

CITY OF EUREKA SPRINGS  
 COUNCIL MEETING AGENDA  
 TUESDAY, JANUARY 14, 1997  
 9:00AM

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, December 10, 1996, Special  
 Council Meeting, December 16, 1996

ORGANIZATION OF THE CITY COUNCIL FOR 1997

OLD BUSINESS

1. Ordinance No. 1743, granting an easement for airspace and support pillars on the Walker Brothers Building, (Second Reading), Mr. A. Epley
2. Ordinance No. 1742, adopting the 1997 Municipal Budget budget, postponed from 12-10-96, (First Reading).

NEW BUSINESS

1. Ordinance No. 1746, Rezoning part of Block 157, R & A Survey From R-1 Victorian Residential to C-1 Commercial, (first reading), Mr. A. Epley
2. Annexation of Lake Leatherwood Park,
3. Ordinance No. 1745, Amending the Personnel Policy Manual (First Reading)
4. Authorization to destroy 1991 City Records ADMINISTRATIVE

ASSISTANT'S REPORT:

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS:

1. Auditorium Commission, Appointment for vacancy of Position 5
2. C.A.P.C. Commission,
3. Cemetery Commission

4. Historic District Commission.
5. Hospital Commission,
6. Parking Authority, Appointment for vacancy of Position 2
7. Parks and Recreation Commission
8. Planning Commission, Appointment for vacancy of of Position 6, Re-appointment of Jack Dozier, Position 7, term expires 1-1-2000
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 ADJOURNMENT

### CITY OF EUREKA SPRINGS CITY COUNCIL MEETING MINUTES TUESDAY, January 14, 1997

The regularly scheduled council meeting was called to order at 9 a.m. on January 14th, 1997, by Mayor Barbara O'Harris. The meetings are held either in the jury room or the court room of the Western District Courthouse.

The Mayor presented name pins to the new members of the Council, which she had given to the original Council, also. The pins were given to Kim Dickens, George Christman, and Bill Freeland. The pins were paid for by the Mayor.

She also announced a boil order release and a new boil order. Mr. Murray said that the water pipes don't freeze any more. The earth does, and moves as it is thawing out and breaks pipes.

She also mentioned the letter in the Council members boxes that thanked Officer Martin Fortenberry of the Eureka Springs Police Department for his help. The force was congratulated for having friendly and caring officers.

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She also announced that the City is accepting resume's for the position of Chief of Police for Eureka Springs. She has received many phone calls from people asking if that means we would lose Earl Hyatt. She assured the community that he will be considered along with the others who have sent in resume's. She promised that she would advertise for the position and she is keeping her promise.

#### PRESENT:

Mayor O'Harris, Alderwomen Dickens, Seratt and Watson, and Aldermen Jeffrey, Christman, and Freeland.

## ALSO PRESENT:

Alan Epley, David Beauchamp, David McNeal, Kirby Murray, Don Young, Jay Miner, Don Matt, and Clerk Lee. If there were any others, they neglected to sign in.

## PLEDGE OF ALLEGIANCE:

Mr. Young led in the Pledge of Allegiance.

## APPROVAL OF THE AGENDA:

It was moved and approved, 6/0/0, to move #1 under new business, to #2 under old business, to accommodate Attorney Alan Epley's court schedule.

Alderman Seratt made the motion to adopt Robert's Rules of Order for the Council Meetings. Alderman Watson seconded. By roll call, it was approved, 6/0/0.

## APPROVAL OF THE MINUTES:

After amending pages three and five of the minutes from the December 10th, 1996, meeting a motion was made and seconded to approve the minutes as amended. By roll call, they were approved, 6/0/0.

It was moved and seconded to approve the December 16th, 1996 Special Meeting Minutes. Alderman Jeffrey said he found part of the minutes confusing, and would get together with the clerk to amend them.

The motion and second was withdrawn, and it was moved and seconded to postpone the approval of the minutes until the January 28th, 1997, Council meeting. The vote was 6/0/0, in favor.

