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MINUTES
TOWN OF AVOCA
REGULAR COUNCIL MEETING
JANUARY 10, 2023

Call to order

Meeting was called to order by Mayor Whitehorn

Pledge of Allegiance

Moment of silence

Public forum (Agenda item)

Tiffany Webb – 15373 Mills Terrace, Garfield: was concerned about the new dog ordinance and business licenses

Jordan Sullivan - 136 N Hwy 62, Avoca; states building licenses & dog licenses are a revenue grab for the town, feels the town is wasting tax payer's money on the new food court.

Council Roll Call – by Rec/Tres. Barnes

Present: Mayor Robert Whitehorn

Rec/Tres. Nanette Barnes

ALD: Kathy Hansen, Oscar Alvarenga, Katie Rairdon, Jeannie Rollins and Jay King

Absent: None

Staff

Present: Town Attorney: Ed McClure

Zoning Official: Tim DePue

Town Maintenance: Chris Rogers

Absent: None

Guests

Frankie Elliott; Fire Chief (AFD)

Brian Ervin; Asst. Fire Chief (AFD)

Jacob Davis; Batt. Fire Chief (AFD)

Butch Stout; Captain (AFD)

Kevin Holland (AFD)

Curnel Everett (AFD)

Cody Hahn (AFD)

Rhett Snyder (AFD)

Cameron Bowker (AFD)

Casey Phillips (AFD)

Tony Eason (AFD)

Kim Whitehorn

Betty Wasserman

David Connelly

Tommy O'Dell

Tiffany Webb

Jordan Sullivan

Wade Barker

Darlene Baker

Declaration of quorum

Mayor Whitehorn declared a quorum was present

Consent of Agenda

Ald. Hansen made a motion for consent of agenda Seconded by Ald. Rairdon. Discussion; none. All approved. Motion carried.

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Consent of minutes for council meeting

Ald. King made a motion to accept the minutes of December, 2022, council meeting, as written. Seconded by Ald. Alvarenga. Discussion; none. All approved. Motion carried.

Financial statement

December 2022; Financial report presented by Rec/Tres. Barnes. Ald. Rairdon made a motion to accept the December 2022 Financials as presented. Seconded by Ald. Alvarenga. Discussion; None. All approved. Motion carried.

Staff Report – Rec/Tres. Barnes

1. Avoca Fire & Rescue

Fire Chief Elliott states the Avoca Fire & Rescue ran a total of 49 calls for December, and 665 for the year. This is an average of 1.8 calls a day. This was an increase of 89 calls from 2021 and 173 increase from 2020.

2. NEBCO EMS

Rec/Tres. Barnes states NEBCO went on a total number of 486 calls in the Avoca responding area in 2022.

3. Social-Media

a. None

4. Business Permits (0 Renewal & 0 New) for December 2022

a. None

5. Building & Inspection Permits for December 2022

- a. Dubell Pool Service; 522 Mary Lane – Pool
- b. Jesus Esparza & Alma Martinez; 131 Hobbs – Shop/Garage

6. Events

- a. The Apple Shed Award to be placed on February's agenda. Rec/Tres. Barnes will contact the winner.

Committee Reports:

1. Planning commission – Chairmen Alvarenga

- a. Zoning Book; Ald. Alvarenga states the Planning Members have tabled this issue until after the first of the new year.
- b. Hidden Forrest Sub-Division; Final Plat: Ald. Alvarenga states the electrical is being worked on at this time.
- c. Tall Trees Sub-Division: Ald. Alvarenga states this has not been approved until all tires have been removed from the property.

2. Board of Zoning Adjustments– Chairmen Alvarenga

- a. No update per Ald. Alvarenga.

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3. Zoning Official – Tim DePue

- a. Rec/Tres. Barnes received pictures of the property off Tucks Chapel concerning illegal dumping and will contact the owners.

4. Town Maintenance – Chris Rogers

- a. Chris states they have been cleaning up the streets. They have collected 16 (sixteen) bags of trash.

5. Streets – Ald. King

- a. Impact Fees: no updates at this time. Ald. Hansen has offered to assist on this item.
- b. Bids on work for Old Wire Road: no update at this time

6. Park – Ald. Hansen

- a. Ald. Hansen states the Steam Whistle Park will be a great place for crafters during Bikes Blues & BBQ.

7. Grants – Ald. Rairdon

- a. Hazard Mitigation Grant; Town Hall Generator: Mayor Whitehorn states he is working on this item and there are no updates at this time. Warming station signs were brought up to be placed outside the community building and town hall.

