

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Wednesday June 8, 1999
7:00P.M.
AGENDA**

CALL TO ORDER
ROLL CALL, ESTABLISHMENT OF QUORUM
PLEDGE OF ALLEGIANCE TO THE FLAG
APPROVAL OF THE AGENDA:
APPROVAL OF THE MINUTES:

**COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND
VACANCIES:**

Plan Commission- Position 4 Expires July 1, 2000 Dan Bennett
Plan Commission- Position 6 Expires Jan. 1, 2001
CAPC Commission- Position 3 Expires June 30, 1999
Hospital Commission- Position 2 Expires June 1, 1999
Historic District Commission- Position 4 Expires Nov. 11, 2001

DEPARTMENT HEAD COMMENTS

CITY ADMINISTRATOR'S REPORT:

UNFINISHED BUSINESS

1. Discussion regarding private sewer lines
2. Discussion regarding controlling the excess deer population
3. Discussion regarding parking (Ed Leswig)
4. Ordinance No. 1814 Red zone at St James Church.
5. Ordinance No. 1813, providing for CAPC professional services contracts.
6. Request for waiving the nepotism clause for the Parks Commission.

NEW BUSINESS

CITY COUNCIL COMMENTS:

MAYOR'S COMMENTS:

ADJOURNMENT

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
June 8, 1999**

The June 8th, 1999 meeting was called to order at 7:10 p.m. Mayor Beau Satori presided

over the meeting, which was held in the jury room of the Western District Courthouse.

PRESENT: Mayor Satori, and Alderpersons Jeffrey, Stoppel, Schrader, and Sumpter. Alderpersons Freeland and Taylor were absent. Alderman Freeland came in later.

ALSO PRESENT: Robert McVey, Kirby Murray, Jackie Grimmett, Jim Wright, Diane Murphy, Lisa Liggett, Glen Strange, Ed Leswig, Earl Hyatt, Alan Long, James DeVito, David Smith, Don Matt, Kim Dickens, Tom Laub, and Clerk Lee.

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

APPROVAL OF THE AGENDA: Alderman Schrader made the motion to approve. Alderman Sumpter seconded. All were in favor, 4/0/0.

APPROVAL OF MINUTES: The minutes from June 3rd, 1999, were not ready.

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES:

There was some confusion about Dan Bennett's nomination. There was a question as to whether he wanted to accept the nomination. Mr. Bennett was concerned that the time involved would conflict with his job.

DEPARTMENT HEAD COMMENTS:

Lisa Liggett, Director of Transit, did not have the financial reports ready, but said they would be ready by the first meeting in July.

Police Chief, Earl Hyatt, reported on the Blues Festival. He said that this was the largest crowd ever. The actual organized Blues Festival was a success. The venues went very well. Security people were not letting people out of the clubs with drinks, and the clubs were very orderly. What everyone else sees is what goes on outside. Some of the establishments that did not have venues were selling beer in bottles or cups for people to take out. It is illegal to drink on the street even if it is Blues Festival. There was not enough security on the streets. There weren't enough lights in Basin Park. There were no portable restrooms set up. Our local kids and young adults did not cause the problems. They were disgusted by those who came to town to drink and fight and cause trouble and they said the festival ~~~missing portion~~~

534 CITY OF EUREKA SPRINGS COUNCIL MEETING MINUTES June 8, 1999

and they came from Washington, Benton, Madison and Eastern Carroll Counties, and from Missouri. They came to get drunk and cause problems. There were numerous fights in the park. Most of them were taken care of with minor injuries if any. One fight in Basin Park was a big enough problem that pepper spray was used. Unfortunately, pepper spray does drift but it is not poisonous and the effects are not long lasting. There weren't enough trashcans. Bottles were being thrown. Parking was chaotic. People were parking in flowerbeds and yards and blocking people in and traffic was a problem. There were four police and four security people in the park. Up until about 11 p.m. on Saturday night, they were able to keep control and they

took drinks and poured them out and kept the amount of problems down. At 11 p.m., the crowd in the park was suddenly too large

and out of control. There was a lot of alcohol and broken glass, and a lot of traffic. Chief Hyatt said that if this event is going to grow this much each year, he would suggest that the Mayor form a task force to start as soon as possible so that the City will be ready for next year.

Mayor Satori said he had just come from a meeting of the Committee of 100, which are women from around the State of Arkansas who were formed to take care of the Ozark Folk Center in Mountain View AR. This year is their 37th annual Folk Festival. At their 10th festival, 120,000 people showed up. They were totally unprepared. This City needs to be prepared for however many people show up for any and all activities.

