

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
September 21, 2000**

The September 21, 2000 meeting was called to order at 7:05 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, Taylor, Sumpter, and Freeland.

ALSO PRESENT: David Anderson, Bill Earngey, Joe Zickmund, Tom Lapping, Todd Saufferer, Ron Latimer, David Caudill, Kathy Harrison, Kelly Simon, Bruce Levine, Jack and Ada Dozier, Lisa Liggett, Kirby Murray, Diane Murphy, Bill King, Ed Leswig, Kay Green, Frankie Green, Kent Crow, Mary Jean Sell, Kim Dickens, Don Matt, and Clerk Lee.

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

APPROVAL OF THE AGENDA:

Ms. Dickens asked that the following items be added to the agenda.

No. 5 under Unfinished Business, Sunday liquor sales.

Under New Business, Discussion of others using the video camera and a City employee.

Ordinance No. 1850, Waiving Bidding for the purchase of Tents for City special events.

Add Good Shepherd Animal Shelter at the end of the budget amendments line.

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

Alderman Schrader asked about the Zoning Ordinance being on its second reading when it was not voted on at the first reading. Ms. Dickens said she had consulted an attorney because she was very upset about reading the whole long ordinance, and then it was not voted on. The attorney said the Council does not have to vote after every reading. They must vote on the third reading. If an ordinance is read and the vote is not taken at that meeting, it goes into the second reading at the next meeting.

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes of the September 7th, 2000, City Council Meeting. The amendments were noted. The motion to approve was 6/0/0.

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES:

There were no nominations.

DEPARTMENT HEAD COMMENTS:

There were none.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens reported that she and Diane Murphy had gone to Little Rock to ADEQ for a meeting regarding the wastewater treatment bonds. The determination was made that the City's water rates do not meet ADEQ's criteria, which is a formula mandated by the Federal Government. Our water rates are not high enough to qualify for a loan. The rates would have to be a great deal higher to meet the government's criteria. Consequently the formula they use will not work for Eureka Springs.

Instead, the City will go to the Bond Council and the bonds will be sold publicly. The City will have plenty of money to pay back the bonds. That was not an issue with ADEQ. Some time in October the Council will be reading an ordinance to sell the bonds. The bond reading will be read three

times with an emergency clause. The engineering costs were a whole different criteria for the state. We will probably save money on engineering costs. Our water rates would have had to be raised to between two and three times what we are paying now to meet ADEQ's standards.

UNFINISHED BUSINESS:

Consideration of Ordinance No. 1849, purchase of property at Wall Street, (First Reading):

The motion was made and seconded to place Ordinance No. 1849 on its first reading in its entirety. The vote was 5/1/0 with Alderman Schrader voting no.

Ms. Dickens read the ordinance in its entirety.

The motion was made and seconded to approve.

Alderman Schrader questioned whether the City passed Ordinance No. 1819. His research seemed to show that the ordinance was never passed. Ms. Dickens went downstairs and pulled Ordinance No. 1819 which had been passed on September 16th, 1999, and brought the yellow book from the clerk's office that shows vacated streets. Alderman Schrader's map was correct as far as that portion of Owl Street is concerned.

Kent Crow spoke as council for Mr. Green. Mr. Crow said that Owl Street was interrupted when Nebo Street was vacated, and that was something that happens in many towns and cities all of the time. He said that in the case of the property in question, it would still be green space. He said that Ms. Quinn does not own property abutting the property in question.

Alderman Jeffrey said that Owl Street was open throughout unless the back portion had been vacated.

Kirby Murray, Director of Public Works, said he had been accused of giving Mr. Green erroneous information, and said he had not done so.

Chairman Bill Earmgey said he was concerned that the City would be setting a precedent for vacating green space if they vacated this property to Mr. Green. He explained how difficult it had been to write the green space ordinance. He was against this piece of City property being taken out of the City's inventory forever.

Mr. Crow said that Mr. Green wants to maintain this piece of property as green space, and relieve the City of having to maintain it. It is in the proposed ordinance.

Alderman Jeffrey made the motion that there be a clarification of the legal description to say "between Wall Street and the center line of the formerly vacated South Nebo Street", since it does not say specifically where the vacation takes place. The motion was seconded. The vote on the amendment was 5/0/1, with Alderman Schrader abstaining.

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

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Consideration of Ordinance No. 1848, amending Chapter 86, signs, (Second reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1848 on its second reading by title only. The roll call vote was 6/0/0.

Ms. Dickens read the ordinance by title only.

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

Consideration of Ordinance No. 1844, water rate increase (Second reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1844 on its

second reading by title only. The roll call vote was 6/0/0.

