

**CITY OF CHEROKEE VILLAGE, ARKANSAS**  
**City Council Minutes**  
**August 26, 2002**

The semi-monthly meeting was called to order at 2:00 PM Monday, August 26, 2002 by Mayor Marjorie Rogers. The meeting was held at City Hall. The Pledge of Allegiance was recited, and she called for a moment of silence.

**ROLL CALL:**

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

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

Absent: None

**MINUTES:** Motion to approve the August 5, 2002 minutes as presented was made by Mr. Stroup and seconded by Mrs. Relyea. With a voice vote of eight ayes, 0 nays, motion carried unanimously.

Mayor Rogers asked the Council for guidance regarding a date for a H.E.A.R.T. Pet Adoption Day, either September 21 or 28. It was decided to have it September 21 at 10:00 AM.

**TREASURER'S REPORT:** July financial statements were reviewed and will be filed for audit.

**CORRESPONDENCE:** Mr. Torbit wrote to Curtis Bratcher and asked that personal phone numbers be removed from the website. We also received word from Don Zimmerman of the Municipal League on the removal of the grocery tax.

**OLD BUSINESS:**

Mr. Garner reported that he had met with Kevin King. S.I.D. has agreed to our language to reflect a court opinion of changing the percentage rate. It will be automatically amended. No 2002 money will come to the City. Most of the money will come in October 2003. All 2002 monies will not be included in our payments. We will have a first lien (up to the agreed upon percentage) on the Fulton County fees only. Sharp County fees are earmarked for something else. There has been no overture to increase the percentage – it is still 13%. The Mayor has check with the Sharp County Treasurer, and he said they make no tax/fee payments in January, February or March.

Mr. Stroup wanted to clarify that any increase given as the result of a court order would not be retroactive.

Mr. Garner said as far as the agreement, its pretty much ironed out. He asked for anyone knowing of any illegalities or had any other thoughts to tell him.

Mr. Garner reiterated that he could only advise us to spend our money on how we say we will spend it. We, as a City, have no say in how S.I.D. spends their money. The fee money going to S.I.D. will be contract money to us. He doesn't think the City is doing anything illegal by collecting these funds.

Tom Paul brought up a "time frame". Mr. Garner replied the attorneys are still kicking that back and forth.

Mr. Stroup said he would like to see the specifics on what is expected of the City.

Ray Maynard stated that as far as the 36 acres, Mr. Daggett had submitted an appraisal on other property to his bank, and now we are waiting on a release of the property from the bank.

Tom Paul reiterated that it is pretty important to get this done as soon as possible so we can set up a location, building, etc.

Mr. Garner said that Mr. King has said that the S.I.D. road department will operate until the end of the year.

#### VERY LITTLE ROAD WORK WILL BE DONE IN 2003

Mayor Rogers asked that Wally Schultz present his report. Mr. Schultz gave a short presentation of S.I.D./road history which included the following:

1. Court order establishing S.I.D.
2. Petition stating the specific purposes ("and to maintain such streets, roads, highways, and every other way, for passage use by vehicles")
3. Land appraisal specifying a sample computation of Improvement District Assessments of streets at 22.64%
4. 1999 assessment fee notice, published in the October 30, 1998 Villager Journal
5. Several charts showing the S.I.D. fees collected in the past, estimated future revenue and actual money spent on roads
6. Summaries of Attorney General opinions showing the City's road responsibilities
7. Alan Kimber's letter to the Attorney General and the reply

Duane Lane from the audience expressed concern regarding the S.I.D. road equipment – will we get it as the taxpayers have already paid for it? Someone replied that we have been given a list of equipment which is covered in the agreement. Buildings are just being used by S.I.D. – not purchased. There are no deadlines now.

Larry Ballinger from the audience stated he lives on the west side of the Village, and that it's puzzling what has happened – where has the City money been spent? Mrs. Maynard replied that if he would see her after the meeting, she would get him a financial statement and show him. All our records are open to the public.

Alan Kimber from the audience reported that he has talked with representatives in the Attorney General's office during which time they discussed the various opinions. The rep said there were possible errors in the opinions – the laws didn't go with what was asked. He also spoke with AG Pryor, then sent a letter and received a reply (copies attached). Mr. Pryor seems to think the facts are highly complicated and probably could only be resolved in court.

Mr. Torbit agreed to withdraw his motion of August 5, and made a motion to continue contract negotiations as stated. Mr. Stroup seconded the motion. With a roll call vote of eight ayes, 0 nays motion carried.

