

CITY OF CHEROKEE VILLAGE, ARKANSAS
City Council Minutes
May 8, 2003

The monthly meeting was called to order at 6:00 PM Thursday, May 8, 2003 by Mayor Ray Maynard. The meeting was held at City Hall. The Pledge of Allegiance was recited.

ROLL CALL:

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

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

Absent: Ray Torbit, and Tom Garner, City Attorney

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

TREASURER'S REPORT: Mrs. Maynard read over the financial statements and answered several questions. She pointed out that, due to a software problem, S. Chambers' animal control salary and payroll taxes is shown in the Police Department budget and J. Romans' court salary and payroll taxes is shown in Planning & Zoning. The software problem is being corrected. She also noted the 13% SID assessment payment and the fuel payment to SID for the months of March and April and replacement of the small tools that were stolen. Mrs. Maynard noted that we had pad \$13,000 toward the building debt. Motion to accept the report as read was made by Mr. Stokes and seconded by Mr. Schultz. With a voice vote of seven ayes, 0 nays, motion carried unanimously. Statements will be filed for audit.

CORRESPONDENCE: Mrs. Maynard read a letter from Kathryn Widder, Arkansas State Regent, Arkansas Society Daughters of the American Colonists, to the Chapter Regents stating that a historical trail marker would be place on an old Indian Trail going through the Property of Jane Sandefur in Cherokee Village. The Marker, which is one of only 15 in the United States, was funded by contributions made at the Arkansas State Assembly in Ms. Widder's honor.

Mrs. Maynard read a letter from the University of Arkansas Criminal Justice Institute congratulating Cherokee Village Police Chief Scott Goodwin on being selected to attend Session XII of Arkansas Leader in June 2003. Chief is one of twenty-five law enforcement executives from the State selected to attend this session.

Mrs. Maynard read a note from Ron Boulding thanking the Cherokee Village Police Department for patrolling his house on Otter Drive while he was out of town.

POLICE: Chief Goodwin reported on the police activity for the month of April: Total hours worked 900.76, includes full-time, part-time, auxiliary, and VIPS. 50 citations were issued. He

reported that the persons responsible for vandalizing the golf course had been caught. He also reported that Monte Lane had graduated from officers training and was back on the job and the department is at full staff again.

STREETS: Mayor Maynard gave a report on the Street Department. He noted that they had replaced 11 street signs. Again, he appealed to those present to help to stop this vandalism by reporting any destruction they might see since this is a direct cost to the City. The department has made 300 tons of cold mix and is patching streets. Also, they have been busy cleaning bridges, ditches, and trimming brush from the storms and high water and are working on the 36-acre site for the new street maintenance shop.

ANIMAL CONTROL: Glen Galloway, Chairman Animal Control Committee, reported that during the month of April 28 animals had been taken to the kennel; 12 of those were picked up by the owner, HEART took four and 12 were euthanized. Mr. Galloway presented material to the Council regarding education for Animal Control Officers and a list of items (costing approximately \$4,572) needed for the operation of the department.

ENVIRONMENTAL: Mayor Maynard announced that Governor Mike Huckabee had presented Marty Betz with the Crystal Award and a check for \$500 for the Not-for-Profit Waste Reduction and Recycling Category at the Keep Arkansas Beautiful Statewide Awards Luncheon on April 30, in Little Rock. Marty submitted two entries to the Keep Arkansas Beautiful Commission and both were selected as finalists. Cherokee Village was the only City that was a finalist in two categories. Marty stated that the award was to the City and could not have been accomplished except for the effort of the many Cherokee Village residents who donated their time on this project. Marty solicited everyone's help asking them to report any dumping or littering violators they might see.

The Mayor again reminded everyone that mosquito season is here and we need to be aware of the West Nile Virus and eliminate those things, such as standing water, old tires, etc., that might harbor mosquitoes.

