

CITY OF CHEROKEE VILLAGE, ARKANSAS

City Council Minutes

June 17, 2002

The Pledge of Allegiance was recited and a moment of silence observed. The semi-monthly meeting, held at City Hall, was called to order at 2:00 PM Monday, June 17, 2002 by Mayor Marjorie Rogers.

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

MINUTES: Motion to approve the June 3 minutes as presented was made by Mr. Betz and seconded by Mrs. Relyea. With a voice vote of eight ayes, 0 nays, motion carried unanimously.

TREASURER'S REPORT: May financial statements were reviewed and will be filed for audit. Mrs. Maynard apologized for the format. She will be making adjustments to the software.

CORRESPONDENCE: None

REPORTS:

Airport: Ray Maynard reported that the self-service fuel terminal is being installed and should be operational by the end of the week. They are almost ready to go to bid on the dirt work for the runway-widening project.

Roads: Mr. Maynard brought the question to the Council "What do we do with the roads?" He gave a short report with his opinions, and then the Council gave their opinions as follows:

Tom Paul reiterated the points of the S.I.D.'s proposal that they would give us 13% of their lot assessments over the next ten years, and we would take over the roads as of July 1 at which time they would turn over the listed equipment to us. He said that after receiving two Attorney General opinions and two Municipal League opinions, it seems as if the City is responsible for the road maintenance. With the concerns of the S.I.D.'s financial condition and the obligation of the City, we need to reconsider and probably accept their proposal. Since 1995 they have spent 15% of their assessment for roads so 13% is probably fair. The problem is there is no way we can do it by July 1. If S.I.D. would agree, Mr. Paul feels we should take it over on March 1, 2003.

Mr. Bartlett explained how he had come up with the 22% figure. This came about in 1955, in the beginning. Mr. Cooper had an appraiser come in, and he came up with the figure that 22% of the value had been spent for the roads and 15% for the lakes. Per S.I.D.'s fact sheet, an average of 16.4% of the assessment income had been spent on roads. For the period of 1991 – 2001, this had gone down to 14.4%.

Mr. Betz stressed the fact that we need to come to an understanding today. It is necessary at the time that we take some sort of action.

Mr. Torbit went over the sticky points – The S.I.D. proposal states ten years to support us, then nothing after that. We need to get an agreement that wouldn't stop. As long as S.I.D. is receiving funds, some percentage should go to us the roads. He also stated we need to pay comparable wages with the County. The S.I.D. information says the 2002 road salary budget was \$142,000. With a 3% increase in 2003, that would come to \$147,000 for salaries alone for five people. Thirteen percent of S.I.D. projected revenues would be \$221,000. The start up costs will be high. We will have to prepare the 36 acres we are purchasing from Daggett Development – build roads, rock, build a building, move the storage tank, purchase a backhoe (\$175,000). If we take over the roads infrastructure, no roadwork could be done for possibly 1 – 1½ years.

Steve Thompson, from the audience, asked if we had considered the worth of the equipment. Could we use their equipment? What is the fair market value of the equipment? Tom Paul answered that the assessed value of the equipment was \$180,000. Mr. Thompson questioned if we had looked into grants. Mr. Maynard

stated the grant money for cities is on the bottom of the State's list. First comes the state, then the counties then the cities, and with the State's financial budget down, grants would be very hard to get.

Mr. Stroup asked how soon would we have to replace the equipment -- one year, two years. Some of the equipment is real good, some needs replacement right away. We would need a mower and tractors and replace the salt spreader and trucks. "Where will we get the money?" Mr. Maynard is looking for financing for the building. We should go cautiously now. He also asked if the 13% would be a minimum percentage when the contract would be renewed in ten years.

Tom Paul stated that with regards to the history of the S.I.D., he has seen a tremendous turnaround of its attitude. Also the dollar figure for salaries does not include \$2,500 a month for benefits.

