

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

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING**

Monday – January 28, 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 14, 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. 1 – **vote on Robert Schmid.** Pos. 4 – Bobbie Foster – expired 6/30/12

**Hospital** – Pos. 2 – vacant – expires 6/1/14. Pos. 5 – **vote on Jack Pritchard.** Pos. 6 – **vote on MJ Sell**

**Parks** – Pos. 4 – **vote on Ferguson Stewart**

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

**Cemetery**

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

1. Carroll Co. Solid Waste Advisory Committee – Attorney’s review – Mr. Mitchell and Ms. Schneider
2. Code section 4.48, amending to “City-permitted” – ordinance – Ms. Schneider and Mr. Purkeypile
3. Election of mayor pro tem for 2013 meetings
4. 2013 Budget – A.C.A. 14-58-201 -- resolution

**NEW BUSINESS:**

1. Discussion of priorities for 2013 – Mr. Mitchell and Mr. Purkeypile
2. Discussion of Town Hall meeting – Mr. Mitchell and Mr. Purkeypile
3. December 2012 quarterly report – A.C.A 14-43-506
4. Ordinance amending Ch. 8 fines/time limits for handicap parking – Mayor Pate

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR’S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**JANUARY 28, 2013**

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, January 28, 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, 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. Purkeypile moved to discuss the agenda. Mr. Mitchell seconded. Mr. McClung moved to approve. Mr. Mitchell seconded.

Motion carried 5/0/0.

**APPROVAL OF THE MINUTES: January 14, 2013**

Mr. Mitchell moved to discuss the January 14, 2013 minutes. Mr. Purkeypile seconded. Mr. McClung moved to approve. Mr. Mitchell seconded.

Motion carried 5/0/0.

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

**Planning** – Planning Chair Beverly Blankenship said there will be a workshop for a tree and landscape ordinance on Tuesday, February 12 at 5:00 (in the jury room). She noted the need for more Planning Commissioners and expressed her belief that it is legal for a Council member to also sit on the Planning Commission. Ms. Blankenship asked for discussions of outdoor sales and utility lines to be added to a future agenda. She said Planning will try to use the County aerial photographs for the zoning map.

Mr. Mitchell noted the (City) Planning regulation that prohibits commissioners from holding any other municipal office or appointment except membership on the Board of Zoning and Adjustment.

**CAPC** – Ms. Schneider moved to discuss the nomination for Robert Schmid. Mr. Purkeypile seconded. Mr. Mitchell motioned to approve. Ms. Schneider seconded.

Motion carried 5/0/0.

**Hospital** – Mr. Mitchell moved to discuss the nominations. Mr. Purkeypile seconded. Mr. Mitchell moved to accept the nomination of Dr. Jack Pritchard. Ms. Schneider seconded.

Motion carried 5/0/0. Ms. Schneider moved to discuss the nomination of Mary Jean Sell. Ms. Zeller seconded. Mr. Mitchell motioned to accept the nomination. Ms. Schneider seconded.

Motion carried 5/0/0.

**Parks** – Commission nominee Ferguson Stewart spoke briefly about his interest in the Parks position. Mr. Purkeypile motioned to approve Mr. Stewart for position 4. Mr. McClung seconded.

Motion carried 5/0/0.

**HDC** – no report

**Cemetery** – no report

**PUBLIC COMMENTS: none**

**UNFINISHED BUSINESS:**

**1. Carroll Co. Solid Waste Advisory Committee – Attorney's review**

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Mr. Weaver confirmed review of the (contract) and history. He opined the City is not required to have an advisory committee but could. The

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purpose would be to hear complaints and bring them to Council. Mr. Weaver said a change could be made when the contract is renewed in order to clarify options for complaints. Mr. McClung made a recommendation to take no action. Interpreting this as a motion, Ms. Schneider seconded.

Motion carried 5/0/0.

**2. Code section 4.48, amending to "City-permitted" -- ordinance**

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Ms. Blankenship offered background on Code and noted the proposed change would allow vending at all City-approved and permitted events. Following discussion regarding vendors, Ms. Schneider moved to assign an ordinance number. Ms. Zeller seconded.

Motion carried 5/0/0. Ms. Schneider motioned to assign a number and read for the first time. Mr. Mitchell seconded. Ms. Schneider then withdrew her first motion and Ms. Zeller withdrew her second. Ms. Schneider motioned to give the ordinance a number and read. Mr. Purkeypile seconded.

Motion carried 5/0/0. Ms. Armstrong read **ORDINANCE NO. 2172 AN ORDINANCE AMENDING THE EUREKA SPRINGS MUNICIPAL CODE SUB-SECTION 4.48.01 D.**

Mr. McClung motioned to approve on the first reading. Ms. Zeller seconded.

Motion carried 5/0/0.

**3. Election of mayor pro tem for 2013**

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Following agreement that the matter was resolved, Mr. Mitchell moved to strike it from the agenda. Ms. Schneider seconded.

Motion carried 5/0/0.

**4. 2013 Budget – A.C.A. 14-58-201 -- resolution**

Ms. Schneider motioned to have (Finance Director Lonnie Clark) sit at the table. Mr. Purkeypile seconded.

