

CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, November 10, 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: October 27, 2014

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 1 – Steve Beacham – expired 7/1/14. Pos. 2 – Mickey Schneider (temp.) – expires 1/1/17.

CAPC –

Hospital – Pos. 2 – Suzanne Tourtelot – expired 6/1/14

Parks – Pos. 6 – vacant -- expires 5/1/19

HDC –

Cemetery – Pos. 2 – vacant – expires 2/15/15. Pos. 4 – Henry Romanski – expired 2/15/14.

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Tom Tharp's decision re: two franchises and status update re: Ray Dotson law suits – Mr. Purkeypile and Mr. DeVito
2. Ordinance No. 2219 – Prohibiting Traveling Exotic/Wild Animal Exhibitions – Mr. DeVito and Mr. Mitchell
3. Dwayne Allen's recommendations for yard waste – Ms. Schneider and Mr. Mitchell
4. Resolution for artwork on "Henri's" step risers – Mr. DeVito and Mr. McClung

NEW BUSINESS:

1. Appraisal for two fire stations – **pending scheduling** -- Ms. Schneider and Mr. Mitchell
2. Ordinance allowing an at-large seat from within Carroll County to serve on the CAPC – Mr. DeVito and Ms. Schneider
3. Third quarter financials – A.C.A. 14-43-506
4. Discussion of metered parking spaces for Special Events – Mr. DeVito and Mr. Purkeypile
5. Discussion of having the Planning Commission and City Attorney work up an ordinance on minimum square footage for residential – Mr. McClung and Mr. Mitchell
6. Discussion of residential requirements in C-2 – Mr. McClung and Mr. Mitchell
7. Discussion of the length of time a person can pay at City meters – Mr. Purkeypile and Mr. DeVito

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

NOVEMBER 10, 2014

Mayor Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, November 10, 2014, in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Pate, Aldermen Dee Purkeypile, Terry McClung, Joyce Zeller, James DeVito, Mickey Schneider, David Mitchell, 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. Purkeypile seconded. Mr. Purkeypile moved to delete New Business #7. Mr. DeVito seconded. Mr. McClung moved to combine New Business items # 5 and 6. Mr. Mitchell seconded. Mr. DeVito moved to postpone New Business #4 until the next meeting. Ms. Schneider seconded. Mayor Pate called for a vote on the amended agenda.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: October 27, 2014

Mr. McClung moved to approve. Mr. DeVito seconded.

Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – no report

CAPC – no report

Hospital – no report

Parks – no report

HDC – no report

Cemetery – no report

PUBLIC COMMENTS:

Laura Coker, former critical care obstetrics and neo-natal nurse, said the State Legislature is in violation of the Medical Practices Act since a license to practice is required to diagnose, treat, or prescribe for any human disease. She favored enlisting the American Civil Liberties Union (ACLU) for an injunction.

Tracellen Kelley, with five other people, said the Good Shepherd Humane Society is still in support of Ordinance No. 2219 and encouraged passage.

Melissa Greene, 17 Bridge St., spoke about the greatness of a town being shown by how they treat animals. She supported passage of Ordinance No. 2219 and thanked Council for their courage.

Natalie Mannering said animals were not put here for our entertainment and favored learning to live in harmony. She spoke of fluoride, chlorine and bromine as contributing to an epidemic of hypothyroidism. Ms. Mannering noted the cost for a filtration system would be a hardship due to very low income.

Rachel Brix provided recent photos of Carson and Barnes Circus elephants at Lake Leatherwood and spoke about bull hooks used for training and control. She spoke about documented shocking and beating and about recent bans against circuses. Ms. Brix asked (Council) to please pass the Ordinance.

Jan Grinnell, 5 Ojo, supported the ban on circuses. She thanked Dee Purkeypile for his service and welcomed Joyce Zeller back to the table.

Beau Satori said he supports the ban on the circus and opposes fluoride. He opposed the proposal to expand membership for Advertising and Promotion, saying there are plenty of people in Eureka Springs who can oversee the expenditure of City revenues. Mr. Satori disfavored Christmas decorating before Halloween.

Mickey Schneider asked Council to ask the City Attorney to write a resolution for the next meeting to have the ACLU step in against the fluoride. The delay could allow time to talk with the State about ending use of fluoride. She favored one at-large seat on the City Advertising and Promotion Commission (CAPC.)

Trella Laughlin said every religion talks about love and compassion. She said she saw abuse of the (circus) animals and there is no reason animals should be abused anywhere. Ms. Laughlin thanked Council for listening.

UNFINISHED BUSINESS:

1. Tom Tharp's decision re: two franchises and status update re: Ray Dotson's law suits

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mr. Weaver expressed his understanding Mr. Tharp had conveyed to the Clerk agreement to surrender one of the franchises. He agreed Mr. Dotson's application included combing elements of two routes. Mr. Mitchell motioned to table until there is a franchise route to consider. Ms. Schneider seconded.

Attorney Bob Ballinger, representing Mr. Dotson, said the application had been amended for just one franchise, along Main St. Mr. Mitchell favored postponement until litigation is completed. Mr. Weaver said he knew of no requirement to have all franchises filled. Mr. Mitchell retracted his motion. Ms. Schneider retracted her second.

Mr. Mitchell made a motion to table the discussion until there is further opportunity to evaluate it. Ms. Schneider seconded. Discussion followed regarding routes not operated, absence of Code language regarding taking franchises away for not using them, and settling the court cases before taking action. Mr. Ballinger opined Council should not consider whether his client may or may not have had his rights violated.

