

**CITY OF CHEROKEE VILLAGE, ARKANSAS  
REGULAR CITY COUNCIL MEETING  
NOVEMBER 17, 2011  
6:30 P.M. AT CHEROKEE VILLAGE CITY HALL  
(meetings are video recorded)**

Mayor Lloyd Hefley called the meeting of the City Council to order at approximately 6:30 P.M., Thursday, November 17, 2011. He then led the Pledge of Allegiance which was followed by a moment of silent prayer.

Clerk Lana Hamilton called roll: Present were Councilmen Jerry Adams, Curtis Bratcher, Lynn Maxedon, Verna Mae Newman, Russ Stokes, Tom Thone, Ray Torbit, Kent Viers, Mayor Lloyd Hefley and Attorney Jon Abele.

**APPROVAL OF AGENDA:** A motion was made by Viers to approve the agenda, seconded by Maxedon and approved unanimously.

**PUBLIC COMMENTS ON AGENDA ITEMS (limit 3 minutes per person):** None

**APPROVAL OF MINUTES:** A motion was made by Stokes to accept the minutes as presented, seconded by Torbit and approved unanimously.

**CORRESPONDENCE:** None

**MAYOR'S REPORT:** Mayor Hefley pointed out that the posters on the wall just outside the courtroom were the 3<sup>rd</sup> grade's winning posters in a contest put on by Highland schools for grades 1-4 called "The Importance of Living a Totally Healthy and Drug Free Lifestyle". The posters were judged by Hefley, Bratcher, and Newman.

**FINANCIAL REPORT:** Thone questioned the bottom line on the 833 funds. The Statement of Revenue and Expenditures shows a Year to Date figure of \$58,886 while the Fund Balance sheet shows a balance of \$104,677.05. Thone then asked Fire Chief Mike Taylor why the discrepancy? Is it because of a carryover? Taylor said that this did include the carryover of approximately \$58,000.

Thone then asked Taylor what the 833 Funds are for and if he had plans to spend it? Taylor said the funds were for such things as firefighting equipment, radios and communication equipment, training, and major repairs to the station. He said the funds could not be used for the station unless it was for major repairs. Taylor also said if the grant doesn't go through for protective equipment, he would have to request approximately \$80,000 be spent to buy that equipment.

Thone then asked about the Fire Department totals of \$1,600,601.93 (on page 5) and the Payroll total of \$2,624,352.55 (on same page). Hamilton explained that, based on what CSA (Customer Support for Centerpoint) is telling her, these numbers are affected by combining all departments together that shouldn't be combined into this one report. Hamilton further stated that next year, when she updates Centerpoint, this should take care of this type of problem.

## **DEPARTMENT REPORTS:**

**FIRE:** report on file

**POLICE:** report on file – Newman questioned the consistently high number of burglaries. She wanted to know if some of these were still on the books as not being solved from a couple of months ago or if they are new incidences. Police Chief Rickey Crook said that most of them are new reports; however, in some cases where the residents may live out of town or had been out of town for an extended period, their stolen items were already recovered in the prior arrests and they just had to identify them. Crook did add that theft of scrap metal has been on the increase because of its resale value.

Torbit then complimented Crook on his department's rapid response to a call from the secretary at the Methodist Church in Cherokee Village. There was some 'questionable activity' in the parking lot and the CVPD responded and took care of the situation very quickly which made those inside the church feel more comfortable.

**ANIMAL CONTROL:** report on file

**STREET:** report on file. Adams went on record thanking Robert McKnight of the Street Department and Mike Eash, Community Services, for their help in getting the area behind Prenger's Service Station cleared off. They are using volunteers, inmates and the city's equipment so there is no cost to the city. The city is being reimbursed for fuel and use of city equipment through donations. They worked on it Saturday, November 12<sup>th</sup> and plan to work on it Saturday, November 19<sup>th</sup>.

**COMMUNITY SERVICE:** report on file

**DISTRICT COURT:** report on file

### **PLANNING & ZONING –**

**PERMIT COMPARISONS:** report on file

**CODE ENFORCEMENT:** report on file

### **COMMITTEES-**

**PERSONNEL:** no report

**SAFETY:** no report

**PLANNING & ZONING:** Tom Hrezo, a member of the Planning & Zoning Committee, reported that they have come across an issue with the way the state designed the floodplain maps. They are working on it and will eventually have a town hall meeting or some type of public forum to discuss these problems. Hrezo also announced that there will be two or three openings on the Planning and Zoning Committee next year due to some current members stepping down.