Motion carried 5/0/0. Ms. Schneider moved to discuss. Mr. Purkeypile seconded. Ms. Schneider explained her understanding that passing the budget by ordinance would control the number of police officers. Mr. Weaver noted most of the larger cities use resolutions because of flexibility. Following discussion, Mr. Mitchell motioned to accept the 2013 budget by resolution. Mr. Purkeypile seconded. Following discussion, Mr. Mitchell withdrew his motion. Mr. Purkeypile withdrew his second. Mr. Mitchell then motioned to accept the resolution for adopting budgets for the City of Eureka Springs, Arkansas, for the twelve month period beginning January 1, 2013 and ending December 31, 2013. His motion included assigning a number and reading. Mr. Purkeypile seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read **RESOLUTION NO. 613 A RESOLUTION PROVIDING FOR AND ADOPTING BUDGETS FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2013, AND ENDING DECEMBER 31, 2013, AND APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR.**

Mr. Clark provided a sales tax comparison of the last three years, noting 2012 was up 7.19% in sales tax revenue. January 2013 was up 6.19%, reflecting collections in November 2012.

**NEW BUSINESS:**

**1. Discussion of priorities for 2013**

Mr. Mitchell motioned to discuss. Mr. Purkeypile seconded. Mr. Mitchell addressed listing priorities for two years so as to stay focused. Mr. Purkeypile recapped discussions with Department Heads regarding their highest priorities. Extending the sewer system, repairing water lines, and Black Bass Dam with the lift station below were of primary concern. Extensive discussion regarding the potential failure of the dam followed.

Mr. Mitchell made a motion for the (Department Heads) and Chairs of all Commissions to provide, by the second meeting in February, a list of department and commission priorities for the fiscal year 2013. Mr. Purkeypile seconded.

Motion carried 5/0/0.

**2. Discussion of Town Hall meeting**

Mr. Mitchell motioned to discuss. Mr. Purkeypile seconded. Mr. Mitchell spoke about having a Town Hall meeting after the priorities review in order to solicit (feedback) from the public and be available to communicate in a public forum. He motioned to do so before the end of March 2013. Ms. Zeller seconded.

Motion carried 5/0/0.

**3. December 2012 quarterly report – A.C.A. 14-43-506**

Ms. Schneider moved to discuss. Mr. Purkeypile seconded. Ms. Armstrong provided the debt service schedules, bank reconciliations, payroll, clearing account reports by check number, and cash receipts. Mr. Clark confirmed the Clerk's computer is not integrated with his and he prints what the Clerk is required to provide.

**4. Ordinance amending Chapter 8 fines/time limits for handicap parking**

Ms. Schneider moved to discuss. Mr. Purkeypile seconded. Following discussion regarding the proposed two-hour limit on handicap parking spaces, misuse of parking spaces, possible consideration of merchandise receipts and potential allegations of selective enforcement, Enid Swartz addressed Council. She suggested a three-hour limit on handicap spaces.

Mr. Mitchell made a motion to put the ordinance to amend chapter 8 of the City of Eureka Springs Municipal Code with a change in E. Time Limits from "two" to "three" hours, assign a number and put it on its first reading. Ms. Schneider seconded.

Motion carried 5/0/0. Ms. Armstrong read **ORDINANCE NO. 2173 AN ORDINANCE TO AMEND CHAPTER 8 OF THE CITY OF EUREKA SPRINGS MUNICIPAL CODE**. Mr. Purkeypile moved to approve on the first reading. Ms. Schneider seconded.

Motion carried 5/0/0.

**AGENDA SETTING:**

Ms. Schneider added discussion of outdoor sales. Mr. McClung seconded.

Ms. Schneider added discussion of utility lines. Mr. McClung seconded.

Mr. Mitchell added signatories for City checks. Mr. Purkeypile seconded.

Mr. Mitchell added discussion of Council members sitting on commissions. Ms. Schneider seconded.

Mr. Mitchell added part-time versus full-time mayor. Ms. Schneider seconded.

Mr. Purkeypile added discussion of the Taxi Franchise/Certificate of Public Convenience and Necessity. Ms. Zeller seconded.

**CITY COUNCIL COMMENTS:**

Mr. Mitchell expressed his appreciation for Municipal League training.

Ms. Schneider modeled her "I Chickened Out" shirt from the Polar Plunge fundraiser.

Mr. Purkeypile thanked the Council for taking care of the City's business in an expeditious and civil manner.

**MAYOR'S COMMENTS:**

Mayor Pate noted the Polar Plunge raised approximately \$4700 for the State Special Olympics. He spoke about the awards for Tourism Development, Green Initiatives and Historic Preservation given to Eureka Springs during the Municipal League conference. He thanked all who helped and then read a list of upcoming events.

**ADJOURNMENT:**

Mr. Purkeypile moved to adjourn. Mr. McClung seconded.

Motion carried 5/0/0. The meeting ended at 7:40 p.m.

**ATTEST:**

  
City Clerk/Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Morris Pate