

**CITY OF CHEROKEE VILLAGE, ARKANSAS**  
**CITY COUNCIL MINUTES**  
**SEPTEMBER 20, 2007**

The Honorable Mayor Lloyd Hefley called the regular monthly meeting of the City Council to order at 7:00 P.M., Thursday, September 20, 2007.

Mayor Hefley led the Pledge of Allegiance.

Standing-in for Clerk Endrihs, Joan Romans called the roll:

Present: Newman, Martin, Oberding, Paul, Petersen, Stokes, Thone, Viers

PUBLIC COMMENTS: None

AGENDA: Newman moved to accept the agenda. Stokes asked to add an item of unfinished business a report back from the attorney the inquiry on permits on whether our ordinance sufficiently covers that or not. Stokes made a motion to accept the amended agenda; seconded by Thone; passed unanimously.

MINUTES:

Martin stated that procedures weren't followed and the vote for 2007-07 Ordinance should be stricken from the minutes. Attorney Abele was asked about the validity of the vote. He stated that the incorrect procedure should have been stated at the time of the vote.

Stokes noted the following corrections to the minutes: Page one the first sentence under the Mayor's Report should be stricken from the minutes since the action stated was not taken; page two in the second paragraph of the Fire Department Report that he asked about the Chiefs old pick-up truck not the old fire truck; and, page three Street Department Report, the last sentence should be stricken since the work has not been done.

Viers stated that on page one, last paragraph, the word construction should be changed to remodeling since we aren't building a new structure.

Newman stated that on page two, last sentence of the first paragraph should be stricken since Terry Romans was not introduced.

Stokes moved to accept the minutes of August 16<sup>th</sup> as amended; Martin seconded; passed unanimously. Thone moved to accept the minutes of August 30<sup>th</sup>; seconded by Oberding. All accepted with the exception of Martin who voted no.

MAYOR'S REPORT: Mayor Hefley reported on a Budget Meeting conducted by the Municipal League he attended in Little Rock on September 12<sup>th</sup>. Some of the things emphasized were: That on or before December 1<sup>st</sup> each year the Mayors of all cities having a Mayor/Council form of government shall submit a budget to the governing body for the following; and, The governing body shall on or before February 1<sup>st</sup> adopt a budget for the operation of the City. Mayor Hefley noted he had included a schedule for the preparation of the budget, however, we are still waiting on our audit to be completed so we can get the receipt books in order to get an idea of where we stand with our budget expenditures. The audit should be completed by the end of the month.

CLERK'S REPORT: Mayor Hefley conveyed that Clerk Endrihs was attending the ARML Clerks Training Class in Fayetteville. He asked if there were questions on the budget report. He noted the Financial Report is in the packet.

Stokes had a question about the computer equipment & software package for the District Court; did it come out of the court receipts or did we budget for them. Martin stated they were

not budgeted for. Newman stated that it was her understanding from the County Court Clerk that these funds were set as to how they can be used. She noted that normally the fees collected each month were minimal. Mayor Hefley asked Joan Romans, Deputy Court Clerk to explain further on the fund. Romans explained this account is funded from the \$5.00 monthly fee mandated by the State for all persons paying fines out through a time pay contract. One-half of the monthly fee goes to the State and one-half to the City. The fees collected the last two months were approximately about \$400 each but they normally run been between \$70 - \$130 monthly.

Martin asked if we have bank statements showing the interest we are getting on Investment and bank accounts. He also asked if there was a copy of the resolution for the last time the budget was passed with all required signatures. Newman stated there should be one on file. Martin asked for a copy of the Resolution with the budget attachment. Stokes asked that a copy of the investment returns be provided at the next council meeting or if available put in mailboxes before next meeting.

Stokes asked if there was an offset somewhere for the \$4,463.43 in expenses for the small tools and equipment on the Police Report. He noted that it doesn't appear they were in the budget. Chief Goodwin stated they were purchased from the Special Equipment Fund, which is funded from donations. Stokes asked if the Income shown on the same report offset the expense. Chief Goodwin confirmed that it does.

Viers noted that sales tax income might be less next year since food taxes are down. Mayor Hefley stated he would call the AML to see what they had to say regarding what impact this might have.

