

**CITY OF EUREKA SPRINGS
COUNCIL MEETING AGENDA
TUESDAY, APRIL 8, 1997
9:00 AM**

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISHMENT OF QUORUM

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES: Two Special Council Meetings, March 18, 1997 Special Council Meeting,
March 20, 1997
Regular Council Meeting, March 25, 1997

OLD BUSINESS

1. Ordinance No. 1700-A to amend Ordinance No. 1700, Zoning, (First Reading)
2. Ordinance No. 1750, Parking, (Second Reading)
3. Old Police Building
4. Authorizing for signage to Historical District at 23N at Planer Hill, Committee Report

NEW BUSINESS

1. Trains Appropriation
2. Annexation of Lake Leatherwood,
3. Petition to Vacate portion of Crook Street and a portion of Cliff Street, Mr. A. Epley
4. Ordinance No. 1751, Creation of Parks and Performing Arts Dept. Mr. Miner
5. Ordinance to provide for the Building Inspector to cite violators into court for violations that affect his department.

MAYOR'S COMMENTS

ADMINISTRATIVE ASSISTANT'S REPORT:

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS:

1. Auditorium Commission, Position 1, expires August 11, 2000
2. C.A.P.C. Commission,
3. Cemetery Commission,
4. Historic District Commission.
5. Hospital Commission,

6. Parking Authority
7. Parks and Recreation Commission, Position 5, expires May, 2001
8. Planning Commission
9. Carroll County Solid-Wastes Authority
10. Four-County Solid-Wastes Management District
11. Eureka Springs Solid-Wastes Advisory Committee
12. Tourism Advisory Committee:

ANNOUNCEMENTS

CITY OF EUREKA SPRINGS

261

**CITY COUNCIL MINUTES, REGULAR MEETING
TUESDAY, APRIL 8th, 1997**

Mayor Barbara A. O'Harris called the regularly scheduled City Council Meeting to order at 9 a.m. on Tuesday, April 8th, 1997. The meeting was held in the jury room of the Western District Courthouse.

PRESENT:

Mayor O'Harris, and Alderpersons Jeffrey, Dickens, Seratt, and Watson. A quorum was established. Alderman Freeland was tardy. Alderman Christman was absent.

ALSO PRESENT:

Earl Hyatt, David McNeal, Charles Fargo, Chance Coach Representative Bob Ward, David Beauchamp, Jay Miner, Don Young, Don Matt and Clerk Lee.

PLEDGE OF ALLEGIANCE:

Mr. Young led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

The motion was made and seconded to approve the agenda. All were in favor, 4/0/0.

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes of the first special meeting of March 18th, 1997. The vote was 4/0/0, to approve.

The motion was made and seconded to approve the minutes of the second special meeting of March 18th, 1997. The vote was 4/0/0, to approve.

Alderman Freeland came in at that time.

The motion was made and seconded to approve the minutes of the March 20th special meeting. The vote to approve was 5/0/0.

The motion was made and seconded to approve the minutes of the regular City Council Meeting for March 25, 1997. Mr. Jeffrey pointed out that it was Francie Miller, not Frannie. Also, on page four, he amended the wording in the description of the Mayor's request to the Tourism Advisory Committee. The vote to approve the amended minutes was 5/0/0.

Mayor O'Harris reported on Alderman George Christman's condition. He has suffered a stroke. She asked that his friends and associates send cards. She also said that if anyone called, that Sandy asked that the calls be cheerful and short, so that he wouldn't get upset.

OLD BUSINESS:

1. Ordinance #1700A to amend Ordinance #1 700, Zoning, First Reading:
Mr. Jeffrey suggested that since part of the ordinance that was supposed to be taken out, and was still in the ordinance in a different place, the ordinance should be postponed, until it was right. After some discussion, the motion was made and seconded that the first reading be postponed until the April 22nd, 1997 Council Meeting. Mr. Jeffrey volunteered to amend it before the next Agenda-setting. He also pointed out a small item on page three, the third paragraph from the bottom, where it talks about clearing land pursuant to Section 5-18. It should be 5-19. No vote was taken.