Further discussion included Fourteenth Amendment Rights and absence of a conviction of guilt. Mr. Mitchell called the question. Mr. Weaver noted that, if there are going to be changes made to the franchise agreement, it would be better to make the changes before awarding a new franchise. The (Code) does not require rewarding a franchise. Following comments from Mr. Ballinger, Mr. Mitchell noted he had called the question. A roll call vote on tabling until there is time for further evaluation followed.

Motion carried 5/1/0 with Mr. DeVito voting "No."

2. Ordinance No. 2219 – Prohibiting Traveling Exotic/Wild Animal Exhibitions

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Mr. DeVito made a motion to suspend the rules and place Ordinance No. 2219 on its second reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 4/2/0 with Mr. Purkeypile and Ms. Schneider voting "No." Ms. Armstrong read the Ordinance title. Mr. DeVito made a motion to approve Ordinance No. 2219 on its second reading. Mr. Mitchell seconded.

Ms. Schneider expressed her view the issue is a personal rights decision and no one has the right to tell the people of this town, "It's my way or no way." She considered such action illegal and said petitions have been walked and signed. Discussion included citizens' right to petition, the Ordinance as written by the City Attorney, speaking for animal rights, locations for circuses, and "doing it right." A roll call voted for approval on the second reading followed.

Motion failed 2/4/0 with Ms. Schneider, Mr. McClung, Mr. Mitchell, and Mr. Purkeypile voting "No."

3. Dwayne Allen's recommendations for yard waste

Ms. Schneider noted the topic is for Mr. Allen's information and his to present. Mayor Pate said he'd get it out to Council by email. Mr. DeVito moved to postpone until the next meeting. Mr. McClung seconded. Motion carried 6/0/0.

Ms. Schneider left the table for the evening.

4. Resolution for artwork on "Henri's" step risers

Ms. Zeller moved to discuss. Mr. Purkeypile seconded. Mr. Purkeypile moved to provide the resolution a number and read it for passage. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read **RESOLUTION NO. 650 A RESOLUTION IN SUPPORT OF THE USE OF CERTAIN CITY PROPERTY FOR THE PUBLIC DISPLAY OF ART.**

NEW BUSINESS:

1. Appraisal for two fire stations – pending scheduling

2. Ordinance allowing an at-large seat from within Carroll County to serve on the CAPC

Mr. Mitchell moved to discuss. Mr. McClung seconded. Mr. Mitchell suggested a workshop to

discuss the CAPC and what Council thinks about it, and where it's going -- things that are not in the State Statute. Mr. DeVito invited Mr. Mitchell to attend the A&P meetings. He made a motion to assign the ordinance a number and place it on its first reading. There was no second.

Mr. Weaver noted a second ordinance was written by Mr. (Lamont) Richie and Mr. (Charles) Ragsdell but that the version provided is the one Council requested. Mr. DeVito changed his motion and moved to table the ordinance until the next meeting. Mr. Purkeypile seconded. A roll call voted followed.

Motion carried 5/0/0.

3. Third quarter financials

Mr. DeVito moved to discuss. Mr. McClung seconded. Ms. Armstrong provided a summary of disbursements, receipts, bank balances, payroll and debt service schedules. She encouraged Council members to come in and read through the materials.

4. Discussion of metered parking spaces for special events

Postponed until the next meeting during approval of the agenda

5. and 6. Discussion of having the Planning Commission and City Attorney work up an ordinance on minimum square footage for residential and residential requirements in C-2

Mr. McClung moved to discuss. Mr. Purkeypile seconded. Mr. McClung said he has not been able to find any minimum square footage requirements for residential construction. He suggested having the Planning Commission follow up with establishing minimums and noted the only size requirements are for secondary buildings. Mr. McClung also expressed his view that if a residence is constructed in C-2, it would need to be built according to commercial requirements.

Mr. Purkeypile noted that when his home was constructed in a commercial zone (C-1), only the bottom floor was planned for commercial use. That floor required construction according to commercial codes. The upper floors were built with residential requirements. Discussion followed regarding Code requirements for building.

Mr. McClung made a motion to have the Planning Commission address the two issues and construct an ordinance for Council's consideration. Mr. Mitchell seconded.

Motion carried 5/0/0.

7. Discussion of the length of time a person can pay at City meters

Deleted during approval of the agenda

AGENDA SETTING:

Ms. Zeller moved to discuss. Mr. Mitchell seconded.

Mr. McClung added a 5:00 p.m. workshop before the 2nd November meeting for the 2015 budget. He requested having the Fire Chief present, and anyone who assisted him with the budget. Mr. Mitchell seconded.

Ms. Zeller noted Ms. Schneider requested a resolution for the ACLU to step in on the fluoride issue. Mr. McClung seconded.

Mr. Mitchell added discussion of Ordinance No. 2219 Prohibiting Exotic/Wild Animal Exhibits. Ms. Zeller seconded.

CITY COUNCIL COMMENTS:

Mr. McClung enquired about progress with the hospital contract. Neither Mr. Weaver nor Mr. Mitchell has heard from Allegiance.

Mr. Mitchell congratulated Ms. Zeller and Ms. Armstrong on their re-election.

Mr. Purkeypile thanked all of the Veterans, through all time. He gave thanks for Thanksgiving and the Council for being a positive influence on the City and the direction the City has gone.

Mr. McClung made a motion to have a Council meeting on November 24. Mr. Mitchell seconded.
Motion carried 5/0/0.

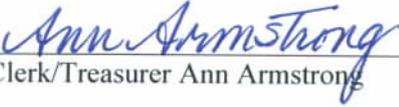
MAYOR'S COMMENTS:

Mayor Pate 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 7:20 p.m.

ATTEST:


Clerk/Treasurer Ann Armstrong

APPROVED:


Mayor Morris Pate