

**CITY OF CHEROKEE VILLAGE, ARKANSAS**  
**City Council Minutes**  
**August 19, 2004**

The monthly meeting was called to order at 7:00 PM Thursday, August 19, 2004 by Mayor Ray Maynard. The meeting was held at City Hall. The Pledge of Allegiance was recited, and he called for the roll call.

**ROLL CALL:**

Answer Roll Call: Chuck Bartlett, Jim Fenton, Lew Hagerman, Scott Paul, Wally Schultz, Russ Stokes, Tom Thompson and Ray Torbit

Also Present: Susan Maynard, City Clerk/Treasurer

Absent: None

**MINUTES:** Motion to approve the July 15, 2004 minutes was made by Mr. Schultz and seconded by Mr. Fenton. With a voice vote of eight ayes, 0 nays, motion carried unanimously.

**TREASURER'S REPORT:** Motion to accept the July financial report was made by Mr. Thompson and seconded by Mr. Torbit. With a voice vote of eight ayes, 0 nays, motion carried unanimously. Reports will be filed for audit.

**CORRESPONDENCE:** None

**REPORTS:**

**Homeland Security:** No report.

**Municipal Planning & Development:**

The new website is almost done and should be operational within the next month. The Master Gardeners are planning the new landscaping of the median in the parking lot. The City of Highland has publicly announced our sewer agreement. The Strategic Planning Committee has met twice.

Tom Paul is heading the FireWise Community Board. He and the mayor have met with David Samuels. Mr. Samuels was very impressed with our commitment and that we already had a board. This program educates residents and business owners to do things around their property to prevent fires. We will be receiving a \$40,000 grant to hire a company to do the risk assessments on every building in the Village. It would take over two years for our Fire Dept. to do this, but we will be done with the whole process by the end of the year. Mayor Maynard asked Mrs. Maynard to read **A Resolution To Support The FireWise Communities/USA Program**. Mr. Fenton made a motion to accept the resolution. Mr. Stokes seconded the motion. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thompson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried. It will be **Resolution 2004-03**.

**Planning & Zoning:** In packet.

**Police Dept.:** Mayor Maynard reported that Sgt. K.C. Shultz is doing a good job as acting Police Chief. There have been a fairly significant number of arrests lately.

**Street Dept.:** In packet. The crew will begin its chip & sealing project next week. Caution on the roads is in order.

#### **UNFINISHED BUSINESS:**

##### **Street cut ordinance:**

Mayor Maynard asked Mrs. Maynard to read **An Ordinance To Establish Standards And Specifications For The Restoration Of Excavations Or Cuts In Cherokee Village Streets Or Right-Of-Ways; Providing For A Permit Process; Establishing Fees And Deposits Prior To Excavations Or Cuts; Enforcement Of The Process; And For Other Purposes** for the third and final reading, title only. Mr. Stokes made a motion to accept the Ordinance. Mr. Fenton seconded. Discussion. Mayor Maynard asked for a roll call vote on the motion to accept the final reading of the Ordinance. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried. Having been read three times, this Ordinance is declared passed. It will be **Ordinance 2004-08**.

##### **School resource officer:**

There has been no correspondence with the Sheriff's Office regarding the four cities' mayors wanting input into the position. Sheriff Weaver has not returned phone calls to set up a meeting.

##### **Building paint & repair:**

There is an issue with the City Hall Building on the Cherokee Lodge side facing the steps up to Town Center. The roof is shorter than the foundation. When it rains, the water leaks into the Lodge's restrooms. Mayor Maynard asked several contractors for a price to extend the roof, repair the Police Dept. wall and paint the building. D & D Painting was the only price received. Repair: \$1,872. Paint: \$3,340 (2 coats paint & power wash building and sidewalk). Motion to accept the building paint and repair price was made by Mr. Bartlett and seconded by Mr. Stokes. Discussion. With a voice vote of eight ayes, 0 nays, motion carried unanimously.

##### **Sales tax ordinances:**

Mayor Maynard asked Mrs. Maynard to read **An Ordinance Providing For The Levy Of A One Percent Sales And Use Tax Within The City Of Cherokee Village, Arkansas; And Prescribing Other Matters Pertaining Thereto**. Mr. Fenton made a motion to accept the Ordinance. Mr. Stokes seconded. Discussion. Mayor Maynard asked for a roll call vote on the motion to accept the first reading of the Ordinance. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried.

Mr. Fenton made a motion to waive the rules and place the Ordinance on its second reading, title only. Mr. Hagerman seconded the motion. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit,

yes. With a vote of eight ayes, 0 nays, motion carried. Mrs. Maynard read the Ordinance, title only, for the second time.

Mr. Bartlett made a motion to waive the rules and place the Ordinance on its third reading and final reading, title only. Mr. Torbit seconded the motion. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried. Mrs. Maynard read the Ordinance, title only, for the third time.

