

CITY OF CHEROKEE VILLAGE, ARKANSAS
City Council Minutes
October 21, 2004

The monthly meeting was called to order at 7:00 PM Thursday, October 21, 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, Lew Hagerman, Wally Schultz, Russ Stokes, Tom Thompson and Ray Torbit

Also Present: Susan Maynard, City Clerk/Treasurer, Judge R.T. Starcken

Absent: Jim Fenton and Scott Paul

MINUTES: Motion to approve the September 16, 2004 minutes was made by Mr. Torbit and seconded by Mr. Stokes. With a voice vote of six ayes, 0 nays, motion carried unanimously.

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

CORRESPONDENCE: None

REPORTS:

Homeland Security: Bill Racette reported the Fire Dept. should be taking possession of the new fire truck around October 29, and it will be on display, along with other equipment, at the Oktoberfest.

Municipal Planning & Development: None

Planning & Zoning: In packet.

Police Dept.: Mayor Maynard reported that we are sponsoring two people to the "100 hour" auxiliary police officer training program.

Street Dept.: Mr. Maynard said the work crews are done with paving. They are now going into the "winter mode" and working on ditches, trimming trees back on the right-of-ways, mowing and will cut a road through on the 36 acres.

UNFINISHED BUSINESS:

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

City Hall landscaping: Rob Smith, with Tri-County Farm & Ranch Supply, gave a presentation on how he proposes to re-landscape the median of the City Hall parking lot. The Master Gardeners would install the plants. The question of maintenance was asked. Mr. Smith responded that we would be

looking at less maintenance than with the existing trees. Very little would be needed the first few years, then after that, just trimming the bushes. An estimate of \$200 has been received to remove the four trees in the median. One is dying and the other three would start growing faster with the fertilizer and water planned with the up-date. This growth would probably result in the destruction of the parking curbs now in place. Mr. Smith will bring an amended proposal to include more crossing paths to the November meeting. Mr. Bartlett made a motion to approve the plan and go ahead with it when possible. Mr. Stokes seconded the motion. With a voice vote of six ayes, 0 nays, motion carried unanimously.

Fire Dept. – Ordinance establishing: Mayor Maynard asked Mrs. Maynard to read **An Ordinance to establish a fire department for the City of Cherokee Village, Arkansas, and to prescribe the duties for said members of the fire department.** Mr. Schultz made a motion to amend the Ordinance, with a second by Mr. Hagerman, as follows:

- Section 1: Fire Dept. will extinguish fire and preserve all property within the City of Cherokee Village.
- Section 2: Insure that the Fire Chief provides a service meeting City of the first class certification including personnel. (b) Use the term personnel instead of men. (c) Drills with personnel using apparatus and equipment.
- Section 3: Establish the number of employees and volunteers as membership in the Fire Dept.
- Section 5: Applications for Federal and State funds approved by City Council.
- Section 6: Amend to straighten out the conflicting statement and prepare an implementing Interlocal Cooperative Agreement with SID.
- At the pleasure of the Council, amend as to the whole or by section.

Discussion. With a voice vote of six ayes, 0 nays, motion carried unanimously. It was decided to amend the ordinance section by section.

Section 1: Motion to change wording: “That the responsibility to extinguish fires and preserve the ~~property of the City of Cherokee Village, Arkansas~~ all property within the City of Cherokee Village, Arkansas city limits and of its inhabitants ---” was made by Mr. Schultz and seconded by Mr. Torbit. With a voice vote of six ayes, 0 nays, motion carried unanimously.

Section 2: Motion to change wording: “The Fire Chief shall be responsible ~~for the personnel as may be designated by the City Council~~ for the city of the first class certification and classification of the department and certification of the personnel as it applies under Arkansas Title 20, Chapter 22, Fire Prevention, Protection and Safety” was made by Mr. Schultz and seconded by Mr. Bartlett. With a voice vote of six ayes, 0 nays, motion carried unanimously.

Section 2 (b): Motion to change wording: “and ~~men~~ personnel belonging to such department;” was made by Mr. Schultz and seconded by Mr. Torbit. With a voice vote of six ayes, 0 nays, motion carried unanimously.

Section 2 (c): Motion to change wording: “The Fire Chief shall as frequently as possible have drills ~~of the men with personnel, operating and~~ apparatus and equipment. ~~and shall,~~ Also,” was made by Mr. Schultz and seconded by Mr. Hagerman. With a voice vote of six ayes, 0 nays, motion carried unanimously.

Section 3: Motion to change wording: "(a) ~~That the membership~~ The number of employees and volunteers of the Fire Department shall be determined by the City Council, from time to time, increasing or decreasing the membership as occasion demands and ~~their~~ the employee's salaries" was made by Mr. Schultz and seconded by Mr. Torbit. With a voice vote of six ayes, 0 nays, motion carried unanimously.

Section 4: Motion to change wording: "The Fire Chief shall attend ~~all~~ City Council meetings when required and make his monthly report available" was made by Mr. Torbit and seconded by Mr. Thompson. With a voice vote of six ayes, 0 nays, motion carried unanimously.

Section 5: Motion to change wording: "The City ~~is authorized to~~ may apply, when appropriate," was made by Mr. Schultz and seconded by Mr. Torbit. With a voice vote of six ayes, 0 nays, motion carried unanimously.

Section 6: Motion to change wording: "This ordinance relating to Cherokee Village fire protection is not intended to interfere with Cherokee Village Suburban Improvement District's other chartered purposes, rights or responsibilities" was made by Mr. Schultz and seconded by Mr. Hagerman. With a voice vote of six ayes, 0 nays, motion carried unanimously.

