

CITY OF CHEROKEE VILLAGE, ARKANSAS

City Council Minutes

July 15, 2002

The semi-monthly meeting was called to order at 2:00 PM Monday, July 15, 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, Tom Paul, Jack Stroup and Ray Torbit.

Also Present: Susan Maynard, City Clerk/Treasurer

Absent: Scott Paul, Louisa Relyea and Tom Garner, City Attorney

MINUTES: Motion to approve the July 1, 2002 minutes as presented was made by Mr. Stroup and seconded by Mr. Bartlett. With a voice vote of six ayes, 0 nays, motion carried unanimously.

TREASURER'S REPORT: June financial statements were reviewed and will be filed for audit. Mrs. Maynard explained the new format. She is making adjustments to the software to merge all reports into one document.

CORRESPONDENCE: An email regarding what was done by us to the Village to make it "look great" was discussed. Mr. Torbit has replied to him to see exactly what he meant. Correspondence from Tom Garner regarding the Mayor's Specialty Committee and the "Ultima Computer property" was read and discussed.

Jack Stevens, Commander – American Legion Post 346, proposed that the City, along with the American Legion Post, host a service to commemorate September 11, Patriot's Day. Motion to approve his proposal as presented was made by Mr. Stroup and seconded by Mr. Torbit. With a voice vote of six ayes, 0 nays, motion carried unanimously. Mayor Rogers will appoint a committee to work with the Legion on this event.

REPORTS:

Airport: Ray Maynard reported that the self-service fuel terminal is being up and operational, with only the roof left to construct. This Friday, they will be advertising for bids to do the dirt work for the runway-widening project.

Roads: Mr. Maynard said he worked with S.I.D. to chip and seal Flathead Dr. We supplied the chip spreader and rock. They will continue to do ditch and shoulder work as needed.

Tom Paul expressed his opinion on the Mayor's Specialty Committee. He feels that Alan Kimber is negative on taking over the roads and working with S.I.D.

Mr. Stroup opined that it was wrong to single out an individual, and he doesn't think that the Council should say this, and that he calls exception to this.

Mr. Paul continued, saying he doesn't think this committee should be negotiating or setting up this contract, but that the Road Committee should do this. That's the purpose of the Road Committee. They have negotiated with S.I.D. and gotten a workable agreement. S.I.D. has agreed to it. The City Council agreed to it by a 7 - 1 vote to go ahead with it. He doesn't think we need a special committee. He thinks this gentleman is definitely against the City's taking over the roads, as he has expressed his feelings at several past Council meetings. We need people who think positively towards our cooperation with S.I.D. to get things accomplished here for our community. He feels the decision the Council made by the 7 - 1 vote was for the benefit of the community, and we have to work with the Improvement District - no question about it. He would agree to have the committee look into future problems, but he feels it looks like the committee was set up to undermine and defy a clear directive by the Council.

Mayor Rogers replied that the committee would not write up the contract. Mr. Garner will. The committee was set up for fact finding only. They will be talking with Mr. Garner. No one has signed anything. No one has agreed, except the 13% that we have agreed to on, so nothing is final yet. No one is trying to do an assassination of anyone or their character. The committee is chaired by Wally Schultz, and includes Jack Stroup and Alan Kimber. Chuck Bartlett had agreed to be one the committee, and then resigned. We are just trying to look into the facts, and we agree and have been helping S.I.D. with the roads. We have \$280,000 worth of equipment which they have used last year and this year. We fixed part of Okmulgee and all of Pottawattamie Drive. We are all working together for the good of the City.

Mr. Schultz was called on and read the committee's purpose. It was written by Wally, himself, with help from Mr.'s Garner, Stroup, Kimber and Bartlett.

Tom Paul said he respected all that was said, but the negotiations were settled in his motion of June 17, 2002. We need to get this done as soon as possible.

It was stated that Tom Garner would appreciate all the help he could get.

