

**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING MINUTES
MAY 20TH, 2002**

Mayor Satori called the May 20th, 2002 meeting to order at 7:00 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:

Several Boy Scouts, Constance Schrader, Bill King, Mary Jean Sell, Frank Green, Vince DiMayo, Pat Matsukis, Butch Berry, Chuck Schmidt, Ray Dilfield, Kim Dickens, Bill Ames, and several others. The City Clerk was absent.

PLEDGE OF ALLEGIANCE:

Mayor Satori led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

There were amendments to both old and new business. Under Old Business was added a discussion regarding the noise ordinance.

Under New Business, the additions were a discussion regarding commission appointments, and a discussion of the Mayor's cell phone.

The motion was made and seconded to approve the agenda as amended. The vote was 6/0/0.

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes of May 6th, 2002.

All were in favor, 6/0/0.

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES:

The Mayor re-nominated Diane McClelland to Position 5 on the Hospital Commission. All were in favor, 6/0/0.

The mayor also said that the Cemetery Commission would like to expand their membership to 7 commissioners. It will come up again at a later date.

ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens said that the Fire Chief reports that they have received a \$15,000 grant toward building a fire station on Rock House Road. They built a facility on Buck Mountain last year, and they will be doing a similar facility on Rock House Road.

She also said that she and Mr. Mayor and Mr. Murray have decided to post a couple of signs at the top of the hill to let people know what is happening on Planer Hill. They feel it would be more positive if people know what is going on.

DEPARTMENT HEAD COMMENTS:

None.

UNFINISHED BUSINESS:

Discussion regarding noise ordinance:

Jack Moyer addressed the Council. He said they used to have a permanent noise permit for the year. It is a hardship and expense to have to pay \$25.00 per permit per day. They are concerned about June 2nd, after the Blues Festival is over.

Mayor Satori asked the Council what their intentions are concerning issuing permits.

Mr. Simon said it is not fair at this time of the year to take this privilege away from the businesses. He asked that this subject be placed on the June 3rd, 2002, agenda, and that the Council address removing the moratorium on outdoor music.

Discussion regarding amending the 2002 budget, to add a code enforcement officer:

Ms. Dickens said that she and Earl Hyatt discussed the idea of using an officer from the Police Department to be trained to be a code enforcement officer. They came up with Jessica Newberry. She has worked for the Police Department since 1995. Good personality, very mannerly, and very organized. She already has a badge, a car, and an office. The police will be keeping an eye out, also, and can notify the Building Inspector of anything that looks like a problem.

Kathy Harrison said some people are concerned at having a police officer doing this job and would rather see someone else, who is also experienced in planning do the job.

Frank Green, chairman of the HDC, spoke in favor of this idea. He said that he would hate to see our Building Inspector get so frustrated, he would quit. He thinks he is the best one we've ever had. He also said that the commissions need to work more closely together.

Mayor Satori said that Kim Dickens has planning experience, and attends both the HDC and Planning Commission meetings, and is doing her best to fill that need.

Mr. Dozier said that we should have forms to fill out. Kim said that we do, but we will not accept a complaint unless we have a name and phone number, in case we have to get back in touch with them. Many people don't want to leave a name and number.

Mr. Simon made the motion to hire a code enforcement officer, for up to 20 hours a week and amend the City budget to do so. Mr. Sumpter seconded.

Mr. Dozier amended the motion to include that the Council accept Ms. Dickens suggestion. Mr. Simon seconded.

Mr. Dilfield, of the HDC Commission said everyone deserves to know who is accusing them.

Mayor Satori said the code enforcement officer should be responsible to Don Underwood because he is the one she will be working with.

Ms. Dickens said she is already an employee of the Chief's, and that she will be working closely with Don Underwood.

Mr. DeVito and Mr. Sumpter both agreed that she should be under the Chief's Direction.

Mr. Underwood then got up and said that the Municipal Code said that he should be the boss of the Code Enforcement Officer.

Butch Berry was excited about the Council addressing the issue. He is concerned about a person

“wearing two hats”. He commended Ms. Dickens for the time she spends at the Planning Commission and HDC meetings. He said he did these kinds of jobs when he lived in Little Rock. He feels that this is a good start, but the position will be more than 20 hours. He feels that this person should attend the Planning Commission and HDC meetings.

Mr. DeVito said he would like to see this started under the structure that Ms. Dickens has layed out for us.

Mr. DeVito made the motion to table for more information. Mr. Simon seconded.