8. ARPA Funds (American Rescue Plan) – Ald. Rollins

- a. No Update per Ald. Rollins

Old Business

- a. Monument; Ald. King states the work on the monument will be started this week. He has contacted the VFW and the National Guard, who will come and do a re-dedication ceremony once the monument is completed.
- b. Ordinance 127; Establishing a tax on gross receipts of Motels, Hotels and Short-Term Rentals; A motion was made by Ald. Hansen to suspend the rules and place Ordinance 127; Establishing a tax on gross receipts of Motels, Hotels and Short-Term Rentals: on its third and final reading, by title only. Seconded by Ald. Alvarenga. Discussion: None. Roll call: Ald. Rairdon; yes, Ald. King; yes, Hansen; yes, Ald. Rollins; yes and Ald. Alvarenga; yes. All approved. Motion carried. Town Attorney McClure read the ordinance by title only. A motion was made by Ald. Hansen to accept Ordinance 127 on its third and final reading, by title only. Seconded by Ald. Alvarenga. Discussion: concerning why this Ordinance is needed. Roll call: Ald. Rairdon; yes, Ald. King; yes, Hansen; yes, Ald. Rollins; yes and Ald. Alvarenga; yes. All approved. Motion carried.
- c. Police; Ald. Alvarenga made a motion to tabled police until February council meeting, Seconded by Ald. Hansen. Discussion none. All approved. Motion carried.
- d. Warehouse Rent & Lease: Council discussed rental prices and a new lease. Ald. Hansen made a motion to raise rent from \$1200.00 (One thousand, two hundred dollars) to \$1500.00 (one thousand, five hundred dollars) a month, seconded by Ald. Rairdon. Discussion: none. Roll call: Hansen; yes, Ald. Rollins; yes, Ald. Alvarenga; yes, Ald. Rairdon; yes, and Ald. King; yes. All approved. Motion carried. Per council, late fees will be put into the new lease.

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- e. Business License update: Rec/Tres. Barnes informed council the rates other local towns and cities are charging for business licenses. Ald. Hansen recused from voting on this topic due to having more than one business inside the town limits. Ald. Rollins states even though she has a business inside the town limits, she will not recuse herself. Pros and cons of charging by State, Federal and licensing numbers were discussed. A motion was made by Ald. Alvarenga to raise the business license fees from \$25 (twenty-five dollars) a year to \$50 (fifty dollars) a year. Seconded by Ald. Rairdon. Discussion: concerning the amount of fee. Roll call: Ald. Rollins; nay, Ald. Alvarenga; yes, Ald. Rairdon; yes, Ald. King: nay and Ald. Hansen; nay (she un-recused her vote). Motion failed. A motion was made by Ald. Hansen to raise the business license fees from \$25 (twenty-five dollars) a year to \$40 (forty dollars) a year. Seconded by Ald. Alvarenga. Discussion: Ald. Rollins states she was against, due to the foot traffic at her business was down. Roll call: Ald. Alvarenga; yes, Ald. Rairdon; yes, Ald. King: yes, Ald. Hansen; recused herself due to having two businesses inside the town limits of Avoca, and Ald. Rollins: nay. All approved. Motion carried.
- f. Resolution for Dog and Cat Licenses – Discussion concerning the fee for fines and if this Resolution would be enforceable. Ald. Alvarenga made a motion to table this Resolution until the February council meeting, Seconded by Ald. King. Discussion was held concerning puppy mills and how to enforce this Resolution. Roll call: Ald. Rairdon; yes, Ald. King; yes, Hansen; yes, Ald. Rollins; yes and Ald. Alvarenga; yes. All approved. Motion carried.

New Business

1. Resolution 01-23 Meeting Rules for Town Council; Attorney McClure read Resolution No. 01-23 by title only. A motion was made by Ald. King to approve the reading of Resolution No. 01-23 on its first and final reading by title only. Seconded by Ald. Hansen. Discussion: none. Roll call; Ald. King: yes, Ald. Hansen: yes, Ald. Rollins: yes, Ald. Alvarenga yes, and Ald. Rairdon: yes. All approved. Motion carried. A motion was made by Ald. Hansen to accept Resolution No. 01-23 on its first and final reading by title only. Seconded by Ald. Rollins. Discussion: none. Roll call; Ald. Hansen: yes, Ald. Rollins: yes, Ald. Alvarenga yes, Ald. Rairdon: yes, and Ald. King: yes. All approved. Motion carried.
2. Resolution 02-23 General Pay Scale; Attorney McClure read Resolution No. 02-23 by title only. A motion was made by Ald. Hansen to approve the reading of Resolution No. 02-23 on its first and final reading by title only. Seconded by Ald. King. Discussion: none. Roll call; Ald. Rollins: yes, Ald. Alvarenga yes, Ald. Rairdon: yes, Ald. King: yes, and Ald. Hansen: yes. All approved. Motion carried. A motion was made by Ald. Hansen to accept Resolution No. 02-23 on its first and final reading by title only. Seconded by Ald. Rairdon. Discussion: none. Roll call; Ald. Alvarenga yes, Ald. Rairdon: yes, Ald. King: yes, Ald. Hansen; yes, and Ald. Rollins; yes. All approved. Motion carried.
3. Resolution 03-23 Health Insurance; Office Administrator; Attorney McClure read Resolution No. 03-23 by title only. A motion was made by Ald. Hansen to approve the reading of Resolution No. 03-23 on its first and final reading by title only. Seconded by Ald. King. Discussion: none. Roll call; Rairdon: yes, Ald. King: yes, Ald. Hansen: yes, Ald. Rollins: yes, and Ald. Alvarenga yes, All approved. Motion carried. A motion was made by Ald. Alvarenga to accept Resolution No. 03-23 on its first and final reading by title only. Seconded by Ald. Hansen. Discussion: none. Roll call; King: yes, Ald. Hansen; yes, Ald. Rollins; yes, Ald. Alvarenga yes, and Ald. Rairdon: yes, Ald. All approved. Motion carried.

