

Mayor Kathy Harrison called the regular City Council meeting to order at 5:32 p.m. Monday, Aug. 25, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert "Butch" Berry, Penny Carroll, Karen Lindblad, Gayle Money, Bill Ott, Earl "Bud" Umland, City Administrative Assistant Kim Dickens, Finance Director Diane Murphy, Public Works Director Kirby Murray, City Advertising and Promotion Commission (CAPC) Marketing Director Lynn Berry, Assistant Fire Chief Bob Pettus, Parks Director Bruce Levine, Chief of Police Earl Hyatt, Transit Director Lamont Richie and City Clerk Mary Jean Sell.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Harrison led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mr. Ott moved to approve the agenda as presented. Ms. Money seconded.

Ms. Dickens said she had a request from the Greater Eureka Springs Chamber of Commerce to reserve the parking lots on either side of the city hall/courthouse for parking for the Antique Car Show from 8 a.m. to 6 p.m. Saturday, Sept. 6. She asked that this item be made #8 under New Business.

Ms. Money moved to approve the agenda as amended. Ms. Carroll seconded. All voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: May 12, 2003 May 28, 2003 July 28, 2003

August 11, 2003

May 12 – Ms. Money moved to postpone approval of the May 12 minutes until corrections could be made. Ms. Carroll seconded.

Ms. Money noted the following corrections: Item #0, removal of the three-way stop signs at Spring and Main Sts. was not listed in the items added to the agenda. Unfinished business, Item 1 on Page 4 needs the word "council" added to the third line.

Unfinished business, Item 2, discussion of Ordinance 1914, who voted for and against the ordinance on each vote. New Business, Item #1, what does CPI mean? In the last paragraph on Page 3, in the discussion of additional agenda items, 5 needs to be added after #. Page 5, Item #6 (B) discussion of Lower Wall St., addition of "for" in front of 220 feet in paragraph 6. On Page 6, Item #8, discussion of the CAPC bond, correction to vote tally 4/1/0. Page 6, Item #10, discussion of next meeting, date is May 28.

Mr. Berry requested pages of minutes be numbered.

Ms. Money moved to amend her motion to approve the minutes of May 12, with changes to be provided to council before the Sept. 11 meeting. Ms. Lindblad seconded. All voted aye. Motion passed 6/0/0

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May 28 – Ms. Money moved to approve the minutes. Ms. Carroll seconded.

Ms. Money noted these corrections: the May 12 and July 14 minutes were not available, the May 28 minutes are waiting on corrections. In Unfinished Business, Item #1 first paragraph, who voted aye and who voted nay. Ms. Money moved to approve the minutes as amended. Ms. Carroll seconded. All voted aye. Motion passed 5/0/0

Aug. 11 – Ms. Money moved to approve the minutes with amendments. Ms. Carroll seconded. Ms. Money noted these corrections: the May 12 and July 14 minutes were not available, the May 28 minutes are waiting on corrections.

Mr. Berry asked that when department heads support written reports that they be attached to the "office copy" of the minutes.

Ms. Money asked that in Unfinished Business, Item #1, discussion of Ordinance 1920 regarding special events, that the suggestions for changes from individual council members be included in the minutes. Item #2, Ordinance 1924, the mayor had announced the removal of this discussion item at the beginning of the meeting.

All voted aye on the amended minutes. Motion passed 5/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

- Planning Commission – Position 2 – Expires 1/1/05
- Parks Commission – Position 4 – Expires 5/31/05
- Hospital Commission – Position 1 – Expires 9/7/05
- CAPC – Position 1 – Expires 6/30/05

Mayor Harrison said she had put two nominations in council mailboxes just before the meeting for consideration. David Renko has applied for the parks position. The CAPC position is to represent lodging.

DEPARTMENT HEAD COMMENTS:

Finance, CAPC, Fire/EMS, Hospital, Parks, Police, Public Works and Transit

A. Finance Director Diane Murphy reported the city’s sales tax revenue is down 3 percent from last year, as of end of July, but it will not affect this year’s budget. Water and sewer revenues will have to be watched closely to maintain and meet the bond covenant target numbers to meet bond payments on the sewer line project. There is a budget workshop at 6 p.m. Tuesday, Aug. 26.

B. CAPC Marketing Director Lynn Berry read a bi-weekly report of activities, highlighting the recent success of the Bluegrass Festival; the hiring of John Nichols as CAPC director; Jane Ellen Frazier, group travel manager for the Arkansas Department of Parks and Tourism, will give an overview of changes in group tour travel at the CAPC meeting Aug. 28. Complete report attached to office copy of minutes.

