

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES**

September 16th, 1999

The September 16th, 1999 meeting was called to order at 8 p.m. by Mayor Beau Satori. It was held in the courtroom of the Western District Courthouse.

PRESENT: Mayor Satori, and Alderpersons Jeffrey, Schrader, Stoppel, Sumpter, Taylor and Freeland.

ALSO PRESENT: Kate Allen, Robert McVey, Diane Murphy, Lisa Liggett, Nikki Cherry, Ed Leswig, David White, Bill Earngey, Jeff Pratt, Frankie Green, Charles Thurman, Jerry Ballinger, Don Matt, Tom Laub, and Clerk Lee. Some of those attending did not sign in.

PLEDGE OF ALLEGIANCE: Mayor Satori led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA: Alderman Jeffrey asked that Ordinance No. 1818 be put the first item on the agenda after the approval of the minutes. Mayor Satori suggested that the item be put just after the vote for the position on the Historic District Commission. Council Comments were put at the end of the items under New Business. Ordinance No. 1818, Ordinance No. 1819, and Ordinance No. 1817 were moved to one, two and three respectively under Unfinished Business. Ordinance No. 1820 was moved to item one under New Business. The motion was made and seconded to approve the agenda as it was amended. All were in favor, 6/0/0.

APPROVAL OF THE MINUTES: There were a couple of small changes to the minutes. The motion was made and seconded to approve as amended. All were in favor, 6/0/0.

COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:

Historic District Commission- Position 2-Expires: November 30, 2001. Mayor Satori nominated Vince DiMayo at the September 2nd meeting. Mr. DiMayo introduced himself to the Council. He said his qualifications are that he understands carpentry, he worked for a Fortune 500 company for twenty years and understands business. He believes that he understands what the goals of the commission are. The motion was made and seconded to approve. The vote was unanimous to approve, 6/0/0.

Mayor Satori nominated Pat Matsukis for Position 1 on the Planning Commission, which expires July 1, 2001.

UNFINISHED BUSINESS:

Ordinance No. 1818, prohibiting outdoor price signs at lodging facilities:

Just before the City Council Meeting Alderman Jeffrey had made a presentation on prohibiting outdoor price signs at lodging facilities. The presentation was a combined effort of business owners and managers who are members of the Resort Association in Eureka Springs. It is their belief that the signs are financially detrimental to all of the businesses of the City. The motion was made and seconded to place Ordinance No. 1818 on its first reading in its entirety and that Michelle Harrington read the ordinance since she was the attorney who drafted it for the Resort Association. All were in favor, 6/0/0.

Ms. Harrington stated that she would be making a minor change in the paragraph of the fifth "whereas". She then read the ordinance.

Alderman Schrader asked Alderman Sumpter, Taylor and Freeland if they intended to recuse since they all run lodging facilities. They said no. The attorneys agreed that there should be no problems since the ordinance would not benefit any one facility more than another and Ms. Harrington said it was not regulating the price of the rooms.

Alderman Jeffrey said that everything is interconnected, and he felt it was absurd to ask anyone to recuse when this can only benefit the entire City.

The motion was made and seconded to pass Ordinance No. 1818 on its first reading.

Alderman Freeland said that anywhere in the United States, this kind of pricing is called predator pricing.

Alderman Taylor was asked if she uses a marquee sign to put her prices out. She said no. Alderman Schrader referred several times to a possible law suit if this ordinance was passed. Alderman Jeffrey said that was a scare tactic and that the council should move on with the ordinance.

Alderman Schrader said the ordinance was intended to make less than perfect free competition of trade and that it was a violation of the restraint of trade laws. He said it was oligopolistic.

Mayor Satori said that oligopoly is price fixing, Nobody is telling anyone how much they can charge for their rooms.

Alderman Jeffrey said that the law allows a City to regulate commercial speech.

Jerry Bainger said it is an important ordinance. He said the City does not have too many rooms, just not enough people. The signs hurt overnight business and encourage day trippers, who do not stay overnight.

The vote on the first reading of Ordinance No. 1818 was 5/1/0, with Alderman Schrader voting no.

DEPARTMENT HEAD COMMENTS:

Chief McVey introduced one of the new employees, Robert Deneski. Mr. Deneski came to us from Springfield. He spent four years on the ground ambulance and seven years with St. John's helicopter. He explained to the Council that Resolution 464 had been passed before without giving it a number and that was why it had to be read again.

Lisa Liggett from Transit had handouts on the parking shuttle for the Council. Return trips are averaging six to eight minutes, which is very good.

She said that someone had offered the City \$40,000 for Trolley #1 and asked if they wanted to sell it. She said that the white tram sold for \$30,501.

