

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, April 14, 2014 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: March 24, 2014

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 2 – vacant – expires 1/1/17. 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

HDC – Pos. 5 – vacant – expires 11/30/14. Pos. 6 – Richard Grinnell – expired 3/7/14. Pos. 7 – Susie Allen – expired 3/7/14. Vote on Steve Holifield for Position 5

Cemetery – Pos. 2 – vacant – expires 2/15/15. Pos. 4 – Henry Romanski – expired 2/15/14. Pos. 5 -- Mary Ann Pownall – expired 2/15/14.

PUBLIC COMMENTS:

AWARD PRESENTATION: Green and Energy Conservation – Crews and Associates

UNFINISHED BUSINESS:

1. Ordinance No. 2206 Vacating McCune and portion of Hartman – 3rd reading – Mr. McClung and Mr. Purkeypile
2. Ordinance No. 2207 Reclaiming un-named street/Rock St. – 3rd reading – **postponed until May 12** -- Mr. Purkeypile and Mr. Mitchell
3. Ordinance No. 2201 Clean City -- revised again – 3rd reading – Mr. Mitchell and Ms. Schneider
4. Discussion of collapsing parking lot by Auditorium – **postponed for further update** – Mr. Purkeypile and Mr. Mitchell
5. Discussion of increasing water and sewer rates – Ms. Schneider and Mr. Mitchell
6. Ordinance No. 2189 Increasing parking rates for special events – revised – 3rd reading -- Mr. Mitchell and Mr. DeVito
7. Discussion of Court House lease – Ms. Schneider and Mr. Mitchell
8. Noise Ordinance draft – Mr. Mitchell and Mr. DeVito
9. Film industry tax incentive – Mayor Pate

NEW BUSINESS:

1. Yard waste issue – Mr. DeVito and Ms. Schneider
2. Discussion of May 26 meeting date – Ms. Schneider and Mr. Mitchell
3. Discussion of walkway for Bill Voiers – Mr. Purkeypile and Ms. Schneider

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

APRIL 14, 2014

Mayor Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 14, 2014, in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Pate, Aldermen Joyce Zeller, David Mitchell, Dee Purkeypile, Terry McClung, Mickey Schneider, City Attorney Tim Weaver, and City Clerk/Treasurer Ann Armstrong

ABSENT WITH NOTICE: James DeVito

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pate led the Pledge.

APPROVAL OF THE AGENDA:

Mr. Mitchell moved to approve. Mr. Purkeypile seconded. Mayor Pate added the vote for Steve Holifield for HDC Position 5 and moved Unfinished Business #9 to the first item for discussion. Mr. Mitchell moved to postpone Unfinished Business #3 and 8 until May 12. Mr. Purkeypile seconded. Ms. Schneider motioned to remove Unfinished Business #7. Mr. Mitchell seconded. Ms. Schneider moved to add a discussion about the May 26 meeting date. Mr. Mitchell seconded. Mr. Purkeypile moved to postpone Unfinished Business #4. Ms. Schneider seconded. Mayor Pate called for a vote on the amended agenda.

Motion carried 5/0/0.

APPROVAL OF THE MINUTES: March 24, 2014

Mr. McClung moved to approve the March 24, 2014 minutes. Mr. Purkeypile seconded.

Motion carried 5/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – no report

CAPC – no report

Hospital – no report

Parks – no report

HDC – Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mr. Mitchell motioned to accept Steve Holifield for Position 5. Mr. McClung seconded.

Motion carried 5/0/0.

Cemetery – no report

PUBLIC COMMENTS:

Brigitte Kucharski, owner of the Pivot Rock Village Apartments, requested that Council look into the changes in policies for water deposits and roll-overs. Previously, the water could be left on for cleaning after tenants left, but a \$75 floating deposit is now required plus a \$25 application fee. Ms. Kucharski objected to the absence of notification of the changes.

Cheryl Sharp, manager of the Pivot Rock Village Apartments, confirmed the inconvenience of not having hot water for cleaning and asked that Council look into the situation.

Penny Carroll, realtor, encouraged Council to sign the Clean City ordinance, noting we are not a wealthy community and have to watch out for each other. She favored safe-guarding neighbors' investments.

Beau Satori opposed the vacating of McCune and a portion of Hartman since there is a turn-around there. He noted that people would have to turn around in other driveways and expressed his opinion that a problem would be created rather than solved.

Becky Gillette noted many plants are medicinal or wild edibles. She expressed concern about the definition of "weeds" in the proposed Clean City ordinance. Ms. Gillette also spoke about a property that was considered a "tear down" but was purchased and saved, and objected to a "Disneyland" standard for everyone.

Laura Voiers Patterson spoke about her father's need for a wheelchair walkway from one house to the other. She indicated Parks Director Bruce Levine had ok'd the idea and she would go to the HDC as well. The topic was added to the agenda as New Business #3.

AWARD PRESENTATION: Green/Energy Conservation

Nathan Rutledge, Crews and Associates, presented a City of Distinction Award for the teamwork involved in creating a wetland project to retain and filter storm water at Cardinal Spring. Partners in the project were local volunteers and students, Ozarks Water Watch, Parks and Recreation staff and Springs Committee members, and Public Works staff.

UNFINISHED BUSINESS:

9. Film industry tax incentive

Mr. Purkeypile motioned to discuss. Mr. Mitchell seconded. Sandy Martin spoke in behalf of the Chamber of Commerce, the Arkansas Film Commission, and the Arts Council. She provided copies of the skeleton ordinance drafted by Film Commission attorneys and Economic Development for a 2% tax rebate from the City and 3% from the CAPC, following a minimum expenditure for filming. Templates for a permitting application and approval process were provided. Ms. Martin said an amendment to the bylaws of the CAPC will be presented and noted a review committee for the permitting process was recommended.

