

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING  
Monday, October 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:** October 14, 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** – vote on Henry Romanski for Position 4

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

1. Ordinance No. 2189 Increase parking rate for special events – 2<sup>nd</sup> reading
2. Ordinance to reclaim jurisdiction over 100 ft. of Palo Pinto – Mr. Mitchell and Ms. Schneider
3. Ordinance to reclaim jurisdiction over a portion of Nut St. – Ms. Schneider and Mr. Mitchell
4. Ordinance No. 2191 Additional Use in C-3 – Mr. Mitchell and Mr. McClung
5. Ordinance for Land Bank – Mr. Mitchell and Ms. Schneider
6. Ordinance for business licenses for multi-family housing – Mr. Mitchell and Ms. Schneider

**NEW BUSINESS:**

1. Ordinance rezoning 80 Mountain to C-3 – Mr. Mitchell and Ms. Schneider
2. Hours of operation and animals in C-3 – Mr. Mitchell and Mr. Purkeypile
3. Clean City Ordinance – Mr. Mitchell and Ms. Schneider
4. Conditional Use permit for farm animals – pending Planning action -- Mayor Pate
5. Ordinance for Group Tour Franchise changes – Mayor Pate
6. Discussion of downtown parking facility – Mr. Purkeypile and Mr. DeVito
7. Carroll-Boone transmission line resolution – Mayor Pate
8. Auditorium agreement – Mayor Pate
9. Third quarter financials – A.C.A. 14-43-506

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, October 28, 2013, in the jury room in the Western District Carroll County Courthouse.

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

**APPROVAL OF THE AGENDA:**

Mr. DeVito moved to approve. Mr. Mitchell seconded. Mr. Mitchell moved to table Unfinished Business #6 and New Business #3. Mr. DeVito seconded. Mr. DeVito moved to have New Business #7 as the first item for discussion. Mr. Purkeypile seconded. Mayor Pate called for approval of the amended agenda. Motion carried 6/0/0.

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

Mr. DeVito moved to approve the October 14, 2013 minutes. Mr. McClung seconded. Motion carried 6/0/0.

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

**Planning** – Beverly Blankenship noted a workshop (with Council and Planning) was scheduled the next evening. She requested adding procedures Planning sent regarding vacating to a future agenda as well as some zoning definitions and that of home occupations. Ms. Blankenship said the ordinance for New Business #2 hadn't been seen and a public hearing is scheduled for conditional use permits for farm animals on November 12.

**CAPC** – no report

**Hospital** – no report

**Parks** – no report

**HDC** – no report

**Cemetery** – Mary Ann Pownall spoke about the successful Memorial Day event which also brought in donations. Will Moorhouse has been hired as groundskeeper, and Block 27 is being remapped to ensure accuracy. Chasers will be hosting a benefit for the cemetery. A mapping and platting committee has been formed.

Mr. Purkeypile moved to accept the nomination of Henry Romanski for Position 4. Mr. McClung seconded.

Motion carried 6/0/0.

**PUBLIC COMMENTS:** none

**NEW BUSINESS:**

**7. Carroll-Boone transmission line resolution**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Engineer Chris Hall from McGoodwin, Williams and Yates explained the reason for the resolution for Phase I improvements by the Carroll-Boone Water District. A 36 in. line is planned to run parallel to the existing line, from the treatment plant to the City's meter on Hwy. 23S.

Mr. McClung made a motion to assign the resolution a number as it is prepared, and approve. Mr. DeVito seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 629 CARROLL-BOONE WATER DISTRICT TRANSMISSION LINE.**

**UNFINISHED BUSINESS:**

**1. Ordinance No. 2189 Increase parking rate for special events – 2<sup>nd</sup> reading**

Mr. Purkeypile moved to discuss. Ms. Schneider seconded. Discussion followed regarding a definition of “charity groups”, having a second workshop, and the previous weekend’s parking situation. Mr. Purkeypile moved to table the second reading and to schedule another workshop. Mr. DeVito seconded. Ms. Schneider requested setting a time when the Attorney can attend. Mr. Purkeypile amended his motion to include that. Mr. DeVito seconded the amended motion.

