

**CITY OF EUREKA SPRINGS**  
**COUNCIL MEETING**  
Monday, June 24, 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:** June 10, 2013

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

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

**CAPC** – Pos. 2 – vacant – expires 6/30/14

**Hospital** – Pos. 1 -- Anna Ahlman – expired 6/1/13

**Parks** – Pos. 2 – Ruth Hager – expired 5/1/13

**HDC**

**Cemetery** – Pos. 2 – expires 2/15/14

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

1. Schedule Town Hall meeting workshop date in July – Mr. DeVito and Mr. Purkeypile
2. Demolition by neglect workshop update – Mr. Mitchell and Mr. DeVito
3. Ordinance No. 2184 -- Weekly rentals – 2<sup>nd</sup> reading
4. Ordinance No. 2183 -- rezone 123 S. Main from R-1 to C-1 – 3rd reading
5. Commercial recycling of glass and cardboard – Mr. DeVito and Mr. Mitchell
6. Removal of 80 Mountain from list of buildings in R-1 used for religious purposes – Ms. Schneider and Mr. Mitchell
7. Permitted uses in C-3 – Ms. Schneider and Mr. Mitchell
8. Ordinance No. 2185 -- Removal of front corner setbacks – 2<sup>nd</sup> reading

**NEW BUSINESS:**

1. Discussion of downtown landscaping, weed control, trash control – Mr. Mitchell and Ms. Schneider
2. Discussion of Black Bass Lake Dam – Mr. Purkeypile and Mr. McClung
3. Business license categories for Limousines and Taxi Franchises – Mr. McClung and Ms. Zeller
4. Discussion of City purchasing .58 acres containing City sewage lift station easement – Mayor Pate

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**JUNE 24, 2013**

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 24, 2013, in the jury room on the second floor of the Western District Carroll County Courthouse.

**PRESENT:** Mayor Morris Pate, Aldermen Joyce Zeller, Terry McClung, James DeVito, David Mitchell, Dee Purkeypile, 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. Mr. McClung seconded. Mr. Mitchell moved to table Unfinished Business #2 until the last meeting in September. Mr. DeVito seconded. Mr. Mitchell tabled Unfinished Business #6 until Planning has held a public hearing. Mr. Purkeypile seconded. Mr. DeVito seconded. Mr. Mitchell moved to approve the amended agenda. Mr. DeVito seconded.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES: June 10, 2013**

Mr. DeVito moved to approve the June 10, 2013 minutes. Mr. McClung seconded.

Motion carried 6/0/0.

**DEPARTMENT REPORTS:**

**Police Chief Earl Hyatt** noted the \$14,000 automated fingerprint system was purchased with money from a trust fund from one of the local churches. He said nothing was needed that was not budgeted every year.

**Public Works Director Dwayne Allen** indicated a lack of funds with which to progress is ongoing. Approximately \$36,000 may come from the Highway Department tax increase for street improvements. There will be, basically, no Capital money in Water and Sewer. He noted there has not been an increase in sewer rates since 2007. Mr. Allen estimated a 29% water loss rate and indicated the sewer line repair by Sherwood Court could occur in the fall. He noted the four distribution pumps in the Carroll Boone system are 31 years old and that there are no reserves.

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

**Planning** – Planning Chair Beverly Blankenship requested discussion of the 200 ft. rule. Upcoming items for Planning: a public hearing for 30 King St. for a Conditional Use Permit for a B&B; a public hearing for adding “small entertainment” to C-3; a public hearing for a waiver of the 200 ft. rule for 8 Washington St.; new construction reviews for the Queen Anne Mansion and 10 Mountain; and possible vacating of a portion of Rock St. A public hearing for rezoning S. Main will be held in July.

**CAPC** – no report

**Hospital** – no report

**Parks** – no report

**HDC** – no report

**Cemetery** – Mayor Pate noted Position 2 is open.

**PUBLIC COMMENTS:**

**Bob Jasinski** said Planning was not given guidance for Ordinance No. 2184. He said a building permit and C of O (Certificate of Occupancy) were not found for the building behind 265 Spring St. Mr. Jasinski spoke about the alleged conflict in Code. He called for review of C of Os, adequate off-street parking, and the 200 ft. rule when preparing the list of properties to be “grandfathered”.

Ms. Schneider said she would like to make a statement. Mr. DeVito called Point of Order and said that is for Council Comments. Mayor Pate concurred.

