

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING  
Monday, November 4, 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:** October 28, 2013

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

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

**CAPC** – Pos. 2 – vacant – expires 6/30/14. Pos. 4 – vacant – expires 6/30/16

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

**Parks**

**HDC**

**Cemetery**

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

1. Schedule workshop re: Ordinance No. 2189 Increase parking rate for special events –Mr. Purkeypile and Mr. DeVito
2. Ordinance No. 2193 Reclaiming jurisdiction over 100 ft. of Palo Pinto – 3<sup>rd</sup> reading
3. Ordinance No. 2194 Reclaiming jurisdiction over portion of Nut St. – 3<sup>rd</sup> reading
4. Amended Ordinance No. 2191 Additional Use in C-3 excluding the Library – Mr. Purkeypile and Mr. DeVito
5. Ordinance No. 2195 Land Bank – 2<sup>nd</sup> reading
6. Ordinance for business licenses for multi-family housing – Mr. Mitchell and Ms. Schneider
7. Ordinance No. 2196 rezoning 80 Mountain to C-3 – 2<sup>nd</sup> reading
8. Ordinance No. 2197 Group Tour Franchise – 3<sup>rd</sup> reading

**NEW BUSINESS:**

1. Hours of operation and animals in C-3 – Mr. Mitchell and Mr. Purkeypile
2. Clean City Ordinance – Mr. Mitchell and Ms. Schneider
3. Conditional Use permit for farm animals – pending Planning action -- Mayor Pate
4. Schedule workshop re: downtown parking facility – Mr. Purkeypile and Mr. DeVito
5. Auditorium agreement – Mayor Pate
6. Discussion of Planning Commission procedures for vacating property – Ms. Schneider and Mr. DeVito
7. Art wall renewal – Mayor Pate
8. Discussion of Yellow Trash Bags – Mr. Mitchell and Ms. Schneider
9. Discussion of Bam Bam the Bear – Ms. Schneider and Mr. Mitchell

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**NOVEMBER 4, 2013**

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Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, November 4, 2013, in the jury room in the Western District Carroll County Courthouse.

**PRESENT:** Mayor Morris Pate, Aldermen Mickey Schneider, James DeVito, Joyce Zeller, Terry McClung, David Mitchell, and City Clerk/Treasurer Ann Armstrong

**ABSENT:** Alderman Dee Purkeypile and City Attorney Tim Weaver (with notice)

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Pate led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA:**

Mr. DeVito moved to approve. Mr. McClung seconded. Mr. Mitchell moved to table Unfinished Business #4. Mr. DeVito seconded. Mr. Mitchell moved to table Unfinished Business #6. Ms. Schneider seconded. Mr. Mitchell moved to table New Business #2 and 3. Ms. Schneider seconded. Mr. Mitchell added Yellow Trash Bags to New Business. Ms. Schneider seconded. Mayor Pate postponed Unfinished Business #1. Mr. DeVito seconded. Mr. Mitchell tabled New Business #1. Mr. DeVito seconded. Ms. Schneider added discussion of Bam Bam the Bear to New Business. Mr. Mitchell seconded. Mayor Pate called for approval of the amended agenda.

Motion carried 5/0/0.

**APPROVAL OF THE MINUTES: October 28, 2013**

Mr. DeVito moved to approve the October 28, 2013 minutes. Mr. Mitchell seconded.

Motion carried 5/0/0.

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

**Planning** – no report

**CAPC** – Mike Maloney said the Special Events Director's position has been eliminated. Finance Director Rick Bright will be in the Auditorium weekdays from 1-5 p.m. for ticket sales and tours. The plan is to staff with volunteers.

**Hospital** – no report

**Parks** – no report

**HDC** – no report

**Cemetery** – no report

**PUBLIC COMMENTS:** none

**UNFINISHED BUSINESS:**

**1. Schedule workshop re: Ordinance No. 2189 Increase parking rate for special events**

Postponed for rescheduling, during approval of the agenda.

**2. Ordinance No. 2193 Reclaiming jurisdiction over 100 ft. of Palo Pinto – 3<sup>rd</sup> reading**

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2193 on its third reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2193 on its third reading. Ms. Schneider seconded. A roll call vote followed.

Motion carried 5/0/0.

**3. Ordinance No. 2194 Reclaiming jurisdiction over a portion of Nut St. – 3<sup>rd</sup> reading**

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2194 on its third reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve

**City Council                      11/4/13                      1**

Ordinance No. 2194 on its third reading. Ms. Schneider seconded. A roll call vote followed.

Motion carried 5/0/0.

**4. Amended Ordinance No. 2191 Additional Use in C-3, excluding the Library**

Tabled during approval of the agenda until the next meeting

**5. Ordinance No. 2195 Land Bank – 2<sup>nd</sup> reading**

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Ms. Schneider moved to suspend the rules and read by title only. Mr. Mitchell seconded. Mr. DeVito called Point of Order noting the Ordinance had been changed. Ms. Schneider withdrew her motion. Mr. Mitchell withdrew his second. Mr. DeVito moved to read Ordinance No. 2195 on its second reading. Ms. Schneider seconded.

Motion carried 5/0/0. Ms. Armstrong read **ORDINANCE NO. 2195 AN ORDINANCE FOR THE CREATION OF A LAND BANK COMMITTEE FOR USE IN DISPOSING OF CERTAIN UNNEEDED PROPERTIES AND OBTAINING CERTAIN OTHER NEEDED PROPERTIES AND FOR OTHER PURPOSES.** Mr. DeVito moved to approve Ordinance No. 2195 on its second reading. Ms. Schneider seconded.

