

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
August 19, 1999**

The August 19th, 1999 meeting was called to order at 7:05 p.m. Alderman Jeffrey presided over the meeting, which was held in the court room of the Western District Courthouse.

PRESENT: Alderpersons Jeffrey, Schrader, Freeland, Taylor, Stoppel and Sumpter. Mayor Beau Satori was absent. Alderman Jeffrey acted as Mayor Pro Tem.

ALSO PRESENT: Alan Long, Robert McVey, Diane Murphy, Lisa Liggett, Nikki Cherry, Tom and Nadine Beck, Julie Gay, Rusty Windle, Bill Voiers, Kelly Simon, Earl Hyatt, Ed Leswig, David White, Don Matt, Kim Dickens, Tom Laub, and Clerk Lee.

PLEDGE OF ALLEGIANCE: Ms. Dickens led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA: Mayor Pro Tem Jeffrey wanted Ordinance #1818 to be postponed to the September 2nd meeting. Kim Dickens suggested that the "Flint Street" item be expanded since there were several people who wanted to speak on speed bumps generally. After discussion, an item was placed last under old business, and that was discussion of the free shuttle program and a proposal David White of Eureka Taxi had for the Council.

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

APPROVAL OF THE MINUTES: The motion was made and seconded to approve the City Council Meeting minutes of August 5, 1999. Alderman Freeland said he thought they agreed that someone from Public Works would be coordinating with Jason Oury on his daffodil project. The Council agreed that it could easily be done and that it was probably appropriate. Alderman Schrader said he had not intended to vote for himself to be on the advisory committee for the Sportsplex. The clerk will change that vote to 4/0/1. Alderman Freeland said he had hoped there would be something about his concern about opinions passed down from the Attorney General's office about free transportation on a public vehicle. The clerk said it could be added in. The motion was then amended to approve the minutes as amended. The vote on the minutes as amended was 4/0/2, with Alderpersons Stoppel and Sumpter abstaining. Alderman Stoppel was not present at the August 5th meeting, and Alderman Sumpter had not read the minutes.

COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:

Ms. Dickens said the Mayor had asked her to nominate Vicki Thompson for the Historic District Commission, Position 4, which expires November 11, 2001. Ms. Thompson now lives in the City and has shown an interest.

DEPARTMENT HEAD COMMENTS

Nikki Cherry said the large events are over for the year. They are working on their budget for next year. The plans and specifications for the Sportsplex were sent in and she believes that it will go out for bids in October.

Lisa Liggett, Interim Director of Transit, announced that a public meeting about Transit will be held September 7th at 7 p.m. The regular annual Transit Hearing will be held at 6 p.m., just before the regular City Council Meeting on September 16th, 1999.

Diane Murphy reported that Community First Bank won the bid for the two CDs for 6 months. The bid for the new CD that was bought was with the Bank of Eureka Springs, and that is for 3 months. She clarified a misconception that the City may have invested in Treasury Bills. At this time the only investments the City has are in Certificates of Deposit. The Water and Sewer audit is complete and copies are in City Hall.

CITY ADMINISTRATIVE ASSISTANT'S REPORT.

Ms. Dickens reported that Congressman Asa Hutchinson will hold a town meeting in Basin Park on August 26th at 7 p.m.

The Wastewater task Force Meeting will be held on August 30th at 2 p.m. at City Hall.

Ms. Dickens was awaiting two proposals for the 911 addressing. They should be in by next week.

The air conditioning in the balcony of the Auditorium is completed and is working.

On August 20th the Relay for Life will be held. It will be a 12 hour event at the track, behind the Middle School and is being held to raise money for the American Cancer Society. Their goal is to raise \$50,000, and 60% of the money will be used here in Carroll County.

UNFINISHED BUSINESS:**Speed Bumps on Flint Street:**

Alderman Schrader made the motion that the speed bump policy not change, with Alderwoman Taylor seconding.

A petition was presented by all but four households on West Mountain Street. Several residents of that street spoke of constant speeding on that and adjoining streets. One person said her daughters had been narrowly missed along with herself, while walking, and their dog had been killed. She said she had called the police and though they were polite, they said there is not much they can do about a constant patrol. She and the signers of the petition specifically asked for speed bumps for their street. There were several stories of narrow escapes from speeders from that area.

Some of the people who spoke said they were being punished because of the speeders. Some sympathized, and said if speed bumps is what it takes, use them!

Alderman Schrader withdrew his motion.

Alderwoman Taylor made the motion to put speed bumps on West Mountain St.

Alderman Schrader seconded. The vote was 1/5/0, with Alderwoman Taylor voting yes, and the rest voting no.

A committee was chosen to look into the problem. David Stoppel, Earl Hyatt, Debbie Frisbee, and Tom Beck were chosen for the committee. They will see if they can come up with some solutions by the September 16th meeting.

