

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING  
Monday, February 24, 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:** February 10, 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. 2 – Dee Bright -- expired 11/30/13. Pos. 4 – Doug Breitling – expired 11/30/13.

Pos. 5 – vacant – expires 11/30/14

**Cemetery**

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

1. Ordinance vacating McCune and portion of Hartman – **postponed until March 10** -- Mr. DeVito and Ms. Zeller
2. Ordinance to reclaim un-named street/Rock St. – **postponed until March 10** -- Mr. Purkeypile and Mr. Mitchell
3. Ordinance for procedures for vacating property, with processing fee – Mr. McClung and Ms. Schneider
4. Film Industry tax incentive update – Ms. Schneider and Mr. Mitchell
5. Ordinance No. 2201 Clean City/**workshop date** – Mr. Mitchell and Ms. Schneider
6. Discussion of collapsing parking lot by Auditorium – **update from Mr. Purkeypile** -- Mr. McClung and Ms. Schneider
7. Discussion of increasing water and sewer rates – **workshop date** -- Mr. Purkeypile and Ms. Schneider
8. Ordinance reclaiming portion of Sweeney Alley – **pending legal description** -- Mr. McClung and Mr. DeVito
9. Ordinance removing “animals” from C-3 prohibitions – Mr. Mitchell and Ms. Schneider
10. Ordinance increasing parking rates for special events – Mr. Mitchell and Mr. DeVito
11. Discussion of Court House lease – Ms. Schneider and Mr. Mitchell

**NEW BUSINESS:**

1. Presentation of Green and Energy Conservation award from Crews and Assoc. – **postponed until March 10** --Mayor Pate
2. Discussion of 2015 budget process – Mr. Mitchell and Ms. Schneider

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR’S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**FEBRUARY 24, 2014**

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, February 24, 2014 in the jury room in the Western District Carroll County Courthouse.

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

**ABSENT:** Dee Purkeypile (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. Ms. Schneider moved to postpone Unfinished Business items 6,7 and 11 until the March 24 meeting. Mr. Mitchell seconded. Mr. Mitchell noted the postponement of Unfinished Business items 1 and 2. He moved to postpone Unfinished Business #5. Mr. DeVito seconded. Mayor Pate noted the postponement of New Business #1. Mr. McClung moved to approve the agenda as amended. Mr. DeVito seconded. Ms. Schneider moved to add discussion of a proposal regarding the Brixes' property. Mr. DeVito called point of order and said the public should have notice of this. There was no second.

Motion on approval of the amended agenda carried 5/0/0.

**APPROVAL OF THE MINUTES: February 10, 2014**

Mr. DeVito moved to approve the February 10, 2014 minutes. Mr. Mitchell 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. DeVito moved to approve the nomination of Dee Bright (for Position 2). Mr. Mitchell seconded.

Motion carried 5/0/0. Mr. McClung moved to approve Doug Breitling (for Position 4). Ms. Schneider seconded.

Motion carried 5/0/0.

**Cemetery** – no report

**PUBLIC COMMENTS:**

**Dick Titus**, 12 White St., provided a proposed ordinance for the next agenda for the purpose of ensuring that dog owners will pick up after their animals and carry something to do so. The proposal also carried a negotiable fine of \$25.00.

**Susie Allen**, owner of 120 N. Main, spoke about the two instances when her property was flooded. She requested reimbursement for the \$2500 deductible she paid the first time. The damage when the water line on German Alley broke recently resulted in \$750 of repairs. She requested adding these to the agenda.

**UNFINISHED BUSINESS:**

**1. Ordinance vacating McCune and portion of Hartman**

Postponed until March 10

**2. Ordinance to reclaim un-named street/Rock St.**

Postponed until March 10

**3. Ordinance for procedures for vacating property, with processing fee**

Mr. McClung moved to discuss. Mr. DeVito seconded. Mr. McClung suggested adding the

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phrase “submitted with the application” to the ordinance prepared by Mr. Weaver. Mr. Weaver provided emails regarding ongoing discussion among city attorneys and Municipal League Attorney David Schoen about full compensation for City real estate. Mr. Weaver favored analyzing benefits on a case-by-case basis. Further discussion included a non-returnable fee, returning the money if the street or alley vacation is denied, typical division between adjacent property owners, and absence of “comps” to estimate the value of narrow strips of property. Further discussion included dividing when property is inside the 320 deeded acres.

Mr. Mitchell moved to assign an ordinance number have a first reading. Ms. Schneider seconded.

Motion carried 5/0/0. Mr. McClung’s suggestion was added. Ms. Armstrong read **ORDINANCE NO. 2203 AN ORDINANCE TO AMEND CHAPTER 9 OF THE EUREKA SPRINGS MUNICIPAL CODE VACATING STREETS AND ALLEYS.**

Mr. DeVito moved to approve Ordinance No. 2203 on its first reading. Ms. Schneider seconded.