Mr. Bartlett reported that S.I.D. and Mr. Daggett have said we would use their facilities in the beginning. He suggested a ten-year point at which time the percentage could be renegotiated. Someone suggested a five-year period. He also said that as long as S.I.D. is receiving assessments, they must give the City a percentage.

Alan Kimber, from the audience, stated that if you read the Attorney General's opinion and accept the roads, we might have to accept other departments also. He asked, "Please don't put additional burden on taxpayers."

Dick Gammee, from the audience, said not everyone plays golf or lives on a lake. The most important thing to do is to make the roads look presentable so more people will come here. He's only disappointed that we can't finish Okmulgee. He feels we're letting the people down.

Motion to approve the paper that Mr. Maynard presented at the last meeting, accepting the offer of 13% of the S.I.D. assessments received, their equipment (excluding backhoe and mower), a five to ten-year renegotiable contract with a starting date of November 1, 2002 to March 1, 2003 was made by Tom Paul and seconded by Mrs. Relyea. More discussion. Floyd Hannon, S.I.D. Commissioner, stated that the ten-year period, if legally could, be put into the agreement. Also a material value of \$60-70,000 (rock and oil) should be in the motion. It would be easier for S.I.D.'s budgeting if the takeover was January 1, 2003.

Tom Paul changed his motion to be to accept Ray Maynard's proposal of May 30, 2002 as presented to the Council in which S.I.D. offered 13% of assessments received, equipment as listed, materials (rock and oil valued at \$60-70,000) on a ten-year negotiated contract with a start up date of January 1, 2003, (figures based on numbers given to us by S.I.D.), the percentage of income from assessments renegotiated at the end of ten years. Mrs. Relyea seconded the motion. With a roll call vote of seven ayes and one nay, motion carried.

In other business, the bank says that there will be no problem as far as road easements on the 36 acres. Okmulgee will be the first priority of 2003.

Animal Control: Hobie Weisman reported the Animal Control Committee had a meeting with HEART. Their goal is to raise money for an animal shelter and to offer rescue and adoption services. We use them presently, and have almost eliminated the boarding kennel. Mr. James is contacting Ash Flat, Hardy and Highland to get funds for the shelter. They are looking for donations to care for the animals. Runways cost \$250 to 450. We want to get the call out for donations for them. Any resident and call Animal Control with the description of a stray animal, we will contact HEART, and they will pick it up. We pay them to pick up and house the animal for five days. The other kennel raised the rates on March 1. HEART has been in business for one year.

Emergency Services: Mrs. Relyea stated that Terry Gray will be here Wednesday and Thursday. The County has applied for a certificate of intent. We have a resolution to get a NOAA transmitter with 102 weather radios located in all public places over the three-county area. The transmitter will be put on the CenturyTel tower. She has talked with Judge Crawford, who assured her that they would pay their share of the matching funds. The State is working very well with us.

Environmental: Mr. Betz announced the contract with I.E.S.I. will be renewed July 1, 2002.

Franchise: Mr. Garner received a call from N.A.E.C in which they stated they wanted to pay us monthly. Also they want us to take out Section 1 regarding placement of poles, substations, etc. They won't sign the contract unless that is taken out. Mayor Rogers is to call Mel Coleman.

Municipal Development and Planning: Tom Paul said there had been no meeting, but gave a short report on the South Entrance sign, banners, etc. Also need more money for fireworks.

Planning and Zoning: Mr. Bartlett reported for Mr. Hrezo that everything is going OK.

Police: Mayor Rogers stated that the new cars are up and running.

OLD BUSINESS:

Mrs. Rogers asked Mrs. Maynard to read the first 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. Mrs. Relyea made a motion to accept the ordinance. Someone questioned if there should be a penalty in the amendment. Mr. Torbit read the penalty from 99-2, which would still apply to this ordinance. Mr. Stroup voiced his opinion on the "one sign per political candidate". It was suggested to table the motion and send the material back to Planning & Zoning for review regarding billboards and the one sign opposition. Mrs. Relyea rescinded her motion. Mrs. Maynard reminded the Council that if the ordinance is changed any during the second or third reading, it must go back to the first reading. Mrs. Relyea asked that the motion stand. Mr. Betz seconded the motion. With a roll call vote of seven ayes, one nay, motion carried.

