

**CITY OF CHEROKEE VILLAGE, ARKANSAS
CITY COUNCIL MINUTES
NOVEMBER 15, 2007**

The Honorable Mayor Lloyd Hefley called the regular monthly meeting of the City Council to order at 7:00 P.M., Thursday, November 15, 2007.

Mayor Hefley led the Pledge of Allegiance.

Newman moved to adopt the agenda; Viers seconded; passed unanimously.

Clerk Endrihs called the roll: Present: Martin, Newman, Oberding, Paul, Petersen, Stokes, Thone, Viers. Attorney Abele was also present.

PUBLIC COMMENTS: Larry Allen, City of Highland, requested that a letter signed by Mayor Hefley and the aldermen be sent to the Parole Administrator, Dept. of Community Corrections, Pine Bluff, AR, requesting that inmate #84237, Christopher Hudson, be denied clemency; as it was felt he had already received clemency by not giving him the death penalty for the brutal murder of 21 year old Eric Vance of Highland. Motion was made by Martin to send the letter; seconded by Oberding and unanimously passed. Mayor Hefley and each of the aldermen signed. (The letter was mailed on November 16th.)

Ted Zawislak, with others from the Fish & Game Commission, showed some slides and spoke about the possibility of having an urban hunt similar to those recently held in Bull Shoals and Heber Springs.

He went on to explain that the difference between the two cities was that Bull Shoals went ahead with a hunt before taking it to the polls. Heber Springs went to the polls first and then wrote its Ordinance with all the rules and regulations listed, prior to allowing any hunting. Since Bull Shoals hit some flack from its citizens, Mr. Zawislak indicated that going to the polls first was the better route to take.

Mr. Zawislak went on to say that if Cherokee Village is interested in allowing such a hunt, a public vote is the best option as it gives people a voice. The purposes of deer hunts is to reduce the overall deer numbers, reduce the number of deer/vehicle collisions, reduce deer damage to property and reduce the chance of disease and die-off of the deer herd.

Step One: Should our City see a need for a hunt, we should contact AGFC and develop a wildlife committee to look into deer issues. The committee, Mayor Hefley, AGFC and the AR Bowhunters Association can then meet to determine the kind of hunt needed and prepare it for public ballot.

Step Two has two options:

1. Have the AGFC issue city check sheets & deer tags; or
2. Go the route of having urban archery deer hunt permits. The latter has more rules and regulations for the safety of all involved.

Step Three: A survey is conducted by AGFC biologists to determine the deer density, which will indicate the approximate deer population and how many hunters could be allowed to hunt at one time

Step Four: Sets the season dates and finalizes the rules for the hunt.

Step Five: Involves hunter safety education and the International Bowhunters Education course, which must be passed before hunting.

Step Six: States that each hunter MUST attend the hunter orientation day where a proficient test is given and hunter ethics stressed by The Arkansas Bowhunters Association. Hunters must be at least 16 years of age.

Step Seven: Involves the harvesting and transporting of deer to a check station. The city could require that the first deer killed by each hunter be donated to AR Hunters Feeding the Hungry or another type charitable food bank.

Hunts are usually scheduled to begin before the regular opening of archery season which begins in early October. There is no bag limit; but the first deer killed must be a doe. After that, it can be any gender. Deer stands must be at least 10 feet above the ground. Tags must be displayed on vehicles and a permit must be kept with the hunter at all times. The Permit fee is \$35. The city is given a list of approved hunters; and police and AGFC officers patrol during the hunts. Written permission must be had by each hunter to hunt on land that is not his/her own. Martin suggested we involve SID.

No action was taken by Council; however, if we are to go ahead with the urban hunt, the soonest the matter can be placed on the ballot would be spring of 2008. If approved, the committee, mayor, AGFC and the Arkansas Bowhunters Association could then meet to determine the kind of hunt needed; and an Ordinance adopted allowing archery within the city limits and establishing dates, rules and regulations. Check stations could be established and applications printed and distributed by AGFC. Enforcement of the rules is very important.

As the October meeting was cancelled due to lack of a quorum, Petersen moved that we accept the September 20, 2007 minutes; seconded by Viers; unanimously approved. (Acting Clerk Joan Romans did an excellent job on the minutes.)