CORRESPONDENCE: None

REPORTS:

Fire Department: Chief Taylor reported that his department had responded to 23 calls during the month of August. Firefighters trained for a total of 240 hours on various topics and volunteers trained for two hours on Apparatus and two hours on Fire Streams. Chief Taylor noted that the budget supposedly passed in June did not reflect the two new Firemen or the adjustments he had requested in March. Martin asked if he could give the Council a copy of what he had requested. Chief Taylor stated that some of the items were correct and some were not. Stokes asked if he would make copies of his budget and highlight the changes requested and put in Council Members mailboxes.

Thone asked if we hired a new Fire Fighter to replace the one that resigned. Chief Taylor stated that we did and he will be going to class in the Spring; the other new Fire Fighter is currently in class. Thone asked if the CV Fire Department inspection at the schools is required by the State. Chief Taylor stated there is an agreement with the School District to do inspections; this saves the school over \$10,000 annually on insurance premiums. Thone also asked about the Geo Thermal project. Chief Taylor reported they are currently digging trenches and installing pipe; they should be completed with this part by next Tuesday (9/25).

Police Department: Chief Goodwin reported a total of 43 violations and 50 Incident Primary Offenses during the month of August.

Thone inquired about a rape case and asked if the perpetrator was arrested. Chief Goodwin stated he couldn't comment on the case. Thone also, asked who notifies us when a sex offender moves into the village. Chief Goodwin said the State is supposed to.

Stokes asked how accurate is the International Web Site information on sex offenders. Chief Goodwin said he wasn't sure which one he was talking about but the Arkansas Information Criminal Center Web Site it is fairly accurate but as of today the last level four is not reported on

the Web Site. He stated there are approximately nine sex offenders in the City at levels 1, 2, 3 and 4, 4 being the worst.

Viers stated he had a person tell him that he reported to the police a dog coming into his yard but the police never responded. Chief Goodwin asked Viers to give him the day and time it was called in so he would know which officer was on duty at the time.

Street Department: Report is on file for Street Department. Stokes reported that the Street Committed had met and discussed preparing for the 2008 budget. He reported they had installed equipment on the new truck and work is being done on Isleta, Conda Dr. and Hernando. Stokes noted their goal is to chip and seal 14 miles of road each year; this doesn't include the asphalt overlay on Cherokee Road and Okmulgee Drive.

Martin asked when the Council would be able to give input roads to be worked on next year. Stokes stated that if you have any you can provide them to the Street Committee or come to the meetings.

Martin stated he had been contacted about Flathead Drive. Also, he commented that he would like to see major thoroughfares done first before doing work on lightly traveled streets.

Stokes noted that he and Street Superintendent Jim Cherry had checked out Flathead and are contacting the Water Department about repairing any damage done during the replacement/repair of water lines. One of the long-range plans is to do an asphalt overlay on Cherokee Road from the low water bridge to the high water bridge.

Planning & Zoning Commission: Alan Maxedon reported on the number of permits issued and construction costs for 2007 as compared with 2006.

Martin asked if the legal description of the variance request reported in the August 6<sup>th</sup> P&Z minutes was on file. Maxedon noted that it was in the records. Martin also asked about the motion to increase fees from \$10 to \$25 to cover the County and City costs. He asked if this would be presented to the Council. Maxedon stated that an ordinance is being worked on and will be presented to the Council.

Newman noted that in the minutes Thone stated that it was not feasible to require occupation permits for tree trimmers, etc. Maxedon noted that they are taking another look at it and an ordinance will be forth coming.

Martin asked that if the City Council started having regular working meetings would someone from Planning & Zoning be able to attend the meetings. Maxedon said he would.

Viers asked if we have jurisdiction over "white spots" in the City. Maxedon stated he has consulted with our attorney and we do have jurisdiction in the sense that they cannot do something that would be objectionable to the Village but we don't have total control.

Oberding asked Maxedon if he could confirm the two houses being built on Cherokee Road off Lake Chanute are spec houses. Building Inspector, Charles DeLoach, confirmed they were and reported there is a total of 16 spec homes built or under construction in the City.

Thone asked about the Sprinkling System Proposal. DeLoach reported that quotes had been requested from three different companies and this (Arkansas Automatic Sprinklers, Inc.) was the only one to respond. The total for the quote was \$29,366.

