

**CITY OF EUREKA SPRINGS
COUNCIL MEETING**
Monday, January 13, 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: December 9, 2013

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 2 – vacant – expires 1/1/17. 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. 5 – vacant – expires 12/31/14 and

Pos. 6 – vacant – expires 12/31/14 **(5 and 6 are the Council positions).**

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. Vacating request for portion of Hartman and McCune – **postponed by Mr. McEvoy until second mtg. in January** -- Mr. DeVito and Mr. Mitchell
2. Amended Land Bank ordinance – Mr. Purkeypile and Mr. Mitchell
3. Ordinance No. 2198 Business Licenses for Multi-family – 2nd reading
4. Ordinance No. 2199 Vacating 100 ft. of Palo Pinto – fee to be determined
5. Ordinance No. 2200 Vacating portion of Nut St. – 2nd reading
6. Auditorium Commission ordinance – Mr. DeVito and Mr. Mitchell
7. Cottage at 1 Magnetic – update from City Attorney **by February 15** – Mr. McClung and Ms. Schneider

NEW BUSINESS:

1. Trails plan/Brixes' driveway/Rock St. – Mr. Mitchell and Mr. Purkeypile
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 – **postponed pending Planning action** -- Mayor Pate
5. Code Section 9.10.01 rewrite/ Planning Commission procedures for vacating property – Mr. McClung and Mr. DeVito
6. Film Industry tax incentive – Mayor Pate
7. 2014 budget workshop – Mr. Mitchell and Ms. Schneider
8. Set meeting dates for 2014
9. Pro tem for 2014
10. Rules and procedures for 2014
11. Re-acquisition of adjacent bldg. at 531 Spring St. – Mayor Pro tem DeVito
12. Workshop date for parking rate increase for special events – Mr. Purkeypile and Ms. Schneider

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

JANUARY 13, 2014

Mayor Pro tem James DeVito called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, January 13, 2014, in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Pro tem James DeVito, Aldermen Joyce Zeller, Terry McClung, Mickey Schneider, Dee Purkeypile, City Attorney Tim Weaver, and City Clerk/Treasurer Ann Armstrong

ABSENT: Alderman David Mitchell and Mayor Morris Pate (with notice)

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pro tem James DeVito led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mr. McClung moved to approve. Mr. Purkeypile seconded. Mr. DeVito added New Business #11 -- Re-acquisition of adjacent building at 531 Spring St., by Parks. Mr. Purkeypile added New Business #12 -- Workshop date for parking rate increase for special events. Ms. Schneider seconded. Mr. Purkeypile moved New Business #1 to the first item for discussion. Ms. Schneider seconded. Mr. Purkeypile postponed New Business #3. Mr. McClung seconded. Mr. Purkeypile moved New Business #6 to the second item for discussion. Ms. Schneider seconded. As one of the Council members who voted "No" on the Land Bank ordinance, Mr. Purkeypile moved to bring back discussion of Ordinance 2195. Ms. Zeller seconded.

Motion carried 4/0/0. Ms. Schneider moved to approve the agenda as amended.

Motion carried 4/0/0.

APPROVAL OF THE MINUTES: December 9, 2013

Mr. McClung moved to approve the December 9, 2013 minutes. Mr. Purkeypile seconded.

Motion carried 4/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – no report

CAPC – Ms. Schneider moved to have Terry McClung as a Council member on the CAPC. Mr. Purkeypile seconded.

Motion carried 4/0/0. Ms. Schneider motioned to accept Mr. DeVito as the second Council member for the CAPC. Mr. McClung seconded.

Motion carried 4/0/0.

Hospital – no report

Parks – no report

HDC – no report

Cemetery – no report

PUBLIC COMMENTS:

Glenn Brown, from Abundant Taxi, asked for discussion of the Limousine ordinance to be added to an agenda.

NEW BUSINESS:

1. Trails plan/Brixes' driveway/Rock St.

Rachel and Ryan Brix appeared with their attorney, Matt Bishop. Ms. Brix referenced a Facebook posting on the Trails Committee page of a "Rock Loop trail". It goes through the Brixes' property and to Magnetic Rd. via the Brixes' driveway. It was her understanding the issue is being reviewed by Council, and that there is no trails plan. Parks Director Bruce Levine said the Trails Committee members were asked to not go onto any of the proposed routes. He said when the master plan is put together, there will be a disclaimer saying none of these trails has been surveyed or laid out to the degree that (Parks) would be comfortable that anybody wouldn't be trespassing.

