

TURN OFF ALL ELECTRONIC DEVICES AS THEY INTERFERE WITH RECORDING EQUIPMENT

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday – January 14, 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: December 10, 2012

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

CAPC – Pos. 1 – vacant – expires 7/1/16. Pos. 4 – Bobbie Foster – expired 6/30/12

Hospital – Pos. 2 – vacant – expires 6/1/14. Pos. 5 – Jack Pritchard – expired 6/1/12. Pos. 6 – vacant – expires -- 9/7/15

Parks

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

Cemetery

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Nominees for Carroll Co. Solid Waste Advisory Committee – postponed until 2013 -- Mayor Pate
2. Discussion of Code section 4.48, amending to “City-permitted” or “City-sanctioned” – ordinance -- Mayor Pate
3. Ordinance re: number of subordinate Police Officers – deferred until 2013 -- Mayor Pate

NEW BUSINESS:

1. 2012 Budget Adjustment Resolution – Mayor Pate
2. 2013 Budget – A.C.A. 14-58-201
3. Discussion to set regular 2013 Council meeting dates and time
4. Adoption of rules of procedure for 2013
5. Election of mayor pro tem for 2013
6. Appointment of CAPC members from Council for 2013
7. Conditional Use Permit appeal for 10 Alamo – Mayor Pate

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR’S COMMENTS

ADJOURNMENT

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

MONDAY

JANUARY 14, 2013

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, January 14, 2013, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Morris Pate, Aldermen David Mitchell, Terry McClung, Joyce Zeller, Dee Purkeypile, Mickey Schneider, City Attorney Tim Weaver, Finance Director Lonnie Clark, and City Clerk/Treasurer Ann Armstrong

ABSENT: James DeVito

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pate led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Mr. Mitchell moved to approve the agenda. Ms. Schneider seconded. Mr. Mitchell moved New Business #7 to follow Public Comments. Ms. Schneider seconded. A vote on the amended agenda followed. Motion carried 5/0/0.

APPROVAL OF THE MINUTES: December 10, 2012

Mr. McClung moved to discuss the December 10, 2012 minutes. Mr. Mitchell seconded. A vote for approval followed.

Motion carried 5/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – no report

CAPC – Mayor Pate nominated Robert Schmid for Position 1. Finance Director Rick Bright gave the quarterly report for year end 2012. Total collections were \$1,194,828, reflecting \$39.8 million in sales for lodging and restaurants. Total income was \$1,241,186. The bank balance as of December 31 was \$74,315.53. As compared to 2011, tax collections were up 9.64% (equaling \$105,075). Auditorium income was \$37,554.93. Expenses paid by the CAPC were \$115,861.05 and the operation loss covered by the CAPC was \$78,306.12. Mr. Bright provided a financial breakdown and noted wedding license sales through the Western District Courthouse were 13 less than in 2011.

Hospital – Mayor Pate nominated Dr. Jack Pritchard for Position 5 and MJ Sell for Position 6.

Parks – Mayor Pate nominated Ferguson Stewart for Position 4.

HDC – no report

Cemetery – no report

PUBLIC COMMENTS:

Greg Moon spoke in favor of Melissa Greene's application. He spoke about illegal deer hunting and said he hopes the new Council is friendlier toward animals.

Deni Flaherty, 15 Pivot Rock Rd., Planning Commissioner, noted her decision regarding 10 Alamo was based on information received from property owners within 200 ft. She expressed her belief that Ms. Greene did not get a "fair shake" when the vote was taken.

Margie Anderson, 21 Emporia, read two letters summarizing objections to granting a Conditional Use Permit (CUP) for 10 Alamo. She provided a list of 24 signatures from neighbors who objected to the CUP.

David Anderson, 21 Emporia, favored monthly rentals rather than nightly rentals.

Mark Hicks spoke in favor of Joe and Melissa Greene.

Jerry Landrum, 19 Kimberling, spoke in behalf of the Citizen's Climate Action Progress Committee. He provided information about steps which can be taken to reduce energy usage. He also explained web links, a weatherization program and a Southwestern Electric (SWEPCO) incentive program.

Kay Dandy, 223 Spring St., spoke in favor of Joe and Melissa Greene.

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NEW BUSINESS:

7. Conditional Use Permit appeal for 10 Alamo

Mr. Purkeypile moved to discuss. Mr. Mitchell seconded.

