

**MINUTES
CITY OF CHEROKEE VILLAGE, ARKANSAS
REGULAR CITY COUNCIL MEETING
6:30 P.M., THURSDAY, June 27, 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 June 27, 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, Les Covington, Chuck McMahon, Verna Mae Newman, Linda O'Neal, Pamela Rowland, Tom Thone, Mayor Hefley and City Attorney Jon Abele.

APPROVAL OF THE AGENDA: O'Neal moved to correct Item 1 under New Business to Lot 14 rather than 13. Thone asked to add Item 6, Insurance under New Business. Newman moved to approve the amended agenda, seconded by Adams 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 Adams and passed unanimously.

CORRESPONDENCE:

1 – Letter from Jim Sitz regarding FEMA Survey – Clerk Hamilton read a letter from Jim Sitz of Lindley Surveying regarding the delay of completion of the FEMA survey.

2 – Letter from Joan Ewaldsen regarding the appearance of Cherokee Village – Clerk Hamilton read a letter regarding burnouts and unkempt properties. Thone asked if the City had responded to the letter. Mayor Hefley replied the letter was just now being brought before council.

3 – Letter from Ronald Gargus regarding the Rental Ordinance – Clerk Hamilton read a letter regarding the registration of rental properties. O'Neal suggested a letter to the editor be submitted to the paper informing people about the rental ordinance and what the City is doing. Rowland suggested a process be put in place to respond to correspondence with a standard letter as a courtesy upon receipt, and to inform citizens when the correspondence will be presented to council. Chief Crook stated a weekly report is submitted to the paper with citations written, including Code Enforcement.

MAYOR'S REPORT: None

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

DEPARTMENT REPORTS:

- **FIRE:** (report on file) Chief Pendarvis stated ISO had recently performed a pump test; Pendarvis stated the 1974 pumper did not pass the test. Pendarvis presented council with figures to purchase a new truck he located in New York for \$156,000. Pendarvis stated council could choose to send a \$500 refundable deposit to hold the truck for 45 days. Newman asked if there would be a trade-in; Pendarvis replied there would not be. Thone inquired about the value of the existing pumper; Pendarvis stated there was none and it would be scrapped for approximately \$1,500. Thone inquired about repercussions if the truck was not replaced; Pendarvis stated ISO would make the truck at Omaha the reserve pumper and Omaha station would close. Pendarvis stated ISO would return to Cherokee Village in July to review Code Enforcement. Thone inquired about insurance rates; Pendarvis stated the rates would increase. Pendarvis stated funds could be taken out of 3 different accounts as a down-payment and the 833 Fund could be used to pay the monthly note and finance the truck over 5 years. Newman moved to authorize the \$500 refundable deposit and finalize the decision to purchase a new truck at the July meeting, seconded by Rowland and passed unanimously. A roll call vote was taken; there were 8 yeas, passing the motion unanimously. Circle asked how much old equipment would go on the new truck; Pendarvis answered all equipment would be used.

- **POLICE:** (report on file) Chief Crook stated there had been 15-16 combined burglaries and breaking & entering incidents. Crook stated 8, possibly 9 cases have been cleared up with the assistance of other area departments. Crook stated they have recovered in excess of 325 pieces of individual property and they have been working to return the property to the victims as quickly as possible. Crook stated he had one officer resign since the last council meeting and would like to run an advertisement in the paper due to the new hiring policies. Crook stated he had some individuals in mind for the position. Newman asked if it would be feasible to combine the ad for both an officer and an investigator since PD is actually short 2 positions; Crook stated he could run the ad for both positions but the requirements are not the same. Newman asked if there was money in the budget to cover the positions; Crook stated there was and the investigator position had been in last year's budget as well. Newman moved to allow the ad for both job openings, seconded by Covington and passed unanimously. Circle asked who the current investigator was; Crook stated he, Sgt. Lane and the officers all took part with the investigations. McMahon inquired if the department was looking at another female officer; Crook stated a female officer had been a real asset. Crook stated he was also in need of part-time and reserve officers but did not want to advertise for these. Crook stated part-time officers are called in to work for other officers on vacation or out sick while reserve officers are called upon more frequently.

- **ANIMAL CONTROL:** (report on file) Thone asked Animal Control if the issues with Darci Bauer & Helga Lange had been resolved. Harris stated he had been at Helga

Lange's property to inspect the roof and Lange has closed her rescue shelter, her yard is in good shape and she has only her personal animals at her residence. Harris stated this is no longer an issue.

- **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:** (Bob Bickle)

COMMITTEES:

- **PERSONNEL:**

- SAFETY:

- **WEBSITE & GRANT:** Rowland stated she could not access the Street Dept. on the website and said the message, "URL could not be found" appeared when attempting access; Carmen Evance stated she would look at this. Rowland asked if the roads currently being work on or coming up for repairs could be added to the website; Evance stated they could and there would be many added features with the new Dreamweaver website. Rowland stated she would also like to see updates on burnouts/clean-ups on the website.

UNFINISHED BUSINESS:

1 - Response from S.I.D. to the Mayor's letter dated 5/23/2013 – Clerk Hamilton read a letter from S.I.D. to the Mayor regarding renewal of Road & Street and Fire Department contracts. Newman stated she did not like Item 4 regarding keeping separate records. Street Superintendent McKnight stated it was not an issue to keep the records straight. After lengthy discussion regarding the percentage of funds offered in the proposed, combined contract, Mayor Hefley stated council would re-visit the contract issue in July.