Mr. Stroup said that the contract is being started. The committee was established due to legal questions for both the City and S.I.D, to answer individual legal questions.

Mr. Shultz addressed the Council. "What is the big hurry?"

Mr. Bartlett stated that Floyd Hannon (S.I.D. Director) had appointed a committee to assist with their problems. One suggestion was to give the City the roads. It was the Council's suggestion to take them over. Mr. Cooper had had the lots appraised as to a certain dollar amount to what the lot was. There was an individual percentage for lakes, roads, parts and fire. The roads was 22.4%. The figures we have do not hold up to what is actually spent.

Mr. Betz said he was bothered by the wording of "to be called the negotiating arm". This was all discussed before passing the motion. He is confused with the powers of the specialty committee.

Mr. Stroup stressed again that the committee is not a negotiating team, but a fact-finding team. He truly believes the infrastructure is as important as a fire department. There are eleven people discussing the future (Council and Commissioners), representing 4,800 people. It is time to have

the public inform the Council of its desires. We need the input of the citizens. A lady from the audience said that there were only a few people here at this meeting, and we do need the public's input.

Tom Paul stated the Council was under no pressure to pass the motion (of June 17). The Attorney General's opinions say the roads are ours. He doesn't think this was a hurried decision.

Alan Kimber, from the audience, felt these issues should be brought into focus. An assessor was appointed by law by S.I.D. in 1973 to show the benefits of the Village. These are the very questions the committee is going to find answers for. They underline the need for the committee to find the facts.

Ray Torbit expressed his concerns. The 13% could be assuredly paid. They have a \$300,000 loan and have drawn \$200,000 of a \$600,000 line of credit to be repaid in 2003. "Will S.I.D. be able to pay our 13%?"

Jim Fenton, from the audience said we have to look into what we have today, not the past. We have the chance to get the money now – let's do it now.

Floyd Hannon addressed the Council. "I'm Floyd Hannon. I'm Chairperson of the S.I.D. Commission. I'd like to make one or two responses to questions that have been brought up and innuendos that do not exist. My good friend Ray saying that we are \$600,000 in debt. Let me tell you how S.I.D. operates. In two years we've had disasters at the golf courses. It takes a lot of money to put those courses back in shape. It takes a lot of money just to have them there – money we did not have. So we went to the bank and borrowed a line of credit of \$300,000. As of this morning, we have used \$240,000 of it on the two golf courses. This money will be paid back as an assessment to the golfers, not to the other people in the Village that do not golf. If you play golf, and you want a nice golf course, it's going to cost you money. The fees have been notoriously low. The fees are going to stay the same, but there will be an assessment to pay off the \$240,000. We have 15 years to pay off the \$240,000 – not one year. We are paying at the rate of four point something percent a year. Stipulated in the contract with the bank is that we can pay it off at any time without penalty. And what we are deciding to do with the amount of money that will be paid in, when we arrived at that decision, is hope to pay this off within four years. And get ready again because we need a watering system, and we have to have that if you want a good golf course. And the second part of Ray's statement, we have a line of credit with the big bank for \$600,000. Twenty-eight years ago, this place started operating by borrowing money from the bank pending the receiving of the monies in the fall from the assessments. If you're like me, you don't pay your property tax or real estate tax until the 15th of October. (October 10th, from the audience) We do not get that money until about December. So as the result, to continually operate, we borrow money at 4%, and then we pay our bills with that money, and then we pay it back to the bank at the end of the period of time we get the money. It was pointed out to me that there 's one item in our budget for '01 that shows a \$700,000 carryover, and did not show in '02. We got that money the latter part of '01, and it had to go into the December account. We paid it all out in '02, but went back to the bank and wrote a note (muffled) outstanding, so we're not bankrupt, and we're not going to go bankrupt. I just want you to know that. Your point's well taken, but that is the true facts of the point. Now, I don't know this gentleman back there – I almost kissed him, but I thought I'd be flattened by him – he brought

