

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday – March 11, 2013 6 p.m.
AGENDA**

CALL TO ORDER

amended 3/12/13

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC HEARING – second taxi application

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: February 25, 2013

CITY OF DISTINCTION AWARD – Crews & Associates

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. Dept. and Commission 2013 priorities – Mr. Mitchell and Mr. Purkeypile
2. Town Hall meeting – to follow priorities review – Mr. Mitchell and Ms. Zeller
3. Outdoor Sales ordinance – Mr. Mitchell and Mr. Purkeypile
4. Ordinance No. 2174 Utility lines – 2nd reading
5. Ordinance raising Mayor's salary to \$36,000 on Jan. 1, 2014 – Mr. DeVito and Mr. Purkeypile
6. Proposed Accounting Program for the City – Lonnie Clark
7. Ordinance No. 2175 Cemetery electronic funds transfer – 2nd reading
8. Ordinance No. 2176 Parks tax – 2nd reading

NEW BUSINESS:

1. Discussion of limousines – Mr. DeVito and Mr. Mitchell
2. Discussion of raising Council salaries – Ms. Zeller and Ms. Schneider
3. Current lighting ordinance – Mayor Pate
4. Discussion of Taxi service – Ms. Schneider and Mr. Mitchell

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

Mayor Morris Pate called the Public Hearing to order at 6 p.m. Monday, March 11, 2013, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Morris Pate, Aldermen Joyce Zeller, James DeVito, David Mitchell, Terry McClung, Mickey Schneider, Dee Purkeypile, 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.

PUBLIC HEARING:

Mayor Pate opened the Public Hearing regarding a second taxi application. Twenty six people spoke.

David Hussey, 32 year resident, spoke about the service and security David (White) has provided for the community for 20 years.

Glenn Brown, representing Abundant Transportation, spoke about wanting a chance to operate business with metered, striped taxis, limousines, executive cars, buses, and four-wheel drives. He said they will have two staff members 24 hours a day and 365 days a year.

David Thompson, Director of Executive Services for Abundant Transportation, noted the ability to bring business people and art seekers from Bentonville to Eureka Springs. He said (Abundant) is not here to take anything from anyone in the City.

Billie Benson spoke about not being able to get transportation during a visit to Eureka and having walked with children and packages to her motel. She favored two taxi services.

Bill Dye, Operations Manager for Abundant Transportation, said he has been telling callers for transportation that Abundant is not operating in Eureka Springs but is hoping to do so.

Jay McDonald, night auditor, spoke about difficulty in getting transportation for drunks on the weekends and said he considers Abundant a godsend.

Cody Steussy, owner of Abundant Transportation, provided a notarized list of fleet information, hours of operation and rate schedule. He spoke about providing for a level of demand.

Rae Hahn, 30+ year resident, spoke about David White's promptness and professionalism. She did not favor a second taxi service.

Richard Isaacs, resident and artist, spoke about Mr. White's courtesy, helpfulness and endurance. He noted that infringement on the franchise may be the reason fewer cabs are being run by Eureka Taxi.

Barb Loper, 35 year resident, said she has found Eureka Taxi to be fair and dependable. She favored respect for David White.

Karen Lindblad, 38 year resident, spoke about Mr. White's history of providing free services and the franchise requirements he has met. She recalled the issuance of a license to Rob Wagner which sabotaged the taxi franchise and favored the City upholding the agreement with Mr. White.

Lany Ballance, 21 year resident, spoke about infringement on the taxi franchise and the absence of studies to establish need.

Julie Kahn Valentine favored a town where people know the taxi drivers and having respect. She did not favor encroachment.

Richard Griffith, former part-time driver for Eureka Taxi, recalled the "extra mile" David White is known for going.

Pat Matsukis, 5 Mountain, spoke about the difference between a franchise and a business. She encouraged discussion and consideration for the franchise.

Rebecca Pope, owner of the Benton Place, said Mr. White has always been on time and served her guests well.

John Turner, 30 year resident, noted each time he's called a cab, it's always been there on time and fairly priced.

Frank (Roscoe) Pittenger, limousine driver, spoke about the absence of problems and referred to Mr. White as an ambassador for Eureka Springs. He did not see the need for another taxi service.

Lyle Pinkley spoke about having received a level of personal service and help from (Mr. White) when and where it was needed. He favored honoring the franchise.

Matt Bishop, representing David White, spoke about the power the City has with a franchise. He noted the partnership allows the City to specify requirements in exchange for the privilege granted. Noting the absence of hard facts regarding necessity, Mr. Bishop spoke about the City's duty to protect Mr. White's investment.