Melissa Greene showed a plat map indicating residential and commercial properties near 10 Alamo and provided a meeting summary prepared by Planning staff Glenna Booth. She said she was appealing because of what she felt was commissioner impropriety. Ms. Greene expressed her belief that those who did not follow the proper channels do not have the right to be heard. She read a letter from Commission Vice-Chair Jim Morris wherein he expressed his belief that all requirements for a CUP were met. He opined that Mr. Rundel appeared “to violate the ex parte provision of the law” through communications with residents “by phone or other means”. Mr. Morris listed ten points of disagreement with Mr. Rundel’s views and supported the CUP.

Matt Bishop, representing Melissa Greene, noted he was present because his client was present against his advice to continue with weekly rentals. He opined that Ms. Greene’s request is within the Master Plan.

Discussion followed regarding the neighbors’ petition, adjacent property owner Tom Swenson’s letter of objection, conditional uses, and commercial property expenses. Further discussion included the two favorable letters from adjacent property owners, right to do business, perceived personal prejudice and malice, and legal culpability. Ms. Schneider expressed views which differed from those of her 24 neighboring petitioners. Following discussion about the shortage of commissioners, Mr. Mitchell moved to grant a Conditional Use Permit for 10 Alamo. Ms. Schneider seconded. A roll call vote followed.

Motion carried 5/0/0.

UNFINISHED BUSINESS:

1. Nominees for Carroll Co. Solid Waste Advisory Committee

Ms. Zeller moved to discuss. Ms. Schneider seconded. Mayor Pate and Mr. Weaver updated Council regarding the contract term to form an Advisory Committee. Ms. Zeller motioned and then amended to request the Attorney’s explanation for the next meeting. Ms. Schneider seconded. Mr. Weaver said the Committee is supposed to arbitrate if there is a problem. Ms. Zeller withdrew her motion. Mr. Mitchell made a motion to take no action on the Advisory Committee. Mr. McClung seconded. Mr. Mitchell amended his motion and moved to table the Solid Waste Advisory Committee topic until the next meeting when the City Attorney has time to advise (Council) on its necessity. Ms. Schneider seconded.

Motion carried 5/0/0.

2. Discussion of Code section 4.48, amending to “City-permitted” or “City-sanctioned” – ordinance

Ms. Zeller moved to discuss. Mr. Purkeypile seconded. Ms. Schneider said the purpose was to allow the City to collect sales tax on sales during events. Mr. Weaver spoke in favor of the wording change. Ms. Armstrong noted this would be the first step toward permitting vending during events. Ms. Schneider made a motion to ask the City Attorney to provide (Council) with a new ordinance in regards to amending the words to “City-permitted”. Mr. Purkeypile seconded.

Motion carried 5/0/0.

3. Ordinance re: number of subordinate Police Officers – deferred until 2013

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Following an update on the former Council’s action, discussion included the budget as the control, the Mayor’s knowledge of Police needs, and budget approval by ordinance. Mr. Weaver noted an Attorney General’s opinion that passing the budget by resolution is allowed. Mr. Clark confirmed the Chief of Police lists all positions and pay for the budget. Mr. Purkeypile moved to dismiss the ordinance. Ms. Schneider seconded.

Motion carried 5/0/0.

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

Motion carried 5/0/0.

When the session resumed, Mayor Pate proposed rearranging the New Business. Ms. Schneider moved to do so. Mr. Mitchell seconded. Mr. Purkeypile moved to (address) procedures first. Mr. Mitchell seconded. There was no vote. Mr. Mitchell moved to begin with item #3. Mr. Purkeypile seconded. There was no vote.

NEW BUSINESS:

3. Discussion to set regular 2013 Council meeting dates and times

Mayor Pate said the schedule has been the second and fourth Mondays. A voice vote followed. Motion carried 5/0/0.

4. Adoption of rules of procedure for 2013

Mr. Purkeypile moved to discuss. Mr. Mitchell seconded. Following discussion regarding Roberts Rules Revised and the Municipal League's pamphlet of rules, Mr. Mitchell proposed the use of Roberts Rules. This was regarded as a motion. Mr. McClung seconded. It was clarified to mean Roberts Rules Revised -- In Brief.

Motion carried 5/0/0.

Ms. Schneider proposed adding agenda items by vote. She then motioned for this to apply to items added during approval of the agenda. Mr. Purkeypile seconded.

Motion carried 5/0/0.

