

CITY OF CHEROKEE VILLAGE, ARKANSAS

City Council Minutes

June 12, 2003

The monthly meeting was called to order at 6:00 PM Thursday, June 12, 2003 by Mayor Ray Maynard. The meeting was held at City Hall. The Pledge of Allegiance was recited.

ROLL CALL:

Answer Roll Call: Jim Fenton, Wally Schultz, Russ Stokes, Tom Thompson and Ray Torbit
Also Present: Ray Maynard, Mayor, Susan Maynard, City Clerk/Treasurer

Absent: Charles Bartlett, Jim West, Scott Paul, and Tom Garner, City Attorney

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

TREASURER'S REPORT: Mrs. Maynard presented the financial statements and answered several questions. Mayor Maynard noted that (yesterday) we had received a \$22,000 check from S.I.D. for the Street Dept. for the month of May. This is larger than normal and is due mostly to the fact that people have been redeeming their lots as a result of the SID foreclosures. Motion to accept the report as presented was made by Mr. Stokes and seconded by Mr. Thompson. With a voice vote of five ayes, 0 nays, motion carried unanimously. Statements will be filed for audit.

CORRESPONDENCE: Mrs. Maynard read letters from:

- Ms. Bennett thanking the Street Department for repair work that has been done on her street and driveway entrance.
- Senator Blanche Lincoln congratulation the City on its Keep Arkansas Beautiful Award
- MADD thanking the City for their support and donation for six PBT's for the Cherokee Village Police Department. Mr. Torbit clarified that the City purchased the PBT's from MADD vs. making a donation. The City was also given a Certificate of Appreciation.
- Senator Steve Farris to Chief Goodwin supporting his dedication to law enforcement and protection of public safety.
- John Ballard thanking the Street Department for repairing Yurok St.
- Chief Fred Mitchell Jr., Horseshoe Bend Police Department, to Chief Goodwin commending Officer Jeremy Stevens for his assistance in helping to gain control of a suspect resisting arrest and willingness to help fellow officers.
- Sheriff Dale Weaver requesting the City to assist in purchasing a new BAC for Sharp County. This would be of great assistance to Cherokee Village Police Department. Mayor Maynard asked Mr. Schultz to look at the court budget to see if there are funds available for assistance with this request.

POLICE: Mayor Maynard reported on the police activity for the month of May: He reported that four auxiliary officers and five V.I.P.S. participated in the Click it or Ticket Program. During the safety check 331 vehicles were stopped in which approximately 80% of the drivers and passengers were using seat belts. He also noted that Chief Goodwin had procured several items through the Defense Information Systems Agency, including six desktop computer systems, six laptop computers and one color computer projector. The only cost for these items is shipping.

STREETS: Mayor Maynard gave a report on the Street Department. He noted that they have patched several potholes in streets, installed three culverts, trimmed brush on side streets, removed fallen trees, mowed major streets, installed six driveway approaches, replaced 12 street signs, picked up dead animals, and repaired equipment. Also, two new employees have tested and now have their CDL licenses.

The Mayor gave a status update on the new maintenance building. He noted a savings of approximately \$7,000 by using machinery loaned from Clarke Equipment out of Little Rock and Jim Cherry and him doing the work. To-date the City has spent \$5,008.02 on the project. Only one bid was received for construction of the building and it was more than the City was prepared to pay. We will be re-bidding the project with adjustment and also expanding our bid area. Mr. Torbit had submitted a letter asking if P&Z and the Fire Chief would be reviewing the construction plans for the building and if the Sharp County had purchased the property which they occupy and if the City still intends to sell them the 2.5 acres from the 36 acres. Mayor Maynard confirmed that all necessary reviews would be performed once the bid is awarded and we have a set of engineered stamped plans. He is not aware if they have purchased the property on which they are located or if they are still interested in purchasing the 2.5 acres.

Mr. Stokes commended the Street Department on their mowing especially on side street right of ways.

Mr. Torbit reported a bad spot on E. Lakeshore Dr. Mayor Maynard stated that if anyone has street problems to call City Hall and report them to Vicky.

ANIMAL CONTROL: Mayor Maynard reported that we had received 31 animal complaints, 13 were taken to kennel, 10 were taken to Shaw's Veterinary Clinic and three were picked up by the owners. There was discussion on some small equipment purchases and training classes for Animal Control Officers. Animal Control has solicited donations for the purchase of a net gun. Mayor Maynard commented that he would like to see what donations we receive before we allocate money for these items.

