

AGENDA
CHEROKEE VILLAGE, ARKANSAS
City Council Meeting
August 18, 2005
7:00 PM

(Meetings are video recorded)

1. Call to Order, Pledge of Allegiance, Roll Call, Declaration of quorum
2. Minutes, 7/21
3. Financials, July
4. Correspondence
5. Committee/Dept. Reports:
 - a. Animal Control
 - b. Fire Dept.
 - c. Homeland Security
 - d. Municipal Planning & Development
 - e. Planning & Zoning
 - f. Police
 - g. Roads
6. Unfinished Business:
 - a. Police Dept. shooting range – R.T. Starken/Chief Goodwin
 - b. Pontiac road project - Mayor
 - c. Employee handbook amendment (to add retirement policies & make gender neutral); resolution
 - d. Resolution, procedure to fill aldermanic vacancies - Peter Martin
 - e. Resolution - Setting Agenda – Russ Stokes
 - f. Planning & Zoning Amendment to Ordinance 99-2, Building Codes, 2nd reading
7. New Business
 - a. Discuss sign ordinance and remedies of problems connected to the problem. Builder/contractors relief from sign restrictions and selective enforcement of sign ordinance – William Matsecboba
8. Public Comments – Please limit to five minutes each.
9. Meetings & Announcements:

Wednesday, August 24, 4:00 PM; Strategic Planning Committee meeting, Townhouse Bldg.

Saturday, September 3, 6:30 AM – Noon; Kiwanis Pancake Breakfast, City Hall

Saturday, September 3, 7 – 10 PM; Street Dance, Center Stage

Monday, September 5; Labor Day, Offices Closed

Wednesday, September 7, 3:00 PM; Road Committee, City Hall

Monday, September 12, 1:00 PM; Planning & Zoning Commission, City Hall

Monday, September 12, 6:00 PM; Sharp County Quorum Court, Ash Flat Courthouse

Monday, September 12, 7:00 PM; Fulton County Quorum Court, Salem Courthouse

Tuesday, September 13, 4:00 PM; Municipal Planning & Dev. Committee, City Hall

Thursday, September 15, 7:00 PM; City Council Meeting, City Hall

Friday, September 16, 9:00 AM; District Court, City Hall

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

Re-cycling open every Wednesday 8:00 – 11:00 AM, weather permitting, City Hall Prkg Lot
10. Adjournment



DEPARTMENT OF THE ARMY
U.S. ARMY ELECTRONIC PROVING GROUND
POST OFFICE BOX 12718
FORT HUACHUCA, ARIZONA 85670-2718

August 5, 2005

Special Programs Office

Chief Scott Goodwin
Cherokee Village Police Department
2 Santee Drive
Cherokee Village, Arkansas 72529

Dear Chief Goodwin,

My organization, the United States Army Electronic Proving Ground (EPG), administers the Technology Transfer Program on behalf of the Office of National Drug Control Policy, Counterdrug Technology Assessment Center (ONDCP / CTAC). In response to your application, we have scheduled your agency to receive the ThermoVision SCOUT.

The ThermoVision SCOUT provides night vision capabilities by sensing heat, not light. The device generates real-time pictures in all lighting conditions, including total darkness.

The Technology Transfer Program recognizes the importance of new equipment education and training, not only for law enforcement members, but also to ensure proper operation and deployment of the equipment. With this in mind, attendance at a training session is required prior to receipt of the equipment. The program provides travel, lodging, and a limited per diem for one person per agency. The training will also include Law Enforcement Thermographers' Association (LETA) certification.

Our next ThermoVision SCOUT training session is scheduled for Monday, September 19th in St. Louis, Missouri and includes 24 hours of hands-on instruction with a final exam. The program will provide the following for your designated attendee:

- ◆ Airline tickets (Departure on Sunday, 9/18 with return on Thursday, 9/22)
- ◆ Transportation reimbursement to and from the departing airport
- ◆ Shuttle transportation from Lambert-St. Louis International Airport to hotel with return
- ◆ Hotel lodging for 4 nights – St. Louis Airport Marriott Hotel (Sunday, 9/18, Monday, 9/19, Tuesday, 9/20, Wednesday, 9/21)
- ◆ Breakfast and lunch on training days (Monday, 9/19, Tuesday, 9/20, Wednesday, 9/21)

Good Evening

My name is Barbara Place, I am the Vice-President of Hill and Dale Garden club and I am here tonight to plead with the community to help us. Without the help of residents in Cherokee Village that lovely garden park across the street from the town center will revert to beds of weeds. We need the help of the community in maintaining the garden park.

We, the garden club, are going to change the name of the park so that residents don't feel that it is OUR park, it is YOUR park to enjoy . Soon the park will be called the Cherokee Village Community Park .

Visitors to Cherokee Village stroll the paths thru our garden all through the growing seasons. They walk the Adahi Trail. We certainly don't want them to see over-grown beds full of weeds.

When my husband and I moved to the Village we tried to walk the Adahi Trail, it was a tangled, weed and bug infested mess. Village Pride stepped in the late 90's, look at the results now. A walking trail the residents can be proud of but it takes work and that is what the garden park needs.

Next we are going to address clubs and organizations to ask if they would take ONE plot or bed to maintain. Their club members would weed that bed on their decided schedule.

