

CITY OF CHEROKEE VILLAGE, ARKANSAS
City Council Minutes
August 20, 2001

The semi-monthly meeting was called to order at 2:00 PM Monday, August 20, 2001 by Mayor Marjorie Rogers. The meeting was held at City Hall.

ROLL CALL:

Answer Roll Call: Chuck Bartlett, Marty Betz, Dewey Dark, Scott Paul, Tom Paul, Louisa Relyea and Ray Torbit.

Also Present: Susan Maynard, City Clerk/Treasurer and Tom Garner, City Attorney

Absent: Jack Stroup

MINUTES: Minutes of the August 6 meeting were distributed for review. Motion to approve the July 23 minutes as presented was made by Mr. Betz and seconded by Mr. Bartlett. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

TREASURER'S REPORT: Financials were reviewed and will be filed for audit. Motion to approve payment of the \$1,000 cost of stonework for the South Entrance signs was made by Mrs. Relyea and seconded by Mr. Torbit. With a roll call vote of seven ayes, 0 nays, motion carried unanimously. Mrs. Maynard passed out a preliminary 2002 budget schedule, and asked that everyone start thinking about what they want budgeted.

CORRESPONDENCE: Mr. Betz has received a letter from Sarah Sexton of White River Planning and Development. We may need to pass an ordinance regarding brush and litter.

Mrs. Maynard has received an email from Mark Hayes of the Municipal League regarding the passage of Amendment 78 and our financing a chip spreader.

Marion Owens made a presentation for the Cherokee Village Firefighter's Association. They have undertaken a project to acquire a set of "Jaws of Life" rescue equipment, and are asking the communities and individuals for support to raise \$15,000. Mrs. Relyea asked if they had looked into grants. They have, but there are no funds available. They currently have raised \$4,000 and have \$7,500 in committed funds. Mr. Bartlett asked if we could budget something for next year. The mayor will check with the Municipal League.

REPORTS:

Airport: Ray Maynard reported the clearing of trees had been done. They are waiting to hear from the F.A.A. regarding a grant for the grading phase of the runway-widening project which will be bid in the spring.

Roads: Mr. Maynard reported the deepest shoulder parts of the Okmulgee overlay project are done. He continues to work with S.I.D. on their chip and seal projects. A self-propelled broom and dump truck have been purchased. The mayor added we should hear about the wood chipper grant within the next two weeks.

Animal Control: None

Emergency Services: Mrs. Relyea reported they are working on recall lists for the whole Village. In the next few weeks she will have discussions with David Webb and Mike Taylor.

Environmental: Mr. Betz reported on brush in the landfill. I.E.S.I. has a Class I and Class IV landfill. They will accept tree trunks and brush, but will collect a fee. Gary Meader, a state landfill inspector, said the Council may want to make up an ordinance in regards to prohibiting the illegal dumping of tree trunks, stumps, brush, roots, etc. throughout the City. Four "No Dumping" signs have been placed.

Planning and Zoning: Ed Rigwood said they are handling problems as they come up and everything seems to be in order.

Police: None.

Municipal Development and Planning: Tom Paul made a motion that the City recommend to our Police Dept. on any sign or advertising placed on the City road rights-of-way:

1. Any sign, advertisement, flag or anything else that is put out to attract the public and is not cleaned up and out of site in three days – that person or business who is responsible shall be issued a written warning citation for the first offense.
2. On the second offence that person or business shall be issued a citation for littering and fined according to State Law.

Mr. Torbit seconded the motion. Discussion. With a roll call vote of seven ayes, 0 nays, motion carried. Mr. Paul then read a letter from Jack Stroup asking for permission to go to the S.I.D. and discuss issues regarding Papoose Park. Mr. Betz expressed he feels the City is too young to take on such a big responsibility and the "horrendous" amount of work involved. Mr. Dark said he wasn't sure if the S.I.D. could buy or sell its land. Someone from the audience commented that it couldn't be sold but could be traded. If it wasn't bought or traded to the City, we couldn't get grants for it. Mr. Betz made a motion for the committee to appoint Jack Stroup and Scott Paul and let them look into the Papoose Park endeavor with S.I.D. Mrs. Relyea seconded the motion. With a roll call vote of seven ayes, 0 nays, motion carried. Tom Paul asked if a member of the Spring River Home Builder's Association had been allowed to become a Planning & Zoning Commission member. Planning & Zoning feels there would be a conflict of interest as the Commission has access to much information regarding plans, etc. before the building is let out to bid. Tom Garner will look into this. The committee is still working on the Senior Citizen's Center.

OLD BUSINESS:

Mrs. Rogers asked Mrs. Maynard to read **An ordinance establishing a deferred compensation plan for the City of Cherokee Village, Sharp and Fulton Counties, Arkansas.** Mayor Rogers declared the Ordinance open for discussion. Mr. Betz moved to waive the rules and place the Ordinance on its second reading, title only. Mrs. Relyea seconded the motion. With a roll call vote of seven ayes, 0 nays, motion carried.

2nd Reading – Mrs. Maynard read the Ordinance, title only.

Discussion –

Mrs. Relyea moved to waive the rules and place the Ordinance on its third and final reading, title only. Mr. Bartlett seconded the motion. With a roll call vote of seven ayes, 0 nays, motion carried.