up a good point that you want to consider and consider seriously. Between you and our organization, or the two organizations I should say, we have an inch thick stack of reports from attorneys who have taken positions on what is legal and what is not legal. What is legal is that when you became a city; you accepted the maintenance and repair of streets. That is what is legal and that is what is (muffled). What we are telling you we have some money coming in for roads and streets. You accepted the responsibility as the law says you should accept, and we will help subsidize your problem within the limits of our budget. I think that's a neighborly gesture. Of course, the law doesn't say we have to do that, but we're going to do it because we're a neighborly group. You've created a committee, and I'm sure it has a good purpose in life or Marge wouldn't have created it. But I don't think it fits in the negotiation on roads and streets. We've spent days, we've spent hours, we've spent weeks working as a unit with a road committee. (Muffled), and we've come to an agreement, and we've presented it to you people. And there was a seven-to-one vote that you accepted what our conditions were (muffled) worked out between us. And at that time, even though she didn't reflect it, it was announced that (muffled) attorneys would be allowed to work out the contract, because there isn't anybody in this room that's an attorney that I know of, and that Marge and I would sign it. And we thought that was the end of it. Now what's wrong with the committee is that Jack is the number one vote against it, and now he's going to be in the position to argue with us about how well we do. I can't even remember the fellow's name – the tall fellow and skinny – he said that ("Alan Kimber" from the audience) Alan Kimber, has filed a law suit against a judge for the misrepresentation of two law suits, that filed (interruption from Mr. Kimber) two cases against S.I.D. He is going to be on that committee. Wally, my friend Wally, is Wally. I just don't think that we need to go down a level when we've already presented this to you, and it will be worked out when it's worked out that level and (muffled) already been voted seven-to-one (muffled). We're not trying to "Shanghai" you. We're not trying to do anything illegal, immoral or wrong. We're just saying, "Let's get on with it." I talked with our attorney this morning. He is in conversation with your attorney this afternoon. Our attorney was gone for two weeks. Your attorney will be gone for this week. So here we go again. So maybe next week there will be something on Marge's desk and on my desk that we could look at and get this thing off center. Thank you."

Animal Control: The mayor stressed that something has to be done on animals with the Council.

Emergency Services: Mr. Dark announced that Arkansas Fire Wise would come and talk with us. The mayor is to call and make an appointment.

Environmental: Mr. Betz said they have filled out the grant reports that are needed.

Municipal Development and Planning: Tom Paul said the electric has 3% of the ten poles up, and the materials have been ordered. We are looking for people to sponsor a banner. Mayor Rogers, Mr. Stroup and the boat sales business have each sponsored one. Anyone can help.

Planning and Zoning: Mr. Bartlett gave the six-month report:

Remodels	\$ 565,110
New Const.	136,000
Commercial	<u>666,945</u>
Total	\$ 1,368,055

Police: Mr. Torbit asked why a Memphis Police Dept. van was here. Chief Smith said it had taken kids to the Boys Scout Camp. Mayor Rogers announce the change in name of the Police Commission to the Police Chief Advisory Committee. Ray Maynard and Dan Dennis have resigned. It will be chaired by Ray Torbit and include Dwayne Merritt, Hobie Weisman, Chief Smith and Mayor Rogers.

OLD BUSINESS:

Mrs. Rogers asked Mrs. Maynard to read the third reading of **An amendment to the Cherokee Village zoning code Ordinance 99-2, and for other purposes.** Mayor Rogers declared the Ordinance open for discussion. Mr. Stroup asked the Planning & Zoning Commission to reconsider the removal of #1 in A and #1 in B. He feels it is unnecessary to control. This should be excluded as unnecessary. Mr. Schultz, from the audience, asked if that would include a one-day political candidate "open house". After discussion – Shall this ordinance pass?

The Clerk/Treasurer called the roll:

Chuck Bartlett, yes; Marty Betz, yes; Dewey Dark, yes; Tom Paul, yes; Jack Stroup, no; Ray Torbit, yes.

