

**CITY OF CHEROKEE VILLAGE, ARKANSAS
CITY COUNCIL MINUTES
JANUARY 22, 2009**

The Honorable Mayor Lloyd Hefley called the regular monthly meeting of the City Council to order at approximately 7:00 PM on Thursday, January 22, 2009.

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

ROLL CALL: Clerk Endrihs called roll. Present were: Peter Martin, VernaMae Newman, Russ Stokes, Lynn Maxedon, Billie Shelton, Ray Torbit and Tom Thone.. Angie Petersen was absent. Also present was Attorney Jon Abele.

APPROVAL OF AGENDA: Newman questioned the two items listed under City Related items. The Mayor indicated that he had spoken with both Ruth Reynolds/Alternate Energy and Robert W. Smith/Municipal Ambulance Licensing Act. They both have agreed to move their items to the City Working Meeting on February 4th at 6:30 PM.

Martin indicated that the meetings dates, times, etc. that were mentioned at the working meeting be voted on this evening..

Newman moved that the agenda be accepted with changes; seconded by Thone; unanimously accepted.

APPROVAL OF DECEMBER 18, AND DECEMBER 29, 2008 MINUTES: Martin moved that we accept the minutes; seconded by Newman; unanimously carried.

MAYOR'S REPORT: Attended the ARML Winter Conference, received a lot of good information on city and street projects and which agencies to contact should it be necessary. Attended the Spring River Chamber of Commerce Annual Banquet on Tuesday, December 16th at the Cherokee Village First Baptist Church. All the Area Mayors, Judge Brown and Gene Moore were recognized. Mayor Hefley then read the contents of his plaque to those in attendance. Pat Sasfi, a resident of Cherokee Village, received the E. Nelson Green Award as Outstanding Volunteer of the Year.

CLERK'S REPORT: Clerk Endrihs reported that she and Romans had also attended the Winter Conference. The sessions were all very interesting and informative. Except for the all-day Clerks' Training Session, she and Romans each took a separate interest session for the balance of the Conference. She and Joan and Terry Romans also attended the Chamber of Commerce Banquet. She further indicated that the CV Business Association did not meet in January and will resume its monthly meetings in March.

Martin questioned the Mayor on another meeting which he attended regarding the Natural Gas proposition. The Mayor said that Ruth Reynolds would get into this at the Working Meeting on February 4th.

Martin then stated that the gas survey had only been done for Sharp County and he wanted to know about Fulton County section of Cherokee Village. The Mayor replied that he had spoken with Judge Brown this very day regarding this, and that legislative action will be taken to include the whole City of Cherokee Village.

FINANCIAL REPORT: Romans asked if there were any questions on the report. Martin asked when he would have line items on the report. Romans replied that he is working on this but it is more difficult than first imagined. He mentioned the Sources and Uses Report. Martin asked that an e-mail copy be mailed to him if possible. Romans agreed to do so.

Thone requested that Romans share with the rest of the Council regarding the Turnback funds for Street Department. Romans indicated that these funds come into the General Fund and that we try about every three months to transfer them into Street Fund Checking. We slipped on this last transfer, and the \$87,000 due the Street Department was not transferred over until January. Thone further questioned the purchase of a cell phone on the Visa bill. This was for the Police Department and had been purchased by the former Chief.

Thone indicated that Romans had not had time to work on Grants. Romans replied that the Budget has kept him pretty busy for the past few weeks. Martin also questioned the use of the web page, its domain, who owns it, etc.? Romans replied that the City owns it but that the password was in the former mayor's name. He is in the process of having this changed.

CORRESPONDENCE: Clerk Endrihs read a letter dated January 1, 2009, from Jim Wege, a new resident, in which he praised the service of Liz & Charles in Planning & Zoning for their handling his building permit request and David Crayne and the Street department for taking care of his request for service so promptly. He also requested that they be given an "attaboy" for the great job they do.

DEPARTMENT REPORTS:

FIRE: The Fire Department responded to 20 calls during the month of December. The Firefighters trained for a total of 204 hours on various subjects. The Volunteers trained for 2 hours on Fire Streams and 2 hours on Protective Equipment. Repairs on the septic system at Omaha Station were finished. The Boy Scouts from Kia Kima visited the Baseheart Fire Station for orientation and merit badge certification. The Department worked with Sandra Perry and her search and rescue dog in a mock lost person situation; and the Department received the new fire engine and put it in service immediately at Baseheart Station.

