

<https://www.youtube.com/user/cityofeurekasprings/live>  
*5:15 – November 2021 budget review*

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING**

Monday, January 10, 2022

6 p.m.

**AGENDA**

**CALL TO ORDER**

**ROLL CALL, ESTABLISH QUORUM**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA**

**APPROVAL OF THE MINUTES: December 13, 2021**

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

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

**CAPC** -- Pos. 4 – **vacant** – expires 6/30/24. Pos. 5 – **vacant** – expired 12/31/21 -- **City Council seat.** Pos. 6 – **vacant** – expired 12/31/21 -- **City Council seat**

**Hospital** – Pos. 4 – **vacant** – expires 6/1/26

**Parks** – Pos. 1 – **vacant** – expires 5/1/22. Application from **Edward Robinson III.**  
Pos. 5 – **vacant** – expires 5/1/25.

**HDC**

**Cemetery**

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

**UNFINISHED BUSINESS:**

1. Ordinance No. 2316 to vacate portion of Paxos St. – 3<sup>rd</sup> reading

**NEW BUSINESS:**

1. Rules of procedure for 2022
2. Set meeting dates for 2022
3. Pro tempore for 2022
4. Discussion of the 2022 budget
5. Discussion of Code of Conduct – Ms. Greene
6. Discussion of parking and streets in the Historic District – Ms. Greene
7. Ordinance to add three food truck lottery spots on Hwy. 62/23S. – Ms. Greene and Mr. Ott
8. Resolution reinstating wearing of masks – Mayor Berry

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**JANUARY 10, 2022**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6:00 p.m. Monday, January 10, 2022, in the Auditorium at 36 S. Main St.

**PRESENT:** Mayor Berry, Council members Harry Meyer, Melissa Greene, Terry McClung, Autumn Slane, Bill Ott, Nick Roberts (remotely), City Attorney Tim Weaver and City Clerk Treasurer Ann Armstrong

**PLEDGE OF ALLEGIANCE:**

Mayor Berry led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA:**

Mayor Berry requested a motion to approve the agenda. Mr. Ott said he so moved. Mr. McClung seconded. Mayor Berry noted applications were received for the Hospital Commission from Mike Dwyer and Sharon Deramus, and from Pat Costner for Parks. To New Business, a resolution to (reinstate wearing of) masks was added.

Ms. Greene postponed item #6.

The Mayor called for a vote on the agenda as amended.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES:** December 13, 2021

Mayor Berry called for a motion to approve the minutes for December 13, 2021. Mr. Ott said he so moved. Ms. Slane seconded.

Motion carried 6/0/0.

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

**Planning** – There is one vacancy (Position 3).

**CAPC** – Position 4 is vacant. Council proceeded to vote in members for Positions 5 and 6: Following discussion about the process, five Council members raised their hand to indicate interest in serving. Ballots were passed, signed and returned for the Position 5. Ms. Slane received the four votes required.

Ballots were passed, signed and returned for Position 6. On the third round of voting, Mr. Roberts received five votes.

**Hospital** – An application was received from Mike Dwyer for Position 4. Sharon Deramus provided an application for Position 7.

**Parks** – Edward Robinson III sent an application for Position 1. An application from Pat Costner for Position 4 was provided.

**HDC**

**Cemetery**

**PUBLIC COMMENTS:**

**LauraJo Smole** requested budgeting \$15/hour beginning wages. She favored having open permission for food trucks in C-2, with the number on a property determined by the Building Inspector. Ms. Smole opposed representing the City while in open litigation against the City.

**Dave Hartman** questioned why there is an ordinance regarding food trucks, a legitimate business. He considered it a bad way to grow enterprises in town. He thanked Council for everything they do.

**UNFINISHED BUSINESS:** none

**1. Ordinance No. 2316 to vacate a portion of Paxos St. – 3<sup>rd</sup> reading**

Mr. McClung moved to discuss. Ms. Greene seconded. Mr. McClung moved to suspend the rules and read Ordinance No. 2316 by title only for its third and final reading. Mr. Meyer seconded. A roll call vote was taken.

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

Mr. McClung moved to approve the third reading. Mr. Ott seconded. A roll call vote followed.

Motion carried 6/0/0.

**NEW BUSINESS:**

**1. Rules of procedure for 2022**

Ms. Slane moved to discuss. Mr. McClung seconded.

