

**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING MINUTES
APRIL 15TH, 2002**

Mayor Satori called the April 15th, 2002 meeting to order at 7:05 p.m. The meeting was held in the Jury Room of the Western District Courthouse.

PRESENT:

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

ALSO PRESENT:

Steve Miller, owner of the Palace Hotel, Ed Leswig, Glenna Booth, Constance Schrader, Dan Mumaugh, Bruce Knapp, Bill King, Mary Jean Sell, Police Chief Earl Hyatt, Kim Dickens, Bill Ames, and Mary Ann Lee, Clerk.

PLEDGE OF ALLEGIANCE:

Mayor Satori led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

The Rotary Club came to speak about the Victorian Classic race. It was added after Commissions, etc.

The noise ordinance with Steve Miller, was added as number one under New Business.

The Deer Hurt rumors, was added as number five under New Business.

Alderman Sumpter made the motion to approve as amended. Alderman Simon seconded. All were in favor, 6/0/0.

APPROVAL OF THE MINUTES:

Alderman Sumpter made the motion to approve and amend the minutes of March 18th, 2002. Alderman Simon seconded. The amendments were noted. All were in favor, 6/0/0.

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori had nominated Christy Fournier to fill position no. 4 on the Parks and Recreation Commission. Alderman Harrison made the motion to approve. Alderman Sumpter seconded. All were in favor, 6/0/0.

Mayor Satori had nominated Connie Schrader for position no. 5 on the Historic District Commission.

Alderman DeVito made the motion to approve. Alderman Harrison seconded.

Alderman Dozier said he had two phone calls against her being approved.

Alderman Harrison spoke highly of Ms. Schrader. She said she speaks her mind honestly. She said Ms. Schrader was being pre-judged unfairly.

Mayor Satori said she had two big points in her favor. She is willing to work on the commission, and she belongs to the Preservation Society and has a working knowledge of what is required of

the commission.

The vote on Ms. Schrader's approval was 5/1/0, with Alderman Dozier voting no.

Bruce Knapp, President of Rotary Club, Ed Leswig, and Dan Mamaugh came to thank the City for their cooperation and help to make the Victorian Classic Race the success that it was. Mr. Knapp thanked Dan Mamaugh for his work in co-ordinating the race. It was agreed by all that the race was one of the best they've seen because everyone worked together.

Mayor Satori said the runners from other places had only good things to say. He was looking forward to an even better year next year.

DEPARTMENT HEAD COMMENTS:

None.

ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens announced that Spring Cleanup begins on April 29th. The tags are \$10.00, and will be sold at the Public Works office. April 26th is the last day that tags will be sold by 4 p.m. There will be no exceptions. Everything must be set out by 7 o'clock in the morning. Anything

There will be a joint workshop meeting with the Parks Commission and the City Council on April 24th, 2002.

The City received a grant for \$20,000 from the Arkansas Historic Preservation Program for the survey that is being done. The second part will be finished by May 15th, and this will pay for the remainder of the survey.

UNFINISHED BUSINESS:

Discussion regarding Ordinance No. 1887, an ordinance amending Chapter 114, Zoning, pertaining to parking lots. (Second reading):

Alderman Simon made the motion to suspend the rules and place Ordinance No. 1887 on its seconded reading by title only. Alderman DeVito seconded. All were in favor, 6/0/0, by roll call. Ms. Dickens read the ordinance by title only.

Alderman DeVito made the motion to approve. Alderman Simon seconded. All were in favor, 6/0/0.

Discussion regarding bid award to Judy Company for \$580,331.00 for the Lake Leatherwood Dam Project:

Alderman Simon made the motion to accept the bid from the Judy Company in the amount of \$580,331.00. Alderman Money seconded.

Ms. Dickens reminded the Council that Judy Company will be drilling 5 to 7 test sites to be sure that the process they use will do the job correctly. The testing will cost \$80,000. If it proves to be the wrong process, we will be back to square one.

The other two bids came in at \$1.2 million and \$1.3 million. The vote to accept the bid was 6/0/0.

NEW BUSINESS

Noise ordinance discussion:

Steve Miller, owner of the Palace Bath House, brought a packet of years of problems and complaints with Chelsea's, because the music is so loud. He has lost business consistently every

year from the time he put in his first complaint.

Chief Hyatt spoke and he said he does not believe that the owner's intentions are to cause trouble. He also said the offenses go back for as long as he has been Police Chief. This last Saturday it was found that the business had not bought an amplified noise permit. The Chief said that if you stand downhill from the business, the noise is not offensive. But if you go uphill from the business it is very offensive because it is so loud, and it is hitting rock wall.

Mayor Satori said that they have promised to put in an acoustic wall.

Mr. Miller said an acoustic wall has been promised for three years but it does not ever happen.

