

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
JULY 16, 2001**

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Mayor Beau Z. Satori called the July 16th, 2001, meeting to order at 7:10 p.m. in the Jury Room of the Carroll County Courthouse.

PRESENT:

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

ALSO PRESENT: Bill King, Mary Jean Sell, John Mitchell, Bulch Berry, John Eric Petersen, Earl Hyatt, Ed Leswig, Don Matt, Bill Ames, and Clerk Lee.

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF THE AGENDA:

Ms. Dickens said Ordinance No. 1874 Adjusted Budget should be put on the agenda as #6 under New Business.

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 minutes of July 2rd, 2001. With no amendments, the minutes were approved 6/0/0.

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori told the Council he would like them to consider Linda Hager for Position 4 on the CAPC. He said he had carried a petition of support for her from the restaurant owners in the City. Over 50 signatures were gathered from people who said they would be glad to have Ms. Hager represent them as the restaurant tax collector on the CAPC.

The motion was made and seconded to suspend the rules and approve Linda Hager for Position No. 4 on the CAPC.

Discussion ensued, about whether to approve Ms. Hager now, or wait for more input from the citizens. Alderman Sumpter said it was not about whether or not to approve Ms. Hager, but to follow the policy the Council always follows, and give the citizens time to respond. After more discussion Alderman Sumpter called the question. There was no vote on calling the question.

The motion was made and seconded to postpone the vote until the August 6th meeting. The vote was 4/2/0, with Aldermen Harrison and DeVito voting no.

DEPARTMENT HEAD COMMENTS:

There were none.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens said the rafters are going up. She and the Police Chief had a conversation about the due date, with the architect and the contractor, and asked that things be speeded up.

The City is still waiting for approval from the State for the Planer Hill Sidewalk, and once it is approved, it will go out for bids.

Ms. Dickens' office is working to finish the financial package for the improvements on Lake Leatherwood Dam, with the attorney in Little Rock.

The bids are out on the Wastewater Treatment Plant, and bids will be opened in the Mayor's Office on August 9th, 2001, at 11 a.m.

UNFINISHED BUSINESS:

Discussion regarding the moped franchise:

Mr. Petersen came, basically, to protest the City's helmet law. He said that two thirds of the people are delighted to be offered helmets to wear, and he would prefer them to be worn. But there are motorcycle riders who are experienced who refuse to wear them. He questioned whether the City's ordinance was necessary, and whether it was legal.

Sherry Wilson, City Attorney, told him that the City can require people to wear helmets, and her reply was based on an Attorney General opinion in 1995. The City can be more stringent in their ordinances than the State, but not less so. The opinion was based on rental two-wheeled vehicles with a motor displacement less than 50cc.

Alderman DeVito said that the number of motorcycle accidents has gone up markedly.

Alderman Sumpter said that is because the number of motorcycle riders has risen quite rapidly recently.

Ms. Wilson asked the Council if they thought the code needed clarifying.

Chief Hyatt said the moped franchise ordinance was enacted because of head injuries sustained in past experiences while the people were riding mopeds.

He said that people 21 or older are not required by the State to wear helmets.

20 year olds and younger have no choice, they must wear them.

He said that helmets are more for protection in lower speed accidents, because they could very well save a life. He said all Mr. Petersen has to do to be in compliance is to warn people about the helmet law.

Alderman DeVito said that we don't really need to do anything. Alderman Stoppel seconded.

Alderman DeVito said it was not a motion and he rescinded it. Alderman Stoppel rescinded his second. The consensus was that the ordinance should be left as it is, and nothing should be done.

Ms. Wilson said that it is the rider's responsibility to follow the laws, and if Mr. Petersen warns them, he has done his duty.

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Discussion regarding Ordinance No. 1876, City Clerk Salary. (Second reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1876 on its second reading by title only. The 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.

The remark was made that since this ordinance was retroactive to July 1st, 2001, they might just as

will go ahead with the third reading and get it off of the agenda.