David White, owner of Eureka Taxi, noted he was granted the taxi franchise in January of 1990 by unanimous vote. He recapped the 24 years of service and commendations without any traffic violations.

Jerry Landers, pharmacy employee, said he'd never heard a negative comment about David's services. He favored honoring the franchise.

Gary Adamson offered a view as a short-time resident, favoring preservation of David White's franchise.

David Quarles, part-time Eureka Taxi driver, spoke about there not being enough business during the week for two taxi companies, and people who operate only on the weekends taking the "meat and potatoes". He said the franchise should be treated as such.

Regina Smith, resident, spoke about the community and gratitude for Mr. White's service.

Beau Satori, former Mayor, spoke about the decision to include limousines with the taxi franchise as a "plus" for the 24/7 service. He noted that hotel shuttles are now operating as taxis and the absence of enforcement on the City's end.

Mayor Pate closed the Public Hearing and opened the Council meeting.

APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve the agenda. Ms. Zeller postponed New Business item #2 until November. Ms. Schneider seconded. Ms. Schneider added discussion of the taxi. Mr. Mitchell seconded. Mr. DeVito postponed Unfinished Business #5 and New Business #1 until the next meeting. Mr. Mitchell seconded. A vote on amended agenda followed.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: February 25, 2013

Mr. DeVito moved to approve the February 25, 2013 minutes. Mr. Mitchell seconded.

Motion carried 5/0/1 with Mr. Purkeypale abstaining due to absence.

CITY OF DISTINCTION AWARD – Crews and Associates

Crews and Associates Director of Public Finance Nathan Rutledge and Financial Advisor Dan Lovelady provided *Arkansas Business* magazine inserts highlighting outstanding Arkansas cities. Mr. Rutledge noted Crews and Associates is an investment banking firm for public finance. He observed Eureka Springs won awards in three categories in 2012: Main Street Preservation, honorable mention under 5,000 for National Significance; winner of Green Initiatives under 5,000; and winner of Tourism under 5,000. Mayor Pate thanked Glenna Booth for spearheading all of the grants and Mike Bishop of the Chamber of Commerce.

RECOGNITION OF MANNY ORTIZ:

Mayor Pate noted the passing of Manny Ortiz, longtime member of the community and traffic control. A few moments of silence were offered in his honor.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Planning Chair Beverly Blankenship noted the March 12 meeting will include a setback and lot variance public hearing for 37 Mountain St. She suggested changing the Planning Commission membership to what is in State code.

Mayor Pate nominated Ed Leswig for Position 6. Ms. Schneider moved to change the rules and approve Mr. Leswig. Mr. Mitchell seconded. Ms. Schneider moved to approve the nomination of Ed Leswig for Planning. Mr. Mitchell seconded. A roll call vote on changing rules followed.

Motion carried 6/0/0. A voice vote on approving Mr. Leswig followed.

Motion carried 6/0/0.

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CAPC – no report
Hospital – no report
Parks – no report
HDC – no report
Cemetery – no report

PUBLIC COMMENTS:

Lany Ballance addressed Council comments regarding banging pots and pans on private property. She objected to agenda items being added at the table without public notice.

Pat Matsukis, 5 Mountain, spoke in favor of the current ordinance limiting lighting (lumens). She spoke in favor of mayor/council salary increases going to a vote of the people. Ms. Matsukis spoke about the unfavorable feedback from visitors about increased parking fines.

Larry Evans, Eureka native, spoke about Fuzzy (White's) integrity and endurance.

UNFINISHED BUSINESS:

1. Department and Commission 2013 priorities

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mr. Mitchell thanked the departments and commissions for listing priorities. Mr. Purkeypile suggested a workshop for Council before the Town Hall meeting. Mr. McClung favored publishing the list so as to allow the public to be prepared for input. Following discussion, Mr. Purkeypile moved to have a workshop on April 2 at 6:00 p.m. in (the jury) room to discuss the prioritization list of the City's needs. Ms. Schneider seconded.

Motion carried 6/0/0.

2. Town Hall meeting – to follow priorities review

Mr. DeVito moved to defer until after the April 2 workshop. Mr. Mitchell seconded.

Motion carried 6/0/0.

3. Outdoor Sales ordinance

Ms. Zeller motioned to discuss. Ms. Schneider seconded. Planning Chair Beverly Blankenship expressed her belief that Council agreed with the Commission recommendations. Mr. DeVito moved to assign the ordinance a number and place it on its first reading. Mr. Mitchell seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2178 AN ORDINANCE AMENDING CHAPTER 4.44 OUTDOOR SALES OF THE EUREKA SPRINGS MUNICIPAL CODE**. Mr. DeVito moved to approve Ordinance No. 2178 on its first reading. Ms. Schneider seconded. A voice vote followed.

