

Mayor Kathy Harrison called the regular City Council meeting to order at 6:05 p.m. Wednesday, May 28, 2003, in the jury room of the Western District Carroll County Courthouse. The meeting was held on Wednesday instead of Monday, May 26, to allow for the Memorial Day holiday.

**PRESENT:** Mayor Kathy Harrison, Aldermen Penny Carroll, Karen Lindblad, Gayle Money, Bill Ott and Earl "Bud" Umland, City Administrative Assistant Kim Dickens, and City Clerk Mary Jean Sell. Alderman Robert "Butch" Berry was absent.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** Mayor Harrison led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA:** Ms. Carroll moved to adopt the agenda. Mr. Ott seconded.

Ms. Money asked if a discussion of amending the noise ordinance could be made #4 under new business.

Mayor Harrison said Jack Moyer of the Western Carroll County Community Development Partnership (CDP) had asked to present a resolution on an alternate route for the Beaver Bridge and that would be item #5 under new business.

Mayor Harrison added "and transportation" to item #3, discussion of the Blues Festival."

Ms. Money moved to adopt the agenda as amended. Ms. Lindblad seconded. All voted aye. Motion passed 5/0/0

**APPROVAL OF THE MINUTES: May 12, 2003** The minutes were not available.

Ms. Money moved to postpone reading of the May 12 minutes to the next meeting. Ms. Lindblad 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 nominated Leroy Gorrell. She said there is a second vacancy on the commission and asked for additional nominees.

Mayor Harrison announced Bruce Levine had resigned from Position #1 on the Parks and Recreation Commission to become director of Parks and Recreation. She nominated Diane Wilkerson as his replacement on the commission.

Mayor Harrison announced a vacancy on the Hospital Commission due to the resignation of Dr. Ken Covington.

**DEPARTMENT HEAD COMMENTS:** There were none.

**CITY ADMINISTRATIVE ASSISTANT'S REPORT:**

Ms. Dickens said the drilling on Lake Leatherwood Dam for the stabilization project should be finished this week. The cables should be installed by the end of June and the project completed.

She said Supplement 4 for the Municipal Code books has arrived and she would put them into aldermen's books if they will bring them to her office.

Mr. Ott reminded her that May 31 is the deadline for the completion of the sidewalk on Planer Hill/South Main and asked if she knew whether or not the work would be done. She said she had not seen approval of a change order from the Arkansas Highway and Transportation Department (AHTD) which would cause the project to go beyond the completion date.

**UNFINISHED BUSINESS:**

**1. Discussion regarding Ordinance 1915, an ordinance amending the City Attorney duties. (Ott/Lindblad)**  
**(1<sup>st</sup> reading)**

Ms. Money moved to put Ordinance 1915 on its first reading. Ms. Carroll seconded.

Ms. Dickens read the entire ordinance aloud.

Ms. Money moved to approve Ordinance 1915 on its first reading. Ms. Carroll seconded.

Mr. Ott moved to table the ordinance so an ad hoc committee could be formed to do further research into making the ordinance more comprehensive for the attorney's duties. Ms. Lindblad seconded. She explained the ordinance doesn't "give the coverage and accessibility to the attorney" she wanted and she was not satisfied with the ordinance in its presentation.

On the motion to table the ordinance on its first reading, three members voted aye, Ms. Money and Ms. Carroll voted nay. To table the ordinance, Mayor Harrison voted aye. Motion passed 4/2/0

Mayor Harrison appointed Ms. Lindblad and Mr. Ott to the ad hoc committee. She said she would attend the meetings as well. Ms. Money asked to be appointed as an opposing voice. Mayor Harrison agreed.

## **2. Discussion regarding Ordinance 1918, an ordinance concerning animal drawn vehicles. (1<sup>st</sup> reading)**

Ms. Dickens said the ordinance has been sent to the Municipal League for preparation and it has not been completed.

## **3. Discussion regarding Ordinance 1917, an ordinance rezoning 15 Pivot Rock road from R-2**

### **Contemporary Residential to R-3, Multiple Family Residential. (2<sup>nd</sup> reading)**

Ms. Money moved to suspend the rules and read Ordinance 1917 by title only. Mr. Ott seconded. By roll call, Money, Umland, Ott, Carroll, Lindblad voted aye.

Ms. Dickens read the title aloud.

Ms. Money moved to approve Ordinance 1917 on its second reading. Ms. Lindblad seconded. All voted aye. Motion passed 5/0/0

## **NEW BUSINESS:**

### **1. Discussion regarding Ordinance 1916, an ordinance establishing a**

#### **Moratorium on all fill and excavation projects. (1<sup>st</sup> reading)**

Ms. Money moved to put Ordinance 1916 on its first reading. Mr. Ott seconded. All voted aye.

Ms. Dickens read the entire ordinance aloud.

Mr. Umland asked why this ordinance was necessary. Clerk Sell explained the Planning Commission has recommended this ordinance because of safety issues regarding excavation and fill not currently addressed within the Municipal Code.