Request for vacating property. (Frank Green):

The Parks and Recreation Commission recommended that the City not vacate the property, but rather, that they allow Mr. Green to open the street. To vacate property, the City would deed one half of the property to the owners on each side of the unused, or unopened street, which in this case is Mr. Green. His property lies on each side of the street. If the City allows Mr. Green to open the street, then he must do so at his expense and according to what needs to be done. In this case, there are two private sewer lines that will need to be buried deeper, 30 inches to the top of the pipe. Mr. Green is willing to do whatever is needed to obtain ingress/egress to the back of his property.

The motion was made and seconded to allow Mr. Green to open Owl Street and upgrade to code. The vote was 5/1/0, with Alderman Schrader voting no.

Alderman Freeland asked if drainage would be addressed, and was assured that it was part of bringing the street up to code.

Policy for the Courtesy Ticket:

Alderman Freeland made the motion to approve Option #2 of the Courtesy Ticket.

The motion was seconded by Alderwoman Taylor. There were two changes from the original option. One was it was a courtesy ticket for one half hour instead of an hour. The other was a sentence that said, quote: "When you visit us on the weekends, may we suggest that you park in one of the all day lots, and use the free shuttle to get down town".

Cities that have used this idea have had fewer irate visitors and much success. The officers who are on duty have a good idea who is from town and who isn't. They will use this ticket at their discretion.

The motion was made and seconded to amend the above motion to add that they will continue the pursuit of financial assistance from the CAPC and the Chamber.

The vote on the amendment was 6/0/0.

The vote on the original motion was 6/C/0.

Ms. Dickens asked if the Council would consider allowing Mr. Voier's request to be next, since he had been there for quite a while. The Council agreed.

Request to erect sign on City property:

Mr. and Mrs. Bill Voiers are requesting to put signs for their business, the Gaslight Inn, on City property. They have had many complaints from guests about the difficulty in finding the Inn. The Gaslight Inn is at 19 Judah Street. Alderman Jeffrey wanted to be sure that Mr. Voiers was aware that even if the Council agreed, he would still have to go through the proper commissions and Mr. Voiers said he was aware. The two signs would be where Judah and Armstrong meet and at the junction of Armstrong and Highway 62. They would be set back far enough from the roads that there should not be a problem, and Mr. Voiers said he hoped they could be placed on City right-of-way, instead of state right-of-way. The motion was made and seconded to okay this proposal with the understanding that it is still subject to the commissions' approval. All were in favor, 6/0/0.

Transit policy regarding free transportation:

Ms. Liggett said that she had spoken with Jim Gilbert at the State Highway Department and he said as far as the State and the Federal Government, Transit could provide free transportation as a promotion. She presented the Council with a policy to be considered. Alderman Freeland was still skeptical because he had read some Attorney General opinions that referred to a county or a municipality providing any kind of service or in kind exchange which was prohibited. Our policy was for groups of children under the age of eighteen.

The motion was made and seconded to table the discussion for further investigation and visit it at the next council meeting.

Ms. Liggett said there is a clear policy for paying customers. She just wants to set up guidelines, not take any service away from any of the children's groups. Each group would be limited to four groups per season. Ms. Liggett said there is an annual pass, which is \$55.

The vote was 6/0/0.

The motion was made and seconded to recess for a short time. All were in favor, 6/0/0. The meeting recessed at 9 p.m. and reconvened at 9:10 p.m.

Discussion with David White about free shuttle:

David White, owner of Eureka Taxi, came to the council with a proposal to run his taxi like the free shuttle, with a shorter turn-around time, easier access, and for the same amount of money the City is paying for the shuttle. He had spoken with Lisa Liggett, and she said it would work. He came to the Council for their approval.

Mr. White said he would be committed to finishing out the two and one half months left in the pilot program.

The motion was made and seconded that the City Administrative Assistant and the City Attorney draw up a contract for the Eureka Taxi to provide the shuttle service; that Ms. Liggett and Mr. White agree upon the schedule, and that it be for the rest of the time left in the pilot program. The City Attorney said Mr. White can run for the week-end without a contract. Alderman Stoppel asked if the amount of money to be paid should be in the motion. Ms. Dickens said it would be in the contract, and that it is understood that it would be for the same money as it would cost the Transit Department to do it. The vote was 6/0/0.

NEW BUSINESS:

Ordinance 1818, prohibiting outdoor price signs at lodging facilities(David Jeffrey): As earlier stated this ordinance was postponed until the September 2nd meeting.

Ordinance No. 1817, amending parking provisions:

Earl Hyatt, the Police Chief, said basically this ordinance changes two Chapters of the code. It addresses the City's ongoing problem with loading zones. Loading zones are there for vendors and shoppers to load/unload merchandise, and that is all they are there for. As it stands now, some are being used as parking places on weekends and the City is giving out a contradictory message. A loading zone should never be used as a temporary parking space.

