

**CITY OF EUREKA SPRINGS
COUNCIL MEETING AGENDA
TUESDAY, MAY 13, 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 22, 1997

OLD BUSINESS

1. Ordinance No. 1700-A to amend Ordinance No. 1700, Zoning, (First Reading)
2. Authorizing for signage to Historical District at 23 N at Planer Hill, Committee Report
3. Authorization to blast at the construction site, Red Carpet inn, Highway 62 East
4. Ordinance No. 1759, annexation of Mr. Charles Cross Property, Mr. L. Epley, (First Reading)
5. Shores Water Agreement, Mr. Haynes

NEW BUSINESS

1. Ordinance No. 1755, Vacating portions of Crook and Cliff Streets. Mr. A. Eptey, (First Reading)
2. Resort Association, Ms. Sumpter
3. Annexation of Lake Leatherwood
4. Ordinance No. 1758, relating to Fire and Ambulances, (First Reading)
5. Parking Authority, Mr. Shrum
6. Transit Department, Personnel policy waiver
7. Authorization to close Spring Street from Center to Mountain for the Blues Festival, May 30 and 31, 1997
8. Freeman Waste Management Mr. Casteel
9. Closing of Parking Lot by the Auditorium 5-17-97 for the Arts & Craft Show, Chamber of Commerce.

MAYORS COMMENTS

ADMINISTRATIVE ASSISTANT'S REPORT:**COMMISSION, COMMITTEE, AND AUTHORITY REPORTS:**

1. Auditorium Commission, Position 1, expires August 11, 2010; Position 3 expires July 11, 1997; Position 7 expires July 11, 2001.
2. C.A.P.C. Commission,
3. Cemetery Commission,
4. Historic District Commission.
5. Hospital Commission,
6. Parking Authority
7. Parks and Recreation Commission for position 1, expires May 20(12; 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
REGULARLY SCHEDULED COUNCIL MEETING
MAY 13th, 1997**

Mayor Barbara O'Harris called the Council Meeting to order at 9 a.m. on Tuesday, May 13th, 1997, in the jury room in the Western District Courthouse.

PRESENT:

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

ALSO PRESENT: Pam Bennett, Mike Dixon, Cheri White, Cindy Sumpter, Alan Epley, Lewis Epley, Charlie Cross, David McNeal, Earl Hyatt, Sandy Latimer, Rick Freeman, Don Young, Don Matt, Jay Miner and Clerk Lee.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mr. Young led in the Pledge of Allegiance.

Mayor O'Harris announced that we have a new Arkansas State Flag in the council room.

APPROVAL OF THE AGENDA:

The motion was made and seconded to approve the agenda. All were in favor, 6/0/0.

APPROVAL OF THE MINUTES:

Regular Council Meeting, April 22nd, 1997:

The motion was made and seconded to approve the minutes of the April 22nd Council

meeting. Mr. Jeffrey had come in earlier, and helped the clerk to clarify a discussion on page 4, concerning Lake Leatherwood Dam and keeping it clear of vegetation. The clerk put a correction page 4 in all of the boxes before the Council Meeting. The vote to approve was 6/0/0.

OLD BUSINESS:

1. Ordinance #1700-A to amend Ordinance #1700, Zoning, (First Reading):

The motion was made and seconded to place Ordinance #1700-A on its first reading in its entirety.

Mr. Young began reading, and due to the length of the ordinance, some of the council members read parts of the ordinance.

The motion was made and seconded to approve the first reading, and by roll call the vote was 6/0/0.

The motion was made and carried to amend the agenda so that Attorney Lewis Epley's and Attorney Alan Epley's items could be heard. By roll call, the vote was 6/0/0.

2. Ordinance #1759, annexation of Mr. Charles Cross' property, Mr. Lewis Epley, (first reading):

The motion was made and seconded to place Ordinance #1759 on its first reading in its entirety. All were in favor, 6/0/0.

Mr. Young read the ordinance in its entirety.

The motion was made and seconded to approve the first reading and by roll call the vote was 6/0/0.

The motion was made and seconded to suspend the rules and place Ordinance #1759 on its second reading by title only. By roll call, the vote was 6/0/0.

Mr. Young read the ordinance by title only.

The motion was made and seconded to approve.

Mr. Jeffrey said that water and sewer lines already run close enough to hook into tributary lines.

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The vote was 6/0/0 in favor.

Mr. Epley ascertained that he only need attend the next Council Meeting, which will be held May 27th, 1997, for the third reading of the ordinance.

