

Mayor Kathy Harrison called the regular City Council meeting to order at 6:07 p.m. Monday, Dec. 8, 2003, 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 Attorney Tim Weaver, Finance Director Diane Murphy, City Planner Richard Harper, 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 AGENDA:**

Ms. Money moved to approve the agenda as presented. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

**MINUTES: November 10, 2003 November 24, 2003**

Ms. Money moved to approve the minutes of Nov. 20 as presented. Ms. Lindblad seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to approve the minutes of Nov. 24 as presented. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

**COMMISSION, COMMITTEE AND AUTHORITY REPORTS & VACANCIES:**

Historic District Commission – Position 1 – Expires 11/30/06 No nomination

Hospital Commission – Position 1 – Expires 9/7/05 No nomination

**DEPARTMENT HEAD COMMENTS: Finance, CAPC, Fire/EMS, Hospital**

**Finance Director Diane Murphy** said she didn’t have any comments since she had been meeting regularly with the council in budget workshops and had one tomorrow.

**Fire/EMS Capt. Tim Collins** reported Engine #1 is back in service after repairs; the Western Carroll County Ambulance District (WCCAD) guidelines for operation are finished; and the city should be getting an ISO rating of 4 by March 1.

Mayor Harrison said she was expecting a written report from Hospital Administrator David Cox.

There was no CAPC report.

**UNFINISHED BUSINESS:**

**1. Discussion of Ordinance 1936, amending Chapter 18 of Eureka Springs Municipal Code regarding animal-drawn vehicles. (3<sup>rd</sup> reading with changes from Nov. 24 meeting) (Money, Carroll)**

Ms. Money moved to suspend the rules and place Ordinance 1936 on its third

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reading by title only. Mr. Umland seconded. By roll call, all voted aye.

Ms. Sell read the title of the ordinance aloud.

City Attorney Weaver explained the changes to the ordinance from the Nov. 24 meeting.

During discussion, Ms. Money moved to change the franchise fee to \$350 and the occupation license fee to \$70 per year for five years. Ms. Carroll seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to approve Ordinance 1936 on its third reading as amended. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

## **2. Discussion of Permit Fees – Section 14-12C-Building regulations regarding fees/definitions and clarification.**

Mr. Weaver said he has received proposals for the changes in the Municipal Code from Building Official Randy Mills, has met with him, but he has not had time to draft them into ordinance form.

Ms. Money moved to have the ordinance drawn and to reflect the information from the building department. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Mr. Ott moved to have a public hearing on the proposed ordinance at 6 p.m. Monday, Jan. 12, 2004, prior to the start of the regular city council meeting. Ms. Money seconded. All voted aye. Motion passed 6/0/0

### **NEW BUSINESS:**

#### **1. Discussion of Downtown Trolley Stop – (See Attached Letter) (Department Head Lamont Richie, Mayor)**

Mr. Richie said he has removed the trolley stop at the New Orleans Hotel, 63 Spring St., for safety considerations and the one at the Wadsworth Building, 99 Spring St., next to the Post Office. He has been asked to remove the trolley stop at Sweet Spring, near 124 Spring St., but he is recommending leaving a stop there.

John Wiley of the Model Railroad Company, 127 Spring St., asked that the trolley stop at Sweet Spring remain because removing it would seriously effect traffic flow to the nearby businesses.

(There was a break in the meeting at this point and the quarterly public forum was held. Discussion resumed at 7:25 p.m.)

Ms. Lindblad said she would like to have comments from other business owners in the area before making a decision.

Ms. Money moved to leave the stops as recommended by Mr. Richie. Mr. Umland seconded. Mr. Berry, Ms. Carroll, Ms. Money and Mr. Umland voted aye. Ms. Lindblad and Mr. Ott voted no. Motion passed 4/2/0

The council meeting adjourned at 7 p.m. for a short break and resumed at 7:10 p.m.

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### **Public Forum**

The quarterly public forum was established by the council in January of 2003 to give citizens of the community an opportunity to speak directly to the council about whatever matters of concern they have. By agreement, the council does not respond, except to ask questions. Speakers are given three minutes.

The forum began at 7:12 p.m. Monday, Dec. 8, 2003.

**Russell Clay:** Mr. Clay began reading a report concerning the cost overruns on the sewerline replacement and repair project currently underway. He provided several facts and figures on the project and was apparently not finished when he ran out of time.

**Ray Dotson:** Mr. Dotson charged the council with violation of his First Amendment rights when his application to operate a carriage service was turned down by the council in April. He had not been allowed to speak during the earlier discussion of the animal-drawn vehicle ordinance. He said he was very frustrated at the way he had been treated and not allowed to speak.

**Beau Satori:** Mr. Satori said a major problem within our community is our lack of communication with the community. He said he has been given assurances of improvements to the cable television serving the community and the city's website. He wanted to continue discussion of the red and green trolley routes and their effectiveness. He said three minutes is not adequate time for citizens to speak.

The city council meeting resumed at 7:25 p.m., finishing the trolley stop discussion as written above.

**2. Discussion of 30 day extension of Ordinance 1925, an ordinance regarding fill and excavation, allowing time for the Planning Commission and a public hearing.**

Planning Commission Chairman Dan Bennett explained the commission was not ready to put forth an ordinance and hoped to have it ready for a public hearing Jan. 8, 2004. He said the current moratorium on excavation and fill projects expires Dec. 31.

He said the commission has voted to ask the council to allow approval of excavation and fill projects upon review of the projects by the city planner, building official and commission.

Mr. Ott moved to table the discussion to give the city attorney, Mr. Harper and Mr. Bennett some time until after the executive session to draft an amendment to Ordinance 1925 setting the moratorium dates on the projects. Ms. Money seconded. All voted aye. Motion passed 6/0/0

**3. Executive session regarding building official.**

Mayor Harrison adjourned the meeting to go into executive session at 7:38 p.m. The meeting resumed at 8:07 p.m.

She announced the council is unanimous in hiring Randy Mills as the city's building official and to give him six months to get the proper licenses and certifications required by the state for his job.

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Following council and mayor's comments, the council returned to the discussion of Ordinance 1925 at 8:25 p.m.

Mr. Weaver proposed this amendment: that the strict compliance to the moratorium may be waived by having the project reviewed by the city planner and the city building official and by a vote of approval from the planning commission during the period of Jan. 1 until Feb. 28, 2004.

Ms. Money moved to approve Ordinance 1925 on its first reading as amended. Mr. Berry seconded.

Ms. Lindblad moved to amend the amendment giving a deadline of March 31. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

On the first reading of Ordinance 1925 as amended, all voted aye. Motion passed 6/0/0

Ms. Money moved to suspend the rules and place Ordinance 1925 on its second reading by title only. Mr. Berry and Mr. Ott seconded. By roll call, all voted aye. Motion passed 6/0/0

Ms. Money moved to approve ordinance 1925 on its second reading by title only. Ms. Lindblad 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. Ms Carroll seconded. By roll call, all voted aye. Motion passed 6/0/0

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

Ms. Money moved to read the emergency clause. Ms. Carroll seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to approve the reading of the emergency clause. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

**ADJOURNMENT**

Ms. Money moved to adjourn at 8:45 p.m. Mr. Umland and Mr. Berry seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the City Council minutes of Dec. 8, 2003.

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Mayor Kathy Harrison

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City Clerk Mary Jean Sell

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