Mayor Satori said they watched last Friday night, and saw some of the problems, and made decisions about removing additional parking to relieve congestion on the street. He said he stayed in the park until about three a.m. A lot of parents and merchants stayed in the park and helped to alleviate some of the problems. After midnight, things calmed down some. None of the establishments with venues allowed anyone in or out carrying drinks. In the future we may have to make sure that nobody sells drinks to go.

Alderman Schrader said he had compiled the complaints of the people who had called him into a three-page memo, and they will be given to the members of the task force. He thanked the volunteers who did the clean up. He also said that Sunday morning an employee of Public Works had already gotten a lot of garbage picked up from the trash cans by 8:30 a.m. and he thanked those at Public Works for doing a good job. He thanked the Police Department because they were capable and friendly and did a good job of keeping the problems under control to the best of their ability.

Police Chief Hyatt said that several EMS people helped with a lot of the enforcement, which was greatly appreciated.

Mayor Satori said that it is important that the City create entertainment venues for our under age people. it would certainly cut down on the amount of people just hanging out in the park.

Glen Strange, a commissioner on the Parks and Recreation Commission, volunteered to be on the Task Force.

Jim Wright said he was withdrawing his support of the Blues Festival unpleasant and unsavory experiences that happened at his place of "Bistro". He voiced his concern as to the direction that the festival is

going. could get more and more dangerous.
due to several business "The He feels that it

James DeVito said he lives and works downtown, and that generally speaking the results of the Blues Festival are positive. He would like to be on the Task Force.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens read a memo from Kirby Murray regarding yard waste. The Arkansas Department of Environmental Quality has recently ruled that yard waste brought to the composting facility must be inspected by a licensed facility operator. The operator must accompany the person to the composting bed, log the quantity in cubic yards, escort them to the gate on their way out and lock it behind them. This will cause obvious difficulties

with the schedule as it is now. The new schedule for drop off purposes will be Saturdays from 10 a.m. to 2 p.m. Drop off during the week is on Wednesday from 7 a.m. to noon and from 1 p.m. to 4 p.m. The person would need to stop at the Public Works office for assistance. Pick up for yard waste will be the first and third Wednesdays of the month from 7 a.m. to noon and from 1 p.m. to 4 p.m. The citizens should call Public Works for pick-up.

Municipal League will be held June 16th through the 18th, Ms. Dickens said she would be gone and any permits that people needed should be taken care of before June 16th. The Mayor and most of the Council would be gone.

The new Building Inspector/Code Enforcement Officer will begin on Monday, June 21st. He is a resident of Carroll County, Roger Mullis.

CITY OF EUREKA SPRINGS COUNCIL MEETING MINUTES June 8, 1999

UNFINISHED BUSINESS:

Discussion regarding private sewer lines:

Alderman Schrader had passed out a memo on how to take care of the problem. He made the motion to table the discussion until the next regular meeting, which is July 1, 1999. Alderman Stoppel seconded, and the vote was 4/0/0.

Discussion regarding controlling the excess deer population:

Alderman Schrader said the factions involved will not get together and sit down and work together for a solution, therefore, it should be taken off of the agenda. The two factions are those who feed the deer, and those who want to thin the herds. Alderman Schrader made the motion to drop this item from the agenda. Alderman Jeffrey seconded. All were in favor, 4/0/0.

Discussion regarding parking. (Ed Leswig):

Mr. Leswig said that he had spoken with Sandy Bass, who owns the Planer Hill Parking Lot, and she will participate in the pilot program. Lee Pohl and Pete Braginton who is leasing Mr. Pohl's lot have agreed to participate. Mr. Dortch, at the railroad station, looks at the trolleys as competition, and does not intend to participate. The Parking Lot Shuttle would make a short loop from the North Main Street parking lot to the Planer Hill parking lot with stops at other lots in between, and it would be a continuous run. It would run mainly on Friday, Saturday from 10 am. to 10 p.m. and Sunday from 9 a.m. to 5 p.m. The cost for a 3-day week is \$377, which include manpower, fuel and mileage.

In order to utilize the Planer Hill Parking Lot, some work will have to be done on it. The cost to grade and gravel the upper level and the road up to the upper level of the Planer Hill lot along with the main level is \$1490. If the City just did the bottom level, it would be \$900.

A pair of Victorian looking signs for each parking lot is \$1200 per pair. The signs would say: Welcome ++ Eureka Springs ++ Historic District Parking ++ Official Park and Ride Lot ++ Free Shuttle ++ To and from our 19th Century Down Town ++ Hours of Operation:

10 a.m. to 10 p.m. Friday and Saturday and 9 am. to 5 p.m. Sunday. The signs will be visible from both directions. The signs would have cream background with dark green lettering, in a Victorian style much like the signs throughout the downtown. Jack Moyer has indicated that if the City goes ahead with this project the Chamber would donate some funds to help with signage.