MAYOR'S REPORT: Mayor Hefley reported on the visit of Governor Beebe October 30th. Cy Bertram received the ACE Award (Community of Excellence) for the City of Cherokee Village. Debbie Kehrli and her group of women from the General Federation Women's Club prepared and served refreshments.

Mayor Hefley also reported that the ARML Winter Conference would be held in Little Rock January 9-11, 2008. The aldermen were invited to attend.

CLERK'S REPORT: Clerk Endrihs reported that she had attended the Clerks' Training in Fayetteville September 16-21; the District ACRTA Meeting in Eureka Springs, October 24-25. She and Terry Romans are scheduled to attend the Municipal Health Benefit Plan Meeting in Little Rock December 12th.

EXECUTIVE ASSISTANT REPORT: Romans reported that he had attended a Perception Training Class in Little Rock October 8, 9, 11, and 12th. He also attended a Workmen's Comp Seminar on October 10th while in Little Rock.

FINANCIAL REPORT: Romans reported on the Legislative Audit for the years 2005 and 2006. The only discrepancy was lack of an up- to - date inventory. This has been corrected, and an inventory is now being updated on the computer.

In answer to questions on the Financial Report, Romans had the computer and screen set up which gave a clearer picture of questions and answers regarding finances.

CORRESPONDENCE: Martin gave Clerk Endrihs an e-mail copy of a letter from Doctor Taft of 33 Tohatchi Drive to read in which the doctor expressed his disappointment that a road near his house will not be paved, is heavily traveled, and is in bad shape. Stokes asked Martin to invite the resident to the next Road Committee meeting December 19th at 3:00 PM. Martin indicated that he felt the aldermen should have some say on which roads are paved in each of the wards each year. Martin said that some are being paved and others not. More traveled roads should be taken care of first. and a list presented to the Road Committee; as once the budget is passed, we have no say. Maxedon indicated that the budget has nothing to do with which roads are done first. Oberding asked if a petition passed around an area with bad streets would make a difference. People don't want to move in because of road conditions.

Mayor Hefley reported on a letter he received from Sharp County Judge Larry Brown regarding appointments to the Cherokee Village Waterworks Facility Board: Act 544 of 2003 states that the Facility Board shall submit a written list of three (3) nominees at least sixty (60) days prior to the expiration of a term. The County Judge is to make the appointment subject to confirmation of the Quorum Court. Martin indicated that they usually reappoint themselves. However, there might be some on the Water Board who are not familiar with operations. When the Board was originally created, it was indicated that the citizens could vote; however, the judge is now the sole person making the decision. The judge should consider officials who represent Cherokee Village to have some say in who gets appointed; someone from P&Z should be on it. What would we do if anything happened to our main water source? Are our wells being taken care of?

DEPARTMENT REPORTS:

POLICE: Chief Goodwin reported on the Police Department. He indicated that 20 violations and 41 incidents took place within the City last month.. (Report on file.) He went on to say that Ernie Rose, Hardy Police Chief, had a portable trailer which indicates speed limits. Plans are to set this up in various spots at separate times within the Tri-County area to measure the speed of travelers. This was spearheaded by Mae Richeson of Hardy and would be available to Hardy, Highland, Cherokee Village and Ash Flat Police Departments for use.

FIRE: Chief Taylor reported that his Department had responded to 15 calls during the month of October; the Firefighters trained for a total of 190 hours on various subjects and the Volunteers trained for two hours on Hose and 2 hours on Incident Command. (Report on file.) He proudly announced that Kal Dienst, finished #1 in his Fire Department Training Classes.

STREET: Street report is on file as Jimmie Cherry was on vacation.

ANIMAL CONTROL: Chief Goodwin reported that the mobile home, a FEMA trailer purchased for \$4500, had arrived and was being set up as an office for volunteers with rest room, heat and plans for air, phone, etc. Martin indicated that he felt we still needed a plan as we were going about the project all wrong. He also didn't feel that we should do too much as the city does not own the property; and it is too far from the city center. Chief Goodwin indicated that his primary goal for the facility is to stop the high vet bills coming into the city each month. Mayor Hefley indicated that we are trying to get it completed and up and running as quickly as possible. Viers indicated that the council will be presented with the vision for the center at the December council meeting. He further reported that the phone lines and water lines are in and electricity is in the process. The septic system is being taken care of. Volunteers have been doing the work and are now painting the facility. Other volunteers will be needed to set hours at the center for adoption of animals once the shelter is completed. The trailer is being insured by ARML.