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4. Resolution 04-23 Posting Bylaws & Ordinances; Attorney McClure read Resolution No. 04-23 by title only. A motion was made by Ald. Hansen to approve the reading of Resolution No. 04-23 on its first and final reading by title only. Seconded by Ald. Alvarenga. Discussion: none. Roll call; Ald. Hansen: yes, Ald. Rollins: yes, Ald. Alvarenga yes, Ald. Rairdon: yes, and Ald. King: yes. All approved. Motion carried. A motion was made by Ald. Hansen to accept Resolution No. 04-23 on its first and final reading by title only. Seconded by Ald. King. Discussion: none. Roll call; Ald. Rollins: yes, Ald. Alvarenga yes, Ald. Rairdon: yes, Ald. King: yes, and Ald. Hansen: yes. All approved. Motion carried.

Mayor for the Good of Town

Mayor Whitehorn, informed council he is going to have the street crew clean the trash off the roads on a regular basis. Free trees will be available to residents at the Spring clean-up that is scheduled for May 20, 2023.

Town Council Member's Personal Privilege (Any matter); 3 Minutes

Council Member Rollins – states she doesn't like that the town advertises for local business on the towns Facebook page. She was reminded there was a committee who decided to help local businesses with this issue and businesses are offered the option to opt out when paying their yearly business license fees.

Council Member Hansen – talked about helping the Avoca Fire & Rescue pay for shifts. Fire Chief Elliott answered questions concerning this issue.

Council Member King – None

Council Member Alvarenga – None

Council Member Rairdon – asked if the property at the end of Main Street has been looked at and addressed. Mayor Whitehorn states they have.

Public Forum (Non-Agenda Items); 3 Minutes

Tommy O'Dell – 403 E. Rose, Avoca; states he will contact the prosecuting attorney if the Town of Avoca continues to help NEBCO and The Avoca Fire & Rescue. Mayor Whitehorn informed Mr. O'Dell that we are following president from when he and Jordan Sullivan were Mayors. He also believes there are two sitting council members who should recuse themselves from any issues with the Fire dept. due to a conflict of interest.

Ronnie Smith – 13043 Minch Road, Garfield; commented that he has issues with business licenses fees and the Town helping the Avoca Fire & Rescue pay for shifts.

Avoca Assistant Fire Chief, Brian Erving – Avoca Fire & Rescue Dept; wanted to thank all the firefighters for volunteering their time and for all they do.

Mike Kalagias – 11724 Landers Road, Rogers; talked about the need for shifts and the help the Avoca Fire Dept. needs.

Avoca Battalion Fire Chief, Jacob Davis – Avoca Fire & Rescue Dept; Read call numbers for the year and explained the need for quick responses for all loved ones.

Betty Wasserman – 660 Old Wire Road, Avoca; wanted to thank the town for cleaning up the trash on the roads.

Avoca Fire Chief, Frankie Elliott – Avoca Fire & Rescue Dept; explained the need for help to staff the fire dept on shifts.

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Announcements

1. Planning Meeting scheduled for January 17, 2023
2. Council Meeting scheduled for Tuesday, February 14, 2023
3. Town Spring Clean-up scheduled for Saturday, May 20, 2023.
4. Board of Zoning meeting is scheduled for June 20, 2023


Adjournment:

A motion was made by Ald. Alvarenga and seconded by Ald. Ald. Rairdon to adjourn meeting at 8:08 pm. Discussion: none. All approved. Motion passed.

Respectfully submitted,

Nanette Barnes
Recorder-Treasurer

Approved 
Mayor Robert Whitehorn

Attest 
Recorder/Treasurer Nanette Barnes