

CITY OF CHEROKEE VILLAGE, ARKANSAS

City Council Minutes

July 10, 2003

The monthly meeting was called to order at 6:00 PM Thursday, July 10, 2003 by Mayor Ray Maynard. The meeting was held at City Hall. The Pledge of Allegiance was recited.

ROLL CALL:

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

Also Present: Ray Maynard, Mayor, Susan Maynard, City Clerk/Treasurer

Absent: Tom Garner, City Attorney

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

TREASURER'S REPORT: Mrs. Maynard presented the financial statements and answered several questions. Mrs. Maynard noted that the \$353.91 for furniture and fixtures was for ½ of the cost of the frames for the maps installed on the outside wall of the City Hall. Village Pride paid the rest of the cost. Also, the June check for the 13% from S.I.D. for the Street Dept. was in excess of \$22,000 and we just received the July check for over \$43,000 for a YTD total of \$98,141.38. She reported that the State will be taking over the L.O.P.F.I. account and she believes the City will no longer be getting the interest on this account. Mrs. Maynard answered several questions. Motion to accept the report as presented was made by Mr. Thompson and seconded by Mr. Fenton. With a voice vote of eight ayes, 0 nays, motion carried unanimously. Statements will be filed for audit.

CORRESPONDENCE: Mrs. Maynard read letters from:

- City of Highland thanking Bill Racette and the City for obtaining the grant for installing the weather tower in Viola and the distribution of the radios.
- Paul Suskie, City Attorney, No. Little Rock, offering his assistance. Mrs. Maynard met and visited with Mr. Suskie at the Municipal League Meeting in Little Rock.
- Camille Cain, Acting Director, Bureau of Justice Assistance, announcing that the City's application for the 2003 Bulletproof Vest Partnership Grant Program had been approved in the amount of \$1380.80 (the maximum federal funds available). These funds may be used to pay up to 50% of the cost of approved vest purchases.

POLICE: Mayor Maynard remarked that a copy of the PD report was attached to the agenda packet and asked if anyone had any comments. He commented on the recent break-in at the Post Office and commended the police on their action and apprehension of the person responsible for the break-in. He also recognized Chief Goodwin for his efforts in getting all of the free computer equipment from the Federal Excess Property Program.

STREETS: Mayor Maynard gave a report on the Street Department. He noted that they have been busy patching potholes, installing culverts, mowing street easements, cleaning ditches,

installing driveway approaches, replacing street signs, repairing equipment and working on the area where the new City Maintenance Shop will be located.

ENVIRONMENTAL: Mayor Maynard announced that our recycling program is in financial problems. He noted that there are only enough funds to pay wages for another one and half months. Unless we come up with a way to fund this program it will have to be shut down.

HOME LAND SECURITY: Bill Racette thanked Mayor Maynard for all of his hard work on the weather radios. He reported that because of Mayor Maynard's efforts to obtain equipment and services we came in \$9,828.11 under budget. Mr. Racette also reported that we have a grant for FY03 of fire equipment and that we have received the support of surrounding counties and city officials. Fire Chief Mike Taylor will be attending a three-day Citizens Emergency Response Team (CERT) class in West Memphis to become certified and will then be able to teach others.

MUNICIPAL PLANNING AND DEVELOPMENT: Mr. Fenton reported that the committee is looking at strategic and long range planning and hopefully will have a plan to report at the next Council Meeting. He also reported that the rack cards should be ordered soon.

PLANNING & ZONING: Tom Thompson reported that the program the Building Inspector has worked out with I.E.S.I seems to be working to reduce number of roofing dumps. He reported that the City is working on a procedure with the Health Department and Willie Oyler where the City will be in control of the inspection of new and replacement septic systems. Also, at the last Council Meeting Planning & Zoning was asked to look at putting into place a noise ordinance for the City. At the regular P&Z monthly meeting on July 7th, it was decided by the Committee that since this subject is covered in the Bills of Assurance and there are State statutes allowing for citations to be issued for excessive noise that an ordinance wasn't necessary.

Mayor Maynard commended Jim Mayhall for all of the volunteer hours he puts in on the maintenance at the City Hall.

