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**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday – February 11, 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: January 28, 2013

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 1 – vacant – expired 7/1/11. Pos. 3 – vacant – expires 7/1/13. Pos. 4 – Jim Morris – expired 7/1/12. Pos. 5 – Melissa Greene – expired 1/1/13. Pos. 6 – vacant – expires 1/1/15

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. Ordinance 2172 “City-approved” permits – 2nd reading
2. Dept. and Commission 2013 priorities – February 25 meeting – Mr. Mitchell and Mr. Purkeypile
3. Town Hall meeting – to follow priorities review – Mr. Mitchell and Ms. Zeller
4. Ordinance 2173 Parking fines and time limits – 2nd reading

NEW BUSINESS:

1. Discussion of Outdoor Sales – Ms. Schneider and Mr. McClung
2. Discussion of Utility Lines – Ms. Schneider and Mr. McClung
3. Signatories for City checks – Mr. Mitchell and Mr. Purkeypile
4. Discussion of Council members sitting on commissions – Mr. Mitchell and Ms. Schneider
5. Part-time versus full-time mayor – Mr. Mitchell and Ms. Schneider
6. Discussion of Taxi Franchise/Certificate of Public Convenience and Necessity – Mr. Purkeypile and Ms. Zeller
7. Dog Park Grant Resolution

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR’S COMMENTS

ADJOURNMENT

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

MONDAY

FEBRUARY 11, 2013

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, February 11, 2013 in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Morris Pate, Aldermen Joyce Zeller, David Mitchell, Terry McClung, Dee Purkeypile, James DeVito, 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 discuss the agenda. Mr. Purkeypile seconded. Mayor Pate added New Business #7 Dog Park Grant Resolution. Ms. Schneider motioned to move this for discussion before Unfinished Business. Ms. Zeller seconded. Mr. Purkeypile motioned to move New Business #6 for discussion after the Dog Park Resolution. Ms. Schneider seconded. A vote on the amended agenda followed.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: January 28, 2013

Mr. DeVito moved to approve the January 28, 2013, minutes. Mr. Purkeypile seconded.

Motion carried 5/0/0 with Mr. DeVito abstaining due to absence.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Planning Chair Beverly Blankenship called for people to join the Commission and said there will be a workshop for a tree and landscape ordinance on Tuesday, February 12 at 5:00 (in the jury room).

CAPC – no report

Hospital – no report

Parks – no report

HDC – no report

Cemetery – no report

PUBLIC COMMENTS:

Glenn Brown, from Abundant Transportation, expressed his belief that all paperwork has been filed for a Certificate of Necessity and his hope for the opportunity to operate a taxi service in the City.

Kathrine Zellar, owner of Café Amore, favored allowing Abundant Transportation the chance to serve Eureka Springs.

Cody Steussy, owner of Abundant Transportation, provided information about a State Supreme Court decision regarding a monopoly previously operating in North Little Rock for cab transportation. He said he did not want a franchise but did want a chance to run his business (in Eureka Springs).

Bob Jasinski, Angel at Rose Hall, 46 Hillside, expressed his concern for there being no CAPC Commissioners who own Bed and Breakfasts and favored CAPC advertising at bridal shows rather than at motorcycle shows. He noted a 2012 decline in the number of weddings as compared with 2011.

Lynne Sterling spoke in support of more cabs.

Gene Bland introduced Sara Armellini and Steven Sinclair from the Historical Museum. He spoke about renovations and called for new members and volunteers.

Sara Armellini provided an update on repairs and renovations at the Museum. She spoke about upcoming exhibits, an improved visitor information area and new gift shop.

Steven Sinclair, Museum Director, noted the Museum is in partnership with Crystal Bridges this year. He encouraged grants, donations, memberships and exhibit sponsors for this non-profit.

NEW BUSINESS:

7. Dog Park Grant Resolution

Ms. Schneider moved to discuss. Mr. Purkeypile seconded. Rachel Brix provided information on plans for a dog park at Harmon Park. She noted the Arkansas Rural Development grant application requirement for a resolution from Council in order to proceed. Ms. Brix added this project is part of the master plan for Harmon Park.