Mr. DeVito said that it was his understanding that the business has been reported to the Alcoholic Beverage Control, and that they may very well take care of the problem for us.

Alderman Sumpter made the motion to rescind any permanent noise permits which may have been issued and to refrain from issuing any permanent noise permits, until the ordinance has been looked over by an attorney, and this excludes temporary noise permits. Alderman Harrison seconded.

The vote was 5/1/0, with Alderman Simon voting no.

The question came up as to why people don't purchase the permits. The clerk said that the City does not send out notices for them.

Discussion regarding the Mayor's representative at the Northwest Arkansas Solid Waste meetings:

Mayor Satori has asked Roger Miner to represent the City at these meetings. He is very familiar with the City's procedures and how things work.

Alderman Sumpter made the motion that Roger Miner should represent the City at the Northwest Arkansas Solid Waste Meetings.

Alderman Money seconded. All were in favor, 6/0/0.

Proclamation for National Arbor Day 2002:

Mayor Satori read the Proclamation for National Arbor Day, 2002. Arbor Day was actually March 18th, 2002, but the City will be celebrating it on April 22, 2002 this year. This City is the oldest Tree City in Arkansas, and we are proud of our Tree City designation.

Discussion of Chapter 94, Streets, Sidewalks, and other public places, (Harrison and DeVito):

Alderman Harrison said she would hold to having the use of materials expanded to replace sidewalks and build new sidewalks. She felt that the ordinance was too restrictive the way it was written. There was much discussion. The concrete sidewalks used an aggregate that can no longer be purchased. The general idea was to replace the sidewalk with what had been used before, and there were comments in the past about the patchwork look of sidewalks.

Alderman DeVito added that maintenance is very important. Not everyone can replace limestone at \$30.00 a square foot.

Alderman Harrison made the motion to have the Planning Commission look at 94.3 in the code

book and come up with additional products that can be used to replace or build new sidewalks. Alderman Sumpter seconded the motion.

Alderman Dozier said he researched the subject some time ago, and he found that limestone began to be used in the late '70's. Other materials like boards, bricks, asphalt and slate were mentioned much earlier.

Mr. Leswig from the Planning Commission said they would look for what was historically pleasing. The vote on the motion was 6/0/0.

Discussion of the urban deer problem:

Ms. Dickens said she had received a call from Arkansas Fish and Game wanting to know when we in the City were going to hold our controlled deer hunt, and of course she didn't know anything about it.

The Mayor, members of the council and the clerk had calls about this.

Alderman DeVito said the people who are feeding the deer are being unfair to the rest of the community. Lyme disease is a very serious disease carried, and also people have been killed in collisions with them. Mr. Leswig said who will police the yards.

Alderman Sumpter said he would like us to pursue gathering information.

Alderman Dozier made the motion to contact Bu Shoals and Arkansas Fish Game.

Alderman Sumpter seconded.

Mary Jean Sell said the requirements for the hunters in Bu Shoals controlled hunt were very strict. Bowhunters had to go to school and be certified in order to be allowed to hunt. There were only 100 tags issued. She said it seemed incredibly safe, to her.

The clerk said that the person who called her mentioned that they would have to hunt does in order to control the population. They are the ones who carry the babies. As she understood it, generally, bucks were hunted.

The vote to gather information from Arkansas Fish and Game was 6/0/0.

CITY COUNCIL COMMENTS:

Alderman Harrison asked if the City is enforcing the straight pipe law for motorcycles. She had received many calls as had other council members, about the amount of noise everywhere in the City last week end.

It was mentioned that large groups of motorcycle riders have point people who can be contacted so that they know what is acceptable.

Mayor Satori said that many of these same people come back in their luxury cars and vans with their families. We need to be resourceful how that would be handled. Altering the pipes on a vehicle is illegal. The riders need to be informed.

Mr. DeVito said the CAPC is hosting an important meeting on Tuesday, April 23rd.

It will be a workshop from 9 a.m. to 5 p.m., in the Auditorium on marketing and gathering the information from the community on how they would like to see our community marketed.

MAYOR'S COMMENTS:

The Mayor said he viewed the trip to Washington D.C. as highly successful. He said we have congressional earmarks requesting federal appropriations for several of the projects on Main Street. He went on to explain the events that led up to the trips. They had meetings with HUD,

FMA, National Trust for Historic Preservation, the Department of Agriculture, and the Department of Transportation. They met with Senior Senator Dale Bumpers for advice. This is an election year so the results of the projects should come back to us sooner rather than later. The vote will be held between now and September for appropriations for the year 2003.

Mayor Satori said Eureka Springs was well received.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 8:47 p.m.

This is the signature sheet for the April 15th, 2002, City Council Minutes.

APPROVED:

Mayor Beau Z. Satori

ATTEST:

Mary Ann Lee, City Clerk-Treasurer

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