Mayor Maynard reported that due to the fact that Cities cannot make contributions to private organizations, the request from the Sharp County Fire Association to assist with the purchase of a monument for fallen firefighters and EMTs could not be granted.

OLD BUSINESS:

Mayor Maynard stated that due to the length of the amendment to Ordinance 99-2 and since it had already been read twice he would entertain a motion to dispense with the full reading and read title only. Mr. West made a motion to read only the title. Mr. Thompson seconded. With a voice vote of eight ayes, 0 nays, motion carried.

Ordinance to amend Zoning Code Ordinance 99-2: Mayor Maynard asked Mrs. Maynard to read, title only, the third reading of an **Ordinance to amend Ordinance 99-2: An Ordinance Approving and Adopting That Certain Zoning Documents and Technical Codes Known as The Cherokee Village Zoning Code, Establishing Permit Fees and Penalties for Violation Thereof and For Other Purposes.** Mayor Maynard declared the ordinance open for discussion. Mr. Stokes made motion to accept the Ordinance. Mr. Schultz seconded the motion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll:

Chuck Bartlett, yes; Jim Fenton, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Jim West, yes. With a roll call vote of eight ayes, 0 nays, motion carried. The Ordinance will be 2003-07.

Ordinance to amend Technical Code Ordinance 99-3: Mayor Maynard asked Mrs. Maynard to read the third reading of **an Ordinance to amend Ordinance No. 99-3: An Ordinance to Adopt Various Technical Codes Relating to Inspection and Enforcement of Building Provisions as Provided in Said Codes Within Cherokee Village, Fulton and Sharp Counties, Arkansas.** Mayor Maynard declared the ordinance open for discussion. Mr. Torbit made a motion to accept the Ordinance. Mr. Thompson seconded the motion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll:

Chuck Bartlett, yes; Jim Fenton, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Jim West, yes. With a roll call vote of eight ayes, 0 nays, motion carried. Ordinance will be 2003-08.

Ordinance to amend Ordinance 98-5 Creating a City Planning & Zoning Commission: Mayor Maynard asked Mrs. Maynard to read the third reading of **Ordinance to amend Ordinance 98-5: An Ordinance Creating a City Planning & Zoning Commission in Accordance With the Arkansas State Law Within Cherokee Village, Fulton and Sharp Counties, Arkansas.** Mayor Maynard declared the ordinance open for discussion. Mr. Torbit made a motion to accept the Ordinance. Mr. Fenton seconded the motion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll:

Chuck Bartlett, no; Jim Fenton, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, abstain; Tom Thompson, yes; Ray Torbit, yes; and Jim West, yes. With a roll call vote of six ayes, 1 abstain, 1 nay, motion carried. Ordinance will be 2003-09.

Mayor Maynard noted that in the agenda packet are the two bids we received for the **City Maintenance Building**. The Mayor reviewed the bids and discussed the differences. A motion was made by Mr. Schultz to accept the bid in the amount of \$166,250.00 from Capitol Construction, which included the additional four bays. Mr. Stokes seconded. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll:

Chuck Bartlett, yes; Jim Fenton, yes; Scott Paul, no; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Jim West, yes. With a roll call vote of seven ayes, 1 nay, motion carried.

Mayor Maynard asked if there was any other unfinished business.

Mr. Torbit wanted to get clarification on the status of the traffic signal at the south entrance. Mayor Maynard stated the last he heard is that we are about 12 months away from it being installed. Negotiations are with the State Highway Department and Mr. Daggett.

Mr. Torbit asked if there had been any resolution on the property where Wee Care Day Care and Ultima Computer are located as to whether it is in Highland or Cherokee Village. Mayor Maynard stated it appears that according to the certified Cherokee Village City map they are located within the Village but we could not be sure without a survey. The Mayor stated he would get an estimate on the cost of a survey.