C. Assistant Fire Chief Bob Pettus gave the council copies of the proposed floor plan for the renovation of the fire department building at 146 E. Van Buren; reported that local paramedic salaries are not high enough to compete with surrounding cities; the Arkansas Paramedic Association is planning to have a retreat in Eureka Springs next year.

D. There was no hospital report.

E. Parks Director Bruce Levine introduced Parks and Recreation Commission Chairman Bill Featherstone. Levine spoke briefly about the Basin Park Improvement

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Committee appointed early this year by Mayor Harrison. He said third year students from University of Arkansas will work with the committee to study pedestrian traffic in Basin Park. He believes he will have \$1,000 to \$1,500 left in the lighting budget for Lake Leatherwood Park Ball Fields and he wants to use that money to purchase a surveillance camera to install randomly in various city parks to help stop vandalism.

F. Police Chief Earl Hyatt joined in Levine’s request for the camera. He also reported he had researched the overtime hours for officers vs. hiring a new officer. He said 979 overtime hours had been worked as of Aug. 14, and that represented 75 percent of an officer’s salary. Officer James Loudermilk has received a \$1,500 grant from Wal-Mart to purchase digital cameras for the police patrol car. Hyatt participated in a two-day conference in Washington, D.C., dealing with missing and exploited children. Det. Shelley Summers has attended a Gang Resistance Education And Training (G.R.E.A.T.) conference with an emphasis on family participation in the program.

G. Transit Director Lamont Richie discussed using a Global Positioning Satellite (GPS) system to monitor locations of trolleys; changes in the express Green Route next year to run from the Greater Chamber of Commerce Visitors Center/Transit Office to the downtown trolley depot to the railroad station and back; purchase of computer diagnostic programs for trolley maintenance and repair; expansion of the trolley barn to accommodate additional trolleys.

Ms. Money asked if the ACE (Arkansas Community of Excellence) Coordinator Glenna Booth could make a report to the council. Mayor Harrison said the next ACE Core Group meeting is at 4 p.m. Wednesday, Sept. 10, in city hall.

After a discussion about the length of time for all department heads to make reports, council members agreed to ask only half of them at a time to attend meetings.

Mayor Harrison announced a short break at 6:55 p.m. The meeting resumed at 7:12 p.m.

CITY ADMINISTRATIVE ASSISTANT'S REPORT

Ms. Dickens said the Judy Company has completed the stabilization work at Lake Leatherwood Dam. They were able to bring the project in under budget and were had funds to repair a leak at the base of the dam and to make repairs on the handrails on top of the dam.

UNFINISHED BUSINESS

1. Discussion regarding Ordinance 1920, an ordinance regarding special events. (Review list of exceptions and approve the final draft for 1st reading.)

Ms. Dickens said she had just realized the proposed ordinance was supposed to be on the city's website and it was not posted. She said she would get it to the website manager on Tuesday for posting.

Ms. Lindblad moved to form a committee to work on the ordinance. Ms. Money seconded. All voted aye. Motion passed 6/0/0 Mayor Harrison, Ms. Lindblad, Mr. Umland and Ms. Money volunteered to serve on the committee.

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2. Discussion regarding the possible conflict of interest concerning the City Clerk.

Ms. Carroll brought up concerns in the July 28 meeting that the city clerk is also the editor of the *Times-Echo* newspaper and perhaps there is a conflict of interest between the two positions. Ms. Dickens was subsequently instructed to contact the Municipal League for an attorney's opinion and possibly the state's attorney general.

Ms. Dickens said she and Alderman Lindblad had both talked with David Schoen at Municipal League and were waiting on his written opinion. She quoted Schoen as saying there was no conflict of interest. She said she had also talked with Dennis Schick, executive director of the Arkansas Press Association (APA) and he had said there was a handbook for reporters available. With regard to the suggestion that FOIA requests had been violated because minutes were not made available, Dickens said she could not find such requests.

City Attorney Tim Weaver said he was in contact with state Sen. Phil Jackson of Berryville and had presented a request through him to the attorney general for an opinion about residence requirements for CAPC commissioners. He wanted to know if the council wanted Sen. Jackson to ask the attorney general for an opinion on this matter.

Mayor Harrison asked for a vote on the question. Ms. Carroll and Ms. Money voted aye, Ms. Lindblad, Mr. Berry, Mr. Ott and Mr. Umland voted nay. 2/4/0

Ms. Money continued the discussion moving to set a time frame for completion of council minutes. Ms. Carroll seconded.

