

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

**APPROVAL OF THE AGENDA:** Newman stated Ordinance 2013-BB needed to be added under New Business. Rowland stated she had 2 items regarding the farmers market that needed to be added under Announcements. Thone requested items 1 and 3 be reversed under Unfinished Business; Thone stated Item 3, New Fire Truck, was a substantial expense and felt it should be discussed first. Thone moved to approve the amended agenda, seconded by O'Neal and passed unanimously.

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

**APPROVAL OF THE MINUTES:** Newman moved to approve the minutes, seconded by Rowland and passed unanimously.

**CORRESPONDENCE:** None

**MAYOR'S REPORT:**

1 - Mayor Hefley read a press release, 2013 Thunderfest A Success, and thanked all involved with this year's Thunderfest event. Clerk Hamilton read a list of committee members and their role in the festival. Rowland applauded Jack Lowe & the committee for their efforts. Photos of committee members were taken by both area newspapers. Rowland invited Jack Lowe to announce a recent donation acquired for the Highland Assembly of God's Backpack Extravaganza. Lowe stated, Tom Osborn, who runs an outreach ministry will be bringing 20 volunteers and 3 truckloads of new clothes with him from the Memphis area to assist with the Extravaganza. Lowe stated the Backpack Extravaganza is one of the charities supported by Thunderfest.

2 - Mayor Hefley announced the old hospital will be auctioned on August 8<sup>th</sup> at 10 a.m. at the Sharp County Courthouse annex in Ash Flat with a minimum bid of \$9,090 and \$3,155.93 in back taxes. Hefley stated he would like council to give consideration to the purchase of the property. Newman stated she would like to see the City purchase the

property if it was advantageous to the City to do so. Mayor Hefley stated if the City purchased the property at a reasonable price they would have control over it. Hefley stated one idea was to move the Police Department to the facility. Thone inquired about the condition of the building; several council members stated they had visited the hospital facility. O'Neal inquired about liens on the property; Hefley stated when someone purchased the property the encumbrances would go away. Hefley stated Liz Keel was doing a title search on the property. Attorney Abele stated if proper notice had been given there would be no liens on the property; Abele stated if notice had not been given the liens would remain. Abele also stated if the City had a valid reason to purchase the property, the State Commission could award it to the City. Rowland asked if the City did obtain the building, could the building be used for more than one purpose. Thone stated he recalled John Cooper designating the property specifically for a hospital; Abele stated if the City was the sole owner they could decide how to best use the property. Newman moved to hold a special meeting to discuss the purchase prior to the auction, seconded by Rowland. Abele stated a date needed to be specified. After discussion by council, Newman amended the motion to hold a special meeting on Wednesday, July 24<sup>th</sup> at 1 p.m., seconded by McMahon.

3 - Mayor Hefley stated St. Bernards has a committee doing a poll to determine if there is enough interest in the area to support a new hospital. Hefley stated if the poll shows enough support, St. Bernards will ask the Quorum Quart to put the item on the ballot.

4 - Mayor Hefley reported Jimmy Chandler with S.I.D. had been instructed by Commissioner Greg Prenger to keep the current Road & Streets contract level at 13% of all assessment income. The Mayor reported Prenger also told Chandler to open the dialogue about making both the Road & Street and Fire Department contracts to renew on the same day; Commissioner Floyd Hannon concurred with Prenger's directive.

5 - Mayor Hefley stated Wayne with Miller Newell Engineering would be here on July 26<sup>th</sup> at 1 p.m. to discuss ideas for a possible sewer system. Mayor Hefley asked council to attend the meeting.

6 - Mayor Hefley stated the Spring River Adult and Child Services was having financial difficulties and needed support; Hefley stated they provide orders of protection and provide shelter for the victims of Domestic Abuse and their children. Hefley stated Sharp County gave \$2,000 to SRACS and asked council to give this consideration as well. Hefley stated this would be discussed on July 24<sup>th</sup> during the hospital meeting.

**FINANCIAL REPORT:** Newman moved to approve the financials for audit, seconded by Rowland and passed unanimously.

**DEPARTMENT REPORTS:**

- **FIRE:** (report on file) Thone inquired about the inspections on the Fire Department's activity report. Chief Pendarvis stated these were the annual inspections for churches, schools, etc. Newman inquired about the burn ban; Pendarvis stated there had been no issues. O'Neal stated the fire extinguisher was expired at the Senior Center; Pendarvis

stated extinguishers should be inspected in the near future. O'Neal asked that when the inspection was done at City Hall, the company performing the inspection be sent to the Senior Center.

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

1 - Bob Bickle asked council to remove the raze and removal petition on 177 Pottawattamie Drive. Bickle stated the property had been sold to a new owner and legally the petition needed to be removed to allow the new owner to build. Newman moved to rescind Resolution 2013-03, seconded by O'Neal and passed unanimously.