**WEBSITE & GRANT:** no report

## **UNFINISHED BUSINESS:**

1. Maxedon requested that there be a second reading of **Ordinance No. 2011-E**, by title only, **IN REGARDS TO AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS, ADOPTING A RESERVE POLICY AND BALANCED BUDGET**: Bratcher seconded and it passed unanimously. Clerk Hamilton read the ordinance by title only. Maxedon then moved that the Ordinance be accepted, Newman seconded and it passed unanimously. Bratcher moved that the Ordinance No. 2011-E be read for the third time by title only, seconded by Maxedon and passed with 7 'yeas' (Adams, Bratcher, Maxedon, Stokes, Thone, Torbit and Viers) and one 'no' (Newman). Hamilton read the Ordinance by title only. Bratcher moved that Ordinance No. 2011-E be passed, seconded by Maxedon and passed with 7 'yeas' (Adams, Bratcher, Maxedon, Stokes, Thone, Torbit and Viers) and one 'no' (Newman).

2. Stokes moved that Ordinance 2011-X be read for the second time by title only, **AN ORDINANCE REPEALING ORDINANCE NO. 2000-04, ORDINANCE NO. 2003-05 AND ORDINANCE NO. 2008-02 AND PROVIDING FOR BUILDING PERMIT FEES AND PENALTIES FOR VIOLATIONS WHEREOF AND FOR OTHER PURPOSES**. The motion was seconded by Torbit and passed unanimously. Clerk Hamilton read the Ordinance by title only. Stokes moved that Ordinance 2011-X be accepted on the second reading, seconded by Torbit and passed unanimously.

3. Cherokee Village Signs at South Entrance. Stokes requested that this be tabled until further info is obtained, including a survey of the property.

## **NEW BUSINESS:**

1. ARML Firefighters Income Protection Plan – Chief Taylor said it was not needed.

2. ARML 2012 Municipal Officials Accidental Death and Dismemberment Plan for elected Officials and Department Heads – Council decided not to use.

3. First reading of Ordinance No. 2011-AA, **AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A RENTAL HOUSING CODE FOR CHEROKEE VILLAGE PURPOSES**. Newman moved to pass this Ordinance on the first reading, seconded by Adams and then called for discussion. Thone questioned Code Enforcement Officer Glenn Harris on the cost of registration and inspection of rental houses. Harris said they wanted to set the cost at \$25.00 for registration and \$25.00 for inspection. Maxedon said he thought that would not cover the cost of an inspection where there were issues when you consider the time spent on the actual inspection, on the follow-up paper work and on any subsequent inspection(s) to verify that required repairs had been completed and possible legal action if there is non-compliance. Maxedon suggested that the cost be changed to \$50 per registration and \$50 per inspection. Thone suggested the inspection cost should be \$100 but Harris and Building inspector, Charles DeLoach expressed concern that \$100 was too high. Newman then moved that this Ordinance be accepted on the first reading, with the fee change from \$25 to \$50, seconded by Torbit and passed with 6 'yeas' (Adams, Bratcher, Maxedon, Newman, Thone and Torbit) and 2 'nos' (Stokes and Viers).

4. Memo from Counsel Jon Abele in regards to Attorney General's Opinion No. 2011-09, CVWW Franchise Fee. Counsel's memo recommended that "the City Council, at this time, repeal Ordinance No. 2011-01 and attempt to work through the legislative representatives to have the statutes governing the authority of the City to impose a franchise fee amended to make the legislative intent clear that the City does have the authority to impose a franchise fee on the water company providing water services to the residents of Cherokee Village."