Mr. Purkeypile motioned to send the skeleton ordinance and proposal documents to Mr. Weaver for legal review. Ms. Schneider seconded.

Motion carried 5/0/0.

1. Ordinance No. 2206 Vacating McCune and portion of Hartman – 3rd reading

Mr. Mitchell moved to discuss. Mr. McClung seconded. Mr. McClung motioned to suspend the rules and place Ordinance No. 2206 on its third and final reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. McClung motioned to approve Ordinance No. 2206 on the third reading. Ms. Zeller seconded. Ms. Schneider asked to have Bruce Levine and James McEvoy explain the point of contention regarding the end of McCune St. Ms. Zeller called Point of Order and stated revision of the Ordinance is not on the agenda. A vote on the Point of Order for stopping discussion followed.

Motion failed 2/3/0 with Ms. Schneider, Mr. Purkeypile and Mr. McClung voting “No”. Mr. Levine explained the reasoning for removing a triangle of land from the McCune portion to be vacated, saying it would permit a pedestrian easement. A survey was provided amending the previously read description. Mr. McEvoy objected to the change. He read from the memo distributed to Council from Parks during the March 24 meeting and indicated the proposed change would create an inconvenient “zig-zig” for fencing. Following extensive discussion, a roll call vote on approval of the third reading was taken.

Motion carried 4/0/1 with Ms. Schneider voting “Present”.

2. Ordinance No. 2207 Reclaiming un-named street/Rock St. – 3rd reading – postponed until

May 12

3. Ordinance No. 2201 Clean City – revised again – 3rd reading

Postponed during approval of the agenda until May 12

4. Discussion of collapsing parking lot by the Auditorium – update from Mr. Purkeypile

Postponed during approval of the agenda until May 12.

5. Discussion of increasing water and sewer rates

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mr. Mitchell recapped his understanding of a proposed assessment of water lines and meters as well as a potential source of funds. Mr. Purkeypile spoke about a March 24 update from Public Works Director Dwayne Allen. He motioned for a workshop with the Director of Public Works and the Director of Finance to develop a plan for further action. Mr. Mitchell seconded.

Motion carried 5/0/0.

6. Ordinance No. 2189 Increasing parking rates for special events – revised – 3rd reading

Mr. McClung motioned to discuss. Mr. Purkeypile seconded. Mr. Mitchell motioned to suspend the rules and read Ordinance No. 2189 by title only on its third reading. Ms. Schneider seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read the Ordinance title. Mr. McClung made a motion to approve Ordinance No. 2189. Mr. Purkeypile seconded. A roll vote followed.

Motion carried 5/0/0.

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7. Discussion of the Court House lease

Removed during approval of the agenda

8. Noise Ordinance draft

Postponed during approval of the agenda until May 12

NEW BUSINESS:

1. Yard waste issue

Mr. Purkeypile moved to discuss. Ms. Schneider seconded. Ms. Schneider favored the idea of dumping yard waste in ravines. Mr. Weaver noted the City would most likely have to get approval from the Federal government. It was confirmed Carroll County Solid Waste does not deal with yard waste. The City composting site accepts only materials that can be chipped. Further discussion included the lack of a site for bamboo and other materials unsuitable for processing with (bio-solids), the proposed Clean City ordinance, and a possible workshop.

Mr. McClung motioned to have a workshop. Ms. Schneider seconded.

Motion carried 5/0/0. Mayor Pate agreed to find out what is relevant to Carroll County Solid Waste.

2. Discussion of the May 26 meeting date

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Following discussion, Mr. Purkeypile moved to change the date to Wednesday, May 28. Ms. Schneider seconded.

Motion carried 5/0/0.

3. Discussion of walkway for the Voiers

Mr. Purkeypile moved to discuss. Ms. Schneider seconded. Mr. Levine spoke about having no objection to a temporary structure across the alley. Mr. Purkeypile motioned to allow the Voiers to have a temporary platform or walkway between the two buildings to allow wheelchair or walker access that is safe. Ms. Schneider seconded. Mr. Mitchell favored consultation with the Chair of Planning to make sure the structure is safe and acceptable. Mr. McClung favored a written agreement with termination. Mr. Mitchell amended the motion for the City Attorney to draft an agreement between the Voiers and the City that covers an implementation date, a discontinuance date, and any other legal concerns that he may have, including removal. Discussion followed regarding Mrs. Voiers' possible need, Parks' jurisdiction, future vacating, form of the proposed structure, and a resolution reclaiming temporary jurisdiction from Parks.

Mr. Purkeypile moved to make it a temporary structure/broad access between the two buildings for a period of one year subject to renewal. Mr. Purkeypile withdrew his first motion. Mr. Mitchell withdrew his motion for an amendment. Mr. Weaver offered a suggestion for how Mr. Purkeypile might make his motion: that Council make an oral resolution to remove this temporarily from Parks as a green space and grant a term of one year temporary use over the property to the owners of the property. Mr. Purkeypile amended his motion to use the language Mr. Weaver suggested. Mr. Mitchell seconded.

Motion carried 5/0/0. Ms. Patterson said she'll go to the HDC meeting on Wednesday

AGENDA SETTING: no new items were added.

CITY COUNCIL COMMENTS:

Ms. Schneider said the message about her son's accident was an April Fools joke.

MAYOR'S COMMENTS:

Mayor Pate read a list of upcoming Community events.

ADJOURNMENT:

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

Motion carried 5/0/0.

ATTEST:


City Clerk/Treasurer Ann Armstrong

APPROVED:


Mayor Morris Pate