

CITY OF CHEROKEE VILLAGE, ARKANSAS

City Council Minutes

March 4, 2002

The Pledge of Allegiance was recited and a moment of silence observed. Mayor Marjorie Rogers called to order the semi-monthly meeting, held at City Hall, at 2:00 PM Monday, March 4, 2002.

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 February 18 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: Final 2001 Budget approval. Mrs. Rogers asked Mrs. Maynard to read **An Ordinance for the adoption of the amended municipal budget.** Mayor Rogers declared the Ordinance open for discussion. Mr. Bartlett made a motion 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.

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

Discussion –

Mr. Betz made a motion to waive the rules and place the Ordinance on its third and final reading, title only. Mrs. Relyea seconded the motion. With a roll call vote of eight 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; 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 2002-01.**

CORRESPONDENCE: Mrs. Maynard read a thank you note from the Senior Citizen's Center for helping with their Valentine's Day Dance. She then reported receiving answers from David Schoen, Municipal League attorney, on some questions she had asked, as follows: (1) The mayor and clerk/treasurer of a first-class city are, by state statute, elected every four years, at the same time. Their terms cannot be staggered. (2) In order for the aldermen's staggered terms to go into effect January 1, 2003, we would have had to have a special election for the public to allow this before February 1, 2002. Therefore, the issue will be on the November ballot, with the staggering of terms starting January, 2005. (3) Can a city pass a special assessment fee to use for maintenance of roads, parks, Fire Dept., etc.? No, but it could be put to a vote before the residents. (4) Law 20-29-203 states "The charge for furnishing the vaccine and for the vaccination shall not exceed seventy-five cents per dog or cat." This law was passed in 1945. It should be amended to reflect no price!

OLD BUSINESS:

Mr. Betz made a motion to waive the rules and read the CenturyTel ordinance, title only. Mrs. Relyea seconded the motion. With a roll call vote of eight ayes, 0 nays motion carried. Mrs. Rogers then asked Mrs. Maynard to read the second reading, title only, of **An ordinance granting to CenturyTel, Inc., its successors and assigns, the non-exclusive right, privilege and authority to sell, furnish and distribute telephone service and erect, maintain, extend and operate a system for the distribution, transmission, furnishing or sale of telephone service to the City of Cherokee Village, Sharp County and Fulton Counties, Arkansas, within the utility's allocated service territory, and the inhabitants and all other consumers thereof, and to use the streets, alleys, bridges and other public grounds of the City in connection therewith; fixing the terms thereof, and for other purposes.** Mayor Rogers declared the Ordinance open for discussion. Mr. Betz made a motion to accept the ordinance. Mrs. Relyea seconded the motion. With a roll call vote of eight ayes, 0 nays, motion carried.

Mrs. Relyea made a motion to waive the rules and read the Entergy ordinance, title only. Mr. Stroup seconded the motion. With a roll call vote of eight ayes, 0 nays motion carried. Mrs. Rogers then asked Mrs. Maynard to read the second reading, title only, of **An ordinance granting to Entergy Arkansas, Inc. its successors and assigns, the exclusive right, privilege and authority to sell, furnish and distribute electric power and energy and erect, maintain, extend and operate a system for the distribution, transmission, furnishing or sale of electric power and energy to the City of Cherokee Village, Sharp County, Arkansas, within the utility's allocated service territory, and the inhabitants and all other consumers thereof, and to use the streets, alleys, bridges and other public grounds of the City in connection therewith; fixing the terms thereof, and for other purposes.** Mayor Rogers declared the Ordinance open for discussion. Mr. Bartlett made a motion to accept the ordinance. Mrs. Relyea seconded the motion. With a roll call vote of eight ayes, 0 nays, motion carried.

Mr. Betz made a motion to waive the rules and read the NAEC ordinance, title only. Tom Paul seconded the motion. With a roll call vote of eight ayes, 0 nays, motion carried. Mrs. Rogers then asked Mrs. Maynard to read the second reading, title only, of **An ordinance granting to North Arkansas Electric Coop its successors and assigns, the exclusive right, privilege and authority to sell, furnish and distribute electric power and energy and erect, maintain, extend and operate a system for the distribution, transmission, furnishing or sale of electric power and energy to the City of Cherokee Village, Fulton County, Arkansas, within the utility's allocated service territory, and the inhabitants and all other consumers thereof, and to use the streets, alleys, bridges and other public grounds of the City in connection therewith; fixing the terms thereof, and for other purposes.** Mayor Rogers declared the Ordinance open for discussion. Mrs. Relyea made a motion to accept the ordinance. Mr. Torbit seconded the motion. With a roll call vote of eight ayes, 0 nays, motion carried.

Tom Paul stated for the public that we do have the power to rescind or amend these ordinances if they don't do what we want them to do.

Mr. Steve Martin, seven year resident, from the audience, said he is protesting these franchise fees as discriminating, saying we aren't charging the trash, cable and water companies. Mayor Rogers asked Mr. Torbit to respond. Mr. Torbit replied that we will be losing the COPS grant at the end of this year. Every city in the state has these fees, except us. We will only collect 4.25% on the whole electric bills, and 4.25% on the basic telephone bill. We are the only city in the area with 24/7 police coverage. We assumed, in the White Paper and when first incorporated, that we would have three years to save up money for a police department, but S.I.D. asked to take over security after only six months, saying that per their charter, their attorney said they didn't have to provide security after we incorporated. We can't

control the turnback – it has been going down every year. This is the only way we thought we could keep the city going as it is. Mr. Martin said he had listened to the arguments, and will consider them.

