

**CITY OF CHEROKEE VILLAGE, ARKANSAS
CITY COUNCIL MINUTES
DECEMBER 17, 2009**

The Honorable Mayor Lloyd Hefley called the regular monthly meeting of the City Council to order at approximately 7:00 P.M. on Thursday, December 17, 2009.

Mayor Hefley led the Pledge of Allegiance which was followed by a moment of silent prayer.

ROLL CALL: Present were: Peter Martin, Lynn Maxedon, Verna Mae Newman, Angie Petersen, Billie Shelton, Russ Stokes, Tom Thone and Ray Torbit. Also present was Attorney Jon Abele.

APPROVAL OF AGENDA: Stokes motioned that we table Items 4 and 5 under **NEW BUSINESS** and discuss at next working meeting; Martin seconded; unanimously passed. Shelton moved that we table # 6 also, due to some changes made by Maxedon; seconded by Martin and unanimously passed. Stokes moved that corrected Agenda be accepted; seconded by Thone and unanimously passed

APPROVAL OF NOVEMBER 19, 2009 MINUTES: Newman moved that these be accepted as written; seconded by Torbit and unanimously carried.

APPROVAL OF “WORKING” MEETING MINUTES OF DECEMBER 2, 2009.

Martin moved that under **APPROVAL OF AGENDA 1. BUDGET** – that Budget Item #113 be added as f. Stokes seconded and unanimously passed. Martin then moved that the amended minutes be passed; seconded by Shelton and unanimously carried.

PUBLIC COMMENTS ON AGENDA ITEMS (limit 3 minutes per speaker): None.

MAYOR’S REPORT: Mayor Hefley reported that Crayne and he went to Pocahontas December 16th to turn in FEMA report for \$74,000 on last storm. He was also made aware that there was still \$40,000 to come from previous storm.

CORRESPONDENCE: None.

FINANCIAL REPORT: Romans asked if there were any questions. There was little discussion. Newman motioned that the Financial Report be accepted; seconded by Stokes and unanimously carried.

DEPARTMENT REPORTS:

FIRE: Due to the absence of Chief Taylor as well as Johnny Pendarvis, Russell Tanner gave the report. He reported that the Fire Department responded to 18 calls during November. The Firefighters trained for a total of 162 hours on various subjects.

The volunteers trained for 2 hours on Fire Streams and 2 hours on Protective equipment. (Report on file)

POLICE: Chief Crook reported that the in-car video system installed in the new Charger has been removed and returned for full refund. The L3 communications system currently in use in other vehicles will be added to the Charger. He reported that Jeremy Rose would begin employment around December 22nd; however, it will more likely be the 26th. He is a certified officer and knows the area. Chief Crook further indicated that he and Sgt Thatcher have been discussing with the Mayor the possibility of trading in the Chevrolet Truck for a new police car. He added that the trade-in allowance given by dealers that offer State bid contract vehicles has been between \$16,000 - \$17,000; with Red River Dodge having the best offer. This will be cost of vehicle only. They are presently discussing the \$6000 in a CD coming due to purchase all the necessary equipment needed for the vehicle. Motion was made by Newman and seconded by Shelton and unanimously approved that they go ahead with this plan. There were 30 Incident Primary Offense Totals and 64 Citation totals by Violation. (Report on file)

ANIMAL CONTOL: Chief Crook reported that there were 33 Intakes for the month and 63 Outgoes. Total Income was \$735.00. Donations of goods and funds have increased slightly since last month. Chief Crook reported that there was an incident today where the part time employee was attacked and bitten by a dog. The employee was taken to the doctor to check him and released. He was given the afternoon off but was back to work the following day. Although there had been no trouble with this dog previously and it had its shots, decision was made to put it down so that this does not happen again. The Chief then went on to say that Mike Alexander of WalMart will be available after the holidays to set 2010 dates for Adopt-A-Thon, and the first Low Cost Spay and Neuter Clinic is scheduled for February. There were 275 volunteer hours. Mike Eash whom they are sharing with Street Department is doing a great job as kennel assistant. Three individuals from TEA will be working in Dec for a total of 55 hours per week and community service workers will be available sporadically to work at the shelter. There are still some ongoing projects/needs to be taken care of. (Report on file)

STREET: Crayne reported that debris removal is coming along on schedule; the burn site will be kept open for maintenance clearing. Accurate records are being kept for FEMA and ADEM; ADEM is being invoiced to approximately \$253,000 and work is continuing on storm damaged spots and signs/poles. Regular staff is busy with pothole duty, cleaning ditches and culverts, mowing, blading mix on several storm damaged spots; 3500 tons of gravel has been dredged from the river and repairs on flood damage have been started. The Maintenance Department is busy with repairs and oil/filter changes as well as tracking regular vs FEMA costs. In general hot mix of Cherokee Road and Pontiac has been completed; 36 resident calls have been responded to; 4 driveway approaches have been put in; 18 street signs installed; there are two weeks left for River dredging; Allegheny Park waterway is completed; and the budget has been completed and the inventory updated. (Report on file)

PLANNING & ZONING COMMISSION: Hrezo reported that there were 413 construction permits issued in 2009 for a total of \$1,391,843 as opposed to 2008 of 450

for total of \$2,077,624. There were 104 roofing permits issued. There were no inspections as DeLoach has been out on medical leave.

CODE ENFORCEMENT FOR NOVEMBER: 8 Complaints were taken; there were 8 old complaints, 5 letters were mailed and 1 Citation issued. Twelve were completed. (Ad was placed in the paper for replacement for Bob Kincade who passed away). (Combined report on file.)

