



P . O . Box 160 Avoca, Arkansas 72711

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MINUTES  
TOWN OF AVOCA  
REGULAR COUNCIL MEETING  
MAY 8, 2018

**Pledge of Allegiance**

**Moment of silence**

**Guests** – Jim Mills – Avoca Planning member  
Patty Adams – Cajun Queen Cuisine  
Kim Whitehorn

**Public forum** – Kim Whitehorn addressed the council with concerns regarding the traffic light at Hwy 62. She would like to see a turn light/signal due to all the accidents that are happening at that intersection.

Patty Adams – Cajun Queen Cuisine, addressed the council concerning setting up a food truck in the Avoca area on a long-term basis.

**Call to order** – Meeting was called to order by Mayor O’Dell at 6:30 pm

**Council Roll Call – by Rec/Tres. Barnes**

Present: Mayor Thomas O’Dell  
Rec/Tres. Nanette Barnes  
ALD: Jay King, Harry Simons, Robert Whitehorn, Dennis Pinkley,  
Kathy Hansen (arrived after roll call)

**Declaration of quorum** - Mayor O’Dell declared a quorum was present

**Staff** –Town Attorney – Edwin McClure: Present  
Zoning – Larry Parrish: Present

**Consent of Agenda**

**Consent of March 13, 2018 council meeting minutes** – Minutes of March 13, 2018 will stand as presented.

**Consent of March 27, 2018 council special meeting minutes** - Minutes of March 27, 2018 will stand as presented.

**March 2018 Monthly Financial Statement** – Presented by Rec/Tres. Barnes

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**Staff Report – Rec/Tres. Barnes**

1. Avoca Fire & Rescue
  - a. Monthly Report; March 2018
2. NEBCO EMS
  - a. None
3. Facebook & Website: Updated regularly
4. Business Permits (0 Renewals & 1 New) – as of April 5, 2018  
Johns Lawn Service - New
5. Building Permits – as of April 5, 2018
  - a. None
6. Audit for 2016 & 2017 – Rec/Tres. Barnes informed council, an audit was being done at the present Time. Mayor O’Dell signed a Capitalization policy per Auditors recommendation.
7. Laserfiche Document Center - Rec/Tres. Barnes informed council, installation and training is set for Tues. May 15<sup>th</sup>.

**Committee Reports:**

1. *Planning commission – Ald. King*
  - a. Master Street Plan committee met on May 1<sup>st</sup>.
  - b. The Zoning Book will be cleaned up and presented to council for approval.
2. *Board of Zoning Adjustments– Ald. King*
  - a. Meeting May 15<sup>th</sup> after the Planning meeting.
3. *Zoning and code enforcement – Larry Parrish*
  - a. Avoca Tire Shop - Jose Orellana; Town Attorney McClure informed council a lawsuit has been filed against Jose Orellana for running a business without a license & for violation of Ordinance 96. A temporary restraining order has been issued. A hearing has been set for Wednesday, May 23<sup>rd</sup>.
4. *Streets – Ald. Whitehorn*
  - a. Road damage due to flooding
    - i. FEMA Update – The estimate received from the Engineers was above the amount of funds received from FEMA. Rec/Tres. Barnes to contact ER\*Assist to see if the Town can appeal to FEMA for a larger sum. The council discussed putting this project out for bids. Rec/Tres. Barnes and Ald. Whitehorn will get together to write up bid specifications for publication.
  - b. Turn signal at Hwy 62 & Rose/Russell – Mayor O’Dell informed council he was looking into options to get a turn signal at Hwy 62 & Rose/Russell
5. *Park – Ald. Hansen*
  - a. Steam Whistle Depot - Grants – No update at this time per Ald. Hansen.
  - b. Electric Sign – Rec/Tres. Barnes informed council the sign has been ordered. Mayor O’Dell to meet with a couple electricians to get electricity placed for both the sign and the pavilion. Ald. King asked about solar use for the sign. Rec/Tres. Barnes will call and find out the options concerning solar use.
  - c. Food Trucks – Council discussed location options for food trucks. Ald. King will look into what the town has done in the past concerning food trucks. Rec/Tres. Barnes will contact Patty Adams with Cajun Queen Cuisine to inform her, the council is very interested in having Food Trucks in town and are looking into different options and ordinances concerning this issue.
6. *Personnel – Ald. Pinkley*
  - a. None



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7. *Future of Avoca – Ald. Hansen & Ald. Simons*
  - a. Ald. Hansen is working on the surveys received from residents.
8. *Transportation Alternatives Program (TAP) – Avoca Heritage Trail – Ald. Pinkley*

Letter emailed to Ken Shaner from Ald. Pinkley informing Mr. Shaner that he will be taking over this project. Discussion was held concerning location of the trail, due to the rail road tracks and options connecting to other trails. Ald. Pinkley will talk to Ken Shaner concerning the TAP Grant, fees, plans and specs. Mayor O'Dell asked Ald. Pinkley and Ald. King to work together to get more information concerning this project.

