

Mayor Kathy Harrison called the regular City Council meeting to order at 5:40 p.m. Monday, June 23, 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 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 place Ordinance 1921, regarding a promissory note for renovation of the City Auditorium, as the first item of business for the meeting. Ms. Lindblad seconded. All voted aye. Motion passed 6/0/0

Agenda was approved as amended.

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

Ms. Money moved to move the reading of the minutes to the next meeting. Ms. Lindblad seconded. Mr. Ott inquired as to why the minutes were not available. Clerk Sell explained she has been ill and not able to work on them. All voted aye on the motion. Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning Commission - Position 3 –Expires 7/1/05

CAPC – Position 3 – Expires 6/30/03

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

Hospital Commission – Position 1 – Expires 6/1/03 Betty Andrews

Ms. Money moved to re-appoint Betty Andrews to Position 1 on the Hospital Commission. Ms. Lindblad seconded. All voted aye. Motion passed 6/0/0

Parks Commission – Position 1 – Expires 5/31/07

Parks Commission – Position 2 – Expires 5/31/03 Joel Taylor

Ms. Money moved to re-appoint Joel Taylor to Position 2 on the Parks Commission. Ms. Carroll seconded. Five voted aye, Ms. Lindblad voted nay. Motion passed 5/1/0

DEPARTMENT HEAD COMMENTS: There were none.

CITY ADMINISTRATIVE ASSISTANT’S REPORT:

Ms. Dickens asked for a date for a workshop on the noise ordinance. Date was set for 5:30 p.m. Monday, June 30, Bud Umland’s Birthday, with the budget workshop to follow at 6:30 p.m.

Ms. Dickens reported the cables for the stabilization of Lake Leatherwood Dam are now in place and the holes are being filled with material. The project is coming in under budget and should be finished by mid-July.

NEW BUSINESS:

1. Discussion regarding Ordinance 1921, an ordinance authorizing the

Issuance of Promissory Notes to provide financing of a portion of the costs of the renovation and improvement of the Eureka Springs Historical Auditorium; authorizing the sale of the notes and the execution of a note purchase agreement; prescribing other matters pertaining thereto; and declaring an emergency.

Ms. Dickens introduced attorney Shep Russell of Friday, Eldridge and Clark of Little Rock, to present the ordinance. She explained the Bank of Eureka Springs had won the bid to handle the five-year financing of the note.

Ms. Money moved to have Ordinance 1921 placed on its first reading. Ms. Carroll seconded. All voted aye.

Mr. Russell read the ordinance aloud.

Ms. Money moved to approve Ordinance 1921 on its first reading. Mr. Umland seconded.

Ms. Lindblad was opposed to approval because the public had not had an opportunity to read the ordinance or discuss it.

Mr. Ott commented “people in the know” know we are not going forward in a frivolous manner with this. It sends a good statement to the people in Washington that we are intent on this project.

Mr. Umland called for the question to end the discussion. Mr. Ott seconded. All voted aye. Motion passed 6/0/0

On the motion to approve the ordinance on its first reading, five voted aye, Ms. Lindblad opposed. Motion passed 5/1/0

Ms. Money moved to suspend the rules and place Ordinance 1921 on its second reading. Mr. Umland seconded. By roll call, Mr. Ott, Ms. Money, Mr. Umland and Ms. Carroll voted aye. Ms. Lindblad and Mr. Berry voted nay. Motion passed 4/2/0

Ms. Dickens read the title of the ordinance aloud.

Ms. Money moved to approve the second reading of Ordinance 1921 by title only. Mr. Umland seconded.

Bill King asked if the loan was to be repaid from the city’s general fund. Ms. Dickens said it would be, but the CAPC (City Advertising and Promotion Commission) will be paying the city for the payments.

Ms. Lindblad reiterated her opposition to approval of the ordinance. Ms. Dickens said the ordinance had to be read three times tonight and the emergency clause approved to fix the interest rate at 2.25 percent.

On the motion to approve the ordinance on its second reading, five voted aye, Ms. Lindblad voted nay. Motion passed 5/1/0

Ms. Money moved to suspend the rules and place Ordinance 1921 on its third reading. Mr. Umland seconded. By roll call vote, five voted aye, Ms. Lindblad voted nay. Motion passed 5/1/0

Ms. Dickens read the title of the ordinance aloud.

Ms. Money moved to approve the ordinance on its third reading. Mr. Umland seconded. Five voted aye, Ms. Lindblad voted nay. Motion passed 5/1/0

Ms. Money moved to read the emergency clause. Mr. Umland seconded. Five voted aye, Ms. Lindblad voted nay. Motion passed 5/1/0

Ms. Dickens read the emergency clause aloud.

By roll call vote, five voted aye to approve the emergency clause, Ms. Lindblad voted nay. Motion passed 5/1/0

UNFINISHED BUSINESS:

1. Discussion regarding Ordinance 1918, an ordinance concerning animal drawn vehicles. (1st reading)

The ordinance was not ready for presentation. Ms. Money moved to postpone the reading of the ordinance to the next meeting. Mr. Umland seconded. All voted aye.

