

**MINUTES
CITY OF CHEROKEE VILLAGE, ARKANSAS
REGULAR CITY COUNCIL MEETING
6:30 P.M., THURSDAY, APRIL 19, 2012
CHEROKEE VILLAGE CITY HALL
(meetings are video recorded)**

Mayor Lloyd Hefley called the regular meeting of the City Council to order at 6:30 p.m. on April 19, 2012. He led the Pledge of Allegiance followed by a moment of silent prayer.

Roll was called by City Clerk Lana Hamilton. Present were Jerry Adams, Curtis Bratcher, Lynn Maxedon, Verna Mae Newman, Russ Stokes, Tom Thone, Ray Torbit, Kent Viers, Mayor Hefley and City Attorney Jon Abele.

APPROVAL OF THE AGENDA: Councilman Adams requested to add announcements at the end and Tom Thone requested to add annexation under new business. Motion to accept the Agenda as modified was made by Councilman Viers, seconded by Councilman Torbit and passed unanimously.

PUBLIC COMMENTS ON AGENDA ITEMS: (limit 3 minutes per person) Peter Martin made reference to a local newspaper article where the City was seeking members for special projects. Mr. Martin stated Planning & Zoning went into executive session and does not have the ability to do so under state law. Mr. Martin stated the Mayor appoints and the council accepts the Mayor's appointments.

APPROVAL OF THE MINUTES: Councilman Viers moved to approve minutes for the March 2012 regular meeting of the C.V. City Council, seconded by Councilman Stokes and unanimously passed.

Councilman Maxedon moved to approve the minutes from the Special Meeting and change the title from Executive Session to Special Meeting held April 2, 2012, seconded by Councilman Torbit and unanimously passed.

CORRESPONDENCE: City Clerk/Treasurer Lana Hamilton reported there was no new correspondence.

MAYOR'S REPORT: No report.

FINANCIAL REPORT: Councilman Thone stated 1st Quarter General Fund expenses exceeded revenue by Seventy Two Thousand Dollars (\$72,000). Thone also stated the General Fund Reserve at the end of February was One Hundred Twenty Nine Thousand Dollars (\$129,000) and was Fifty Five Thousand Dollars (\$55,000) at the end of March, a deficit of Seventy Four Thousand Dollars (\$74,000). Thone stated he wanted to bring the spending to the attention of city council members as funds are being

depleted. Mayor Hefley stated the City should have received a check from S.I.D. for the Fire Department at the first of the month. Clerk Hamilton said the check had just been received from S.I.D.. Clerk Hamilton also stated the Fire Department received Eighty Thousand Dollars (\$80,000) from the General Fund during 1st Quarter.

DEPARTMENT REPORTS:

- **FIRE:** (report on file)

- **POLICE:** (report on file)

- **ANIMAL CONTROL:** (report on file)

- **STREET:** (report on file) Newman requested the Superintendent inform the general public of the closing of Flathead for those unaware of the closure. Superintendent McKnight stated the Flathead bridge was closed for repairs due to damage caused by flooding in the past and was repaired per specs; the bridge should be re-opened by 9 a.m. on April 20th. Viers inquired about potential damage from a tree upstream from the bridge; McKnight stated there was no immediate danger unless the entire trunk started moving. Torbit inquired if the Street Department was prepared to pave Delaware. McKnight stated it was patched and would be chip sealed after 6 months to a year which would complete this.

- **COMMUNITY SERVICE:** (report on file)

- **DISTRICT COURT:** (report on file)

PLANNING & ZONING

- **PERMIT COMPARISONS:** (report on file) Glenn Harris read the comparison report of March 2011/March 2012.

- **CODE ENFORCEMENT:** (report on file) Thone requested an update from Code Enforcement on the sewer issue that Clyde Fisher addressed at the March meeting. Glenn Harris stated he notified Mayor Smith from the City of Highland and the Health Department representative. The mayor looked at the situation and read the Health Department report where they gave the homeowner thirty (30) days to comply. Thirty (30) days was up on the 26th of April at which time the City of Highland shut the homeowner's water off. Lake Sequoyah has been tested at the creek entrance and no abnormal levels have been detected. Mr. Harris stated he would follow up with the City of Highland.

COMMITTEES:

- **PERSONNEL:** No report.

- **SAFETY:** Torbit reported the Safety Police/Fire Departments committee met on April 4, 2012. The Fire Dept. reported they had tested all hoses at 300 PSI; four (4) failed and were removed from service. These hoses will need to be repaired or replaced.

The Police Department had three (3) vehicles that were recalled for minor electrical problems; the vehicles were taken to Melbourne as it is the closest Chrysler dealer.

- WEBSITE & GRANT: No report.

UNFINISHED BUSINESS:

1. A proposed Ordinance levying a supplemental tax on the sale of alcoholic beverages, beer & wine in private clubs. Mayor Hefley stated it was his understanding the ordinance would be rescinded and asked if anyone would like to speak on the subject. Tom Henkels, a member of the Highland Elks Club approached the podium made a plea that the tax not be imposed on the Elks Club as it is a non-profit organization that gives to multiple charities that would be hurt by this tax. Stokes moved to table the issue indefinitely, seconded by Newman and unanimously passed.

