

Mayor Kathy Harrison called the regular City Council meeting to order at 5:35 p.m. Monday, July 14, 2003, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert "Butch" Berry, Penny Carroll, Gayle Money, Karen Lindblad (arrived at 5:42 p.m.), Bill Ott, Earl "Bud" Umland, City Administrative Assistant Kim Dickens, City Clerk Mary Jean Sell.

PLEDGE OF ALLEGIANCE: Mayor Harrison led the Pledge of Allegiance.

APPROVAL OF AGENDA:

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

APPROVAL OF THE MINUTES May 12, 2003, May 28, 2003, June 9, 2003

June 23, 2003

Ms. Money moved to postpone the reading of the May 12, 2003, minutes until they have been received.

Ms. Money moved to approve the May 28, 2003, minutes. Ms. Carroll seconded. Ms. Money had a correction to the minutes and vote regarding item #1 under unfinished business, the reading of Ordinance 1915, and the formation of the ad hoc committee.

She moved to postpone the approval of the May 28 minutes until the next meeting. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to approve the minutes of June 9, 2003, as presented. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to approve the minutes of June 23. Mr. Umland seconded.

Ms. Money noted her name had been left out of those present at the meeting and the public forum had started at 6:50 not 6:60 p.m. as indicated in the minutes. Ms. Money moved to approve the minutes as amended. Ms. Carroll seconded. All voted aye. Motion passed 6/0/0

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES

Parks Commission – Position 1 – Expires 5/31/07 Mayor Harrison nominated Jerry Martin.

Planning Commission – Position 3 – Expires 6/7/05 Mayor Harrison nominated John Brammer

CAPC – Position 3 – Expires 6/30/03 Mayor Harrison said she wanted to wait to nominate someone for this position pending the discussion on the make up of the commission to follow during the meeting and its resolution.

CAPC Council Position – Mayor Harrison said Alderman Bill Ott and Bud Umland had put their names on the table for consideration. She said the vote would be in two weeks, during the July 24 council meeting.

Hospital Commission – Position 1 – Expires 9/7/05

DEPARTMENT HEAD COMMENTS: There were none.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens reminded council members of the budget workshop scheduled for 3 p.m. Monday, July 21.

UNFINISHED BUSINESS:

1. Discussion regarding Ordinance 1918, an ordinance concerning animal drawn vehicles.

Ms. Money moved to postpone discussion until the ordinance was ready. Mr. Berry seconded. All voted aye.

2. Discussion regarding Ordinance 1919, an ordinance re-zoning 17 Pivot Rock road from R-2

Contemporary Residential to R-3 Multiple Family Residential (3rd reading)

Ms. Money moved to suspend the rules and place Ordinance 1919 on its third reading by title only. Mr. Umland seconded. By roll call vote, five voted aye, Ms. Lindblad voted nay.

Ms. Dickens read the ordinance aloud.

Ms. Money moved to approve Ordinance 1919 on its third reading. Mr. Umland seconded. Five voted aye, Ms. Lindblad voted nay.

2. Discussion regarding Ordinance 1920, an ordinance regulating special

events.

City Film Commissioner Cindy Akins suggested that film projects be included in the ordinance. She wanted film crews to be included in the notification process so the city could provide security and other assistance.

Ms. Money moved to have information suggested by Akins included in the proposed ordinance. Mr. Umland seconded.

Mr. Ott said the ordinance needs an appeals process.

Ms. Lindblad said the ordinance needs to address penalties. Mayor Harrison said those were covered in the Municipal Code under misdemeanor offenses with fines from \$25 to \$500.

Bill King, publisher of *The Lovely County Citizen*, suggested exclusions for demonstrations, saying constitutional issues might be raised regarding freedom to assemble.

Mr. Berry said aldermen should voice their concerns and they would be recorded and sent to the city's attorney for review and inclusion into the ordinance.

All voted aye. Motion passed 6/0/0

NEW BUSINESS:

Ms. Money moved to move new business item #2, discussion regarding lease agreement for 5 Ojo, to item #1. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

1. Discussion regarding the lease agreement for 5 Ojo.

Ms. Dickens said attorney Wade Williams has brought the matter forward with a recommendation from the Parks and Recreation Commission. She had met with Parks Director Bruce Levine, former Parks Director Susan Lourné, Mayor Harrison and Williams to discuss the issue.

The problem occurs within the street platted as Palo Alto, near its intersection with Ojo. The street was never developed or opened. In 1932, the city agreed to a 99-year lease of a strip 10 feet wide to the owner of 5 Ojo. A garage was constructed at the edge of the property, extending more than 10 feet into and through the leased area. The building is now a rental unit for 5 Ojo Inn, a bed and breakfast.

The Parks Commission has approved and is recommending approval to the council, of a correction to the lease showing the area around the building, approximately 2 feet wide, to be included in the lease, which run to 2030.

Ms. Money moved to amend the description of the lease agreement for 5 Ojo in the County Clerk's Book 46 Page 422, allowing a 2-foot wide area around the existing structure to be included in the description, subject to receipt and review of legal description. Ms. Carroll seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to amend the agenda and move new business item #3, discussing regarding a parking request from St. Elizabeth Church, to become item #2.

