

MINUTES
CITY OF CHEROKEE VILLAGE, ARKANSAS
REGULAR CITY COUNCIL MEETING
6:30 P.M., THURSDAY, AUGUST 16, 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 August 16, 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 Maxedon requested to modify the agenda to add Fire Department Cost Savings as Item #4 under New Business. Councilman Stokes moved to adopt the agenda as amended, seconded by Bratcher and unanimously passed.

PUBLIC COMMENTS ON AGENDA ITEMS: (limit 3 minutes per person)

APPROVAL OF THE MINUTES: Councilman Maxedon proposed a note be made in the August minutes regarding the correction of a misstatement made by Michael Chandler at the July meeting pertaining to the flood plain. Maxedon stated Chandler meant to state the flood plain elevation when he stated the Lake Thunderbird spillway elevation. Councilman Maxedon moved to approve the minutes for the July 19, 2012 regular meeting of the C.V. City Council, seconded by Bratcher and unanimously passed.

CORRESPONDENCE: None

MAYOR'S REPORT: None

FINANCIAL REPORT: Councilman Newman moved to accept the report for audit, seconded by Torbit and unanimously passed after Maxedon received clarification on the monies due for Police and Fire after receiving the SITT credit.

DEPARTMENT REPORTS:

- **FIRE:** (report on file) Councilman Thone asked if the majority of fuel used by the Fire Department was diesel; Captain Pendarvis stated it was except for Chief Taylor's vehicle. Thone asked why thirty nine hundred forty (3,940) dollars had been expensed and sixteen hundred twenty-two (1,622) dollars had been credited to the Street Dept. Pendarvis stated the fuel sheets were turned in monthly; Thone asked Robert McKnight to look into the credit.

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

- **ANIMAL CONTROL:** (report on file) Councilman Thone asked about the A/C unit replacement at Animal Control. Glenn Harris stated the A/C for the cat house was a donated unit replaced by volunteers. Harris stated the A/C purchased for the red building housed sick animals, mothers and their puppies who could not withstand the extreme temperatures and was inhumane. A window unit was purchased for under three hundred (300) dollars. Thone asked if the City was air conditioning two (2) buildings; Harris stated only as needed and ceiling fans were used when the heat was not extreme.

- **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) Councilman Thone asked for a report on the meeting with realtors concerning rental properties. Harris stated the meeting was amicable and input was given by both parties. Harris will be incorporating changes into the agreement and is developing an internal inspection form. Harris should be ready to present the Ordinance in September. Thone stated he, Maxedon and Newman were turned away from the meeting; Harris stated it was a working session only with the tri-county realtors and was not open to the public, therefore, elected officials could not be present. Councilman Adams asked for an update on the drainage problem at City Hall; Harris stated the blockage had not been located but dye would be run thru the drain pipe in an attempt to locate the problem.

COMMITTEES:

- **PERSONNEL:** Councilman Newman requested an update on the Animal Shelter position; Harris stated the part-time position had been filled by Angie Myal, Harris stated she was formerly a volunteer and is working twenty-four (24) hours per week in the kennels and also has good organizational skills to assist with record-keeping. There were twelve (12) applicants and the interview process had been narrowed down to three (3) applicants with Myal being the most qualified for the position.

- **SAFETY:** None

- **WEBSITE & GRANT:** None

UNFINISHED BUSINESS:

1. Glenn Harris to present bids for the 8 turbines for ventilation on City Hall's roof – Glenn Harris stated he contacted three (3) roofers to provide bids and due to their workloads they have been unable to bid the job. Harris stated he hopes to present bids at the September meeting and only has the original bid at this time. Councilman Stokes asked if a timeline had been put on submitting bids; Harris stated he had informed the roofers of the date of the current council meeting.

2. Ordinance 2012 – A & P – Ordinance Creating the Cherokee Village Advertising and Promotion Commission, Levying a Gross Receipts Tax, and Other Purposes – Maxedon proposed the council vote on the ordinance; Councilman Torbit stated he passed out literature from Jonesboro's ordinance and felt some of their information should be incorporated into our Ordinance. Torbit stated he felt anything pertaining to a convention center should be stricken from the ordinance; Maxedon stated a convention center was allowed for in the State statutes. Councilman Newman made a motion to review the ordinance and have the city attorney look at the current draft along with the Jonesboro ordinance to see if it could be incorporated. Newman moved to postpone the issue until September, seconded by Stokes. After lengthy discussion the motion was unanimously passed.

3. Glenn Harris to report on Flood Plain situation – Harris reported that as of the July 21, 2012 meeting the options were determined to be (A) partner with SID or (B) notify homeowners via letter. Harris provided council members with an information packet that included a draft of the letter to homeowners which included a disclaimer. Harris provided another packet with information received from State Representative, Linda Collins-Smith, stating Tom Black is attempting to locate the unknown author of the 2011 flood plain map; the FEMA map was not signed by anyone. Harris also provided council with a letter from Congressman Rick Crawford. After lengthy discussion, Harris stated he had spoken with Tom Black earlier in the day, who had prepared the base flood elevations for Cherokee Village in 1997 that were approved by FEMA. Black offered to meet with the City on an hourly charge basis plus expenses to review the maps. Councilman Bratcher moved to schedule a special meeting with Black, seconded by Thone and unanimously passed.