Torbit questioned whether or not the old fire engine had been given to Hardy. The Chief replied that it had and they were very pleased and have "dressed" it up. Hardy's old engine was given to Highland. Torbit asked if any publicity had been done. The Chief replied that it had. The newspaper reporter could not be present; however, many pictures were taken by city staff and will be turned over to AREAWIDE MEDIA soon.

POLICE: Chief French reported that 108 citations had been issued; 53 were written warnings only. There were 64 primary offenses. He introduced new officer Sgt. Crook

who has assumed role as Patrol Sgt and will be working Tuesday-Saturday from 3-11 PM.

Richy Thatcher replaced Mike Alexander who resigned to take a job in Tuckerman. The City is hosting a 128 hour training course Mondays and Fridays 6-10 PM and Saturdays 8 AM – 5 PM here in the Court Room. Police experts from across the State have volunteered at their expense to come in and teach our officers and officers from nearby cities and counties the latest in police work.

Mike Doyle, a resident of Cherokee Village and instructor at the Police Academy in Pocahontas has been hired as a part time officer and will be instructing the auxiliary officers. Lloyd Broughton and Mike Himschoot are already certified and do not need to attend class. Christopher Spurlock and Bob Williams, auxiliary officers, will be certified upon completion of the 128 hours. Auxiliary officers are volunteers and do not receive pay for their service. They must commit to work a minimum of 16 hours per month.

Shane Hightower has been appointed Criminal Investigative Officer/Evidence Officer, and will be the Point of contact for the public.

Newman then praised Chief French for the excellent job he is doing.

ANIMAL CONTROL: Chief French also reported on Animal Control. \$2019.50 was collected income from adoption fees, donations, etc. The Animal Shelter also received donations of feed, snacks, and other items amounting to a total cost of \$12,500. Total intake of food, supplies, donations, etc. amounted to \$18,375 for the month of December. Morris and staff have been very busy with caring for the animals, showing them at fairs and other events, making personal phone or e-mail requests. In answer to Stokes' question regarding the length of time these supplies might last, the Chief replied that they should last from 4-6 months depending on the number of animals at the Shelter. He went on to state that thank you notes have been sent to all who have donated. (Report on file)

Torbit asked the Chief if the animal food was being checked per the recent recalls. The Chief replied that he believed it was.

The Chief indicated that they are more reactive than proactive due to lack of personnel. Additional personnel are needed. He added that he plans to meet with the Mayor and others to see where the Animal Shelter is going from here, the need for additional personnel, the present contract with Ozark Acres, opportunities with other cities, etc., all to be brought up at the next working meeting.

STREETS: Street Superintendent David Crayne reported that soft spots were dug on three roads using 281 tons of base rock. Three driveway approaches were completed. Twelve street signs, 3 firewise stickers and 2 poles were installed/replaced. Twenty-four resident calls were completed, pot holes were fixed, limbs were trimmed and chipped, and ice storm calls were answered. After the ice storm-freezing rain, 4 days were spent spreading 92 tons of chips and salt, and the tow truck was used to assist the Fire Department... The Maintenance Department completed several repairs, oil/filter and changes on street and police vehicles, salt spreaders; and a supply and parts inventory was completed. In general, budget was completed, employee reviews/assessments were completed, a tracking system was set up on computer for parts, supply and maintenance; and a proposed road list completed for the Road Committee to review. (Report on file)

PLANNING & ZONING:

Jerry Adams reported that the December Comparison Permit Report was not available at this time.

The Code Enforcement Officer took 17 complaints in December, had 10 old complaints, mailed 25 letters, issued 11 citations, made personal contacts with 19 and verified 86 (verified complaints/ while driving discovered violations). (Report on file)

Adams then went on to talk about the Beach Club area property and a Sphere of Influence. Questions were raised as to how much of this area is involved, does it belong to any other city, why do we want it so much, etc? With the help of Tom Hrezo and DeLoach, these questions were answered. If someone were to come in and want to put up something unsightly or undesirable, the city could take it in front of a judge to contest it; but without the Sphere, we would have no say. Adams then went on to say that in the future this could be the first step to annex the property as well, should the City decide to do so. The City of Hardy is not interested as it is not within their city limits. Adams had map to show area involved and showed it to the Council.