COMMITTEE REPORTS;

Allen Maxedon reported on the Planning & Zoning Commission Meeting. He reported that only 539 construction permits were issued in 2007 as opposed to 990 in 2006. The 2006 cost was \$14,130,349 and the 2007 cost was \$4,115,835.75. (Report on file).

Stokes asked for more of a breakdown on housing situation by month, of what is going on. What was latest on construction group out of Montana. Charles DeLoach said the permits were extended the 1st of Nov and nothing has been started. Four others have not started. Styrofoam houses are dead. Information regarding property coming up for review to build on is always put in THE VILLAGER JOURNAL, local paper; and often THE JONESBORO SUN and THE BATESVILLE GUARD also get the info.

Sharon keeps up the bulletin board on outer front wall of City Hall with info on City Hall activities as well as flyers from various club groups.

Code Enforcement – how much time does the Animal Control officer spend in each job? Chief Goodwin indicated that they came up with 40% for now. It may go down when they catch up and then may increase again. Police officers are still doing this too. Tom Thone wanted to know about time sheet for Billy Hamrick. Goodwin replied that Billy has a daily sheet in which he lists times spent at each task – either code enforcement or animal control. Summer may require more animal control time.

Ace Committee Report is on file.

DeLoach reported that the sprinkler system is in and activated. We have certain level of protection according to the Fire Chief.

Ordinance 2007-5 regarding responsibilities of the P&Z Commission for installation of sewage septic systems in Cherokee Village – title read for third time. Viers moved to accept; seconded by Stokes. Roll call was taken. Yes votes: Newman, Oberding, Paul, Petersen, Stokes, Thone, Viers and Martin Motion carried.

Ordinance 2007-6 providing for the approval and permitting of the maintenance and repair of sewage septic systems in City of Cherokee Village - title read for third time. Newman moved that we accept; Thone seconded. Roll call was taken. Yes votes: Newman, Oberding, Paul, Petersen, Stokes, Thone, Viers. and Martin. Motion carried.

Ordinance 2007-7 to amend an Ordinance creating a City Planning & Zoning Commission in accordance with the Arkansas State Law - title read for the third time. Motion made and seconded. Yes votes: Newman, Oberding, Paul, Petersen, Stokes, Thone and Viers. Martin voted No. Motion passed.

NEW BUSINESS:

Ordinance 2007-8 regarding prescribing and establishing permit and code to do business within the City of Cherokee Village was read for the first time. Thone moved that we table this, seconded by Martin. Roll call taken to table the ordinance: Yes: Newman, Martin, Oberding, Paul, Petersen, Stokes, Thone and Viers. Stokes wants to see Ordinance paragraphs 6-10 changed; and strike out “two individuals or more.” He feels that anyone who solicits work or advertises should have a permit. Former Alderman Ray Torbit indicated that they all should be required to show proof of liability insurance and workers comp before operating a business in the City of Cherokee Village. Council will look into this further as will Attorney Abele.

Ordinance 2007-9 – regarding careless or inattentive operation of a motor vehicle within the city limits of Cherokee Village was read for the first time. Martin questioned if this was a money making idea or created to protect the citizens. Chief Goodwin replied that it was being done for the safety of the citizens as some accidents caused by careless and/or inattentive driving was the problem.

Newman reported on the budget. She said that Council had spent a full day recently preparing the 2008 budget. She then requested another meeting be scheduled for Monday, December 10th at 7:00 PM. (Time changed to 1:00 PM and notices sent out to all aldermen.)

PUBLIC COMMENTS:

Pam Lueder said that there are three men on Water Board who are not knowledgeable. Rose has had one heart attack. If anything happens to him, then what?

A resident living on Algonquin complained about drivers on his street. He indicated that he had lost four dogs already and was worried about children. He asked about the possibility of having speed bumps put up. Another complaint received was that chad that is put on top of the chips in road repair has caused nothing but wash board conditions. This is to be turned over to Street Department.

ADJOURNMENT;

Newman moved that the meeting be adjourned; seconded by Martin; unanimously approved.

DATE: _____

APPROVED: _____
Lloyd Hefley, Mayor

ATTEST: _____
Phyllis J. Endrihs, Clerk/Treasurer