "jumbo cabs" to the Taxi ordinance, spell out penalties for not complying, write an ordinance for limousines, and add insurance requirements to both ordinances. Following Ms. Schneider's request for the City Attorney to write a limousine ordinance, Mr. Weaver requested help from a liaison. Mr. DeVito noted there were additional suggestions for a delay between a request for a limousine and the arrival time, a per-hour rate, and a penalty for breaking the ordinance. Following discussion regarding regulations and enforcement, both Ms. Schneider and Mr. DeVito agreed to assist Mr. Weaver.

6. Planning Commission membership ordinance

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mr. Mitchell motioned to assign the Ordinance a number and place it on its first reading.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2179 AN ORDINANCE AMENDING EUREKA SPRINGS MUNICIPAL CODE SUBSECTION 13.04.02(A), REGARDING THE MEMBERSHIP OF THE PLANNING COMMISSION.** Mr. DeVito moved to approve Ordinance No. 2179 on its first reading. Ms. Schneider seconded. Mr. Weaver confirmed the word "appointment" should include employees of the City. A voice vote followed.

Motion carried 6/0/0.

NEW BUSINESS:

1. Discussion of raising Council salaries – postponed until November

2. Discussion of demolition by neglect

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mr. Mitchell summarized his understanding of a previously drafted ordinance which included input from the Historic District Commission (HDC). He noted structural damage of some buildings and the safety issues involved. He suggested more involvement by Planning, the HDC and the City Attorney. Mr. Purkeypile noted another property which is collapsing. He said currently only chapter 5.04 Health and Sanitation -- Maintenance of Real Property addresses this. Mr. DeVito favored input from Building Official Bobby Ray. Further discussion included the issue having been voted down and concern from citizens that liens on property would prevent borrowing money for repairs.

Mr. Mitchell motioned for a workshop for demolition by neglect. Mr. DeVito seconded. Ms. Zeller favored having Glenna Booth participate. Mr. McClung noted a structure in the Historic District may have more restrictions than one outside the District. Further discussion included decommissioning buildings on the Historic Registry, preventative measures, and possible input from the North Little Rock City Attorney. A voice vote for the workshop followed.

Motion carried 6/0/0.

3. Discussion of smoking in establishments that serve food

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mr. Mitchell indicated House Bill No.

2119, prohibiting smoking in all public places, is working its way through the State General Assembly. He moved to table the discussion. Mr. DeVito seconded. Ms. Schneider noted the current law prohibiting the presence of anyone under 21 in establishments where smoking is permitted.

Motion carried 6/0/0.

4. Parking lot regulations ordinance

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mayor Pate noted Code chapter 8.48.02 needs to be updated since there are no longer pay stations. Mr. DeVito motioned for the City Attorney to draft an ordinance striking the identified lines. Mr. McClung seconded.

Motion carried 6/0/0.

5. Discussion of bicycle racks downtown

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mr. DeVito said the area around City Hall is a perfect location for bicycle racks and someone is willing to donate them. He moved to ask the Mayor to find an adequate facility on the Court House lots to install a bicycle rack. Mr. Purkeypile seconded.

Motion carried 6/0/0.

6. Discussion of dedicated account labeled "Skateboard Park"

Ms. Schneider moved to discuss. Mr. Purkeypile seconded. Parks Director Bruce Levine said there is a dedicated account with approximately \$6600. He noted there is a need to improve the access from a parking area to the skateboard park. Parks would like to put in a fence between the playground and the skateboard park. Mr. Levine was present to request release of the fund to the General Fund so it can then be allocated for Parks. Mr. Purkeypile motioned to move the amount that is currently in the Skateboard Park Fund into the General Fund to be used by Parks as described by the Parks Director. Mr. DeVito seconded.

Motion carried 6/0/0.

7. Review of Parks' Green Zone vacation application

Mr. Purkeypile motioned to discuss. Mr. DeVito seconded. Mr. Levine provided a proposed packet for the established procedure for Green Zone vacations. It included forms, the ordinance, and procedural information. Mr. Levine summarized the process and noted most unopened platted streets can be divided by the adjacent property owners, with the exception of the 320 deeded acres in the north half of Section 15. That deed specifically includes streets and alleys. Mr. McClung spoke about the process having too many constraints. Mr. Levine observed the process includes review so as to not restrict access to property. Mr. DeVito thanked Parks and Mr. Levine for providing the concise roadmap.

8. 2008 Records removal

Mr. DeVito motioned to discuss. Mr. Purkeypile seconded. After the yearly process was reviewed, Mr. McClung motioned to remove and destroy the listed 2008 records. Mr. Purkeypile seconded.

Motion carried 6/0/0.

AGENDA SETTING:

Ms. Zeller added discussion of weekly rentals. Mr. DeVito seconded.

CITY COUNCIL COMMENTS:

Ms. Schneider noted her son is retiring from the Marine Corps on Friday.

MAYOR'S COMMENTS:

Mayor Pate read a list of upcoming events. He said a packet is being prepared regarding the North Main parking lot public bathrooms.

ADJOURNMENT:

Mr. DeVito moved to adjourn. Mr. Purkeypile seconded.

Motion carried 6/0/0. The meeting ended at 7:30 p.m.

ATTEST:


City Clerk/Treasurer Ann Armstrong

APPROVED:


Mayor Morris Pate