Mr. Purkeypile made a motion to assign a resolution number and approve. Ms. Schneider seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 614 A RESOLUTION OF THE CITY OF EUREKA SPRINGS AUTHORIZING THE MAYOR TO APPLY FOR A GRANT ON BEHALF OF THE EUREKA SPRINGS PARKS AND RECREATION COMMISSION TO HELP FUND CONSTRUCTION OF A DOG PARK IN HARMON PARK.**

6. Discussion of Taxi Franchise/Certificate of Public Convenience and Necessity

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mr. Purkeypile spoke about the current Code section 4.32, earlier Code listing a taxi franchise, and the State requirement for a public hearing. Ms. Zeller recalled the 2005 codification and an ordinance rescinding all ordinances not included. Discussion included Mr. Steussy's efforts to obtain a business license and the perceived need for another taxi service. Mr. Weaver noted ordinances are law, not the codification. He recalled an ordinance cast down by the citizens by referendum and noted the certificate of public convenience and necessity is the first step toward obtaining a franchise. Mr. Weaver added franchises are to be repealed by a proper ordinance.

Further discussion included business proposals as applications. Mr. McClung motioned to accept (Mr. Steussy's proposal) as an application. Ms. Schneider seconded. Mr. Steussy confirmed the proposal includes an adaptation of Fayetteville and Bentonville applications. Ms. Armstrong agreed to compile background information for Council to review. Further discussion included the timeline for a public hearing and Mr. Steussy's plan to have two drivers in town permanently with additional drivers on weekends.

Mr. McClung called the question. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 6/0/0. A voice vote on the motion to accept the pamphlet as the application followed.

Motion carried 6/0/0. Mr. McClung made a motion to set a public hearing for the issuing of another taxi operator's license (to be held) the first meeting in March and preceding the regular meeting. Mr. DeVito seconded. Mr. McClung amended his motion to have the starting time for the public hearing as 6:00 p.m. and not to exceed 7:00 p.m. Mr. DeVito seconded. Mr. DeVito withdrew his second from the original motion. A roll call vote on the amended motion followed.

Motion carried 6/0/0. Mr. Purkeypile made a motion for the City Clerk to provide written notification of the public hearing just voted on to Mr. White, the current taxi owner. Mr. McClung seconded.

Motion carried 6/0/0.

UNFINISHED BUSINESS:

1. Ordinance No. 2172 "City-approved" permits – 2nd reading

Ms. Zeller moved to discuss. Mr. Purkeypile seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2172 on its second reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the ordinance title. Mr. DeVito moved to approve Ordinance No. 2172 on its second reading. Mr. Mitchell seconded.

Motion carried 6/0/0.

2. Dept. and Commission 2013 priorities – February 25 meeting

3. Town Hall meeting – to follow priorities review

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mr. Mitchell confirmed this will be for the purpose of allowing people to look at the priorities list and offer input in the process.

4. Ordinance No. 2173 Parking fines and time limits – 2nd reading

Ms. Schneider moved to suspend the rules and read by title only Ordinance No. 2173 for its second reading. Mr. McClung seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the ordinance title. Mr. DeVito moved to approve Ordinance No. 2173 on its second reading. Mr. Purkeypile seconded. Mr. McClung confirmed the change to a three-hour time limit. Ms. Zeller made a motion to "add under Section 2 (C) parking in a red zone the fine will be \$25.00". Ms. Schneider seconded. Mr. McClung recommended including red zones in #2 No parking

zones. A voice vote on Ms. Zeller's motion followed.

Motion carried 5/1/0 with Mr. McClung voting "No". A voice vote on approval of the ordinance as amended followed.

Motion followed 6/0/0.

Ms. Schneider motioned for a ten-minute break. Mr. Purkeypile seconded.

Motion carried 5/1/0 with Mr. Mitchell voting "No".

NEW BUSINESS:

1. Discussion of Outdoor Sales

Ms. Schneider moved to discuss. Mr. Purkeypile seconded. Ms. Blankenship reviewed a restrictive 1977 ordinance, a less restrictive 1999 ordinance and eight items Planning would like to have added into the Code. Recommendations included adding the purpose of the ordinance, a comma between the words "commercial" and "social", removal of duration from the definition, and notification to the Police Department. Also requested were an annual limit of three times per year per address, hours of sales, and set-up and removal requirements. The eighth recommendation was a variance wherein a fourth application could be granted or denied by the Planning Commission.

