

**CITY OF CHEROKEE VILLAGE, ARKANSAS
CITY COUNCIL MINUTES
JULY 16, 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, July 16, 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, Lynn Maxedon, VernaMae Newman, Billie Shelton, Russ Stokes, Tom Thone and Ray Torbit. Angie Petersen was absent. Attorney Jon Abele was also present.

APPROVAL OF AGENDA: Newman moved that the Agenda be accepted; seconded by Torbit and unanimously carried.

PUBLIC COMMENTS ON AGENDA ITEMS (limit 3 minutes per speaker).

APPROVAL OF JUNE 25, 2009 MINUTES: Martin moved that these minutes be amended to include a motion made at the May meeting regarding the forming of a steering committee for “A Better Cherokee Village” (ABCV) as presented by Maxedon; seconded by Shelton and unanimously carried.

CLERK’S REPORT: Clerk Endrihs reported that she and Romans had attended a training class in Jonesboro on PAYROLL LAW 2009, July 13th. Martin questioned the use of cell phones for personal business. Endrihs replied that each Department would be responsible for listing their personal calls on copy of bill and give the information to her prior to writing the check. Either that or carry two cell phones – one for business and the second for personal calls. This matter is being looked into more closely by the ARML as it appears to be a major headache to many businesses.

FINANCIAL REPORT: Romans presented his report and asked if anyone had questions.

- Q. Torbit asked about the Street Funds on Bank Reconciliation Statement;
- R. Romans replied that it was 1 bank account and 2 CD’s.
- Q. Torbit questioned the Budget column on Income Statement by Dept – half year or full year?
- R. Romans – full year.
- Q. Page 5 of Income Statement – Fire Contracts? Why only \$375 collected?
- R. Since statements are sent out the last quarter of the year, this is the amount that was late coming in; rest paid previous year.
- Q. Page 1 of Street Fund Income Statement – Culvert Revenue – Budget \$2500 received \$423.?

- R. Romans replied that it is apparently due to inactivity at this time.
- Q. Why so many different animal clinics?
- R. Due to the use of Vet Clinics for the spay/neuter clinics; pet owners can take pet to any clinic they choose when animal is adopted or shipped elsewhere. (We are only responsible for \$25 per animal.)

- Q. Thone questioned the status of funds left in the Fire Department funds for health insurance, salaries, etc.
- R. Romans replied that this is being watched very closely.

CORRESPONDENCE: Endrihs read a letter from Vernon & Betty Crumpler in which they praised police officer Tamara Taylor for her quick assistance and professionalism in helping them after they hit a deer on Pontiac Drive.

DEPARTMENT REPORTS:

FIRE: No report was given due to absence of Chief Taylor (report on file).

POLICE: Chief Crook reported 51 Incident Primary Offense Totals and 69 Citation Totals by Violation. (Report on file)

ANIMAL CONTROL: Chief Crook reported that the total number of intakes was 47 and the total number of outgoes was 78. Total income was \$1708.00. Private citizens are continuing to donate dog, cat food and litter; monetary donations are also received.. There was a total of 494 volunteer hours.

There are still some ongoing projects to be completed. He indicated that the Street Department was working on leveling the driveway at the facility and getting it ready for concrete.

Torbit questioned radio ads announcing that funds could be given at the vet clinics for the Spring River Animal Shelter. He wanted to know where these funds went. Chief Crook agreed to look into this. (Report on file)

STREET: Crayne reported that the first pass of debris removal has been completed in Sharp County Sections and a final pass started for Sections 1, 2 and 3. K & P Tree Service for Hangers is making fair progress and has about 2-3 weeks left.

FEMA and ADEM are keeping accurate records; 5 checks on debris removal have been received totaling \$303,675.34, and ADEM has been invoiced for another \$116,016.95.

The regular crew is busy with pothole duty, digging soft spots and adding gravel, mowing and bush hogging, bladed mix on Susquehanna Drive and have prepared Hiawatha and War Eagle for mix.

The Maintenance Department is busy with multiple repairs and oil/filter changes and tracks regular vs FEMA costs.

Crayne stated that they have been awarded a grant from the Department of Agriculture for cleaning out waterway in and around Allegheny Park area. Another grant has also been received allowing them to hire 4 more employees for regular work – all to be paid by grant funds.

Itemized Entergy/ABC areas for their chipping, completed razing foundations at Omaha for P&Z and completed grading and drainage for Animal Shelter. (Report on file)

Martin questioned Crayne on whether or not the Street Department uses logs to keep track of their time and expenses in helping at Animal Shelter or other city projects. Crayne replied that they do maintain these logs but does not maintain any police vehicles.

PLANNING AND ZONING: Jerry Adams reported that 240 constructions permits were issued in 2009 as opposed to 246 in 2008 and that cost construction was \$822,342 in 2009 as opposed to \$1,197,007 in 2008. There were a total of 62 roofing permits issued for a total of \$225,222. 33 permit jobs were inspected and 29 permit jobs completed.

