

**5:15 – October > December 2020 and January 2021 budget reviews**

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**CITY OF EUREKA SPRINGS  
COUNCIL MEETING  
Monday, February 22, 2021  
6 p.m.  
AGENDA**

**CALL TO ORDER**

**ROLL CALL, ESTABLISH QUORUM**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA**

**APPROVAL OF THE MINUTES:** February 8, 2021

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:**

**Planning** – Pos. 3 – **vacant** – expires 7/1/23

**CAPC** – Pos. 3 – **vacant** – expires 6/30/23

**Hospital**

**Parks** – Pos. 5 – **vacant** – expires 5/1/21. Pos. 7 – **vacant** – expires 5/1/25

**HDC**

**Cemetery**

**PUBLIC COMMENTS:** 3 minutes per speaker

**UNFINISHED BUSINESS:**

1. Ordinance No. 2302 -- Re-zone 38 Prospect C-3 Quiet Commercial – second reading
2. Ordinance No. 2303 -- Re-zone 44 Armstrong to C-1 Commercial – third reading
3. Ordinance No. 2304 -- Re-zone 46 Armstrong to C-1 Commercial – third reading
4. Ordinance No. 2306 – Vacate eastern half of alley south of Paxos in Freeman Block 3  
– second reading

**NEW BUSINESS:**

1. Discussion of East Mountain and Pivot Rock Rd. sidewalks/bike paths – Ms. Smole and Mr. Meyer
2. Discussion of Police presence at Commission and Council meetings – Ms. Greene and Mr. Meyer

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

**CITY OF EUREKA SPRINGS**

**CITY COUNCIL**

**REGULAR MEETING**

**MONDAY**

**FEBRUARY 22, 2021**

Mayor Robert “Butch” Berry called the regular meeting of the Eureka Springs City Council to order at 6:00 p.m. Monday, February 22, 2021 in the Auditorium at 36 S. Main St.

**PRESENT:** Mayor Berry, Council members Harry Meyer, Melissa Greene, Bill Ott, Autumn Slane, LauraJo Smole, Terry McClung and City Clerk Treasurer Ann Armstrong

**ATTENDING REMOTELY:** City Attorney Tim Weaver

**PLEDGE OF ALLEGIANCE:**

Mayor Berry led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA:**

Mayor Berry called for a motion to approve the agenda. Ms. Smole said she so moved. Ms. Greene seconded. Ms. Greene added a discussion of Police presence at Commission and Council meetings. Mr. Meyer seconded. A vote on the amended agenda followed.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES:** February 8, 2021

Ms. Greene moved to approve the minutes of February 8, 2021. Ms. Smole seconded.

Motion carried 6/0/0.

**RECENT DEVELOPMENTS DUE TO WEATHER:**

Mayor Berry spoke about the extreme weather of the previous week with power outages, ice and snow, broken pipes and sustained sub-zero temperatures. Clearing main roads, pulling people out of ditches and getting people to shelter were the primary efforts. Ice, steep roads and cars parked on streets kept some roads from being cleared. He noted the expectation to have every road in town cleared was simply unrealistic.

With seven Public Works crew members, streets were pre-treated, and plowed and graveled repeatedly with one truck. In addition to helping with stranded trucks and people, on Friday alone, there were 40 emergency water shut-offs. He thanked Public Works for putting their personal health and safety at risk to assist people of the community.

Public Works Director Dwayne Allen summarized how the response plan advanced to an emergency with tanks having to be filled manually, the treatment plant at half capacity and ice on the roads. He saw opportunity to be better prepared for the next such event.

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:**

**Planning** – One seat is open.

**CAPC** – Ms. Greene moved to accept the CAPC’s recommendation for position 3 – Patrick Burnett. Mr. Ott moved to table. Mr. McClung seconded. Mr. Ott expressed his belief the Commissioner’s employment position had not been definitively severed. Mr. McClung questioned whether there were three or (the required) four votes to declare a vacancy. Ms. Greene said (Chair) Wright was the fourth vote and there was also a(n opinion) from a Municipal League (attorney) regarding how long a leave of absence counts while the business is open. Following discussion about the employment position as now held by someone else, a roll call vote on the motion to table was taken.



Motion failed 2/4/0 with Ms. Greene, Mr. Meyer, Ms. Slane and Ms. Smole voting “No.”

Ms. Greene moved to accept the CAPC’s recommendation for position 3 for Patrick Burnett. Mr. Ott seconded. A voice vote followed.

Motion carried 5/0/1 with Mr. McClung abstaining.