HOME LAND SECURITY: Bill Racette and Oral Henderson reported on the committee meeting in March. Racette reported that expenses were incurred in the amount of \$4,916.17 and \$4,642 was refunded, the remainder will be refunded with submission of expense reports. Final map approval from FEMA is expected around June 15. He reported to the P&Z Commission at their meeting on Monday, May 5th, that certain issues are required by the City:

- 1) Must identify existing houses in flood plain zone and notify owners that insurance rates will be at the normal rate if purchased within a specific time period. If not purchased within the identified time period the insurance cost will be at the flood plain rate.
- 2) New homes – must tell owner that we believe they are in the flood plain and would need to have the lot surveyed. If the survey shows they are in the flood plain then the insurance cost would be at the higher flood plain rate.

Bill and Oral felt this should be a function of Planning & Zoning since they are responsible for the building permits. Also, they felt the Building Inspector should become familiar with these requirements and suggest he attend the next flood plain meeting scheduled in October.

They are currently working on forming a "citizens' alert group" and received a grant of \$5,100 on May 7, 2003 for this effort. There is a G15 workshop which requires 40 hours of training in first aid and emergency response. Schultz asked if the city paid or if grant money was used. Racette reported that the Flood Plain Committee had a \$1,000 budget and that grant money is used for training.

MUNICIPAL PLANNING AND DEVELOPMENT: James Fenton reported that the Municipal Planning and Development Committee is working on the promotion of the Village and municipal development. They are scheduled to meet on May 22, 2003 and will have more to report at the next council meeting.

PLANNING & ZONING: Tom Thompson reported that we had the burned-out house at 41 Monongahela in court and the judge has given them until June 1, to have the clean up completed or a \$10 per day charge until clean up is completed will be imposed. Three citations for other violations have been issued.

Mayor Maynard reported that S.I.D. would be updating the playground equipment in Papoose Park.

OLD BUSINESS:

Mrs. Maynard read the third reading of the **Ordinance to amend the Ordinance No. 2000-03: An Ordinance Prescribing and Establishing A Permit and Code to do Business Within The City of Cherokee Village, Arkansas; to levy an annual occupation fee for the carrying on of certain business, trades, occupations, industries, vocations and professions within the City of Cherokee Village, Arkansas; establishing the time when such fee shall be paid, collection and enforcement thereof; provide supervision and regulation for the welfare and future development of the business community of the City of Cherokee Village, Arkansas, and for other purposes.** Mayor Maynard asked for a motion to accept the Ordinance. Mr. Thompson made a motion to accept the ordinance. Mr. West seconded. Mayor Maynard declared the ordinance open for discussion. Shall this Ordinance pass?

The Clerk/Treasurer called the roll:

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

Having been read three times this Ordinance is declared passed. The Ordinance will be number 2003-04.

Mrs. Maynard read the second 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 second reading. Mr. Thompson made a motion to accept the second reading of the ordinance. Mr. Schultz 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:

Chuck Bartlett, yes; Jim Fenton, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Jim West, yes. With a roll call vote of seven ayes, 0 nays, motion carried.

Mrs. Maynard reported on the project to remove the IGA sign from the sidewalk in front of the City Hall and replace with the City logo. Mr. Mayhall has researched and found that, for minimal costs, we can purchase an epoxy that will cover the lettering and can paint and stencil the Cherokee Village Logo over the epoxy. Mayor Maynard asked for a motion to proceed with the project. Mr. Schultz made a motion to proceed. Mr. Fenton seconded. Mayor Maynard declared the motion open for discussion. With a voice vote of seven ayes, 0 nays, the motion carried.

Mayor Maynard announced that if anyone has a mosquito problem to call the City Hall. He also stated that he is working with CenturyTel on the franchise fees and has office staff verifying the phone numbers.

Mrs. Maynard reported that the Cash Management Trust (CMT) funds as of today was paying .85% interest and that for accounts with a balance over \$100,000 FNB has an interest bearing checking account which pays 1.25%. Since we already have an account with FNB we are checking to see if we can just transfer those funds into that account.

Mayor Maynard reported highlights of the April 24th Town Hall meeting:

- Daggett will be cleaning up by the old Copper Feather
- Discussed beach for boats at Thunderbird Marina
- Dock at Thunderbird Center

Mrs. Maynard reported on the maintenance of the City Hall. Jim Mayhall works approximately 15-25 hours (volunteer) a month doing maintenance on the building and parking lot, such as repairing holes in soffit, replacing lights/thermostats, touch-up paint, spraying weeds, etc.