It was decided to table the adding of a paragraph "and is contingent upon an interlocal cooperative agreement acceptable to the City Council and approved by the Attorney General as per Arkansas Title 25, State Government, Chapter 20 Interlocal Cooperation Act" until Judge Starcken has given us an opinion.

Section 8: Remove

Sequoyah Dam guardrail: Mayor Maynard reported costs of \$15.60 per foot, plus \$300 per end to purchase a guardrail for both sides of Sequoyah Ridge Road across the Sequoyah Dam. Mr. Torbit said there had been no incidences of cars going over the dam yet, but some boulders have been rolled over the side, leaving a gap that could allow a car to go over the side. Discussion. The dam is not the city's property, and installing such a rail could ruin in integrity of the dam. Mr. Bartlett asked the Road Committee to discuss the matter and bring a recommendation to the November meeting.

NEW BUSINESS:

Amendment to Ordinance 99-11: Mayor Maynard asked Mrs. Maynard to read **An Ordinance to amend ordinance 99-11 for the adoption of rules and regulations concerning garbage and trash disposal and regulating abandoned property, rubbish and abandoned motor vehicles.** Mr. Thompson made a motion to accept the Ordinance. Mr. Schultz seconded. Discussion. Motion to remove section (d) was made by Mr. Bartlett and seconded by Mr. Stokes. With a voice vote of six ayes, 0 nays, motion carried unanimously. Mayor Maynard asked for a roll call vote on the motion to accept the first reading of the Ordinance as amended: The Clerk/Treasurer called the roll: Chuck Bartlett, yes; Lew Hagerman, yes; Wally Schultz, yes; Russ Stokes, yes; Tom Thomson, yes; and Ray Torbit, yes. With a vote of six ayes, 0 nays, motion carried.

Millage resolution: Mayor Maynard asked Mrs. Maynard to read **A resolution assessing a five mill tax against the real and personal property within the corporate limits of the City of Cherokee Village, Arkansas.** Mr. Schultz made a motion to accept the resolution. Mr. Stokes seconded the motion. The Clerk/Treasurer called the roll: Chuck Bartlett, no; Lew Hagerman, no;

Wally Schultz, no; Russ Stokes, no; Tom Thompson, no; and Ray Torbit, no. With a vote of 0 ayes, six nays, motion failed.

Public comments: Newell Darner suggested that since SID owns the dams, the question of the Sequoyah Dam guardrail should be asked of SID. He also said we should go back to SID for a larger percentage of their fees for roads instead of making taxes.

ANNOUNCEMENTS:

- Friday, October 22, 4:30 – 6:30 PM, Methodist Men’s Chili Supper, CV Methodist Church
- Saturday, October 23, 7:00 – 10:00 PM; Dance with Gage Country at Cherokee Lodge
- Tuesday, October 26, 1:00 PM; Computer Club, Cherokee Lodge
- Wednesday, October 27, 3:30 PM; Strategic Planning Committee, Townhouse Meeting Room
- Saturday, October 30, 10 – 4; Oktoberfest, Town Center
- Monday, November 1, 1:00 PM; Planning & Zoning Commission, City Hall
- Tuesday, November 2, 7:30 AM – 7:30 PM; General Election – Bring a friend & VOTE!
- Tuesday, November 2, 4:00 PM; Municipal Planning & Dev. Committee, Cherokee Lodge
- Wednesday, November 3, 3:00 PM; Road Committee, City Hall
- Monday, November 8, :00 PM; Sharp County Quorum Court, Ash Flat Courthouse
- Monday, November 8, 7:00 PM; Fulton County Quorum Court, Salem Courthouse
- Tuesday, November 9, 1:00 PM; CV Historical Society, Omaha Center
- Tuesday, November 9, 6:00 PM; Cancer Support Group, City Hall
- Thursday, November 11; VETERAN’S DAY – Thank a Vet !! (Attend Veteran’s Day services)
- Thursday, November 11:00 AM; District Court, City Hall
- Friday, November 12, 7:30 AM; Investment club, City Hall
- Thursday, November 18, 7:00 PM; City Council Meeting, City Hall

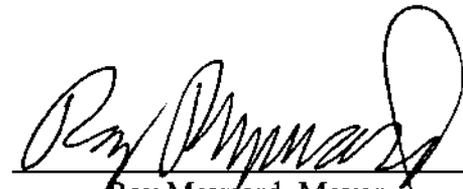
Cherokee Lodge (Senior Citizens Center) open, Monday through Friday, 9 – 2,
unless otherwise noted; lunch at 11:30 AM

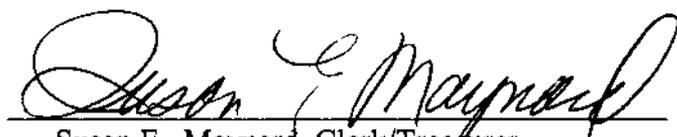
Re-cycling open every Tuesday 9:00 – 11:00 AM, weather permitting, City Hall Prkg Lot

ADJOURNMENT:

Motioned to adjourn was made by Mr. Torbit and seconded by Mr. Bartlett. With a voice vote of six ayes, 0 nays, motion carried unanimously. Meeting adjourned at 9:00 PM.

DATE: November 18, 2004

APPROVED: 
Ray Maynard, Mayor

ATTEST: 
Susan E. Maynard, Clerk/Treasurer