Adams reported that there were 58 Code Enforcement complaints taken in June and 22 old complaints, 68 letters were mailed, 7 citations issued, 19 personal contacts made and 134 verifications discovered. 74 complains were completed. (Report on file).

COMMITTEE REPORTS:

PERSONNEL: Newman reported that in order to stay in compliance with State laws, all drug testing and like information are to be kept in Police Chief's office under lock and key. The Payroll records and any disciplinary actions taken are kept by the City Clerk in a locked room in reception area. Newman reported that her committee had met with the Street and Police Departments to determine set up of files, procedures in hiring, vacations, etc. as they are working on the City Handbook. She added that she had not heard from Attorney Mark Hayes regarding the job applications she left with him at 75th ARML Anniversary in Hot Springs. He was asked to check to see if they corresponded with State laws. She will follow up on this.

ABCV (A Better Cherokee Village) – Maxedon indicated that he was working on lining up a steering committee and had talked with 24 people so far which included city leaders, business leaders and church leaders whose names had been given to him for possible members. He will present these names to Mayor Hefley for final decision.

UNFINISHED BUSINESS: Set time for Planning and Zoning Commission Meetings was discussed. Martin moved that the meetings be moved to early evening hours; seconded by Shelton. Roll call taken: YES votes – Martin, Shelton, Stokes. NO votes: Newman, Torbit, Thone and Maxedon. Motion failed.

Memo of Understanding Regarding the Ozark Acres Animal Control Contract, was drafted by Atty Abele. Motion was made to accept by Newman and seconded by Stokes; unanimously approved.

Question was raised as to the renaming of the Animal Shelter to indicate that it was Cherokee Village – not Spring River. Torbit moved that we call it Cherokee Village Animal Control; Martin seconded; unanimously passed. Martin motioned that no other changes be made except for sign change and stationery until we do an overall check of the costs involved; Torbit seconded. Roll call was taken – YES votes: Martin, Newman, Stokes, Thone, Maxedon, Torbit. Shelton voted NO. Motion passed..

Attorney Abele then reported on the July 1, 2009 new and revised state statues and their application to Cherokee Village City Ordinances. Of the 22 law changes to take effect, Atty Abele mentioned Act 209 which increases District Court fines payable to the

City from \$5.00 to \$20.00; ACT 341 which allows fines for violations of municipal ordinances to increase from \$500 to \$1,000 for repeat offenses; continuing violations can increase from \$250 to \$500 for each day. He also touched on Act 692 which allows animal shelters to receive funds from purchase of specialty license plates. They must be registered with Department of Finance and Administration. Act 143 – Clarifying notice and priority of city clean-up lien. There is an Ordinance covering this but most of the property in question belong to out-of-state owners; so unless they have arrangements set up, property gets overgrown, etc. and Code Enforcement Officer has no way of enforcing the law except to send a letter to the owner. DeLoach then spoke to this law. He could hire someone to do the clean up; however, he wants Council approval before doing so. If one of his workers goes on someone else's property and gets hurt, we are left with a liability suit. Discussion followed – no other action to be taken at this time.

NEW BUSINESS: Jerry Adams attempted to speak on the Planning and Zoning Request; however, Stokes indicated that item was not on the Agenda. Copy was found under P&Z behind the Permit Comparison Report. No action taken at this time.

Hrezo then presented the Rezoning Request regarding the Animal Shelter. Much discussion followed as to whether the proper action had been taken regarding notification of neighbors to the Animal Shelter, ad in paper, etc. Shelton moved that this request be tabled until all findings are presented; seconded by Martin and unanimously passed

Temporary Special Use Permit – Clearing the Road Easements – Swartzlander Logging, Inc. Crayne explained that this company would be clearing large tree stumps, limbs, etc in Fulton County section of Cherokee Village in exchange for the logs. He added that they would also be monitored. He further added that this would be very beneficial to the city in cutting down on debris expense where there are no homes or power lines. Martin moved that this permit be approved; seconded by Shelton. Roll Call was taken: Yes Votes – Newman, Martin, Torbit, Shelton, Stokes, Thone, and Maxedon. Motion carried..

Revision of 2009 Budget – Romans explained that no additional cost was added - with the exception of District Court - but that items were just moved around within the budget for each Department listed. Martin moved that this be accepted; Torbit seconded. Discussion followed. Mayor Hefley commented that there has been a motion made and seconded. Motion unanimously passed as all voted YES in favor of the motion.

COMMENTS ON CITY RELATED ITEMS vote: Shelton (**limit 3 minutes per speaker**): Martin suggested that those going out to conferences and such prepare a report for Council. Torbit agreed to this as it gives a better idea to the Council of where funds were used and what was learned. Newman suggested this be in writing..

ADJOURNMENT: Torbit moved that meeting be adjourned; seconded by Newman and unanimously approved. Meeting ended at approximately 8:20 P.M.

DATE: _____

APPROVED: _____
Lloyd Hefley, Mayor

ATTEST: _____
Phyllis J. Endrihs, Clerk/Treasurer