

Mayor Kathy Harrison called the regular meeting to order at 5 p.m. in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Harrison, Aldermen Penny Carroll, Karen Lindblad, Gayle Money, Bill Ott, Earl "Bud" Umland, City Administrative Assistant Kim Dickens, Police Chief Earl Hyatt and City Clerk Mary Jean Sell. Alderman David Wilson resigned from the council April 7, leaving one vacancy.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Harrison led the Pledge of Allegiance.

APPROVAL OF THE AGENDA: Ms. Money asked to add the minutes of the special council meeting April 4, 2003, to the agenda. Mayor Harrison agreed they should be added. All voted aye to approve the agenda. 5/0/0

APPROVAL OF THE MINUTES: March 10, 2003, March 24, 2003

Ms. Money corrected item #4 in new business regarding the preparation of the application form for potential commission candidates in the minutes of March 10. She had prepared the form, not Ms. Dickens. Ms. Money moved to approve the minutes of March 10 as corrected. Mr. Umland seconded. All voted aye. Motion passed 5/0/0

Ms. Money moved to approve the minutes of March 24 as presented. Mr. Umland seconded. All voted aye. Motion passed 5/0/0

Ms. Money moved to approve the minutes of the special meeting April 4, 2003, as presented. Mr. Umland seconded. All voted aye. Motion passed 5/0/0

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES:

Planning Commission – Position 7 – Expires 1/1/06

Mayor Harrison said she had an applicant for the position, but health considerations had caused the applicant to ask to be deferred. She asked for additional nominations for the position to be presented to her within the week.

DEPARTMENT HEAD COMMENTS: There were none.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens reported the drilling of test holes for the anchoring of Lake Leatherwood Dam is going smoothly. She said one anchor rod has been put in place, the hole filled with cement and all seems to be fine.

UNFINISHED BUSINESS:

1. Discussion regarding application for animal drawn vehicle.

Ms. Lindblad moved to open discussion. Ms. Carroll seconded.

Mr. Ray Dotson of Springdale, Ark., doing business as Ozark Mountain Outfitters, presented a proposal to: 1. Operate a six-passenger horse-drawn stagecoach tour from the railroad station up Hillside, to Spring St. to the Western District Carroll County Courthouse and along Main St. back to the railroad station; (2) Operate a limousine/carriage service in town, primarily from the Crescent Hotel to any destination the bride might choose, presented a map and route descriptions of the areas where he wishes to operate a stagecoach ride and a limousine/carriage service.

He gave the council copies of a map of his proposed routes; a list of pick-up and drop-off points and other information copied from the Arkansas statutes regarding animal-drawn vehicles using state highways.

Mr. Ott asked if the other carriage services in town had been guaranteed any type of exclusivity to their routes. Ms.

Dickens said she did not believe they had.

Ms. Money was concerned about allowing Mr. Dotson to take his carriages throughout town when Judie Lockhart, doing business as Angel Wings, had been denied the same access by the council in September of 2002.

Police Chief Hyatt said all of the carriages add to traffic congestion because they move slowly. He was concerned about the blind curves of Magnetic Road and the advisability of having a slow-moving vehicle on that road.

Ada Jensen, co-owner of Southern Pride Carriage Tours, said she had been operating her business for 10 years with the idea that she had an exclusive route.

Tom "West" Tharp, owner of Olden Days Carriage Tours, gave some explanation of the weight of an empty carriage and with passengers and the braking systems needed.

Mr. Ott moved to approve the "orange route," as delineated on the city map, also known as the fixed route, along Main Street, Hillside and Spring St.. There were no aye votes. All voted nay. Motion failed. 0/5/0

Mr. Ott moved to approve the "limousine/carriage route," delineated on the city map with green, along with pick-up and drop-off points. Mr. Umland seconded. Ms. Carroll and Mr. Ott voted aye. Ms. Lindblad, Mr. Umland and Ms. Money voted against the motion. Motion failed. 2/3/0

2. Discussion regarding a 1% city enabling legislation (Ott/Money).

Mr. Ott moved to discuss the proposed Arkansas House Bill 2799 which would allow the city, with a vote of the residents, to impose a tax of up to 1 percent on restaurants and motels/hotels for a maximum of 60 months to fund infrastructure projects. Ms. Money seconded.

Jack Moyer, general manager of the Crescent and Basin Park Hotels and representative of the Eureka Springs Group Cooperative, several of the large hotels/motels, suggested adding the wording that the projects to be funded by the proposed tax be "state or federally mandated."