The Mayor then asked the Council to decide on procedure for 1997.

It was moved and seconded to leave the hours and meetings at the same times and on the same days. The roll call to approve was 6/0/0.

The motion was made and seconded to hold Public Hearings at night. The roll call to approve was 6/0/0.

The motion was made and seconded that the Agenda meetings are for discussion with input from the community, and the Council Meetings are for voting with very limited input, and that each person addressing the Council give their name and address.

Alderman Freeland mentioned the two minute time limit and said that it put the Mayor in an uncomfortable position. The Mayor responded by saying that if there is a time limit, people have a tendency to be more organized in their talks and nobody gets upset. The Mayor said that she welcomes ideas from people. She said there is an old saying, that when two people agree all of the time, one or them is unnecessary. Mr. Miner said that we are not trying to keep anyone from speaking, we are giving them a time frame to speak in. He said that the Mayor has never cut anyone off when they had more to say than the time allowed.

She does, however, if they are speaking out of turn.

It was then suggested that "Please limit your comments to two minutes" be put at the top or bottom of the sign-in sheets.

Alderman Serrat amended her motion to add that. Alderman Christman seconded. The roll call vote on the amendment was 6/0/0. The roll call vote on the motion was 6/0/0.

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Alderman Freeland made the motion to establish a quarterly town meeting with budget and projects in progress as a focus. The motion failed for lack of a second. Alderman Dickens said we have two budget meetings per year. Any one is welcome to come. We get monthly reports. That should suffice. With no further discussion, the Council went on to old business.

### OLD BUSINESS:

1. Ordinance #1743, granting an easement for airspace and support pillars on the Walker Brothers Building, (Second Reading), Mr. Alan Epley. The motion was made and seconded to place Ordinance #1743 on its second reading by title only. By roll, the vote was 6/0/0.

Mr. Young read the ordinance by title only.

The motion was made and seconded to approve the second reading by title only. Mr. Murray assured the Council that he could see no problem with the plans. By roll call, the favorable vote was 6/0/0.

2. Ordinance #1746, Re-zoning part of Block 157, A & A survey from A-i Victorian Residential, to C-i Commercial, (first reading), Mr. Epley. The motion was made and seconded to place Ordinance #1746 on its first reading in its entirety. The Council approved by voice vote, 6/0/0. Mr. Young read the ordinance in its entirety.

The motion was made and seconded to approve.

Alderman Jeffrey asked if Mr. Weaver has any plans to develop the property. Mr. Epley said no, he wants to market it. Alderman Freeland asked if there were any plans to change or utilize the existing buildings in any way. Mr. Epley said that Mr. Weaver has no plans, but he can't answer for whoever buys the property. Alderman Jeffrey asked if the City would get a deed for the piece of property the old police building encroaches on. Mr. Epley said that Mr. Weaver would be glad to give a deed to the piece of land, which is 1.7 feet by 3.3 feet. Mr. Epley said the deed will be produced before the second reading of the ordinance.

The ordinance passed on its first reading, 6/0/0.

3. Ordinance #1742, Adopting the 1997 Municipal Budget postponed from 12-10-96:

It was moved and seconded that Ordinance #1742 be placed on its first reading in its entirety. Motion was carried by voice vote, 6/0/0.

Mr. Young read the ordinance in its entirety.

The motion was made and seconded to approve.

The Mayor pointed out the revisions. Mr. Miner reminded the Council that June is the time to go over the budget and make adjustments.

The vote on the first reading was 5/0/1 with Alderman Freeland abstaining.

The motion was made and seconded that the Council suspend the rules and place Ordinance #1742 on its second reading by title only. By roll call, the vote was 5/1/0, with Alderman Freeland casting the negative vote. Mr. Young read the ordinance by title only.

The motion was made and seconded to approve. By roll call the vote was 5/1/0, with Alderman Freeland voting no.

The motion was made and seconded that the Council further suspend the rules and place Ordinance #1742 on its third and final reading by title only. By roll call, the vote was 4/2/0, with Alderman Freeland and Alderwoman Dickens voting no.

