

Mayor Kathy Harrison called the regular meeting of the City Council to order at 6:40 p.m. in the courtroom 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, mayor's administrative assistant Brenda Spencer, City Attorney Tim Weaver, City Advertising and Promotion Commission (CAPC) Executive Director LeRoy Gorrell, Fire Chief/Chief of Emergency Services David Stoppel, Police Chief Earl Hyatt, Building Official Randy Mills, City Planner Richard Harper, Public Works Director Robert Forrest and City Clerk Mary Jean Sell.

PLEDGE OF ALLEGIANCE:

Mayor Harrison led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Ms. Money moved to remove items 7 and 8 under New Business, ordinances regarding staggered terms for council members, because they have not been discussed by the council. Mr. Berry seconded.

Ms. Lindblad said she had a copy of an e-mail between council members discussing removal of these two items from the agenda. She cautioned them to be careful about discussing agenda items and possible votes on them as violations of the Freedom Of Information Act (FOIA).

Mayor Harrison said the items were not yet prepared as ordinances and should not have been assigned ordinance numbers. She said she wanted the council to discuss the proposals before an ordinance was prepared.

On the motion to remove the items, four voted aye, Mr. Umland and Ms. Lindblad voted against. Motion passed 4/2/0

Mr. Berry said he was willing to defer discussion of item #4 under New Business, an ordinance to establish a board of appeals, to the May 10 meeting because of the length of tonight's agenda. Ms. Money seconded.

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

APPROVAL OF THE MINUTES: April 12, 2004

Ms. Money moved to approve the minutes of April 12. Mr. Ott seconded.

Mr. Berry noted on Page 5 in item #6 that Ms. Money had left the room, but there is no indication of when she returned. Mr. Ott suggested adding her return at the end of item #8, since she was present to cast a vote. Mr. Umland seconded.

Mr. Berry noted on Page 6 in the discussion of the Sunday Market that the \$10 fee was for the entire parking lot, all of the spaces. He did not think the minutes were clear on that point.

Ms. Money moved to approve the minutes as amended. Mr. Ott seconded. All voted aye. Motion passed 6/0/0

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Request by Council – Discussion of Aerial Data Services Presentation

Eric White and Lynn Henry of Aerial Data Services (ADS) of Tulsa, Okla., and Jim Wheelis, GIS Coordinator for the City of Bentonville, had made a presentation on their company's capabilities for aerial photography and mapping prior to the council meeting in hopes of getting the city to "cost share" a mapping project of the city.

Ms. Money said she would like to postpone the discussion until the Eureka Springs High School EAST Lab program representative could present material about the Lab's capabilities and how they may or may not be integrated with ADS services.

Mr. Ott said he wanted a formal proposal from ADS with costs for proposed services.

Ms. Lindblad asked for comparable services and costs from other companies in the area.

Ms. Money moved to postpone discussion to the May 10 meeting. Mr. Ott seconded. All voted aye. Motion passed

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

- Planning Commission – Position 5 – Expires 1/1/07
- Planning Commission - Position 3 – Expires 7/1/05
- Historic District Commission – Position 7 – Expires 3/7/05
- Hospital Commission – Position 5 – Expires 6/1/07

Mayor Harrison said no one has submitted an application for any of the posts.

DEPARTMENT HEAD COMMENTS:

CAPC, Hospital, Fire/EMS, Finance and Building

Fire/Emergency Services Chief David Stoppel said the equipment to be paid for with the FEMA grant has been ordered with delivery expected in two to three weeks. Work is progressing on Ordinance 1955, an ordinance revising the city’s rates for ambulance service charges. An open house at the renovated station building at 137 E. Van Buren is scheduled for 11 a.m. to 2 p.m. May 8.

Building Official Randy Mills submitted a written report.

COMMITTEE REPORTS:

Salary and Personnel – Money, Murphy, Spencer and Harrison

Mayor Harrison said the committee has gone over the job descriptions for the EMS Department and has three more departments to go.

OLD BUSINESS:

1. Discussion of Ordinance #1951, an ordinance amending Section 86-4 of the Municipal Code regarding prohibited signs. (3rd reading)

Ms. Money moved to suspend the rules and place Ordinance 1951 on its third reading by title only. Mr. Umland seconded. By roll call, all voted aye.

Mayor Harrison read the title of the ordinance aloud.

Ms. Money moved to approve Ordinance 1951 on its third reading by title only. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

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2. Discussion of Ordinance #1952, an ordinance amending Section 18-276 of the Municipal Code regarding the performance and sale of art on public property. (3rd reading)

Ms. Money moved to suspend the rules and place Ordinance 1952 on its third reading by title only. Mr. Umland seconded. By roll call, all voted aye.

Mayor Harrison read the title of the ordinance aloud.

Ms. Money moved to approve Ordinance 1952 on its third reading by title only. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

3. Discussion of Ordinance #1953, an ordinance, amending Section 18-251 of the Municipal Code regarding peddlers. (3rd reading)

Ms. Money moved to suspend the rules and place Ordinance 1953 on its third reading by title only. Mr. Umland seconded. By roll call, all voted aye.