ENVIRONMENTAL: Mayor Maynard announced that he has been appointed to serve on the Tri-County Recycling Board. He reported that our recycling program is in financial problems. The committee will be going to Mountain View to look at a long term recycling vendor. Mr. Betz is currently collecting data for entries in the Keep Arkansas Beautiful Awards Program.

HOME LAND SECURITY: Mayor Maynard reported that the NOAA weather radio station is on the air but will not be official for 30 days. 102 weather radios will be distributed to public locations throughout the area.

MUNICIPAL PLANNING AND DEVELOPMENT: Mayor Maynard requested Mrs. Maynard to read **A Resolution authorizing the City of Cherokee Village to apply for a 50/50 matching grant from the Arkansas Department of Parks and Tourism.** Mr. Fenton explained the procedure for applying for grant monies for Parks and Recreations. Mayor Maynard asked for a motion to accept the Resolution. Mr. Stokes made a motion to accept the Resolution. Mr. Thompson seconded. Mr. Schultz discussed the obligation of City to maintain the parks. After much discussion Mayor Maynard asked for a roll call vote. Jim Fenton, yes; Wally Schultz, no; Russ Stokes, yes; Tom Thompson, yes; and Ray Torbit, no. With a roll call vote of three ayes, two nays, motion was denied. **NOTE:** Statue 14-55-203 states that a majority of the members elected (not merely those present) is required for passing. The Mayor could vote to make up the fifth vote.

PLANNING & ZONING: Tom Thompson reported that 1) we have had one problem with septic systems and 2) the Building Inspector has worked out a procedure with I.E.S.I to try and reduce the number of roofing dumps.

ADDITIONAL MUNICIPAL PLANNING AND DEVELOPMENT: Mr. Fenton reported that:

- Rack cards to promote Cherokee Village are being placed in different business locations
- Pat Kraus will be promoting Cherokee Village at the Milwaukee Sports Show
- Welcome Packets – Businesses are being asked to place coupons in the welcome packets. Will have a representative from NAEC at the meeting on Tuesday, June 17th at 4:00 p.m. to look at putting together a promotion plan for the City.

Mr. Torbit asked if Fountain Place had made a presentation requesting funds and did it pass? Mr. Fenton responded that they had made a presentation but the request was denied since the City cannot contribute to private organizations.

OLD BUSINESS:

Mrs. Maynard read the third reading of the **Ordinance to amend Ordinance No. 2000-04: An Ordinance Establishing Permit Fees and Penalties for Violation Thereof and for Other Purposes.** Mayor Maynard asked for a motion to accept the third reading. Mr. Schultz made a motion to accept the third reading of the ordinance. Mr. Stokes seconded the motion. Mayor Maynard declared the ordinance open for discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll:

Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Ray Torbit, yes. With a roll call vote of five ayes, 0 nays, motion carried. Having been read and passed three times this ordinance will be 2003-05.

Ordinance to amend Zoning Code Ordinance 99-2: Mayor Maynard asked Mrs. Maynard to read the second 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. Fenton made motion accept the Ordinance. Mr. Schultz seconded the motion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll:

Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Ray Torbit, yes. With a roll call vote of five ayes, 0 nays, motion carried.

Ordinance to amend Technical Code Ordinance 99-3: Mayor Maynard asked Mrs. Maynard to read the second 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. Schultz seconded the motion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll:

Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Ray Torbit, yes. With a vote of five ayes, 0 nays, motion carried.

Ordinance to amend Ordinance 98-5 Creating a City Planning & Zoning Commission: Mayor Maynard asked Mrs. Maynard to read the second 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. Schultz 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:

Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Ray Torbit, yes. With a vote of 5 ayes, 0 nays, the motion carried.

NEW BUSINESS:

An ordinance providing for retroactive appropriations for the 2002 budget year; and for other purposes: Mayor Maynard asked Mrs. Maynard to read the first of an emergency reading of an **Ordinance providing for retroactive appropriations for the 2002 budget year; and for other purposes.** Mayor Maynard declared the ordinance open for discussion. Mr. Thompson made a motion to accept the Ordinance. Mr. Torbit seconded. The Clerk/Treasurer called the roll:

Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Ray Torbit, yes. With a roll call vote of five ayes, 0 nays, motion carried.

Mr. Fenton made motion to waive the rules and place the Ordinance on its second and third readings, title only. Mr. Schultz seconded the motion. The Clerk/Treasurer called the roll:

Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Ray Torbit, yes. With a roll call vote of five ayes, 0 nays, motion carried.