2. Ordinance #1750, Parking, Second Reading:
The motion was made and seconded to suspend the rules and place Ordinance #1750 on its second reading by title only. All were in favor, 5/0/0.
Mr. Young read the ordinance by title only.
The motion was made and seconded to approve. The vote to approve was

CITY OF EUREKA SPRINGS CITY COUNCIL MINUTES, REGULAR MEETING TUESDAY, APRIL 8th, 1997

4/1/0, with Ms. Dickens voting no. The ordinance passed on its second reading.

3. Old Police Building:

Mayor O'Harris asked that the matter be postponed until a later time. She asked Mr. Miner to explain what is happening. Mr. Miner explained that the legislature in Little Rock passed a bill which would allow Carroll

County to elect their own judge. If this happens, it will mean that there will have to be another office in the County Courthouse, and possibly displace someone who has an office that is already there. The Mayor said that the City should not do anything without planning ahead to utilize the space that we have to its best potential. There is a question coming up whether the Municipal Court Clerk and her law library will have to move. The jury room, and the judge's chambers will always have to be used as they are. They cannot be changed. They do not satisfy the requirements for the judge, just his court. He may have two or three employees. It is not certain yet. It is up to the County to house them properly. The Courthouse is owned by the County, and the City will have to go along with whatever they decide. At this time, the City will be looking at all of the possibilities, and utilize their space with some foresight. Mr. Johnson will do a study to see how we can best use our space.

4. Authorization for signage to Historical District at Highway 23 North at the top of Planer Hill, Committee Report

The committee had not met yet. Mr. Jeffrey said that he and Mr. Shepard were planning to get together and look at boundary stakes at the top of the hill at 1:30 p.m. He said that they weren't going to have a meeting, just locate the stakes, but if Mr. Freeland wanted to be there he was welcome. They then notified David McNeal as to the time and place.

NEW BUSINESS:

1. Trams Appropriation:

Mr. Jeffrey recapped the Agenda-setting meeting and again stated his opinion that we need to order a tram now. The money has been set aside, and we have given our word that we will buy the tram, so that the four companies can count on us doing what we said we would. Also, we gave our word to the downtown merchants that we would run alternative fuel on Spring St. He also said that the council should stop trying to micro-manage the Transit System and get on with step two in the plan. Mr. Freeland said he hasn't been shown that the City needs another tram and should the City buy another one without some idea of how much it will cost to run them, and how much money they will make

Mr. Fargo, Director of the Transit Department, introduced Bob Ward, a representative of Chance Coach. He said that if the tram was ordered now, it would have a delivery date in October. He said that orders are built on a first come, first serve basis, and that different times of the year are used to build a certain kind of vehicle. Chance builds various kinds of vehicles and builds them for the area in which they are to be used. When someone orders, the order has a delivery date of six to eight months out. He said that usually in June, they look at the increase they need because of price raises on materials. The increase can be from 3.5% to 5%.

After more discussion, Ms. Seratt asked if the City ordered now and had a delivery date later, would it lock in the price, which, with curtains is approximately \$161,00. Mr. Ward said it definitely would. She then made the motion that Mr. Fargo order the tram now, with curtains, and the City put the down payment down, with a delivery date of March 1, 1998. Ms. Watson seconded. The vote was 5/0/0, to approve.

TUESDAY, APRIL 8th, 1997

2. Annexation of Lake Leatherwood:

Since the recommendation had not yet come from the Planning Commission, the motion was made and seconded that the item be postponed until the next Council Meeting on April 22nd, 1997. All were in favor, 5/0/0.

3. Petition to Vacate a portion of Crook St. and a portion of Cliff St.:

The motion was made and seconded to set a Public Hearing on May 6th, 1997, at 7 p.m. for this matter. All were in favor, 5/0/0.