Mayor Harrison read the title of the ordinance aloud.

Ms. Money moved to approve Ordinance 1953 on its third reading by title only. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

4. Discussion of Ordinance #1955, an ordinance amending Section 46-89 of the Municipal Code to

authorize ambulance and related service charges. (2nd reading)

Chief Stoppel said he wanted to make it clear the changes being made in line with Medicare reimbursements lowered some costs and raised others, but the city will get more reimbursement money if its charges follow the Medicare schedules.

Ms. Money moved to suspend the rules and place Ordinance 1955 on its second reading by title only. Mr. Umland seconded. By roll call, all voted aye.

Mayor Harrison read the title of the ordinance aloud.

Ms. Money moved to approve Ordinance 1955 on its second reading by title only. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

NEW BUSINESS

1. Reading of Resolution #500 – Glenna Booth and Teresa Mills

Ms. Mills and Ms. Booth explained the resolution is needed to show the city's support of an application for a \$94,500 Housing and Urban Development (HUD) Housing Preservation Grant. The grant is only for rural communities that have historic districts on the National Register of Historic Places. The assistance would only be to low income homeowners of historic property owners. A local committee would be established to review applications and to contract for the exterior work to be done on houses. Three years are given to spend the grant monies. The Community Development Partnership (CDP) of Western Carroll County, a 501(c)(3) organization, will submit the grant and oversee the disbursements.

Mr. Ott moved to adopt the resolution. Ms. Carroll seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read the resolution aloud.

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2. Discussion of citizen proposal for traffic control at Prospect and Linwood.

Mark Jipp, co-owner of the Veranda Inn at 38 Prospect, the intersection of Prospect and Linwood, made a lengthy presentation of suggestions to ease some of the traffic problems in the area:

- A. A stop sign for the northbound traffic on Prospect Ave. with a white line on the street to show motorists where to stop.
- B. A white line on Linwood at the stop sign to show motorists where to stop.
- C. He is willing to have one of the two parking spaces in front of his house marked with yellow paint as a loading zone with parking allowed on Sunday for patrons of St. James Episcopal Church. He wants the second space marked with a yellow "T" to show his patrons where to park.
- D. He has an enclosed parking area on Linwood. He is willing to have a curb installed in front of the wall and to have it painted red to ease the congestion near the intersection.

Police Chief Earl Hyatt said there is an alley at the intersection that adds to the congestion. Once that alley is blocked, the problem will not be as difficult. He believes a stop sign on Prospect would be more disruptive than helpful to the flow of traffic in the area. He is against removing any on-street parking spaces because there are not enough in town. Parking on Linwood near the intersection is already prohibited by city ordinance. He does agree a white line near the stop sign on Linwood would help. He has no opposition to 15 feet of curb being painted red.

Mr. Ott moved to have Chief Hyatt prepare a statement of response to the conditions outlined by Mr. Jipp for the council to consider May 10. Mr. Berry seconded.

No vote was taken.

3. Discussion of Ordinance #1956, an ordinance regarding retaining walls.

Mayor Harrison said the ordinance is to clarify the city's responsibility toward sidewalks and retaining walls in town.

Ms. Money moved to place Ordinance 1956 on its first reading. Mr. Umland seconded.

Mayor Harrison read the ordinance aloud.

Ms. Money moved to approve Ordinance 1956 on its first reading. Mr. Umland seconded.

Mr. Forrest said he believed the intent of the ordinance is clear, but the interpretation is foggy. He wants the intention clarified so he is able to work on the specific walls supporting city sidewalks and streets, and retaining walls, without having

to repair those privately owned.

Mr. Weaver clarified that the ordinance addresses “public right of way,” not ownership of sidewalks.

Mr. Mills read from the Municipal Code Section 94-3, requiring property owners to keep sidewalks free from obstruction and in good repair. The code states that the only sidewalk owned by the city is the 2,200-foot long sidewalk on the west side of Main St.

On the vote to approve Ordinance 1956, all voted aye. Motion passed 6/0/0

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Mr. Ott moved to take a break at 8:17 p.m. Ms. Money seconded. All voted aye. Motion passed 6/0/0 Meeting resumed at 8:32 p.m.

4. Discussion of Ordinance #1958, an ordinance to permit the sale of alcohol in the Auditorium.

Ms. Money moved to place Ordinance 1958 on its first reading. Mr. Berry seconded.

Ms. Sell read the ordinance aloud.

Ms. Money moved to approve Ordinance 1958 on its first reading. Mr. Ott seconded.

Mr. Ott asked if it is the auditorium policy to only sell refreshments in the lobby before performances, during intermission and to no one who appears intoxicated. Mr. Gorrell said that was correct.

Ms. Lindblad said she would like to have those parameters included in the ordinance. She would also like to have a copy of whatever materials are given to vendors in advance of their use of the concession area in the lobby.