Ms. Schneider said she would like to discuss having monthly budget reports as opposed to quarterly. She proposed dropping the quarterly reports. Discussion included the legal requirement for quarterly reports, a new accounting program, spreadsheets, and the elements included in quarterly reports. Ms. Schneider motioned to ask the City Attorney to check into the legality of not having a quarterly report and continue on as was the previous practice of going with monthly budget reports that let (Council) know where (they) are. There was no second. Mr. Mitchell proposed twice to not meddle in the jobs of the Finance Director and City Clerk.

5. Election of mayor pro tem for 2013

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mayor Pate spoke about Council's right to appoint a pro tem to head the meetings in the absence of the mayor or chair. He noted his authority to select a mayor pro tem to take care of check issues and other issues in his absence. Following Mayor Pate's statement of his intent to appoint James DeVito, Mr. Mitchell recalled Mr. DeVito's preference for not being the pro tem. Ms. Zeller expressed her disinterest in the position. Mr. McClung motioned (to appoint Mr. DeVito). Mr. Mitchell seconded.

Motion carried 5/0/0.

6. Appointment of CAPC members from Council for 2013

Mr. Purkeypile moved to vote for Mr. DeVito and Mr. McClung as CAPC representatives. Ms. Schneider seconded.

Motion carried 5/0/0.

1. 2012 Budget Adjustment Resolution

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Mr. Clark spoke about the December 2012 report and mentioned an increase of 7.19% in sales tax collections since 2011. He noted an excess of revenue over expenditures of \$362,583 in 2012. Mr. Clark briefly reviewed the budget summary. Referring to the budget adjustment resolution, he noted the revenue and appropriation numbers were adjusted to reflect the December 2012 report. Mr. Clark said approximately \$350,000 have been added back to reserves. Mr. Mitchell motioned to accept the budget resolution as per the agenda. Mr. Purkeypile seconded. Following discussion, Mr. Mitchell amended his motion to include assigning a number, reading, and approval. Ms. Zeller seconded. A voice vote followed.

Motion carried 5/0/0. Mayor Pate read **RESOLUTION NO. 612 A RESOLUTION AMENDING THE 2012 ADOPTED BUDGETS FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, FOR THE YEAR 2012; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN AND FOR OTHER PURPOSES.**

2. 2013 Budget – A.C.A. 14-58-201

Mr. Purkeypile moved to discuss. Mr. Mitchell seconded. Mr. Clark said the 2013 budget was presented by December 1. An amended budget with new information regarding unemployment costs was presented. Mr. Clark explained the 7.1% rate. Auditorium expenses, new equipment for the Finance Department and Mayor's office, and new server costs were added. Mr. Clark noted the City provides 20% of Transit grant funds. He indicated the increased fees for EMS services, as of September 2012, are too recent to provide enough history. This will be reviewed in April. Mr. Clark said the DOS-based accounting system may be replaced by one that will include the water/wastewater billing. Mr. Clark offered to review the budget reports in a workshop.

Mr. McClung made a motion to approve. Mr. Purkeypile seconded. Following discussion and

amendments, Mr. McClung moved to request that the Finance Director prepare a resolution for approval of the 2013 budget by the next meeting. Ms. Zeller seconded. A roll call vote followed.
Motion carried 5/0/0.

AGENDA SETTING:

Mr. Mitchell added priorities for 2013. Mr. Purkeypile seconded.
Mr. Mitchell added a Town Hall meeting. Mr. Purkeypile seconded.

CITY COUNCIL COMMENTS:

Mr. McClung said he was grateful to be here.
Mr. Purkeypile said he was looking forward to working (with Council and the Mayor) and looking forward to shorter meetings.
Mr. Mitchell was thankful for the opportunity to meet all the Department Heads, for the time and attention the Director of Finance, City Clerk, (Mayoral Assistant) Diane (Wilkerson) and everybody in City Hall provided. He was looking forward to an engaging, productive 2013 and 2014.
Ms. Schneider welcomed everyone on Council. She called for more people on Planning and welcomed into the world her second great grandchild.
Ms. Zeller said it felt good to be here. She noted her agent just sold one of her books.

MAYOR'S COMMENTS:

Mayor Pate read a list of upcoming events. He thanked each and every one of the Council members and everyone in the room for a very positive, upbeat, productive meeting. He noted the upcoming Municipal League Conference.

ADJOURNMENT:

Mr. McClung moved to adjourn. Ms. Schneider seconded.
Motion carried 5/0/0. The meeting ended at 8:55 p.m.

ATTEST:


City Clerk/Treasurer Ann Armstrong

APPROVED:


Mayor Morris Pate