3rd and Final Reading – Mrs. Maynard read the Ordinance, title only, for the third time.

Discussion –

After discussion – Shall this ordinance pass?

The Clerk/Treasurer called the roll:

Mr. Bartlett, yes; Mr. Betz, yes; Mr. Dark, yes; Scott Paul, yes; Tom Paul, yes; Mrs. Relyea, yes; Mr. Torbit, yes.

Having been read three times, this Ordinance is declared passed.

It will be **Ordinance 2001-03**.

NEW BUSINESS:

Fountain Place:

Ed Rigwood, Planning & Zoning Director, said he was approached to have a meeting between Fountain Place and the Planning & Zoning Commission to review their building plans. After some discussion, PZ decided they didn't have the proper expertise on this subject. Mr. Hrezo is a permitted building inspector for residential buildings, but hasn't had the experience needed to do commercial residential. They didn't want the City to have that kind of legal responsibility and would like to have someone more knowledgeable to review the plans. Southern Building Codes Congress Int. would charge \$1,000 to do this. They checked with Batesville, and the Building Inspector there agreed to review the plans at a cost of \$125, and offered other services at no cost.

Mr. Hrezo reported that the Chief Building Inspector of Batesville and his associate have finished their review of the plans, and should be faxing their recommendations shortly. Mr. Hrezo said he is certified to do the inspections.

Jim West, Chairman of the Board of Directors for Fountain Place, presented a time line as to how things have progressed since they first started planning the addition. Architect Bob Stevens voiced his views of the situation. Jeff Munroe of the Spring River Builder's Association asked about the credentials of the Planning & Zoning Board and could they be made public, while also sharing his opinion.

Oral Henderson, President of Spring River Village, Inc., said they would like to ask for two things: 1. Formal approval of the plans, etc. so they can go ahead; and 2. Recommendation of the Council, assuming Batesville signs off on the plans, to be able to go ahead with their plans.

Mr. Hrezo made mention that no application for a building permit has been made, no septic plans have been approved and the fire dept. has said there needs to be actual fire walls in the building. The main problems have been with the two-story aspect, an elevator, fire walls and fire detectors.

Mr. Rigwood said on behalf of Planning & Zoning that he still thinks they made the right decision. If one would think of themselves as a building inspector, knowing you have the knowledge, but with limitations, would you want the responsibility to sign off on such plans? As far as the drawings, there is no question of the integrity of the drawings, the accuracy or the completeness. The Commission is mainly concerned with the safety issues for the occupants of the building, and trying to cover all the responsibilities. In no way did they intend to imply anything else. Mr. Rigwood was absent for ten days which added to the delay of the meeting.

Tom Henkels, as a commercial builder, talked about addendums to change plans which is usually how such situations are handled. Joe Clark wanted to remind everyone that by State Law we can't legally issue a permit until the State has signed off on the septic plans.

Mr. Torbit wanted to state what had just been discussed as follows:

1. Fountain Place has building plans for an extension to their building.
2. The Plans have been submitted the Building Inspector of Batesville.
3. Batesville has come up with recommendations after reviewing the plans.

4. Fountain Place has agreed with the recommendations, and as far as the building is concerned, its basically ready to go.
5. A permit cannot be issued to start construction until the septic system is approved by the State of Arkansas. That right now seems to be the bottleneck.

Mr. Henderson stated the bid opening for the building plans will be August 29.

Mr. Clark suggested we wait for Batesville's recommendations in writing, and then assess the situation. Tom Paul was pleased to see Planning & Zoning using the Batesville inspector to consult with, and they seem to be working well together. Mr. Bartlett said to all concerned that this has been a learning process and all have learned something. Now we should be able to go ahead with full cooperation on all sides.

The Mayor asked the Council to read over Acts 1187 and 543 to discuss at the September meeting.

ANNOUNCEMENTS:

Thursday, August 23, 9:00 AM; Municipal Court Trial Day, City Hall
 Saturday, August 25, 6:30 – Noon; Pancake Breakfast, Elks Club
 Saturday, September 1, 6:30 AM; Kiwanis Breakfast, City Hall
 Monday, September 3 – LABOR DAY – Office Closed – No Meeting
 Wednesday, September 5, 1:00 PM; Planning & Zoning Meeting
 Monday, September 10, 2:00 PM; Council Meeting, City Hall
 Monday, September 10, 6:00 PM; Sharp County Quorum Court, Ash Flat Courthouse
 Monday, September 10, 7:00 PM; Fulton County Quorum Court, Salem Courthouse
 Tuesday, September 11, 6:30 PM; Municipal Development, City Hall
 Thursday, September 13, Noon; CVBA Lunch, Elks Club
 Thursday, September 13, 1:00 PM; Municipal Court Plea Day, City Hall
 Thursday, September 13, 6:00 PM; Ice Cream Social, Town Center
 Monday, September 24, 2:00 PM; Council Meeting, City Hall
 Thursday, September 27, 9:00 AM; Municipal Court Trial Day, City Hall

ADJOURNMENT:

Motioned to adjourn was made by Mr. Bartlett and seconded by Mr. Betz. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

Meeting adjourned at 3:40 PM.

DATE: 10-1-01

APPROVED: Marjorie Rogers
 Marjorie Rogers, Mayor

ATTEST: Susan E. Maynard
 Susan E. Maynard, Clerk/Treasurer