**City Council**      **6/24 /13**      **1**

## **UNFINISHED BUSINESS:**

### **1. Schedule Town Hall meeting workshop date in July**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mr. DeVito asked that anyone who is interested in setting up an agenda for the Town Hall meeting get together at (DeVito's Restaurant). Wednesday, July 3, was agreed upon as the tentative date.

### **2. Demolition by neglect workshop update**

Postponed during approval of the agenda until the last meeting in September

### **3. Ordinance No. 2184 – Weekly rentals – 2<sup>nd</sup> reading**

Ms. Schneider moved to discuss. Mr. DeVito seconded. Ms. Schneider asked the City Attorney why 30 days was changed to 31 days. Mr. Weaver answered it refers to the requirement for paying tax under the CAPC. Discussion followed regarding the Ordinance prohibiting monthly rentals for the properties not included on the list Planning will propose, tourist lodging still available in zones other than R-1, the spirit of the law, and lodging available in Victorian Commercial zones.

Ms. Schneider said she wanted a "straightforward answer from everyone in regards to why are we..." Mr. DeVito called Point of Order and said, "We don't have the ability to poll Council and that's why we vote." Ms. Schneider responded she was asking Council a question. Mayor Pate said a question could be addressed to one specific person, indicating the City Attorney or himself. Ms. Schneider then asked why (Council) was trying to get rid of weekly rentals instead of giving it a separate designation, criteria and CUP. Mr. Weaver recalled the decision to not allow expansion of the transient population or tourists within the R-1 district.

Mr. DeVito called for the question. Mr. Mitchell seconded. The Clerk noted there was no motion. Mr. DeVito moved to suspend the rules and place Ordinance No. 2184 on its second reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 4/2/0 with Ms. Schneider and Mr. Purkeypile voting "No". Mr. McClung said he wants a clear understanding of what the list is and what it covers before it becomes an ordinance. Mr. Purkeypile noted the process for applying for a CUP is in place. Ms. Armstrong read the Ordinance title. Following discussion regarding second homes, B&Bs as opposed to lodging, and possible overstepping of bounds, Mr. DeVito moved to approve Ordinance No. 2184 on its second reading. Mr. McClung seconded.

Motion carried 4/2/0 with Mr. Purkeypile and Ms. Schneider voting "No".

### **4. Ordinance No. 2183 – rezone 123 S. Main from R-1 to C-1 – 3<sup>rd</sup> reading**

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2183 on its third reading by title only. Mr. McClung seconded. A roll call vote followed.

Motion carried 5/1/0 with Mr. Mitchell voting "No". Mr. DeVito moved to approve Ordinance No. 2183 on its third reading. Mr. McClung seconded. A roll call vote followed.

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

### **5. Commercial recycling of glass and cardboard**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mr. DeVito motioned to have the City Attorney draw up an ordinance dealing with the mandatory commercial recycling of glass and cardboard for all restaurants and bars within the City limits. Mr. Mitchell seconded.

Discussion followed regarding use of the word "mandatory", outreach via flyers, landfills, difficulty of finding new use for colored glass, and bins. A voice vote followed.

Motion carried 4/3/0 with Mr. Purkeypile, Mr. McClung, and Ms. Schneider voting "No" and Mayor Pate voting "Aye" to carry.

### **6. Removal of 80 Mountain from the list of buildings in R-1 used for religious purposes**

Tabled during approval of the agenda until Planning has held a public hearing

### **7. Permitted uses in C-3**

Mr. Mitchell moved to discuss. Ms. Schneider seconded. She referenced a request to add "small entertainment" to permitted uses in C-3. Noting the request was for one property, Ms. Schneider favored adding only "small live theater". Mr. Mitchell said discussion was premature since Planning voted to not add "small entertainment" to C-3. Noting a public hearing is scheduled for Planning, Mr. Mitchell motioned to table permitted uses in C-3 until the next meeting. Mr. DeVito seconded. Mr. McClung favored having the (owners of) the Gavioli Chapel go through the process.

Motion carried 6/0/0.

**8. Ordinance No. 2185 – Removal of front corner setbacks – 2<sup>nd</sup> reading**

Mr. DeVito motioned to discuss. Mr. McClung seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2185 on its second reading by title only. Mr. Purkeypile seconded. A roll call vote followed.

