

**CITY OF CHEROKEE VILLAGE, ARKANSAS
CITY COUNCIL MINUTES
MARCH 18, 2010**

The Honorable Mayor Lloyd Hefley called the meeting of the City Council to order at approximately 6:30 P. M. Thursday, March 18, 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, Billie Shelton, Russ Stokes, and Tom Thone. Ray Torbit was absent. Attorney Jon Abele was also present.

APPROVAL OF AGENDA: Martin moved that the following items be added to agenda: 1. Amendment No. 2002-02 – AN AMENDMENT TO THE CHEROKEE VILLAGE ZONING CODE ORDINANCE 99-2 AND FOR OTHER PURPOSES.

2. Linda Collins Smith as speaker. Shelton seconded. Much discussion followed regarding allowing Linda Collins Smith to speak. Consensus was that if one politician was allowed to speak, it would open up a “can of worms” allowing any other candidate to speak that wanted to. Mayor Hefley talked with Ms. Smith before the meeting; so she was aware of the controversy and had agreed to be there to meet the public before and after the meeting. Martin still felt that she should be allowed to speak as he felt she was fully qualified for the position. Attorney Abele was asked his opinion in this matter, and he indicated that if it was offered to one politician, other politicians should also be allowed to speak. Roll Call vote was taken as to her speaking. YES votes – Martin and Shelton; NO votes – Newman, Petersen, Stokes, Thone and Maxedon. Stokes requested that two more items also be added to the Agenda -

- 3. Network Computer Administration Security
- 4. Roll Call Voting Process

Stokes moved that the amended agenda be passed with deletion of Smith as speaker; seconded by Thone. Roll Call – YES votes: Newman, Martin, Shelton, Petersen, Stokes, Thone and Maxedon.

PUBLIC COMMENTS ON AGENDA ITEMS: None.

APPROVAL OF FEBRUARY 25, 2010 MINUTES: Newman moved that these minutes be passed; seconded by Thone and unanimously carried.

APPROVAL OF MARCH 3, 2010 MINUTES: Thone moved that these minutes be passed; seconded by Martin and unanimously carried.

CORRESPONDENCE: Clerk Endrihs read a letter received from Mayor Jerome Norwood, Highland, in which he thanked the Mayor and the Police Department for the help rendered during the recent State Basketball Tournament at the Highland School Sports Complex. (Copy on file) Stokes questioned the use of our officers. Chief Crook indicated that he was asked by the School Resource Officer if any of his officers would

be willing and available to volunteer to help with crowd control. Those that went were volunteers who used their own vehicles for transportation and only wore uniforms a couple of nights.

REPORT ON THE NATURAL GAS MEETING: Lynn Maxedon reported on the Natural Gas Project Progress since Sharp County was awarded a grant in 2006 by The Delta Regional Authority to do a Feasibility Study. That study was completed in August of 2007. Setbacks occurred in 2008 due to the tornado and floods. On 11-20-2008, our City Council passed a Resolution in support of Sharp County pursuing this project. Since April 2009, presentations have been made to all area city councils and Sharp County Quorum Court. Our presentation was done on April 16th. Work has continued to progress and public meetings were begun in 2010. (Copy of report on file)

FINANCIAL REPORT: Romans asked if there were any questions. There were none.

DEPARTMENT REPORTS:

FIRE – Chief Taylor reported that his Department had responded to 15 calls during February. The Firefighters trained for a total of 230 hours on various subjects and the Volunteers trained for 2 hours on Apparatus and 2 hours on Ladders. He further added that with the weather conditions, there is a need to be careful of burning brush. All were reminded to call the Fire Department if they planned to burn. (Report on file)

POLICE – Chief Crook reported that the computer for the in-car video system is up and running and cameras are recording well and downloading correctly and quickly. New office space is almost complete. Several items of stolen property valued at \$1500 have been recovered. Detective Lane attended a class on “Detecting Deception” at no cost to the City other than travel expenses. There was a total of 24 Citations by Violation issued and 44 Incident Primary Offense Totals. (Report on file)

ANIMAL CONTROL – Chief Crook reported that there were a total of 10 Intakes and 36 Outgoes which leaves 45 dogs and 36 cats still in the Shelter. \$630 was total income received and donations of goods and funds are still coming in. Suggestion was made though that a budget should be kept in case donations run low. The next scheduled Low Cost Spay and Neuter Clinic is scheduled for April 6-8. There was a total of 224 volunteer hours. (Report on file)