4. Ordinance #1751, Creation of Parks and Performing Arts Dept.:

There was a lot of discussion. One of the points made was that if anything gets done in City government there is a 6 to 8 month time line. If this is to happen, it needs to be started now. Mr. Jeffrey said that he thought it would be good to meet with the commissions and have a work session. The Parks Commission is saying "yes", and the Auditorium is saying "No, Maybe".

There was a long discussion about how many department heads are needed, how they would be funded, who would report to who, and whether either commission would suffer by joining them into a department.

The motion was made and seconded to place Ordinance #1751 on its first reading. The vote by roll call was 3/2/0. Mr. Freedland and Mr. Jeffrey voted no. Mayor O'Harris voted yes, and the vote, then, was 4/2/0. Mr. Young read the ordinance in its entirety.

The motion was made and seconded to approve.

Mr. Jeffrey raised the question of whether the name Department Head or Director should be used in the ordinance. Mr. Miner will research it. Mr. Miner reminded the Council that in the ordinance, all monies would be kept in the place where they are raised. There would not be any crossing of funds.

The vote was 5/0/0, to approve.

5. Ordinance to provide for the Building Inspector to cite violators into court for violations that affect his department:

Basically, it can't be done. The Building Inspector can cite people for violations that affect the health and safety of our citizens. He also can notify persons if they have a nuisance on their property. He cannot handle a violation that is a criminal offense.

The discussion centered on how long it takes to get anything done when there is a serious problem. It does take a long time. When the person in question starts to work on the problem, the City pulls back. Then, the unscrupulous ones will stop work, and the City has to start all over. Mr. Miner wants the City to prove ownership and survey property before it takes any action. The City has run into problems! From now on, the person in violation will have to demonstrate a consistent good faith effort, before the City will stop the process on them.

MAYOR'S COMMENTS:

The Tourism Advisory Committee recommends to the Historic District Commission and the City Council that the Palace Hotel be allowed to do the test pour of a new substance for a sidewalk in the vicinity of their front sidewalk. Mr. Miner said that if the pour is in compliance with the sidewalk ordinance, then they can do the test pour. The test will be paid for by Steve and Francie Miller, and so will its removal if it is not acceptable. This will be discussed in more detail at the April 15th, 1997, Agenda-setting meeting.

264

**CITY OF EUREKA SPRINGS
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A boil order was released on Spur Lane, Dawson Road, and cabins 1 through 10 at Lake Lucerne.

Ordinance 1708-A was referred to the Tourist Advisory Committee, where they met with Mr. Johnson who owns the Rosalie House. An agreement has been reached and there are no changes to the ordinance.

ADMINISTRATIVE ASSISTANT'S REPORT:

Mr. Young announced that the tax report on January and February is down 14.38% down from the same time last year. That is \$19,387.10 down. Our parking revenue was down 9% in January. In February, it was up 6.33%. In March it was up 35%.

The City is losing the Channel 5 Vacation Channel as of April 30th. There has been a price increase and a lack of subscribers.

The Arkansas Soil and Water Conservation Commission gave the City a good report on the inspection of Lake Leatherwood Dam. They complimented James Clark on the good maintenance of the Dam. The school children thanked the City for their sidewalk.

Our grant application for the wastewater treatment plant has cleared the clearing house with no adverse comments. We were the only project that were going to be funded by the Economic Development folk. The rest had different funding agencies.

The motion was made and seconded to adjourn. All were in favor, 5/C/O. The meeting was adjourned at 10:55.

APPROVED:**ATTEST:**

Barbara A. O'Harris, Mayor

Mary Ann Lee, City Clerk-Treasurer

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TUESDAY, APRIL 22, 1997
9:00 AM**

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISHMENT OF QUORUM

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES: Regular Meeting April 8, 1997

OLD BUSINESS

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3. Authorizing for signage to Historical District at 23 N at Planer Hill, Committee Report
4. Ordinance No. 1751, Creation of Parks and Performing Arts Department, (for second reading)