2 – Bickle stated the last of the letters had been mailed to the property owners at 1-4 Whispering Winds within the last 30 days. Bickle stated one of the four owners did not have insurance. Bickle stated #1 had been cleaned to the slab and all property owners had been given a procedure for clean-up. Bickle stated the intent was to keep the parking lots on the top and bottom and to bring in clean fill from Roads & Streets and make this a green area.

3 – Bickle requested \$11,000 for clean-up of the burnouts. Newman asked if the City had the finances; Clerk Hamilton stated the money could be taken out of the reserve fund. McMahon asked if the Townhouse Association had insurance; Bickle stated they did not and insurance was the property owner's responsibility. Thone asked if Debra Galkoski, owner of Southern Pines, had refused to comply; Bickle stated Galkoski had met with Planning & Zoning numerous times asking for concessions. Thone inquired about notifying the public a business owner was not cooperating. Bickle stated the City should use the insurance money that is available and the City clean the rest. City Attorney, Abele, stated a lien could be put against the property if nothing is done. Mayor Hefley expressed concerns about the City approving the \$11,000 now and the I.E.S.I. fees possibly being higher resulting in the request for additional monies. Bickle stated Streets would take the concrete with no wire or rebar. Newman moved to grant \$11,000 for clean-up of the 4 townhomes from reserves, seconded by Adams. A roll call vote was taken; there were 8 yeas, passing the motion unanimously.

4 – Bickle stated there were 9 non-insurance homes sitting now. Rowland stated it would be helpful if a list of burnouts could be put on the website.

5 – Bickle requested \$8,300 of the \$10,500 rental revenue received to date be used for the purchase of a rental inspection vehicle from Mark Martin. Newman moved to release the money for the vehicle to perform inspections from the fund, seconded by Adams. Thone asked where we stood on the balance of the request for \$19,000; Bickle asked Thone to clarify. Thone stated council had been given a budget request for \$19,000 including salaries/overtime and asked if the \$8,300 was part of the previous request; Bickle stated he was uncertain. Newman stated the other expenses had not been spent yet. Thone asked if the Police Department had any available vehicles; Chief Crook stated 2 cars had blown motors. Thone inquired about a spare fire department truck since Mike Taylor retired; Chief Pendarvis stated it would not get good gas mileage. Rowland inquired about the number of rentals not paid to date; Bickle stated one owner had 72 rental houses. Glenn Harris stated several owners were waiting until the 28<sup>th</sup> or 29<sup>th</sup> to pay the fee. O'Neal inquired about the number of rentals already inspected. Harris stated between 16 and 18 had been inspected; Harris stated he had done 2 to 3 inspections on some homes. Harris stated he was performing the rental inspections in addition to other inspections. Harris stated there had been a large amount of septic systems failing and he was spending a good deal of time on septic systems and was training Mike Eash to perform these inspections. Harris stated there had already been 447 septic inspections to date this year as compared to 155 inspections this time last year. After further discussion, Mayor Hefley stated a motion had been made and seconded, and asked for a roll call vote. A roll call vote was taken on the motion to purchase the vehicle; there were 5 yeas, Thone voted no, passing the motion to purchase a vehicle.

#### **A & P COMMISSION REPORT:**

1 – Linda O'Neal asked council to disregard the July 8<sup>th</sup> A&P meeting minutes as they had not been approved. O'Neal stated the approved minutes would be provided to council after the A&P meeting on July 29<sup>th</sup>.

2 – Pat Clary introduced herself as the chairperson of the A&P Commission and stated, Alderman O'Neal was elected the Secretary and Julie Decker was elected the Bookkeeper. Clary thanked council for their confidence in the appointed positions and stated the A&P had met twice to date. Clary also thanked the staff at City Hall and the City Attorney for their assistance. Clary acknowledged Lynn Maxedon for his work as the start-up chair for the A&P Commission and building a foundation for the Commission to build upon. Clary stated council should have the July 1<sup>st</sup> minutes in their council packets and the July 8<sup>th</sup> minutes would be approved at the July 29<sup>th</sup> A&P meeting. Clary stated, as a commission, they would be bringing in some experts to assist with the A&P commission and council would be invited to join when the dates are set. Clary stated the next A&P meeting would be Monday, July 29<sup>th</sup> at 3 p.m. and said council was welcome to attend.