STREET - Crayne reported that an invoice has been sent for ice storm and that this invoice is the final one so that they can now go after the 12 1/2% from the State; 32 site surveys with FEMA reps for flood damage have been done for estimate of \$107,000; and he has applied for CORPS and ADEQ permits as required. His regular crew is busy with final burn site cleanup, ROW clearing, cleaning ditches and culverts, digging soft spots, 2 snow pushes in February and pothole work on warmer days. Maintenance Department is completing multiple repairs and oil/filter changes, repairing chains and snowplows and servicing and repairing vehicles from river project. The transmission in the bucket truck was also replaced. He reported that 78 resident calls were responded to; 23 street signs and 1 pole installed, and that his Department is reviewing possible purchase of equipment

for ROW work and a line striper. In fact his Department was informed that the manufacturer was having a demonstration for all their distributors and they were invited. Crayne went and wound up getting some discounts and buying a striper at \$3000 less than what was approved at the last City Council meeting. He added that after the Roads & Street Committee meets, he will be able to give a presentation on the roads and streets his department will be working on, those they will overlay and the equipment needed to complete the job. Thone questioned whether there was any FEMA money left to which Crayne replied there was and that it would be used on street repair. Shelton questioned the piles of dirt on the west side of Onaga that were left by the State Highway workers. Crayne replied that the State was a bit behind this year but they would probably be moving those piles into the ditch areas to level them out as some ditches are deeper than others. He indicated he would call the Fulton County Office and check on this.

PLANNING & ZONING COMMISSION: Tom Hrezo reported that there were 34 types of construction in 2010 for a total of \$98,345 as opposed to 51 in 2009 for a total of \$121,900. Income from permit fees so far this year is \$3,601. Five roofing permits have been issued in 2010 for total of \$14,800. Eleven permit jobs were inspected and nine were completed. (Report on file) He also indicated that the information regarding the Public Hearing on April 15th would be put into the paper, and the residents in the area in question would be notified by certified mail. He further stated that there were two proposed ordinances in the current Council packet. Hrezo asked that Council read these and get back to P&Z with changes desired or comments in general.

CODE ENFORCEMENT FOR FEBRUARY – 4 complaints were taken; there were 10 old complaints; 1 letter was mailed; 97 personal contacts and verifications were made and there were 9 dump sites. Fifteen jobs were completed in February. (Report on file)

COMMITTEE REPORTS:

PERSONNEL – Newman reported that her committee had met four times since last month; they are presently working on a new personnel handbook and have completed the first draft for the Street, Police and Fire Departments. Thirty applications were received for the part time job at the Animal Shelter; selected applicants have been interviewed; and Gregory Stricklin has been hired.

ABCV (A BETTER CHEROKEE VILLAGE) – Maxedon reported that the Survey was due to end on March 20 although people would be given a few days to complete a survey after that. The paper Survey has been entered into the Web and the media will be asked to announce that the end of the Survey is March 20. A visit to Fairfield Bay has been discussed to gather info for a city comparison. The two potential city park locations suggested by Aldermen Stokes and Torbit have been discussed. Both have been visited and Deer Run Park site was considered a better site in several aspects and because it is already useable. They also discussed the possibility of awarding Certificates of Achievement but would get with Mayor Hefley regarding this.

Shelton questioned the time of 5:30 PM set for the Public Hearing. He indicated that for people who work, that time was too early for many of them to get there on time and suggested a later time such as 6:30 P. M. with Council meeting to follow; seconded by

Thone. After discussion, Roll call was taken. YES votes – Newman, Martin, Shelton, Petersen, Thone and Maxedon. NO vote – Stokes. Motion carried.

