

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
APRIL 2, 2001**

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Mayor Beau Z. Satori called the April 2nd, 2001, meeting to order at 7:05 p.m. in the Courtroom of the Carroll County Courthouse.

PRESENT:

Mayor Satori, and Aldermen DeVito, Simon, Dozier, Stoppel, Harrison, and Sumpter.

ALSO PRESENT: Kirby Murray, Mary Jean Sell, Jack Muzio, Chuck Schmidt, Ruth Wills, Janel Hein, Sandra C. H. Smith, Arthur Morgan, Chester Worley, Chuck Pohlenz, Cheryl Cardinale, Denise McVey, Win Osborn, Henry Marten, David White, John Mitchell, Don Matt, Rhonda Tanton, and Clerk Lee. Others were present who did not sign in.

PLEDGE OF ALLEGIANCE:

Mayor Satori led in the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

The discussion of parking on Benton Street has gone back to the Planning Commission. *The motion was made and seconded to postpone the item. The motion was then made and seconded to amend the motion to delete the item from the agenda, since Planning is working with it.* The vote on the amendment was 6/0/0. The vote on the amended motion was 6/0/0.

The motion was made and seconded to postpone discussion on the Pathway of Love, until the April 16th, 2001 meeting. All were in favor, 6/0/0.

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

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes of March 19, 2001. The amendments were noted. The motion was made and seconded to approve the minutes as amended. All were in favor, 6/0/0.

COMMISSION, COMMITTEE: AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori had recommended Chuck Schmidt for Position #1 on the Historic District Commission. The position expires 11-30-2003.

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

DEPARTMENT HEAD COMMENTS:

There were none.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens gave the Council some updates on the projects in the works. The improvements of the Wastewater Treatment Plant bids will go out in May.

The bids on the Lake Leatherwood Dam will be going out in June.

The footings for the Police Department building were poured last week and will continue this week. The 911 numbering is still in the works. They are trying to format the county maps with the City.

Ms. Dickens and Mr. Murray went to the State Highway Department and asked to have the work postponed. The only concern they had was that the funding would stay in place. They were sending a letter to the State stating that the money would still be there when the project starts up again.

Ms. Dickens and Mr. Murray went to ADEQ last Friday, with the proposal to stop work until later in the year. They were not happy about it. They could subject the City to up to \$10,000 per day if there were an overflow or a bypass.

They spoke to LaRue Construction and the cost to the City would be \$9600 to postpone the project. Mayor Satori said the \$9600 would most probably come out of the loan money for the sewer project.

Mr. Murray read the letter from the ADEQ. The City has had 41 overflows and 18 by passes in the last two years. He believes that the problem will be worse because the line has been replaced with a larger line. These lines were clay tile lines, so they know that they caused most of the problem.

There was a long discussion about continuing and how long the City will keep working. Mr. Murray said plans have to be submitted to ADEQ about our plans.

Also the State Highway Department.

It was decided that if the City asked them to stop, it would take at least three weeks for them to get everything cleaned up so that the project could be stopped.

The motion was made to stop the project and resume by November 1, 2001.

It was seconded. The amendment was made and seconded that work stop by May 1st, 2001.

The vote on the amendment was 6/0/0. The vote on the original motion as amended was 6/0/0.

UNFINISHED BUSINESS:

Discussion of Ordinance No. #1867, an ordinance re-zoning Elks Club from A to C-2 (Third Reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1867 on its third 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.

Discussion regarding Ordinance No. 1868, amending Section 2-144, Hospital Commission, (Second reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1868 on its second reading by title only. All were in favor, 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.

The motion was made and seconded to further suspend the rules and place Ordinance No.

1868 on its third and final reading by title only. All were in favor, 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.

Discussion regarding Ordinance No. 1869, Amending Chapter 2, Section 2-145, City Attorney, (Second reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1869 on its second reading by title only. All were in favor, 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.

Discussion regarding Taxi issues:

Mayor Satori said the State does not make any distinction of what a limousine is.