NEW BUSINESS:

Mayor Rogers asked that the Council look over the resolution made by the Mayor of Briar Cliff to give to the Municipal League at the convention. Check in with her with any comments.

Mrs. Rogers asked Mrs. Maynard to read **A resolution of the City Council of the City of Cherokee Village, Arkansas appointing a local agent as required by the State Local Disaster Assistance Grant Program, confirming the City of Cherokee Village's commitment to provide matching funds and for other purposes.** Mr. Dark made a motion to accept the resolution. Mr. Betz seconded the motion. With a roll call vote of eight ayes, 0 nays, motion carried.

Mayor Rogers asked the Council to look over the variance application to Planning and Zoning from Mr. Daggett regarding the request to change the current zoning of planned light industrial (MP-1) to planned local business (CP-1). It involves the two lots next to the office supply building on the highway. One would be for a restaurant and the other would be for sale. Mr. Betz made a motion to accept the variance. Mr. Betz seconded the motion. With a roll call vote of eight ayes, 0 nays, motion carried.

Mr. Betz asked that we as a City write letter to our representatives asking that they vote against the passage of the bill regarding public safety unions. Mrs. Maynard will have Mrs. Smith work on this.

Everyone said July 1 was OK for the next meeting.

Mrs. Maynard asked the Council to look over the Air Evac brochures she had previously handed out. The City could offer this as another employee benefit, as it would cover the employees while on duty, for a cost of \$100 per year administration fee, plus \$10 per employee. Anyone who would then like a personal policy could deduct the \$10 from their fee. Anyone the Council says could be covered.

Mrs. Maynard then encouraged everyone who goes to the convention to join a Municipal League committee. It is very good for networking purposes.

ANNOUNCEMENTS:

June 19-21, Municipal League Convention – Tom Paul, Mayor Pro Tem
Saturday, June 22, 7:00 AM – 1:00 PM; Farmer's Market, City Hall parking lot

Thursday, June 27, 9:00 AM; District Court, Trial Day, City Hall
Saturday, June 29, 7:00 AM – 1:00 PM; Farmer's Market, City Hall parking lot
Monday, July 1, 2:00 PM; City Council Meeting, City Hall
Monday, July 1, 6:00 PM; St. Michael's blood drive
Thursday, July 4, 9:00 PM; Fireworks
Friday, July 5, 6:00 PM; Ice Cream Social & Band Concert
Saturday, July 6, 7:00 AM – 1:00 PM; Farmer's Market, City Hall parking lot
Saturday, July 6; Street Dance
Monday, July 8, 6:00 PM; Sharp Co. Quorum Court meeting, Ash Flat Courthouse
Monday, July 8, 7:00 PM; Fulton Co. Quorum Court, Salem Courthouse
Tuesday, July 9, 6:30 PM; Municipal Planning & Development, City Hall
Wednesday, July 10, 1:00 PM; Planning & Zoning meeting, City Hall
Thursday, July 11, 9:00 AM; District Court, Plea Day, City Hall
Thursday, July 11, Noon; CVBA Luncheon, Loujo's Deli
Saturday, July 13, 7:00 AM – 1:00 PM; Farmer's Market, City Hall parking lot
Monday, July 15, 2:00 PM; City Council Meeting
Saturday, July 20, 7:00 AM – 1:00 PM; Farmer's Market, City Hall parking lot
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 AM – 1:00 PM; Farmer's Market, City Hall parking lot

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 4:00 PM.

DATE: July 1, 2002

APPROVED: Marjorie Rogers
Marjorie Rogers, Mayor

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