6. Film Industry tax incentive

Sandy Martin spoke about the request to help generate revenue for Eureka Springs through a film industry incentive program. An ordinance could provide a tax incentive to the film and broadcast industry through a tax rebate. A 5% total could be a combination of a City and CAPC rebate. Ms. Martin noted Eureka would be the first municipality in the State to have such an incentive, and it would benefit multiple businesses. Christopher Crane, Executive Director of the Arkansas Film Commission and Arkansas Production Alliance, provided information regarding incentives around the United States. He noted Arkansas currently has a 20% State incentive on goods and services with an additional 10% for Arkansas workforce.

At the end of a production, proof of performance is audited by the Department of Finance and Administration. The rebate follows. Discussion followed regarding the value to the production company, recent history of State incentives, and the value of the being the first city in Arkansas. Mr. Crane noted his office and the State Economic Development Commission would help to provide structure for the process. Further discussion included available resources within the City and populating www.arkansasproduction.com/ as a method of identifying available talent and infrastructure.

Mr. McClung motioned to prepare an ordinance for consideration. Mr. Purkeypiled seconded.

Motion failed 2/2/0 with Ms. Zeller and Ms. Schneider voting "No". Mr. Purkeypiled moved to place this item on the next agenda with the intention to develop an ordinance. Ms. Schneider seconded.

Motion carried 4/0/0.

UNFINISHED BUSINESS:

1. Vacating request for portion of Hartman and McCune – postponed by Mr. McEvoy until second meeting in January

2. Amended Land Bank ordinance

Mr. Purkeypiled moved to discuss. Ms. Schneider seconded. Mr. Levine said there are about 43 isolated City properties, most of which have legal descriptions. Proceeds from the sale of some of these could be used for purchasing other properties or rights-of-way. Mr. McClung recalled his observation that the City may want to part with some of the conforming open spaces too. He expressed concern regarding Section 7 and the streets and alleyways in the 320 acres deeded to the City.

Following extensive discussion, Mr. Purkeypiled moved to approve Ordinance No. 2195 on its second reading by title only. Mr. McClung seconded. Following clarification of the process by Mr. Weaver, Mr. Purkeypiled amended his motion to: read Ordinance No. 2195 by title only, on its second reading, for reconsideration. Mr. McClung seconded. A roll call vote followed.

Motion carried 4/0/0. Ms. Armstrong read the Ordinance title.

Mr. McClung motioned to amend Ordinance No. 2195 by removing Section 7 and renumbering the following paragraphs. Ms. Schneider seconded. A voice vote followed.

Motion carried 4/0/0.

Mr. Purkeypiled moved to approve Ordinance No. 2195 on its second reading as amended. Ms. Schneider seconded. A voice vote followed.

Motion carried 4/0/0.

Mr. Purkeypiled moved to suspend the rules and read Ordinance No. 2195 by title only for its third and final reading. Mr. McClung seconded. A roll call vote followed.

Motion carried 4/0/0. Ms. Armstrong read the Ordinance title.

Mr. McClung moved to approve Ordinance No. 2195. Mr. Purkeypiled seconded. A roll call vote followed.

Motion carried 4/0/0.

3. Ordinance No. 2198 Business Licenses for Multi-family – 2nd reading

Mr. Purkeypiled said he'd spoken with the Building Official and Mr. Ray indicated that, with residences, there is no way to force a resident of the City to comply with the Certificate of Occupancy. He favored postponement until there is an opinion from the City Attorney and more input from the Building Official. This was interpreted as a motion and Ms. Schneider seconded.

Motion carried 4/0/0. Mr. McClung spoke in favor of having Bobby Ray present at the next meeting. Mr. Purkeypiled motioned to direct the City Attorney to investigate the Certificate of Occupancy for commercial versus residential. Mr. McClung seconded.

Motion carried 4/0/0.

4. Ordinance No. 2199 Vacating 100 ft. of Palo Pinto – fee to be determined.

Ms. Schneider moved to discuss. Mr. Purkeypile seconded. Mr. Purkeypile motioned to reflect the fee will be “0”. Ms. Schneider seconded.