Mr. Leswig contacted Tri-Lakes Porta-potty. They rent them for \$65 per month and include a once-a-week cleanup and pump-out. The cost to purchase one is \$650, and the cost to clean and pump each one is \$15 per week. He showed the City a picture of a somewhat Victorian looking out-house. He also talked to Butch Berry about building screens to hide them if the City does decide to buy our own.

The cost to pay someone to host each lot is \$164.80 per weekend per lot. The T-shirt idea would be a separate thing. It had been suggested that a host wear a T-shirt that said Ask Me, I Live Here. For three lots, the wages would be \$494.40, per weekend.

Mr. Leswig asked for direction from the Council. He said all of the leg work is finished and there is nothing else to do to get this pilot program going except a go ahead from the Council. Mr. Leswig said his personal opinion was that if this was in operation and signage announced that people should not park downtown for Blues Festival, it would go a long way in keeping everything under control.

Alderman Schrader asked if there is a vehicle available so that we wouldn't be diverting a vehicle in use. Lisa Liggett said we had back-up vehicles. He asked if we would be diminishing the service to the community if we did this, and Ms. Liggett said no.

Alderman Stoppel asked why the City would be expected to do maintenance on a lot that is not ours. Mr. Leswig said the Commission felt that it would be to the City's advantage to have the whole lot ready for parking, if we were going to enter into this program.

Mayor Satori said it sounds like the City would be doing the things now that they should have done when they had a lease on the property.

Alderman Schrader said Ms. Bass would make more money if the shuttle stopped there and why should the City foot the bill? Mr. Leswig said that he felt it would be money well spent to find out if the pilot program would work. He said basically, they were talking about three months to try it out, and see if it worked.

Alderman Jeffrey said that since this is a short pilot program, that would collect all of the right data to let us know how it works, he would like to see the Council endorse this, and fine tune the finances later.

Mayor Satori said the City should look into porta-potties as a much needed addition to the City. We do not have enough bathroom facilities on a regular basis for the City.

Mr. Leswig said that he had talked to people about the Lake Leathenwood facility and it was satisfactory.

Alderman Sumpter said he thought the idea was great except for working on the Planer Hill parking lot. Alderman Jeffrey said it is a good way to jump-start the project. He would not agree on permanent maintenance for the Planer Hill Lot.

• Mayor Satori said if we can get the shuttle, the signs and things going now, and we can add the hosts and other things later.

Alderman Jeffrey said that the lower lot of the Planer Hill Lot is all that is really necessary to fix right now and the City, can do the upper lot as it is needed.

Alderman Stoppel made the motion to set up a shuttle that runs from the depot to the North Main parking lot and up the hill to the Planer Hill lot and back down to

536 CITY OF EUREKA SPRINGS COUNCIL MEETING MINUTES June 8, 1999

the depot, and to direct Kirby Murray to take care of the appropriate signage as proposed and to direct Lisa Liggett to report back to us at the July 13 meeting to let us know how it is going. Alderman Sumpter seconded. The vote was 3/1/0 with Alderman Schrader voting no. Mayor Satori voted yes, so the final vote was 4/1/0, in favor.

Ms. Dickens thanked Mr. Leswig for all of the hard work he and the Planning Commission have done on this project.

Ordinance No. 1814. Red zone at St. James Church:

Alderman Schrader made the motion to place Ordinance No. 1814 on its first reading.

Alderman Jeffrey seconded. All were in favor, 4/0/0.

Ms. Dickens read the ordinance in its entirety.

Alderman Jeffrey made the motion to approve. Alderman Schrader seconded.

Jackie Grimmett was there representing St. James Church. She said that the Chief of Police had met with Larry Schofner, and they had agreed on what could be done without causing any hazards or breaking the law. They have two services on

Sunday at 8 a.m. and at 10 a.m. Attendance is about twenty at the eight o'clock service, and about 45-50 at the 10 a.m. service. Ms. Grimmett said that several people had mentioned putting in some parking behind the church, because the church owns land there.

Mayor Satori said that if the City creates loading zones, they work when they are needed and then are abused the rest of the time. He would like to see people create as much off-street parking as possible whenever possible.

The vote was 4/0/0, to approve.

Ordinance No. 1813, providing for CAPC professional service contracts:

Alderman Jeffrey made the motion to place Ordinance No. 1813 on its first reading in its entirety. Alderman Schrader seconded. All were in favor, 4/0/0.

Ms. Dickens read the ordinance.

Alderman Schrader made the motion to approve. Alderman Sumpter seconded.

Alderman Jeffrey questioned the need for the ordinance. He said every year the City requests statements of qualifications from professional people, and what is different about this?

Mayor Satori said that he had been advised that before the people sign contracts for the positions the CAPC is contracting for, this ordinance needs to be in place. The CAPC is not hiring for a position with an hourly wage. They are contracting for services. It is necessary to do this to move into in-house advertising. Mr. Laub agreed.

