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**CITY OF EUREKA SPRINGS
COUNCIL MEETING AGENDA
WEDNESDAY, NOVEMBER 12, 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 meeting October 28, 1997

OLD BUSINESS:

1. Ordinance No. 1772, Noise Ordinance (second reading)
2. Ordinance No. 1766, Adopting the concept of the vision plan (third reading)

NEW BUSINESS:

1. Carriage franchises, proposed route changes
2. Ordinance No. 1770, amending the sidewalk ordinance, (first reading)
3. Property Insurance Bid,
4. City Planner
5. Transit Department, authorization to dispose of a diesel powered tram.
6. Approval of the Transit Budget, Mr. C. Fargo
7. Christmas Eve and New Years Eve Holidays

MAYORS COMMENTS: America Recycles - Proclamation

ADMINISTRATIVE ASSISTANT'S REPORT:

DEPARTMENT HEADS COMMENTS:

COMMISSION, COMMITTEE AND AUTHORITY REPORTS: Mayor O'Harris will appoint Hayley Tomlinson, term will expire 11-30-2000

ANNOUNCEMENTS:

Lake Leatherwood Annexation, Judge Jackson to sign order.
McClelland Engineering, Sewer, Sidewalks, Parks, Grant Work in Progress
November 15, 1997 is America Recycles Day.

ADJOURNMENT

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Mayor Barbara O'Harris called the Council Meeting to order at 9 am. on
Wednesday, November 12, 1997, in the Council room in the Western

District Courthouse. Tuesday was Veteran's Day, and the Court House and City Hall were closed.

PRESENT:

Mayor O'Harris, Alderpersons Dickens, Watson, Seratt, Jeffrey, Christman and Freedland.

ALSO PRESENT:

Richard Pollard, Nikki Salazar, David Beauchamp, Lisa Liggett, Charles Fargo, David McNeal, Haley Tomlinson, Georgia Rubley, representatives of the HDC and the Preservation Society, and various other citizens.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mr. Young led in the Pledge of Allegiance.

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APPROVAL OF THE AGENDA:

The Mayor asked to place item #4 under New Business, City Planner, as item # 7 under New Business and move everything up. The motion was made and seconded to accept the agenda as amended. All were in favor, 6/0/0.

At this point in the meeting Alderwoman Sheila Seratt asked to call an executive session. The Executive Session began at 9:05 a.m. and the meeting reconvened at 9:52 a.m. At that point Alderwoman Seratt left because she was feeling poorly. Alderman Jeffrey reported that there had been some employee complaints about Mr. Don Young, City Administrator, and that he had been counseled and the Council will be meeting with Department Heads to look into the matter.

APPROVAL OF THE MINUTES:

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

OLD BUSINESS:

1. Ordinance #1772, Noise Ordinance, (Second reading):

The motion was made and seconded to suspend the rules and place Ordinance #1772 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. All were in favor, 5/0/0.

The motion was made and seconded to further suspend the rules and place Ordinance #1772 on its third and final 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. All were in favor, 5/0/0, and Ordinance #1772 passed.

2. Ordinance #1766, Adopting the concept of the Vision Plan, (Third Reading):

Alderwoman Dickens made the motion to suspend the rules and place

Ordinance #1766 on its third reading by title only. Everyone voted yes but Alderman Jeffrey. He said it had been

such a long time since the ordinance had been read, he would like it to be read in its entirety. Alderman Dickens said she had no problem with it, and she amended her motion to say the ordinance should be read in its entirety. Alderman Freeland seconded. All were in favor, 5/0.

Mr. Young read the ordinance in its entirety.

The motion was made and seconded to approve.

Alderman Watson said she was submitting her handwritten reservations to be included with the minutes. She then named some of them, which are included at the end of these minutes.

Alderman Jeffrey indicated he would vote to accept the Vision Plan, but expressed concern that priority problem areas that were highlighted by Focus Groups were not properly addressed in the Plan. An example is that required parking facilities in the downtown commercial area were cast aside as "not being cost effective" (not true), while proposing four major gateway centers into the city having absolutely no economic justification.

Alderman Freeland said that there had been a great deal of citizen involvement. He made the motion to amend the ordinance to read "all citizens and organizations of our community that contributed to the

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Vision Plan? in Section 2. The vote on the amendment was favorable, 5/0/0. The vote on the ordinance was 5/0/0.