On the vote to approve Ordinance 1958, five voted aye, Mr. Umland opposed. Motion passed 5/1/0

Mr. Ott moved to suspend the rules and place Ordinance 1958 on its second reading by title only. Ms. Money seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Harrison read the title of Ordinance 1958 aloud.

Ms. Money moved to approve Ordinance 1958 on its second reading by title only. Mr. Ott seconded. Five voted aye, Mr. Umland opposed. Motion passed 5/1/0

Ms. Money moved to suspend the rules and place Ordinance 1958 on its third reading by title only. Mr. Ott seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Harrison read the title of Ordinance 1958 aloud.

Ms. Money moved to approve Ordinance 1958 on its third reading by title only. Ms. Carroll seconded. Five voted aye, Mr. Umland opposed. Motion passed 5/1/0

Mr. Ott moved to adopt the emergency clause. Mr. Berry seconded.

Ms. Sell read the emergency clause aloud.

5. Discussion of Ordinance #1960, an ordinance to allow skateboarding in Basin Park for a one time event to be held May 15, from 11 a.m. to 4 p.m.

Ms. Money moved to place Ordinance 1960 on its first reading. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Mayor Harrison read the ordinance aloud.

Ms. Money moved to approve Ordinance 1960 on its first reading. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to suspend the rules and place Ordinance 1960 on its second reading by title only. Mr. Umland seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Harrison read the ordinance title aloud.

Ms. Money moved to approve Ordinance 1960 on its second reading by title only.

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Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to suspend the rules and place Ordinance 1960 on its third reading by title only. Mr. Umland seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Harrison read the ordinance title aloud.

Ms. Money moved to approve Ordinance 1960 on its third reading by title only. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

Ms. Money moved to adopt the emergency clause. Mr. Ott seconded.

Mayor Harrison read the emergency clause aloud.

6. Announcement of Farmers Market.

Mayor Harrison said Jimmy Jones has donated the use of the lower level of his parking lot near the intersection of Highway 62 and Highway 23/Main St. for use by the Farmers' Market from 4 to 7 p.m. every Thursday.

7. Proclamation for National Day of Prayer

Mr. Ott said he had written the proclamation, including the unique points of view of many of the citizens of Eureka Springs. He read the proclamation aloud.

Mr. Ott moved to accept the proclamation. Ms. Money seconded.

Ms. Lindblad spoke in opposition to adopting the proclamation, saying one of the reasons for the establishment of this country was to separate church and state. She does not feel that any civil or governmental authority should proclaim anything having to do with religion or forcing prayer.

Ms. Money said she had gotten calls last year from citizens who were disappointed that there was not a proclamation for the National Day of Prayer.

On the vote, five voted aye to accept the proclamation, Ms. Lindblad opposed. Motion passed 5/1/0

8. Discussion of Ordinance #1482, an ordinance restricting on-going performances in the Auditorium

Mr. Weaver said the ordinance had been properly read and approved June 9, 1992, but had not been included in the Municipal Codebook when it was revised and subsequently adopted by the city council. The ordinance is void since it is not included in the codebook.

COUNCIL COMMENTS

Ms. Carroll announced a public forum for a discussion of the proposal to adopt the city administrator form of government at 6 p.m. Thursday, May 6, in the auditorium. A special election on the issue is scheduled for Tuesday, May 11.

Mr. Ott thanked the council for its support of the Proclamation of the National Day of Prayer. He recognized Brenda Spencer who announced there will be a tree planting at 11 a.m. Friday, April 30, in the park/parking area on North Main in observation of National Arbor Day and in recognition of Eureka Springs now being the oldest Tree City in Arkansas.

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Mr. Berry said he and Mr. Ott had mentioned almost a year ago that if the citizens were not satisfied with the current form of government, they should circulate a petition and call for an election. He does not feel it is the council's place to decide which form is better or worse, that is why he has not brought it up for council discussion.

Mr. Umland thanked Mr. Ott for his proclamation.

Ms. Money asked about amplified music during the proposed Sunday Markets. Mayor Harrison said that is allowed as a variance because it is a city-sponsored event.

Ms. Lindblad said she feels the mayor/council form of government is best for Eureka Springs. She is concerned because the forum will only present one side of the information on one form of government. She asked council members to educate themselves that the use of e-mails to discuss city business is illegal.

MAYOR'S COMMENTS:

Mayor Harrison said any items to be placed on the next council agenda should be to Brenda Spencer by Wednesday because the agenda is sent for publication before noon on Thursdays. Items can only be added after publication if there is an

emergency or the majority of council members' votes to add an item as the meeting starts. Two council members can request an item be placed on an agenda.

She said she regretted the council not allowing the proposal for staggered terms to be discussed tonight. A similar measure had been brought to the council by former aldermen Ernst Schrader and Bryan Sumpter with no action taken in the past.

ADJOURNMENT:

Mr. Ott moved to adjourn at 9:15 p.m. Ms. Lindblad seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the City Council minutes of April 26, 2004.

Mayor Kathy Harrison

City Clerk Mary Jean Sell

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