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

Discussion –

Mr. Fenton made a motion to waive the rules and place the Ordinance on its third and final reading, title only. Mr. Schultz seconded the motion. The Clerk/Treasurer called the roll:

Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Ray Torbit, yes. With a roll call vote of 5 ayes, 0 nays, motion carried.

3rd and Final Reading – Mrs. Maynard read the Ordinance, title only, for the third time.

After discussion – Shall this ordinance pass? The Clerk/Treasurer called the roll:

Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Ray Torbit, yes.

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

It will be **Ordinance 2003-06.**

CHEROKEE VILLAGE HISTORICAL SOCIETY: Dee Tyree with the CV Historical gave an update and made presentations of Certificate of Appreciation awards to Wally Schultz, the City Officials, and Joan Romans for their contributions to the organization. Mayor Maynard also presented Vernon Tyree, President of the CV Historical Society with a Certificate of Appreciation for his dedication and contribution to the organization.

SHARP COUNTY FIRE ASSOCIATION: Doug Wortham with the SCFA made a presentation to the City Council seeking donations to assist with the purchase of a monument for fallen firefighters and EMTs. The monument will be located at the Sharp County Courthouse. The cost of the monument is approximately \$19,300 of which \$6,475 has already been donated. The Association is requesting approximately \$2,000 from each surrounding city. Mr. Schultz made a motion to pursue support. Mr. Torbit seconded. Discussion. With a voice vote of 5 ayes, 0 nays motion carried. Mrs. Maynard will check with the auditor on the legality of donations to support this effort.

Lack of Noise Ordinance: Due to a recent incident of neighbors shooting off fire crackers in the City to honor a deceased family member, Mary Rusky made a request to the City Council to implement a noise ordinance. Mrs. Rusky was told by one of the CVPD Officers that the City did not have a noise ordinance. Mayor Maynard asked Mr. Thompson to have P&Z research.

Hazard Material Equipment: Bill Racette noted that at the May 22nd Town Hall Meeting it was reported that Fulton County had received \$150,000 for HAZMAT equipment and Sharp County had not received any. It would take approximately 1 to 1-1/2 hours for the nearest HAZMAT team to get to Cherokee Village. The Fire Department and Police need to have HAZMAT equipment. Mayor Maynard asked for a motion to have Mr. Racette pursue funding for HAZMAT equipment for Sharp County. Motion to pursue funding was made by Mr. Thompson and seconded by Mr. Stokes. With a voice vote of five ayes, 0 nays, motion carried unanimously

Ms. D'Arcy offered to assist with animal control.

ANNOUNCEMENTS:

Wednesday, June 18, Noon; Chamber meeting, Fountain Place
Wed - Fri, June 18-20; Municipal League Convention
Thursday, June 26, 9:00 AM; District Court Trial Day, City Hall
Thursday, June 26, 6:00 PM; Town Hall Meeting/Grant Public Hearing, & NAEC Spraying, City Hall
Wednesday, July 2, 9:00 AM; Animal Control Committee meeting
Wednesday, July 2, 3:00 PM; CV Road Committee meeting, City Hall
Thursday, July 3, 4:00 PM; Municipal Planning & Development, City Hall
Thursday, July 3, 6:00 PM; Band concert & ice cream social, Center Stage
Saturday, July 5, 7 - 10 PM; CVBA sponsored Street Dance - Center Stage
Monday, July 7, 1:00 PM; Planning & Zoning Meeting, City Hall
Tuesday, July 8, 2:00 PM; HPOA, Omaha Center
Thursday, July 10, 9:00 AM; District Court Plea Day, City Hall
Thursday, July 10, Noon; CVBA Luncheon, Loujo's Deli
Thursday, July 10, 6:00 PM; City Council Meeting, City Hall
Monday, July 14, 6:00 PM; Sharp Co. Quorum Court, Ash Flat Courthouse
Monday, July 14, 7:00 PM; Sharp Co. Regional Airport meeting, Airport
Monday, July 14, 7:00 PM; Fulton Co. Quorum Court, Salem Courthouse
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

Ms. Blough noted the 4th of July Boat Parade and Fire Works Display were not on the announcements.

ADJOURNMENT:

Motioned to adjourn was made by Mr. Thompson and seconded by Mr. Stokes. With a voice vote of five ayes, 0 nays, motion carried unanimously. Meeting adjourned at 8:05 PM.

DATE: July 10, 2003

APPROVED: _____

Ray Maynard, Mayor

ATTEST: _____

Susan E. Maynard, Clerk/Treasurer