

**MINUTES
CITY OF CHEROKEE VILLAGE, ARKANSAS
REGULAR CITY COUNCIL MEETING
6:30 P.M., THURSDAY, MARCH 15, 2012
CHEROKEE VILLAGE CITY HALL
(meetings are video recorded)**

Mayor Lloyd Hefley announced spokesperson, Phillip Orr, would be given three (3) minutes at the end of the meeting to address City Council.

Mayor Hefley called the regular meeting of the City Council to order at 6:30 p.m. on March 15, 2012. He led the Pledge of Allegiance followed by a moment of silent prayer.

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

APPROVAL OF THE AGENDA: Maxedon moved to strike Ordinance 2012B in regards to CenturyLink as they have not yet responded to our request. Newman moved to strike the Personnel Report as she was out of town and did not meet. Newman moved to approve the agenda as corrected, seconded by Viers and passed unanimously.

PUBLIC COMMENTS ON AGENDA ITEMS: Renea Orr approached council and asked correct Planning & Zoning minutes be reflected at city council meetings. This is due to the February 14 P&Z minutes not being taped and was not an accurate depiction of the meeting. Thone made the motion to assign someone to ensure all P&Z meetings are video taped, seconded by Bratcher; the motion was unanimously passed. Additional comments attached.

APPROVAL OF THE MINUTES: Maxedon moved to approve minutes for the February 16, 2012 regular meeting of the C.V. City Council, seconded by Thone and unanimously passed.

CORRESPONDENCE: Clerk, Lana Hamilton read a letter received from Sharon Vander-Zyl commending the city for their service and forward thinking. Sharon Vander-Zyl also gave several ideas for promotional marketing of the city; letter attached.

MAYOR'S REPORT: The mayor was pleased to announce a grant had been awarded in the amount of Eighty-Eight Thousand, Three Hundred Forty Seven dollars (\$88,347) by the Arkansas Game & Fish Commission for a walking trail. Glenn Harris was thanked for his hard work. Mayor Hefley proceeded with the State of the City Address. Mayor Hefley stated the city was in good condition with overall spending and it was projected the city would be under budget in 2012 due to cut-backs, a hiring freeze and the citizen support of taxes for increased revenue. Mayor Hefley stated we would

continue to face these challenges by doing more with fewer dollars. Mayor Hefley has partnered with Judge Larry Brown and the mayors in developing areas of mutual concern. The city had a cash carry-over of Eight Hundred Eighty Seven Thousand, Seven Hundred Twelve dollars (\$887,712). Report on file.

FINANCIAL REPORT: Newman made a motion to accept the 2012 Budget; seconded by Viers. Maxedon expressed his appreciation to all who worked on the budget and commended Curtis Bratcher for the passing of the financial policy. Maxedon made a motion to identify, by June 30, Two Hundred Fifty Thousand dollars (\$250,000) in additional expenditures to reduce the budget; motion seconded by Thone. Newman stated there was already a motion on the floor; Maxedon stated he was amending the motion on the budget. After a lengthy discussion, Clerk Hamilton was asked to repeat the motion and the mayor called for a roll call vote; there were three (3) yeas, Newman, Stokes, Torbit and Viers voted no. The amendment to the 2012 budget did not pass.

Mayor Hefley called for a roll call vote on Newman's original motion, seconded by Viers, to accept the 2012 budget. There were four (4) yeas; Maxedon, Stokes & Thone voted no, passing the 2012 budget.

DEPARTMENT REPORTS:

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

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

- **ANIMAL CONTROL:** (report on file) Chief Rickey Crook updated the status of animals at the shelter. Twenty-nine (29) dogs & twenty (20) cats are currently being housed; the reduction in the number of animals is ahead of schedule.

- **STREET:** (report on file) Russ Stokes announced the roads & streets committee will only be meeting quarterly; the next meeting will be held in June, the first Tuesday at 3 p.m. in City Hall.

- **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 meeting

- **SAFETY:** No meeting

- **WEBSITE & GRANT:** No report

UNFINISHED BUSINESS:

1. Councilman Bratcher stated he would like to amend Ordinance 2012-A to 5% rather than 10%.
2. Bratcher made a motion to proceed with the first reading on Ordinance 2012-A; Councilman Maxedon seconded the motion.
3. Clerk Lana Hamilton read the first reading of Ordinance 2012-A, an ordinance levying a supplemental tax on the sale of alcoholic drinks, beer & wine, by private clubs.
4. After lengthy discussion, Mayor Hefley called for a roll call vote on the first reading of Ordinance 2012-A. There were five (5) yeas; Thone and Viers voted no, passing Ordinance 2012-A.

