

CITY OF CHEROKEE VILLAGE, ARKANSAS

City Council Minutes

October 9, 2003

The monthly meeting was called to order at 6:00 PM Thursday, October 9, 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, Scott Paul, Jim Fenton, Tom Thompson, Ray Torbit, and Russ Stokes

Also Present: Ray Maynard, Mayor, Susan Maynard, City Clerk/Treasurer, R. T. Starken, Attorney

Absent: Jim West, Wally Schultz, and Tom Garner, City Attorney

MINUTES: Mayor Maynard asked if there were any changes/corrections to the September 11 and September 23 minutes. Motion to approve the minutes as presented was made by Mr. Torbit and seconded by Mr. Thompson. With a voice vote of six ayes, 0 nays, motion carried unanimously. Discussion - motion and acceptance was amended to show that Ray Torbit and Wally Schultz were absent from the September 23 meeting.

TREASURER'S REPORT: Mrs. Maynard presented the financial statements and answered several questions. Motion to accept the report as presented was made by Mr. Thompson and seconded by Mr. Stokes. Mr. Bartlett stated that he had not had time to review the report since he just received a copy of the financials. Mrs. Maynard noted that she only received the bank statement on Tuesday and it takes one day to do all of the reports and the financials weren't ready until Wednesday noon - it is difficult to get all the information ready in a timely manner. With a voice vote of six ayes, 0 nays, motion carried unanimously. Statements will be filed for audit.

CORRESPONDENCE: There was no correspondence.

STREETS: Mayor Maynard reported that the Street Department is continuing to chip seal the streets and have completed about 14 miles.

ANIMAL CONTROL: Mayor Maynard reported that the Animal Control Officer has resigned to take a position in another city. He noted that the Police Department will continue to respond to calls where vicious animals are involved. We can no longer pick up strays since neither vet will no longer euthanize animals and we have no place to hold them until they can be adopted out. Mr. Stokes questioned why the vets would euthanize animals for individuals but not for the City. Mrs. Maynard responded that Dr. Mills had stated that he was here to care for animals and it upset him when he had to euthanize a healthy animal. Mrs. Maynard also mentioned that we have the new Cherokee Village pin; they are \$5.00 each and the proceeds will go toward the purchase of a net gun for Animal Control.

HOMELAND SECURITY: Mayor Maynard reported that Bill Racette went with Sharp County and did a fire and HAZMAT assessment, which was required by the State before any other grants could be

made. Also, the final report on the NOAA weather transmitter has been turned in and we should be receiving our \$4,000.00 check soon.

MUNICIPAL PLANNING AND DEVELOPMENT: Mr. Fenton reported that they are continuing on the things they have been working on, i.e., the Milwaukee Trade Show, Highland Sewer Project, rack cards, and a web site update.

PLANNING & ZONING: Mr. Thompson reported that P&Z would have three ordinances and/or ordinance amendments to present to the Council tonight; amendment to the Technical Codes, amendment to the Zoning Code, and an Ordinance on sewage systems. He explained the reasoning for the new ordinance and the amendments.

CITY BUILDING & GROUNDS:

Mayor Maynard reported that Jim Mayhall continues to keep the building in shape.

OLD BUSINESS:

Phantom Property – Tom Thompson has talked to Willie Oyler and Eben Daggett. They have determined that there is one problem area, which has been included in both Cherokee Village and Highland city limits. They will continue to work on this project.

Charter Cable – Mr. Starcken has not had any luck in getting a copy of the contract from Mr. Daggett. If he doesn't here from him soon he will try the cable company.

Ordinance to Establish City Attorney – Mayor Maynard asked Mrs. Maynard to read the first reading of an **Ordinance Establishing the Office of City Attorney for the City of Cherokee Village, Arkansas**. Mayor Maynard declared the ordinance open for discussion. Everyone agreed that Section 7 was unnecessary. Mr. Stokes made a motion to accept the Ordinance as amended. 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; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Scott Paul, yes. With a vote of six ayes, 0 nays, motion carried.

