

**CITY OF CHEROKEE VILLAGE, ARKANSAS
CITY COUNCIL MINUTES
MAY 20, 2010**

The Honorable Mayor Lloyd Hefley called the meeting of the City Council to order at approximately 6:45 PM, Thursday, May 20, 2010. Mayor Hefley then led the Pledge of Allegiance which was followed by a moment of silent prayer.

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

APPROVAL OF AGENDA: Maxedon suggested that ORDINANCE NO. 2010-D regarding regulation of signs be tabled until everyone has a chance to go over his proposed changes and discuss same with Attorney Abele. Motion was then made by Newman to accept Agenda with the change; seconded by Stokes and unanimously passed.

PUBLIC COMMENTS ON AGENDA ITEMS: There were none.

APPROVAL OF MAY 5, 2010 MINUTES: Newman moved that these minutes be accepted; seconded by Stokes and unanimously carried.

CORRESPONDENCE: Clerk Endrihs reported that the City had received a two page letter from Peggy Dunn Bailey, daughter of Opal Dunn, in which she mentioned how upset she was that she could not be at the hearing regarding the annexation of Dunn Lane. She indicated her desire to speak against such annexation at the May regular City Council meeting. Although she would have been allowed to speak at the hearing, she was informed that the city has a policy which will not allow anyone but City residents to speak at City Council meetings. Due to the length of the letter and the fact that each Council member was given a copy, it was not read at the meeting. (Copy on file)

REPORT ON NATURAL GAS MEETING: Lynn Maxedon reported on the progress of the Natural Gas project after a public meeting held recently. He added that a decision of whether or not to go forward with the plan should be made within the next 2-3 weeks. He personally continues to remain optimistic that this project can be accomplished. (Report on file)

FINANCIAL REPORT: Romans asked if there were any questions on the Financial Report. As there were none, he went on to answer the question brought up at the May 5th Council meeting regarding where the \$100 deposit for Natural Gas is posted.. He indicated that this was coded to "Utilities" for each building. Newman then questioned if the budget to date was in line with the original for 2010. Romans replied that he was presently revisiting all items as June is time for the 6th month follow up. He planned to have a revised budget ready for the next meeting.

DEPARTMENT REPORTS;

FIRE - Chief Taylor reported that his Department had responded to 20 calls during the month of April. The Firefighters trained for a total of 240 hours on various subjects and the Volunteers trained for 2 hours on Communications and 2 hours on Apparatus. He further indicated that his Department had completed the annual hose testing with 3 sections removed from service. (Report on file) Thone questioned the replacement of the hose. Chief Taylor replied that due to the ice storm, his department received enough grant money to furnish emergency safety gear to reload two trucks.

POLICE – In the absence of Chief Crook, Sgt. Richey Thatcher reported that there were 58 Primary Offense Incidents and 68 Citation Totals by Violation. (Report on file)

ANIMAL CONTROL: Thatcher reported that the total number of Intakes was 17 and total number of Outgoes was 42 which left on hand a total of 47 dogs and 42 cats. \$410 was total income collected from adoptions, relinquish/surrenders and donations. Food donations continue to come in sporadically. Thatcher continued to report that the next Adopt-A-Thon was scheduled for May 21-22 and the next Low Cost Spay & Neuter Clinic was scheduled for June 8, 9 and 10. There were 258 volunteer hours worked. The TEA worker will complete her 12-week period on June 11th and community service workers are used at different times to perform work at the Animal Shelter. Also, there are still some ongoing projects/needs. (Report on file)

STREET: Superintendent Crayne reported that he had set up a CPA for FEMA audit and that all project worksheets have been completed and submitted to FEMA. His regular staff has been busy with clearing and culvert cleanout, pot holing and sign work; digging soft spots and adding base rock; making 400 tons of cold mix, cleaning debris from Golf Course Bridge and blading cold mix for 4 roads. His Maintenance Department has completed multiple repairs and oil/filter changes and serviced and repaired vehicles from FEMA projects. In general his Department has responded to 62 resident calls for repair or assistance, installed 22 street and stop signs, cleaned and straightened 164 and received quotes and demos on excavator and mulching head. (Report on file to include Road Committee Minutes of 04-06-2010) Stokes moved that Crayne be allowed to seek bids on the purchase of an excavator; seconded by Maxedon and unanimously carried.. This piece of equipment would be used to do road work part of the year and right of ways the other part. It would clear back branches with a “thumb” that can pick up logs from ditches and cause less damage to the roads as well as clearing the right of ways. Regarding the hot mix project for Cherokee Road, much discussion followed; however, Thone motioned that Crayne be allowed to solicit bids on this project; Maxedon seconded and it was unanimously carried.

