

**CITY OF CHEROKEE VILLAGE, ARKANSAS**

**City Council Minutes**

**February 19, 2004**

The monthly meeting was called to order at 7:00 PM Thursday, February 19, 2004 by Mayor Ray Maynard. The meeting was held at City Hall. The Pledge of Allegiance was recited.

**ROLL CALL:**

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

Absent: Wally Schultz

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

**MINUTES:** Mayor Maynard asked if there were any changes/corrections to the January 15, 2004 and January 22, 2004 minutes. Motion to approve the January 15, 2004 minutes was made by Mr. Thompson and seconded by Mr. Stokes. With a voice vote of seven ayes, 0 nays, motion carried unanimously. Motion to approve the January 22, 2004 minutes was made by Mr. Bartlett and seconded by Mr. Thompson. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

**TREASURER'S REPORT:** Mrs. Maynard presented the financial statement. Mr. Torbit questioned an outstanding deposit from the Econo-Med Pharmacy. Mrs. Maynard explained it was a donation from Econo-Med to the Sr. Citizens Center. Mr. Torbit questioned two checks to R. T. Starken for \$600 and \$150. Mrs. Maynard reported the \$600 check was his salary for Judge and the \$150 was attorney fees. Mr. Torbit questioned a payment of \$400 to Lexis. Mrs. Maynard reported it was for law books for the Police Department. Mr. Torbit questioned a payment for \$149 to Mrs. Maynard. Mrs. Maynard explained it was reimbursement for a meeting she and the mayor attended in Little Rock. Motion to accept the report as presented was made by Mr. Stokes and seconded by Mr. Hagerman. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

**CORRESPONDENCE:**

There was none.

**COMMITTEE REPORTS:**

Mayor Maynard noted that the reports were in the agenda packet.

Mr. Thompson noted from the Police report that it appears one out of five people doesn't have liability insurance. He suggested that we may want to have check points. Judge Starken reported that some of those really do have insurance they just didn't have their proof in the vehicle.

Mr. Torbit stated that he would like to see more definitive descriptions on the Street Reports (e.g., which streets were worked on). Mayor Maynard stated he would ask Mr. Cherry to show them on the report.

Pam Lueder asked Mr. Stokes about deer crossing signs she had requested for their street. Mr. Stokes responded that it would be difficult to put up deer crossing signs in the City since the deer are plentiful here and it would be almost impossible to put up enough signs to help the situation.

**HOMELAND SECURITY:** Mayor Maynard noted that Mr. Racette wasn't at the meeting but that he had been working on grants.

**MUNICIPAL PLANNING AND DEVELOPMENT:** Mr. Fenton reported that they had been very active the last couple of months. He reported the rack cards are available for anyone who wants some to hand out can pick them up in the racks in the lobby of the City Hall. Also, the 2004 Arkansas Ozark Gateway magazine has a two-page article on Cherokee Village. Both of these items will be put in the packet to be handed out at the Milwaukee Trade Show in March. He noted that FNBC is donating a big display for use at the trade show. He reported that several students from ASU have agreed to come to Cherokee Village to do a feasibility study. The students will be interviewing residents for their input into the study.

Mayor Maynard noted that the Senior Citizens Center is coming along and they are hoping it will be open in the next month to six weeks. Irene Fenton said they were still accepting donations if anyone was interested.

**PLANNING & ZONING:** Mr. Thompson reported the septic ordinance is in place and any one doing repairs on septic systems needs to come by Planning and Zoning to pick up a permit. Also, septic plats are now available from Planning & Zoning.

Pam Lueder asked if anything was being done about Pioneer Auction. Mr. Thompson reported that Mayor Maynard had spoken to Mr. Swetnam on February 9, 2004 and Mr. Swetnam said he was waiting on the ground to dry out before moving any vehicles. Mr. Thompson said that he had sent Mr. Swetnam a letter stating that he had until June 1, 2004 to remove all of the inoperable vehicles.

**OLD BUSINESS:**

Phantom Property - Mayor Maynard defined this as property which was in the S.I.D. when the City incorporated and should be within the Cherokee Village City Limits. However, it is surrounded on three sides by the City of Highland and Highway 62/412 on the fourth side. Mayor Maynard is asking the Municipal League if City property must have a contiguous boundary.