Thone asked Fire Chief Taylor if the sprinkler system would control the speed of the fire. Chief Taylor noted that it would. Thone commented that \$30,000 is a lot of money but it would be a disaster to lose the building.

Chief Taylor was asked if the water system would handle the sprinkler system. He noted that if all sprinklers went off at the same time the water system would not be able to support the need.

Newman suggested this be included in the 2008 budget. Stokes commented or at least some type of an alarm system.

## COMMITTEE REPORTS:

ACE: Cy Bertram asked for help for this Committee. He stated there were only four people on the Committee and that at the present he and Pam Leuder are the only active members. He requested the Council give their approval for the Committee to do a Feasibility Study on a Sewer System for Cherokee Village especially around the lakes.

Newman made a motion to allow the ACE Committee to conduct the study; seconded by Stokes; motion passed unanimously.

## UNFINISHED BUSINESS:

Mayor Hefley noted that the budget had already been discussed.

Animal Control - Thone made a motion to allow Mayor Hefley to approach other cities regarding CV's Animal Control proposal. Seconded by Newman. After much discussion a roll call vote was taken; motion passed unanimously.

Second reading of Ordinance No. 2007-05 pertaining to the responsibilities of the Planning and Zoning Commission for the installation of sewage disposal systems in Cherokee Village. Martin question whether this should be the first reading of this Ordinance since was tabled at the August 16<sup>th</sup> meeting. However it was determined that the reading of the Ordinance at the August 16<sup>th</sup> meeting would have been the second reading and since it wasn't read then this will be the second reading. Stokes made a motion to read title only; Martin seconded; motion passed unanimously. Ordinance was read title only. After discussion Stokes moved to accept; Thone seconded; a roll call vote was taken; motion passed unanimously.

Second reading of Ordinance No. 2007-06 providing for the approval and permitting of the maintenance and repair of sewage septic systems in the City Cherokee Village. Stokes made a motion to read title only; Martin seconded; motion passed unanimously. Ordinance was read title only. Stokes moved to accept; Newman seconded; a roll call vote was taken; motion passed unanimously.

Second reading of Ordinance No. 2007-07 to amend an Ordinance creating a City Planning & Zoning Commission in accordance with the Arkansas State Law. Stokes made a motion to read title only; Newman seconded. All accepted with the exception of Martin who voted no. Ordinance was read title only. Motion was made by Martin to table the second reading until it can be discussed further to make sure we are in compliance with the law. Stokes stated this was the rewritten Ordinance to bring it into compliance. Motion failed due to lack of second. Stokes moved to accept the second reading; Newman seconded; a roll call vote was taken; all accepted with the exception of Martin who voted no.

Jon Abele reported that Councilman Stokes had asked him to look into current law on business permits and stated that his reading of the law is broad enough that the City can pretty much include anyone doing business in the City of Cherokee Village. He stated that all we have to do to add tree trimmers and window washers is to make a policy – the law is there.

## NEW BUSINESS:

Thone reported that the P&Z Commission was preparing a letter to the owners of the properties on Lake Omaha giving them 30 days to begin construction or the City would take action to destroy the foundations. After discussing with Mr. Abele he is under the opinion that we don't have a proper ordinance to allow us to take that kind of action. Thone made a motion to have Mr. Abele draft an ordinance to take action against not only the abandoned foundations but also the 12-14 unfinished spec houses. Seconded by Viers. After discussion a roll call vote was taken. Motion passed unanimously.

Thone announced that Mr. Abele was the recipient of The Golden Key Society Award, which is to educate and inspire people to make gifts to support and improve the quality of life in Sharp County.

PUBLIC COMMENTS:

Steve Martin commented on the paying of \$200 per month for the sprinkler system. He questioned if the insurer knows we don't have a sprinkler system.

Martin noted that the County Judge is going to appoint someone to be on the Water Board and suggested Mayor Hefley to contact the Judge to appoint someone that would represent the City of Cherokee Village. Newman made a motion for Mayor Hefley to write letter from City Council to the County Judge. Stokes Seconded. Motion passed unanimously.

Martin made a motion to adjourn. Meeting adjourned at 8:45 p.m.

DATE: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Lloyd Hefley, Mayor

ATTEST: \_\_\_\_\_  
Phyllis J. Endrihs, Clerk/Treasurer