Chuck Schmidt said there many codes that need to be enforced in this City. Some of them address curb appeal, which is very important to this City, due to its reliance on the tourist industry.

Mr. Dozier said a code enforcer does not have to go to all of the meetings. The minutes are available to them. Some of the problems we have are caused because of the way the ordinances are written.

Ms. Dickens said the Council had made this incredibly difficult. This is a simple solution. Any person doing this job would certainly be in touch with Ms. Dickens, and Mr. Underwood, and anyone else they needed to be in contact with.

Mr. DeVito withdrew his motion to table.

Mr. Underwood said that he felt that whatever the Council decides is fine. He feels that there are citizens that need this kind of service.

The vote on the amendment was 5/1/0, with Harrison voting no.

The vote on the motion was 5/1/0, with Harrison voting no.

The Mayor said he would veto this action, because these people are wrong.

Discussion regarding Moped Liability Insurance:

Tabled until the June 3rd, 2002, meeting.

Discussion regarding bid award for storage building:

Mr. Dozier said the low bidder did not have a chance to re-bid to the specifications that the higher bidder used. He bid according to the specs as they were published.

Mr. Dozier made the motion to use the revised specifications to be a building they will stand behind and put the project out for re-bid. Mr. Simon seconded.

Mayor Satori said he thought there was a motion on the floor when this subject was postponed.

The Council said there was no motion made at that time.

All were in favor to re-bid, 6/0/0.

NEW BUSINESS:

Discussion of proposed change to the Transit blue route:

No action was taken.

A ten minute break was taken at 8:50 p.m. The meeting was resumed at 9 p.m.

Discussion regarding an Ordinance to stop feeding the deer within the City limits. (DeVito/Sumpter) (June 3rd, 2002, representatives from Game and Fish will attend): Tabled.

Discussion regarding Resolution No. 489, a resolution requesting the State Legislature to Amend Section 26-75-701 allowing the levy of a 1% tax on Parks over 1000 acres:

Mr. Sumpter made the motion to read. Ms. Harrison seconded.

The vote was 6/0/0.

Mayor Satori read the resolution.

The motion was made and seconded to approve.

We are asking the legislature to prepare a resolution to be voted on by them to allow the City to by ordinance levy a 1% sales tax for benefit of the Parks Commission. The verbiage is consistent with the CAPC's verbiage.

The vote was 6/0/0.

Discussion regarding commission appointments by Ordinance:

Mr. Simon said he would like the council to consider an ordinance that would help alleviate the operation of our commissions without a full slate of commissioners.

He said there are two ways to do that. One is on expiration of any commissioner's term, they would continue in that position, until a qualified person could be appointed. The commission would provide recommendations to the Mayor at least one month prior to the end of a term, or if a commissioner leaves the commission the commission would present the recommendations to the Mayor within the soonest possible time. He would like this to be included in the code.

Mayor Satori said the structure of the commissions is governed by the state.

Each commission is structured by State Law.

Mr. Simon said he would like us to speak with Municipal League and find out if it can be done by ordinance.

Discussion of Mayor's cell phone:

Ms. Money made the motion to table until the June 3rd, 2002, meeting this item until she has a chance to go over everything and make a decision. Mr. Simon seconded. All were in favor. 6/0/0.

CITY COUNCIL COMMENTS:

Mr. Sumpter said he had been getting reports of commissioners meeting without the required notification of the press, and the following of FOI laws. He said he would encourage them not to break these laws, and to warn them that they would be responsible if caught, since the City has warned them more than once.

Ms. Money asked that they be required to have their workshops here on City property, with the proper notification of the press.

Mr. Simon asked about the moped liability insurance. Mr. Petersen had said his would be running out soon.

Ms. Harrison said she can't really blame insurance companies for not wanting to insure mopeds, because they are so dangerous.

Mr. DeVito said maybe the HDC could get together with the Preservation Society to establish certain building criteria for designated historic structures, and loosen up the criteria for houses that were built in the 40's through now. He does not feel that it is fair for historic buildings and later built homes and businesses to have to follow the same criteria.

MAYOR'S COMMENTS:

The mayor invited the community to a reception for Senator Blanche Lincoln to be held at the top of the Basin Park Hotel on the morning of May 30th, 2002, at 10:30 a.m. She is here to get acquainted with the community. She wants to review the proposal for the Main Street development and the Auditorium restoration.

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

(This is the signature sheet for the May 20th, 2002, City Council Minutes).

APPROVED:

Mayor Beau Z. Satori

ATTEST:

Mary Ann Lee, City Clerk-Treasurer

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