Maxedon asked where the city wells were. Tom Hrezo pointed them out on the map.

Attorney Abele questioned the idea of giving the contractors of the foundations ready for razing another 30 days. Abele stated that not giving them more time, etc. would not be a legal issue. Martin moved that we give 30 more days from date of this meeting. Sheldon seconded. Discussion followed. Both Hrezo and DeLoach firmly believe that we have given them more than sufficient time. Roll call vote was taken – YES votes – Martin, Sheldon and Maxedon; NO votes – Newman, Stokes, Thone and Torbit. DeLoach already has bids regarding the demolition of these foundations. Since he has had them for awhile, he will confirm them and let Council know results.

COMMITTEE REPORTS:

VILLAGE PRIDE: Stokes reported on the work of the Village Pride. Thone commented that he has worked along side Stokes and wanted to praise him for the time, effort and planning he did to make Cherokee Village a better community in which to live. He requested a Vote of Thanks be given to him. All in attendance agreed.

PERSONNEL: Newman reported that they meet once a month and are going over the Handbook, which is time consuming. She is hoping that all Department Heads will go over their particular section of the Handbook – as each have different policies – and get back with her and her committee on possible deletions or additions. Newman added that her e-mail address is now vernamaenewman@centurytel.net.

ROADS & STREETS: Stokes indicated that David Crayne did a great job reporting so that he did not have to repeat. He did, however, indicate that he thought the plans for which streets to be worked on would be finalized at next meeting and available for discussion at Council February meeting. He further indicated that he thought David was doing a great job.

WEBSITE: Romans reported that they are still working on this and it is making headway.

UNFINISHED BUSINESS: RESOLUTION NO. 2008.13 tabled in December will now be **RESOLUTION NO. 2009-01 – 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.** Thone moved that this Resolution be passed; seconded by Stokes. Roll call was taken. YES votes – Newman, Martin, Torbit, Stokes, Thone and Maxedon. Sheldon abstained. Motion passed.

NEW BUSINESS

Selection of Mayor Pro-Tem. Russ Stokes was asked to fill this position. He agreed and Council unanimously approved.

After reading a section from the Law Book, Martin motioned that all committee meetings be held after 6:00 PM in order to accommodate the working individuals. He felt that workers were being discriminated against. The Mayor commented that this was not practical. Martin referred to Planning & Zoning Committee in particular. Someone with building/construction knowledge should be on this committee. As it is now, if a worker wanted to attend, he could not unless he left work early or took the day off; and Martin felt this was unfair.

Stokes commented that the Planning & Zoning meetings in the city he lived in prior to Cherokee Village always held their meetings in the evening. He added that this can be discussed further at the working meeting.

Martin also thought that the working meeting should be the week before the regular meeting; so that an agenda could be prepared. This will be up for discussion at the working meeting.

Stokes spoke on the contract we have with I.E.S.I. that has rolled over. They give us 6 dumpsters for the Spring Clean Up at a reduced rate. Since we are having more items picked up weekly, he wanted to talk with the Director to see if all 6 dumpsters were not used would there be a possibility to use a leftover one for another type pickup. Martin also asked if something could be done with those individuals – mostly rental houses – that put out their garbage and it is never picked up. Stokes agreed to also question this.

ORDINANCE NO. 2009-1 – AN ORDINANCE REGULATING CAPITAL EXPENDITURES. Thone moved that this Ordinance be passed; seconded by Newman. Discussion followed regarding Section 3. After changing the last sentence of Section 3 to read.....”upon declaration of such emergency or natural disaster by the Mayor of the City of Cherokee Village.” Roll call was taken. YES votes – Newman, Martin, Torbit, Sheldon, Stokes, Thone and Maxedon. Motion passed.

COMMENTS ON CITY RELATED ITEMS: (limit 3 minutes per speaker): Items Ruth Reynolds – Alternate Energy; and Robert W. Smith – Municipal Ambulance Licensing Act have been moved to the working meeting on February 4th.

ADJOURNMENT: The meeting adjourned at approximately 8:45 PM. with unanimous vote of Council.

DATE: _____

SIGNED: _____
Lloyd Hefley, Mayor

ATTEST: _____
Phyllis J. Endrihs, Clerk/Treasurer