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**CITY OF EUREKA SPRINGS  
COUNCIL MEETING  
Monday, April 25, 2022  
6 p.m.  
AGENDA**

**CALL TO ORDER  
ROLL CALL, ESTABLISH QUORUM  
PLEDGE OF ALLEGIANCE  
APPROVAL OF THE AGENDA  
APPROVAL OF THE MINUTES: APRIL 11, 2022**

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

**Planning** – Pos. 3 – **vacant** – expires 7/1/23  
**CAPC** -- Pos. 4 – **vacant** – expires 6/30/24. **First quarter** financial report  
**Hospital**  
**Parks** – **First quarter** financial report  
**HDC** – Pos. 1 – **vacant** – expires 11/30/24  
**Cemetery** – Pos. 1 – **vacant** – vote on **Robert Tollett**. **First quarter** financial report

**PUBLIC COMMENTS -- 3 minutes for each citizen**

**UNFINISHED BUSINESS**

1. Ordinance No. 2322 City Attorney's position – 3<sup>rd</sup> reading
2. Ordinance No. 2323 City Prosecuting Attorney's position – 3<sup>rd</sup> reading
3. Update on Department Heads' views regarding proposed raises – Mayor Berry
4. Discussion of assigned parking for residential streets with Kylee Hevrdejs and Ann Sallee – Mayor Berry

**NEW BUSINESS**

1. Food Truck lottery for additional locations on Hwy. 62/23 S. – Ordinance No. 2321
2. Ordinance to redistrict Ward lines – A.C.A 14-43-311
3. Discussion authorizing Mayor to hire full-time FOIA employee – Ms. Greene
4. Discussion of procedures at the Council table – Ms. Greene
5. Discussion of the Code of Conduct – Ms. Greene
6. Discussion of dishonesty and credibility of City officials

**AGENDA SETTING  
CITY COUNCIL COMMENTS  
MAYOR'S COMMENTS  
ADJOURNMENT**

**CITY OF EUREKA SPRINGS  
CITY COUNCIL  
REGULAR MEETING**

**MONDAY**

**APRIL 25, 2022**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6:00 p.m. Monday, April 25, 2022, in the Auditorium at 36 S. Main St.

**PRESENT:** Mayor Berry, Council members Harry Meyer, Melissa Greene, Nick Roberts, Bill Ott, Terry McClung, Autumn Slane, and City Clerk Treasurer Ann Armstrong. Forrest Jacobi was also present.

**PLEDGE OF ALLEGIANCE**

Mayor Berry led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

The Mayor called for a motion to approve the agenda. Mr. McClung said he so moved. Mr. Meyer seconded.

Ms. Greene postponed New Business item #3. Mr. Roberts added discussion of dishonesty and credibility of City officials. Ms. Greene seconded. Mr. Roberts asked for the new item to be addressed first under New Business. Ms. Slane seconded. A roll call vote was taken.

Motion carried 4/2/0 with Mr. Meyer and Ms. Greene voting "No." A vote on the amended agenda followed.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES: April 11, 2022**

Mayor Berry asked for a motion to approve the minutes. Mr. Ott said he so moved. Mr. McClung seconded.

Motion carried 6/0/0.

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

**Planning** – There is a vacancy in Position 3. An application from Peter Graham was provided.

**CAPC** – Position 4 is vacant. The first quarter financial report was not yet approved by the Commission.

**Hospital** – No report

**Parks** – The first quarter financial report was provided.

**HDC** – Position 1 is open. The application from Peter Graham was also for this position.

**Cemetery** – The first quarter financial report was provided. Mr. Ott moved to accept the (application) from Robert Tollett. Ms. Greene seconded.

Motion carried 6/0/0.

**PUBLIC COMMENTS**

1. **Ferguson Stewart** noted the May 24 primary election and the opportunity to meet the candidates on April 28. He encouraged the public to attend and added early voting will start on May 9.

2. **Samantha Jones** and **Cathy Segur** spoke about working with community partners and offered the Earth Day celebration and the presentation to teach students the warning signs of a stroke as examples.

3. **Rodney Slane** expressed his belief that he was being manipulated and said he recorded meetings to protect the City and himself. Citing nothing specific, Mr. Slane spoke of atrocities he'd hoped the Mayor would have brought to light.



4. **Ken Riley** said he was looking for solutions instead of trials on Facebook. He spoke of a person who no longer lives in the state but complains endlessly about Eureka and systematically picks on people who don't agree.

