

**CITY OF CHEROKEE VILLAGE, ARKANSAS**  
**City Council Minutes**  
**September 11, 2003**

The monthly meeting was called to order at 7:00 PM Thursday, September 11, 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, Tom Thompson, Ray Torbit, and Russ Stokes

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

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 from Mr. Schultz in regards to turn back funds, drug testing program, professional fees, fringe benefits, weather radios, animal control 2-way radios, furniture and fixtures, SID assessments, P&Z education, culvert repairs, pick-up truck for Road Dept. Also, Mr. Bartlett asked for clarification on the \$11,000 repairs for the Road Department. Motion to accept the report as presented was made by Mr. Schultz and seconded by Mr. Stokes. With a voice vote of eight ayes, 0 nays, motion carried unanimously. Statements will be filed for audit.

**CORRESPONDENCE:** Mrs. Maynard read correspondence from:

- Ozarka College to Police Chief Goodwin stating they would not be funded for the Partners for Innovation grant in which we had agreed to participate.
- The State of Arkansas Department of Emergency Management to Judge Harold Crawford officially notifying him of the \$134,800.60 approved Hazmat/Decontamination equipment grant.
- The Federal Emergency Management Agency to the Volunteers in Police Service (VIPS) Program, congratulating them on the success of this program.

**POLICE:** Chief Goodwin reported that the regular hours worked during August were 958 and 376.5 volunteer hours and they had made 285 calls for service and 780 security checks. He reported on the traffic warnings and citations issued. He read a letter from U. S. Attorney Bud Cummins announcing a special appearance by Attorney General John Ashcroft for a law enforcement appreciation day on Thursday, September 18, 2003, in Little Rock.

Mayor Maynard commended the Police Auxiliary and noted that they had worked a total of 627 hours in August.

**STREETS:** Mayor Maynard gave a report on the Street Department. He reported they were moving forward with the new maintenance building and the road is almost completed. The Road Dept. has received extra money from S.I.D. (due to the announcement of foreclosures and property owners paying) and they have done 7 to 8 miles of chip seal and should complete about 18 miles before the end of the year. The Mayor reported the chip seal they are now using is more adhesive and cures faster and has a longer life span than the old type.

**ANIMAL CONTROL:** No report. The Mayor reported that the chairperson of the Animal Control Committee has resigned due to other obligations.

**ENVIRONMENTAL:** Mayor Maynard announced we are scheduling a meeting with I.E.S.I. in the near future to negotiate a new contract. He also mentioned the recycling center has received some funds from Izard County.

**MUNICIPAL PLANNING AND DEVELOPMENT:** Mr. Fenton reported that there has been a picture put together by Ray Torbit and Ray Maynard to be used for the new promotional material. They have made a commitment to go to the Milwaukee Trade Show. They are:

- Looking at an internal feasibility study on Cherokee Village and another one from Arkansas State University next spring.
- Working with Highland on the sewer project.
- Working to move the Sr. Citizens Center to the vacant space next door to the City Hall.
- Pursuing the possibility of a walking trail on the 36 acres next to the maintenance shop.
- Working on a proposal for City Council to impose a one-cent sales tax.

He also reported that there is a possibility of a new business coming to the Village.

Mayor Maynard reported that Mr. Cy Bertram has volunteered to represent Cherokee Village on the 4-lane 412 NOW project.

**HOME LAND SECURITY:** Bill Racette had received several negative comments and correspondence regarding \$134,000 HazMat grant received by Sharp County. In order to clarify his position with this project, Mr. Racette read sections from a written explanation of the program that was part of the City Council meeting agenda. He reported that this is a quad-city area effort and that he will be working on other grants for next fiscal year for S.I.D., City, Police Department and the Sheriffs Office. Mr. Racette noted the Citizens Emergency Response Team training will start in October.

**PLANNING & ZONING:** Mr. Thompson reported that Charles DeLoach, City Building Inspector, has received his HAVR/C certification and will be taking his building inspector certification test within the next few months.

Mr. Thompson presented a draft proposal to the City Council to bring the City of Cherokee Village in compliance with Act 624 of 2003 by the State of Arkansas entitled "An Act to Provide for the Availability of Affordable Housing within the Municipalities of Arkansas." The Act stipulates that municipalities shall allow the placement of manufactured homes on individually owned lots in at least one (1) or more residential districts or zones within the municipality. An Amendment to Ordinance 99-2, a Notice of Public Hearing, and a Rezoning Request for the Yankton Addition were submitted for review. Tom Thompson made a motion to hold a public hearing on September 30, 2003 to consider the rezoning of the Yankton Addition. 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.

Mr. Bartlett had a question on the City maintenance building as to why we were paying in advance. He stated that the City had paid Capital Construction a check for approx. \$9,000 and understood that we would issue another check when the steel was delivered next week. He noted that the contract stated we would pay the contractor draws as work was completed. Mayor Maynard stated that Capital Construction had told him that the City could save \$1,000 by paying up front since they (Capital Const.) would not have to take out a construction loan and pay finance charges. After much discussion it was decided that the Mayor would contact Capital Construction to see if we could get the same savings if we waited until the steel was erected before we paid. If not, Mr. Paul suggested that we amend the contract to allow the City to pay up front and save the \$1,000. The Mayor will contact Capital Construction as soon as possible to see if they can give the City the same deal if we wait until the steel has been erected.