Councilman, Scott Paul had to leave the meeting at this point.

NEW BUSINESS:

Sharon Qualls, Representative from MADD, made a presentation/proposal to provide PBT's to law enforcement officers to take the guesswork out of determining if a person should be given a Breathalyzer test. MADD received a \$1,000 grant in February and they have donated that to buy PBT's (same type as AR State Police use) for local police officers. The PBT's normally cost approximately \$360 per unit. MADD has a total of 33 requests for the PBT's. Have received \$10,544 in contributions to date and need an additional \$1,414 to provide the 33 requests. Mayor Maynard asked for a motion to purchase six units through MADD for a total of \$1,414. Mr. Fenton made a motion to purchase the units for \$1,414. Mr. Schultz seconded. Mayor Maynard declared the motion open for discussion. After discussion the Mayor asked for a roll call vote. Chuck Bartlett, yes; Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, abstain; Tom Thompson, yes; and Jim West, yes. With a roll call vote of 5 ayes and 1 abstain, the motion carried.

Vernon Tyree, President of the **Cherokee Village Historical Society**, reported that they have secured a building and S.I.D. has donated some 12-foot shelving for their building. They currently have 23 members and asked all of the council members and anyone else (audience) to become members. Membership fee is \$10 a year. For the first year anyone who donates (money or material) to the Historical Society will become a charter member and will be issued a donation appreciation certificate noting the charter membership.

Oral Henderson made a presentation on the **Fountain Place Tommy Bolt Classic Golf Tournament**, scheduled in June 2004. There will be a clinic for the tournament on June 28, 2003. There has been a \$1,000 (anonymous) donation toward the tournament if the citizen's will donate \$500 and another \$500 donation can be secured. The tournament committee is working on a plan to get corporate donations. All proceeds from the tournament will go to support Fountain Place. Mr. Henderson requested the City to donate \$500. There was discussion on what the \$500 would be used for. Henderson responded for printing brochures and initial start-up expense. Mrs. Maynard reminded the Council that the City couldn't donate to clubs or organizations. Mr. Stokes made a motion that Mr. Henderson make a presentation to the Municipal Development Committee and recommend that the Committee submit a proposal/presentation to the Council. Mr. West seconded. Mayor Maynard called for a roll call vote: The Clerk/Treasurer called the roll:

Chuck Bartlett, no; Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Jim West, yes. With a vote of 5 ayes, 1 nay, the motion carried.

Ordinance to amend Zoning Code Ordinance 99-2: Mayor Maynard asked Mrs. Maynard to read the first 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 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; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Jim West, yes. With a roll call vote of six ayes, 0 nays, motion carried.

Ordinance to amend Technical Code Ordinance 99-3: Mayor Maynard asked Mrs. Maynard to read the first 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. Thompson made motion accept the Ordinance. Mr. West seconded the motion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll:

Chuck Bartlett, yes; Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Jim West, yes. With a vote of six 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 first 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. Thompson made motion 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; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Jim West, yes. With a vote of 5 ayes, 1 nay, the motion carried.

Mrs. Maynard presented a proposal to get a **Business Credit Card** to use for business travel and purchase items where checks cannot be used (e.g., ordering supplies, etc., from vendors who want payment up front). The Auditor suggested the Business Credit Card instead of using personal credit cards and getting reimbursed. He indicated that the holder of a personal credit card who is using it to purchase items for the City could be receiving perks that the City could be receiving if the City had its own business card. Mayor Maynard asked for a motion to get a City Business Credit Card. Mr. Schultz made a motion to obtain a City Business Credit Card. Mr. Bartlett seconded. Mayor Maynard declared the motion open for discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll:

Chuck Bartlett, yes; Jim Fenton, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Jim West, no. With a vote of 5 ayes, 1 nay, the motion carried.

Mayor Maynard presented a proposal on building a City maintenance shop and purchasing a front loader and ½ ton pickup truck for the Street Dept. The building would cost approximately \$153,282.00, which would come from the General Fund and the loader and pickup, approximately \$60,000.00, would come from the Street Funds. The costs are estimates; we would need to get bids. Mayor Maynard asked for separate motions on the proposals. Mr. Bartlett made a motion to proceed on the shop. Mr. Schultz seconded. Discussion. With a voice vote of 6 ayes, 0 nays, the motion carried.