**Old Business**

1. *Ordinance 116 - Unightly & Unsanitary*; A motion was made by Aldermen Simons and seconded by Aldermen King to place Ordinance 116 on its first reading with an emergency clause. Discussion: none. Roll call; Aldermen King: yes, Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, and Aldermen Pinkley: yes. Attorney McClure read Ordinance 116 in its entirety. A motion was made by Aldermen Hansen to accept Ordinance 116 on its first reading. Seconded by Aldermen Simons. Discussion: none. Roll call; Aldermen King: yes, Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, and Aldermen Pinkley: yes. All approved, motion carried. A motion was made by Aldermen Pinkley to suspend the rules and to place Ordinance 116 on its second reading by title only. Seconded by Aldermen King. Discussion: none. Roll call; Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, and Aldermen King: yes. All approved, motion carried. Attorney McClure read Ordinance 116 on its second reading by title only. A motion was made by Aldermen Hansen to accept Ordinance 116 on its second reading by title only. Seconded by Aldermen Simons. Discussion: none. Roll call; Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, and Aldermen Simons: yes. All approved, motion carried. A motion was made by Aldermen Hansen to suspend the rules and to place Ordinance 116 on its third and final reading by title only. Seconded by Aldermen Whitehorn. Discussion: none. Roll call; Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes, and Aldermen Whitehorn: yes. All approved, motion carried. Attorney McClure read Ordinance 116 on its third and final reading by title only. A motion was made by Aldermen Whitehorn to accept Ordinance 116 on its third and final reading. Seconded by Aldermen Simons. Discussion: none. Roll call; Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes, Aldermen Whitehorn: yes, and Aldermen Hansen: yes. All approved, motion carried. A motion was made by Aldermen Hansen to adopt the emergency clause on Ordinance 116. Seconded by Aldermen King. Discussion: none. Roll call; Aldermen King: yes, Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, and Aldermen Pinkley: yes. All approved, motion carried.
2. *Ordinance 117 - General Penalties for Ordinance Violations*; A motion was made by Aldermen King and seconded by Aldermen Simons to place Ordinance 117 on its first reading with an emergency clause. Discussion: none. Roll call; Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, and Aldermen King: yes. All approved, motion carried. Attorney McClure read Ordinance 117 in its entirety. A motion was made by Aldermen Hansen to accept Ordinance 117 on its first reading. Seconded by Aldermen King. Discussion: none. Roll call; Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, and Aldermen King: yes. All approved, motion carried. A motion was made by Aldermen Simons to suspend the rules and to place Ordinance 117 on its second reading by title only. Seconded by Aldermen Whitehorn. Discussion: none.



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Roll call; Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, and Aldermen Simons: yes. All approved, motion carried. Attorney McClure read Ordinance 117 on its second reading by title only. A motion was made by Aldermen Hansen to accept Ordinance 117 on its second reading by title only. Seconded by Aldermen King. Discussion: none. Roll call; Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes, and Aldermen Whitehorn: yes. All approved, motion carried. A motion was made by Aldermen King to suspend the rules and to place Ordinance 117 on its third and final reading by title only. Seconded by Aldermen Simons. Discussion: none. Roll call; Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes, Aldermen Whitehorn: yes, and Aldermen Hansen: yes. All approved, motion carried. Attorney McClure read Ordinance 117 on its third and final reading by title only. A motion was made by Aldermen Whitehorn to accept Ordinance 117 on its third and final reading. Seconded by Aldermen Hansen. Discussion: none. Roll call; Aldermen King: yes, Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, and Aldermen Pinkley: yes. All approved, motion carried. A motion was made by Aldermen Pinkley to adopt the emergency clause on Ordinance 117. Seconded by Aldermen Simons. Discussion: none. Roll call; Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes. All approved, motion carried.

3. *Ordinance 118 - Establishing Procedures for Ordinance Enforcement;* A motion was made by Aldermen Hansen and seconded by Aldermen King to place Ordinance 118 on its first reading with an emergency clause. Discussion: none. Roll call; Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes. All approved, motion carried. Attorney McClure read Ordinance 118 in its entirety. A motion was made by Aldermen Simons to accept Ordinance 118 on its first reading. Seconded by Aldermen Hansen. Discussion: none. Roll call; Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes, and Aldermen Whitehorn: yes. All approved, motion carried. A motion was made by Aldermen Hansen to suspend the rules and to place Ordinance 118 on its second reading by title only. Seconded by Aldermen King. Discussion: none. Roll call; Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes, Aldermen Whitehorn: yes, and Aldermen Hansen: yes. All approved, motion carried. Attorney McClure read Ordinance 118 on its second reading by title only. A motion was made by Aldermen Hansen to accept Ordinance 118 on its second reading by title only. Seconded by Aldermen Simons. Discussion: none. Roll call; Aldermen King: yes, Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, and Aldermen Pinkley: yes. All approved, motion carried. A motion was made by Aldermen Whitehorn to suspend the rules and to place Ordinance 118 on its third and final reading by title only. Seconded by Aldermen Hansen. Discussion: none. Roll call; Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, and Aldermen King: yes. All approved, motion carried. Attorney McClure read Ordinance 118 on its third and final reading by title only. A motion was made by Aldermen Hansen to accept Ordinance 118 on its third and final reading. Seconded by Aldermen King. Discussion: none. Roll call; Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, and Aldermen Simons: yes. All approved, motion carried. A motion was made by Aldermen Hansen to adopt the emergency clause on Ordinance 118. Seconded by Aldermen Whitehorn. Discussion: none. Roll call; Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes, and Aldermen Whitehorn: yes. All approved, motion carried.