NEW BUSINESS:

Mr. Torbit read from the Guidebook for Municipal Officials of Mayor-Council Cities regarding the need to put City identification on the City road equipment. Mr. Torbit presented a draft resolution to the Council to ID the road equipment. Mr. Schultz made a motion to submit the resolution to the City Clerk. Mr. Torbit seconded. Mayor Maynard called for a voice vote. With a vote of 3 ayes, 5 nays, motion failed. Mr. Thompson made a motion for the City Council to instruct the Street Department to have City identification put on the road equipment by the next City Council Meeting. Mr. Schultz seconded. With a voice vote of eight ayes and 0 nays motion carried.

Mr. Torbit noted that the franchise fee for Charter Cable shows on the back of his monthly statement that the fees are designated for cities and counties. Currently, the franchise fees are paid to the developer. Mr. Torbit has questioned Charter Cable regarding this issue and was told their contract was with the developer and was to extend for 15 years. On September 12, 2002 Mr. Torbit requested from Charter Cable a copy of the contract and asked when it would expire – he has not received a response. Mr. Torbit made a motion for the City Attorney to contact Charter Cable to try and get a copy of the contract with the developer and for the City to pursue getting the franchise contract. Mr. Schultz seconded. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll:

Chuck Bartlett, yes; Jim Fenton, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Jim West, yes.

With a roll call vote of eight ayes, 0 nays, motion carried.

PUBLIC COMMENTS:

James Fenton addressed the audience regarding the goal to make a positive movement forward through a joint effort of the City and S.I.D. He has attended several different meetings recently and has found that there is a lot of misinformation being communicated. He would like to see the City, S.I.D., and HPOA (and other organization, i.e., Water Assoc., Fire Dept., etc.) have a joint meeting where residents can ask questions so that the answers can come from the organization responsible for the subject.

Barbara Blough thanked the CVBA for having the new lights installed in the Town Center. Also, Scott Paul commented that, with the exception of the City parking lot, the CVBA is paying for the resurfacing of the Town Center parking lots.

ANNOUNCEMENTS:

Wednesday, July 16, Noon; Chamber meeting, Hong Kong Restaurant
Thursday, July 17, 4:00 PM; Municipal Planning & Development, City Hall
Thursday, July 24, 9:00 AM; District Court Trial Day, City Hall
Thursday, July 24, 6:00 PM; Town Hall Meeting, Trash Pick-Up & Recycling discussion,
City Hall
Monday, August 4, 1:00 PM; Planning & Zoning Meeting, City Hall
Wednesday, August 6, 9:00 AM; Animal Control Committee meeting, City Hall
Wednesday, August 6, 3:00 PM; CV Road Committee meeting, City Hall
Thursday, August 7, 4:00 PM; Municipal Planning & Development, City Hall
Monday, August 11, 6:00 PM; Sharp Co. Quorum Court, Ash Flat Courthouse
Monday, August 11, 7:00 PM; Sharp Co. Regional Airport meeting, Airport
Monday, August 11, 7:00 PM; Fulton Co. Quorum Court, Salem Courthouse
Tuesday, August 12, 2:00 PM; HPOA, Omaha Center
Thursday, August 14, 9:00 AM; District Court Plea Day, City Hall
Thursday, August 14, Noon; CVBA Luncheon, Loujo's Deli
Thursday, August 14, 6:00 PM; City Council Meeting, City Hall

Thursday, August 14, 6:00 PM; Band concert & ice cream social, Center Stage

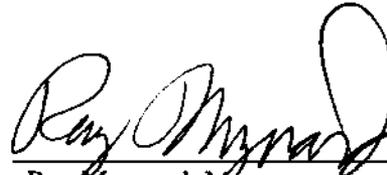
Senior Citizens Center open, every Monday and Wednesday, 11 – 3,
unless otherwise noted; lunch at 11:30 AM, T-bird Center
Re-cycling open every Tuesday 9:00 – Noon, weather permitting, City Hall Parking Lot

ADJOURNMENT:

Motioned to adjourn was made by Mr. Thompson and seconded by Mr. Bartlett. With a voice vote of eight ayes, 0 nays, motion carried unanimously. Meeting adjourned at 7:25 PM.

DATE: August 14, 2003

APPROVED:



Ray Maynard, Mayor

ATTEST:



Susan E. Maynard, Clerk/Treasurer