

CITY OF CHEROKEE VILLAGE, ARKANSAS
CITY COUNCIL MEETING
JUNE 23, 2011
(meetings are video recorded)

Mayor Lloyd Hefley called the meeting of the City Council to order at approximately 6:35 PM, Thursday, June 23, 2011. He then led the Pledge of Allegiance which was followed by a moment of silent prayer.

Clerk Hamilton 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: Maxedon asked to amend the agenda to include, under new business, items he wanted to share with Council for the up coming Task Force Meeting. Viers asked to amend the agenda, under new business, regarding the millage. Stokes moved to approve the agenda with the amendments, seconded by Torbit and unanimously passed.

PUBLIC COMMENTS ON AGENDA ITEMS: none

APPROVAL OF THE JUNE 2, 2011 MINUTES: Viers moved to approve the minutes, seconded by Stokes and unanimously passed.

CORRESPONDANCE: none

FINANCIAL REPORT: Newman moved to accept the Financial Report as written, seconded by Viers and unanimously passed.

DEPARTMENT REPORTS:

FIRE (report on file)

POLICE (report on file)

ANIMAL CONTROL: Newman asked if Chief Crook would report on Animal Control. Chief Crook stated that the number of animals housed at the shelter has always been a concern and questioned by Council. Chief Crook explained that it cost much less to feed an animal for the minimum of five days that we keep them in hopes that they will be rescued, than it does to euthanize and dispose of the animals. (report on file)
Thone said that most cities only housed 30 dogs and 15 cats, and he recommended that we do the same. He also said a city of our size cannot support that many dogs. Adams said that he felt we are trying to solve the county's problems, and that other cities have a sales tax, we don't. Chief Crook said he has talked to other Police Chiefs to help, but they don't have the budget for start up and the ongoing costs. Maxedon asked if Bill Matselboba had met with AHAH and if they are working together. Chief Crook pointed out that Mr. Matselboba was here and asked him to answer Maxedon's question. Mr. Matselboba told Council that he had been in touch with AHAH. He also stated that he has sat out barrels asking for food donations at several different locations in town, and had

collected approximately 60 pounds of dog and cat food. He also stated that he was preparing to do an auction on July 10th at the town center to raise more money for food. Torbit announced that he had talked to the AHAAH committee and he understood that they are having trouble getting donations due to the disaster areas that are coming first in line for donations.

STREET: Torbit asked Dave Crayne what we can do, if anything, to get the water department to fix the roads quicker than they are doing, after they do their repairs. He also questioned if the City can do something to get them to repair the roads faster. Adams asked Dave Crayne about the 3 temporary employees he hired. Crayne explained that two of them are no longer being paid by the city. They are being paid by emergency workers fund.

COMMUNITY SERVICE (report on file)
DISTRICT COURT (report on file)

PLANNING & ZONING COMMISSION:

PERMIT COMPARISONS: DeLoach reported that he should have the plans for Fred's Dollar Store early next week. He stated as far as he knew, it is still a go for them.

CODE ENFORCEMENT: (report on file)

COMMITTEES:

PERSONNEL: Newman said her committee met and were going over a discipline handbook from another city, they are checking to see if any parts can be utilized in our handbook. Newman also stated that our handbook was updated about a year ago, but needs to be looked at more often as the state has passed about 1,000 new laws that pertains to cities.

SAFETY: did not meet

WEBSITE & GRANT: did not meet

BRIDGE FEASIBILITY: Maxedon stated that the committee met on June 21, 2011. He also admitted he was not encouraged after this meeting and said that the probability of a Bridge Commission looks pretty weak at this time. He said that some of the people think this is a Planning Commission and did not think it is supposed to be, so they are supporting it less. After much discussion, Maxedon would like the City Attorney to review this Commission to see if it is legal. (report on file).