It seems the City business office issued a license for a Limousine/Taxi service.

He said the license should be revoked.

The motion was made and seconded to have the City Attorney to define limousine service, and set up a research committee for looking at the franchise issues for transportation services within the City limits.

The City Clerk suggested that for now, to take care of the taxi part of the license, have the license returned and reprint it leaving the taxi part off. The rest can be hammered out later, but this would take care of the issue.

The motion was made and seconded to call the question. All were in favor, 6/0/0. The vote on the original motion was 6/0/0.

Discussion of the availability of Peerless Street, (Stoppel):

Peerless Street is a platted street, and it has not been vacated.

The motion was made and seconded to make what appears to be Peerless Street driveable.

The vote was 3/3, with Aldermen Simon, Stoppel, and Dozier voting yes, and Aldermen Harrison, DeVito and Sumpter voting no. The Mayor voted yes, so the final vote was 4/3/0.

The motion was made and seconded to take a 10 minute break. All were in favor, 6/0/0. The meeting was recessed at 8:40 p.m. The meeting reconvened at 8:50 p.m.

NEW BUSINESS:

Discussion regarding CAPC parking places:

The City Clerk said the annually rented parking just above First Street had 3 parking spaces available the last time she had heard. The CAPC is interested in four spaces, and the discussion was to let them use City spaces without paying \$480 annually per space.

The motion was made and seconded to allow the CAPC four parking spaces if they are available. The motion was amended and seconded that they would pay for signage designating each space. The vote on the amendment was 6/0/0. The vote on the motion as amended was 5/1/0, with Alderman Stoppel voting no.

Discussion regarding Stadium Road and Forest Lane parking, (Stoppel):

Alderman Stoppel said there have been many complaints about people blocking the roads when

there are meets at the track, and ball games at the stadium

The motion was made and seconded, after discussion, to declare some parts of the City roads to say "No Parking on This Side". It was suggested that the Police Chief and the school decide where the bad bottlenecks are.

The vote was 6/0/0.

Discussion of beer and wine sales in the Auditorium. (Sally Thackery):

Sally Thackery had asked for the usual sale of beer and wine in the Auditorium for five festivals: Classical, May Fine Arts, Blues, Jazz, and Ozark Folk.

The motion was made and seconded to approve the sale of beer and wine in the Auditorium.

Alderman Sumpter wanted to amend the motion to say that beer and wine could only be sold before and during intermission and it was seconded. After discussion that motion and second were rescinded.

The vote was 6/0/0.

She asked for permission to hang street banners at Spring and Main for these events. There was no motion and seconded but the Council did approve.

She asked that the Performance Today Banner be hung for each performance in the Auditorium for the rest of the season.

The motion was made and seconded to allow the "Performance Today" banner to be hung for just the Festival performances listed.

The motion was made and seconded to amend that motion to include all of the events this year.

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

COUNCIL COMMENTS:

Alderman Stoppel said he will not be here April 16th, 2001. He said that he thinks that it is only courtesy to call and let City Hall know if someone will not be here for a council meeting, so that if there won't be a quorum, we will all know ahead of time.

Alderman Sumpter said he is still getting calls about why the City has so many cell phones. He asked to have it on the April 16th, 2001 Council Meeting agenda.

Alderman Harrison said she couldn't understand why the Benton Street issue has come up again since there were so many people against it.

MAYOR'S COMMENTS:

Mayor Satori said he had been to a meeting in Berryville. None of the cities have paid jail fees for this year, nor were any budgeted. He said all of the Cities thought that since the issue passed the fees would be included in the cost of building the jail. In fact, the jail fees will not be forgiven until the jail is built and in use. There is a graduated scale for those arrests who stay and those who don't stay long. We are only charged for people who break the law in Eureka Springs.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 9:28 p.m.

This is the signature sheet for the minutes of April 2nd, 2001.

APPROVED:

Mayor Beau Z. Satori

ATTEST:

Mary Ann Lee, City Clerk-Treasurer