Mr. Betz asked if Mr. Garner was still working on the animal control ordinance amendment. Yes, he is.

NEW BUSINESS:

Tom Paul has gotten permission to put Cherokee Village banners, to show our city limits, on power poles next to the four-lane hiway. He then asked about the "phantom property" on the highway that Highland claims as theirs. We say it's ours. Mr. Garner has written to Kevin King about it. Mr. King says those properties haven't been paying SID fees. Mrs. Lauer said that Planning & Zoning had found that the Wee Care Daycare Center has been paying SID fees. Mr. Garner recommended that the Council set up a committee through Planning & Zoning to settle this issue. Planning & Zoning and Mr. Garner are already working on this. Mr. Garner has met with Mr. Daggett and S.I.D. Highland does not include this area in their boundary map. We have an ordinance accepting all S.I.D. property into our city limits. Willie Oyler has stamped this description. Highland wasn't in existence at that time. Ash Flat used hiway easements to connect the area (an island) it just annexed. That annexation was unopposed, though.

Mr. Garner reported that he has been talking with residents of several of the other islands regarding annexation into our city limits. He thinks we have some pretty good arguments in favor of this. As each island has it's own set of circumstances, we will probably annex them one at a time. Mr. Betz suggested setting up a committee to keep things straight, and Mr. Garner agreed.

Tom Paul read the following from a handout regarding code enforcement: "(a) If the owner of any lot or other real property within an incorporated town or city shall neglect or refuse to remove, abate or eliminate any condition as may be provided for under an ordinance passed by the city or town as provided for in § 14-54-901, after having been given seven (7) days' notice in writing to do so, then the town or city is authorized to do whatever is necessary to correct the condition and to charge the cost thereof to the owner of the lots or other real property." He then asked why we still have the Pioneer Auction junkyard. Mr. Garner explained Judge King made a split ruling. He ruled that the business was an existing business – the auction and car sales preceded incorporation. He said we need to make an agreement regarding how close to road, etc. Mr. Swetnam said the cars are there for one of following three reasons: (1) salvaged cars for resale; (2) donor cars from which to strip parts; or (3) wrecked cars stored for Village Service or various insurance companies. Planning & Zoning has agreed to delay action for thirty days. An agreement as to where cars should be parked has been reached, and he is abiding by it. . Planning & Zoning will present the agreement to the Council when it has been finished. Mr. Paul recommended we go ahead and take it to circuit court if need be. Mr. Garner said he has talked with the county health department and EPA, and they say, unless he's dumping oil or gas on the ground, they are not interested in the case. Mr. Betz feels Planning & Zoning and Mr. Garner are doing the best job possible, and now that he has seen the dates, etc., he can see why things have to go the way they are. Mr. Bartlett said that Mr. Swetnam has been agreeable to everything we have wanted so far. He had the used car permit before we became a city. Mr. Garner said he presented our side as well as he could, but they did show proof. Mr. Swetnam does not subscribe to any internet "hotline", etc. Judge King gave us some leeway as to where things could be parked. They presented pictures, etc. of Sharp County Road Dept. yard which is next door to them. They said we should get after the County also, which we have done. Mrs. Hrezo, from the audience, said that Mr. Daggett owns the land and leases it to Pioneer Auction. Mr. Swetnam was selling cars at "Jenny's Place", but they went into bankruptcy, so he moved the business back to this area. The Mayor suggested that all Council members attend District Court

sessions at 9:00 AM on the second and fourth Thursdays, to see that the judge doesn't always find in our favor but sometimes says "no".

Mrs. Rogers told about our new newsletter written by Jim Linville. He would like everyone's help in getting information out that we need.

Mrs. Maynard announced she would be attending the Municipal League's workshop on GASB 34. She also explained handouts given to council members recently.

ANNOUNCEMENTS:

Wednesday, March 6, 1:00 PM; Planning & Zoning meeting, City Hall
Monday, March 11, 6:00 PM; Sharp Co. Quorum Court meeting, Ash Flat Courthouse
Monday, March 11, 7:00 PM; Fulton Co. Quorum Court, Salem Courthouse
Tuesday, March 12, 6:30 PM; Municipal Planning & Development, City Hall
Wednesday, March 13, 2:00 PM; CVWW meeting, Omaha Center
Thursday, March 14, 9:00 AM; District Court, Plea Day, City Hall
Thursday, March 14, Noon; CVBA Luncheon, Loujo's Deli
Monday, March 18, 2:00 PM; City Council Meeting
Thursday, March 28, 9:00 AM; District Court, Trial Day, City Hall
Thursday, March 28, 10:30 AM; SID Meeting, Omaha Center
Monday, April 1, 2:00 PM; City Council Meeting
Saturday, April 6; City-wide Cleanup. Will pick up some items on Friday. Three tip-offs will be provided: one each at City Hall parking lot, King Rhodes parking lot and Onaga Fire Station. We should ask that our chipper be at one location.

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 3:55 PM.

DATE: March 18, 2002

APPROVED: Marjorie A. Rogers
Marjorie Rogers, Mayor

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