Motion carried 4/0/0.

5. Ordinance No. 2200 Vacating a portion of Nut St. – 2nd reading

Mr. McClung moved to discuss. Mr. Purkeypile seconded. Mr. McClung moved to suspend the rules and read Ordinance No. 2200 by title only, for the second reading. Mr. Purkeypile seconded. A roll call vote followed.

Motion carried. Ms. Armstrong read the Ordinance title. Mr. McClung moved to approve Ordinance No. 2200 on its second reading. Mr. Purkeypile seconded.

Motion carried 4/0/0.

6. Auditorium Commission ordinance

Mr. DeVito favored tabling for a workshop. Mr. Purkeypile motioned to postpone and set a date for a workshop. Mr. McClung seconded.

Motion carried 4/0/0.

Ms. Schneider motioned for a 10 minute recess. Mr. Purkeypile seconded.

Motion carried 4/0/0.

7. Cottage at 1 Magnetic – update from the City Attorney by February 15

Postponed during approval of the agenda

NEW BUSINESS:

2. Hours of operation and animals in C-3

Mr. Purkeypile moved to discuss. Ms. Schneider seconded. Mr. Purkeypile moved to postpone. Ms. Schneider seconded.

Motion carried 4/0/0.

3. Clean City Ordinance

Postponed during approval of the agenda

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

5. Code Section 9.10.01 rewrite/Planning Commission procedures for vacating property

Mr. McClung moved to discuss. Mr. Purkeypile seconded. Mr. McClung spoke about a City-wide application fee or processing fee of \$200 that would be refunded if the property is not vacated. It was noted the previously referenced requirements are no longer specified in Code. Mr. Weaver expressed concern with having a refundable application fee since not charging unless the property is vacated is “almost like a purchase price”. Mr. Levine assured Council he goes with the person requesting a vacating of property and offers his humble opinion as to whether there will be contention. Mr. McClung moved to have the City Attorney write a new ordinance or to amend the existing ordinance to include a processing fee of \$200 per application. Ms. Schneider seconded.

Motion carried 4/0/0.

7. 2014 budget workshop

It was agreed to meet on Wednesday, January 15 at 10:00 a.m.

8. Set meeting dates for 2014

Mr. McClung motioned to stay with the second and fourth Mondays. Mr. Purkeypile seconded.

Motion carried 4/0/0.

9. Pro tem for 2014

Mr. Purkeypile motioned to elect Mr. DeVito. Mr. McClung seconded.

Motion carried 4/0/0.

10. Rules and procedures for 2014

Mr. McClung motioned to use Roberts Rules of Order – In Brief. Ms. Schneider seconded.

Motion carried 4/0/0.

11. Re-acquisition of adjacent building at 531 Spring St.

Mr. Levine recapped his understanding of the history of the building and said the Parks maintenance

crew has begun to use it for some maintenance projects and storage. He noted the request is to retain jurisdiction. Ms. Schneider recalled the property was deeded to the City specifically for use by children. She also noted the mold problem. Mr. Purkeypile made a motion to return the building at 531 Spring to the auspices of Parks. Mr. McClung seconded.

Motion carried 4/0/0. Mr. Purkeypile made a motion for the City Attorney to draft a resolution for the next meeting. Ms. Schneider seconded.

Motion carried 4/0/0.

12. Workshop date for parking rate increase for special events

It was generally agreed a time and date will be determined.

AGENDA SETTING:

Ms. Schneider added discussion of the collapsing parking lot next to the Auditorium. Mr. Purkeypile seconded.

Mr. Purkeypile added discussion of increasing water and sewer rates. Ms. Schneider seconded.

Mr. Purkeypile added discussion of the kind of vehicles used as limousines. Ms. Schneider seconded.

CITY COUNCIL COMMENTS:

Mr. Purkeypile noted the first donation has been accepted for Black Bass Dam, and contributions are tax deductible. The funds will be for plans and specifications to repair the dam.

Ms. Schneider noted she is not sunburned but is having an allergic reaction.

Mr. DeVito noted the upcoming film festival January 23-25, and a music festival.

ADJOURNMENT:

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

Motion carried 4/0/0. The meeting ended at 8:00 p.m.

ATTEST:


City Clerk/Treasurer Ann Armstrong

APPROVED:



Mayor Pro tem James DeVito