Mr. McClung called for discussion. He objected to limiting possible sales to non-conforming properties and indicated there could be conforming properties to consider. Referencing Section 7, he opposed charging those within the 320 acres deeded to the City a premium for vacating while not charging others within the City limits. Discussion followed regarding leased properties, an application fee only and for everyone, and City control of streets whether owned or with easements. Mr. DeVito noted Planning is working on procedures that include an application fee but that is a separate issue.

Ms. Schneider made a motion to postpone until the issue is worked out. Mr. McClung seconded. Discussion continued regarding the cost for vacated properties within the deeded 320 acres.

Motion carried 4/2/0 with Mr. DeVito and Mr. Mitchell voting “No” and Mayor Pate voting “Aye” to carry.

**6. Ordinance for business licenses for multi-family housing**

Tabled during approval of the agenda until the next meeting

**7. Ordinance No. 2196 rezoning 80 Mountain to C-3 – 2<sup>nd</sup> reading**

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2196 on its second reading by title only. Mr. McClung seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2196 on its second reading. Ms. Schneider seconded.

Motion carried 5/0/0.

**8. Ordinance No. 2197 Group Tour Franchise – 3<sup>rd</sup> reading**

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2197 on its third reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2197 on its third reading. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 5/0/0.

**NEW BUSINESS:**

**1. Hours of operation and animals in C-3**

Tabled during approval of the agenda until the next meeting

**2. Clean City Ordinance**

Tabled during approval of the agenda until the next meeting

**3. Conditional Use permit for farm animals – pending Planning action**

**4. Schedule workshop re: downtown parking facility**

Mr. McClung moved to discuss. Mr. Mitchell seconded. Mayor Pate agreed to arrange a workshop. Following discussion, Ms. Schneider suggested postponing until Mr. Purkeypile can be available for a workshop. Interpreting this as a motion, Mr. DeVito seconded.

Motion carried 5/0/0.

**5. Auditorium agreement**

Ms. Schneider moved to discuss. Mr. McClung seconded. Mayor Pate said it is his understanding there is a 90-day period within which objections to the proposed agreement can be made. If there are none,

it renews automatically. Discussion followed regarding the verbal agreement to provide two parking places and the clause providing for a method to terminate the agreement. Further discussion included a plan for competent management and management by committee versus a commission. Charles Ragsdell spoke about recent management history and the CAPC's plan to manage the Auditorium with CAPC staff and advice and assistance from a committee. Management of press releases, sound, technical staff, and people who sell concessions will continue to be handled by the same people who have been there.

Ms. Zeller clarified that the City contributes approximately \$36,000 a year to the Auditorium bills.

**6. Discussion of Planning Commission procedures for vacating property**

Ms. Schneider moved to discuss. Mr. DeVito seconded. He noted the absence of the Planning Chair and moved to table until the next meeting. Ms. Schneider seconded.

Motion carried 5/0/0.

**7. Art wall renewal**

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mayoral Assistant Diane Wilkerson noted a previous Council's decision to allow the Arts Council to use the wall on First St. and the area on N. Main for public art. The agreement has expired and Mr. Weaver will prepare a resolution for Council's consideration.

**8. Discussion of Yellow Trash Bags**

Mr. Mitchell motioned to discuss. Ms. Schneider seconded. Mr. Mitchell recapped information compiled by Bill Wilson regarding the increased capacity of bags with draw strings. Mr. Wilson indicated there would be no additional cost to the City to purchase draw string bags. Mr. Mitchell favored allowing the Mayor, if there is no cost increase, to make the change. Mayor Pate agreed to check on it.

**9. Discussion of Bam Bam the Bear**

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Ms. Schneider spoke about Turpentine Creek's providing the new habitat for the young grizzly bear and the Attraction's draw for the community. She favored a resolution or proclamation to make November 3 Bam Bam Day. Ms. Schneider made a motion to designate the first Sunday in November Bam Bam Day in honor of Turpentine Creek and all their efforts. Mr. Mitchell seconded.

Motion carried 4/2/0 with Mr. DeVito and Mr. McClung voting "No" and Mayor Pate voting "Aye" to carry.

**AGENDA SETTING:**

Mr. DeVito added discussion of forming an Auditorium Commission. Mr. Mitchell seconded.

**CITY COUNCIL COMMENTS:**

Mr. DeVito noted his restaurant has recently had the best business in 28 years and thanked all parties responsible.

Mr. McClung said it's great to be alive.

Mr. Mitchell noted the upcoming food collection by the Boy Scouts. He said the Noise Committee will meet Wednesday and he welcomes input from the public.

Ms. Schneider noted the upcoming Veteran's Day events from Friday through Monday.

Ms. Zeller clarified that there will be no workshop on Wednesday.

**MAYOR'S COMMENTS:**

Mayor Pate encouraged all to drive the new Lake Leatherwood road but cautioned the speed limit is 25 mph. He read a list of upcoming events and noted the next Council meeting will be November 25.

**ADJOURNMENT:**

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

Motion carried 5/0/0. The meeting ended at 7:15 p.m.

**ATTEST:**

  
City Clerk/Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Morris Pate

City Council

11/4/13

3