Alderman Stoppel mentioned a letter the Council had gotten in their boxes complimenting the shuttle service. Mayor Satori also had received calls complimenting the service.

Nikki Cherry said the first Sportsplex Citizens Advisory Committee met Tuesday night. It went very well. She applied in April for a Highway Transportation Trails Grant to do some work in Basin Park on the stairways and do some work on the spring. We did get some money, but the letter hasn't arrived to give us the exact amount. It is a 80%/20% matching grant, and the Parks Commission does have the matching money. She will let us know how much as soon as she knows.

UNFINISHED BUSINESS:

Ordinance No. 1819, opening of Owl Street:

The motion was made and seconded to suspend the rules and place Ordinance No. 1819 on its second reading by title only. All were in favor, 6/0/0.

Mayor Satori read the ordinance by title only.

The motion was made and seconded to approve the second reading. After some discussion the vote on the ordinance was 5/1/0, with Alderman Schrader voting no.

The motion was made and seconded to further suspend the rules and place Ordinance No. 1819 on its third and final reading by title only.

Bill Earngey was of the opinion that the City was setting a precedent by not making the language more clear about the pedestrian easement. He then realized that this is an ordinance that deals with this situation individually, and is not the standard set for every street opening that may come up.

The vote to read for the third time was 5/1/0, with Alderman Schrader voting no. Mayor Satori read the ordinance by title only.

The vote to approve was 5/1/0, with Alderman Schrader voting no.

Ordinance No. 1817, amending parking provisions. (Second reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1817 on its second reading by title only. All were in favor, 6/0/0.

After a long discussion, it was decided to vote this ordinance down, and go back to start again. The vote on the second reading was 0/6/0, and it failed.

Committee on Speeding Report:

Alderman Stoppel read the memo from the Committee on speed bumps. They listed several things that could be done to slow people down:

1. More speed limit signs in problem areas such as East Mountain, the Historic Loop, Mountain and Spring Streets.
2. Making existing speed limit signs more visible by trimming tree limbs and brush away from them.
3. Increasing the amount of marked cross walks in the down town area and making the cross walks more visible or brightening them.
4. Extend Officer Dale Grunwald's position from a part time to a full time position. With the additional manpower to answer calls, the police department could assign an officer to full time traffic enforcement without interruption at least 20 hours per week.
5. Raise the fines in Municipal court on all hazardous traffic violations. This would have to be accomplished by passing an ordinance which names the offense and gives a minimum and maximum fine for the Judge to impose on those found guilty.
6. Place a stop sign on Mountain street at its junction with Eureka Street where it becomes two way traffic.

Alderman Jeffrey thanked the committee for their work.

Council Procedures- City Council liaisons to departments:

There was quite a bit of discussion, but there was no action taken. Mayor Satori said that Department Heads are always available to ask if there is a question, and they come and give their comments at council meetings.

NEW BUSINESS:

Ordinance No. 1820, changing the number of Park Commissioners from 5 to 7:

The motion was made and seconded to place Ordinance No. 1820 on its first reading in its entirety. All were in favor, 6/0/0.

Mayor Satori read the ordinance in its entirety.

Without much discussion the ordinance passed on its first reading, 6/0/0.

Transportation Meeting, date and time. (Bill Freeland):

Mr. Freeland explained that he felt that it would be beneficial to get all of our licensed and/or franchised businesses that involve transportation, along with our City transportation together and discuss how each of these entities work in tandem with the others. The Mayor said that there needs to be some information gathered before this can happen. It was decided to work further before a date and time are set.

Resolution No. 464, Rural Community Grant (Fire Department):

The motion was made and seconded to read this resolution. It had been passed once, but for some unknown reason it was never numbered. All were in favor of reading it, 6/0/0.

Mayor Satori read the resolution.

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

CITY COUNCIL COMMENTS: No comments due to the lateness of the hour.

MAYOR COMMENTS:

Mayor Satori was asked about his new computer which seems to have stirred up some controversy.

For the first 6 or 7 months the Mayor used his own personal laptop computer for City Business, along with his own business. He purchased a laptop which is a McIntosh Laptop that is like the one he has at home because that is what he is familiar with. It cost \$3300. He added memory to it which made it \$3500 and two modules at \$200 each which made it \$3900. He is building the City data base on it. He put about \$2000 of additional software on it at his expense. He explained the City data base that is being built has years of City data. He expects to be using it for the next thirty nine months. Then it will be turned back to the City.

He said that L.J. Smole has been separating the City's accounts out and getting them into the new computer. He will bring it to the meetings once the new data base is built.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 10:50 p.m.

APPROVED:

Beau Zar Satori

ATTEST:

Mary Ann Lee, City Clerk-Treasurer