## **UNFINISHED BUSINESS**

### **1. Ordinance No. 2322 City Attorney's position**

Mr. Meyer moved to discuss. Ms. Greene seconded.

Mr. McClung moved to suspend the rules and read Ordinance No. 2322 for the third reading by title only. Mr. Meyer seconded. Following the observation that the amendments had not been read, the motion and second were withdrawn.

Mr. McClung moved to place Ordinance No. 2322 on its third reading in its entirety. Mr. Meyer seconded. A voice vote followed.

Motion carried 6/0/0. The amended Ordinance was read.

Mr. McClung moved to approve Ordinance No. 2322 on its third and final reading. Mr. Meyer seconded. A roll call vote followed.

Motion carried 6/0/0.

Mr. Ott moved to (read) the emergency clause. Mr. Meyer seconded. A roll call vote was taken.

Motion carried 6/0/0. The emergency clause was read.

### **2. Ordinance No. 2323 City Prosecuting Attorney's position**

The Mayor asked for a motion to discuss Ordinance No. 2323. Mr. McClung said he so moved. Mr. Ott seconded.

Mr. Meyer moved to read Ordinance No. 2323 as amended for its third reading. Ms. Greene seconded. A voice vote was taken.

Motion carried 6/0/0. The amended Ordinance was read.

Mr. McClung moved to approve Ordinance No. 2323 on its third and final reading. Ms. Greene seconded. A roll call vote followed.

Motion carried 6/0/0.

Mr. Ott moved to read the emergency clause for Ordinance No. 2323. Mr. Meyer seconded. A roll call vote was taken.

Motion carried 6/0/0. The emergency clause was read.

### **3. Update on Department Heads' views regarding proposed raises**

Mayor Berry called for a motion to discuss. Mr. McClung said he so moved. Ms. Greene seconded. The Mayor spoke about having met with all the Department Heads about raising all full-time employees to \$15 hour. Budgets for that have been submitted.

Michael Akins said Lonnie Clark and he went back and made a few slight changes in what Council saw at the last meeting. Mr. Akins said actual annual impact will be \$122,755.20. Since there are only 8 months remaining in 2022, the effect on this year's budget will be approximately \$82,000 to implement the raises. The adjustments will be made in conjunction with the mid-year budget adjustments.

Mr. Akins noted the first pay period in May will be when the raises become effective.

### **4. Discussion of assigned parking for residential streets**

Ms. Greene moved to discuss. Mr. Meyer seconded.

Kylee Hevrdejs summarized Planning Commission efforts to identify parking availability in some R-1 neighborhoods. Questionnaires were sent to 127 residential property owners and approximately 30% responded. Commissioners also counted off-street parking spots and striped street parking spots.

Ann Sallee said signage and a permit system were highly supported by the residents. Mountain, Elk, Owen, Pine, and a portion of Spring St. were the streets identified as having the least on-street parking. Recommendations were signs for residential parking with hours, and additional

striped on-street spots on Spring St. Those with off-street parking will be reminded to use it. Hang tags for visitors were also recommended.

It was agreed to schedule a workshop with Planning and Council.

## **NEW BUSINESS**

### **6. Discussion of dishonesty and credibility of City officials**

Mr. Roberts moved to discuss. Ms. Greene seconded.

Mr. Roberts read a prepared statement regarding the structure of government with rules and regulations. Referencing articles in one local newspaper about lack of transparency and his own conversations with some residents, it was Mr. Roberts' position people have lost confidence in City leadership.

Ms. Slane provided copies of newspaper articles she called "proof of dishonesty" and expressed her belief the City is having problems navigating Freedom of Information responses. She summarized conclusions drawn from reading some of the FOIA responses and secretly recorded conversations.

Discussion followed regarding people who continually complain, rumors and opinions, and drawing conclusions before completion of a court case. The value of diverse views, CAPC accounting improvements, and innuendo versus direct inquiry were discussed.

Mr. Ott moved to close debate. Mr. Meyer seconded. Following objection to the motion and confirmation of the motion's precedence in the process, Mr. Ott withdrew his motion.

Discussion continued about online forum opinions taken as lies and "trial by newspaper."

### **1. Food Truck lottery for additional locations on Hwy. 62/23S**

Ms. Greene moved to discuss. Mr. Meyer seconded. The three properties where food truck locations were requested for the five open lottery spots were the Wagner Inn, Tuscan Manor, and the Community Center.