UNFINISHED BUSINESS:

1. **ORDINANCE NO 2010-05 (REVISED) – 2ND READING** – AN ORDINANCE ESTABLISHING A BASE RATE OF SALARY FOR A NEWLY ELECTED MAYOR AND A NEWLY ELECTED CITY CLERK/TREASURER OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS (ACA 12-43-502) Stokes moved that title only be read; seconded by Newman and unanimously passed. Clerk Endrihs read the title. Second reading passed per motion of Stokes; seconded by Newman. Roll call vote was taken. YES votes: Newman, Shelton, Petersen, Stokes, Thone and Maxedon. Martin abstained.
2. **ORDINANCE NO 2010-A – 2ND READING** – AN ORDINANCE REPEALING ORDINANCES 99-12 AND 99-13 AND REGULATING THE DISCHARGE OF FIREARMS OR ARCHERY TACKLE IN THE CITY OF CHEROKEE VILLAGE, ARKANSAS. Martin moved that title only be read; seconded by Stokes and unanimously passed. Title only was read by Clerk Endrihs. Stokes moved that second reading be accepted; seconded by Martin. Roll Call vote – YES votes – Newman, Martin, Shelton, Petersen, Stokes, Thone and Maxedon.

NEW BUSINESS:

1. Ad in the 2010 Chamber Guide – SPRING RIVER SURVIVAL GUIDE – partnering with the Spring River Area Chamber of Commerce. Tabled due to insufficient information.
2. **RESOLUTION NO. 2010-3** – A RESOLUTION DECLARING APRIL TO BE “CHILD ABUSE PREVENTION MONTH” IN THE CITY OF CHEROKEE VILLAGE; AND FOR OTHER PURPOSES. Maxedon moved that this be passed; seconded by Newman and unanimously carried.
3. **Temporary Special Use Permit** – Lions Club – White Cane Days – May 6 to May 8, 2010 – Corner of Okmulgee Drive & Iroquois Drive. Martin moved that this be passed; seconded by Stokes and unanimously passed.
4. **Temporary Special Use Permit** – Lions Club – Carnival – June 3 to June 5, 2010, 5:00 PM to 11:00 PM daily. Martin moved that this be passed; seconded by Stokes and unanimously passed.
5. **AMENDMENT 2002-02 – AN AMENDMENT TO THE CHEROKEE VILLAGE ZONING CODE ORDINANCE 99-2 AND FOR OTHER PURPOSES.** Much discussion followed on this pertaining to political signs and commercial signs. Attorney Abele said all signs were to be treated the same. If people wanted political signs in their yard, they could keep them up as long as they wanted. If we were to enforce the taking down of signs, it would have to be

for all signs including real estate signs. Only rule that could be enforced would be the size of the sign. Martin also questioned the fact that there was a charge of \$5.00 for a permit to put up signs and this also should not be allowed. DeLoach explained the role of Planning & Zoning, and asked the Council to check all the Ordinances, Bills of Assurance and Planning & Zoning Codes so that there would be less controversy at the City Council meetings. Mayor Hefley indicated that this Amendment needs to be checked further. Martin asked that it be looked into and discussed more in depth at next meeting before making any actual changes.

DeLoach also said he would have another Ordinance to be looked at regarding house numbering at the next meeting. He stated that he has checked and cannot find anything that he can use to enforce this, even to checking the County. Martin indicated that when the 911 number was set up, people were asked to put their house numbers out on their property where they could be seen from street; however, this was never enforced.

6. **LINDA COLLINS SMITH** – Item handled earlier.
7. **NETWORK COMPUTER SECURITY** – Stokes questioned the security of our computers and the passwords and such. What would happen if one of the people in charge were to botch the system on purpose; or person in charge dropped dead; or...? It was agreed to look into this further at the April meeting.
8. **ROLL CALL VOTING PROCESS** – Stokes suggested that the roll call be done in alphabetical order with voting each time starting with first name on the list and each item to be voted on thereafter start with the next name on the list. This is in accord with ROBERT’S RULES OR ORDER. Shelton seconded and motion unanimously passed.

COMMENTS ON CITY RELATED ITEMS (limit 3 minutes per speaker): Lois Mock questioned the cutting down of the beautiful trees along the parking area in Village Center. Mayor Hefley said that that area did not belong to the City and that the job was done by the order of Daggett’s office. Hrezo rose to comment on the fact that according to law, the property owner could cut down any trees on his own property but could not on any other property without permission from the owner. Since these trees were on Daggett’s commercial property, he contracted to have this done.

ADJOURNMENT: Lynn Maxedon motioned to adjourn. Meeting ended at 8:00 P. M.

DATE; _____

APPROVED: _____

Lloyd Hefley, Mayor

ATTEST: _____
Phyllis J. Endrihs, Clerk/Treasurer