He presented letters from Joe McClung Jr., chairman of the board of directors for the Greater Eureka Springs Chamber of Commerce, Robert Tollett, manager of the Basin Park Hotel, and himself supporting the proposal with the added words.

Mr. Umland said he was "totally against raising taxes but would support the addition of state or federally mandated projects."

Jed Bullock, general manager of the Best Western Eureka Inn, pointed out the sunset clause limiting the tax to 60 months.

James DeVito, owner of DeVito's Restaurant, said he did not want to see more taxes without knowing what specific projects they would pay for. He wanted the tax collection spread to gift shops, since the legislation has the same language for collectors as is in the enabling legislation for the collection of the two percent (2%) gross sales tax to support the City Advertising and Promotion Commission (CAPC).

Mr. Ott said he did not want to include gift shops since they had virtually no water and sewer usage, beyond that of a residence.

Mr. Ott moved to pass a resolution supporting House Bill 2799, including the words "state or federally mandated" and to use the specific language in the state statute referring to the Eureka Springs CAPC. Mr. Umland seconded. Four voted aye. Ms. Lindblad opposed. Motion passed 4/1/0

3. Discussion regarding the waiving of paying the parking meters in the winter months. (Lindblad/Money).

Ms. Lindblad asked that the item be removed from the agenda. She said she would bring the matter up at a latter time.

4. Discussion regarding the City Attorney attending council meetings. (Ott/Lindblad)

Mr. Ott moved to repeal Ordinance 1898 in order to bring the city attorney back to the council table at the request of the mayor and two council members. Ms. Lindblad seconded for discussion.

There was some initial confusion over what Mr. Ott had originally presented as ordinance changes and the paperwork council members had in their packets.

Mr. Ott moved to redraft the ordinance to reflect the original changes: that the attorney be a resident of the state of

Arkansas, handle the duties as outlined and come to council meetings if requested by the mayor and two council members. The motion died for lack of a second.

Mr. Umland moved to table the proposal until a new proposal could be written to include changes. Motion died for lack of a second.

Mr. Ott moved that the new ordinance require the attorney to be a resident of the state of Arkansas, that the mayor and two city council members could request his attendance at a regular or special council meeting and/or other city commissions as specified in the request. Ms. Money seconded. All voted aye. Motion passed 5/0/0

NEW BUSINESS:

1. Discussion regarding Ordinance 1913, and ordinance amending Section 75-5, prohibiting theatrical pyrotechnics within the corporate limits of the City of Eureka Springs. (Money/Lindblad)

Ms. Money moved to place Ordinance 1913 on its first reading. Mr. Ott seconded. Fire Department Assistant Chief Bob Pettus explained this proposed change was in response to recent fatal nightclub fires in other cities which were attributed to firework being used during performances. He said there are generally other things wrong in nightclubs which contribute to the disasters.

Tom Tharp asked if anyone had talked about the use of pyrotechnics with Robert Kalina, of the Magic Show, on Highway 23 South. Mr. Tharp was of the opinion pyrotechnics were used in the show and prohibiting them would be economically devastating to Mr. Kalina.

Mr. Ott asked Mr. Pettus to talk with Mr. Kalina.

Ms. Money moved to approve Ordinance 1913 on its first reading. Ms. Carroll seconded. All voted aye. Motion passed 5/0/0

2. Discussion regarding Ordinance 1914, an ordinance making the unnecessary and intentional revving accelerating or “raking” of vehicle exhaust or engines illegal within the City of Eureka Springs. (Money)

Ms. Money moved to place Ordinance 1914 on its first reading. Mr. Ott seconded. All voted aye. Motion passed 5/0/0

Ms. Dickens read the ordinance aloud.

Ms. Money said she had contacted Public Works Director Kirby Murray and Police Chief Earl Hyatt regarding posting of “no rev” signs in town. Estimates of cost were for 27 7 inch by 10 inch signs, \$270. Signs of 12 inches by 18 inches would be \$14.95 each.

Chief Hyatt said he believed the proposed ordinance is enforceable.

There was considerable discussion about the presence of motorcycles in town, the noise problems, enforcement problems and other difficulties.

Arnold Lehman, James DeVito, Tony Knight, Kara White, John Mitchell, Joe Zickmund, Beau Satori, Tom Tharp, Jed Bullock and Bryan Sumpter expressed opinions supporting the proposed ordinance and enforcement.

Ms. Money moved to approve Ordinance 1914 on its first reading. Mr. Ott seconded. Four voted aye. Ms. Lindblad opposed. Motion passed 4/1/0

3. Discussion regarding plans and specifications for wastewater repairs. (Umland)

Mr. Umland moved to put off the discussion and respectfully requested Public Works Director Kirby Murray be asked to attend the April 28 council meeting.