2. **1st Reading of Ordinance 2012-CenturyLink.** Clerk Hamilton read Ordinance 2012-CenturyLink, an ordinance replacing Ordinance 2002-02. Maxedon moved to pass the ordinance on 1st reading, seconded by Thone. Mayor Hefley called for a roll call vote on the 1st reading of Ordinance 2012-CenturyLink; there were eight (8) yeas, passing the 1st reading. Maxedon moved to waive procedure and proceed with the 2nd reading by title only; seconded by Newman and unanimously passed. Clerk Hamilton read the 2nd reading by title only. Maxedon made a motion to pass the ordinance, seconded by Thone. Mayor Hefley called for a roll call vote; there were eight (8) yeas, passing the 2nd reading. Maxedon made a motion to have the 3rd reading of the ordinance by title only; seconded by Newman and unanimously passed. Clerk Hamilton read the 3rd reading by title only. Maxedon moved to pass the ordinance on 3rd reading, seconded by Bratcher. Mayor Hefley called for a roll call vote; there were eight (8) yeas, passing **Ordinance 2012-CenturyLink.**

NEW BUSINESS:

1. Approval of increasing Building & Ground's budget to accommodate expenses for the repair of electronic sign - Councilman Stokes gave an update on prior repairs to the LED sign and stated there could be a manufacturing defect; new parts have been ordered for the side of the sign facing the sun and there will be no charge for the repair to the electronic sign. Stokes made a motion to place the issue of the sign on the agenda for May, seconded by Newman and unanimously passed.

2. Temporary Special Use Permit for the Farmers Market - Maxedon made a motion to accept the request for a temporary Special Use Permit for the Farmers Market; motion seconded by Torbit and unanimously passed.

3. Temporary Special Use Permit for the Cherokee Village Kiwanis Club pancake breakfast - Maxedon made a motion to accept the request for a temporary Special Use Permit for the Cherokee Village Kiwanis Club pancake breakfast; motion seconded by Adams and unanimously passed.

4. Urban Deer Hunt - Thone made a motion to not hold the urban deer hunt; motion seconded by Viers. After lengthy discussion, Mayor Hefley called for a roll call vote. There were three (3) yeas; Adams, Maxedon, Newman, Stokes and Torbit voted no. The motion to not hold the urban deer hunt did not pass.

5. Annexation - Councilman Thone made a motion the City of Cherokee Village refrain from pursuing the annexation of any surrounding land. Councilman Torbit stated the issue of annexation had never been brought before council and had only been discussed by Planning & Zoning. Councilman Maxedon stated it could be in the City's best interests to annex where the city's water comes from. Councilman Adams stated annexation was not on the agenda and there is not enough time to place it on the ballot even if council wanted to do so. Councilman Stokes stated a future council could vote to pursue the annexation. Councilman Newman stated Planning & Zoning had tabled the annexation issue. City Attorney, Jon Abele, defined the requirements to un-table the annexation issue; it would require a 2/3 majority vote to put annexation back on the agenda. After lengthy discussion, the motion to refrain from pursuing the annexation was read again and seconded by Bratcher. Mayor Hefley called for a roll call vote; there were three (3) yeas; Adams, Newman, Stokes, Torbit and Viers voted no. The motion to refrain from pursuing the annexation did not pass.

COMMENTS OF CITY RELATED ITEMS: (limit 3 minutes per person)

1. Phillip Orr approached the podium and addressed the "Freedom of Information Act" in regards to public meetings.
2. Mark Langle approached the podium in reference to a certified letter he mailed to City Hall.

ANNOUNCEMENTS:

1. Councilman Adams attended a conference on April 11th & 12th in Jackson, Mississippi sponsored by the Foundation for the Midsouth under the heading of "The Healthy Southern City Summit". After a brief description of the foundation, Adams stated the Farmer's Market had received a Five Thousand Dollar (\$5,000) grant from the foundation.
2. Adams stated Village Pride would be sponsoring their roadside pick-up on April 28; volunteers are welcome.
3. Adams stated May 25th & 26th would be the community wide garage sale/craft sale at the Farmer's Market. Rent is \$10 per space and the event is open to the community.
4. Mayor Hefley announced Saturday, May 19, 2012 is National Kids to Parks Day. Clerk Hamilton read the proclamation whereby citizens are urged to participate in this program with their children.

ADJOURNMENT: Councilman Adams moved to adjourn the meeting at 8 p.m., seconded Newman and unanimously passed.

NOTE: Minutes are prepared by Kathi Blackwell, Assistant to Clerk/Treasurer Lana Hamilton (with Hamilton's approval)

DATE: 08 - 10 - 2012

APPROVED: Lloyd Hefley
Lloyd Hefley, Mayor

ATTEST: Lana Hamilton
Lana Hamilton, City Clerk/Treasurer