COMMUNITY SERVICE: DeLoach reported that 318 hours were worked at Animal Shelter, 128 hours with Street Department and 63 City hours for a total of 509 hours for the month (294 mandatory hours set by the Judge and 32 hours working off fines) at cost of \$1372.50. Maxedon and Thone both questioned if there was enough work for all to do considering the number of hours worked. DeLoach replied that the hours at the Animal Shelter were spent mowing, cleaning kennels, and whatever Shorlynn asked them to do. He has asked all departments to fill out a task request form each week and give it to him by noon each Friday. This would help in setting up the jobs for the following week. Mayor Hefley indicated that this was a new program and the

kinks would have to be worked out. Getting the task requests ahead of time would be a major asset to setting up jobs/workers.

COMMITTEE REPORTS:

PERSONNEL: Newman reported that the new Employee Handbooks have been divided into 5 Departments – Fire, Police, Streets, Admin and Planning & Zoning (due to Code Enforcement Officer). Each Department Head has gone over his/her particular booklet 4-5 times. The cover of each department handbook has been color coded. She added that her Committee would be reviewing the City policies which cover all departments and then present the policy changes to Council for final approval.

ABCV (A BETTER CHEROKEE VILLAGE): Maxedon’s report included a breakdown of the Needs Survey, comments, interviews, city comparisons and study of cities in order to formalize a 20 year plan. (Report on file)

PLANNING & ZONING COMMISSION: Tom Hrezo reported on the Permit Comparisons 2009-2010 as of April 30. He indicated that there were 158 type constructions in 2009 for a total of \$369,861 and 104 in 2010 for a total of \$840,175. YTD income from permit fees was \$10,207. There were a total of 20 current roofing permits issued for \$72,398. 82 permit jobs were inspected and 34 completed.

CODE ENFORCEMENT FOR APRIL: Hrezo indicated that there were 94 complaints taken, 9 Old complaints, 21 letters mailed and 1 citation issued (for littering); 208 personal contacts and verifications and 11 dump sites. Thirty-nine were completed. (Report on file) Thone questioned the number of complaints – 94. What were they for? Hrezo replied that it could be trash in the yard, no mowing done, dogs barking, etc. The Code Enforcement Officer checks on all the complaints.

Martin questioned short term rentals and could something be done? Hrezo replied that if the owner of a home rents the home out to a single family and they have company for the weekend, this is within the zoning laws; however, if the home continues to be rented out to different people on a 30 days basis or longer and there is more than one family living there, then this needs to be looked into.

UNFINISHED BUSINESS:

1. **3rd Reading – ORDINANCE NO. 2010-B – AN ORDINANCE ANNEXING CERTAIN LANDS, KNOWN AS MANDAN II 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 Stokes and unanimously passed. After the title was read, Thone moved that the 3rd reading be passed; seconded by Newman. Roll Call Vote was taken. YES votes – Maxedon, Newman, Petersen, Stokes, Thone and Viers. NO vote – Martin. (This ORDINANCE has been renumbered to 2010-07.)
2. **2nd Reading – ORDINANCE 2010-C – 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 Stokes and unanimously

carried. After reading of the title, Thone moved that 2nd reading be accepted; seconded by Stokes. Roll Call vote was taken. YES votes – Maxedon, Newman, Petersen, Stokes, Thone and Viers. NO vote – Martin. 2nd reading passed.

3. **ORDINANCE NO. 2010-D** – AN ORDINANCE TO REGULATE THE CONSTRUCTION AND PLACEMENT OF SIGNS, PROVIDE FOR THE VIOLATION OF SUCH REGULATION, AND FOR OTHER PURPOSES. This was removed from Agenda and tabled until next meeting.
4. **2nd Reading – ORDINANCE NO. 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 Maxedon and unanimously carried. After reading of the title, Stokes moved that Ordinance be accepted; seconded by Thone. Roll call vote was taken. YES votes – Martin, Maxedon, Newman, Petersen, Stokes, Thone and Viers. 2nd reading passed.
5. **UPDATE ON POSSIBLE PURCHASE OF PROPERTY AT #2 TEKAKWITHA.** After much discussion regarding the cost of \$90,000, the property and building conditions, what the building would be used for, etc. Newman motioned that we offer \$87,500 and have the present owner pick up the tab for cleaning, termite inspection, etc. Maxedon seconded. Roll Call vote was taken. YES votes – Martin, Maxedon, Newman, Petersen, and Stokes; NO vote – Thone; Viers abstained.