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4. *Ordinance 119 - Adopting Codes by Reference*; A motion was made by Aldermen Hansen and seconded by Aldermen King to place Ordinance 119 on its first reading with an emergency clause. Discussion: none. Roll call; Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes, Aldermen Whitehorn: yes, and Aldermen Hansen: yes. All approved, motion carried. Attorney McClure read Ordinance 118 in its entirety. A motion was made by Aldermen Whitehorn to accept Ordinance 118 on its first reading. Seconded by Aldermen Simons. Discussion: Mayor O'Dell informed council that the Municipal League advised him, the town should not adopt these codes or the town will be forced to enforce them. Questions were asked concerning who does inspections now and the ramifications to the town if we don't do inspections through the town. Rec/Tres. Barnes to call the City of Rogers and Pea Ridge, and see if their inspectors will attend the June council meeting to answer questions the council members have. Roll call; Aldermen King: yes, Aldermen Simons: no, Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes. After discussion, it was decided by council not to place Ordinance 119 on its second reading.
5. *Ordinance 120 – Payment for Services for Planning/Board of Zoning*; A motion was made by Aldermen Pinkley and seconded by Aldermen Simons to place Ordinance 120 on its first reading with an emergency clause. Discussion: none. Roll call; Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes. All approved, motion carried. Attorney McClure read Ordinance 120 in its entirety. A motion was made by Aldermen Hansen to accept Ordinance 120 on its first reading. Seconded by Aldermen Pinkley. Discussion: none. Roll call; Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes, and Aldermen Whitehorn: yes. All approved, motion carried. A motion was made by Aldermen King to suspend the rules and to place Ordinance 120 on its second reading by title only. Seconded by Aldermen Simons. Discussion: none. Roll call; Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes, Aldermen Whitehorn: yes, and Aldermen Hansen: yes. All approved, motion carried. Attorney McClure read Ordinance 120 on its second reading by title only. A motion was made by Aldermen Hansen to accept Ordinance 120 on its second reading by title only. Seconded by Aldermen King. Discussion: none. Roll call; Aldermen King: yes, Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, and Aldermen Pinkley: yes. All approved, motion carried. A motion was made by Aldermen Whitehorn to suspend the rules and to place Ordinance 120 on its third and final reading by title only. Seconded by Aldermen King. Discussion: none. Roll call; Aldermen Simons: yes, Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, and Aldermen King: yes. All approved, motion carried. Attorney McClure read Ordinance 120 on its third and final reading by title only. A motion was made by Aldermen Hansen to accept Ordinance 120 on its third and final reading. Seconded by Aldermen Simons. Discussion: none. Roll call; Aldermen Whitehorn: yes, Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, and Aldermen Simons: yes. All approved, motion carried. A motion was made by Aldermen Pinkley to adopt the emergency clause on Ordinance 120, Seconded by Aldermen King. Discussion: none. Roll call; Aldermen Hansen: yes, Aldermen Pinkley: yes, Aldermen King: yes, Aldermen Simons: yes, and Aldermen Whitehorn: yes. All approved, motion carried.

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**New Business**

1. Beer Tent – Bike Races; Rec/Tres. Barnes informed council, Jason Evans with the bike races is interested in putting a beer tent in the park during the bike races. Town attorney doesn't recommend it. Council agreed. Rec/Tres. Barnes will inform Jason Evans.

**Mayor for the Good of the Town**

1. None

**Announcements**

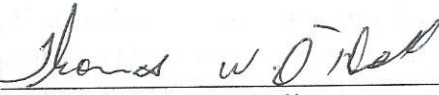
1. Spring Clean-up scheduled for Saturday May 12, 2018
2. Planning & Board of Zoning Adjustment Meeting scheduled for Tuesday May 15, 2018
3. Council Meeting scheduled for Tuesday June 12, 2018

**Adjournment:** A motion was made by Aldermen Hansen and seconded by Aldermen Whitehorn to adjourn meeting at 8:45 pm. Approved by acclamation.

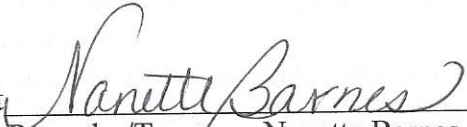
Respectfully submitted,

Nanette Barnes  
Recorder-Treasurer

Approved

  
\_\_\_\_\_  
Mayor Thomas O'Dell

Attest

  
\_\_\_\_\_  
Recorder/Treasurer Nanette Barnes

\*LOM: Lack of merit