Ms. Money, Ms. Carroll and Mr. Umland voted aye, Ms. Lindblad, Mr. Berry, Mr. Ott voted nay. The motion failed 3/3/0

3. Discussion regarding the City Attorney's duties. (Ad Hoc Committee)

Mr. Ott said he was very impressed with the work the members of the Ad Hoc Committee had done, particularly Ms. Money and Ms. Lindblad. He moved that the proposed ordinance be numbered, placed on the city's website and on the agenda for the Sept. 8 meeting. Ms. Lindblad seconded.

Ms. Dickens suggested any corrections from the council should be emailed or sent to her for Weaver's review. She said the number for the ordinance will be #1926.

All voted aye. Motion passed 6/0/0

NEW BUSINESS:

1. Discussion regarding Ordinance 1923, an ordinance amending the 2003 adopted budgets for the remaining six month period beginning July 1, 2003, and ending December 31, 2003. (1st reading)

Ms. Lindblad moved to postpone the reading of the ordinance since budget adjustments have not been completed. The motion died for lack of a second.

Ms. Money moved to place Ordinance 1923 on its first reading. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Ms. Dickens read the ordinance aloud.

Ms. Money moved to approve Ordinance 1923 on its first reading. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

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2. Discussion regarding Ordinance 1925, an ordinance establishing a moratorium on all fill and excavation projects.

Ms. Dickens said this ordinance is the same as Ordinance 1916 passed earlier this year, with the effective dates changed to reflect today's date and the 128 days until the end of December.

The Planning Commission is in the process of drafting an ordinance to be incorporated in to the city's Municipal Code dealing with excavation, grading and fill.

Mr. Berry moved to place the ordinance on its first reading. Mr. Ott seconded.

Ms. Dickens read the ordinance aloud.

Mr. Berry moved to amend the ordinance by striking the last line of the first paragraph, referring to "new staff member."

Ms. Money moved to approve the ordinance on its first reading with the amendment. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Mr. Berry moved to suspend the rules and place Ordinance 1925 on its second reading by title only. Ms. Money seconded. By roll call, all voted aye.

Ms. Dickens read the title of the ordinance aloud.

Mr. Money moved to approve Ordinance 1925 on its second reading by title only. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to suspend the rules and place Ordinance 1925 on its third reading by title only. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Mr. Ott moved to amend the motion to include the reading of the emergency clause. Ms. Money seconded. All voted aye. Motion passed 6/0/0

Mr. Ott moved to suspend the rules and place Ordinance 1925 on its third reading by title only with the emergency clause. Ms. Lindblad seconded. All voted aye. Motion passed 6/0/0

Ms. Dickens read the title and the emergency clause aloud.

Mr. Ott moved to approve Ordinance 1925 on its third reading by title only, including the emergency clause. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

3. Discussion regarding the meeting time for City Council meetings.

Ms. Lindblad moved to set the time at 6 p.m. to start council meetings. Mr. Ott seconded.

Ms. Money moved to call the question to stop the discussion. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

On the motion to set the meeting time at 6 p.m., five voted aye, Ms. Carroll voted nay. Motion passed 5/1/0

4. Discussion regarding drafting an ordinance to amend Section 62 of the Eureka Springs Municipal Code regulating historic preservation. (A copy of the amendments is attached to office copy of minutes.)

Mayor Harrison explained these amendments had been proposed by Paul Suskie, city attorney for North Little Rock, Ark.

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Ms. Lindblad moved to discuss the proposal. Mr. Berry seconded.

Historic District Commissioner (HDC) Ray Dilfield said the amendments address “demolition by neglect” of historic structures and provide enforcement authority. He said the amendments have stood through 10 years of court appeals in North Little Rock, Osceola and Morillon. Conway’s city council is currently considering adopting them.

The local HDC has unanimously approved these amendments for inclusion in Section 62 of the Municipal Code.

Penalties are already included in the Municipal Code.

Ms. Lindblad urged support of the amendments because the historic district could lose some of the significant contributing structures through neglect and lose its National Historic Register status.

Mr. Ott moved to have the council place the amendments in the ordinance. Ms. Lindblad seconded.

John Mitchell spoke against the amendments. He believes it will place an undo financial burden on property owners who are not able to maintain their properties “in pristine condition.”

Mr. Ott suggested the HDC have a public hearing on the proposal. Mr. Dilfield suggested perhaps the council and HDC could invite Suskie here to discuss the amendments.