UNFINISHED BUSINESS;

1. Second reading of Ordinance 2011-A, regarding the Annexation of Cherokee Acres. Newman moved to read Ordinance by title only, seconded by Stokes. Clerk Hamilton read Ordinance 2011-A. **AN ORDINANCE ANNEXING CERTAIN LANDS, KNOWN AS CHEROKEE ACRES, THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED LIMITS OF THE CITY OF CHEROKEE VILLAGE; AND FOR OTHER PURPOSES.**

Newman moved to accept the reading of this Ordinance, seconded by Stokes. Clerk Hamilton called a roll call vote, there were 7 yeas, Viers voted no, passing Ordinance 2011-A on the second reading.

Adams called for the third and final reading of Ordinance 2011-A, seconded by Newman. Clerk Hamilton read Ordinance 2011-A. **AN ORDINANCE ANNEXING CERTAIN LANDS KNOWN AS CHEROKEE ACRES, THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED LIMITS OF THE CITY OF CHEROKEE VILLAGE; AND FOR OTHER PURPOSES.** Newman moved to accept the reading of this Ordinance, seconded by Torbit and unanimously passed. Clerk Hamilton called a roll call vote, there were 7 yeas, Viers voted no, passing Ordinance 2011-A on the 3rd and final reading.

2. Mayor Hefley asked the City Attorney, Jon Abele to update the Council on the Water Franchise. Abele said that the Council had passed this Ordinance. He stated that the water company has not appealed. He also stated that there is a time limit for appeal, and that time limit has expired. Thone asked Mayor Hefley if he had spoken with the water company. Mayor Hefley replied that he had spoken with them on several occasions, but has not spoken with them since the Ordinance passed. The letter addressed to Steve Rose, from an attorney, was the only thing he had seen that showed they were against this franchise fee, which he shared with Council. After much discussion, it was decided that the Mayor would pay them a visit and ask them point blank what they intend to do with this Ordinance. The city attorney Jon Abele suggested that our only recourse would be to sue them should they refuse to collect and pay the franchise fee.

3. Clerk Hamilton read the first reading of Ordinance 2011-D: **AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF CHEROKEE VILLAGE, ARKANSAS, ON THE QUESTION OF LEVYING A ONE PERCENT SALES AND USE TAX WITHIN THE CITY OF CHEROKEE VILLAGE, ARKANSAS; PRESCRIBING OTHER MATTERS PERTAINING THERETO;**

Newman moved to accept the Ordinance as read, seconded by Torbit. Adams asked what it is going to cost the City for the election. Mayor Hefley replied that he was quoted \$2,100.00 to \$2,800.00. Adams stated that he had heard that there was going to be a Board of Education election the same day and wondered if we could share the cost. Mayor Hefley said his understanding is that there wouldn't be any savings on the ballot, but he would check into this. Adams replied that it wasn't necessarily the ballot, but sharing the cost of the workers. Viers brought up the city of Marmaduke, who just had an election, had to have five days early voting and it cost them \$3,500.00. Stokes asked the Mayor, when checking on the poll workers, if he would ask Tommy Estes who establishes the cost for the elections. Stokes said he would be interested if they are charging the Board of Education the same amount they are charging us. Mayor Hefley said he would check on this information.

Clerk Hamilton than called a roll call vote, there were 7 yeas, Thone voted no, passing the Ordinance on the first reading.

Stokes moved to read the Ordinance by title only, seconded by Newman. Clerk Hamilton read the seconding reading of Ordinance 2011-D: **AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF CHEROKEE VILLAGE, ARKANSAS, ON THE QUESTION OF LEVYING A ONE PERCENT SALES AND USE TAX WITHIN THE CITY OF CHEROKEE VILLAGE, ARKANSAS; PRESCRIBING OTHER MATTERS PERTAINING THERETO;**

Stokes moved to accept the second reading, seconded by Torbit. Clerk Hamilton called a roll call vote, there were 7 yeas, Thone voted no, passing the Ordinance on the second reading.