5. First reading of Ordinance No. 2011-Z, **AN ORDINANCE TO REPEAL ORDINANCE NO. 2011-01, AN ORDINANCE GRANTING A FRANCHISE TO CHEROKEE VILLAGE WATERWORKS FOR THE PROVISION OF WATER SERVICES WITHIN THE CITY, IMPOSING A FRANCHISE FEE, AND FOR OTHER PURPOSES.** Newman moved to have the first reading of the ordinance, seconded by Stokes and approved by all. Hamilton read Ordinance No. 2011-Z. Maxedon moved to accept the first reading of the ordinance, seconded by Bratcher and approved by all. Maxedon then moved to read the ordinance for the second time but by title only, seconded by Torbit and approved by all. Hamilton read the ordinance by title only. Stokes moved to accept the second reading of the ordinance, passed by Thone and approved by all. Maxedon moved to read the ordinance for the third time by title only, seconded by Bratcher and approved by all. Hamilton read the ordinance by title only. Bratcher moved to accept the third reading of the ordinance, seconded by Adams and approved by all. Ordinance No. 2011-Z was approved on all three readings.

6. New logo on City Flags. Judy Bickle, Administrative Assistant, was asked to get a quote on replacing the flags with new ones with the new logo on it. She was told that it would cost approximately \$1,700. Tom Hrezo explained that the current logo design belongs to Eben Daggett and the city now owns the new one which was designed and put on the new city maps and that it had been suggested at a previous meeting that the flags be replaced with flags with the new logo. Thus the reason for the request for quotes for new flags. Bratcher moved to table any action on the flags until the budget for next year is more clear and until the flags need to be replaced due to wear. Hrezo added that postponing any action will also allow more revenue to be generated by sales of the new maps. Bratcher's motion was seconded by Viers and approved unanimously.

7. Resolution No. 2011-Q, **GRANT FOR REPEATER (FD).** Newman moved that the resolution be read in its entirety, seconded by Stokes. Hamilton read the resolution in its entirety. Stokes moved to approve the resolution which allows the fire department to go forward with its request for the grant. Torbit seconded, and it passed unanimously.

8. Motion by Maxedon: In 2012, no additional employee of the city of Cherokee Village may be added and no employee may be replaced unless approved by the City Council, except during an emergency declared by the Mayor. Maxedon read the motion for the benefit of all present and moved that it be passed, seconded by Thone and failed by a vote of 5 'nos' (Adams, Bratcher, Newman, Torbit and Viers) and 3 'yeas' (Maxedon, Stokes and Thone).

9. Motion by Maxedon, Adherence to Financial Policy: The Cherokee Village 2012 Operating Budget shall be prepared and adopted in accordance with the intent of

Ordinance No. 2011-E, **AN ORDINANCE ADOPTING A RESERVE AND BALANCED BUDGET POLICY**, even though the adoption of that Ordinance may not be completed prior to the adoption of the 2012 budget. Maxedon read the motion and requested that it be passed, seconded by Bratcher and passed on the first reading by a vote of 6 'yeas' (Adams, Bratcher, Maxedon, Stokes, Thone, and Viers) and 2 'nos' (Newman and Torbit).

**COMMENTS OF CITY RELATED ITEM (limit 3 minutes per person):** none

1. Adams announced that he and many volunteers will continue with the effort of cleaning the area behind Prenger's Service Station this Saturday. He encouraged anyone with some free time to come down and help. He also stated that they will accept cash donations. There will be food served for the volunteers from the Senior Center. This effort requires no cost to the city as it is all paid for through donations. The city's equipment is being used but the city is being reimbursed for the gas used to run the equipment.

2. Stokes said he would like to publicly thank Mike Eash and any one who helped him to clean up an illegal dump site in the village which had become an eye sore and a real problem. He said that Eash told him they removed 58 large trash bags of trash from that site.

3. Peter Martin (former Councilman and current resident of Hardy, AR) told the council that they should go back and read Ordinance 2011-AA (on Rental Housing) very thoroughly and study it to ensure that they are not breaking any laws or doing anything illegal in passing this ordinance.

**ANNOUNCEMENTS:** none

**ADJOURNMENT:** Newman moved to adjourn, seconded by Stokes and approved by all at approximately 7:58 P.M.

**NOTE:** Minutes were prepared and submitted by Assistant to Clerk Hamilton, Cindy Harris

**DATE:** 12/14/11

**APPROVED:** Lloyd Hefley  
Lloyd Hefley, Mayor

**ATTEST:** Lana Hamilton  
Lana Hamilton, City Clerk/Treasurer