Ash Flat Sign – We have asked the mayor of Ash Flat to respond in writing to the Mayor Maynard's letter notifying him the sign is located on Cherokee Village property.

Mr. Stokes presented a problem of getting the agenda on time. He stated that it should be sent to the media to be published prior to council meeting and that we should do a better job of getting information to the general public. Mrs. Maynard noted the P&Z meeting is the first Monday of each month and the information is not always ready to communicate by the media deadline. The bank statement issue was also mentioned again. There was discussion about changing the date of the Council Meeting. Mayor Maynard asked for a motion to put this topic on the agenda for the next scheduled council meeting. Mr. Fenton made a motion to put Council Meeting day/time on the agenda for the next scheduled meeting. Mr. Stokes seconded. With a voice vote of six ayes, 0 nays, motion carried.

NEW BUSINESS:

Resolution for Purchase of Property at Okmulgee and Hwy 175 – Mayor Maynard presented a Purchase Agreement between Canyon Development, Inc. and the City of Cherokee Village to purchase

.107 acres, which includes a portion of Okmulgee Dr., for \$1.00 and good and other valuable consideration. Mayor Maynard reported that currently Okmulgee Dr. is on Canyon Development, Inc., property and the owner is selling it to the City of Cherokee Village so that the street will no longer be on private property. Discussion. Mr. Stokes made a motion to purchase the property for \$1. Mr. Bartlett seconded. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Scott Paul, yes. With a vote of six ayes, 0 nays, motion carried.

Mrs. Maynard presented a **Technology Use Policy** to include in the Employee Handbook. Mr. Stokes made a motion to add the Technology Use Policy to the Employee Handbook. Mr. Fenton Seconded. With a voice vote of six ayes, 0 nays, motion carried

Mrs. Maynard read the first reading of **An Amendment to Ordinance 2002-06 Providing for Dual Check Signatures, and for Other Purposes.** Mr. Bartlett made a motion to accept the Ordinance. Mr. Torbit seconded. Discussion. Mr. Stokes suggested that the word "any" in the first sentence of Section 1 should be deleted; everyone agreed. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Scott Paul, yes. With a vote of six ayes, 0 nays, motion carried.

Mrs. Maynard read the first of an emergency reading of **An Ordinance to Regulate Installation and Repair of Sewage Disposal Systems in the City of Cherokee Village, Fulton and Sharp Counties, Arkansas.** Mr. Thompson made a motion to accept the ordinance. Mr. Fenton seconded. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Chuck Bartlett, no; Jim Fenton, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, no; and Scott Paul, yes. With a vote of four ayes, 2 nays. Motion failed.

Mrs. Maynard read the first of an emergency reading of **An Ordinance to Amend Ordinance 99-2 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.** Mr. Torbit made motion to accept the motion. Mr. Thompson seconded. Mayor Maynard declared the ordinance open for discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Chuck Bartlett, no; Jim Fenton, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Scott Paul, yes; Mayor Maynard, yes. With a vote of six ayes, 1 nay, motion carried.

Mayor Maynard asked for a motion to waive the rules and place the Ordinance on its second reading, title only. Mr. Thompson made a motion to waive the rules and place the Ordinance on its second reading. Mr. Stokes seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Chuck Bartlett, no; Jim Fenton, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Scott Paul, yes; Mayor Maynard, Yes. With a vote of six ayes, 1 nay, motion carried.

Mrs. Maynard read the Ordinance, title only, for the second time. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Chuck Bartlett, no; Jim Fenton, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Scott Paul, yes; Mayor Maynard, Yes. With a vote of six ayes, 1 nay, motion carried.

Mayor Maynard asked for a motion to waive the rules and place the Ordinance on its third and final reading, title only. Mr. Thompson made a motion to waive the rules and place the Ordinance on its third reading. Mr. Stokes seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll:

Chuck Bartlett, no; Jim Fenton, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Scott Paul, yes; Mayor Maynard, Yes. With a vote of six ayes, 1 nay, motion carried.