Ms. Carroll seconded. All voted aye. Motion passed 6/0/0.

2. Discussion regarding a parking request from St. Elizabeth Church.

Public Works Director Kirby Murray explained a representative of the church had requested the installation of signage reserving the parking spaces between the Crescent Hotel property and the church, alongside Crescent Grade, from 3 to 6 p.m. Saturdays for church members only. There are approximately 20 “head-in” spaces against the stone wall of the hotel property and five or six parallel parking alongside the church’s wall.

Mayor Harrison said this would be the same type of situation in reserving public parking as has been done for the Presbyterian Church on Spring St. and St. James on Prospect St.

Ms. Lindblad said she was concerned how public parking could be reserved for private use.

Ms. Money and Mr. Umland supported the proposal.

Mr. Ott asked if possibly the other businesses in the area might be affected by reserving the parking and whether or not vehicles already in the parking places at 3 p.m. might be towed to make room for church members’ vehicles.

Clerk Sell asked if there were surveys of the properties, saying the former owners of the Crescent had created the head-in spaces by digging out part of the hillside and putting up the stone retaining walls.

Murray said it didn’t matter who owned the property, the area had been used as a public thoroughfare for so long it was a public street.

Ms. Money moved to approve the request for reserved parking from 3 to 6 p.m. on Saturdays. Ms. Carroll seconded.

Ms. Lindblad moved to table for further research. Mr. Ott seconded. By roll call, Mr. Berry, Mr. Ott and Ms. Lindblad voted aye. Mr. Umland, Ms. Money and Ms. Carroll voted nay. Mayor Harrison voted aye to table to give time for research and additional discussion.

3. Discussion regarding creating an ordinance to allow the tourism industry positions on the City Advertising and Promotion Commission (CAPC) to live outside the City Limits. (Umland/Money)

Ms. Money moved create an ordinance reflecting the state statute 26-75-605 regarding the Advertising and Promotion Commission. Mr. Umland seconded.

The state statute referred to says, in part: (1) Four (4) members shall be owners or managers of businesses in the tourism industry, and the owner or manager shall reside in the levying city or, if the governing body of the city provides for by ordinance,...may reside outside the city but within the county in which the city is located,...(2) Two (2) members of the commission shall be members of the governing body and selected by the governing body...and One (1) member shall be from the public at large.

The Municipal Code, as adopted, reflects state statute 26-75-705, known as the Eureka Springs statute, setting the CAPC membership at four owners or managers of businesses in the tourism industry, one each from hotel, motels, restaurants and gift shops, two members of the city council and the mayor.

There was lengthy discussion on the proposal.

Ms. Money moved to amend her motion to allow owners or managers reside outside the city but inside the county. Mr. Umland seconded.

There was additional discussion.

Ms. Lindblad moved to table the proposal for further discussion before sending it to an attorney. There was no second to the motion to table.

Mr. Ott called the question on Ms. Money’s amendment. Ms. Money seconded. By roll call, four voted aye, Ms. Carroll and Ms. Lindblad voted nay.

On the original amended motion, five voted aye, Ms. Lindblad voted nay.

COUNCIL COMMENTS:

Mr. Umland said he hoped council members would vote for adopting the changed in the CAPC membership as a way to open a pool of knowledge available to the city. He asked that the city attorney review the proposed CAPC ordinance when it arrives.

Mr. Ott welcomed members of the Arkansas Society of the Association of Executives to town.

Ms. Carroll thanked Parks Director Bruce Levine, commissioners and parks employees for a fantastic Fourth of July event at Lake Leatherwood City Park.

Ms. Lindblad there was a mistake in Ordinance 1919, locating the property in Benton County. Ms. Dickens said that had been corrected.

Ms. Lindblad asked that an amendment to Municipal Code Chapter 62 for the Historic District Commission (HDC) be placed in the July 28 meeting agenda. Ms. Money joined in the request.

Ms. Lindblad asked if the work on the \$265,000 promissory note to match the Save America's Treasures grant had been completed. Ms. Dickens said the closing had not been done. Copies of the agreement are in her office, if anyone wants to read them.

Ms. Lindblad asked that the meeting agendas not be amended after the meetings had started. She said it was inconvenient for those who might want to discuss matters posted as being further down on the agenda that might not arrive at the meeting in time if items were moved around.

MAYOR'S COMMENTS:

Mayor Harrison said a writer for Architectural Digest magazine will be in town for two days gathering information to go with photographs taken last fall for an article.

She reminded everyone of the first town meeting at 7 p.m. Tuesday, July 22, at the Inn of the Ozarks Convention Center for the ACE (Arkansas Community of Excellence) project.

She said Governor Mike Huckabee would be at The Great Passion Play on Friday, July 18, to greet the 7 millionth visitor to the play.

ADJOURNMENT

Mr. Ott moved to adjourn at 7:10 p.m. Ms. Money seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the July 14, 2003, city council minutes.

Mayor Kathy Harrison

City Clerk Mary Jean Sell