Discussion followed regarding having the permittee inform the Police Department, sale hours, and the current noise ordinance. Mr. Mitchell made a motion to ask the City Attorney to draft (an ordinance) based on the input of the Chair of Planning, as presented. Mr. Purkeypile seconded. Discussion followed regarding hours of operation. A voice vote followed.

Motion carried 6/0/0.

2. Discussion of Utility Lines

Ms. Schneider moved to discuss. Mr. Purkeypile seconded. Ms. Blankenship referenced the Master Plan item regarding relocating overhead utilities to underground and the estimated expense of \$1 million per mile. The Planning Commission is recommending, instead, having utility lines for new construction installed underground unless an extreme terrain hardship can be demonstrated. In that case, utilities would be installed at the rear of the property wherever practical. Discussion followed regarding the current method of installation via the path of least resistance and advantages to underground utilities when there are ice storms.

Mr. Weaver noted the need to decide who would determine what is "too expensive". Mr. Purkeypile suggested "any rock cutting or rock trenching". Mr. Mitchell made a motion recommending the Chair of Planning meet with the City Attorney and develop a draft ordinance based on the discussion at the table. Mr. McClung seconded.

Motion carried 6/0/0.

3. Signatories for City checks

Mr. Mitchell motioned to discuss. Mr. Purkeypile seconded. Mayor Pate asked Mr. Weaver whether this is an administrative or a legislative issue. Mr. Weaver opined it is an executive function to decide who signs. Only after there's a problem is it a legislative matter. Mr. Mitchell deleted the topic.

4. Discussion of Council members sitting on commissions

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mr. Mitchell asked Mr. Weaver if Council members can sit on any commissions other than the CAPC. Mr. Weaver responded, "Potentially, yes" and noted that is not the case with Planning because of City Code. He cautioned that problems can be created by mixing the two. Discussion followed regarding recusing, limiting the number to one Council member, interim positions, and reducing the number of commission members. It was generally agreed to recruit members rather than change Code.

5. Part-time versus full-time mayor

Mr. Mitchell motioned to discuss. Mr. DeVito seconded. Discussion included two decisions by the voters for a mayor rather than a city administrator, qualifications, full-time work with part-time pay, and changing a salary during a term. Mr. Mitchell made a motion to increase the mayoral salary, effective March 1, 2013, to \$36,000 a year. Mr. Mitchell withdrew his motion. Mr. Mitchell made a motion to ask the City Attorney to draft an ordinance increasing the mayor's salary, effective March 1, to \$36,000 a year. Mr. Purkeypile seconded. Discussion followed regarding the current budget and moving the effective date further

out. Mr. Mitchell withdrew his motion and Mr. Purkeypile withdrew his second. Mr. Mitchell made a motion to ask the City Attorney to draft an ordinance effective January 1, 2014, to raise the mayor's salary to \$36,000. Mr. DeVito seconded.

Further discussion included the town depending on volunteerism, the mayor's salary as compared with department heads' salaries, the absence of required qualifications, and State statutes regarding duties and removal from office. Mr. DeVito moved to table until the next meeting. Mr. Purkeypile seconded. Mr. Mitchell withdrew his previous motion and Mr. DeVito withdrew his second. A voice vote for tabling followed.

Motion carried 6/0/0.

AGENDA SETTING:

Mayor Pate added the State of the City address.

Mayor Pate added discussion of the Safe Routes to School grant.

Mayor Pate added the Electronic Funds Transfer ordinance for the Cemetery.

Mayor Pate added the Parks tax ordinance.

Ms. Schneider added a wrap-up discussion regarding the urban deer hunt. Mr. DeVito seconded.

Ms. Schneider added discussion of protocol at the table. Mr. DeVito seconded.

CITY COUNCIL COMMENTS:

Mr. DeVito expressed his pleasure with the course Council is taking.

Mr. Mitchell spoke about civility at the table increasing productivity.

Mr. Purkeypile thanked the Council and Department Heads for coming out to Black Bass Lake Dam.

Ms. Schneider wished her 13th grandchild "Happy Birthday".

MAYOR'S COMMENTS:

Mayor Pate read a list of upcoming events.

ADJOURNMENT:

Mr. DeVito moved to adjourn. Mr. McClung seconded.

Motion carried 6/0/0. The meeting ended at 8:50 p.m.

ATTEST:


City Clerk/Treasurer Ann Armstrong

APPROVED:


Mayor Morris Pate