Mrs. Maynard read the Ordinance, title only, for the third time. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll:

Chuck Bartlett, no; Jim Fenton, yes; Russ Stokes, yes; Tom Thompson, yes; Ray Torbit, yes; and Scott Paul, yes; Mayor Maynard, Yes. With a vote of six ayes, 1 nay, motion carried. Having been read three times, this Ordinance is declared passed.

It will be **Ordinance 2003-10**.

Mayor Maynard presented a proposal to renew the contract with I.E.S.I. for garbage pick up for five years. Normally, the contract is renewed for three years but I.E.S.I. has agreed that if we renew the contract for five years they will purchase smaller trucks, which will lessen the damage to our city streets. Also, we have approximately 50 non-resident property owners who purchase trash cards for \$53.56/yr. These funds are paid to I.E.S.I. and the non-residents place their garbage in the City trash dumpster, which the City pays I.E.S.I. \$165.00/mo. Pick-up fees. Mayor Maynard asked that we continue to issue trash cards but the funds will be paid to the City instead of I.E.S.I.

Mr. Torbit made a motion to renew the contract as discussed. Mr. Thompson seconded. With a voice vote of six ayes, 0 nays, motion carried.

Mayor Maynard presented a notice of Public Hearing to consider the rezoning of a portion of the Tularens Addition to allow both conventional and manufactured homes. Mr. Fenton made a motion to have the hearing. Mr. Stokes seconded. With a voice vote of six ayes, 0 nays, motion carried.

PUBLIC COMMENTS:

Pete Reilly with the Office of Emergency Management presented a sign to the City of Cherokee Village, which will be used when the river gets up. There was a contest on a slogan to be used at locations where water gets over the roads and his son's slogan, "Turn Around, Don't Drown" was chosen.

R.T. Starcken invited everyone to send a word of encouragement to Sharp County Judge Harold Crawford who is in a Little Rock hospital awaiting a heart transplant.

ANNOUNCEMENTS:

Monday, October 13 – City Hall Closed – Columbus Day observed

Monday, October 13, 7:00 PM - Fulton Co. Quorum Court, Salem Courthouse

Monday, October 13, 6:00 PM - Sharp Co. Quorum Court, Ash Flat Courthouse

Tuesday, October 21, 6:30 PM - Historical Society, Omaha Center

Thursday, October 23, 9:00 AM - Municipal Court, City Hall

Friday, October 24, 4:30 – 6:30 – United Methodist Men's Chili Supper, UM Church

Saturday, October 25, 10 AM – 5:00 PM – CVBA Oktoberfest, Town Center

Saturday, October 25, 6:00 – 10:00 PM – Fountain Place dinner & dance

Thursday, October 30, 1:00 PM – Public Hearing with Special Council meeting following
Monday, November 3, 1:00 PM - Planning & Zoning Meeting, City Hall
Wednesday, November 5, 3:00 PM - CV Road Committee Meeting, City Hall
Thursday, November 6, 4:00 PM - Municipal Planning & Development, City Hall
Tuesday, November 11 – Veteran’s Day – Please attend Veteran’s service of your choice
Thursday, November 13, 9:00 PM - District Court Plea Day, City Hall
Thursday, November 13, 4:30 PM - City Council Meeting, City Hall

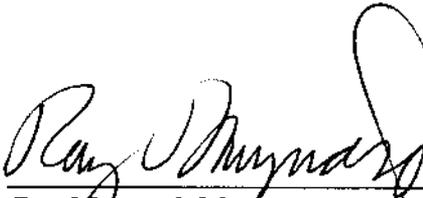
Senior Citizens Center open, every Monday and Wednesday, 11 – 3,
unless otherwise noted; lunch at 11:30 AM, T-bird Center
Re-cycling open every Tuesday 9:00 – Noon, weather permitting, City Hall Parking Lot

ADJOURNMENT:

Motioned to adjourn was made by Mr. Stokes and seconded by Mr. Fenton. With a voice vote of six
eyes, 0 nays, motion carried unanimously. Meeting adjourned at 8:25 PM.

DATE: November 13, 2003

APPROVED:



Ray Maynard, Mayor

ATTEST:



Susan E. Maynard, Clerk/Treasurer