

**CITY OF EUREKA SPRINGS
CITY COUNCIL
SPECIAL MEETINGS**

TUESDAY

JANUARY 18, 2022

Mayor Robert "Butch" Berry called the special meeting of the Eureka Springs City Council to order at 4:00 p.m. Tuesday, January 18, 2022, in the Auditorium at 36 S. Main St. Mayor Berry stated the purpose of the meeting: **To re-vote on the Council person for Position 5 on the CAPC Commission.**

PRESENT:

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

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge.

ACTION:

Mayor Berry explained the error in having said Council members could vote for themselves. A.C.A 14-42-103(b)2 states that a member of the governing body shall not vote on his or her own appointment. He requested a show of hands of those who would like to run.

Terry McClung, Harry Meyer, Autumn Slane, and Melissa Greene raised a hand. Discussion followed regarding the nomination process, and the Mayor's having conferred with (a) Municipal League (attorney) regarding voting.

Mr. Roberts moved to table the motion for Position 5. Ms. Slane called point of inquiry, was acknowledged, and asked if that would mean the it would go automatically to the previous (person) in the seat. After hearing "Yes" from the Mayor, she seconded Mr. Roberts' motion. A roll vote was taken.

Motion failed 3/3/0 with Mr. McClung, Ms. Greene, and Mr. Meyer voting "No."

Mr. McClung moved to make two nominations for this position and then close the nominations. There was no second and Mr. McClung withdrew the motion. He then moved to nominate as many as want to be nominated. Mr. Meyer seconded.

Mr. McClung then moved to make nominations and have them seconded, and then vote for that position. The Mayor stated there was a second.

Only "Ayes" were audible.

Mr. McClung nominated Autumn Slane for that position. Mr. Roberts seconded.

Ms. Greene nominated Harry Meyer. Ms. Slane seconded.

Mayor Berry announced the nominations as closed. It was clarified ballots were to be signed. Six ballots were returned with Mr. Meyer's marked as abstaining. Ms. Slane received three votes and Mr. Meyer received two.

A second round of ballots was provided. Ms. Slane received three votes. Mr. Meyer received one. Both Mr. Meyer and Ms. Slane abstained. Mayor Berry added a vote for Ms. Slane.

Mayor Berry requested a motion to adjourn the meeting. Mr. McClung said he so moved. Ms. Greene seconded.

Motion carried 6/0/0.

SPECIAL MEETING

Mayor Robert "Butch" Berry called the second special meeting of the Eureka Springs City Council to order and stated the purpose of the meeting: **To re-vote on the Council person for Position 6 on the CAPC Commission.**

ACTION:

Mr. Roberts moved to discuss. Mr. McClung seconded. Mr. Roberts spoke about having received four votes (at the last meeting) and said he has the position – there was no reason to vote. He expressed his displeasure with the Mayor and City Attorney.

Ms. Slane moved to cancel the special meeting for the other vote. Mr. Roberts seconded. Mayor Berry clarified that would mean the person who held the seat (in 2021) would retain the position.

Mr. Ott moved to ratify Mr. Roberts for Position 6 for the CAPC. Ms. Slane seconded. Mr. Weaver said that would not be proper because there was a motion on the floor.

Mr. Ott told Mr. Roberts he had to withdraw his motion. Mr. Roberts moved to withdraw his (second). Mr. Ott asked Ms. Slane if she withdrew her second. Ms. Slane moved to withdraw (the motion).

Mr. Ott restated the motion to ratify (Mr. Roberts) in the sixth position.

Mr. McClung expressed his belief that, even if Mr. Roberts voted illegally, the rest of Council did not. Mr. Weaver noted, “‘Making sense’ and being legally justifiable are not always the same thing.” Discussion continued regarding the Municipal League attorney’s citing of the statute clarifying one cannot vote for himself, so the voting itself was illegal. Mr. Weaver noted his understanding of the legality varied from the Municipal League attorney’s.

Ms. Greene said the issue of voting for oneself was addressed recently by (a) Municipal League (attorney) regarding the CAPC and resulting in re-votes.

Mr. Ott called point of order. Without waiting to being acknowledged, he stated there was a motion on the floor and he was waiting for a second. Prior to a response from the Mayor, Mr. Roberts seconded.

Mr. Weaver said ratification was not addressed in the statutes and would have to come from case law. It was his position a vote to ratify would be premature.

Mr. McClung nominated Mr. Roberts for Position 6. The Mayor noted there was a motion on the floor. Mr. Ott withdrew his motion. Mr. Roberts withdrew the second.

Mr. Ott seconded the nomination of Mr. Roberts.

Mr. Meyer moved to nominate Ms. Greene. There was no second.

Mr. McClung moved for the nominations to be closed. Mr. Ott seconded. The Mayor stated Mr. Roberts won by acclamation since no one else was running and called for a motion to adjourn.

Mr. Ott said he so moved. Mr. Weaver said a written vote would still be needed.

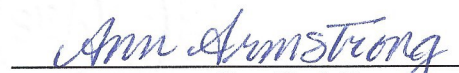
Mr. Roberts received three votes and there were three abstentions. For a second round of voting, five blank ballots were provided, without one for Mr. Roberts.

Mr. Roberts received three votes. There were two abstentions. Mayor Berry added his “Yes” for Mr. Roberts.

ADJOURNMENT:

Mayor Berry requested a motion to adjourn. Mr. Ott said he so moved. Ms. Slane seconded.

ATTEST:


Ann Armstrong, City Clerk Treasurer

APPROVED:


Robert D. Berry, Mayor