Motion passed 6/0/0

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

Contemporary Residential to R-3, Multiple Family Residential. (2nd reading)

Ms. Money moved to suspend the rules and place Ordinance 1919 on its second reading. Mr. Umland seconded. By roll call vote, all voted aye. Motion passed 6/0/0

Ms. Dickens read the title aloud.

Ms. Money moved to approve the ordinance on its second reading. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

3. Discussion regarding Ordinance 1920, an ordinance regulating special events.

The ordinance was prepared by Transit Director Lamont Richie, a former attorney. It deals with a permitting process

for events, defined as special or a major special event, review of permit applications by all city departments and the CAPC, setting fees and penalties.

After some discussion regarding definitions, penalties, and enforceability, Ms. Money moved to table the ordinance for further review. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

4. Discussion regarding Fire Department renovation bids.

Ms. Dickens explained the project was primarily to re-support the floor in Fire Station #1, 146 E. Van Buren. There was only one bidder, at \$67,000. She asked the council to reject the bid and to give fire department officials time to consider other options.

Mr. Umland moved to reject the bid of \$67,000. Ms. Money seconded. Ms. Lindblad asked if this type of information could be provided to the council in written form in the future, a least a few hours prior to the meeting. All voted aye on the motion. Motion passed 6/0/0

Mayor Harrison adjourned the meeting at 6:40 p.m. for a short break, then to hold the quarterly public forum.

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 two minutes.

The forum began at 6:50 p.m. Monday, June 23, 2003.

Lynn Berry, marketing director for the CAPC, reported there has been a lot of discussion about town regarding CAPC tax collections as to whether or not business is up or down. She reported local collections are down approximately 5 percent; Branson, Mo., is down 30 percent; Hot Springs is down 2 percent; Asheville, S.C., restaurants are down 15 percent and lodging is down 20 percent.

Tom West Tharp, owner of Olden Days Carriage Tours, cited part of the existing city code regarding permits for parades as not to interfere with traffic, but not addressing parade noise levels. He thinks parades should be allowed to make as much noise as they want.

Jan Colven said she was concerned about the idea of underground Eureka and believes it is a hazardous area where tourists should not be allowed. She would like to have the trees trimmed at the East Mountain Lookout to give a view of the entire valley. She would like to see the air pollution levels in the valley monitored.

Bill King, publisher of *The Lovely County Citizen* newspaper, asked the council to consider adopting an ordinance prohibiting the throwing of unsolicited materials in yards and on the streets.

Ernst Schrader commented that a noise ordinance had been adopted in Roger, AR, based on disturbance of the peace, whereas the Eureka Springs ordinance is based on amplified music levels. He suggested the police ticket persons making too much noise and let a judge decide whether or not the ordinance is enforceable.

Michelle McDonald suggested the possibility of ambassadors for the city to meet and greet groups; to perhaps have local children dressed in Victorian clothing as ambassadors. She suggested it is time to find civility in the way we treat each other and for the council to "lighten up."

Rogene Hoskins, owner of Tummy Ticklers, 52 ½ S. Main, asked that all of the courthouse parking spaces remain open to the public during special events and on weekends. She believes reserved parking space cuts down on the business to shops in the immediate area.

Tom West Tharp asked the council to consider putting a railing along the street edge of the sidewalk near the entrance to the City Auditorium to keep people out of the street.

The public forum ended at 7:07 p.m. everyone wanting to speak was allowed to do so.

The city council meeting reconvened at 7:08 p.m.

COUNCIL COMMENTS:

Mr. Berry thanked the residents for attending the public forum.

Mr. Umland encouraged everyone, particularly downtown merchants, to attend the noise workshop.

Mr. Ott said lower Wall St. has been graded, so part of the traffic problem in that area has been taken care of. He suggested further discussion on the closing of Spring St. from Center to Mountain St..

Ms. Lindblad expressed her thanks to those attending the forum. She also wanted to recognize and thank Pearl Brick, special events coordinator, for the Ray Charles concert and other concerts. She said she is a big supporter of the auditorium, but she does have problems with the way some things (i.e. the loan ordinance) are being handled.

MAYOR'S COMMENTS:

Mayor Harrison said an ordinance for the Historic District Commission (HDC) will soon be presented based on an ordinance from North Little Rock regarding historic preservation and maintenance of properties.

She introduced new city planner Richard Harper. He is working on a part-time basis and is keeping office hours in city hall on Wednesdays and Thursdays.

She made several comments about attending the 69th annual Municipal League in Little Rock.

ADJOURNMENT:

Mr. Ott moved to adjourn at 7:18 p.m. Ms. Lindblad seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the June 23, 2003, regular City Council meeting.

Mayor Kathy Harrison

City Clerk Mary Jean Sell