The Council decided to change the wording in paragraph one to read: "Advertising Specialties and shall include the work of festival director, media buyer, events coordinator, promotion coordinator, and specialists in other areas, general and specific, requiring expertise related to the operation of the City Advertising and Promotion Commission. Alderman Schrader made the motion to approve the first amendment. Alderman Stoppel seconded. All were in favor 4/0/0.

Alderman Jeffrey said that he didn't see the urgency. He said the CAPC had advertised for the two positions and they have given people the positions. They had already gone through the process.

Mayor Satori explained that an ad would be going out for an Executive Director within the next week. He said the City Attorney advised him to get the ordinance in place. In the past the CAPC had not hired people directly.

Mr. Laub said that the CAFC is contracting for services. These people are not hired as employees. They are hired as contracted services.

At that point Alderman Schrader made the motion to further

amend the ordinance, to include the words "the work of" just before festival director. Alderman Stoppel seconded. All were in favor, 4/0/0.

Alderman Jeffrey said he had some conceptual questions. He said we are doing this because we don't have an ad agency. When the CAPC had an ad agency, there were very tight controls on the bidding process and went through the bidding process to select an ad agency. Now we are going to replace the ad agency with individual contracts without any bidding process whatsoever. We are taking this out of the public domain. Alderman Jeffrey said he didn't think we should give up the controls that were in place before. We don't have a contract or a description of the job to be done. He did not feel it is in the public interest.

Mayor Satori said that everyone has been dissatisfied with the way things had been done before we had the same ad agency for twenty-two years. There were no controls, as evidenced by the way the agency spent our money. The idea now is to have more control and more watchfulness by having the services done in-house. He said this City has the idea to manage its own affairs with greater oversight and input.

Alderman Schrader explained how advertising agencies work. They hire people to do the job. They may hire in-house or free-lance. Why should we spend \$700,000 so that these

CITY OF EUREKA SPRINGS COUNCIL MEETING MINUTES

537

June 8,
1999

people can hire people that are going to do the work for us. It could only enhance the City's economy to hire qualified people from here to do this work. He also said it would take a strong person to oversee and coordinate these efforts. It won't happen all by its self. Do not underestimate the need for this person and the work it will take to do this. Alderman Jeffrey disagreed. He said he didn't know where \$700,000 came from but it was incorrect.

Alderman Freeland came in. He said that the discussion was getting off course. He said in a nutshell, why pay an agency 15% extra to do the work when we can do it here. There were problems with the first ad agency, The second agency had internal problems and did not fill our needs. We have many people who can do the same job and they are familiar with what is needed. He named the State Statute 19-11-801, Item C which is what makes this action possible. He said Mark Marley, the state auditor, is working closely with the City.

Alderman Jeffrey said he would support this for the first reading. He asked if there should be a sunset clause. Mr. Laub said the ordinance can be changed at any time. He said the contracts will need to be extremely specific.

Alderman Stoppel called the question. The vote was 5/0/0. Approval of the first reading of Ordinance No. 1813 was 5/0/0.

Request for waiving nepotism clause for the Parks Commission:

Nikki Salazar had requested this at the last meeting. Because no decision was reached at the June 31st meeting, Mrs. Rose and Lindsey Rose were laid off until such time as a decision was made. Mrs. Rose was the coordinator of the July 4th activities and that nothing is being done at this time. Alderman Schrader said there are people who are against this, but in this case he will support this action because of the special circumstance. Mr. Laub said that as far as he could see in the law the City can over rule that law.

Alderman Stoppel made the motion to waive the nepotism clause until August 31st, 1999. Alderman Jeffrey seconded. Alderman Freeland made the motion to amend the motion by adding Mrs. Rose and Lindsey Rose's names in the motion. Alderman Jeffrey seconded. All were in favor to amend, 5/0/0. The vote to waive the clause was 4/1/0, with Alderman Sumpter voting no.

MAYOR'S COMMENTS:

Mayor Satori said he had presented the Chairman of the Committee of 100, Pat Denton, with the key to the City. The Committee of 100 supports the Ozark Folk Center, in Mountain View, Arkansas. It is made up of one member of each of the 75 counties of the State, and 25 members at large. They also have associate members. Many of these members are repeat visitors of Eureka Springs, and were very hospitable people. The Mayor thought it was remarkable that a statewide organization could be formed to preserve Ozark heritage, and to do year long fund raising activities to help to support the Ozark Folk Center. He spent a lot of time asking them whether they might adopt Eureka Springs.

Alderman Jeffrey made the motion to adjourn. Alderman Stoppel seconded. All were in favor, 5/0/0. The meeting was adjourned at 10 p.m.

APPROVED:

ATTEST:

