

**CITY OF CHEROKEE VILLAGE, ARKANSAS  
CITY COUNCIL MINUTES  
JULY 15, 2010**

The meeting of the Cherokee Village City Council was called to order by the Honorable Mayor Lloyd Hefley at 6:30 P.M., Thursday, July 15, 2010. Mayor Hefley then led the Pledge of Allegiance followed by a moment of silent prayer.

Roll Call was called by Clerk Endrihs. Present were: Peter Martin, Lynn Maxedon, Verna Mae Newman, Angie Petersen, Russ Stokes, Tom Thone, Ray Torbit and Kent Viers. Attorney Jon Abele was also present.

**APPROVAL OF AGENDA:** Stokes moved that the Agenda be accepted as presented; seconded by Torbit and unanimously passed.

**PUBLIC COMMENTS ON AGENDA ITEMS:** There were none.

**APPROVAL OF JUNE 24, 2010 MINUTES:** Viers moved that these minutes be approved as presented; seconded by Newman and unanimously passed.

**MAYOR'S REPORT:** Mayor Hefley, a member of the Resolution Committee of the Arkansas Municipal League, reported on the Proposed Resolutions and Policies & Goals Amendments of the Committee. The Aldermen were each given a copy of the report to read at leisure. This way they could see which ones passed and which ones failed. In answer to Thone's question, the Mayor replied that these are recommendations only and may or may not affect all of the cities in the State of Arkansas. He indicated that 5 or 6 may affect Cherokee Village or a similar city more. This was the reason why some passed and other failed. (Report on file)

**REPORTS FROM ARML CONVENTION IN HOT SPRINGS:** Maxedon, Newman and Torbit each reported on the Convention in Hot Springs, meetings attended, what was learned, etc. (Reports on file)

**FINANCIAL REPORT:** Romans asked if there were any questions on his Financial Report. Torbit questioned the Bank Reconciliation Statement regarding Wright Express and wanted to know if that was what he had asked him earlier. Romans replied that it was. Torbit then asked if the Fencing in the Report was for the Animal Shelter to which Roman replied that it was. Newman moved that report be accepted; seconded by Torbit. Roll Call vote was taken. YES votes – Maxedon, Newman, Petersen, Viers, Stokes and Torbit. NO votes – Martin and Thone. (Report on file)

**URBAN BOW HUNT:** In the absence of Ted Zawislak, Barry McArdle, from the Game & Fish Commission was prepared to answer questions. Thone indicated that he did not see many deer around and questioned whether a hunt was really necessary this year. The speaker recommended another hunt be done; however, due to a lack of funds this year they would not be able to do a “Spotlight” survey. After much discussion, it was decided to go ahead with the hunt in order to keep the number of deer down for safety reasons as well as health conditions of the deer. In answer to Martin’s question about the handicapped crossbow hunter, the speaker indicated that this individual who needed to hunt with a crossbow would be allowed to do so this year provided he took the training in August, passed and was fully qualified.

**DEPARTMENT REPORTS:**

**FIRE:** Chief Taylor reported that his Department responded to 41 calls during June. The Firefighters trained for a total of 228 hours on various subjects. The Volunteers trained for 2 hours on Forcible Entry and 2 hours on Apparatus. He further added that his Department had finished commercial inspections and the annual apparatus tests on all pumpers. (Report on file)

In answer to question on the July 4<sup>th</sup> Pancake Breakfast, Chief Taylor reported that although the crowd was down a bit the profits were higher due to the extra donations given as well as the \$1500 matching funds from Modern Woodmen of America. He added that these funds were used to purchase special needs equipment such as the AED’s for each vehicle. It cost about \$2500 to outfit a fireman with the necessary fire fighting equipment plus another \$500 for breathing apparatus. This is Department equipment and needs to be replaced every 10 years.