4. Discussion regarding a request from the Planning Commission for the City Council to consider a moratorium on permitting new fill and excavation projects in the City.

Mayor Harrison said the council had a written request from Planning Commission Chairman Dan Bennett asking for such a moratorium.

Mr. Ott moved to put on the moratorium for discussion. Ms. Lindblad seconded.

Ms. Carroll said she understood this would only apply to commercial sites.

Ms. Dickens said there had to be a specific time frame for the moratorium.

Mr. Ott moved to amend the motion to include a 60-day time frame. Ms. Lindblad seconded the amendment. Four voted aye. Ms. Money opposed. Motion on the amendment passed 4/1/0

On the motion to set the moratorium, with a 60-day limit, four voted aye. Ms. Money voted against. Motion passed 4/1/0

Ms. Dickens said setting a moratorium would require the passage of an ordinance. She said she would have one prepared and have it on the April 28 agenda.

5. Resolution 493, National Historic Preservation Week, 2003.

Ms. Money moved to read the resolution/proclamation. Mr. Umland seconded. All voted aye. Motion passed 5/0/0

Mayor Harrison read Proclamation 493 setting "Preserving the Spirit of Place" as the theme for the week of May 5-12, 2003, as National Historic Preservation Week.

Mr. Ott moved to adopt the resolution/proclamation. Ms. Money seconded. All voted aye. Motion passed 5/0/0

6. Resolution 494, Cities for Peace

Mayor Harrison had given council members several suggestions for resolutions opposing the war in Iraq. She said more than 160 cities across the country have adopted similar resolutions. She has had feedback favoring the resolution written by veterans of the Desert Storm conflict.

She said Carroll County Judge Ed Robertson was going to propose that the Carroll County Quorum Court participate in the America Supporting Americans (ASA) program during the Friday, April 18, meeting. She introduced Deni Warner who has been appointed by Judge Robertson as the county's coordinator for the ASA program.

Ms. Warner outlined the program as "adopting" a military unit and to send a variety of personal items, letters and small gifts in packages to those serving in Afghanistan. The unit is the Company B 506th Forward Support Battalion of the 2nd Brigade of the 101st Airborne from Ft. Campbell, KY.

Mayor Harrison said she would like to invite the unit to Eureka Springs and host them for a "welcome home."

Mr. Umland agreed to be a liaison between the council and the ASA group.

Mr. Ott moved to support the ASA cause. Mr. Umland seconded. Mr. Ott, Mr. Umland and Ms. Money voted aye. Ms. Carroll and Ms. Lindblad voted against. Mayor Harrison voted aye to pass the motion.

The discussion returned to the Cities for Peace resolution. Ms. Money said she supports the troops but did not feel that the council could speak for all residents in passing a peace resolution.

Ms. Lindblad she had feedback supporting the veterans' resolution.

Ms. Dickens said she will retype the resolution with local verbiage and have it put on the city's website.

CITY COUNCIL COMMENTS:

Mr. Ott said he likes the idea of having an ordinance for motorcycles with enforcement possibilities.

Mr. Umland said he would like to "tip my hat" to Fire Chief David Stoppel and the Fire Department for their quick response in dealing with the fire at Country Fried Chicken. "They did an excellent job."

Ms. Lindblad said she is concerned about addressing the problem of enforcement with motorcycles and the noise. She is concerned about customers not coming back to Eureka because of the noise.

Ms. Carroll said she would not be able to attend the April 28 meeting.

MAYOR'S COMMENTS:

Mayor Harrison said she had two council members ask for more names of potential candidates for the vacancy left by Alderman Wilson's resignation. She said she had been contacted by James DeVito and Bill Rubley, both former aldermen; Glenn Strange and Rick Bright for consideration.

She said the Basin Park Improvement Committee has been meeting. Members are Rick Armellini, James DeVito, Johnice Cross, Ray Dilfield, Christy Fournier and Robert "Butch" Berry.

Asked if she had any announcement about the movie production company coming to Eureka Springs, Mayor Harrison said there are some tax issues being worked through in Little Rock (with the state Department of Finance and Administration). She did not know what the results would be.

ADJOURNMENT: Ms. Money moved to adjourn at 8:40 p.m. Ms. Lindblad seconded. All voted aye.

This is the signature page for the April 14, 2003, City Council minutes.

APPROVED:

Mayor Kathy Harrison

ATTEST:

City Clerk Mary Jean Sell