3. Ordinance #1755, Vacating portions of Crook and Cliff Streets, Mr. Alan

Epley, (first reading):

The motion was made and seconded to place Ordinance #1755 on its first reading in its entirety. All were in favor, 6/0/0.

Mr. Young read the ordinance in its entirety.

The motion was made and seconded to approve. The vote, by roll call, was 6/0/0.

The motion was made and seconded to suspend the rules and place Ordinance #1755 on its second reading by title only. By rde call, the vote was 5/1/0, with Alderman Freeland voting no.

Mr. Young read the ordinance by title only.

The motion was made and seconded to approve the second reading. All were in favor, 6/0/0.

4. Signage to the Historical District, top of Planer Hill:

Mr. Runge has not made his decision as to whether to let the City put a sign pointing out the Historic District on his property as yet. The Council will receive a report as soon as he lets the City know.

5. Authorization to blast at the construction site, Red Carpet Inn, Highway 62, East: At this time there will not be any enlargement of the parking lot, nor will a pool be built. All that will happen now is to remove rock, and add fill to keep the existing parking lot from sliding any further down hill. The other items will be done when the proper permits and approval takes place. The motion was made and carried to approve the blasting. By roll call, the vote was 6/0/0.

6. Shores Water Agreement, Mr. Haynes:

Mr. Miner said that he felt that any time the City can enter an agreement that will bring in revenue at no cost, they should do so. There is no cost to the City in this agreement.

The motion was made and seconded to approve the Shores water agreement.

Alderman Jeffrey said that when the people tried to get water from wells, they ran into hydrogen sulfide, which is smelly and unpleasant and costly to clean. This is the most reasonable solution for them.

Mr. Young said that Kirby Murray had checked with Harrison to see what they charged in a comparable situation. The agreement seems to be fair to both parties.

Mr. Miner said that the water system from the lake through Eureka Springs, Berryville, Green Forest to Harrison is a great system. Harrison has allowed this in a similar situation. Anytime the City can benefit from an agreement, we should.

By roll call, the vote was 6/0/0, in favor.

NEW BUSINESS:

1. Resort Association, Cindy Sumpter:

Mrs. Sumpter said that the first year, they sold banners to make the town look festive for

the Fourth of July. They discovered that selling the banners is a good fund raiser, also, and they want to do it again this year to help raise money for the Freedom Concert and the Lazer Light Celebration. They asked that the Council give permission for the banners and swags to be up from June 28th through July 13th.

The motion was made and seconded to approve, and the vote was 6/0/0.

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2. Lake Leatherwood Annexation:

The motion was made and seconded and it was approved, 6/0/0, to have Mr. Miner take the next step which is to file a petition with the County. He wants to be positive that the Lake Leatherwood Reservation, owned by the City, is contiguous to the City Limits, before he proceeds.

3. Ordinance #1758, relating to Fire and Ambulances, (First Reading):

The motion was made and seconded to place Ordinance #1758 on its first reading in its entirety. All were in favor, 6/0/0.

Mr. Young read the ordinance in its entirety.

The motion was made and seconded to approve. It was explained that some things have gone up, but there is only one fee now, instead of two. The wholesale costs have not been changed, and the night differential fee is eliminated.

By roll call, the vote for the first reading was 6/0/0.

The motion was made and seconded to suspend the rules and place Ordinance #1758 on its second reading by title only. By roll call, the vote was 6/C/0.

Mr. Young read the ordinance by title only.

The motion was made and seconded to approve. The roll call vote was 6/C/0.

4. Parking Authority, Mr. Schrum:

Mr. Schrum was not present. The only thing the Parking Authority wanted, other than to let the Council know what their plans were for 1997, was that they would like Public Works to help clear the North Main Lct. Council voted to postpone the subject to the May 27th Council meeting. By that time, Mr. Schrum will be able to give the Council a report on how much work needs to be done.

5. Transit Department, Personnel Policy Waiver:

The motion was made and seconded to approve the husband and wife working for the same department.

Questions were raised about how the Chamber could stop paying someone if it was in their contract with us to pay her.

The motion was made and seconded to postpone until the May 27th meeting, with discussion at the Agenda-setting meeting to hear more about why the Chamber had stopped paying her. All were in favor, 6/0/0.

6. Authorization to close Spring Street from Center to Mountain for the Blues Festival, May 30 and 31, 1997:

This is what the Council approves every year. The motion was made and seconded to approve. Chief Hyatt asked that this be done. The roll call vote was 6/0/0.

