

**CITY OF CHEROKEE VILLAGE, ARKANSAS
CITY COUNCIL MINUTES
DECEMBER 18, 2008**

Mayor Lloyd Hefley called the monthly meeting of the Cherokee Village City Council to order at 7:00 P.M. on Thursday, December 18, 2008. He then led the Pledge of Allegiance followed by a moment of silent prayer.

ROLL CALL: Clerk Endrihs called roll. Present were: Angie Petersen, Russ Stokes, Tom Thone, Kent Viers, VernaMae Newman and Peter Martin. Petr Oberding & Scott Paul were absent. City Attorney Jon Abele was also present.

AGENDA: Thone moved that we accept the Agenda as printed; seconded by Stokes; unanimously passed.

PUBLIC COMMENTS ON AGENDA ITEMS (limit 3 minutes per speaker):
There were none.

APPROVAL OF MINUTES OF NOVEMBER 20, 2008: Newman moved that we accept the minutes as printed; seconded by Thone; unanimously passed.

MAYOR'S REPORT: The Mayor reported that in collaboration with all the Departments and Council members, he would be presenting the 2009 Annual Budget.

CLERK'S REPORT: Clerk Endrihs and Receptionist Judy Bickle attended the Cherokee Village Business Association meeting on Thursday, December 11, 2008. She stated that Melissa Smith, CVBA Chairman, had indicated that the Old Four Seasons Store and the former Area Wide Media Office and possibly the former LouJo's would soon have occupants. Thone questioned if Business Permits had been issued. Since we are unsure just who is moving in where, Stokes suggested that the Code Enforcement Officer check them out and inform them that a Business Permit is needed.

FINANCIAL REPORT: Romans presented the budget as of 12-18-08. Thone questioned Line Item 98 – Capital Expenditures regarding Animal Shelter. Newman suggested that since it is December, all Departments should check their line items and columns and quit spending on items over budget right now. She questioned Line item 367 Insurance for Police Department – why the deficit? This was possibly due to the accidents of two police cars and probably needs an increase in this column. Question on the \$500 paid to an Ashton Hester - Line Item #349 – was answered by Chief French. He indicated that all the extra equipment for the Dodge Charger was sent with the vehicle to

be installed here. Hester did the work. Other items were questioned also and Martin moved that line items be added on the Reconciliation Report to make things easier to understand. Stokes seconded; motion carried unanimously. Romans indicated he would be working on this as it would have to be done manually.

CORRESPONDENCE: Clerk Endrihs had none to report; however, Martin questioned a letter sent to the Mayor by Oberding. The Mayor went to his office to get the letter which had appeared in the VILLAGER JOURNAL. Oberding called for a much-lower salary increase to be approved. Thone indicated that the 2009 Budget had not yet been finalized. The final totals on the 2009 Budget were under the 2008 Budget totals although the amounts were distributed differently. Mayor Hefley then indicated the need for a special called Budget meeting before the end of the year. The date was set for Monday, December 29th at 7:00 P.M. (later changed to 6:00 P.M.).

DEPARTMENT REPORTS:

Stokes spoke up at this time to give praise to the Fire, Police and Street Departments for the excellent work they did in taking care of the calls, accidents, streets, etc. during the ice storm. It was a very rough 36-48 period and was handled extremely well. All the Council members and those in the audience agreed with the clapping of hands.

FIRE: Chief Taylor indicated that his Department had responded to 11 calls during the month of November. The Firefighters trained for 188 hours on various subjects and the Volunteers trained for 2 hours on Fire Streams and 2 hours on Hose. The Department has started digging up the septic system at Omaha Station to see what repairs are needed. Water leaks on Engine One and Engine Four have been slowed; and members attended Arkansas Children Hospital Burn Seminar. (Report on file)

Thone questioned the delivery of new fire truck. Chief Taylor said that it was due to be delivered on December 22nd; but he received a call that it would be delayed. He is still hoping to get it before Christmas.

