

**MINUTES**  
**CITY OF CHEROKEE VILLAGE, ARKANSAS**  
**REGULAR CITY COUNCIL MEETING**  
**6:30 P.M., THURSDAY, APRIL 18, 2013**  
**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 18, 2013. 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, Bill Circle, Verna Mae Newman, Linda O'Neal, Tom Thone, Mayor Hefley and City Attorney Jon Abele. Les Covington and Pamela Rowland were absent.

**APPROVAL OF THE AGENDA:** Thone requested to add Item #2 – Letter from SID regarding contracts and Item #3 – Hiring Freeze and advertisement in paper under New Business. Clerk Hamilton stated the Kiwanis Temporary Special Use Permit needed to be added as Item #4. Thone moved to approve the amended agenda, seconded by Circle and passed unanimously.

**PUBLIC COMMENTS ON AGENDA ITEMS:** (limit 3 minutes per person) – Peter Martin approached the podium stating there a resolution containing procedures about filling a vacancy on council. The resolution is 2005-07, which Martin also stated is missing a page and he would be happy to look thru his information and provide council with a copy. After much discussion, City Attorney, Jon Abele, stated he understood Curtis Bratcher had submitted his letter of resignation and a new member would need to be voted on, following State law, at an open meeting and an executive session was not allowed in this matter.. Abele stated candidates would need to be interviewed/campaign at the next meeting and the seat on council would be filled by majority vote.

**APPROVAL OF THE MINUTES:** Newman moved to approve minutes for the March 28, 2013 regular meeting of the C.V. City Council, seconded by O'Neal and passed unanimously.

**CORRESPONDENCE:** A thank you letter to Rickey Crook from the American Red Cross lock up fundraisers, the Nessmiths, was read by Clerk Hamilton.

**MAYOR'S REPORT:** None

**FINANCIAL REPORT:** Thone inquired about the purchase of 4 new tires for the Code Enforcement truck from Wal-Mart. Thone stated he obtained a quote from Greg Prenger and the tires would have been less expensive from Village Service Center. Thone asked Mayor Hefley to have department head's to be more diligent when making

purchases and to support local business; Mayor stated he would do so. Due to Glenn Harris' absence, Rickey Crook stated the vehicle was in the possession of Code Enforcement when the tires were replaced and he purchased tires for the Police Department thru a State Purchasing Contract dealer but did use Village Service for minor repairs.

#### **DEPARTMENT REPORTS:**

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

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

- **ANIMAL CONTROL:** (report on file) - Due to Glenn Harris' absence, Thone asked Police Chief, Crook about the incident concerning pit bulls. Crook stated the matter was being handled by the courts and a report would be published in the local paper as it falls under FOIA. Attorney Abele stated the issue could not be discussed as it was in litigation.

- **STREET:** (report on file) – Adams asked if all streets listed on the monthly report to be repaired was the norm and stated there appeared to be approximately 100 streets; Robert McKnight stated streets were listed even if there was only one small repair and included FEMA repairs. FEMA streets include base rock, mix and chip seal. Preservation streets include minor cracks or potholes. Thone asked if we were anticipating any additional FEMA monies; McKnight stated the 12-1/2% would be received when the FEMA work is 100% complete.

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

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

#### **PLANNING & ZONING**

- **PERMIT COMPARISONS:** (report on file)

- **CODE ENFORCEMENT:** (report on file)

- **RESTORATION:** Bob Bickle stated there were 2 more weeks to wait on the 4 houses approved for raze & removal; Bickle stated he would discuss clean-up at the next meeting. Bickle stated the townhouses were currently being worked on and 3 of the owners have some insurance money and none of the townhouses are going to be rebuilt. O'Neal inquired if the Townhouse Association was helping financially; Bickle stated he would check with them on this. Bickle stated the asphalt belonged to the Association and would remain as well as the driveways on the upper side; Newman stated the asphalt had been paid for by the 4 property owners and Stan Jagow in Wisconsin has information concerning the asphalt behind the townhouses and she has contact info for Mr. Jagow.

**COMMITTEES:**

- **PERSONNEL:** Newman stated the committee met and is going over job descriptions which will take several meetings.

- **SAFETY:**

- **WEBSITE & GRANT:** Carmen Evance stated several programs were looked at and Dreamweaver had been submitted for administrative review and is in the Mayor's office.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

1. **Verna Mae Newman to report on a meeting she attended in regards to a "Small First Class Cities Advisory Committee"** – Newman discussed the topics included in her written report and provided copies of the report. Newman also stated she attended a Planning & Zoning meeting earlier in the day and would discuss it further at the next meeting. One item of discussion at the meeting at the Municipal League was the reduction in a city's sphere of influence being reduced from 5 miles to 1 mile and our ordinance would need to be amended.

2. **Letter from SID regarding contracts** – Mayor Hefley provided council a copy of the letter from SID regarding the Road & Street and Fire Dept. Contracts for review and discussion at the next meeting. Thone stated the letter requested a 2% reduction from the current amount which is approximately \$15,000. Newman stated the City should be receiving the \$173,760 from SID rather than Cherokee Village Water Works for checking fire hydrants. O'Neal stated pressure needed to be checked on hydrants and there was an issue with water pressure during the townhouse fire. Thone stated if council did not agree with the letter, members should appear at the next SID meeting. Adams asked Attorney Abele about a perpetual contract between SID and CVWW; Attorney Abele stated he could not comment on the contract as he is not familiar with it.

3. **Hiring Freeze and advertisement in paper** – Thone read a portion of the December 2010 minutes regarding the replacement of or hiring of employees. Mayor Hefley stated there were 500 rental homes to be inspected at a cost of \$50 each and it would require manpower to record the inspections. Thone read a portion of the September 2012 minutes where it was stated the proposed rental ordinance would be handled by current personnel per Glenn Harris. After lengthy discussion, Thone asked Attorney Abele if council could override the Mayor regarding the hiring; Abele stated they could. Thone moved to instruct the Mayor to not do any further hiring, seconded by Circle. The Fire and Street Department are exempt from this motion. A roll call vote was taken; Circle, O'Neal and Thone voted yes to not hire. Adams and Newman voted no, passing the motion to not do any further hiring. Newman asked how to handle applicants; Attorney Abele stated to tell applicants the position is no longer available.

4. **Kiwanis Temporary Special Use Permit** – Newman moved to approve the temporary special use permit for the Kiwanis pancake breakfast on May 25, seconded by O’Neal and passed unanimously.

**COMMENTS OF CITY RELATED ITEMS:** (limit 3 minutes per person) – Peter Martin approached the podium and stated the rental inspections could be done at leisure and all 500 did not have to be performed by year end. Martin also expressed his disappointment with the City’s position regarding the parking lot at The Eagle’s Catch at the March meeting. Martin stated it was not beneficial for revenue or the A&P tax. Martin stated the law could be changed to allow the business to re-open for revenue.

**ANNOUNCEMENTS:** **Curtis Bratcher’s resignation** – Mayor Hefley read Curtis Bratcher’s resignation letter.

**ADJOURNMENT:** Newman moved to adjourn the meeting at 7:25 p.m., seconded by O’Neal and passed unanimously.

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

DATE: 5/17/13

APPROVED: Lloyd Hefley  
Lloyd Hefley, Mayor

ATTEST: Lana Hamilton  
Lana Hamilton, City Clerk/Treasurer