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

It will be **Amendment 2002-02.**

NEW BUSINESS:

Mrs. Rogers asked Mrs. Maynard to read **An Ordinance To Amend The CenturyTel Of Arkansas, Inc. Franchise Fee Adopted By Ordinance 2002-02 And For Other Purposes.** Mayor Rogers declared the Ordinance open for discussion. Mr. Stroup moved to waive the rules and place the Ordinance on its second reading, title only. Mr. Bartlett seconded the motion. With a roll call vote of six ayes, 0 nays motion carried.

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

Discussion –

Mr. Betz moved to waive the rules and place the Ordinance on its third and final reading, title only. Mr. Stroup seconded the motion. With a roll call vote of six 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:

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

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

It will be **Amendment 2002-03.**

Mrs. Rogers asked Mrs. Maynard to read **An Ordinance To Amend The Entergy Arkansas, Inc. Franchise Fee Adopted By Ordinance 2002-03 And For Other Purposes.** Mayor Rogers declared the Ordinance open for discussion. Mr. Torbit moved to waive the rules and place the Ordinance on its second reading, title only. Mr. Bartlett seconded the motion. With a roll call vote of six ayes, 0 nays motion carried.

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

Discussion –

Mr. Torbit moved to waive the rules and place the Ordinance on its third and final reading, title only. Mr. Stroup seconded the motion. With a roll call vote of six 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:

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

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

It will be **Amendment 2002-04**

Mrs. Rogers asked Mrs. Maynard to read **An Ordinance To Amend The North Arkansas Electric Co-Op Franchise Fee Adopted By Ordinance 2002-04 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. Mr. Dark seconded the motion. With a roll call vote of six ayes, 0 nays motion carried.

2nd 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. Stroup seconded the motion. With a roll call vote of six 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:

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

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

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

Mrs. Maynard thanked the Council for approving the purchasing of a new computer back-up system. What used to take all morning, now only takes 15 minutes. She also reminded the Council of petition dates. She asked the Council to consider purchasing a "State Seal" to hang in the Council Room at a cost of \$250. Also, if the District Court were ever used for a jury trial, we would need something to section off the jury. It had been suggested to use three "stanchions" with a modesty curtain. Mrs. Maynard has prices these at \$200 each. It was suggested to contact the cabinetmaker that made the Council desk to design something in wood to match the desk.

ANNOUNCEMENTS:

Monday, July 15, 2:00 PM; Council Meeting, City Hall
Saturday, July 20, 7:00 – 1:00; Farmer's Market, City Hall
Monday, July 22, 6:30 PM; Quad City Meeting, Highland City Hall
Thursday, July 25, 9:00 AM; District Court Trial Day, City Hall
Saturday, July 27, 7:00 – 1:00; Farmer's Market, City Hall
Saturday, August 3, 7:00 – 1:00; Farmer's Market, City Hall
Monday, August 5, 2:00 PM; Council Meeting, City Hall
Wednesday, August 7, 1:00 PM; Planning & Zoning Meeting, City Hall
Thursday, August 8, 9:00 AM; District Court Plea Day, City Hall
Thursday, August 8, 6:00 PM; Ice Cream Social and Band Concert, Town Center
Saturday, August 10, 7:00 – 1:00; Farmer's Market, City Hall

Saturday, August 17, 7:00 – 1:00; Farmer's Market, City Hall
Monday, August 19, 2:00 PM; Council Meeting, City Hall
Thursday, August 22, 9:00 AM; District Court Trial Day, City Hall
Saturday, August 24, 7:00 – 1:00; Farmer's Market, 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 Mr. Stroup. With a voice vote of six ayes, 0 nays, motion carried unanimously. Meeting adjourned at 4:15 PM.

DATE: August 5, 2002

APPROVED: Marjorie Rogers
Marjorie Rogers, Mayor

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