The motion was made and seconded to further suspend the rules and place Ordinance No. 1876 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. The vote was 5/1/0, with Alderman Stoppel voting no.

NEW BUSINESS:

Discussion regarding parking loop proposal:

Since there was nobody present to represent the idea, the subject will be put on the agenda for the August 6th, 2001, meeting.

Discussion regarding Ordinance No. 1878, amending the zoning ordinance (12 months):

The motion was made and seconded to place Ordinance No. 1878, on its first reading in its entirety. The vote was 6/0/0.

Ms. Dickens read the ordinance in its entirety.

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

Discussion regarding Ordinance No. 1879, amending the zoning ordinance, (200 Ft.):

The motion was made and seconded to place Ordinance No. 1879 on its first reading in its entirety. The vote was 4/2/0, with Aldermen Stoppel and Dozier voting no.

Ms. Dickens read the ordinance in its entirety.

The motion was made and seconded to approve. The vote was 4/2/0, with Aldermen Stoppel and Dozier voting no.

Discussion regarding Ordinance No. 1880, amending the zoning ordinance, (Tourist Lodging):

The motion was made and seconded to place Ordinance No. 1880 on its first reading in its entirety. The vote was 4/2/0, with Aldermen Dozier and Stoppel voting no.

Ms. Dickens read the ordinance in its entirety.

The motion was made and seconded to approve. The vote was 4/2/0, with Aldermen Dozier and Stoppel voting no.

Alderman Dozier said the Planning Commission didn't pay much attention to their own plan because at their very next meeting they approved another CUP.

Alderman Harrison said they replaced an existing CUP. They did not increase the number of them. Alderman Dozier said that Tourist Lodging is a problem because there is nobody there if there is a problem.

Alderman DeVito said the changing of the guard on all of these commissions might find people more amenable to tourist lodging. Motels have on sight managers, and B & B's have live in owners. The City should deal with the problem of tourist lodging now.

Discussion regarding Ordinance No. 1881, amending the tree ordinance. (First reading):

The motion was made and seconded to place Ordinance No. 1881 on its first reading in its entirety. The vote was 6/0/0.

Ms. Dickens read the ordinance in its entirety.

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

Discussion regarding Ordinance No. 1874. Mid-year budget amendments:

The motion was made and seconded to place Ordinance No. 1874 on its first reading in its entirety.

The council did not have copies of the ordinance, but Ms. Dickens said she could do the first reading if they were agreeable. All were in favor 6/0/0.

Ms. Dickens read the ordinance in its entirety.

The motion was made and seconded to approve. The vote was 4/2/0, with Aldermen Dozier and Harrison voting no.

The motion was made to place Ordinance No. 1874 on its second reading by title only. The motion died for lack of a second.

Alderman Dozier said he thought there was too much waste on the budget and would vote no, unless it was adjusted.

Alderman Harrison said she would like to see another workshop held so that they could go over and make sure everything was as she remembered it to be.

Alderman Simon said that he would like to see the money spent on a City Planner, rather than on Lane House, Girls and Boys Club, or the Library.

COUNCIL COMMENTS:

Alderman Harrison thanked David Renko for all he has done to make the Fat Tire event so great. She said it was very professional, and really a fun day. The professional bike riders consider Eureka Springs one of the most challenging rides. We were written up in the Arkansas Democrat Gazette with some good pictures. The riders are required to wear helmets.

MAYOR'S COMMENTS:

The Governor wrote notifying the City that we have received a second grant for \$23,000 from the Arkansas Department of Heritage. The money will be used to complete the survey of all of the buildings in Eureka Springs, and to update our information about the City. The last complete survey was done in 1970.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 8:40 p.m.

This is the signature sheet for the minutes of July 16th, 2001.

APPROVED:

Mayor Beau Z. Satori

ATTEST:

Mary Ann Lee, City Clerk-Treasurer