Ordinance amending the Technical Codes – Mrs. Maynard read the third reading of **An Ordinance to Amend Cherokee Village Ordinance 99-3 Adopting Various Technical Codes Relating to Inspection and Enforcement of Building Provisions as Provided in Said Codes Within Cherokee Village, Fulton and Sharp Counties Adopted February 15, 1999.** Mr. Thompson made a motion to adopt the ordinance. Mr. Stokes seconded. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll:

Chuck Bartlett, yes; Russ Stokes, yes; Jim Fenton, yes; Tom Thompson, yes; Ray Torbit, yes; Scott Paul, yes and Lew Hagerman, yes. With a vote of seven ayes, 0 nays, motion carried. Having been read three times, this Ordinance is declared passed. It will be **Ordinance 2004-05.**

Animal Control - Mayor Maynard asked the Council's thoughts on Animal Control. He reported that he had received several budgets from other cities for comparison (budget from Batesville was included in the agenda handout). Mayor Maynard estimated that it would cost the City approximately \$50,000 annually for Animal Control. If we do this it would require one of three things to fund; 1) additional taxes, 2) cut the Police Department, or 3) cut the Street Department. Mayor Maynard stated that the city has an animal control ordinance and we need to either administer it or repeal it.

Mr. Bartlett made a motion to investigate the possibility to partner with the Quad Cities to look at funding for animal control/shelter. Mr. Fenton seconded. With a voice vote of seven ayes, 0 nays, motion carried unanimously. Mayor Maynard mentioned that there may be grant money available. Also, Mrs. Maynard said she will contact Mr. Gregory to come and make a presentation on his accomplishment of getting seven cities to work together on Animal Control.

City Attorney – Mrs. Maynard reported that we had placed an ad in the paper for a City Attorney but no one applied. She noted that we have been using Mr. Starken on occasion when Mr. Garner was unavailable and after Mr. Garner resigned. Mr. Bartlett made a motion to hire Mr. Starken as City Attorney for the remainder of the year. Mr. Torbit seconded. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

Mr. Torbit stated that he had another item he considered old business that he would like to present. He read the following prepared statement: "After hearing Alderman Chuck Bartlett's concerns about the medical coverage for the mayor at several of the city council meetings, I have come to realize the significance of his concerns. After reviewing the 2003 budget expenditures that would probably be covered by an "adjustment" ordinance, I object to any blanket changes to cover the excessive spending in the classification of "FRINGE BENEFITS" in the city's "ADMINISTRATIVE BUDGET." Let me preface the following concerns, in that, I believe the Mayor is entitled to medical fringe benefits and I voted for this coverage in passing the 2004 budget, however, this insurance coverage must be done in a legal manner. Of the \$3,146 overspending in the 2003 budget, \$3,120 was for unauthorized payments covering Mayor Maynard's medical insurance. NOTE: For reference in the case of the Harrisburg, AR City Clerk who has been arrested for "unauthorized disbursements." This term could be applied to this budget shortfall.

The payments of \$260 per month (totaling \$3,120 for the year) for this additional insurance coverage was never included in the 2003 budget and was never authorized by the Cherokee Village City Council. I believe these to be illegal unauthorized expenditures and should be repaid to the "City Administrative" account, therefore, I offer the following motion for the council's consideration.

Motion: The Cherokee Village city council requests that the unauthorized expense of \$3,120 (\$260 per month) paid by the City Recorder/Treasurer, Ms Sue Maynard, for the benefit of Mayor Ray Maynard's medical coverage in the 2003 budget, be repaid in full by the Mayor to the city's administrative account. This repayment should be completed within 180 days.

If seconded, I request a roll call vote."

Mr. Bartlett seconded the motion. Mayor Maynard asked if there was any discussion – none.

Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll:

Chuck Bartlett, yes; Russ Stokes, no; Jim Fenton, no; Tom Thompson, no; Ray Torbit, yes; Scott Paul, no and Lew Hagerman, yes. With a vote of three ayes, four nays, motion failed. Mr. Torbit noted that the Council had voted affirmative for an illegal action. There was discussion on whether it was illegal and Mayor Maynard asked Mr. Starken to research the issue and provide a decision on its legality.

#### **NEW BUSINESS:**

Mayor Maynard asked Mrs. Maynard to read **A Resolution to Change Council Meetings Dates and Times**. Mayor Maynard declared the resolution open for discussion. Mr. Stokes made a motion to accept the Resolution, Mr. Fenton seconded. Discussion. With a roll call vote of seven ayes, 0 nays, motion carried. It will be **Resolution 2004-01**.

Since Mr. Schultz was absent, the Street Cut Ordinance discussion was deferred to the March meeting.

Mayor Maynard announced that he had received correspondence from the Arkansas Department of Transportation and they had agreed to do an engineering study to replace the two low water bridges in town center. He stated the project was expected to cost \$1.2 million.

**State of City Address:** Mayor Maynard noted that each year the Mayor is asked to deliver the State of the City; he presented the following statement:

"First, I would like to thank the citizens for their support for myself, the other elected officials, department heads, and all the employees of the City of Cherokee Village. I believe that the role of city government should be to create a climate which promotes growth and prosperity for all our citizens.