COMMITTEE REPORTS:

PERSONNEL: No meeting this month per Newman.

ABCV (A Better Cherokee Village) – Maxedon reported that the main purposed of this month’s meeting was to finalize the Needs Assessment Questionnaire for input from CV citizens to the ABCV. Tracy Webb will prepare the electronic questionnaire; Jason Rhodes will be responsible for handing out paper questionnaires to CV civic organizations and restaurants. Completed questionnaires can be left where picked up or sent to City Hall; they will be available in January 2010.

UNFINISHED BUSINESS: RESOLUTION NO 2009-07 – A RESOLUTION TO AUTHORIZE THE COLLECTION OF COSTS FOR THE RAZING AND REMOVAL OF A NUISANCE ON THE PROPERTY LOT 4, BLOCK 11, TOHATCHI ADDITION, CHEROKEE VILLAGE SUBDIVISION, FULTON COUNTY, ARKANSAS. Maxedon moved that we pass this; seconded by Thone. Roll call was taken – YES Votes – Newman, Martin, Stokes, Petersen, Shelton, Thone, Torbit, and Maxedon. Motion passed.

NEW BUSINESS:

1. **ORDINANCE NO 2009-D/F:** AN ORDINANCE TO AMEND ORDINANCE 99-2 APPROVING AND ADOPTING CERTAIN ZONING DOCUMENTS AND TECHNICAL CODES KNOWN AS THE CHROKEE VILLAGE ZONNG CODE, ESTABLISHING PERMIT FEES AND PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES. Clerk Endrihs read the Ordinance. Shelton requested more information and much discussion followed with the help of Tom Hrezo who explained the reasons behind the Ordinance. Maxedon then moved that the Ordinance be accepted; seconded by Thone. ROLL CALL taken: YES votes: Newman, Torbit, Shelton, Petersen, Stokes, Thone and Maxedon. Martin abstained. Council was reminded that this was only the first reading.
2. **ORDINANCE NO 2009-D:** AN ORDINANCE ANNEXING CERTAIN LANDS, KNOWN AS BIG OAK ESTATE SUBDIVISION, THAT ARE COMPLETELY SURROUNDED BY THE INCORORATED LIMITS OF THE CITY OF CHEROKEE VILLAGE; AND FOR OTHER PURPOSES. Shelton motioned that this be opened for discussion; Martin seconded. Much discussion followed and again with the help of Tom Hrezo, many issues were explained. Maxedon moved first reading be accepted; seconded by Newman. ROLL CALL taken: YES votes: Newman, Torbit, Petersen, Stokes, Thone and Maxedon; NO votes: Martin and Shelton.
3. **ORDINANCE NO. 2009-F:** AN ORDINANCE ANNEXING CERTAIN LANDS, A 160-ACRE ISLAND, THAT ARE COMPLETELY SURROUNDED

BY THE INCORPORATED LIMITES OF THE CITY OF CHEROKEE VILLAGE; AND FOR OTHER PURPOSES. Martin wanted to go on record that he opposed this Ordinance for the following reasons:

- 1. Because of disparities with SID;
- 2. Planning and Zoning sub division rules; and
- 3. Discharge of fire arms in Village Ordinance.

After much discussion with Council, a resident of the area in question, Hrezo and DeLoach about the property, the use of firearms, etc., Hrezo indicated that if this Ordinance were to pass that an investigation would take place regarding the laws on the use of firearms. Newman moved that 1st reading be accepted; seconded by Torbit. ROLL CALL taken: YES votes – Newman, Torbit, Shelton, Petersen, Stokes, Thone and Maxedon; NO votes – Martin.

4. RESOLUTION 2008-08: PURCHASE AND INSTALLATION OF EMERGENCY SIREN SYSTEM. Martin moved that this be accepted; seconded by Stokes; ROLL CALL taken: YES votes – Newman, Martin, Torbit, Shelton, Petersen, Stokes, Thone and Maxedon. PASSED.

5. RESOLUTION NO. 2009-09: A RESOLUTION APPROVING THE 2010 ANNUAL OPERATING BUDGET FOR THE CITY OF CHEROKEE VILLAGE 12-17-09. Newman moved that this be passed; seconded by Torbit. ROLL CALL taken: YES votes – Newman, Torbit, Shelton, Petersen, Stokes, Thone and Maxedon. NO Vote – Martin

6. APPROVAL OF THE PLANNING & ZONING COMMISSIONERS FOR 2010: The Mayor presented the list to the Council. The following have served two years of their three year term: Tom Hrezo, Allen Maxedon, and Stan Jagow. The additional following have served their full term but have agreed to serve an additional term: Hallie Crayne and Jerry Adams another 2 year term and Verna Mae Newman another 1 year term. Jim Stovall has resigned and Larry Bonds from Spring River Electric will be his replacement for a one year term. Torbit moved that this slate be accepted; seconded by Thone. Roll call was taken – YES votes – Newman, Torbit, Shelton, Petersen, Stokes, Thone and Maxedon; Martin abstained.

COMMENTS ON CITY RELATED ITEMS (limit 3 minutes per speaker):

ADJOURNMENT: Petersen moved that meeting be adjourned and Thone seconded; meeting adjourned at approximately 8:45 PM.

DATE: _____

APPROVED: _____
Lloyd Hefley, Mayor

ATTEST: _____
Phyllis J. Endrihs, Clerk/Treasurer