Mr. Thompson made a motion to purchase a front loader and ½ ton pickup. Mr. Schultz seconded. Discussion. With a voice vote of 6 ayes, 0 nays, the motion carried.

ANNOUNCEMENTS:

Friday, May 9, 3:00 p.m.; CV Road Committee meeting, City Hall

Saturday, May 10; Hardy 5K Run/Walk

Monday, May 12, 6:00 PM; Sharp Co. Quorum Court, Ash Flat Courthouse

Monday, May 12, 7:00 PM; Fulton Co. Quorum Court, Salem Courthouse

Tuesday, May 13, 2:00 PM; HPOA, Omaha Center

Sat & Sun, May 17 & 18; Spring River Open Golf Tournament

Wednesday, May 21, Noon; Chamber of Commerce lunch, Magnolia's

Thursday, May 22, 9:00 AM; District Court Trial Day, City Hall

Thursday, May 22, 4:00 PM; Promotion Meeting, City Hall

Thursday, May 22, 6:00 PM; Town Hall Meeting, City Hall

Saturday, May 24; Kiwanis Pancake Breakfast, City Hall Parking Lot

Saturday, May 24, 7 – 10 PM; CVBA sponsored Street Dance – Center Stage

Monday, May 26, 11:00 AM; American Legion Memorial Day Ceremony, Center Stage

Monday, June 2, 1:00 PM; Planning & Zoning Meeting, City Hall
Wednesday, June 4, 9:00 AM; Animal Control Committee meeting
Thursday, June 5, 4:00 PM; Municipal Planning & Development, City Hall
Thursday, June 5, 6:00 PM; Band concert & ice cream social, Center Stage
Fri, Sat & Sun, June 6, 7 & 8 – CV Players “Radio Programs,” Village Playhouse
Monday, June 9, 6:00 PM; Sharp Co. Quorum Court, Ash Flat Courthouse
Monday, June 9, 7:00 PM; Fulton Co. Quorum Court, Salem Courthouse
Tuesday, June 10, 2:00 PM; HPOA, Omaha Center
Thursday, June 12, 9:00 AM; District Court Plea Day, City Hall
Thursday, June 12, Noon; CVBA Luncheon, Loujo's Deli
Thursday, June 12, 6:00 PM; City Council Meeting, City Hall

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

Mayor Maynard mentioned that the band concerts were scheduled on the second Thursday of the month for August and September. Since we will always have conflicts, he recommended we leave our council meeting as scheduled.

Mr. Schultz read a letter from Alan Kimber regarding the City and Common Properties. Mr. Schultz made a motion to enter the letter as a matter of record. There was no second. Motion not entered. Mayor Maynard reported that he had sent the information to the Municipal League Attorney for an interpretation.

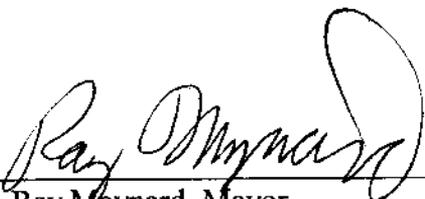
Mr. Stokes stated that 1) he would like the Animal Control item placed on the next Council Meeting Agenda; 2) he is in need of Adahi Trail monitors for the summer months; 3) he has emailed the Villager as to why the agenda is not being published.

ADJOURNMENT:

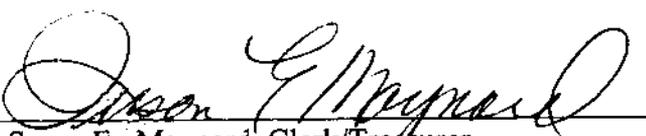
Motioned to adjourn was made by Mr. Bartlett and seconded by Mr. Thompson. With a voice vote of six ayes, 0 nays, motion carried unanimously. Meeting adjourned at 8:15 PM.

DATE: June 12, 2003

APPROVED: _____


Ray Maynard, Mayor

ATTEST: _____


Susan E. Maynard, Clerk/Treasurer