Last year I told you about some of the goals we had for the coming year, I thought you would be interested in what progress had been made.

Number 1 was to build an efficient and effective street department to begin the task of repairing and upgrading the streets of our city. Last year we began construction on a new street maintenance facility. We have already completed the maintenance building, most of the site grading, and moved all of the equipment to the site. There is still a significant amount of work to be done on the project, however, we feel this will be completed by the end of the year. In addition to the work on the site, our maintenance crew was also able to chip seal 12.5 miles of streets, repair bad spots in roadways too numerous to mention, and trim limbs from many miles of streets, as well as plowing snow this month. I sincerely hope the citizens of Cherokee village appreciate all of the work they do in keeping our streets safe to drive.

Number 2 was to make our city a safe place to live. Our police department has done an outstanding job of apprehending and prosecuting people who break the law. Just recently the Village Market was robbed and our police had the perpetrators in custody within 30 minutes. Our last court docket had approximately 90 cases. So you can see our police department has been working hard for us.

As you may know, our COPS grant that was paying a large portion of our policeman's salaries ended the end of 2002. This money has been replaced by the city franchise tax on electric and telephone utilities, allowing the continued level of police protection.

Our city is lucky to have Scott Goodwin as our Chief of Police. As you may know Scott has been accepted to the FBI Academy for training.

Number 3 was Promoting Cherokee Village, and to this end we have formed a committee whose responsibility is to get the word out about what a great place Cherokee Village is to live. I have made a personal commitment to assist them in their efforts to attract new businesses to our city by letters of support and personal visits. We are going to the Milwaukee sports show next month to represent Cherokee Village.

Some of the things we, as your elected representatives plan to do this year are:

Complete work on the senior center next door, the street maintenance facility, and possibility an animal control shelter.

We would ask all of you for your support in helping our city grow by shopping our Cherokee Village businesses, volunteering for community projects, and telling your friends and visitors what a great place this is to live.

At this time, based on projected revenues, the city's financial situation looking forward through the year looks very good. We can only speculate what impact the Lakeview School court decision will have on our general turn-back revenues, and we may have to adjust our budget accordingly.

Recycling, cleaning up the trash on your walks, and respect of our environment must be a way of life for our whole nation.

And remember, slow down and enjoy this wonderful place in which we live!"

**PUBLIC COMMENTS:**

Pam Lueder asked for a status on the Fire Department. Mayor Maynard stated that he and Mr. Paul were getting some numbers from LOPFI before we could move forward on this project. There is an accrued liability that the City would be taking over and until we get those numbers we won't move forward. Mr. Torbit suggested that some of the citizens of Cherokee Village should be put on the committee. Mayor Maynard stated that it is to a point that it just depends on the numbers. There are advantages for the City to take over the fire department for grant reasons; we could get enough grants to replace the equipment.

**ANNOUNCEMENTS:**

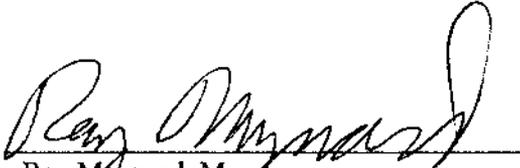
- Monday, March 1, 1:00 PM - Planning & Zoning Meeting, City Hall
- Wednesday, March 3, 3:00 PM - CV Road Committee Meeting, City Hall
- Monday, March 8, 1:00 PM - Historical Society, Omaha Center Library
- Monday, March 8, 6:00 PM - Sharp County Quorum Court
- Monday, March 8, 7:00 PM - Fulton Co. Quorum Court, Salem Courthouse
- Thursday, March 11, 9:00 AM - District Court, City Hall
- Thursday, March 11, 4:00 PM - Municipal Planning & Development, City Hall
- Thursday, March 18, 7:00 PM - City Council Meeting, City Hall

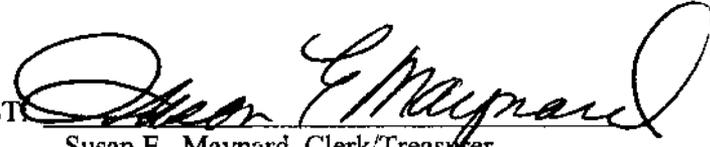
Senior Citizens Center open, every Monday and Wednesday, 11 - 3,  
unless otherwise noted; lunch at 11:30 AM, T-bird Center  
Re-cycling open every Tuesday 9:00 - Noon, weather permitting, City Hall Parking Lot

**ADJOURNMENT:**

Motion to adjourn was made by Mr. Thompson and seconded by Mr. Stokes. Meeting adjourned at 8:45 PM.

DATE: March 18, 2004

APPROVED:   
Ray Maynard, Mayor

ATTEST   
Susan E. Maynard, Clerk/Treasurer