#### **REPORTS:**

**Airport:** Ray Maynard reported he is waiting for the receipt of final grant funds totaling \$300,000 for the runway-widening project. He anticipates groundbreaking start up next week. He also reported that fuel sales have gone up 30% since the installation of the self-serve terminal.

**Roads:** Mr. Maynard said any roadwork is largely on hold. We have purchased 1,000 ton of chips. At the time of the start up of the contract negotiations, it was agreed to save all the road funds toward the development of the road department. He helped S.I.D. chip and seal Flathead Dr. by using our chips and operating the chip spreader. The City is not anticipating doing any roadwork for the rest of the year.

**Animal Control:** Mayor Rogers announced the H.E.A.R.T. pet adoption and also said Boyd House is helping with the animal control chores.

**Emergency Services:** None

**Environmental:** Mr. Betz reported that recycling would go back to its regular hours of 9:00 AM to Noon beginning September 3.

**Municipal Development and Planning:** Tom Paul said the Senior Citizen Center has been very successful. An average of 40 people attend each Monday and Wednesday. People are really enjoying it. The banners have been installed on poles along the hiway in the Cherokee Village city limits.

**Planning and Zoning:** Ed Rigwood reported the Baptist Church has obtained a permit for construction of an addition, as well as the church building to be built next to The Pines. They are handling complaints as they come in. There have been more complaints on Pioneer Auction. He and Joe Clark met with Larry Swetnam, and he has agreed to clean up a little bit. We are monitoring his progress. The Commission has been meeting with Village Pride regarding the cleaning up of various properties.

**Police:** Mr. Torbit said the committee has been discussing personnel matters. They will request letters of commendation for the two officers involved in the Lambert case. The Police Dept. has received a letter from the University of Arkansas Criminal Justice Institute. Lt. Scott Goodwin has been selected to attend specialty training of a premier management nature. He is one of only 25 selected over the whole state. It is a four-week course over a period of four months.

#### **NEW BUSINESS:**

Mrs. Rogers asked Mrs. Maynard to read **An Ordinance Providing for Retroactive Appropriations for the 2001 Budget Year; And For Other Purposes.** Mayor Rogers declared the Ordinance open for discussion. Mr. Bartlett 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 eight ayes, 0 nays motion carried.

**2<sup>nd</sup> Reading** – Mrs. Maynard read the Ordinance, title only.

Discussion –

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

**3<sup>rd</sup> 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:

Chuck Bartlett, yes; Marty Betz, yes; Dewey Dark, yes; Scott Paul, yes; Tom Paul, yes; Louisa Relyea, yes; Jack Stroup, yes; Ray Torbit, yes.

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

It will be **Ordinance 2002-05.**

**ANNOUNCEMENTS:**

Thursday, August 29, 6:30 PM; 9-1-1 meeting, City Hall  
 Saturday, August 31, 6:30 – 12:30; Kiwanis Pancake Breakfast, City Hall Parking Lot  
 Saturday, August 31, 7 – 11 PM; Street Dance, Center Mall  
 Monday, September 2; Labor Day, City Hall Closed  
 Wednesday, September 4, 1:00 PM; Planning & Zoning Meeting, City Hall  
 Thursday, September 5, 6:00 PM; Ice Cream Social and Band Concert, Town Center  
 Saturday, September 7, 8:00 AM; Quad City Community-Wide Yard Sale  
 Monday, September 9, 2:00 PM; Council Meeting, City Hall  
 Monday, September 9, 6:00 PM; Sharp Co. Quorum Court, Ash Flat Courthouse  
 Monday, September 9, 7:00 PM; Fulton Co. Quorum Court, Salem Courthouse  
 Tuesday, September 10, 6:30 PM; Municipal Development & Planning, City Hall  
 Wednesday, September 11, Noon; Patriot Day, Center Mall  
 Thursday, September 12, 9:00 AM; District Court Plea Day, City Hall  
 Thursday, September 12, Noon; CVBA Luncheon, Loujo's Deli  
 Monday, September 23, 2:00 PM; Council Meeting, City Hall  
 Thursday, September 26, 9:00 AM; District Court Trial Day, City Hall

Senior Citizen's Center open every Monday and Wednesday, 11 – 3,  
 unless otherwise noted; lunch at 11:30 AM, Thunderbird Center.

**ADJOURNMENT:**

Motioned to adjourn was made by Mr. Bartlett and seconded by Mrs. Relyea. With a voice vote of eight ayes, 0 nays, motion carried unanimously. Meeting adjourned at 4:15 PM.

DATE: Sept 9, 2002

APPROVED: Marjorie Rogers  
 Marjorie Rogers, Mayor

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