2 - Lynn Maxedon would like to discuss the A & P tax – Lynn Maxedon gave council and the audience a brief history on the development of the A & P Commission. Maxedon stated he had drafted a proposal for council and had given his recommendation of commission members to the mayor. Maxedon stated the ordinance takes affect July 10th and the commission needs to be established before then. Maxedon stated A & P would meet again on July 1st at 3 p.m. After lengthy discussion regarding the proposed members, Newman moved to accept all 7 candidates for the A & P Commission, seconded by Rowland. A roll call vote was taken; there were 8 yeas, passing the motion unanimously. Peter Martin addressed council from the audience and stated the

terms for each candidate should be given; Newman moved to approve each candidate by his/her terms, seconded by Covington. A roll call vote was taken; there were 8 yeas, passing the motion unanimously.

NEW BUSINESS:

Harris read the legal descriptions of the properties to be considered for raze and removal, and stated the 120 day period was up after notifying owners 3 times by mail. Harris stated council would need to make a decision to issue a 30-day notice via certified/return receipt mail to proceed. Three of the properties are to be cleaned up by a contractor and one owner will do their own raze & removal. Newman moved to mail the certified letters to the property owners. Attorney Able stated the issue needed to be handled by a resolution and a roll call vote needed to be taken on all 4 properties. Newman moved the Mayor make a resolution and letters be mailed giving the property owners 30 days to act. A roll call vote was taken on the raze and removal of Lot 14, Block 3, Townhouse 3; there were 8 yeas, passing the motion unanimously. A roll call vote was taken on the raze and removal of Lot 12, Block 3, Townhouse 3; there were 8 yeas, passing the motion unanimously. A roll call vote was taken on the raze and removal of Lot 13, Block 3, Townhouse 3; there were 8 yeas, passing the motion unanimously. A roll call vote was taken on the raze and removal of Lot 15, Block 3, Townhouse 3; there were 8 yeas, passing the motion unanimously.

1 - Notice of Hearing to consider raze and removal resolutions for : Lot 13, Block 3, Townhouse 3 addition to Cherokee Village subdivision, Sharp County, Arkansas - Darlene Suchhomel, Owner - O'Neal corrected the Lot number under approval of agenda; Item 1 should read 14 rather than 13.

2 - Notice of Hearing to consider raze and removal resolutions for : Lot 12, Block 3, Townhouse 3 addition to Cherokee Village subdivision, Sharp County, Arkansas - Debra & Richard Galkowski, Owners.

3 - Notice of Hearing to consider raze and removal resolutions for : Lot 13, Block 3, Townhouse 3 addition to Cherokee Village subdivision, Sharp County, Arkansas - Ron & Jeannie Bowman, Owners.

4 - Notice of Hearing to consider raze and removal resolutions for : Lot 15, Block 3, Townhouse 3 addition to Cherokee Village subdivision, Sharp County, Arkansas - John Armstrong, Owner.

5 - Review of the Rental Ordinance expenses submitted for approval - Harris stated the expense line item, Rental Expenses, had been overlooked and left off the 2013 budget. Harris presented the rental expense figures to council for approval. Covington asked how many rentals had been registered. Harris stated Planning & Zoning had received \$9,000 to date and was confident the \$25,000 revenue in the budget would be met by the registration deadline. Covington asked how much money had been

collected to date; Hamilton stated there was \$7,500 on the books. Covington asked when the deadline was; Harris stated the deadline was July 29th. After lengthy discussion, Newman moved to approve the line item expenses and the purchase of a vehicle, provided the expenditures were under the budgeted revenue. Covington recommended council re-visit the issue at the July meeting. O'Neal stated she was uncertain if the \$50 fee was sufficient to cover the cost of the initial inspection and possible re-inspections. Council agreed to re-visit the budget issue after the deadline for accepting registrations.

6 – Insurance – Thone stated the Fire Department's budget was low for salaries and health insurance and the Street Department's budget was low on payroll taxes. Thone stated Planning & Zoning will be asking for \$11,000 for Restoration and an additional \$19,000 for a vehicle and expenses resulting from the Rental Ordinance. Thone asked if the City had replacement value on property insurance and asked department heads to make a detailed inventory to present to council at the July meeting to see if our current insurance would cover losses. Thone stated S.I.D. provided insurance on the Fire Dept. buildings and the City was only responsible for the contents.

COMMENTS OF CITY RELATED ITEMS: (limit 3 minutes per person) Peter Martin stated the type of businesses for the A & P Commission should be rental and restaurant oriented. Attorney Able stated 3 of the 4 businesses are required to pay the A & P tax. Martin stated he would like to discuss a matter regarding the Fire Department in private with the Mayor.

ANNOUNCEMENTS:

1 – Mayor Hefley announced the Spring River Farms Market is open Saturdays from 8 a.m. until 2 p.m. at Town Center. Adams stated new market hours are from 8 a.m. until noon; Adams also stated the market would be open on the 4th of July and throughout Thunderfest.

2 – Mayor Hefley announced Thunderfest would take place at Town Center July 4 – 6, 2013.

3 – Adams recognized several employees that helped to clean the creek on their own time.

4 – Newman stated the Fire Department would be holding their annual pancake breakfast on the 4th from 6:30 till noon at Baseheart.

5 – Rowland addressed a mistake in the newspaper article on Thunderfest; Rowland stated kids would be allowed in the plaza area during the festival.

ADJOURNMENT: Newman moved to adjourn the meeting at 7:38 p.m., seconded by Rowland and passed unanimously.

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

DATE: 7/19/13

APPROVED: Lloyd Hefley
Lloyd Hefley, Mayor

ATTEST: Lana Hamilton
Lana Hamilton, City Clerk/Treasurer