

**CITY OF CHEROKEE VILLAGE, ARKANSAS**

**City Council Minutes**

**February 3, 2003**

The semi-monthly meeting was called to order at 2:00 PM Monday, February 3, 2003 by Mayor Pro-Tem Russ Stokes. The meeting was held at City Hall. The Pledge of Allegiance was recited, and a moment of silence observed for the astronauts of the Space Shuttle Columbia.

**ROLL CALL:**

Answer Roll Call: Chuck Bartlett, Jim Fenton, Scott Paul, Wally Schultz, Ray Torbit, Tom Thompson and Jim West

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

Absent: Mayor Ray Maynard

**MINUTES:** Mrs. Maynard read the January 20, 2003 minutes. Motion to approve the minutes as read was made by Mr. Torbit and seconded by Mr. Fenton. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

**CORRESPONDENCE:** We have received a letter from "Keep Arkansas Beautiful". They have selected two of Marty Betz' projects as finalists – one of three finalists in the Recycling/Not-for-Profit Category; and one of three finalists in the Litter Prevention/Not-for-Profit Category.

Mr. Stokes has acquired several new U.S Flags at a reduced price, and has replaced Mr. Torbit's on the flagpole. He has also ordered a new city flag to fly beneath the U.S. Flag.

Mr. Stokes reported his committee has reviewed the city's personnel handbook, and it is in the process of being rewritten. It will be ready for review by the next meeting.

Bill Racette, Chairman of Homeland Security, and the Mayor are soliciting bids for the weather transmitter and radios. The tower is located near Agnos, and the system should be operational within nine months. Our 12-½ % will be approximately \$5,169. The transmitter will be transferred to the National Weather Service so we will not be responsible for maintenance.

**UNFINISHED BUSINESS:**

36 Acres: Mr. Garner reported he has had the deed for one month. There was a question of an excess of \$5,000 in taxes owed on one of the parcels used to make up the 36 acres. Kathy Nix has researched this and found there are no delinquent taxes. The title company is working to get a title policy and receipts for the taxes paid. Mr. Bartlett asked that Mr. Garner work up the date when Daggett Development will be paid up on the rental.

S.I.D. Assessment Fees, Sharp County portion: Mr. Garner wasn't sure what this was regarding and went on to explain about the Fulton County share, on which we now have the first lien.

Interest Rates: Councilmen reviewed letters from Union Planters Bank and First National Bank. First National was supposed to get with us for a better deal than was previously faxed. Union Planters would also provide free checking and first order of checks for all our employees. Motion to postpone further discussion until the February 17 meeting was made by Mr. Fenton and seconded by Mr. Torbit. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

Meetings: Mr. West presented a resolution draft to change the meeting dates. Mr. West explained the resolution. Motion to postpone further discussion until the February 17 meeting was made by Mr. Bartlett and seconded by Mr. Schultz. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

Cherokee Village Historical Society: Mr. Schultz reported they met on January 24 to discuss criteria concerning officers, name, purpose, by-laws, committees, etc. They are now receipting and logging information. The next regular meeting will be the third Friday of the month at 1:00 PM at City Hall.

Papoose Park Sign: Anyone interested in being responsible for the sign is to contact Vicky or Susan.

Committees: Motion to ratify the city committees and members thereof was made by Mr. Fenton and seconded by Mr. Thompson. Mr. Bartlett suggested thinking about an advisory only Police Committee separate from Homeland Security. Mr. Schultz explained that this list doesn't limit the number of committees nor is it set in concrete. The Clerk/Treasurer called the roll: Chuck Bartlett, no; Jim Fenton, yes; Scott Paul, yes; Wally Schultz, yes; Tom Thompson, yes; Ray Torbit, no; and Jim West, yes. Motion carried.

Attorney's Opinion: Mr. Torbit had previously asked for Mr. Garner's opinion of Mr.'s Thompson and West's votes appointing them to the Planning & Zoning Commission. Mr. Garner wrote back that he had reviewed information on appointments, and that they didn't have to abstain. Mr. Garner charged approximately \$100 for this. It will come out of the General Fund.

Planning & Zoning Building Inspector: Mr. Thompson said they are still entertaining applications which they will review at their meeting tomorrow. They will make a recommendation of two or three, of which the Mayor will choose one.

Mr. Bartlett asked that we continue the idea of annexing the "islands" within the City. According to 14-40-501 of the Arkansas State Code, we first need a legal description, then an ordinance, then a public hearing, and finally a council meeting at which the ordinance is passed. Motion to continue the procedure to annex all of the islands in the City of Cherokee Village was made by Mr. Bartlett and seconded by Mr. Schultz. Mr. Garner and Dewey Dark had been working on this project, and Mr. Garner said it should be all ready to go, except for the island on Hwy. 62/412. They can go forward when the Council is ready. Mr. Bartlett said this only makes good sense as it would bring all city services into these areas. Residents of some of the islands weren't allowed to vote at the last election. The Municipal League has urged that every City do this. Mr. Torbit stated there was nothing to stop a pig farm or adult club from going into these

areas. Motion to amend this motion to defer action on this issue to the Planning & Zoning Commission was made by Mr. West and seconded by Mr. Fenton. The Clerk/Treasurer called the roll: Chuck Bartlett, no; Jim Fenton, yes; Scott Paul, yes; Wally Schultz, no; Tom Thompson, no; Ray Torbit, no; and Jim West, yes. Motion to amend failed. The Clerk/Treasurer called the roll for the original motion: Chuck Bartlett, yes; Jim Fenton, yes; Scott Paul, yes; Wally Schultz, yes; Tom Thompson, yes; Ray Torbit, yes; and Jim West, no. Motion carried. It was suggested that the Mayor appoint someone to work with Mr. Garner.