NEW BUSINESS:

1. Carriage Franchises, proposed route changes:
Mr. Ray was down with the flu and was unable to attend the meeting. Chief Earl Hyatt met with the two owners of the carriage ride. Mr. Ray had asked to go up Spring St. and down again on Hillside, as an extension of his route. Mr. & Mrs. Jensen agreed as long as it extended their route also. Chief Hyatt said he did not feel that it would work to have the carriages downtown during the day. He said everyone agreed on that. He said that they all agreed that they would do it after 6 p.m. on any day. The carriage drivers will stop in loading and unloading zones. They understand that if it does not work, it will be changed back. Mr. Ray said that he would do his best not to block traffic. The horses wear diapers, so that will not be a problem. They will only pick up the people who call. Mr. Ray said he would not solicit rides from Spring St., but that he would only solicit from the area where he is parked, and so did the Jensens. It would be a predetermined stop. They would only stop in loading zones for the purpose of picking up someone. The drivers do have lights now and maintain them after dark. Alderman Watson asked that Mr. Ray consider going up old Wall St. to the Ellis House to pick up people. It will be followed up on by the Chief. Alderman Jeffrey asked about making it one-way. Chief Hyatt said that is not a big issue. He said that traffic downtown is not that bad after six, and on Spring Street traffic doesn't go very fast, however if he did slow a tow of them down, it would be a blessing. He does not believe it will create any problems, but if there are it will have to be dealt with. Alderman Freeland made the motion to approve. Alderman Christman seconded. All were in favor, 5/0/0.

2. Ordinance #1770, Amending the sidewalk ordinance, (First Reading):
The motion was made and seconded to postpone the first reading to the November 25th Council Meeting. All were in favor, 5/0/0.

3. Property Insurance Bid:

There was only one bid. Two bid packages were sent, one to a company in Harrison and one to Bare & Swett.

Bare and Swett was the only company that bid. There were two items to consider, one \$17,230 with \$1,000 deductible and one was \$14,230 with \$5000. After some discussion it was decided to accept the \$17,230 bid with the \$1,000 deductible because the deductible is on each incident in each department, and \$5,000 for that is pretty steep.

The motion was made and seconded to approve the bid for \$17,230 with the \$1,000 deductible. The roll call vote was 4 in favor and 1 against, with Alderman Freeland casting the negative vote.

4. Transit Department, Authorization to dispose of a diesel powered tram
Mr. Fargo, Director of Transit, said that he would like to sell an old diesel powered tram. He said that the Transit Department had promised the people downtown that they would get the diesel trams out of the downtown. The City will be getting a new alternative fuel tram next spring. Mr. Fargo said that there is interest out there for the one we would sell. He said he believes he can get \$40,000 for it.

Alderman Watson made the motion to sell the tram in question with a starting price of \$40,000. Alderman Christman seconded. Alderman Freeland said we do not have to specify the price. He said the City has a right to accept or reject all bids.

Mr. Fargo said several times that there is already interest out there in the \$40,000 range.

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Alderman Freeland said that obviously, the phrase about rejecting bids wasn't in the ad when an ambulance was sold for \$1400 and parked on Hwy 62 with an \$1800 price on it. There was quite a lot more discussion. The roll call vote was 3/2/0, and the Mayor voted yes, so the vote passed, 4/2/0.

Lisa Liggett had already presented the budget to everyone. She said the State Application was due November 17th. She is on a deadline just to get that approved. She said she would like, with the Council's permission, to get the application in, and then come back with the full budget and projections for next year at a later time. She said she is always in a rush to get the application off because of when the figures are all in. Alderman Watson made the motion to approve and Alderman Christman seconded.

Lisa Liggett said the budget included a 5% increase, as it has always done. She went through some of it with the Council. Line item #202401 is a new line item added for the ticket seller, since the Chamber is not selling the tickets any more and Transit having to have a full time person to sell the tickets. She said item 2040 decreased; it was for travel. 2042 is office supplies, and there will be a little increase. 2050 is for conference fees and membership fees that they pay, and that has never been met so it was decreased somewhat.

Lisa said that they are not really sure what the map is going to cost this year. They would like to get some ads and some sponsorship for the map but at this point nothing is definite.

This year the Chamber of Commerce has agreed to pay \$18,000 in cash to help with the map. The cost would be approximately \$15,000 to \$17,000 for 200,000 maps.

There was more discussion. The roll call vote was 5/0/0.

Ms. Liggett said she would contact Mr. Young and get on the agenda for December.