**POLICE:** Chief Crook reported that there were 51 Citation Totals by Violation and 55 Incident Primary Offense Totals. (Report on file)

He added that he had again met with Bob Smith regarding the “Senior Watch” Program. There will be a Public Meeting regarding this program on July 22<sup>nd</sup> at 6:30 PM in City Hall. It will be opened to the public and announced in the paper and on the radio.

Thone questioned the fuel efficiency of the new vehicles to which Crook replied that he was getting 24 miles to a gallon on the Interstate to and from California; however, with the speed limits, stops & go, curves, etc. in the Village, the fuel usage is not as good.

Torbit asked about the tires. Chief Crook indicated that the vehicle tires are purchased from GCR in Batesville as police cars are considered pursuit vehicles and the tires have to meet State Code. GCR offers the best price.

Question was raised regarding usage of cell phones in police vehicles. Chief Crook replied that he has seen no problems.

He and another officer are waiting for the material to make the Dodge Chargers “black and white”. He added that two of the Crown Vics have been sold for total of \$5800.

**ANIMAL CONTROL:** Chief Crook reported that 26 was the total number of Intakes, 1 Reclaim, 15 Deaths/Euthanized and 18 Adoptions and 8 transported to Rescue for Adoption for a total of 42 Outgoes. \$695 was total income with \$275 from Adoptions and \$420 in donations. He added that donations of dog food, cat food and litter were also on the rise. Stokes asked him if he had a chance yet to check with Wal-Mart about food

or litter donations to which he replied that he has been busy on the grants and has not as yet had the opportunity to talk to the Manager.

There is an adoption scheduled for July 23-24 at Wal-Mart and the next Low Cost Spay/Neuter Clinic scheduled for August 10-12. Newman questioned if there was a policy stating that animals had to be spayed or neutered before leaving the Shelter. Crook replied that they encourage it while the Clinic is there; but if a dog has not been spade or neutered, a discount coupon is given to the buyer to encourage he/she to have the animal spade or neutered.. He further indicated that this would be a good policy to have.

Volunteer hours were 232. Chief Crook added that the Kennel Assistant/Community Service/NADC/TEA workers have not been as readily available this month; however, Community Service workers are available at times from both County and Cherokee Village.

There are still some ongoing projects and needs such as roof repair to dog house, painting of the buildings and addition of white gravel for the front run yard. (Report on file) He has talked to David Crayne about the gravel issue and that should be taken care of in the near future.

The Chief further indicated that he has been contacted by the Police Chief of Ash Flat who has met with the Mayor and him; and they may now be interested in our Animal Shelter. Hardy shows no interest at present.

**STREET:** Crayne reported that the Street Department had completed the audits for FEMA and AEDM re the ice storm with no discrepancies. He added that all the project worksheets on Flood are awaiting U.S. Congress to appropriate money estimated at \$107,000 and that he has received an additional \$41,872.57 based on an amended request. His regular crew has been working on ROW clearing and culvert cleanout; pot holing and sign work; digging of soft spots and adding base rock; reshaping ditches and repairing shoulders; blading cold mix and mowing. The Maintenance Department keeps busy with multiple repairs and oil/filter changes and servicing and repairing vehicles from FEMA projects. In general they have responded to 44 resident calls for repair or assistance; installed 14 street and stop signs, cleaned and straightened 28 signs; awarded bids of excavator, mulching head and hot mix overlay; ADEQ advertised for hearing on river dredging; purchased and stock piled chips for chip seal; and received an additional grant from Work Force for September through December (8 workers x 18 weeks, value of \$54,720.00). (Report on file)

Torbit asked if the work being done on Santee and Cherokee Road was being done by Atlas Asphalt to which Crayne replied that it was for approximately \$149,000.

Crayne also reported that he had received a letter from Hughes, Welch & Milligan, CPAs from Batesville, who did the audit of the financial statements of the Federal funds of the City of Cherokee Village. It was a good report with no significant problems, and a copy will be put in each Alderman's mail box. (Report on file) Stokes indicated that it was the primary responsibility of Crayne and Carmen to get ready for this audit which is a tedious procedure, and they should be commended for a job well done. The Mayor also added his words of praise.

**COMMUNITY SERVICE:** DeLoach reported that the Community Service workers had completed 629 hours during the month which amounted to working off \$4,717.50 in fines. There were 263 mandatory hours worked and 16 volunteer hours for a total of 908 hours. (Report on File) Stokes asked about the clean up of the dump sites. DeLoach replied that a few have been cleaned up; however, they were going to wait for a little cooler weather to tackle the rest.

**PLANNING & ZONING COMMISSION:**

Hrezo reported that there were 172 construction permits issued in 2010 totaling \$7,862.50 in Permit Fees as opposed to 240 for 2009 which amounted to \$7,695 in Permit Fees. Total year to date income from Permit Fees is \$13,018. Total from Roofing Permits is \$123,798. Jobs inspected were 87 and jobs completed were 27. (Report on file)

**CODE ENFORCEMENT:** Hrezo reported that 50 complaints were taken in June; there were 13 old complaints; 18 letters were mailed, 0 citations issued; 132 personal contacts & verifications made; 30 dump sites checked; 1 condemned notice issued for 4 Samoset Drive. There were 40 jobs completed. (Report on file) Stokes commended Spurlock for checking out the dump sites and in getting some of them cleaned out.

Hrezo commented on the fact the P&Z Commission also commended Spurlock for his work in cleaning up about 27 dump sites. He and helpers did a great job.

Due to recent annexation of certain properties and other corrections, Hrezo reported that the Planning & Zoning Commission has formed a committee to work on the “City Map” revisions. Allen Maxedon will lead with Stan Jagow as his assistant. Since SID holds the Copy Right for the “City Map,” the plan is to get together with SID as well as Department Heads to make sure the new map will have all the roads, streets, etc. in place prior to reprint. Stokes asked if this included the map hanging outside City Hall. Hrezo replied that it did. Stokes then suggested that when the revision is ready to go, P&Z should bring it to Colortech Printing in West Plains as they do a good job. He indicated that the present map cost approximately \$2500. He further added that the printer was easy to work with; however, he suggested someone be there with the printer on site to oversee the job.

Thone then asked about the Public Hearing coming up on August 2<sup>nd</sup> and the location of the lot in question. Hrezo replied that it is across from the Marina and includes the house up the hill from the trailer park area. The request is to change it from residential to commercial and the possibility of opening a bait shop. All hinges on outcome of the Hearing.

**UNFINISHED BUSINESS:**

**BUDGET:** Romans presented the proposed 2010 Budget Adjustment and asked if there were any questions.

1 Stokes referred to Line 11 – Transfer from other accounts – and asked where these funds came from. A - They came from a CD.

2 Thone questioned Line 67 under Animal Control – Capital Expenditures. His understanding was that this amount of \$2100 was to come out of another line item. Chief

Crook commented that he was not aware of this being under any line item; however, it was an additional amount requested near the end of last year to cover the extra expenses of electricity, etc.

3 Torbit asked where the SID income revenue was listed. A – This is listed under the Fire and Street Departments respectively as they are the only Departments receiving funds from SID.

4. Thone questioned the PD Special Equipment Fund and why it was not included in the Police Department costs. A – This is a special fund with its own checking account and much of its income comes from the Courts. Its income and outgo are handled in this special account.

5. Thone questioned Line 279 Transfer from other accounts - and wanted to know if this was from CD also. A – Part of this is from a CD and has something to do with the purchase of police cars. Since the last audit these amounts are shown as income rather than as assets as done in the past. Overall, the Departments are in good standing. Individual line items may be short; however, there are sufficient funds in each account to move the amounts around if necessary.

After discussion Newman voted to accept the Budget as revised; Torbit seconded. Roll Call vote was taken. YES votes – Maxedon, Newman, Stokes, Viers, Petersen, and Torbit; NO votes – Martin and Thone.

#### **NEW BUSINESS:**

1. **RESOLUTION NO. 2010-A** – A RESOLUTION APPROVING THE REVISED 2010 ANNUAL OPERATING BUDGET FOR THE CITY OF CHEROKEE VILLAGE – Clerk Endrihs read the Resolution. Martin questioned why the line items were not listed. Discussion followed. Newman moved that this Resolution be accepted; seconded by Torbit. Roll call vote was taken: YES votes – Maxedon, Newman, Petersen, Viers and Torbit. NO votes – Martin and Thone; Stokes abstained. Motion passed. **RESOLUTION NO. 2010-05.**
  
2. **ORDINANCE NO. 2010-A** – AN ORDINANCE PROHIBITING THE UNAUTHORIZED POSSESSION OR DESTRUCTION, THEFT, UNAUTHORIZED REMOVAL OR DAMAGE TO STREET SIGNS AND 911 ROAD SIGNS LOCATED IN THE CITY OF CHEROKEE VILLAGE AND OTHER MATTERS; PROVIDING A PENALTY FOR VIOLATION DECLARING AN EMERGENCY TO EXIST; AND OTHER PURPOSES. Clerk Endrihs read the Ordinance. Maxedon questioned what signs were involved. He made a motion that the Ordinance should indicate that the signs in question were property only of the city; however, motion failed for lack of a second. Martin moved that the 1<sup>st</sup> reading be passed; seconded by Newman. Roll Call vote was taken – YES votes – Martin, Maxedon, Newman, Petersen, Viers, Stokes, Thone and Torbit. Martin moved that Title only be read for second reading; seconded by Stokes and unanimously passed. Clerk Endrihs read Title. Martin then moved that the second reading be passed; seconded by Newman. Roll call vote was taken. YES votes – Martin, Maxedon, Newman, Petersen, Stokes, Thone, Torbit and Viers.. Martin then moved that Title only be read for the 3<sup>rd</sup> reading; seconded by Stokes and unanimously passed. Clerk Endrihs read the title. Martin

moved that Ordinance be passed; seconded by Stokes. Roll Call Vote was taken – YES votes – Newman, Petersen, Viers, Stokes, Thone, Torbit, Martin and Maxedon. Martin then moved that **EMERGENCY CLAUSE** be adopted; seconded by Stokes. Roll Call Vote was taken. YES votes – Petersen, Viers, Stokes, Thone, Torbit, Martin, Maxedon, and Newman. Motion passed. This will now be **ORDINANCE NO. 2010-12** and will be sent to THE VILLAGER JOURNAL for publication

3. **CITY CARPETS & AIR DUCT CLEANING:** Clerk Endrihs indicated that this has been done yearly and the prices remain the same. Discussion followed as to whether or not it was in the Budget. Stokes indicated that there were funds in Repair and Maintenance of the Building and an additional \$2000 was just approved.
  
4. **PRESCRIPTION DISCOUNT CARD PROGRAM:** This is a Prescription Discount Card Program and is sponsored by the National League of Cities. It offers an opportunity for City residents to save 20% off the retail price of prescription medications at no cost to the City. This would help residents who are without health insurance or a traditional pharmacy benefit plan, or have prescriptions not covered by insurance to have a solution to obtain medications at a discount. Maxedon moved that Clerk Endrihs sign up for this for the City; seconded by Newman and unanimously approved. Clerk Endrihs indicated that there is to be a Clerks’ District Meeting in Hardy in August and would bring this up with the other tri-county cities

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

**ANNOUNCEMENT:**

**Reminder** - There will be a public hearing at 1 PM Monday, August 2, 2010 at Cherokee Village City Hall to consider the rezoning of Lot 15, Block 4, West Lake Addition of Cherokee Village, Sharp County, Arkansas.

**ADJOURNMENT:** Newman moved that meeting be adjourned at 8:15 PM; unanimously carried.

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

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

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