7. Closing of the Parking Lot by the Auditorium May 17 & 18, 1997 for the Arts and Crafts Show, Chamber of Commerce, Pam Bennett:

The motion was made and seconded to approve. All were in favor, 6/0/0.

8. Freeman Waste Management, Mr. Casteel:

Mr. Casteel was in court, so Mr. Freeman spoke for his business. He asked for a 12% increase in rates across the board. He explained the increases that have happened since the contract started. He said the only increase that the company asked for was a 12% increase, which they asked for last year. At that time, the Council allowed his company to raise commercial rates 8%.

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The City's position is that there is no reason given that fits the reasons in the contract that would allow an increase. The City wrote the contract in good faith, without trying to hurt anyone. There simply isn't anything in the contract that would justify an increase. Mr. Murray wrote a letter saying the same thing.

Alderman Dickens made the motion that the Council grant Freeman's the 12% increase for both commercial and residential for the duration of the contract, which is approximately another 8 months. The motion died for lack of a second. It killed the discussion.

MAYOR'S COMMENTS:

The Mayor complimented the May Fine Arts Festival people on the Arts are Outrageous parade. It was fantastic. It was a tribute to Eureka Springs.

The Mayor passed out Chance Coach magazines. We were written up there. The little magazine goes out all over the world which is certainly good for the City.

Sandy Latimer brought an engraved brick which will be laid in the Pathway of Love. The Holiday

Promtion Association is in their fourth year. They were formed for the purpose of promoting November and December here in Eureka Springs. Traditionally, for years, the town shut down and everything was closed by November 1st. The idea is to raise funds for the Holiday Promtion Association. To do that, the group has come up with a fund raiser to build a Pathway of Love on the dirt area in front of the Band Shell in Basin Park. Bricks can be bought to commemorate any occasion; births, in memory of, marriages, or even the week end "we visited" here. Each engraved brick is \$50 plus any tax that must be charged. It is for individuals only, with a 100 year guarantee that they will hold up. The bricks will be laid 200 to 250 at a time and they will be laid on the dirt areas in the parks. The group has gotten the support of all the necessary entities to do this. To buy a brick, contact the HDC, the Chamber, or the Holiday Promtion members, or Sandy.

ADMINISTRATIVE ASSISTANT'S REPORT:

Mike Dixon was present and Mr. Young presented an award from the Arkansas Water Environment Association. It was a commendation for excellence of operational service to the public for the year 1996. Mr. Dixon has been on the program every year for the last four years to hold a class when he is at state and is already on the agenda for next year.

Channel 29/40 Doplar radar is new. It is out on Highway 65 about half way across the Boston Mountains. It is a sophisticated radar, that is efficient for storm reporting. It will track a storm and tell you right where it is going to be.

Mr. Young went to Little Rock to a seminar on census recording. The year 2000 is coming up. Be prepared for things to be done differently this time. An annual report on census will be available for smaller cities by the year 2008. Census is done every 10 years.

March Sales Tax: We were up 21.96% in March. For the year, we are down 2.80%.

Chief Hyatt would like to hire an individual to replace Randy Sellars. There were eight applications. Some were experienced and certified police officers, but they did not seem suitable for our needs. The person he would like to hire is not certified but will go to school to be. His name is Paul Base, and he is personable, professional, and very nice to deal

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with. He will ride with senior officers to learn the town and how we want to do things. He will learn Arkansas law and Municipal code. He has a lot of work to do and will know more before he goes to the academy than they will teach him. In house training

is held often at the Police Department. The motion was made and seconded to approve Paul D. Base as a new hire for the Police Department, because of Earl Hyatt's endorsement. The roll call vote was unanimous, 6/0/0, to approve.

Marji Anderson's time is up on Position 1 of the Parks & Recreation Commission. She has graciously agreed to serve another term. The motion was made and seconded to approve Marji Anderson for another term. The vote was 6/0/0.

The Mayor had proposed Lavenya Schenck to serve on the Parks and Recreation Commission in Position 5, and had given her extensive resume' to the Council.

The motion was made and seconded to approve Mrs. Schenck. The vote was 6/0/0.

The Mayor asked the Clerk to make sure the Council had a copy of the letters that went out to the Parks and Recreation Commission members and the Auditorium Commission members.

Mr. Freeland asked when the Council would start seeing figures for the budget review in July. The Mayor said after the Council gets back from Municipal League in June.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 11:10 a.m.

APPROVED:

Barbara A. O'Harris, Mayor

ATTEST:

Mary An Lee, City Clerk—Treasurer

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