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**CITY OF EUREKA SPRINGS
COUNCIL MEETING AGENDA
TUESDAY, August 26, 1997**

9:00 A. M.

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISHMENT OF QUORUM

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES: Regular Council Meeting, August 12, 1997

OLD BUSINESS:

1. Ordinance No. 1761, amending the personnel policy manual (second reading)
2. Ordinance No. 1765, Unfair Business Practices. (second reading)
3. Ordinance No. 1766, adoption of the Vision Plan. (first reading)
4. Directional Sign, Mr. Shepard, report
5. Old Police Building, Tom Johnson, report

NEW BUSINESS:

1. Ordinance No. 1756, Ordinance Departmentalizing Auditorium (Approved unanimously by Auditorium Commission)

MAYORS COMMENTS:

1. Southern Gospel Music Proclamation

ADMINISTRATIVE ASSISTANT'S REPORT:

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS:

ANNOUNCEMENTS:

Ordinance 1762, Tree Ordinance, Postpone 9-9-97, Discussion 9-2-97

Sidewalk Ordinance, Postpone 9-9-97, Discussion 9-2-97

Sign Ordinance, Postpone 9-9-97, Discussion 9-2-97

McClelland Engineering, Sewer, Sidewalks, Parks, Work in Progress

ADJOURNMENT

CITY OF EUREKA SPRINGS REGULARLY SCHEDULED COUNCIL MEETING AUGUST 26, 1997

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Mayor Barbara O'Harris called the Council Meeting to order at 9 a.m. on Tuesday, August 26, 1997, in the Courtroom in the Western District Courthouse.

PRESENT:

Mayor O'Harris, and Alderpersons Seratt, Jeffrey, Christman, Freeland, and Watson. Alderperson Dickens was absent.

ALSO PRESENT:

David McNeal, Glenn Strange, Georgia Rubley, Marvin Shepard, Don Matt, and Sheila Hulsey, Deputy City Clerk. Mr. Young and Mrs. Lee were absent.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Bill Freeland led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mayor O'Harris said that Mr. Johnson would have his report on the old police building for the September 23rd Council Meeting, and it would be discussed at the Agenda-setting Meeting of September 16th. He was taken off the agenda.

The motion to approve was made and seconded, and all were in favor, 5/0/0.

APPROVAL OF THE MINUTES:

The motion was made and seconded to amend the minutes of the August 12, 1997 Council Meeting. Mr. Jeffrey said on page 3, where it says the Vision Plan, where it says "as above" those two words should be taken out. The motion was made and seconded to approve the minutes as amended. All were in favor, 5/0/0.

OLD BUSINESS:

1. Ordinance # 1761, amending the Personnel Policy Manual, (second reading):

The motion was made and seconded to suspend the rules and place Ordinance #1761 on its second reading by title only. All were in favor, 5/0/0.

Alderwoman Seratt read the ordinance by title only.

The motion was made and seconded to approve. All were in favor, 5/0/0.

The motion was made and seconded to further suspend the rules and place Ordinance #1761 on its third and final reading by title only. All were in favor, 5/0/0.

Alderwoman Seratt read the ordinance by title only.

The motion was made and seconded to approve. All were in favor, 5/0/0.

2. Ordinance # 1765, Unfair Business Practises, (Second reading):

The motion was made and seconded to suspend the rules and place Ordinance # 1765 on its second reading by title only. All were in favor, 5/0/0.

Alderman Jeffrey read the ordinance by title only. The motion was made and seconded to approve.

Alderman Freeland said that there has been discussed that perhaps the sign ordinance needs to be repealed and this ordinance stretched to accomplish what needs to be done. The sign should be simple. If it is on the sign, then something of that value or greater value should be available. Mr. Miner said that the sign ordinance would be discussed at the Planning Commission meeting, and hopefully something that would be acceptable by all can be worked out. This ordinance is much easier to be enforced because it is so straightforward. If someone makes a call, someone will go out right away and take care of it.

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The problem in the past has been enforcement. Mr. Miner said that he and Chief Hyatt have discussed this problem. They have never had a complaint of bait and switch. He said that the law says that ordinances which cover time, place, and manner are consistently upheld. It is when you get into the content, that there is a problem.

Alderman Jeffrey asked that each violation be a separate violation. Mr. Miner said anytime something like this happens, it is a separate violation, so it isn't necessary to put it in the ordinance.

Alderwoman Seratt called the question. All were in favor to vote, 5/0/0. Then the Council voted on the second reading of Ordinance #1765 and all were in favor, 5/0/0.

The motion was made and seconded to further suspend the rules and place Ordinance #1765 on its third and final reading by title only. The vote was 4/1/0, with Alderman Freeland voting no.

Alderman Jeffrey read the ordinance by title only.

Alderman Freeland said it is embarrassing to pass an ordinance by the council that cannot be enforced. He said if this ordinance is good and enforceable then lets go with it. The vote on the third reading was 5/0/0.

3. Ordinance #1766, adoption of the Vision Plan, (first reading):

The motion was made and seconded to place Ordinance #1766 on its first reading in its entirety. The vote was 5/0/0.

Mr. Miner read the entire ordinance. The motion was made and seconded to approve. There was quite a long discussion about whether or not to pass it and whether there will be things in the Plan to come back to haunt us. Mr. Miner said there is nothing in the Plan that is set in stone. It will be amended and changed over the years, but it is a place to start. The roll call vote was 5/0/0, to approve.

4. Directional sign, Mr. Shepard, report

Mr. Shepard visited with Mr. Frank Crow, the owner of the Texaco Station does not have room enough by his sign to put up ours. There is only about 2 1/2 ft. That puts everything back to where it was before. Alderman Jeffrey suggested that perhaps the City could talk to the State Highway Department and see if there a possibility of putting the signs on highway right-of-way. The policy could have changed under certain circumstances. Mayor O'Harris said she would be speaking with the State Highway Department and she would give them Mr. Sheppard's number, and she would let him know who to contact in the event that they don't respond.

NEW BUSINESS:

1. Ordinance #1756, Ordinance Departmentalizing Auditorium (Approved unanimously by Auditorium Commission):

The motion was made and seconded to place Ordinance #1756 on its first reading in its entirety. The voice vote was 5/0/0.

Alderswoman Watson read the ordinance in its entirety.

The motion was made and seconded to approve. There was a discussion about how long the committee would serve. Mrs. Rubley said anyone could be a friend of the Auditorium. The roll call vote was 5/0/0, in favor.

Mayor's Comments:

Mayor O'Harris read a Proclamation making September 1997 Southern Gospel Music Month, in Eureka Springs.

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Mayor O'Harris commended Chairman of the Parking Authority, Richard Schrum, for the fine work and all of the time and energy he devoted to the Parking Authority. She mentioned how much all of our City Commissioners are appreciated.

Mr. Miner announced that the hearing on the Petition to Annex Lake Leatherwood will be held in the Berryville Courthouse at 9 a.m. on September 11, 1997.

Alderman Jeffrey said that he and Alderwoman Dickens were to meet that day and she had to go out of town. They are on the Tree Ordinance Committee with Lamont Richie. He said that they would meet when she returns, but that they may not be able to meet the dates that were set. They will try.

The motion was made and seconded to adjourn. All were in favor. The meeting was adjourned at 10 a.m.

APPROVED: