

**CITY OF CHEROKEE VILLAGE, ARKANSAS  
CITY COUNCIL MINUTES  
JANUARY 26, 2010**

The Honorable Mayor Lloyd Hefley called the regular monthly meeting of the City Council to order at approximately 6:30 P.M. on Tuesday, January 26, 2010.

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

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

**APPROVAL OF AGENDA:** Newman proposed that Maxedon's Proposed Ordinance on Firearms be added to the agenda as #4 under NEW BUSINESS and Agenda with change be approved; seconded by Stokes. Roll call was taken: YES votes Newman, Martin, Torbit, Shelton, Stokes, Thone and Maxedon.

**Approval of December 17, 2009 Minutes:** Martin motioned that his objections for voting NO on these minutes be added to ORDINANCE NO. 2009-F, page 4. Newman moved that the minutes be passed with the change; seconded by Torbit and unanimously passed.

**Approval of December 22, 2009 Special Called Meeting Minutes:** Newman moved that these minutes be passed; seconded by Thone and unanimously passed.

**Approval of January 6, 2010 Minutes of Working Meeting:** Newman moved that these minutes be passed; seconded by Stokes and unanimously passed.

**Public Comments on Agenda Items (limit 3 minutes per speaker):** There were none.

**Reports:** Both Ray Torbit and Lynn Maxedon reported on the meetings they attended at the ARML Winter Conference in Little Rock January 13-15, 2010. (Reports on file)

**Correspondence:** There was none.

**Financial Report:** Romans asked if there were any questions on the Financial Report. Newman commended the Departments for doing a good job of staying within budget. Thone questioned the turnback funds from SID. Romans replied that SID was down some but expected to catch up with future payments. Romans added that he expected to have the final 2009 budget ready by next meeting. (Report on file)

**Department Reports:**

**Fire** – Although the Chief was absent, his report indicated that the Fire Department responded to 21 calls during the month of December. The Firefighters trained for a total

of 298 hours on various subjects and the Volunteers trained for 2 hours on Fire Streams and 2 hours on Hose. (Report on file).

**Police** – Chief Crook reported that there were 36 Primary Offense Incidents and 37 Citation Totals by Violation. He indicated that domestic batteries were down to 0 but thefts of property were up. Newman questioned as to where these thefts were taking place – one neighborhood or all over. Chief Crook replied that they were in many different areas and most were thefts at homes of part time residents. In answer to another question, Chief Crook explained the duties, workload, etc of the Investigative Officer and the need for one to help solve cases. Torbit commented that the former Chief French was at Winter Conference and made a point to talk with all from Cherokee Village. He said that if he could help in any way to be sure and contact him or his office. Chief Crook replied that both he and the Mayor have been in contact with him and have received help from him. He further commented that although we hated to let him go, he is in a good spot to help with future problems that may occur. (Report on file).

**Animal Control** – Chief Crook reported that there were 31 intakes and 67 outgoes during the month. Newman requested that these figures also include the ones currently left in the Shelter. Total income was \$580.00. He reported that volunteers set up 3 “Angel Paws Trees” in December and collected canned and dry cat and dog food, cat litter, collars and leashes, as well as cash donations. Adopt-A-Thons at Wal-Mart have been scheduled for February, March and April as well as Spay & Neuter clinics dates finalized for 2010. He added that the Spay and Neuter Clinic group has a new trailer that they will be pulling in when they come and they were afraid of the entrance. Crook replied that we can’t do anything with widening the drive as it is on a State Highway; however, Crayne has indicated that his people will move the gate back about 20 feet on our property. This would give them more room to enter.

241 volunteer hours were put in. There are currently 2 part time TEA workers putting in 35 hours weekly. Community service workers have also been available to work at the shelter sporadically. Ongoing projects - construction, water leaks, etc - are still being worked on. Shelton indicated that we contact WalMart for donations of dog and cat food as Izard County is getting some from them. Crook to look into this. (Report on file as well as the Annual Report for 2009)

**Street** – Crayne reported that the final pass for debris removal has been completed on sections 1-5. Burn site will be kept open for maintenance clearing until 2-5-2010. FEMA & ADEM records are being accurately kept as work continues on storm damaged spots, signs/poles and an estimate on the flood damage is being prepared. The regular staff is working on clearing, ditches and culvert cleaning, dredging 20,000 rock from the river and starting repairs on flood damage. Maintenance Department is busy with multiple repairs and oil/filter changes, tracking regular vs FEMA costs and preparing snow removal equipment. In general, line striping has been completed on Cherokee Road and Pontiac, resident calls responded to; street signs installed, etc. (Report on file)

**Planning & Zoning Commission** - Adams reported that the year to date total of construction was 430 for 2009 as opposed to 470 for 2008 with cost being \$2,183,349 in 2008 as opposed to \$1,460,493 in 2009. There were 107 total current roofing permits issued for cost of \$420,231. 58 jobs were inspected and 54 completed. Adams indicated that there was no Code Enforcement Report due to the lost of Kincaid. (Report on file) Herzo then handed out the MASTER STREET PLAN FOR CHEROKEE VILLAGE,

ARKANSAS, dated November 2009 and a Cover Letter. Changes have been made to the Draft Copy of the Land Subdivision and Development Code from Jim von Tungeln. The P&Z Commission would like City Council to review and indicate any changes, suggestions or questions and return their copy with their thoughts to be reviewed by P&Z with Mr. von Tungeln. Newman asked if there was a deadline on this to which Hrezo replied that they would like the info back within two weeks. DeLoach added that on the future P&Z reports they would show the dollar amount cost of the various permits P&Z issues.

**Committee Reports:**

**Personnel** – Newman reported that her committee had gone over 10 applications for Code Enforcement Officer to replace Kincaid. Five were interviewed and three applications were given to the Mayor. The Mayor and DeLoach then interviewed the three applicants and decided on Christopher Spurlock, part time police officer, as the new Code Enforcement Officer to start at \$9.00 per hour.

**ABCV (A Better Cherokee Village)** – Maxedon stated that the main purpose of their meeting on January 5, 2010 was to make any necessary changes to the Needs Assessment Questionnaire Paper Survey after the web survey was completed. Individuals can take the survey on line or fill out the paper questionnaire and mail it in or put in one of the boxes set up. Boxes have been set up at the Post Office, City Hall and the CV Senior Center. Survey Kickoff will be the week of January 28<sup>th</sup> and comparing will follow. (Report and copy of Survey on file)

**UNFINISHED BUSINESS:**

**1. ORDINANCE NO. 2009-D/F (2010-02) AN ORDINANCE TO AMEND ORDINANCE 99-12 APPROVING AND ADOPTING CERTAIN ZONING DOCUMENTS AND TECHNICAL CODES KNOWN AS THE CHEROKEE VILLAGE ZONING CODE, ESTABLISHING PERMIT FEES AND PENALTIES FOR VIOLATION THEREOF AND FOR OTHR PUPOSES.** Stokes moved that title only be read for third reading; Torbit seconded; unanimously passed. After title was read, Newman moved that the Ordinance be passed; seconded by Torbit. Shelton called for discussion. He felt that the firearms problem be fixed before this is passed. Hrezo said that they have come this far and have learned a lot along the way and would like to continue. Since it takes 90 days for the ordinance to go into effect, the firearms item can be changed and is in fact being worked on. Newman called for the question. Roll call was taken – YES votes – Newman, Torbit, Stokes, Thone and Maxedon; NO votes – Martin and Shelton.

**2. ORDINANCE NO. 2009-D (2010-03): AN ORDINANCE ANNEXING CERTAIN LANDS, KNOWN AS BIG OAK ESTATE SUBDIVISION THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED LIMITS OF THE CITY OF CHEROKEE VILLAGE AND FOR OTHER PURPOSES.** Newman moved that title only be read for the third reading; seconded by Thone and unanimously passed. Newman then moved that Ordinance be passed; Torbit seconded. Martin called for discussion.

After much discussion Roll call was taken – YES votes – Newman, Torbit, Stokes, Thone and Maxedon; NO votes – Martin and Shelton.

**3. ORDINANCE NO. 2009-F (2010-04):** AN ORDINANCE ANNEXING CERTAIN LANDS, A 160-ACRE ISLAND, THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED LIMITS OF THE CITY OF CHEROKEE VILLAGE, AND FOR OTHER PUROSES. Newman motioned that title only be read for third reading; seconded by Torbit and unanimously carried. Newman then moved that the Ordinance be passed; seconded by Torbit. Roll call was taken - YES votes – Newman, Torbit, Stokes, Thone and Maxedon; NO votes – Martin and Shelton. Martin commented that he voted NO for the same reasons he did the last time. They are: 1. Because of disparities with SID; 2. Planning and Zoning sub division rules; and 3. Discharge of fire arms in Village Ordinances.

**4. ORDINANCE NO. 2010-05:** AN ORDINANCE ESTABLISHING A BASE RATE OF SALARY FOR THE NEWLY ELECTED MAYOR AND CITY CLERK OF THE CITY OF CHEOKEE VILLAGE, ARKANSAS: Newman moved that the 1st reading of this Ordinance be passed; seconded by Stokes; Roll Call taken – YES votes – Newman, Torbit, Shelton, Stokes, Thone and Maxedon; NO vote – Martin.

**NEW BUSINESS:**

**1. RESOLUTION 2010-01:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS TO AUTHORIZE PAYMENT OF A STIPEND TO THE ELECTED MEMBERS OF THE CHEROKE VILLAGE CITY COUNCIL. Newman moved that this be passed; seconded by Torbit. Roll call was taken – YES votes – Newman, Torbit, Thone and Maxedon; NO votes – Martin & Shelton. Present but not voting – Stokes.

**2. RESOLUTION 2010-2:** A RESOLUTION ESTABLISHING DATES AND TIMES FOR MEETINGS OF THE CITY COUNCIL OF CHEROKEE VILLAGE, ARKANSAS. After much discussion as to whether a meeting is a working meeting or a regular meeting, Attorney Abele replied that if there is a quorum present and a vote is necessary, it could be done at either meeting. Shelton requested that it would be good to start at 6:30 PM rather than 7:00 PM. Martin moved on this time change; seconded by Shelton. Roll call was taken – YES votes – Newman, Martin, Torbit, Shelton, Stokes, and Thone. NO vote – Maxedon. Question then was on voting for the Resolution with the change of time. Roll call was taken – YES votes – Newman, Martin, Torbit, Shelton, Stokes, Thone and Maxedon.

**3. CHARTER CABLE TV:** Stokes asked for this to be put on the Agenda. He motioned to have the Mayor send a letter to the Charter Cable Company indicating that parts of Cherokee Village receives cable and parts do not; some receive Standard TV service but no High Definition; it is known that the company is presently in bankruptcy; however, will they be correcting the problems? Martin seconded this motion, and it was unanimously passed. The Mayor said he had written letters in the past and have had no replies; however, he would try again.

**4. ORDINANCE 2010-A-Rev. B- ORDINANCE REPEALING ORDINANCES 99-12 AND 99-13 AND REGULATING THE DISCHARGE OF A FIREARM OR ARCHERY TACKLE IN THE CITY OF CHEROKEE VILLAGE, ARKANSAS:**  
Discussion followed but nothing was decided at this time.

**5. COMMUNITY SERVICE PROJECT MANAGER:** DeLoach presented a job Description for Council to consider. The position would be under the general supervision of the Building Inspector and would be managing court ordered workers. that can really be a big help at the Animal Shelter as well as various jobs throughout the city and give these individuals a chance to work off their fines. After much discussion, Stokes moved that we table this for our February 3<sup>rd</sup> meeting at 6:30 PM Thone suggested that info on this project to include costs of vehicle, insurance, etc. be presented at that time. Maxedon seconded Stokes motion and Council unanimously agreed

**COMMENTS ON CITY RELATED ITEMS (limit 3 minutes per speaker)** None.

**ANNOUNCEMENTS:** None.

**ADJOURNMENT:** Martin moved that the meeting be adjourned at 8:40 PM and it was unanimously passed.

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

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

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