All voted aye to approve the ordinance on its first reading. Motion passed 5/0/0

### **2. Discussion regarding tree cut at 135 N. Main.**

Public Works Director Kirby Murray had asked for permission to cut the large tree at the edge of Main St. because the root structure had been damaged during the construction of the highway. He felt it would eventually become a safety hazard.

A resident nearby had protested the cutting of the tree.

Ms. Money moved to put a hold on cutting the tree for six months. Ms. Lindblad seconded.

Ms. Dickens explained the staff has no intention, now, of cutting the tree.

Ms. Money asked that the Public Works Department staff monitor the tree for any possible safety issues within the next six months and that the item be put back on the council's agenda at that time.

Ms. Dickens said she would put the item on the agenda for one of the November meetings.

All voted aye on the motion to put a hold on cutting the tree. Motion passed 5/0/0

### **3. Discussion regarding closing Spring Street for Blues Festival and transportation.**

Mayor Harrison said she had a request from Blues Festival Promoter Sally Thackery to close Spring Street (from Spring and Main to Mountain St.) to vehicular traffic Friday, May 30, at 4 p.m. and on Saturday, May 31, at 1 p.m.

Mr. Ott moved to accept the recommendation. Mr. Umland seconded.

Ms. Lindblad said she would prefer this type of request be brought to the council for consideration more than four days ahead of an event.

Four aldermen voted aye on the motion to close Spring Street, Ms. Lindblad voted nay. Motion passed 4/1/0

Mayor Harrison said she had met with Transit Director Lamont Richie, Police Chief Earl Hyatt and taxi company owner David “Fuzzy” White to discuss transportation in the downtown area for Blues Festival participants. An agreement had been reached with Razorback Transportation in Fayetteville, but she said the company had decided not to be involved with Eureka Springs.

White had located a transportation company in Springdale, Holiday Tours, willing to provide two buses from 8 p.m. to 3 a.m. Friday and Saturday. Mayor Harrison said expenses expected to total \$5,920.

Ms. Money moved for the city to accept half of the expenses, approximately \$3,000, for transportation during the Blues Festival. Ms. Carroll seconded.

There was considerable discussion about selling tickets for rides on the buses to help recoup some of the city’s cost. All voted in favor of the motion. Motion passed 5/0/0

#### **4. Discussion regarding the noise ordinance.**

Ms. Money moved to include a section on the unnecessary revving of engines in the city’s current noise ordinance. Ms. Lindblad seconded.

Ms. Lindblad moved to table the discussion so further research could be done. Mr. Ott seconded.

Three voted aye, Ms. Carroll and Ms. Money opposed. Motion passed 3/2/0

#### **5. Discussion regarding a resolution for an alternate route to bypass the Beaver Bridge.**

Jack Moyer, chairman of the CDP, presented a resolution approved in a recent CDP meeting which offers a route connecting Highways 62 and 23 without going through the town of Beaver and would save the Beaver Bridge, the last suspension bridge in Arkansas still in use. The resolution is to be presented to the city council of Beaver and the Carroll County Quorum Court for support before it is sent to AHTD.

In brief, the resolution asks AHTD to consider building “a new connecting highway between State Highways 187 and 23 and State Highway 62 in the area south of the White River and North of Lake Leatherwood.”

Ms. Carroll was concerned that no highway construction be done through any part of the Lake Leatherwood Park property.

Ms. Lindblad was concerned that the CDP does not represent the citizens of Eureka Springs, but private and/or business interests.

Mr. Umland moved to pass/support the resolution. Ms. Money seconded.

Mr. Ott called for the question to end discussion. By roll call vote, Mr. Umland, Mr. Ott and Ms. Money voted to close discussion. Ms. Carroll and Ms. Lindblad were opposed. Motion to end discussion passed 3/2/0

On the motion to support the resolution, Mr. Ott, Mr. Umland, Ms. Money voted aye. Ms. Lindblad and Ms. Carroll voted nay. Mayor Harrison voted aye to pass the motion. Motion passed 4/2/0

#### **COUNCIL COMMENTS:**

Mr. Ott thanked citizens for attending the public hearing on how to handle the downtown noise situation and explained the ad hoc committee would be gathering noise ordinances from other communities for study.

Ms. Lindblad expressed her hopes for a safe and relatively quiet (Blues) weekend. She said she hopes a noise ordinance can be developed that will work for the citizens.

#### **MAYOR’S COMMENTS:**

Mayor Harrison also thanked the citizens who attended the public hearing.

She reminded the council of the budget workshop at 6 p.m. Monday, June 20, Mr. Umland’s birthday, and of the regular council meeting at 5 p.m. Monday, June 23, with the public forum at 6 p.m.

**ADJOURNMENT:**

Ms. Money moved to adjourn at 8 p.m. Ms. Lindblad seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the May 28, 2003, regular City Council meeting.

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Mayor Kathy Harrison

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City Clerk Mary Jean Sell