Ms. Dickens read the ordinance by title only.

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

Consideration of Ordinance No. 1816, Zoning, (Second reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1816 on its second reading by title only. The roll call vote was 5/1/0, with Alderman Sumpter voting no.

Ms. Dickens read the ordinance by title only.

The motion was made and seconded to approve.

Ms. Dickens said, again, for the record, that the attorney said if you read an ordinance at a meeting and you don't vote on it, it automatically goes to the second reading. The Council does not have to vote after the first two readings, but they must vote on the third reading.

Alderman Freeland passed out two pages of objections to the ordinance handed in by Ron Latimer.

Alderman Schrader said several people had called that day and he had a list of their concerns.

Ms. Dickens said that the citizens have had two weeks to get their objections or changes to her so that the land use attorney could address them.

Mayor Satori said that no matter how much we work on our ordinances, issues will continue to come up.

The vote on the ordinance was 4/2/0, with Alderpersons Schrader and Taylor voting no.

Packaged liquor sales on Sunday:

The city's alcoholic beverage sales only include alcoholic beverages by the drink. It does not include packaged liquor sales. After some discussion by the Council, the motion was made and seconded to place "the sale of packaged alcoholic beverages" as stated in State Statute 3-3-210, on the November ballot. The vote was 4/1/1, with Alderman Stoppel voting no, and Alderman Jeffrey abstaining.

RECESS:

The motion was made and seconded to recess. The vote was 6/0/0.

The recess began at 8:39 p.m. The meeting was reconvened at 8:54 p.m.

NEW BUSINESS

Consideration of Ordinance No. 1845, pertaining to parking:

There was no discussion. This ordinance has been postponed to the October 5th, 2000, meeting. There will be a workshop on the ordinance on September 26, 2000 at 2 p.m.

Discussion on a policy for a City employee to use City equipment to broadcast for an organization other than the city:

Alderman Sumpter said that the City needed to discuss a policy to allow certain groups to use the City's broadcasting equipment and a city employee to televise things like debates and other events important to the citizens. He explained that the Eureka Springs Improvement Committee (ESIC) had asked to use our equipment and our employee to broadcast their debate of the candidates. Mayor Satori had said no. The County Judge had said that the organization could use the courtroom.

Mayor Satori said his reasoning was to use non-political groups to sponsor debates for the candidates. He did not consider the ESIC group to be non-political. He said that in the past candidates have been concerned about being set up at these meetings, which serves no good purpose. He said the meetings need to be fair and impartial. He said, generally speaking, that most candidates only do one or two debates. That was why he said no.

Tom Lapping, Chairman of the Eureka Springs Improvement Committee explained to the Council that the group had asked to use the Courtroom and the City's recording equipment and Cable station to broadcast a debate between the candidates. He said that they had contacted several people to be the moderator, and they finally talked to Alex Haynes, who they had been told was fair and impartial as a moderator. He said their sole intent was to get as much information to the citizens as possible before the election.

After a long discussion the motion was made and seconded to have the two newspapers to bring a joint proposal to the Council to hold a debate for the candidates.

Planning Commission Chairman Ed Leswig said he is running for City Council and he isn't sponsored by any group. His point was that he is unaware of any group that would sponsor a meet the candidates night that does not have bias. He feels that all debates can only be helpful to the citizens.

After more discussion Alderman Sumpter made the motion to amend the motion to allow ESIC the use of City equipment and a City employee and television channel for their October 3rd, 2000 debate.

After more discussion, Alderman Jeffrey called the question on the amendment.

The vote on the amendment was 4/2/0, with Alderpersons Schrader and Freeland voting no.

The vote on the amended motion was 4/2/0, with Alderpersons Schrader, and Stoppel voting no.

Alderman Sumpter made the motion that the City would impose a fee for the use of our employee's time and equipment to broadcast the debates, and that the fee be fair and equitable. Alderman Jeffrey seconded.

An amendment to the motion was made and seconded for each group to get written permission from Cox Cable to use the City's channel. The vote on the amendment was 2/4/0, with Alderpersons Taylor, Sumpter, Jeffrey and Stoppel voting no.

Alderman Jeffrey said that the City attorney could get permission for all of the groups from Cox Cable Company with one phone call.

The motion was made to amend the motion to limit the number of debates to three, and that the maximum time should be three hours. There was no second.

The motion was made and seconded to amend the motion to limit the number of debates to four, and limit the time of each debate to 2 hours. The vote on the amendment was 4/2/0, with Alderpersons Freeland and Schrader voting no.