Following mention of previous use of the simplified Roberts Rules of Order, Mr. McClung moved to approve the procedural rules as currently exist (*Procedural Rules for Municipal Officials*, prepared by the Arkansas Municipal League and voted for use in 2021). Ms. Greene seconded.

Motion carried 6/0/0.

**2. Set meeting dates for 2022**

The Mayor reviewed a proposed summary based on 2021 meeting dates. Mr. McClung moved to discuss. Mr. Meyer seconded.

Mr. McClung moved to set the dates as previously done, for the second and fourth Mondays at 6:00 p.m. Mr. Meyer seconded.

Motion carried 6/0/0.

**3. Pro tempore for 2022**

Ms. Greene moved to approve Mr. McClung for Mayor Pro tem. Mr. Ott seconded.

Motion carried 6/0/0.

**4. Discussion of the 2022 budget**

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

Mr. McClung noted there was discussion during the budget meeting about adding \$10-12,000 to accomplish some Cemetery improvement projects. He moved to include an item in the budget for the Cemetery for \$12,000 in capital improvements. Ms. Greene seconded.

Motion carried 6/0/0.

Mayor Berry requested that budget questions be submitted to him for sending on to the Finance Director.

**5. Discussion of Code of Conduct**

Ms. Greene moved to discuss. Ms. Slane seconded. Ms. Greene confirmed the passage Resolution No. 782 about how (Council) conducts (themselves). She apologized for not practicing that at the last meeting.

**6. Discussion of parking and streets in the Historic District**

Postponed during approval of the agenda

**7. Ordinance to add three food truck lottery spots on Hwy. 62/23 S.**

The Mayor called for a motion to discuss. Mr. Ott said he so moved. Mr. Meyer seconded.

Mr. Meyer said he recalled that when the food truck lottery ordinance was passed, it was to protect “brick and mortar” restaurants. It was his view that there was no negative effect on those businesses. He also spoke about special events and expressed support for allowing food trucks in C-

2. Ms. Slane and Mr. Roberts were in agreement.

Discussion followed about giving the “brick and mortar” restaurants an opportunity to speak up, especially on the highway, and about people who have only ½ lunch breaks.



Mr. Ott spoke in favor of a public hearing. Interpreting this as a motion, Ms. Greene seconded. Mayor Berry suggested "at the next meeting." Mr. Ott agreed.

Motion carried 6/0/0.

**8. Resolution regarding reinstating wearing of face masks**

Ms. Greene moved to discuss. Ms. Slane seconded. Mayor Berry said the day's paper listed the highest ever rate of COVID 19 occurrences in Arkansas.

Mr. Meyer moved to assign the resolution a number and read it for passage. Ms. Slane seconded. A roll call vote followed.

Motion carried 5/1/0 with Mr. McClung voting "No." The Clerk Treasurer read **RESOLUTION NO. 815 A RESOLUTION BY THE CITY OF EUREKA SPRINGS REGARDING THE USE OF MASKS BY PERSONS IN RELATION TO THE COVID-19 PANDEMIC.**

City Attorney Tim Weaver agreed removing the word "unvaccinated" would be correct, by voice vote. Mr. Ott moved to do so. Ms. Slane seconded.

Mr. Weaver clarified the phrase "locally owned and/or operated."

Motion carried 6/0/0.

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

**CITY COUNCIL COMMENTS:**

Mr. Ott was pleased all the festivities in town.

Ms. Slane thanked (Ms. Greene and Mr. Meyer) for serving on the CAPC, and wished everyone a Happy New Year.

Mr. Meyer quipped about names on an active lawsuit.

Mr. McClung spoke about his renewed understanding of County residency for CAPC Commission members.

**MAYOR'S COMMENTS:**

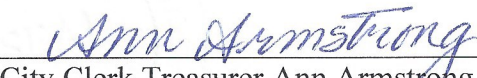
Mayor Berry thanked the (Ms. Greene and Mr. Meyer) for their service on the CAPC Commission and welcomed (Ms. Slane and Mr. Roberts). He offered news of upcoming events.

**ADJOURNMENT:**

The Mayor welcomed a motion to adjourn. Mr. McClung said he so moved. Ms. Slane seconded.

Motion carried 6/0/0. The meeting ended at 6:58 p.m.

**ATTEST:**

  
City Clerk Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Robert "Butch" Berry