NEW BUSINESS:

1. Mayor Hefley presented plaques to Louis Barla and Councilman Tom Thone for their years of service in recycling for Village Pride.
2. Mayor Hefley stated the next order of business was a temporary Special Use Permit for the Highland Elks Lodge. Councilman Viers moved that we approve the Special Use Permit, seconded by Stokes and unanimously passed.
3. Clyde Fisher addressed the council; he stated there was raw sewage was running into Lake Sequoyah and Lake Cherokee from Highland. He has addressed this issue with The City of Highland and Highland says they can not afford to fix this. The raw sewage is leaking from a Highland citizen's septic tank and running into the creek that feeds into Lakes Sequoyah & Cherokee. Highland's sewer system stops 500 feet from 128 Valley Heart Drive. Mr. Fisher stated that Highland claims the cost would be Forty to Sixty Thousand Dollars (\$40,000-\$60,000) to extend the sewer system. Mr. Fisher asked the City of Highland if they would consider putting in a septic system because the homeowners can not afford this. Jeff Jackson from the Health Department came out and gave the homeowners thirty (30) days to fix this problem; the homeowners have not done this due to finances. The City of Highland sent their Code Enforcement Officer to the site and told the homeowners it was their responsibility to fix this. Mr. Fisher stated this was The City of Highland's responsibility, not Cherokee Village. Councilman Stokes asked Mr. Fisher if he had spoken to S.I.D. to see if any E. coli tests were taken and Jimmy Chandler advised it was due to be checked. Mr. Fisher is very concerned with the tourist season coming up and is committed to get something done regarding this matter. Mayor Hefley stated he would contact Mayor Smith of Highland to see what can be done about this issue. Stokes suggested the Mayor talk with Jimmy Chandler of S.I.D. as they are in charge of the quality of our lakes; Mayor Hefley agreed. Mayor Hefley will follow up and report his findings to the City Council.

4. Councilman Bratcher motioned the City start the 2013 Budget no later than the last Thursday in June, 2012 with an open mind and a goal to adhere to Ordinance 2011-8, an ordinance adopting a reserve and balanced budget policy. The motion was seconded by Maxedon and unanimously passed.

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

1. Mayor Hefley invited Mr. Orr to the podium. Mr. Orr asked how his comments can be heard at the next Planning & Zoning meeting. Newman told him to call P&Z and ask to be put on the agenda. Mr. Orr questioned why Mr. Hrezo made a statement that certain lands were removed from consideration of annexation. He asked why he tabled the motion instead of removing the motion altogether. Councilman Maxedon stated Mr. Orr needed to speak with P&Z regarding his question. Newman stated when a motion is tabled it can not be brought up again by anyone other than the person who tabled the motion; the issue is normally dead. Orr was concerned with the way P&Z were running their meetings. Newman said Mr. Orr had three (3) minutes for comments, not questions. Mr. Orr requested it be recorded in the City Council minutes the Mayor and Council did not answer his questions to his satisfaction. Mr. Orr asked what the appropriate submission of complaints of actions inconsistent with the processes typical for a P&Z commission. Mayor Hefley asked if anyone had read his letter in regards to these issues; Orr stated he appreciated the fact Mayor Hefley wrote the letter. Torbit asked Mr. Orr if he felt Cherokee Village was a viable economic force in this area or if he would just like to see it dwindle. Orr's responded he felt it was a viable force, but felt under the current leadership it was dwindling.

2. Mark Langle had a letter he read from a March 2008 meeting with Jim Von Tungelin of the Municipal League questioning P&Z's leadership under Mr. Hrezo. Copy of letter on file.

3. Peter Martin stated the park was zoned industrial and to zone it recreational, the city needed to have a public hearing and he questioned why that was not done.

4. Les Covington requested P&Z include members from outside the city to avoid conflicts of interest. Mr. Covington stated the Mayor has the right to make such appointments. He asked the members make a motion, as a formal request to the mayor to exercise the option, including two (2) residents from outside Cherokee Village. Copy of letter on file. Mayor Hefley stated the ordinance reads members must be residents of Cherokee Village and thanked Mr. Covington for his suggestions.

5. Steve Thompson approached the podium and respectfully asked Mr. Hzero explain the justification of attempting to annex areas beyond the existing boundaries and suggested Hrezo's justification was primarily financial. Thompson requested a motion be made for preparation of the declaration of minimum requirements for city growth, development, guidelines and an explanation of the need for annexation. Copy of letter on file.

ANNOUNCEMENTS: None

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

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

DATE: 4/19/12

APPROVED: Lloyd Hefley
Lloyd Hefley, Mayor

ATTEST: Lana Hamilton
Lana Hamilton, City Clerk/Treasurer