

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
August 5, 2002**

Mayor Satori was absent for the August 5th, 2002 City Council Meeting. The Council chose Mr. Sumpter to be the Mayor Pro Tem and lead the meeting. The meeting was called to order at 7 p.m. in the Jury Room of the Western District Courthouse.

PRESENT: Aldermen Simon, Sumpter, Harrison, DeVito, and Money were present. Mayor Satori and Alderman Dozier were absent.

ALSO PRESENT: Lucinda Walker, Michael Johnson, Ed Leswig, Bruce Levine, Joel Taylor, Jean Elderwind, John Mitchell, Marji Anderson, Cynthia Hudson, Bob Jeffrey, Jonathon Seaman, and Clerk Lee.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Sumpter led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mr. DeVito made the motion to approve. Ms. Harrison seconded. Mr. Levine from Parks asked that Ordinance No. 1891 and 1892 be postponed until the August 19th, 2002 Council Meeting. The vote was 5/0/0.

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes for July 15th, 2002. The amendments were noted. The vote was 5/0/0.

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori had nominated Joel Taylor for Position 2 on the Parks Commission. The term expires on May 31st, 2003. Mr. DeVito made the motion to approve Mr. Taylor. Mr. Simon seconded. All were in favor, 5/0/0.

ADMINISTRATIVE ASSISTANT'S REPORT:

None.

UNFINISHED BUSINESS:

Discussion regarding Ordinance No. 1891, an ordinance for the levy of A one half of one percent sales and use tax to be used for parks and Recreation. (2nd Reading):

Postponed until August 16th, 2002.

Discussion regarding Ordinance No. 1892, and ordinance calling for a Special election (November 5, 2002) to levy a city wide one half of one percent sales and use tax for the operation, maintenance and capital improvements of parks and recreation. (2nd Reading):

Postpone until August 16th, 2002.

Discussion regarding Ordinance No. 1897, an ordinance to establish and Clarify the duties and salary for the City Clerk/Treasurer. (2nd Reading):

Mr. Simon made the motion to suspend the rules and place Ordinance No. 1897 on its second reading by title only. Mr. DeVito seconded. All were in favor, 5/0/0.

Mayor Pro Tem Sumpter read the ordinance by title only.

Mr. Simon made the motion to approve. Ms. Money seconded. All were in favor, 5/0/0.

Discussion regarding Ordinance No. 1898, an ordinance to establish and clarify the duties and remuneration for the City Attorney. (2nd Reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1898 on its second reading by title only. All were in favor, 5/0/0.

Mayor Pro Tem Sumpter read the ordinance by title only.

Mr. DeVito made the motion to approve. Ms. Money seconded.

Mr. Simon said he would invite more comment.

Mr. DeVito said he feels that attorneys from outside the City Limits should be allowed to run for this position.

Mr. DeVito made the motion that an attorney should re-write the ordinance to reflect his feeling that an attorney from outside the City Limits should be allowed to run for City Attorney.

Mr. Simon seconded. The vote was 5/0/0.

Mr. Simon made the motion to postpone until the August 19th, 2002.

Ms. Harrison seconded. The vote was 5/0/0.

NEW BUSINESS:

Discussion regarding the straight pipe law, and "no rev zone":

Ms. Harrison gave the clerk a stack of signatures that had been collected from people who are disturbed and offended by the motorcyclists who come here and then cause so much noise that people cannot even conduct their business, or enjoy their visit here.

Mayor Pro Tem Sumpter said that the CAPC was writing a letter to welcome Motorcyclists, but to ask that they respect the peace and quiet of Eureka Springs. He said that the Police Chief would sign it. It would be given to hotel, motel and B&B owners to mail back when motorcyclists make reservations, especially if it is a large group. Mr. Murray will take care of signage.

Chief Hyatt said the perception is that the police are not doing anything.

He said they are writing citations.

The Chief said that all motorcycles have to have standard mufflers, and that is a State Law. Traffic controllers cannot write tickets on motorcycle violations. It takes a regular officer.

Traffic controllers are for parking violations, only.

There are noise violations, noisy muffler violations, and moving violations.

Moving violations go against a person's driving record.

Even when a police officer is working downtown, he can't always get to the problem before it drives away.

Mr. DeVito commented that Highway 23 has been highly advertised all over the United States.

Chief Hyatt said that the weapons we have to fight the problem are education, peer pressure, and fines.

Mayor Pro Tem Sumpter said the magazines for motorcyclists can help.

Bob Jeffreys said the problem affects everyone's quality of life, and something needs to be done.

Majji Anderson says that it is so bad, that they can't even carry on a conversation with their customers. If you ask them to stop, more start in.

It was suggested that the City set up roadblocks, and turn away bikers with straight pipes. The Chief said that a roadblock has to stop every piece of traffic on the road. It is not a viable option.

The consensus was that it is not just a downtown problem and it is going to take time to solve it.

Discussion regarding Ordinance No. 1899, an ordinance amending the 2002 budgets for the remaining six-month period beginning July 1, 2002, and ending December 31, 2002, and declaring an emergency:

Ms. Harrison made the motion to place Ordinance No. 1899 on its first reading in its entirety. Mr. DeVito seconded. All were in favor, 5/0/0.

Mayor Pro Tem Sumpter read the ordinance in its entirety.

Mr. DeVito made the motion to approve. Ms. Money seconded.

Mr. Simon wants to do more work on the budget. He said in January, we said here is what we have to work with. Why are we changing it now?

Majji Anderson asked about the Mayor's salary and the Council's. She wanted to know when they voted to be paid, and why they couldn't give up their salaries to fund the library. The clerk told her that one of the Councils had voted it in several years ago, and not for themselves, but for the Council that followed them. Also the Council had given up their salaries for the first six months just to help balance the budget. It did nothing to help the library.

Mr. DeVito said he feels the library is important to everyone, but they must remember that the library has the ability to raise funds by many means. The City does not have that ability. Jean Elderwind spoke again, and said that the State Aid was cut from \$57,000 to \$5,000.

The vote on the approval of Ordinance No. 1899 was 2/3/0, and it failed.

Discussion regarding the creation of a Construction Board of Adjustment and Appeals, (Planning Commission):

The Council asked that the Planning Commission have a formal vote and make a formal request, and the Commission should attend to present their request.

CITY COUNCIL COMMENTS:

Mr. Simon said he hoped to see more people running for office. He said we need qualified people to run. (Call the County Clerk's office in Berryville for the exact dates of the filing

period).

MAYOR'S COMMENTS:

None.

The motion was made and seconded to adjourn. All were in favor, 5/0/0.
The meeting was adjourned at 8:20 p.m.

This is the signature page for the August 5th, 2002 City Council Minutes.

APPROVED:

Mayor Beau Z. Satori

ATTEST:

Mary Ann Lee, City Clerk-Treasurer