**Hospital** – No report

**Parks** – Two seats are open. An application for position 7 from Susan Hubbard was provided.

**HDC** – No report

**Cemetery** – No report

**PUBLIC COMMENTS:** none

**UNFINISHED BUSINESS:**

**1. Ordinance No. 2302 Re-zone 38 Prospect to C-3 Quiet Commercial – 2<sup>nd</sup> reading**

Ms. Greene moved to discuss Ordinance No. 2302. Ms. Smole seconded.

Motion carried 6/0/0. Ms. Greene moved to suspend the rules and (read Ordinance No. 2302 by title only) for the second reading. Ms. Smole seconded. A roll call vote followed.

Motion carried 6/0/0. The Ordinance title was read. Ms. Greene moved to approve. Mr. Meyer seconded.

Motion carried 5/1/0 with Mr. McClung voting “No.” Ms. Greene moved to suspend the rules and read Ordinance No. 2302 on its third reading to re-zone by title only. Ms. Smole seconded. A roll call vote followed.

Motion carried 6/0/0. The Ordinance title was read. Ms. Greene moved to approve Ordinance No. 2302 to re-zone on its third reading. Ms. Slane seconded. A roll call vote was taken.

Motion carried 4/2/0 with Mr. McClung and Mr. Meyer voting “No.”

**2. Ordinance No. 2303 Re-zone 44 Armstrong to C-1 Commercial – 3<sup>rd</sup> reading**

Ms. Smole moved to (suspend the rules and read by title only.) Ms. Greene seconded. A roll call vote was taken.

Motion carried 6/0/0. The Clerk Treasurer read the Ordinance title. The Mayor called for a motion to approve (the 3<sup>rd</sup> reading of) Ordinance No. 2303. Mr. Ott said he so moved. Ms. Smole seconded. A roll call vote followed.

Motion carried 6/0/0.

**3. Ordinance No. 2304 Re-zone 46 Armstrong to C-1 Commercial – 3<sup>rd</sup> reading**

Ms. Greene moved to suspend the rules and read Ordinance No. 2304 to re-zone by title only. Mr. Meyer seconded. A roll call vote followed.

Motion carried 6/0/0. The Ordinance title was read. Ms. Greene moved to approve Ordinance No. 2304 on its third reading. Mr. Meyer seconded. A roll call vote was taken.

Motion carried 6/0/0.

**4. Ordinance No. 2306 Vacate eastern half of alley south of Paxos in Freemans Block 3 – 2<sup>nd</sup> reading**

Mr. McClung moved to suspend the rules and read Ordinance No. 2306 on its second reading by title only. Ms. Greene seconded. A roll call vote followed.

Motion carried 6/0/0. The Ordinance title was read. Mr. McClung moved to approve Ordinance No. 2306 on its second reading. Mr. Meyer seconded.

Motion carried 6/0/0. Mr. McClung moved to suspend the rules and read Ordinance No. 2306 by title only for its third and final reading. Mr. Meyer seconded. A roll call vote followed.

Motion carried 6/0/0. The Ordinance title was read. Mr. McClung moved to approve Ordinance No. 2306 on its third reading. Mr. Ott seconded. A roll call vote was taken.

Motion carried 6/0/0.

**NEW BUSINESS:**

**1. Discussion of East Mountain and Pivot Rock Rd. sidewalks/bike paths**

Ms. Smole said she wanted to explore whether Council supports the idea and is willing to conduct a feasibility study. The Planning Commission would be actively involved. She provided an outline and said she'd like to discuss it at the next meeting.

Mayor Berry said if Council is in agreement, he would appoint the committee to start the feasibility study.

Mr. Ott moved to approve the City Council's acceptance of the formation of a feasibility committee to take it from this point on and report back before any action is taken.

The Mayor spoke about the progress with sidewalks on (Hwy. 62) towards the schools, and favored extending them to East Mountain.

Mr. McClung seconded the motion.

Motion carried 6/0/0.

**2. Discussion of Police presence during Commission and Council meetings**

Ms. Greene spoke about having Police at meetings and asked if (Commissions or Council) has to pay for it. Mayor Berry noted the officers are off duty when they attend meetings. (A 911 call would be different in that it is response to an emergency call.)

**AGENDA SETTING:** No new items were added.

**CITY COUNCIL COMMENTS:**

Mr. Meyer said he was glad it thawed.

Ms. Smole praised Public Works and citizens for their work and help during the storm, and those who helped with shelters.

Mr. Ott concurred.

**MAYOR'S COMMENTS:**

Mayor Berry spoke about the level of dedication shown and was grateful there was not a (planned) power outage. He, too, thanked the Community Center and Methodist Church for providing shelters.

**ADJOURNMENT:**

Mr. Ott moved to adjourn. Mr. McClung seconded.

Motion carried 6/0/0. The meeting ended at 6:55 p.m.

**ATTEST:**

  
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City Clerk Treasurer Ann Armstrong

**APPROVED:**

  
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Mayor Robert "Butch" Berry