Martin questioned about the burning of leaves, etc. Was it necessary to call in to the Fire Department? Chief Taylor indicated that burning was allowed unless a Burn Ban is issued either by the County or the City; however, it would be wise to check with the Fire Department to let them know when burning is planned.

POLICE: Chief French announced that a Mutual Aid Assistance Program Agreement had been entered into with the City of Hardy/ Hardy Police Department; County of Fulton/Fulton County Sheriff's Office; and the County of Sharp/Sharp County Sheriff's Office. The Agreements from Highland and Ash Flat will be in this next week. He added that the cooperation between communities has been exceptional.

He further reported that there were 46 Incident Primary Offenses and that 96 Citations by Violation had been issued. (Report on file)

Chief French also indicated that the Police Department had travelled 8,864 miles during the month; logs are improving; a grant (100%) for A-1 radio has been applied for; and the Step Grant would begin in February.

Newman commented that good reports are being heard in the Community that the Police Department is out and about.

STREETS: Crayne reported that the Street Department had dug soft spots; bladed cold mix to fix ditches and shoulders; did three driveway approaches, installed/replaced signs and poles, completed 21 resident calls, fixed pot holes, trimmed limbs and chipped, assisted Fire Department with work on septic tank at Omaha Station; and assisted Village Pride dump sites. The Maintenance Department completed several repairs on street and police vehicles, installed studded tires/chains on snow removal equipment and started inventory on all tools, supplies and parts. They also continued budget review/costs/

Viers questioned the height of the high-rise to trim trees. Crayne replied that it will go 19 feet and is firmly and safely attached to the vehicle.

PLANNING AND ZONING: DeLoach reported that 450 permits were issued this year as opposed to the 576 issued in 2007. There were 101 Tear Offs and Layovers roofing permits issued. 49 permit jobs were inspected and 43 were completed. (Report on file)

The Code Enforcement Officer received 25 complaints in November, had 12 old complaints, mailed 31 letters, issued 9 citations, contacted 25 individually and verified/discovered 92 complaints while out driving. (Report on file)

Martin raised some questions on the fines pertaining to P&Z Ordinances/Zoning Codes. He feels that the Council should be involved in this as they are the deciding factor.

Thone questioned the \$8000 budget item for Survey of Encompassed areas. DeLoach indicated that these figures have changed and requested that Resolution No. 2008-13 be tabled until next meeting as some figures didn't seem to be matching up.

Stokes raised the question on Business Permits. DeLoach replied that the way it is handled now is that the Permit is \$30 from January 1st until March 31st. After that a \$15 penalty is added.

Viers questioned if the septic systems were checked prior to closing. DeLoach replied that he is called prior to the closing, and he then goes and checks things out.

COMMITTEE REPORTS:

PERSONNEL: Newman indicated that three members had met to discuss Department salaries on 2009 Budget.

ROADS & STREETS: Stokes said that Crayne did a good job in his report. He did add that they would be prioritizing the streets to be worked on in 2009 at the January meeting. He also added that he would be getting together with Crayne on the inventory project.

WEBSITE: Romans indicated that a Menu had been established; content links to be set up; but it is still a work in progress.

OLD BUSINESS: None.

NEW BUSINESS: Mayor Hefley reported that VernaMae Newman has been appointed to the Planning & Zoning Board effective January 1, 2009, to replace Petr Oberding. Jim Stoval has been reappointed for another two years.

Chief French went over his Police Department budget changes. He explained the need for studded snow tires; the fact that he was hiring a new Patrol Supervisor, the need for another computer, etc. Much discussion then followed as to why the need for each officer to have his own computer, the possibility of sharing; laptop versus desk top, etc. The Chief explained the reasons and why he moved certain funds to cover this and still come in under budget. Stokes moved that we accept his proposed changes; Newman seconded. Roll call taken – YES votes from Petersen, Stokes, Thone, Viers, Newman and Martin.