Mr. Bartlett made a motion to adopt the Ordinance. Mr. Fenton seconded the motion. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried.

Mr. Torbit made a motion to accept the Emergency Clause of the Ordinance. Mr. Bartlett seconded the motion. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried. Having been read three times, this Ordinance is declared passed. It will be **Ordinance 2004-09**.

Mayor Maynard asked Mrs. Maynard to read **An Ordinance Calling A Special Election In The City Of Cherokee Village, Arkansas, On The Question Of Levying A One Percent Sales And Use Tax Within The City Of Cherokee Village, Arkansas; Defining The Term "Single Transaction"; Prescribing Other Matters Pertaining Thereto; And Declaring An Emergency**. Mr. Stokes made a motion to accept the Ordinance. Mr. Fenton seconded. Discussion. Mayor Maynard asked for a roll call vote on the motion to accept the first reading of the Ordinance. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried.

Mr. Torbit made a motion to waive the rules and place the Ordinance on its second reading, title only. Mr. Stokes seconded the motion. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried. Mrs. Maynard read the Ordinance, title only, for the second time.

Mr. Fenton made a motion to waive the rules and place the Ordinance on its third reading, title only. Mr. Torbit seconded the motion. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried. Mrs. Maynard read the Ordinance, title only, for the third time.

Mr. Stokes made a motion to adopt the Ordinance. Mr. Hagerman seconded the motion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried.

Mr. Torbit made a motion to accept the Emergency Clause of the Ordinance. Mr. Thompson seconded the motion. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried. Having been read three times, this Ordinance is declared passed. It will be **Ordinance 2004-10**.

#### **NEW BUSINESS:**

##### **Highland sewer franchise ordinance:**

Mayor Maynard asked Mrs. Maynard to read the first reading of **An Ordinance Giving The City Of Highland, AR A Franchise To Install And Maintain A Sewer Collection And Treatment System In Certain Areas Of The City Of Cherokee Village, AR**. Mr. Fenton made a motion to accept the Ordinance. Mr. Torbit seconded the motion. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of eight ayes, 0 nays, motion carried.

Mr. Thompson made a motion to waive the rules and place the Ordinance on its second reading and add an emergency clause to the Ordinance. Motion died for lack of a second.

##### **Arkansas District Judges Retirement System:**

Mr. Torbit noticed in the "City & Town" magazine that the Cherokee Village District Court was delinquent in filing a report, and brought it to Mrs. Maynard's attention. After much investigation, Mrs. Maynard found that since our Judge and Court Clerk are not presently covered under any retirement program, they are exempt from the new program. Mrs. Maynard sent a letter to APERS stating same.

#### **ANNOUNCEMENTS:**

Saturday, August 21 – Elks Lodge Trash & Treasure  
August 24 & 25, 8:00 AM – Noon; AARP Driver Safety Course, City Hall  
Wednesday, September 1, 3:00 PM; Road Committee, City Hall  
Saturday, September 4; Kiwanis Pancake Breakfast, City Hall Parking Lot  
Saturday, September 4, 7 – 10 PM; CVBA Street Dance, Town Center  
Saturday, September 4, Quad-City Flea Market, Choctaw Center  
Monday, September 6, Labor Day, City Offices CLOSED  
Tuesday, September 7, 4:00 PM; Municipal Planning & Dev. Committee, City Hall  
Thursday, September 9, 9:00 AM; District Court, City Hall  
Thursday, September 9, 6:00 PM; Ice Cream Social/Band Concert  
Monday, September 13, 1:00 PM; Planning & Zoning Commission, City Hall  
Monday, September 13, 6:00 PM; Sharp County Quorum Court, Ash Flat Courthouse

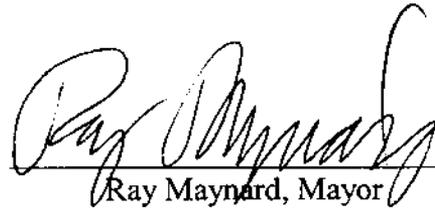
Monday, September 13, 7:00 PM; Fulton County Quorum Court, Salem Courthouse  
Tuesday, September 14, 6:00 PM; Cancer Support Group, City Hall  
Thursday, September 16, 7:00 PM; City Council Meeting, City Hall  
Cherokee Lodge (Senior Citizens Center) open, Monday through Friday, 9 – 2,  
unless otherwise noted; lunch at 11:30 AM  
Re-cycling open every Tuesday 8:00 – 11:00 AM, weather permitting, City Hall Prkg Lot

**ADJOURNMENT:**

Motioned to adjourn was made by Mr. Bartlett and seconded by Mr. Stokes. With a voice vote of eight ayes, 0 nays, motion carried unanimously. Meeting adjourned at 8:20 PM.

DATE: September 16, 2004

APPROVED: \_\_\_\_\_

  
Ray Maynard, Mayor

ATTEST: \_\_\_\_\_

  
Susan E. Maynard, Clerk/Treasurer