On the motion to have the amendments placed in the city ordinance, All voted aye. Motion passed 6/0/0

5. Discussion regarding Council decision to waive bidding on the city sewer project.

Mayor Harrison said she has had a lot of questions from council members and citizens about accountability on this project. She did not want discussion or decisions to reflect badly on Public Works Director Kirby Murray.

Ms. Lindblad moved to discuss the issue. Mr. Umland seconded.

Ms. Money said the council has never gotten any numbers about the cost of the project, the rental of the equipment or labor. She wants a report for the Sept. 8 meeting.

Ms. Lindblad asked for cost breakdowns on supplies, labor, equipment and change orders, if any.

Mr. Ott moved to have Mr. Murray bring information to the council during the Sept. 8 meeting. Ms. Carroll seconded.

Mr. Berry suggested it would be better to have a workshop with Mr. Murray or a special meeting.

Mr. Ott moved to amend his motion to have a televised workshop with Mr. Murray within the next two weeks. Ms. Carroll agreed to amend her second. The workshop was set for 6 p.m. Tuesday, Sept. 9, in the jury room of the courthouse. All voted aye. Motion passed 6/0/0

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6. Discussion regarding Ordinance 1924, an ordinance to waive competitive bidding for the lights at Lake

Leatherwood Sports Fields. (1st reading)

Parks Director Bruce Levine explained bids had been taken on the lighting project but had come in at \$250,000. They were rejected as too high. He said he has been able to negotiate prices for individual elements of the lighting project with suppliers and contractors. He believes he can purchase the materials and contract for the labor and have the project finish at less than the \$80,000 the council gave the Parks and Recreation Commission for the project.

Ms. Carroll moved to place Ordinance 1924 on its first reading. Mr. Berry seconded. Five voted aye, Ms. Lindblad voted nay. Motion passed 5/1/0

Ms. Dickens read the ordinance aloud.

Ms. Money moved to approve Ordinance 1924 on its first reading. Ms. Carroll seconded.

Mr. Ott moved to amend the ordinance Section 1 to include language that the work is done in the year 2003. Mr. Berry seconded the amendment. Five voted aye, Ms. Lindblad voted nay. Motion to amend passed 5/1/0

7. Discussion regarding the bid tabulations for the remodeling of the Fire/EMS building at 146 E. Van

Buren.

Assistant Fire Chief Bob Pettus presented the figures to the council.

Ms. Dickens said bids had been opened Aug. 19 and Patriot Builders of Bentonville, Ark., had won the bid at \$126,400. This is the company that built the new police station on Passion Play Road.

Mr. Ott moved to approve the bids as submitted. Ms. Money seconded.

Ms. Dickens said the project could not move forward until the council has amended the city's budget and allocated the funds for the remodeling.

Mr. Ott moved to amend his motion to approve the bids contingent on amending the budget and finding the necessary funds. Mr. Umland seconded. Five voted aye, Ms. Lindblad voted nay.

8. Discussion of request from the Greater Eureka Springs Chamber of Commerce to reserve parking in the two lots adjacent to the city hall/courthouse from 8 a.m. to 6 p.m. Saturday, Sept. 6, for the annual Antique Car Show.

Mr. Ott moved to approve the request. Mr. Umland seconded.

Ms. Lindblad said she had gotten complaints from merchants in the area that reserving the parking lots hurts their business because customers cannot park nearby.

Five voted to approve the motion, Ms. Lindblad voted nay. Motion passed 5/1/0

COUNCIL COMMENTS:

Ms. Lindblad asked to put the proposed landscape and sidewalk ordinances on the Sept. 8 agenda. Mr. Berry joined the request.

Mr. Ott announced he and Mr. Berry would have "Politics in the Park" in Basin Spring Park on Sundays, Sept. 21, Oct. 19, Nov. 16 and Dec. 21, to talk with constituents.

Ms. Money wants notes on items placed in city council member mail boxes from persons who put the items there and explanations of why the items are there.

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MAYOR'S COMMENTS:

Mayor Harrison said she had spent three days last week in an Arkansas Economic Development seminar in Fayetteville involving people from chambers of commerce and economic development groups working on bringing more development into NW Arkansas. She said a Northwest Arkansas Chamber of Commerce is forming and she wants Eureka Springs to be a member.

She has had several requests for a public hearing on the auditorium grant and announcements of how the money will be spent. She said safety code items will be addressed first, then other projects as funds are available.

ADJOURNMENT

Mr. Ott moved to adjourn at 9:18 p.m. Mr. Umland seconded. All voted aye. Motion passed 6/0/0.

This is the signature page for the City Council minutes of Aug. 25, 2003.

Mayor Kathy Harrison

City Clerk Mary Jean Sell