Motion carried 5/0/0.

**4. Film Industry tax incentive update**

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Sandy Martin said Teresa DeVito and she met with Film Commissioners Christopher Crane and Courtney Pleasure in Little Rock. They were invited to be seated on the Arkansas Motion Picture Institute board and they accepted. Mr. Crane will propose an ordinance for a 2% tax rebate from the City and a motion to amend the bylaws of the City Advertising and Promotion Commission (CAPC) for a 3% rebate.

**5. Ordinance No. 2201 Clean City/workshop date -- workshop date**

Postponed during approval of the agenda

**6. Discussion of collapsing parking lot by Auditorium – update from Mr. Purkeypile**

Postponed during approval of the agenda until March 24

**7. Discussion of increasing water and sewer rates – workshop date**

Postponed during approval of the agenda until March 24

**8. Ordinance reclaiming portion of Sweeney Alley**

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

Motion carried 5/0/0. Ms. Armstrong read **ORDINANCE NO. 2204 AN ORDINANCE AUTHORIZING THE CITY COUNCIL, PURSUANT TO CHAPTER \*\*12.02.01 (E) OF THE MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS, ARKANSAS, TO RECLAIM JURISDICTION OVER CERTAIN PROPERTY COMMONLY KNOWN AS PART OF SWEENEY ALLEY.** Mr. DeVito moved to approve Ordinance No. 2204 on its first reading. Mr. McClung seconded.

Motion carried 5/0/0.

**9. Ordinance removing “animals” from C-3 prohibitions**

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mr. Mitchell moved to assign the ordinance a number and have the first reading. Mr. DeVito seconded.

Motion carried 5/0/0. Ms. Armstrong read **ORDINANCE NO. 2205 ORDINANCE REMOVING THE WORD “ANIMALS” FROM THE LIST OF ELEMENTS PROHIBITED FOR USE IN THE PERFORMANCE OF BUSINESS IN C-3 QUIET USE COMMERCIAL ZONES.** Mr. DeVito moved to approve. Mr. McClung seconded.

Motion carried 5/0/0.

**10. Ordinance increasing parking rates for special events**

Mr. Mitchell moved to discuss. Mr. McClung seconded. Mr. DeVito moved to postpone. Mr. Mitchell seconded.

Motion carried 5/0/0.

**11. Discussion of Court House lease**

Postponed during approval of the agenda until March 24

Mayor Pate requested a five minute break. Mr. DeVito moved to do so. Mr. McClung seconded.

Motion carried 5/0/0.

**NEW BUSINESS:**

**1. Presentation of Green and Energy Conservation award from Crews and Assoc. – postponed until March 10**

**2. Discussion of 2015 budget process**

Mr. Mitchell motioned to discuss. Ms. Schneider seconded. Mr. Mitchell spoke about the fiduciary

\*\*to be corrected

responsibility of the Council. He expressed concern about being “at the end of the process, not the beginning”, receiving the budget around the first of December, meeting only once in December, and having to have it “wrapped up” in January. Mr. Mitchell suggested the Council meet with the Finance Director and Mayor after the third quarter results are in, discuss the priorities and revenues of the City, then leave that with the Mayor and Finance Director to meet with the Department Heads to develop the budget. Mr. McClung recalled having had a longer time, while seated with an earlier Council, to go through the budget. Ms. Zeller recalled receiving plans and needs for budgeting from the Department Heads and favored having the information by October.

**AGENDA SETTING:**

Mr. DeVito added discussion of the Hospital and Hospital Commission. Mr. Mitchell seconded.

Mr. Mitchell added discussion of Wedding (business) licenses. Ms. Schneider seconded.

Mr. Mitchell added discussion of the dog waste proposal. Mr. DeVito seconded.

Ms. Schneider added discussion of a proposal regarding the Brixes’ property for March 24. Mr. Mitchell seconded.

Ms. Schneider added discussion of reimbursement to Susie Allen for water damage. Ms. Zeller seconded.

**CITY COUNCIL COMMENTS:**

Mr. Mitchell noted the Noise Committee is preparing a draft ordinance. A public meeting will be held to review the ordinance, enforcement, and the issue of communication/marketing.

Ms. Schneider spoke favorably about the first Mardi Gras parade and wished Marie and Chigger a Happy 34<sup>th</sup> Anniversary.

**MAYOR’S COMMENTS:**

Mayor Pate noted the scheduled workshop for the Clean City ordinance on Wednesday at 9:00 to be followed by a water/sewer workshop. He read a list of upcoming Community events.

**ADJOURNMENT:**

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

Motion carried 5/0/0. The meeting ended at 6:55 p.m.

**ATTEST:**

  
City Clerk/Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Morris Pate