The motion was made and seconded to amend the motion to have Ms. Dickens to set a fair and equitable fee for each debate to offset the cost to the City for the employee to do the broadcasting on the City's Channels. The vote on that amendment was 6/0/0.

The vote on the amended motion was 6/0/0.

Bill King said the Lovely County Citizen will host a debate on October 24, 2000 at 7 p.m.

Consideration of banners (12) for Corvette Weekend, October 5-8, 2000:

The motion was made and seconded to approve the twelve banners for the Corvette weekend, October 5-8, 2000. It is McBride Distributing sponsoring the banners and they will be put up at the same businesses as before. The vote on the banner approval was 4/2/00, with Alderwoman Taylor and Alderman Schrader voting no.

Consideration of Ordinance No. 1850, Waive bidding on tents, to be purchased by the CAPC:

The motion was made and seconded to place Ordinance No. 1850 on its first reading in its entirety. All were in favor, 6/0/0.

Mayor Satori read the ordinance.

The motion was made and seconded to approve.

The discussion covered the fact that the CAPC will be purchasing the tents and they will be used for special events. The ordinance is just waiving the bidding, because the tents that have been chosen are the best for the City's needs.

The vote on the ordinance was 5/1/0, with Alderman Schrader voting no.

The motion was made and seconded to suspend the rules and place Ordinance No. 1850 on its second reading by title only. The vote was 5/1/0, with Alderman Schrader voting no.

Mayor Satori read the ordinance by title only.

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

The motion was made and seconded to further suspend the rules and place Ordinance No. 1850 on its third and final reading by title only. The vote was 5/1/0, with Alderman Schrader voting no.

Mayor Satori read the ordinance by title only.

The motion was made and seconded to approve. The vote was 5/1/10, with Alderman Schrader voting no.

The motion was made and seconded to read the emergency clause. The vote was 5/1/10, with Alderman Schrader voting no.

Mayor Satori read the emergency clause.

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

Consideration of budget amendments for Transit, Planning Commission, and the Good Shepherd Humane Society:

The motion was made and seconded to budget \$500 for the Planning Commission. The vote was 6/0/0.

The motion was made and seconded to budget \$1000 to the Good Shepherd Humane Society. The vote was 6/0/0.

Diane Murphy went through the Transit Department budget. She explained that the 1999 revenue is running neck to neck with the 2000 revenue. The big difference in the revenue side for 2000, is that in 1999 a trolley was sold for \$30,000. So far a sale like that has not been approved for this year. The budget for this year was budgeted \$30,000 over 1999's actuals. If things continue on as they are going, there is no reason to believe that revenues will surpass last year's actual revenues. That generates a \$30,000 shortage.

In addition to that there will be another shortage, because last year the City sold a \$30,000 trolley, and this year we haven't done that.

After further discussion the motion was made and seconded to approve amending the City's budget to allow \$40,000 to Transit. All were in favor, 6/0/0.

COUNCIL COMMENTS:

Alderman Stoppel reminded the citizens that it is very dry and there is a burn ban on until we see a substantial rain. Please don't throw burning cigarettes out the windows as you are traveling.

MAYOR'S COMMENTS:

On September 8th, 2000, Carroll County received a grant from the Department of Arkansas Heritage of \$12,000 in 1999 for the restoration of the tower. That was in addition to the \$10,000 the City Council allotted and the \$20,000 that the Quorum Court had budgeted. This year, there was a grant awarded from the Department of Arkansas Heritage to the County of \$37,750 for fascia, downspouts, gutters, soffits, etc. The Mayor thanked Don Matt, the County Judge, Phil Jackson, and the Quorum Court for making it happen.

Mayor Satori said he had a four hour meeting with Floyd Homaday with SWEPCO, Butch France, Kirby Murray, James Clark, and Alderman Jeffrey. They discussed burying the utility lines, and how it could be done, what needed to be done right away. The plan is to bury utility lines down Planer Hill to the Museum. Then they discussed burying them along North Main Street and applying for grants for sidewalks along North Main St. also. There was interesting dialog on continuing burying the lines one section at a time. James Clark filled them in on the kind of conduit that was buried under the highway and at which points they were buried. They were happy with that and where it was placed.

Most cities run on 12 kilovolt. Eureka Springs runs on 34 kilovolt. It allows us to run on strong currents, and smaller wires. SWEPCO upgraded the City during the 60's and they wanted to experiment on going to 34 kilovolt. In the event of any calamities, since Beaver Dam is connected directly to us, we should always have power. Southwestern Bell already has 9 conduits buried now. Alderman Jeffrey said the next time we drive through the top of Planer Hill try to imagine all of the poles and wire not being there.

Green space was to be put on the agenda.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 10:55 p.m.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk-Treasurer