**COMMITTEES:  
- PERSONNEL:**

**- SAFETY:**

**- WEBSITE & GRANT:**

**UNFINISHED BUSINESS:**

1 - New Fire Truck - Chief Pendarvis stated there was no sales tax on City equipment. Pendarvis gave council a breakdown of funds to be used for the down-payment. Pendarvis stated the cost to finance the truck would be \$118,000 financed over 5 years and the monthly payments would be \$2,133.44 paid for with 833 funds. Pendarvis stated the cost to ship the truck, insured, would be \$2,625 which is the best and least expensive way after a comparison of driving to pick up the truck or flying to pick up the truck. Pendarvis stated he had revised the 833 budget for the remainder of 2013 to accommodate the purchase. McMahon inquired about Truck #5 being purchased with a Homeland Security Grant, which is now FEMA; Pendarvis stated there were currently no grants available. Pendarvis also stated it could be a year to a year and a half before you receive a response and the grants are usually open in January in February. Newman asked if the Fire Dept. could apply for reimbursement when a grant became available; Pendarvis stated you can not. Thone inquired about the financing through Simmons Bank; Pendarvis stated FNBC had a higher interest rate. Thone moved to purchase the new fire truck, seconded by Newman. A roll call vote was taken; there were 6 yeas, passing the motion unanimously.

**NEW BUSINESS:**

1 - Ordinance 2013-BB - An Ordinance to Provide for Territorial Jurisdiction and Other Purposes - Ordinance 2013-BB was read by Clerk Hamilton. Newman stated the ordinance was required by State law. Newman moved to approve Ordinance 2013-BB, seconded by O'Neal. A roll call vote was taken; there were 6 yeas, passing the 1<sup>st</sup> reading of Ordinance 2013-BB. Adams moved to suspend the rules and waive the requirement an ordinance be read three times on three different days for consideration of Ordinance 2013-BB dealing with territorial jurisdiction and that it be read again by title only, seconded by Newman. A roll call vote was taken; there were 6 yeas, passing the suspension of rules and reading the Ordinance 2013-BB by title only. Clerk Hamilton read the 2<sup>nd</sup> reading of Ordinance 2013-BB by title only. Newman moved to approve Ordinance 2013-BB, seconded by Adams. A roll call vote was taken; there were 6 yeas, passing the 2<sup>nd</sup> reading of Ordinance 2013-BB by title only. Adams moved to suspend the rules and waive the requirement an ordinance be read three times on three different days for consideration of Ordinance 2013-BB dealing with territorial jurisdiction and that the ordinance be brought up for final passage by council without the necessity of reading the ordinance, seconded by Newman. A roll call vote was taken; there were 6 yeas, passing the 3<sup>rd</sup> reading of Ordinance 2013-BB by title only. Clerk Hamilton read the 3<sup>rd</sup> reading of Ordinance 2013-BB by title only. Newman moved to accept the

3<sup>rd</sup> reading of Ordinance 2013-BB by title only, seconded by O'Neal. A roll call vote was taken; there were 6 yeas, passing the 3<sup>rd</sup> reading of Ordinance 2013-BB. Newman moved to accept the emergency clause, seconded by Adams. A roll call vote was taken; there were 6 yeas, passing the motion to accept the emergency clause.

**COMMENTS OF CITY RELATED ITEMS:** (limit 3 minutes per person) Peter Martin stated he understood the City just reduced the area they planned about but had no enforcement in that area; Martin stated the City could challenge something but not control it. Martin stated it would have been nice to have the item on the agenda. Newman stated there was already an ordinance stating the area was 5 miles and this reduced the area to 1 mile per State law. Martin thanked council for the approval to purchase an Eco-friendly vehicle. O'Neal stated it was brought up at the Municipal League that one city purchased Toyota Camrys which were \$2,500 higher each on the purchase price but had cut their maintenance and fuel in half; O'Neal stated this was something for council to think about when purchasing new vehicles in the future.

**ANNOUNCEMENTS:**

1 – Rowland stated Chef Lou Rice, the executive chef for the Ozarka culinary program, would be using fresh vegetables and fruits from the farmers market during a cooking demonstration on Saturday. Rowland stated the Chef's menu was on the Spring River Farmers Market page and could be previewed there. Rowland also stated the Bona Fide String Band would be performing and they are an excellent band. Rowland stated there is more local produce each week at the market and encouraged everyone to support the market.

2 – Rowland stated the Spring River Farmers Market had just received a \$7,000 grant from ARCOP which is the Arkansas Coalition for Obesity Prevention. Rowland stated the money would go towards the Spring River Farmers Market Jr. Sprouts Club along with activities that are tied to the Delta Gardens Program thru the school. Rowland stated she, Jerry Adams and Jonathan Rhodes had worked on the grant. Rowland stated a total of 10 applications were submitted, equaling \$44,423.16. Rowland stated the Spring River Farmers Market received \$7,000 of \$16,000 in available grant money.

3 – Rowland thanked Adams for his dedication and for starting the Spring River Farmers Market and stated Adams would be attending a meeting in Little Rock next week. Adams thanked everyone for supporting market; Adams said, "it is YOUR market".

**ADJOURNMENT:** Newman moved to adjourn the meeting at 8:03 p.m., seconded O'Neal and passed unanimously.

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

**DATE:** 8/19/13

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

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