### **2. Ordinance to redistrict Ward lines**

Mr. Meyer said he made a motion. Ms. Greene seconded. The Ordinance used for the 2012 ward adjustment was the template for updating information from the 2020 census, with the goal of having the same number of voters in each ward.

Mr. McClung moved to take a five-minute break so the map could be brought for Council review prior to reading the proposed Ordinance. Mr. Roberts seconded.

When the session resumed Mr. McClung moved to assign the ordinance a number and read it for (the first reading). Mr. Ott seconded. A voice vote followed.

Motion carried 6/0/0. **ORDINANCE NO. 2324 AN ORDINANCE REDISTRICTING THE EUREKA SPRINGS ELECTION WARDS WITH AN EMERGENCY CLAUSE** was read.

Mr. Ott moved to accept the first reading. Ms. Slane seconded. A voice vote followed.

Motion carried 6/0/0. Mr. Meyer moved to suspend the rules and read Ordinance No. 2324 by title only for the second reading. Ms. Greene seconded. A roll call vote was taken.

Motion carried 6/0/0. The Ordinance title was read.

Mr. Ott moved to accept the second reading. Mr. Meyer seconded. A voice vote followed.

Motion carried 6/0/0.

Mr. Ott moved to suspend the rules and put Ordinance No. 2324 on the third reading by title only. Mr. Meyer seconded. A roll call vote followed.

Motion carried 6/0/0. The title of Ordinance No. 2324 was read.

Mr. Ott moved to approve Ordinance No. 2324 on the third reading. Ms. Greene seconded. A roll call vote followed.

Motion carried 6/0/0.

Mr. Ott moved to read the emergency clause. Mr. McClung seconded. A roll call vote was taken.

Motion carried 6/0/0. The emergency clause was read.



### **3. Discussion of authorizing the Mayor to hire a full-time FOIA employee**

Postponed during approval of the agenda

### **4. Discussion of procedures at the Council table**

Ms. Greene moved to discuss. Mr. Meyer seconded. Ms. Greene noted that, given the present situation (Council) is having, she asked Council members to go to page 7 and read "Recognition by the Mayor" and the portion regarding making a motion correctly.

### **5. Discussion of Code of Conduct**

Ms. Greene moved to discuss the City Council Code of Conduct. Mr. Meyer seconded.

Ms. Greene encouraged members to go home and read the provided document, saying recently (Council's) decorum has been awful. Ms. Greene read a portion saying all electronic transmissions sent or received in performance of duties...are subject to the Arkansas Freedom of Information Act. She expressed concern about watching people at the table texting.

Ms. Greene favored disclosure of the question (a constituent might be) asking by text. She noted that FOIA requests would also allow other members to know what the messages contain. Ms. Greene asked that all cell phones be off.

Discussion followed about potential problems with Council members talking with City employees.

No specific agreement was reached.

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

### **COUNCIL COMMENTS**

Mr. Ott appreciated the new ward map and also the previous weekend's concert.

Mr. Roberts was pleased people attended the meeting.

Ms. Greene said she found it a conflict of interest for anyone who voted for raises to run for the related offices.

Mr. Meyer favored ceasing use of the word "liar".

Ms. Slane said she'd been met with dishonesty and bullying and encouraged people to run for Mayor or City Council.

Mr. McClung looked forward to having issues with the CAPC behind (Council).

### **MAYOR'S COMMENTS**

Mayor Berry spoke a recent accusation regarding lying. He spoke about the snippet of secretly recorded conversation made by Autumn Slane and her asking about embezzlement, and said he was advised to not discuss further the ongoing lawsuit.

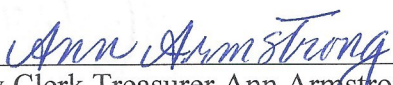
The upcoming 30<sup>th</sup> anniversary celebration at Turpentine Creek and the Artrageous Parade were announced.

### **ADJOURNMENT**

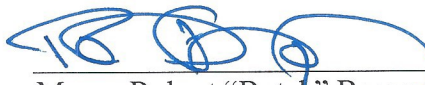
The Mayor called for a motion to adjourn. Mr. McClung said he so moved. Mr. Meyer seconded.

Motion carried 6/0/0. The meeting ended at 8:04 p.m.

**ATTEST:**

  
City Clerk Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Robert "Butch" Berry