At this point the City Attorney, Tom Laub, vented his disappointment in everything that has happened since he came to Eureka Springs. He said he had never seen the ordinance, Ordinance No. 1817, and he felt that City Hall was stonewalling him. Mr. Laub, in fact, did write the ordinance. It was finished too late to read at the August 5th, 1999 meeting. It was placed on its first reading at the present time, August 19th, 1999. Mr. Laub seemed to feel that he had been shut out of City Government.

Alderman Freeland made the motion to postpone Ordinance No. 1817 until the September 2nd Council Meeting. Alderman Schrader seconded.

Ms. Dickens said, in confusion, that Mr. Laub had written the ordinance. Chief Hyatt said the ordinance was not finished in time for the August 2, 1999, meeting, at which Mr. Laub disagreed.

The clerk reminded the Council that there was a motion and second on the floor. The vote to postpone was 5/1/0, with Alderman Stoppel voting no.

Ms. Dickens and Alderman Freeland left the meeting.

Request to sell tram and use the money for a/c for the trolleys:

Lisa Liggett said the City still has the old white tram. She would like to put it out for bid and sell it and see if a portion of the money can go for air conditioning for the drivers. A few times some of them were driving in 112 degree heat, and nine hours a day is a long time to be in that much heat. It is not always that hot, but it is hot! Ms. Liggett said she called Chance Coach, and they said we are one of the few cities that order our trolleys without air conditioning. Ms. Liggett said the tram shouldn't sell for less than \$30,000. After discussion, the Council agreed to vote on selling the tram, and wait for more information before voting on using a portion of the money for air conditioning.

The motion was made and seconded to allow the Transit Department to sell the tram. The motion was amended to include that the low bid should not go under \$30,000. All were in favor, 5/0/0.

Ms. Dickens and Alderman Freeland returned to the meeting.

Resolution No. 463, Permission to apply for the Outdoor Recreation Grant, 2000, (Nikki Cherry):

Ms. Cherry said the Parks and Recreation Commission is applying for the same \$50,000 matching grant for the year 2000, as we just received. It will not cost the City anything. The matching funds are already there for the Sportsplex, as they were for this year's grant. The motion was made and seconded to read Resolution No. 463. There was no vote.

Mayor Pro Tem Jeffrey read the resolution.

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

Policy for Building Permit fees, (Kim Dickens):

The motion was made and seconded to charge everyone for their building permit according to the valuation of the work being done as defined in the Municipal Code.

The question was raised whether this action would be retroactive. Ms. Dickens said there were three or four projects that are in the works right now that were not charged and should have been. After discussion, it was decided that this policy should start with this day, and not be retroactive. All were in favor, 6/0/0.

Procedure for Boil Order, (Kirby Murray):

This item was postponed to the September 2nd, 1999 meeting.

Police Collector Car Show Parade, October 9, 1999 at 1:00 p.m.:

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

CITY COUNCIL COMMENTS:

Alderman Jeffrey was asked to update the Council on the Sewer Project. He said that shortly the engineering contract will be ready to be signed. That work will take about 6 months. The City will not be finished by June 1, 2000, but we should be in construction by then.

He said that people should be aware that there are four pieces of work that will be done, and they are: The de-nitrification basin to remove nitrites and nitrates to satisfy the mandates from the EPA, replacing the trunk line and interceptors on North Main St., improve the 50 plus year old head works, and doubling the composting capacity, because of the added amount of sludge.

Alderman Sumpter asked about numbering the parking places on the lots around City Hall. Numbers are no longer needed on this lot because everyone pays the machine with the big blue and white sign. All of the parking places are subject to that sign.

He then asked what was happening with the idea of the Passion Play collecting CAPC tax on food and gifts for the City of Eureka Springs. The Smith Foundation petitioned the State of Arkansas to approve a bill that would allow them to do so.

That bill was approved and became law July 29th, 1999. The Smith Foundation Board of Directors then voted to approve a petition in the form of a letter which was sent to the members of Council, asking that an ordinance be drawn up to that effect.

The City Administrative Assistant and the Mayor's Office did not receive a copy of the letter, only the Council, so nothing has been done so far.

Alderman Stoppel said that the Blues Festival Task Force had met and gone over the problems that have arisen at past festivals. He named some of the ideas that have evolved. Some ideas were more light in Basin Park, enforcing the curfew, more security on the street, places serving food after hours, and they intend to direct the appropriate people to do what needs to be done. He asked for input from the citizens, as long as it addressed city problems, and not parental ones.

Alderman Freeland said he thought the City should restore the liaison program to City Departments. Each Council person would be the liaison to a department.

He suggested that the Mayor hold a meeting for all transportation entities in the City. He volunteered his services to get to the bottom of Tom Laub's problem.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 10:40 p.m.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk-Treasurer