Motion carried 6/0/0. The Clerk read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2185 on its second reading. Mr. Purkeypile seconded. Ms. Blankenship said most front setbacks are 35 ft. and most side setbacks are 15 ft. A voice vote followed.

Motion carried 6/0/0.

Mr. DeVito moved for a recess. Mr. McClung seconded.

Motion carried 6/0/0.

**NEW BUSINESS:**

**1. Discussion of downtown landscaping, weed control, trash control**

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mr. Mitchell said he has been receiving feedback about the appearance of town and spoke about guest relations and environment in Disney parks. He expressed concern for barely being able to get down sidewalks because of the weeds and favored putting on the best show possible. Discussion followed regarding the recent weedeating on Main, Council or the Mayor initiating clean-up, the annual downtown clean-up, a possible resolution, individual efforts, bamboo on Center St. as a fire hazard, and Code enforcement. Mayor Pate noted a group of approximately 40 people from Warren, Arkansas will be coming up to work on First St. and on the N. Main parking lot hill.

**2. Discussion of Black Bass Lake Dam**

Mr. Purkeypile moved to discuss. Mr. DeVito seconded. Mr. Purkeypile said Bryan Hostick and he applied to the Community Development Partnership and noted funds that are garnered could be enough for the planning phase for dam repair. Decommissioning the dam will be considered. They will seek 501(c)3 status, set up a web site, and eventually move into a phase for raising money. Increase in use could be promoted by sailing regattas with miniature boats, paddle boarding, and fishing improvements with a floating dock. He noted the ANRC (Arkansas Natural Resources Commission) would oversee plans and specs for dam improvements.

**3. Business license categories for Limousines and Taxi Franchises**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Ms. Armstrong requested setting license fees at \$50. Following discussion regarding the word “franchise”, Mr. DeVito moved to have the City Attorney draft an ordinance setting license fees for limousines. Ms. Zeller seconded. Ms. Schneider favored regulations for limousines before setting the license rate. Following her expression of concern about someone dying and following the State decree, Mr. DeVito called Point of Order. He said the conversation is not germane to the ordinance. Mayor Pate called for a vote on the original motion.

Motion carried 5/0/1 with Ms. Schneider voting “Present”.

**4. Discussion of City purchasing .58 acres containing City sewage lift station easement**

Mayor Pate noted the property is behind the old Ramada Inn. Mr. Purkeypile moved to discuss. Mr. DeVito seconded. Mayor Pate noted the property on which the City has an easement is owned by Katy Liberty. There is a lift station for the old Sonic, the current church, and the (former Ramada)/Victorian Inn. Information on the site was provided and Mayor Pate said Ms. Liberty was asking \$1500 for property appraised at \$5000. Following discussion regarding properties served, the lift station that is maintained by the City, and an ordinance, Mr. Weaver suggested investigating potential EPA problems.

Mr. DeVito moved to grant the Mayor authority to examine potential EPA issues before entertaining purchasing the property. Mr. Purkeypile seconded. Following discussion regarding specs on the lift station, a voice vote was taken.

Motion carried 6/0/0.

**AGENDA SETTING:**

Mr. DeVito added the extending the 200 ft. rule to all residential zones. Mr. Mitchell seconded.

Mr. DeVito added a mid-year budget review for the second meeting in July. Mr. McClung seconded.

Mr. Mitchell added Code enforcement. Ms. Schneider seconded.

**CITY COUNCIL COMMENTS:**

Ms. Schneider spoke about personal attacks over the weekly rental issue. (As Ms. Schneider began to read a personal item from a Google search, Mr. Weaver cautioned against it and said she could be opening herself to more liability than she would wish.)

Ms. Zeller expressed appreciation for Finance Director Lonnie Clark and the analysis of the budget he provided.

**MAYOR'S COMMENTS:**

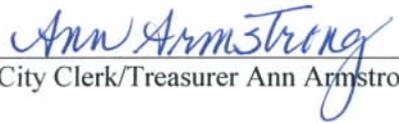
Mayor Pate noted the Safe Routes to School grant application was turned down. The Town Hall Forum is up and running on the City web site. The Arkansas Department of Heritage awarded the City a Green Old House Day grant for \$3480. He read a list of upcoming events.

**ADJOURNMENT:**

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

Motion carried 6/0/0. The meeting ended at 8:25 p.m.

**ATTEST:**

  
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City Clerk/Treasurer Ann Armstrong

**APPROVED:**

  
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Mayor Morris Pate