6. Christmas Eve and New Year's Eve Holidays, Mr. Young:

For this year only, the Admin. Employees would like to work a whole day before Thanksgiving and a whole day before New Year's Eve, and have the Friday off after Christmas. Generally, they work half days but would like a four day weekend. There is no cost to the City.

The motion was made and seconded to approve. The roll call vote was 5/0/0.

7. City Planner:

The Mayor said that the City had put the job out for bids. They had gotten answers. They did interviews by phone. Two were requested to come for personal interviews and neither came. They both took jobs in much larger cities. She said she remembered an application that she received for another position. She got the application out and reviewed it and

through the City Attorney, she was appointing Kim Dickens as the City Planner. Mr. Miner said Mrs. Dickens has all of the qualifications that she needs to do an excellent job. She has vast experience and now she knows the different groups and the political angle. She knows about the Vision Plan, and the desires of the community. Mr. Miner said he thought it would be a giant step forward.

Alderman Jeffrey had some questions. One was would Kim be required to resign, and she would. Is it a full time job? Yes. What is the salary? The Mayor said the 1998 budget had set aside \$26,000.

The Mayor read Mrs. Dickens' resume. She said she has served on the Auditorium Commission, she has gone through the election process, and she has served on the council. She has always offered help to any department head that had a problem within her expertise and always had good ideas to help.

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Alderman Freeland asked if there will have to be a special election. Mr. Miner said that he wasn't sure of the procedure, but he thinks the Council would choose someone to fill the chair and vote and it would take four votes out of five to approve.

Mrs. Dicken made a short statement. She said that unfortunately, she has no choice but to resign her position from the City Council, which she did not want to do. She made several phone calls and there is no way one can serve on both positions. That is the down side. Mrs. Dickens said that she keeps seeing time after time people coming about certain things. She sees the City Council getting into all of these issues with Building Inspectors, and ordinances and all of these things. She believes that these things can be worked out before they come to the Council, and it doesn't have to be done at this table. She sees a need for someone to take the intermediary position and this can go so much smoother than it does. She says that the need is definitely there and a planner is trained for this. She says that it is important to her to have the approval of the members of the Council.

Alderman Jeffrey said he is happy to have Mrs. Dickens as a planner but will miss her greatly at the Council table. What would be the harm in letting the community have some input.

Alderman Watson said she really thought since it was brought up so quickly, people should have some input. Alderman Freeland said the same thing. He said it is a hiring decision not an appointment. He said it is a brand new department and he feels that the City shouldn't do this without input from the citizens. He said nothing awful would happen if the Council waited.

The Mayor said the City could call a Special Council Meeting on November 18th, at 6 p.m., and vote on Mrs. Dickens' appointment. She is appointed as of November 18th, and it will take a majority vote of 4 to stop the appointment.

MAYOR'S COMMENTS:

The Eureka Springs School's third grade classes of Sherry Fort, Sheila Payne and Jo Wilson are asking permission to take a school bus through the Historic District on Tuesday, November 25th from 9 a.m. to 10:30 a.m. They have been studying communities in their Social Studies classes and would like the opportunity to see some of our local history and landmarks. Mr. Jerry Ballinger will be their guide.

Alderman Jeffrey made the motion to approve and Alderman Watson seconded. All were in favor, 5/0/0. Mr. Young will call the school.

The Mayor announced America Recycles Day, Saturday, November 15th, from 10 a.m. to 2 p.m. There will be a tent set up in Harts' parking lot with lots of literature, games for the kids and a bake sale. The Mayor read a proclamation naming Saturday, November 15th, America Recycles Day.

Mr. Young announced that Eureka Springs received \$17,977.80 for our share of recycling. It cost us \$13,958 to receive that check. It is proof that recycling does pay.

The Mayor asked the Council to vote on the re-appointment of Haley Tomlinson.

Alderman Watson said several people in town want a Public Hearing on the re-appointment.

The Mayor said that a Public Hearing is not called for on a re-appointment.

She is following the law by doing things this way.

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The vote for approval was taken. Alderman Watson, and Aldermen Christman and Freeland voted no, and Alderman Dickens and Alderman Jeffrey voted yes, 2/3/0. The vote needed 4 no votes to un-seat her so she is appointed.

Alderman Christman made the motion to adjourn. Alderman Dickens seconded. All were in favor. The meeting was adjourned at 11:10 a.m.

APPROVED:

Barbara A. O'Harris, Mayor

ATTEST: