

**CITY OF CHEROKEE VILLAGE, ARKANSAS  
CITY COUNCIL MINUTES  
JUNE 2, 2010**

The Honorable Mayor Lloyd Hefley called the meeting of the City Council to order at 6:30 PM, Wednesday, June 2, 2010. He then led the Pledge of Allegiance.

Prior to the silent prayer Martin had moved to sit in the audience. He was requested to sit up front with the rest of the Council and refused. Silent prayer followed. The Mayor then asked Attorney Able about the rules for Council members to which the Attorney replied that they are set by Council. After a brief discussion, Newman moved that Martin return to the diaz with the rest of the Council; seconded by Petersen. Roll call vote was taken. YES vote – Newman, Torbit, Stokes, Petersen, Viers, Thone and Maxedon, NO vote – Martin. Martin reluctantly returned to the diaz.

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

**APPROVAL OF AGENDA:** Stokes moved that two items be added to the Agenda under **NEW BUSINESS**. #8 – That an Ordinance be drafted regarding Road & Street Signs; and #9 – Investigative action be taken regarding new flag pole. Martin seconded and motion unanimously passed. Newman then moved that the amended Agenda be accepted; seconded by Stokes and unanimously passed.

**PUBLIC COMMENTS ON AGENDA ITEMS (limit 3 minutes per speaker):** There were none.

**APPROVAL OF MAY 20, 2010 MINUTES:** Newman moved that these minutes be approved as written; seconded by Torbit and unanimously passed.

**UNFINISHED BUSINESS:**

1. **3<sup>rd</sup> Reading – ORDINANCE 2010-E – AN ORDINANCE ANNEXING CERTAIN LANDS, KNOWN AS SOUTHWIND TRACE ADDITION, 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, seconded by Torbit and unanimously carried. Clerk Endrihs read the title. Newman moved that this Ordinance be passed; seconded by Torbit. Roll call vote was taken. YES votes – Maxedon, Newman, Petersen, Stokes, Thone, Torbit and Viers; NO vote – Martin. Motion carried. (Number will be Ordinance 2010-08)
2. **3<sup>rd</sup> Reading – ORDINANCE 2010-E – AN ORDINANCE SPECIFICALLY PERMITTING CHEROKEE VILLAGE CITY OFFICIALS, EMPLOYEES,**

OR EMPLOYEE'S RELATIVES TO CONDUCT BUSINESS WITH THE CITY OF CHEROKEE VILLAGE, ARKANSAS; AND FOR OTHER PURPOSES.

Newman moved that Title only be read; seconded by Petersen and unanimously carried. Thone moved that the Ordinance be passed; seconded by Viers. Roll call vote was taken. YES votes – Martin, Maxedon, Newman, Petersen, Stokes Thone, Torbit and Viers. (Number will be Ordinance 2010-09) Motion carried.

3. **UPDATE ON PURCHASE OF #2 TEKAKWITHA** - Mayor Hefley reported that the owner had agreed on the purchase price of \$87,500 and was presently taking care of the termite protection and title search.
4. **2<sup>nd</sup> Reading – ORDINANCE 2010-X – AN ORDINANCE TO ADOPT A CITY SUBDIVISION CODE BY REFERENCE; AND FOR OTHER PURPOSES.**  
Martin moved that title only be read; seconded by Newman. After reading of the title, Thone moved that this Ordinance be approved; seconded by Stokes. Roll Call vote was taken. YES votes – Martin, Maxedon, Newman, Petersen, Stokes, Thone, Torbit and Viers. Motion carried.
5. **ELECTRONIC BACKUP DECISION.** Romans explained that John Strickland from EDCO had stopped in to explain his company's program. His outfit is the one doing the work in Highland. John is to get back to us with a breakdown of different levels and costs of the program. It will be on the Agenda for next meeting. Martin has checked on Highland's work and believes it would be a good thing. If questions, Council members can stop by Highland and check it out.

**NEW BUSINESS:**

1. **1<sup>ST</sup> Reading – RESOLUTION 2010-P –A RESOLUTION ADOPTING A MASTER STREET PLAN AND SUBDIVISION CODE FOR THE CHEROKEE VILLAGE, ARKANSAS PLANNING AREA.** Thone questioned whether this was an Ordinance or a Resolution; Stokes also questioned. This item was mistakenly called an Ordinance on the Agenda so much discussion followed as to whether it should be an Ordinance or a Resolution. Jerry Adams said they were still working on it and it should be ready by next meeting. Stokes then moved that it be tabled until the next meeting; seconded by Martin and unanimously carried.
2. **1<sup>ST</sup> Reading – ORDINANCE 2010-F – AN ORDINANCE PROHIBIING THE OBSTRUCTION OF DRAINAGE DITCHES; PROVIDING A PENALTY FOR VIOLATION; AND FOR OTHER PURPOSES.** Stokes moved that this item be accepted; seconded by Torbit. Discussion followed as to the reasons for this, the extra work caused to the Street Department; Martin questioned possible erosion, etc. Stokes then moved that this Ordinance be passed; seconded by Torbit. Roll call vote was taken: YES votes – Martin, Maxedon, Newman, Petersen, Stokes, Thone, Torbit & Viers. Martin moved that Title only be read for 2<sup>nd</sup> reading; seconded by Newman and unanimously carried. After the 2<sup>nd</sup> reading, Martin moved that 2<sup>nd</sup> reading be approved; seconded by Stokes. Roll call vote was taken. YES votes – Martin, Maxedon, Newman, Petersen, Stokes, Thone, Torbit and Viers. 2<sup>nd</sup> reading was approved. Martin moved that title only be read for 3<sup>rd</sup> reading; Stokes seconded; unanimously carried. After the 3<sup>rd</sup> reading, Martin moved that the 3<sup>rd</sup> reading be approved; seconded by Stokes. Roll call vote was taken. YES votes: Martin, Newman, Maxedon, Petersen, Stokes, Thone, Torbit and Viers. Motion carried. Martin then motioned that this Ordinance be declared

an emergency; Newman seconded. Roll Call Vote was taken. YES votes – Martin, Maxedon, Newman, Petersen, Stokes, Thone, Torbit and Viers.  
(Ordinance # will be 2010-10)

3. **TEMPORARY SPECIAL USE PERMIT** – Request to put up a 4' x 8' sign celebrating Peace Lutheran Church's 40<sup>th</sup> anniversary from June 1, 2010 – June 1, 2011. Stokes motioned that this be passed; seconded by Martin and unanimously passed.
4. **TEMPORARY SPECIAL USE PERMIT** – Harold Presley applied for permit to sell produce in City Hall Parking Lot Tuesdays and Thursdays – starting June 3 through the season. Stokes questioned if he were a resident of Cherokee Village. He is. Stokes also asked if he had a plot in Cherokee Village. Thone replied that he sold last year also. If others would like to sell, they need to apply for a Business Permit as well.. Martin then questioned the liability if any accident happened on the City Parking Lot. Discussion followed. Newman then moved that this be passed; seconded by Thone. Roll call vote was taken . YES votes – Martin, Maxedon, Newman, Petersen, Stokes, Thone, Torbit and Viers.
5. **PRESENTATION OF LETTER TO COMPLY WITH FACTA ACT OF 2003-(Red Flags Rules)** – Romans indicated that a copy of this letter will be kept on file in the office with these minutes. It pertains to Identity Theft and really does not apply to us; but more to a bank or financial institution. Newman moved that it be kept on file in the office; seconded by Torbit and unanimously passed.
6. **AUDIT FINDINGS** – Per letter from the Legislative Joint Auditing Committee, they filed their report for the City of Cherokee Village covering December 31, 2009, 2008 and 2007. They also require that the report be reviewed by the governing body and to take appropriate action relating to findings and recommendations contained in report. Romans explained the results of the audit findings and the procedures to correct the ones that were necessary. Discussion followed Necessary action has been taken. Each year is getting better and with the change from Perception to CenterPoint, the reports should be more up to par. (Report on file)
7. **SPECIAL REQUEST BY RESIDENT HUNTER** – Chief Taylor reported that he was approached by an avid hunter who still wished to hunt but could not physically handle a compound bow and asked to use a cross bow. According to rule on record at present time in our area, only disabled hunters in wheel chairs are allowed to hunt and only with compound bow. Chief Crook then explained that with the current technology in today's world compound bows have become as fast as cross bows and there was not much difference in control or safety. The crossbow is being used in other areas at this time. After much discussion and the fact that handicapped hunters have to receive the same training and be qualified to hunt by Game & Fish Commission, Stokes moved that the crossbow be allowed in Cherokee Village for use by qualified hunters in the years 2010, 2011 and 2012; and that Game and Fish Commission send someone to our meeting to explain the facts regarding this, what they allow and don't allow, when they will check on deer count, etc; seconded by Newman and unanimously passed. Next deer hunt will be this Fall.

- 8. **STREET SIGNS-** Stokes requested Attorney Abele draft an Ordinance regarding the damaging or stealing of street and/or road signs; to include a penalty clause.
- 9. **FLAG POLE** – Stokes requested that investigative action be taken regarding cost of replacing the flag pole in front of City Hall with a new steel pole as the current pole is in pretty bad condition; and budgeted for in the 2011 Budget.

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

Police Chief Ricky Crook then presented a proposal for purchase of new police cars. He indicated that his department has 3 vehicles with high mileage and that he had budgeted \$26,000 as matching money for a grant of up to \$90,000 to replace these vehicles; however, it appears that the grant won't be announced anytime soon. In looking into other options, he found a company in Oklahoma that sells used police cars and had several Dodge Chargers that they would be getting over the next few months. After further explanation, he asked for \$9,500 to purchase three vehicles and move the best of the older vehicles to be used as an Auxiliary Officer vehicle. Torbit moved that he be given the authority to purchase three vehicles each with 35,000 miles for cost of \$14,500, each "wrapped" with our color scheme; and that Council authorize up to \$9,500 to complete the deal; seconded by Newman. Roll call vote was taken. YES votes – Martin, Maxedon, Newman, Petersen, Stokes, Viers and Torbit; NO vote – Thone. (Copy of proposal on file).

**ADJOURNMENT:** Stokes moved to adjourn the meeting; seconded by Martin and unanimously carried. Meeting adjourned at 8:00 PM.

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

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

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