Stokes moved to read the Ordinance by title only for the adoption of the Ordinance, seconded by Newman. Clerk Hamilton read the third and final reading of Ordinance 2011-D: **AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF CHEROKEE VILLAGE, ARKANSAS, ON THE QUESTION OF LEVYING A ONE PERCENT SALES AND US TAX WITHIN THE CITY OF CHEROKEE VILLAGE, ARKANSAS; PRESCRIBING OTHER MATTERS PERTAINING THERETO;**

Stokes moved to accept the third reading, seconded by Maxedon. Clerk Hamilton call a roll call vote, there were 7 yeas, Thone voted no, passing Ordinance on the third reading.

NEW BUSINESS:

1. Newman moved to appoint Phil Caves to the Street Committee, seconded by Adams and unanimously passed.
2. Newman moved to allow for a Temporary special use permit for the Cherokee Village Farmers Market, starting July 9, 2011 through the season, seconded by Maxedon and unanimously passed.
3. Newman stated that she attended the Arkansas Municipal League Conference in Hot Springs, AR, June 15th through the 17th, 2011. Due to budget cuts, Newman paid her own expenses, which was about \$500.00. She explained that there are 500 cities in the state of Arkansas that belong to the League, out of the 500 cities there were 495 cities represented. Every Alderman is asked to complete 21 hours in continuing education classes, there were classes offered at the convention for this purpose. She explained that there were over 30 different classes, some of these classes were on pension plans, like LOPFI and Apers, grants and funds, animal control, workman compensation, social media, health and wellness, understanding the 2010 census of our city, preparing for an audit and budget and many others. There were over 1400 Mayors, Aldermen, Clerk & Treasurers and City Attorneys. There were 495 Clerk/Treasurers that attended the classes set up for their education. There were 400 Aldermen that attended the continuing education classes. Newman expressed that she was sorry the City Council elected not to send the cities Clerk/Treasurer, Lana Hamilton and Executive Assistant, Terry Romans. She stated that they are to know all laws of the state, that are changing all the time. There were 1023 new laws this year alone. She feels that this was an injustice to our citizens of this city not to train the personnel so they can do their jobs effectively. She also stated she was sorry our city was not represented, but all in all, it was a wonderful conference.
4. Maxedon passed out information which he wanted to share with Council for the upcoming Task Force meeting scheduled for July 7, 2011. (report on file) Maxedon also received confirmation from Newman, that LOPFI is increasing 1% and will continue to raise the employer contribution 1% for the next five years.

Bratcher commented that we have now had 4 different Task Force meetings, and nothing has been accomplished except for we realize we are in trouble. He suggested that the Council come up with a true, conservative and accurate income figures to budget accordingly.

5. Viers asked if the 2 mills we are currently collecting goes strictly for the roads. The Mayor explained that the millage was passed to make up for the revenue we are not receiving from S.I.D., for the Fire Department and Street Department. It was put in the General Fund, and later council voted to use it for the Street Department. Viers just wanted to make sure we can use the millage for other things, should we need to.

COMMENTS ON CITY RELATED ITEMS: Bob King asked when the annexation of Cherokee Acres will be in effect. Mayor Hefley told Mr. King they will be part of the City in 90 days.

ANNOUNCEMENTS:

Mayor Hefley told the Council he will be on vacation June 27th through July 5th, and Lana Hamilton, City Clerk/Treasurer will be in charge of anything pertaining to the City. Mayor Hefley reminded the Council that there will be a Financial Task Force meeting, starting at 5:30 PM, prior to the City Council meeting on July 7, 2011.

ADJOURNMENT: Maxedon moved to adjourn the meeting at approximately 7:55 PM, seconded by Newman and unanimously passed.

DATE: 7/8/2011

APPROVED: Lloyd Hefley
Lloyd Hefley, Mayor

ATTEST: Lana Hamilton
Lana Hamilton, City Clerk/Treasurer