Motion carried 6/0/0.

**2. Ordinance to reclaim jurisdiction over 100 ft. of Palo Pinto**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Richard Grinnell confirmed there are two buildings on the street and the plan is to have clear title when the properties are sold. Mr. Weaver noted the ordinance is the first step and a second ordinance (with deeds) would transfer ownership.

Mr. McClung made a motion to assign the ordinance a number to reclaim from Parks and put it on its first reading. Mr. DeVito seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2193 AN ORDINANCE RECLAIMING AUTHORITY OVER PART OF THE UNOPENED PORTION OF PALO PINTO AVENUE FROM THE PARKS COMMISSION’S AUTHORITY PREVIOUSLY GRANTED OVER GREEN SPACE WITHIN THE CITY.** Mr. DeVito moved to approve Ordinance No. 2193 on its first reading. Mr. Purkeypile seconded.

Motion carried 6/0/0. Mr. DeVito moved to suspend the rules and place Ordinance No. 2193 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. 2193 on its second reading. Mr. Purkeypile seconded.

Motion carried 6/0/0.

**3. Ordinance to reclaim jurisdiction over a portion of Nut St.**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mr. Weaver noted a question regarding the survey description and said a better one will be needed if it’s decided to transfer ownership.

Mr. DeVito moved to assign the ordinance a number and place it on its first reading. Mr. McClung seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2194 AN ORDINANCE RECLAIMING AUTHORITY OVER PART OF THE UNOPENED PORTION OF NUT STREET FROM THE PARKS COMMISSION’S AUTHORITY PREVIOUSLY GRANTED OVER GREEN SPACE WITHIN THE CITY.** Mr. DeVito moved to approve Ordinance No. 2194 on its first reading. Mr. Schneider seconded.

Motion carried 6/0/0. Mr. DeVito moved to suspend the rules and place Ordinance No. 2194 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. McClung made a motion to approve Ordinance No. 2194 on its second reading. Mr. DeVito seconded.

Motion carried 6/0/0.

**4. Ordinance No. 2191 Additional Use in C-3**

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Discussion followed regarding the word “building” since movies are shown at the Library and there is no on-site parking. Following discussion, Mr. Purkeypile motioned to send the Ordinance back to the City Attorney to (add exempting the Library). Mr. DeVito seconded. Following further discussion, Mr. Purkeypile amended the motion to exempt the Library from the ordinance. Mr. DeVito seconded.

Motion carried 5/0/1 with Mr. McClung voting “No”.

**5. Ordinance for Land Bank**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Parks Director Bruce Levine reviewed language in the proposed ordinance and changes were made to Section 5. Mr. McClung expressed concern about charging a fee to vacate in one part of the City but not in others. Mr. Weaver explained the original deed for 320 acres that are actually owned by the City versus property over which the City has easements.

Mr. DeVito moved to assign the ordinance a number and place it on its first reading. Mr. Purkeypile seconded.

Motion carried 6/0/0. 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.** Following discussion, Mr. DeVito moved to amend the ordinance by striking the word “privately” from Section 5. Ms. Schneider seconded.

Motion carried 6/0/0. Mr. DeVito moved to approve Ordinance No. 2195 on its first reading. Ms. Schneider seconded. Mr. McClung suggested removing the word “owned”. Mr. DeVito amended the amendment to remove “privately owned” from Section 5. Ms. Schneider seconded. A vote on the amendment followed.

Motion carried 6/0/0. A vote on approval of the Ordinance on its first reading followed.

Motion carried 6/0/0.

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

Tabled during approval of the agenda until the next meeting

**NEW BUSINESS:**

**1. Ordinance rezoning 80 Mountain to C-3**

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mr. DeVito moved to assign the ordinance a number and place it on its first reading. Ms. Schneider seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2196 AN ORDINANCE REZONING 80 MOUNTAIN STREET FROM R-1 TO C-3.** Mr. Weaver confirmed the legal description as Lots 18, 19, and 20 in Block 79 of the Riley and Armstrong Survey of Eureka Springs, Arkansas. Mr. DeVito moved to approve Ordinance No. 2196 on its first reading. Ms. Schneider seconded.

