

**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING MINUTES
NOVEMBER 5TH, 2001**

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Mayor Beau Z. Satori called the November 5th, 2001, meeting to order at 7:00 p.m. in the Jury Room of the Carroll County Courthouse.

PRESENT:

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

ALSO PRESENT:

Gayle Money, Mary Kay, Rick Peterson, Thomas Tharp, Gene Ray, Bill King, Phyllis Shimaka, Mary Jean Sell, Kim Dickens, Bill Ames, Sherry Wilson, and Clerk, Mary Ann Lee.

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF THE AGENDA:

Ms. Dickens said that under New Business, No. 1 was to be postponed until the November 19th, 2001 Council Meeting. Alderman Stoppel asked that discussion of a replacement Police Officer be discussed under New Business, No. 4

The motion was made and seconded to approve the agenda as amended. All were in favor, 5/0/0.

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes of October 15, 2001. The amendments were noted. All were in favor, 5/0/0.

COMMISSION, COMMITTEE; AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori nominated Ken Kettlesen from Sonny's Pizza for Position 4 on the CAPC.

DEPARTMENT HEAD COMMENTS:

None.

CITY ADMINISTRATIVE ASSISTANT'S COMMENTS:

Ms. Dickens reported that the bids for the Lake Leatherwood Dam project were opened recently. Some were over a million dollars. One bid was for \$581,331.00. Since there is such a difference in the bids, they want to do some checking to see if the company can really do the job for the low bid. If so they will go ahead with the loan.

UNFINISHED BUSINESS:

Discussion regarding moped franchise, (Stoppel/Sumpter):

Alderman Stoppel made the motion to revoke the moped franchise. Alderman Harrison

seconded.

A long discussion followed. Basically, Alderman Stoppel had three points of the moped franchise that he felt were not being followed.

He said that Mr. Peterson had not reported all of the accidents that had happened.

He said that Mr. Peterson was renting mopeds to kids younger than 18 years old, and that one person, in fact, had only an ID card and was 15 years old.

He said that Mr. Peterson was not making customers wear DOT approved helmets.

He said the reason he voted for the franchise was because Mr. Peterson was very clear about what he would do and would not do, and he has not followed through.

A lady from Dallas, named Mary Kay, spoke in favor of the mopeds, and said she followed the rules and was so glad that we had mopeds back again.

Mr. Peterson answered all of the charges, and explained circumstances. However, he promised to follow all of the laws, including making people wear the DOT approved helmets. He argued against them, but the bottom line was that unless he followed the laws of the franchise, the Council would revoke his franchise. Once he had made the commitment to follow all of the requirements, the Council voted against revoking his franchise. 0/5/0.

NEW BUSINESS:

Discussion regarding Ordinance No. 1883, authorizing the issuance of a tax bond for the purpose of financing a portion of the cost of capital improvements to Lake Leatherwood Dam. (All readings):

Ms. Dickens said this is postponed until the November 19th, 2001.

Discussion regarding clarification of routes and procedures for carriage ride:

Thomas Tharp presented packets to the Council at the meeting.

He asked that his location be changed from 156 North Main St. to the Pied Piper. This would be temporary, from November 7, 2001, until

Both Smith and Fatima Truer had given permission for this. There will be highway work done on North Main St. this winter and he will not be able to get in and out of his present location.

The motion was made and seconded to approve his request for change of location. All were in favor, 5/0/0.

He also asked that he be allowed to follow his route on Spring Street earlier—instead of 6 p.m., he asked to start at 4 p.m. No action was taken on that request, so his time frame remained the same, after 6 p.m.

Alderman Stoppel said he thought that some of the points on Mr. Tharp's business clarification sheet should be looked at by the City Attorney.

Mr. Tharp had two main concerns. Where he could pick up people, and was he soliciting when he drove down the street with his buggy empty?

It was decided that Mr. Tharp is not considered to be soliciting when he drives his buggy to get his lunch, or to go to Office Supply, or anywhere else on his route to run his errands.

The motion was made and seconded to approve Mr. Tharp stopping at any of the B & B's or tourist lodgings that have a place that he can pull off for the next two weeks, until the next Council Meeting.

The motion was made and seconded to amend the motion to include the other carriage ride, owned by Miss Ada Jensen.

The vote on the amendment was 5/0/0.

The vote on the original motion was 5/0/0.

Discussion regarding the Police Facility:

Mayor Satori asked Alderman Dozier why he found it necessary to call the State, instead of calling City Hall when he questioned some of the things he saw at the new Police Facility pertaining to the venting of some of the systems. Alderman Dozier read a three-page commentary on his credentials as a heating and air conditioning contractor with 34 years of experience. In these pages was a description of what he said happened and why and how it happened.

Alderman Dozier said he had no intention of stopping the work. He said he asked for a ruling pertaining to his concerns. He denied telling Mr. Ledbetter that the building was occupied. He said that Mr. Ledbetter said that since Mr. Underwood was not certified as a building inspector, he would have to inspect the work himself. (Mr. Underwood will begin his training for certification in January). Mr. Dozier accused the City of not following their own codes but enforcing them on everyone else.

Alderman Dozier said he no longer works in Eureka Springs because of the laws and policies of the City, which are restrictive. *He made the motion to hold a workshop as soon as possible to sit down and address the changes to be made to the code to help homeowners to go on with everyday living without having to break the law.* There was no second.

Mayor Satori said that Alderman Dozier was welcome to go through the code and present any recommendations for change to the Council for their consideration. He said that would be much more helpful than to bad mouth the code and refuse to work here. Mr. Dozier said that this Council had already shown that they weren't interested, and he was not going to worry about it.

Alderman Harrison said that Don Underwood is a certified plumber and he was capable to inspect from that aspect. This whole thing could have been avoided.

It was brought out that Alderman Dozier's allegations regarding the fire house have been checked out and the system has passed inspection.

Discussion regarding hiring a replacement police officer:

Alderman Stoppel made the motion to replace one police officer. He said not having two officers cuts down on coverage too much.

There was no second.

Alderman Stoppel was not at the budget meeting for the police department, and was not aware that the Council had given Chief Hyatt options to work with.

COUNCIL COMMENTS:

Alderman DeVito thanked the Mayor for a nomination to the CAPC for the restaurant position, and said he hoped there would be another nomination at the next meeting.

MAYOR'S COMMENTS:

None.

The motion was made and seconded to adjourn. All were in favor, 5/0/0. The meeting was adjourned at 9:05 p.m.

This is the signature sheet for the minutes of November 5th, 2001.

APPROVED:

Mayor Beau Z. Satori

ATTEST:

Mary Ann Lee, City Clerk-Treasurer