It was asked that the CenturyTel franchise fee business be put on the February 17 agenda.

#### **NEW BUSINESS:**

Resolution for Section 218 Agreement: Mr. Stokes read **A resolution to request authorization of referendum**. Motion to accept the resolution as read was made by Mr. Schultz and seconded by Mr. Thompson. Mrs. Maynard said she has been working on this for almost a year. She attended a Federal Wage & Hour seminar in which she learned every city should have a Section 218 Agreement which basically asks if employees covered by another retirement plan, such as LOPFI, want to be covered by Social Security also. Mr. Schultz went on to further explain the need for such a program. With a roll call vote of seven ayes, 0 nays motion carried.

Resolution for Citizen Participation at Public Meetings: Mrs. Maynard read **A resolution for citizen participation at public meetings**. Mr. Fenton explained that this type of rule had worked in other areas of the country, and had been beneficial to other councils. We need this to have a proper way to conduct our meetings, and to make the business meetings run more smoothly and effectively. Mr. Stokes also said he had similar circumstances, and highly endorses it. Many negative comments were heard from the audience. Motion that issue be deferred to the next meeting was made by Mr. Bartlett and seconded by Mr. Torbit. With a voice vote of seven ayes, 0 nays motion carried.

FEMA Ice Storm Cleanup: Mr. Stokes reported that the work is on going in the City. It started in the Santa Fe addition and is now around Lake Thunderbird and the South Entrance. Please continue to put limbs out by the road. Call City Hall if the truck has already gone by so they will come back and pick up the balance of the debris. There will be an initial expense for part-time help, for which we will be reimbursed by FEMA. Volunteer help which was given during the first few days after the storm will go towards "in kind" work. We can collect up to \$53,000 and have six months to do the cleanup.

Guardrail for back walls: Mrs. Maynard explained that a child had been walking the wall and had fallen off the wall. She asked Mr. Garner if we had any liability in such instances. He didn't think we did, but suggested that since she was going to the Municipal League for a meeting, that she asks them.

Mr. Torbit asked why the locks had been changed. Mr. Stokes suggested he ask the Mayor himself.

Jack Stroup from the audience asked the Council to consider that the "36 Acres" be kept available for in-coming business, and ask S.I.D. for land near Hiway 289 to use for the Street Dept., Animal Control and a police firing range.

Chief Goodwin made a presentation to the Council in which he explained a program where we could buy a new, fully equipped police car for \$1.00 per vehicle. These cars have advertising on them, but would also include our same decals. The Government makes the sponsor contacts, and we would have final say on the content of advertising which goes on the vehicle. Caddo Valley now has one. The company will give a press release, and they want a list of the Chamber of Commerce members which they can use to make contacts. They will also make up a web page where prospective sponsors can see our present cars and review our department. We have been initially accepted into the program. We now have three vehicles with over 100,000 miles on them. Motion for the Council to support whatever means the Chief needs to look into this acquisition of police cars was made by Mr. Schultz and seconded by Mr. West. With a voice vote of seven ayes, 0 nays motion carried. The Chief will make a report at the next meeting.

Motion that the Council, through whatever means possible, look into the possibility of obtaining land for the City relating to projects, maintenance and utility buildings as needed other than the "36 Acres" was made by Mr. Schultz and seconded by Mr. West. Motion to amend the motion to say the Mayor pursues this exchange of property with S.I.D. was made by Mr. Schultz and seconded by Mr. West. With a voice vote of seven ayes, 0 nays, amendment passed. Mr. Stokes asked for a vote on the amended motion. With a voice vote of seven ayes, 0 nays, amendment passed.

#### **ANNOUNCEMENTS:**

Tuesday, February 4, 1:00 PM; Planning & Zoning meeting, City Hall  
Monday, February 10, 6:00 PM; Sharp Co. Quorum Court, Ash Flat Courthouse  
Monday, February 10, 7:00 PM; Fulton Co. Quorum Court, Salem Courthouse  
Tuesday, February 11, 2:00 PM; HPOA, Omaha Center  
Tuesday, February 11, 6:30 PM; Municipal Development meeting, City Hall  
Thursday, February 13, 9:00 AM; District Court Plea Day, City Hall  
Thursday, February 13, Noon; CVBA, Loujo's Deli  
Monday February 17; Presidents' Day; OFFICE CLOSED  
Monday, February 17, 2:00 PM; Council Meeting, City Hall  
Wednesday, February 19, Noon; Chamber of Commerce lunch, Fountain Place  
Thursday, February 27, 9:00 AM; District Court Trial Day, City Hall

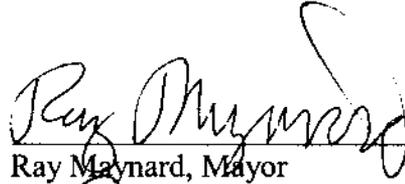
Senior Citizen's Center open every Monday and Wednesday, 11 – 3,  
unless otherwise noted; lunch at 11:30 AM, Thunderbird Center.  
Re-cycling, every Tuesday 9 – 12, weather permitting, City Hall parking lot.

**ADJOURNMENT:**

Motioned to adjourn was made by Mr. Thompson and seconded by Mr. Fenton. With a voice vote of seven ayes, 0 nays, motion carried unanimously. Meeting adjourned at 3:45 PM.

DATE: February 17, 2003

APPROVED:

  
Ray Maynard, Mayor

ATTEST:

  
Susan E. Maynard, Clerk/Treasurer