Mr. Young read the ordinance by title only.

The motion was made and seconded to approve. By roll call, the vote was 4/2/0, with Alderpersons Freeland and Dickens voting no. Ordinance #1742 passed on its third and final reading.

Alderwoman Dickens said that she appreciated the Department Heads that are here at the meetings. She said that she thinks that when issues come up it helps to have the person with the knowledge present.

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Mayor O'Harris appointed Kirby Murray to serve on the SWAC team. The Council approved by roll call, 6/0/0.

Alderwoman Seratt made the motion to nominate Dave Jeffrey to serve on the C.A.P.C. Alderwoman Watson seconded. The roll call vote was 5/0/1, with Mr. Jeffrey abstaining.

Alderman Jeffrey made the motion to nominate Sheila Seratt to serve on the C.A.P.C. Alderwoman Dickens seconded. By roll call, the vote was 5/0/1, with Alderwoman Seratt abstaining.

Alderwoman Watson agreed to serve on the Solid Waste Advisory Committee. She was approved by roll call, 5/0/1, with Alderwoman Watson abstaining.

#### NEW BUSINESS:

##### 1. Annexation of Lake Leatherwood:

The Council discussed the subject and several good points were made. The Council has not heard the pros and cons of this proposal. This proposal should pass by the Planning Commission, because that is part of their function.

It was suggested that Steve Beachum could do a presentation on the proposal.

Alderman Jeffrey made the motion to request the Planning Commission to hold a public hearing and give us a formal recommendation on the annexation of Lake Leatherwood.

Alderwoman Dickens seconded. By voice vote, all were in favor, 6/0/0.

##### 2. Ordinance #1745, Amending the Personnel Policy Manual (First Reading):

The motion was made and seconded that Ordinance #1745 be placed on its first reading in its entirety. The vote was 6/0/0.

Mr. Young read the ordinance in its entirety.

The motion was made and seconded to approve the reading.

Mr. Young explained the amendments. The ordinance passed on its first reading, 6/0/0.

##### 3. Authorization to destroy old records:

The City Clerk had handed out the list of records to be destroyed before the meeting. None of the records on the list have to be kept, by law, and space is always a problem.

It was moved and seconded that the appropriate person destroys the 1991 City records.

The motion carried, 6/0/0.

#### ADMINISTRATIVE ASSISTANT'S REPORT:

Mr. Young reported that our Sales and Use Tax Check was \$153,342.93. For the Month it is down 10.45% from this time last year. For the year, the City is down 2.64 % in the amount of \$34,805.

Ann Armstrong, from Public Works, received a Water License, Grade B Surface.

Kevin Quinn, Mark Burke, Ann Armstrong, James Clark, Jacob Grunwald, Kevin Vasina, and Joseph Clark from Public Works attended a workshop on Traffic Safety. Don Young will present the certificates to these people.

Mayor O'Harris said that she feels people should be applauded when they

take their time to attend workshops and classes to help with their jobs.

Alderman Seratt asked for an update on salaries for the employees of the City.

Mayor O'Harris said that sidewalks will be discussed at the next Agenda-setting meeting.

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Mr. Miner suggested that the Council have a work session to discuss Commissions and their duties. There are things that can be streamlined and some things that cannot. Being a Municipality, a City cannot just be arbitrary and change whatever they may want to change.

Mayor O'Harris also asked the Council to start thinking about what they want to do with the old police department building.

Mayor O'Harris will soon have a resume' for Georgia Rubley for the Auditorium Commission, Position 5.

Jack Dozier was unanimously approved to fill position #7 on the Planning Commission for a full term, 6/0/0.

Alderman Seratt made the motion to adjourn, with Alderman Watson seconding. All were in favor, 6/0/0. The meeting was adjourned at 10:40 am.

**APPROVED:**

*Barbara A. O'Harris, Mayor*  
ATTEST:

*Mary Ann Lee, City Clerk—Treasurer*