Motion carried 6/0/0.

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

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mr. Mitchell moved to table. Mr. DeVito seconded.

Motion carried 6/0/0.

**3. Clean City Ordinance**

Tabled during approval of the agenda until the next meeting

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

**5. Ordinance for Group Tour Franchise changes**

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Mr. DeVito moved to assign the ordinance a number and place it on its first reading. Mr. McClung seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2197 AN ORDINANCE AMENDING CHAPTER 4.20 GROUP TOUR FRANCHISES.** Mr. DeVito moved to approve Ordinance No. 2197 on its first reading. Mr. McClung seconded. Mr. Weaver confirmed the Ordinance is separate from one which would specify the number of franchises. Following discussion regarding changing the number of franchises, it was noted Mr. Gunnels submitted his application within the required timeframe and Mr. Varner did not. A voice vote on the motion to approve the first reading followed.

Motion carried 6/0/0. Mr. DeVito moved to suspend the rules and place Ordinance No. 2197 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. 2197 on its second reading. Ms. Schneider seconded.

Motion carried 6/0/0.

**6. Discussion of downtown parking facility**

Mr. Purkeypile moved to discuss. Mr. DeVito seconded. Mr. Purkeypile moved to set up a separate workshop. Mr. DeVito seconded.

Motion carried 6/0/0.

**8. Auditorium agreement**

Mr. DeVito moved to discuss. Mr. Purkeypile seconded. Mayor Pate noted the proposed agreement had been provided and entertained a motion to postpone so as to allow time for review. Mr. DeVito moved to do so. Mr. Purkeypile seconded.

Motion carried 5/0/1 with Ms. Schneider asking why this was being postponed. Mayoral Assistant Diane Wilkerson noted the only change was the allocation of six parking spaces with approval by the Mayor's office.

**9. Third quarter financials**

Mr. DeVito moved to discuss. Mr. Purkepile seconded. Ms. Armstrong provided the debt service report, payroll, clearing account, and cash receipts for the third quarter of 2013. Mr. Mitchell expressed his view that the new accounting system has moved the financial dealings of the City into the 21<sup>st</sup> century quite well.

**AGENDA SETTING:**

Ms. Schneider added Planning vacation procedures. Mr. DeVito seconded.

**CITY COUNCIL COMMENTS:**

Mr. DeVito thanked all those responsible for the past weekend.

Mr. McClung said to get out and look at the trees. They're getting pretty.

Mr. Mitchell said the Noise Committee members are Steve Beacham, Mark Hughes, Mike Bishop, Al Frost, Jeff Thach, Max Boydston, an Attorney, and a lady from the CAPC. He welcomed feedback.

Ms. Schneider spoke about fundraising to place American flags from one end of town to the other on lighted poles. She presented the Mayor with a \$500 check matching his donation. She said the Pine Mountain Jamboree will be having a Stars and Stripes show on November 8 to raise funds.

Ms. Zeller expressed pleasant shock at having a meeting in one hour and seventeen minutes.

**MAYOR'S COMMENTS:**

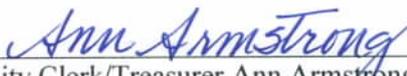
Mayor Pate noted the Blue Knights donated \$200 toward the American Flag Account. He welcomed donations and said there are 34 poles from the top of Planer Hill to the Depot that have lights on them. Mayor Pate noted a flag will also be installed on the top of Planer Hill and estimated the cost at \$5-6000. He noted the next City Council meeting will be November 4 and spoke about the pamphlet to be released on motorcycle tourism in the State. Mayor Pate read a list of upcoming events.

**ADJOURNMENT:**

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

Motion carried 6/0/0. The meeting ended at 7:25 p.m.

**ATTEST:**

  
City Clerk/Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Morris Pate