

CITY OF CHEROKEE VILLAGE, ARKANSAS
CITY COUNCIL MEETING
AUGUST 18, 2011
(meetings are video recorded)

Mayor Lloyd Hefley called the meeting of the City Council to order at approximately 6:30 PM, Thursday, August 18, 2011. He then led the Pledge of Allegiance which was followed by a moment of silent prayer.

In the absence of Clerk Lana Hamilton, Judy Bickle called roll: Present were Jerry Adams, Curtis Bratcher, Lynn Maxedon, Verna Mae Newman, Russ Stokes, Tom Thone, Ray Torbit and Kent Viers. Attorney Jon Abele was also present.

APPROVAL OF THE AGENDA: Russ Stokes asked to amend the agenda to include, under unfinished business, the action that was taken at last month's meeting to forgive the unpaid debt (\$54K) from the council to the Street Department. Bratcher made a motion to accept the agenda with the change, seconded by Newman and unanimously passed.

PUBLIC COMMENTS ON AGENDA ITEMS: none

APPROVAL OF THE JULY 28, 2011 MINUTES: Viers moved to approve the minutes, seconded by Torbit and unanimously passed.

CORRESPONDENCE: none

FINANCIAL REPORT: Newman moved to approve the Financial Report for an audit as written, seconded by Viers and unanimously passed.

DEPARTMENT REPORTS:

FIRE: (report on file) Thone asked Fire Chief Taylor what the term 'Medical Calls' means on the report. Taylor replied that it used to be termed "EMS Assists" and there is no change other than the title. Thone then asked why there were so many on recent reports. Taylor explained that there is a standby crew for Spring River Ambulance and, due to the economy, many of those employees have taken on extra jobs during their standby time to supplement their income. Because of this, the standby crew's response time is longer because they have to be reached at work, notify their boss, etc. When a 911 call comes in, dispatch automatically calls Spring River Ambulance and CVFD. Taylor then sends 2 response vehicles to the scene and SRA sends the ambulance when it is available. Whoever gets to the scene first starts the medical assist.

Torbit then asked about the fire at 177 Pottawattamie Dr. which is listed as 'other than accidental.' Taylor responded that, due to the findings of the insurance investigation, this incident will probably go to court.

POLICE: (report on file) Newman commended Chief Crook and the CVPD on their work in solving the many burglaries that have occurred in the area recently. Crook said that, since the last meeting, there have been 3 other warrants sent to the prosecutor, waiting to be reviewed and signed. One individual had 3 charges against him and will now have 5 additional charges. The other 2 individuals will have 6 charges filed against each of them. They were all residents of Cherokee Village. These arrests have solved at least 8 residential burglaries.

ANIMAL CONTROL: (file on report) Maxedon asked Crook if he had a chance to look into some apprehensive capability such as a hunter's camera at the Animal Control Shelter. Crook said he had not had time due to the burglaries.

Maxedon also asked Crook if he had checked with the Department of Natural Resources (DNR) to see if they could give us a head count on deer in the area so they would know if the bow hunts have been successful. Crook responded that DNR said the earliest they could do that would be February, which is after this year's hunting season.

STREET: (report on file)

COMMUNITY SERVICE: (report on file)

DISTRICT COURT: (report on file)

PLANNING & ZONING

PERMIT COMPARISONS: (report on file)

CODE ENFORCEMENT: (report on file)

COMMITTEES:

PERSONNEL: Newman reported that they went through a disciplinary booklet from a different city and it was quite lengthy. After reviewing it, they decided to stick with the Handbook for Employees that they currently use. They feel it is sufficient for their needs.

Newman also reported that Terry Romans had resigned and has taken a job in Fayetteville, starting Monday, August 29th. She questioned whether everyone was aware of the responsibilities that Terry's job entailed and how much he is going to be missed. In addition, when his house sells his wife Joan, who is the City Court Clerk, will be leaving also. She reminded all that the Council has a freeze on hiring.

SAFETY: Torbit reported that the volunteer firemen had bought some CO2 canisters from funds that they raised. Also, the air conditioning on one of the police cars was fixed at a cost of \$900.

WEBSITE & GRANT: Bratcher reported that they had applied for a \$100,000 non-matching grant for a nature trail to be constructed.

UNFINISHED BUSINESS:

1. Bratcher said that at the last meeting, he asked that the council review a Financial Policy and a Reserves Policy. He would like to withdraw that and asked the council to review only the Reserves Policy. The Mayor also asked Counsel Abele to review the Reserves Policy.

2. Charles DeLoach, City Building Inspector, went over some key points on a proposed ordinance on Rental Permit Applications for Cherokee Village. One thing it does is require inspections on all rentals. Requirement is every year for short term rentals and every 3 years for long term rentals unless there are complaints that need to be investigated. He pointed out that this ordinance helps the owner as well as the tenant and that it addresses many safety issues, such as mold. The state recommends that the city address the moisture problem that causes the mold but said the city is not qualified to address the mold problem. Another issue was trash pickup.....whose responsibility is it, the owner or the tenant? These problems are address in the ordinance. DeLoach also asked that the Council set the cost of the fees and permits.