Motion carried 6/0/0.

4. Ordinance No. 2174 Utility Lines – 2nd reading

Mr. DeVito moved to suspend the rules and place Ordinance No. 2174 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. 2174 on its second reading. Ms. Schneider seconded.

Motion carried 6/0/0.

5. Ordinance raising the Mayor's salary

Postponed during Approval of the Agenda until the next meeting

6. Proposed Accounting Program for the City

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Finance Director Lonnie Clark provided and reviewed a spreadsheet comparing four accounting programs. He provided an ordinance as well as a resolution to authorize a budget amendment. Following discussion of importing historical data, customized reports for trended data, and input from departments, Mr. DeVito moved to assign the ordinance a number and place it on its first reading. Ms. Schneider seconded.

Motion carried. Ms. Armstrong read **ORDINANCE NO. 2177 AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE PURCHASE OF ACCOUNTING COMPUTER SOFTWARE**. Mr. DeVito moved to approve Ordinance No. 2177 on its first reading. Mr. Purkeypile seconded.

Motion carried 6/0/0. Mr. DeVito moved to suspend the rules and place Ordinance No. 2177 on its second reading by title only. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title.

Mr. DeVito moved to approve Ordinance No. 2177 on its second reading. Ms. Schneider seconded. Motion carried 6/0/0.

7. Ordinance No. 2175 Cemetery electronic funds transfer – 2nd reading

Mr. DeVito moved to suspend the rules and place Ordinance No. 2175 on its second reading by title only. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title.

Mr. DeVito moved to approve Ordinance No. 2175 on its second reading. Mr. McClung seconded. Motion carried 6/0/0.

8. Ordinance No. 2176 Parks tax – 2nd reading

Ms. Schneider motioned to discuss. Mr. DeVito seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2176 on its second reading by title only. Mr. Purkeypile seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title.

Mr. DeVito moved to approve Ordinance No. 2176 on its second reading. Ms. Zeller seconded. Motion carried 6/0/0.

Mr. DeVito moved to take a 10 minute recess. Ms. Schneider seconded.

Motion carried 6/0/0.

NEW BUSINESS:

1. Discussion of limousines

Postponed during Approval of the Agenda until the next meeting

2. Discussion of raising Council salaries

Postponed during Approval of the Agenda until November

3. Current lighting ordinance

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mayor Pate said he brought this to table because the Ordinance has no provisions giving anyone authority to make any changes for safety reasons to the public. Discussion followed regarding the Planning Commission, public hearings, granting authority to increase lumens and notice of action. Mayor Pate agreed to confer with Chief Hyatt and bring a detailed list for Council review. Mr. DeVito moved to postpone until the Mayor consults with the Police Chief. Mr. Purkeypile seconded.

Motion carried 6/0/0.

4. Taxi service

Mr. DeVito motioned to discuss. Mr. Mitchell seconded. Mr. Mitchell said the issue is whether to award a certificate of necessity and expressed his belief that the need for a second service is evident. Ms. Zeller spoke about Abundant being capable of providing service and made a motion to grant Abundant Taxi their (Certificate of Public Convenience and Necessity) and allow them to get into business. Mr. Mitchell seconded. Following discussion regarding feedback from businesses and the State requirement for notice to the current taxi service, a roll call vote was taken.

Motion carried 6/0/0.

AGENDA SETTING:

Mr. Mitchell added Sherwood Court's sewer problem. Mr. Purkeypile seconded.

Mr. Mitchell added Planning Commission recruitment. Ms. Zeller seconded.

CITY COUNCIL COMMENTS:

Mr. DeVito thanked the staff for their hard work in getting the awards for Eureka Springs.

Mr. Mitchell thanked everyone who came to the Public Hearing.

Mr. Purkeypile thanked everyone who came to the Public Hearing and thanked Mr. White for his service, noting (Council action) was not an indictment.

Ms. Schneider said she was paraphrasing the law, adding that it is illegal to interfere with a legal activity.

MAYOR'S COMMENTS:

Mayor Pate read a list of upcoming events.

ADJOURNMENT:

Mr. DeVito moved to adjourn. Mr. Mitchell seconded.
Motion carried 6/0/0. The meeting ended at 8:35 p.m.

ATTEST:


City Clerk/Treasurer Ann Armstrong

APPROVED:


Mayor Morris Pate

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