**OLD BUSINESS:**

Phantom Property - Mayor Maynard stated that he hasn't had a chance to have the property surveyed.

Charter Cable - the Mayor has asked R. T. Starken to research the franchise issue with Charter Cable. Mr. Starken reported that he had asked Mr. Daggett for a copy of his franchise contract with Charter Cable but had not yet received it. He will contact Mr. Daggett to see when he can get the copy of the contract.

Attorney Resolution/Ordinance – Researched by Mr. Schultz and Mrs. Maynard – they reported findings that first class cities should elect a City Attorney who resides within the city limits. The City could appoint an attorney and would need to elect one in the next General Election (2004) for a two-year term and in the 2006 General Election be elected for a four-year term. Mr. Schultz made a motion to draft an ordinance prescribing the duties of a City Attorney and the election thereof. Mr. West 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.

Mr. Stokes suggested that Mayor Maynard ask Tom Garner if he wants to continue to serve as City Attorney until the election.

Senior Citizens Resolution – Mrs. Maynard read a resolution whereby Daggett Development Corporation will donate the prepaid rent (valued at \$9943.67) for the space adjacent to City Hall and the City will allow the space to be used for a Senior Citizens Center. 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. The Resolution will be 2003-08.

**NEW BUSINESS:**

Health Department – Mr. Schultz reported that the staff attorney from the State Health Department stated that we do not have to have a City Health Department. Mayor Maynard asked for comments from the council. Consensus was that one was not needed.

Mr. Torbit asked about the Ash Flat sign. Mayor Maynard reported that he had written Mayor Hall to let him know that (based on the surveyor's records) the sign is on Cherokee Village property. Although, Mayor Hall called and spoke with Mrs. Maynard about the subject, Mayor Maynard has not received any correspondence from Mayor Hall, and will pursue further.

**PUBLIC COMMENTS:**

Mr. Wiseman noted that the announcements did not show a Town Hall Meeting for this month and wanted to know if there was going to be one. Mayor Maynard stated there is not a meeting scheduled for September. He noted that the prior meetings had not proved to be beneficial to the betterment of the City but we would have Town Hall meetings in the future as needed.

Mr. McWilliams stated that since we have received more funds than expected for the roads can we do anything about Pontiac Street. The Mayor agreed that it was in bad need of repair and he would make it a high priority for next year.

**ANNOUNCEMENTS:**

- Tuesday, September 16, 7:30 A.M; School Board Election, City Hall Courtroom
- Tuesday, September 16, 6:30 PM; CV Historical Society, Omaha Center Library
- Wednesday, September 17, Noon; Chamber meeting, location TBA
- Saturday, September 20, 11:00 AM & 3:00 PM, Lumberjack Days, Loberg Park, Hardy
- Thursday, September 25, 9:00 AM; District Court Trial Day, City Hall
- Wednesday, October 1, 9:00 AM; Animal Control Committee meeting, City Hall
- Wednesday, October 1, 3:00 PM; CV Road Committee Meeting, City Hall
- Thursday, October 2, 4:00 PM; Municipal Planning & Development, City Hall
- Monday, October 6, 1:00 PM; Planning & Zoning Meeting, City Hall
- Thursday, October 9, 9:00 PM; District Court Plea Day, City Hall
- Thursday, October 9, 6:00 PM; City Council Meeting, City Hall
- Monday, October 13, 6:00 PM; Sharp Co. Quorum Court, Ash Flat Courthouse
- Monday, October 13, 7:00 PM; Sharp Co. Regional Airport meeting, Airport
- Monday, October 13, 7:00 PM; Fulton Co. Quorum Court, Salem Courthouse
- Tuesday, October 14, 2:00 PM; HPOA, Omaha Center

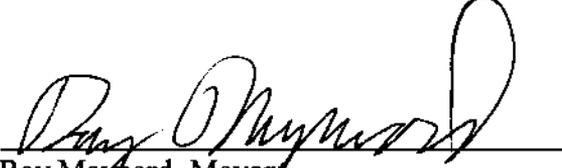
Senior Citizens Center open, every Monday and Wednesday, 11 – 3,  
unless otherwise noted; lunch at 11:30 AM, T-bird Center  
Re-cycling open every Tuesday 9:00 – Noon, weather permitting, City Hall Parking Lot

**ADJOURNMENT:**

Motioned to adjourn was made by Mr. Bartlett and seconded by Mr. Thompson. With a voice vote of eight ayes, 0 nays, motion carried unanimously. Meeting adjourned at 9:25 PM.

DATE: October 9, 2003

ATTEST:   
Susan E. Maynard, Clerk/Treasurer

APPROVED:   
Ray Maynard, Mayor