NEW BUSINESS:

1. **ORDINANCE NO. 2010-X** – AN ORDINANCE TO ADOPT A CITY SUBDIVISION CODE BY REFERENCE; AND FOR OTHER PURPOSES. Discussion followed regarding the emergency of the Ordinance. Stokes moved that Section 3 regarding the emergency clause be stricken from the Ordinance; Thone seconded. Stokes then moved that the Ordinance be passed without Section 3; seconded by Maxedon. Roll call vote was taken: YES votes – Martin, Maxedon, Newman, Petersen, Stokes, Thone and Viers. 1st reading passed.
2. **RESOLUTION NO. 2010-P** – A RESOLUTION ADOPTING A MASTER STREET PLAN AND SUBDIVISION CODE FOR THE CHEROKEE VILLAGE ARKANSAS PLANNING AREA. Martin moved that this be tabled until roads not on present map are added. Maxedon asked also about the addition of the Mandan II area as well as the Southwind Trace Addition. Hrezo replied that the streets would be added to the map; the map blown up in size and hung on the hall wall near Planning & Zoning offices. Newman seconded the motion to table the Resolution and Council unanimously passed this motion.
3. **BUDGET:**
 - a. 2009 Retro Appropriations – Romans indicated this change is being made per suggestion of the auditor to show in 2009 income (money has already been spent). Add \$412,879.98 to Public Assistance Funds.

FEMA line item for Street #349. Newman moved that this be done; seconded by Stokes and unanimously carried.

b. Amend 2010 budget to add \$10,758 to Airport obligation for Administration. Newman moved that this be passed; seconded by Maxedon and unanimously carried.

4. **SOUND SYSTEM QUOTE:** Romans indicated that the quote was \$929.90 for new mikes which should add to better speaking/hearing quality. Martin moved that this be done; seconded by Stokes and unanimously passed.

5. **FILING OF LETTER TO COMPLY WITH FACTA ACT OF 2003-(Red Flags Rule).** Romans indicated that there was a letter regarding this; that we were tested and did not have to do anything. He added that he would have a copy available for each Council member at the next meeting.

6. **ELECTRONIC BACKUP OF CITY RECORDS 2010-5-20 document:** Maxedon moved that this needs to be done and that if we approved it now, it might be possible to hire a Highland High School student before he/she graduated and was off to college. Newman suggested that it should be done more professionally. Highland City is having this done at present. After much discussion and no second to Maxedon’s motion, Newman motioned that each of the Council members stop in the Highland City Hall and check out the work that is being done there, the cost, etc. before making a final decision; seconded by Stokes and unanimously carried. .

7. **APPOINTMENT OF JACK LOWE TO AIRPORT COMMISSION:** Thone moved that this be done; seconded by Newman and unanimously passed.

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

Maxedon asked the Mayor if he had written up a letter regarding collective bargaining. The Mayor indicated he had and presented a copy for approval. Maxedon motioned it be accepted and sent to the two Senators and Representatives from our District; seconded by Thone and unanimously carried.

Maxedon then questioned dispatch. The Mayor indicated that this was no longer being done by the County but by the phone company.

ANNOUNCEMENTS: The next meeting will be June 2nd at 6:30 PM and will be considered a regular meeting as opposed to “working” due to some decisions that have to be made.

Newman reminded Council that the regular monthly meeting has already been approved to be moved to June 24th due to the 26th Annual ARML Convention in Hot Springs June 16-18th. And since June 24th would be close to July 4th holiday, that there will be no meeting the 1st week of July.

ADJOURNMENT: Newman moved that meeting be adjourned at 8:35 PM; unanimously carried.

DATE: _____

APPROVED: _____
Lloyd Hefley, Mayor

ATTEST: _____
Phyllis J. Endrihs, Clerk/Treas