RESOLUTION NO. 2008-13 – A RESOLUTION FOR A TERRITORIAL JURISDICTION PERMITTED BY ORDINANCE 99-1 FOR APPROVING AN ADOPTION OF THE LAND USE PLAN IN ACCORDANCE WITH THE ARKANSAS STATE LAW WITHIN CHEROKEE VILLAGE, SHARP COUNTY, ARKANSAS was not read as DeLoach requested this Resolution be tabled until the next meeting.

Clerk Endrihs read RESOLUTION NO 2008-14 – RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A NUISANCE ON THE PROPERTY LOT 1B, BLOCK 2, OMAHA CENTER ADDITION, CHEROKEE VILLAGE SUBDIVISION, FULTON COUNTY, ARKANSAS. Stokes moved that this property be declared a nuisance; seconded by Viers. Roll call was taken – YES votes from Petersen, Stokes, Thone, Viers, Newman and Martin. At this time Attorney Abele asked DeLoach to give testimony to the fact that proper notification had been given to the owners; the property had been sitting for over a year with no other action taken to add to it; and nothing had been heard from the owners in answer to DeLoach communication. After this was done, Martin moved that we accept the Resolution, Thone seconded; unanimously passed.

Clerk Endrihs read RESOLUTION NO 2008-15 – RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A NUISANCE ON THE PROPERTY LOT 1C, BLOCK 2, OMAHA CENTER ADDITION, CHEROKEE VILLAGE SUBDIVISION, FULTON COUNTY, ARKANSAS. Thone moved that this property be declared a nuisance; seconded by Martin. Roll call was taken – YES votes from Petersen, Stokes, Thone, Viers, Newman and Martin. Attorney Abele again questioned

DeLoach as to whether proper notification had been given to the owners, etc. Since the appropriate action was taken, Martin moved that the Resolution be accepted; seconded by Stokes; unanimously passed.

Clerk Endrihs read RESOLUTION NO 2009-16 – RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A NUISANCE ON THE PROPERTY LOT 12, BLOCK 5, CHOCTAW 1ST ADDITION, CHEROKEE VILLAGE SUBDIVISION, SHARP COUNTY, ARKANSAS. Stokes moved that this be considered a nuisance; seconded by Newman. Roll call was taken – YES votes from Petersen, Stokes, Thone, Viers, Newman and Martin. Attorney Abele again questioned DeLoach on the action taken. As all was in order, Newman moved that this Resolution be accepted; seconded by Stokes and unanimously passed.

Stokes moved that Resolution No. 2008-17 – A RESOLUTION APPROVING THE 2009 ANNUAL OPERATING BUDGET FOR THE CITY OF CHEROKEE VILLAGE - be postponed until Monday, December 29th. This is due to the fact that there are now two budgets to go over as a result of the modifications/changes suggested. He proposed that three aldermen – Thone, Newman and himself – meet the next morning at 10:00 AM and line things up so that they would be ready for vote on the 29th; seconded by Thone and unanimously passed. He further asked that the Department Heads be available in case they were called for clarification on their individual proposals. This would be an open meeting.

COMMENTS ON CITY RELATED ITEMS (limit 3 minutes per speaker): Hobie Wiseman, representing a group of concerned citizens, spoke out regarding the proposed salary increase. He wanted to know how the Council came up with a 10% increase which his group considered way out of line. Newman and Stokes explained that this came up about 3 or 4 budgets earlier. The plan was to give the Cola raise across the board, and the balance would go for incentive/merit type increases; however, this has been changed on the proposed budgets since then. Mr. Wiseman then requested that the Council consider the residents of the City and the economy before finalizing said budget. Stokes agreed to do so.

ADJOURNMENT: Motion was made, seconded and unanimously passed to adjourn the meeting. Meeting adjourned at approximately 8:40 P.M.

DATE: _____

APPROVED: _____
Mayor Lloyd Hefley

ATTEST: _____
Phyllis J. Endrihs, Clerk/Treasurer