NEW BUSINESS:

1. Bob Bickle to address clean-up of unattended properties in Cherokee Village – Bob Bickle requested permission from council to obtain volunteers to clean up vacant properties. Bickle stated citations have been issued, some fines have been paid but some yards have not been cleaned up which is unsightly and causes varmints on the properties. Bickle would like to use volunteers and community service workers to clean the properties with the use of City equipment and file liens against the property owners for the clean up fees, following the law to do so. Bickle requested to initially have the City pay the landfill fees for the debris removal, including this fee along with hourly labor

and equipment charges in the lien. Bickle requested a cost be allotted in the 2013 budget for this service. Councilman Thone inquired about the cost to file the liens; City Attorney, Jon Abele stated the fee is twenty-five (25) dollars and the City is entitled to collect what it spends plus ten (10) percent penalty and if the lien is filed properly the money is collected when the property taxes are collected. Councilman Newman moved to approve a two hundred (200) dollar a month budget allowance thru December 2012 for clean up, seconded by Maxedon and unanimously passed. Councilman Torbit requested a monthly report of properties cleaned up be provided; Bickle stated he would provide a report.

2. Resolution to amend the 2010 Budget – Clerk Hamilton read Resolution 2012-02. Councilman Torbit asked if the Resolution was for funds to be paid out of current monies; Hamilton stated no and the increase in the 2010 budget was required by audit. Councilman Maxedon asked if the Resolution was to clear up accounting errors; Mayor Hefley stated it was verbalized as a misstatement of funds after audit. Councilman Newman moved to approve Resolution 2012-02, seconded by Stokes. Councilman Thone asked for clarification of the funds overspent; Mayor Hefley stated it was in part due to paving in 2010 but a detail of funds had not been given after audit. Hamilton stated the budget should have been amended throughout the year and had not been to correct the over-spending throughout the year. Mayor Hefley called for a roll call vote; there were 6 yeas, Bratcher and Thone voted no, passing the motion.

3, Streets – Order to comply for bidding processes – Mayor Hefley stated rock purchases at the quarry sometimes exceed twenty-thousand (20,000) dollars. Bids for purchases over twenty thousand (20,000) dollars are to be taken to adhere to State law. Clerk Hamilton stated Robert McKnight of the Street Department will need to monitor the purchases of stone and obtain approval from council to waive the bidding process if the purchases will exceed the twenty thousand (20,000) dollars per month. Mayor Hefley stated the auditor did not want bills to be split and said the rock product should be put out for bid at the beginning of each year to adhere to State law.

4. Fire Department Cost Savings – Councilman Maxedon stated he had been contacted by Larry Allen, Councilman for the City of Highland, to look at fire department costs. Maxedon stated Allen had done some research and already spoken to Ash Flat and Hardy to look at cost savings. Maxedon stated Allen would like the Cherokee Village Fire Chief and one (1) other person from the Village to meet with the representatives of the other communities to discuss the savings for fire protection in our community. Maxedon stated Allen was not proposing a consolidation but felt there were certain things that could be done cooperatively and provide a cost savings over the four (4) communities performing them individually. Maxedon moved to appoint Chief Taylor and Councilman Bratcher as representatives to meet with the other committee members to coordinate cost savings for the Hardy, Highland, Ash Flat and Cherokee Village Fire Departments, seconded by Thone and unanimously passed.

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

1. Sid Knizek presented information pertaining to the flood plain issue. Knizek stated the 2004 flood plain map had no updates and felt it was the valid map. Knizek questioned the validity of the 2011 map and stated the 2004 map was the approved map on the website. Maxedon stated the only valid FEMA map is dated 2004 and the 2001 map does not have a signature of anyone taking responsibility for the map. Knizek asked how the seventy-five (75) dollars would be held for the surveyor. Councilman Newman stated the collection of monies was an option the City had and a decision had not been made; Newman stated the taxpayers' monies would not be used for the surveys. Mayor Hefley stated the City would make a decision after speaking with Mr. Black and reviewing all options. Knizek provided council and citizens in attendance with the FEMA website to obtain the LOMA form.

2. Peter Martin spoke of the advantages of an A & P Tax and the positive impact it had on the City of Hardy. Martin reminded council the tax was not only for restaurants and it would include rental houses. Martin stated Hardy used the tax money for parks, the KAIT TV camera and events in the city. Martin stated the businesses collecting the tax were responsible for completing the forms and remitting the tax; Martin stated the businesses need to be shown the advantage of the tax to them.

3. Buster Brown discussed the cost of homeowner flood insurance and urged council to move forward with the FEMA issue. Brown stated several homeowners had already paid for flood insurance.

4. Dewey Barnes stated he had spoken with Lindley Surveying and was quoted a one time fee of three hundred (300) dollars to receive the certification from FEMA. Barnes stated Lindley said the fee would be greatly reduced if homeowners joined together to have the survey done.

ANNOUNCEMENTS:

1. Spring River Farmers Market open Friday and Saturday from 9 a.m. until 1 p.m. Councilman Adams stated the final weekend for the Farmers Market would be Labor Day weekend. Adams thanked everyone for their support.

2. Oktoberfest for Cherokee Village is scheduled for October 13th, which is the 2nd Saturday in October.

ADJOURNMENT: Councilman Torbit 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: _____

APPROVED: *Lloyd Hefley*
Lloyd Hefley, Mayor

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