3. Update on the Water Franchise Fee Issue: The Mayor reported that he had been in touch with Representative Linda Collins-Smith who has brought the issue to the state Attorney General. The AG stated that he would have an answer or a recommendation within 30 days.

4. Adams asked the Mayor whether he had contacted Representative Lori Benedict and he said he had not since Representative Collins-Smith was handling it.

5. DeLoach informed the council that there was an ordinance that needed to be passed on an emergency basis as mandated by the state of Arkansas. This ordinance deals with Flood Damage Prevention and reads exactly the same for all cities in Arkansas. If Cherokee Village does not pass the ordinance, we will not be eligible for any FEMA funds and citizens would lose their flood plains insurance

6. Stokes brought up the action taken at last meeting (which he did not attend) to forgive the funds owed to the Street Department from the City Council. He read from 2010 minutes where the motion was to repay these funds. He mentioned one incident where a resident is building a new home and the last mile of access needs to be chip sealed. He said the residents should be moving in within about six months and his concern is that the Street Department will not be able to complete this project without the funds returned to them.

NEW BUSINESS:

1. Code Enforcement Officer Glenn Harris read the first five pages of Ordinance 2011-W, **AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A FLOOD DAMAGE PREVENTION PROGRAM FOR CHEROKEE VILLAGE AND FOR OTHER PURPOSES.** This ordinance repeals Ordinance 00-02. Bickle called a roll call vote and there were 8 yeas, passing unanimously. Maxedon moved to read Ordinance by title only and suspend the rules, seconded by Newman. Bickle called a roll call vote and

there were 8 yeas, passing unanimously. Maxedon moved that the Ordinance be read by title only for the third time and suspend the rules, seconded by Torbit. Bickle called a roll call vote and there were 8 yeas, passing unanimously. After the third reading, Maxedon made a motion that the Ordinance be adopted, and it was seconded by Newman. Bickle called a roll call vote and there were 8 yeas, passing the Ordinance unanimously.

2. Harris read the first reading of Ordinance No. 2011-Y , **AN ORDINANCE TO REPEAL ORDINANCE NO. 2003-04**. Maxedon moved to accept Ordinance No. 2011-Y, seconded by Newman. Bickle called a roll call vote and there were 8 yeas, passing the Ordinance unanimously.

3. Harris read the first reading of Ordinance No. 2011-Z , **AN ORDINANCE AMENDING ORDINANCE NO. 2000-03, AN ORDINANCE DESCRIBING AND ESTABLISHING A PERMIT AND CODE TO DO BUSINESS WITHIN THE CITY OF CHEROKEE VILLAGE, ARKANSAS AND FOR OTHER PURPOSES**. Maxedon made a motion to accept Ordinance No. 2011-Z, seconded by Newman. Bickle called a roll call vote and there were 8 yeas, passing the Ordinance unanimously.

4. DeLoach asked the council to approve a contract to purchase LP Gas at \$1.99.9 for up to 8000 gallons. The city will only be charged for what they get. The last 2 years they have used an average of 7,500 gallons a year. The tanks are owned by MFA (formerly Stateline Propane) and this is the best price unless they want to purchase the tanks instead of rent them. Stokes moved to approve this request to lock in the gas cost, seconded by Adams, and unanimously passed.

5. DeLoach requested an additional \$400 above his budgeted funds to send Liz Keel for recertification for Flood Plains Manager and to send Glenn Harris for certification for Building Inspector. Maxedon moved to approve this request, seconded by Newman, and unanimously passed.

6. DeLoach reported that yesterday there was a power failure in the Police Department and, upon restarting, they lost one of their 2 compressors. He found a replacement compressor for \$3,710 and asked that the council approve the purchase. Maxedon made a motion to approve the funds, seconded by Adams and unanimously passed.

COMMENTS OF CITY RELATED ITEMS (limit 3 minutes per person) (none)

ANNOUNCEMENTS:

1. There will be a Community Forum meeting on August 25th, 2011 at 6:30 PM to discuss the 1% Sales and Use tax for the city of Cherokee Village. This Forum will take place at the Senior Center, next door to City Hall.

2. Election for the 1% Sales and use Tax is September 13, 2011, early voting starts September 6, 2011. Fulton County will early vote in Salem, and day of the 13th at Omaha

Center. Sharp County will early vote in Ash Flat and day of the 13th, at City Hall in Cherokee Village.

3. There will be a public meeting on the Natural Gas issue on Sunday, August 21st at 2 p.m. at the A.L. Hutson Building (gym) at Highland High School.

ADJOURNMENT: Stokes moved to adjourn the meeting, seconded by Bratcher, and approved by all at approximately 8:40 p.m.

DATE: 9-16-11

APPROVED: Lloyd Hefley
Lloyd Hefley, Mayor

ATTEST: Lana Hamilton
Lana Hamilton, City Clerk/Treasurer

NOTE: Minutes prepared and submitted by Assistant to City Clerk/Treasurer Hamilton,
Cindy Harris.