Also we are letting individuals know that there are plots available for adoption, many plots! It would be your plot to plant and maintain.

The history of the park goes way back , long before we moved here so I don't know the exact dates. The beds were built by the Men's Hill and Dale Garden club of stone left when the old lodge and recreation building burned. They formed the beds, hauled in the soil and our gardens came to be. The men and some women that built this garden are either dead or no longer around to be able to work on the gardens. Presently there are only about 3-4 people that are weeding and grooming the plots. Some of our members can not do that type of labor any longer so it falls to a few.... They are getting tired.

If we don't get the community behind us the gardens will return to rocks from a burned out old recreation lodge. No flowers just weeds.

There is a scheduled workday throughout the summer months. Every Monday in the mornings. Put on your grubby clothes; find your gardening

tools and come on down to the park to get your fingernails dirty. Can't make it on Monday, we don't care, work a hour or two any day you have available. . If you feel you would like to help please come to the park and be advised of what you can do or what plot you can adopt. It is best to confer with someone working as to what needs to be done tho.

Please remember this is your park, your Village, we need you!

If you want to get involved please call city hall to get in touch with

Betty Stokes at 257-2282, Barbara Place at 257-6157

**Cherokee Village Fire
Department**
"Fire Safety First"

Chief Michael E. Taylor
Cherokee Village Fire Department
1 Baseheart Road
Cherokee Village, AR 72529

August 15, 2005

**Cherokee Village Fire Department
Activity Report**

The CVFD Annual Pancake Breakfast was held on the Fourth of July at the Baseheart Fire Station. We were able to purchase another AED from the donations received, which now gives us three AED's in service. Our goal is to have one on every Pumper and Rescue Unit.

During the month of July the firefighters trained a total of 205 hours on various fire related subjects. The volunteers had 4 hours training on Apparatus and Protective Equipment.

INCIDENT #	DATE	ADDRESS	SITUATION
2005086	07/05/05	26 N LAKESHORE DR	LIFT ASSIST
2005087	07/05/05	1 BASEHEART RD	MOVE UP
2005088	07/07/05	4 IOWA TC	EMS ASSIST
2005089	07/07/05	1 BASEHEART RD	MOVE UP
2005090	07/12/05	23 COCHISE RD	ALARM MALFUNCTION
2005091	07/12/05	1 BASEHEART RD	MOVE UP
2005092	07/13/05	1 MODOC CR	BRUSH FIRE
2005093	07/20/05	10 WAKEVA DR	EMS ASSIST

Respectfully,

Michael Taylor, Chief
Cherokee Village Fire Dept.

P&Z Report:

Permit Comparison
2004 – 2005
As Of July 31

<u>TYPE CONST.</u>	<u>2004</u>		<u>2005</u>	
	<u>Number</u>	<u>Const. Cost</u>	<u>Number</u>	<u>Const. Cost</u>
Residential Remodels	161	\$579,739	182	\$779,762
Residential New	2	\$147,900	13	\$1,976,500
Commercial Remodels	3	\$ 63,000	2	\$134,558
Commercial New	2	\$195,000	2	\$794,000
Septic	35	N/A	48	N/A
Year-To-Date Total	203	\$985,639	247	\$3,684,820

CHEROKEE VILLAGE PLANNING & ZONING COMMISSION
MINUTES FROM July 11, 2005

The Planning & Zoning meeting was called to order by Tom Thompson at 1:00 p.m.

Members Present: Tom Thompson, Hallie Crayne, Jim Boehmler, Tom Thone and Bob Curtis.

Members Absent: Bob Funke and Willard Hudson

Mr. Thompson asked if there were any corrections or changes to be made to the June 6, 2005 minutes. No corrections were made. Minutes will be filed.

Danny Cruse had asked to be put on the agenda regarding a sno-cone business in the Village. He was not present.

Mr. Thompson presented the revision to Ordinance 99-2 changing the zoning regulations to allow for a pyramid type zoning, i.e., R-1 housing could also be built in an R-2 zone, etc. and to change the set-back requirements in the commercial zones. Mr. Thone made a motion to present the revised ordinance to the City Council for approval. Mr. Boehmler seconded. All approved.

Mr. Thompson presented the revision to Ordinance 03-12 changing the regulations for installation of septic systems. Mr. Thompson explained the proposed changes to the ordinance and stated that due to the nearly doubled increase in septic repairs from 2004 and the increase in new homes we will asked this ordinance to be passed as an emergency. Mr. Thone made a motion to present the revised ordinance to the City Council for approval. Mr. Boehmler seconded. Mr. Thompson stated that we would wait on the vote until after the public hearing.

Mr. Thompson reported that had asked Bob Kincade to contact the owners of the boat dock at the corner of Keosauqua Dr. and let them know that it either needs to be repaired or removed.

Mr. Thompson stated that we would recesses the P&Z meeting until after the Board of Adjustment Meeting and Public Hearing. The Board of Adjustment Meeting convened at 1:15 p.m.

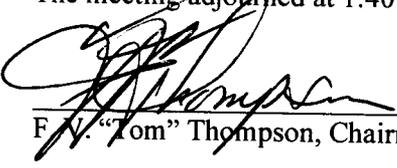
Gary Cobb – 29 Potomac Dr., request for a metal carport. After discussing the Commission agreed to deny Mr. Cobb's request.

Christopher Whalen, 92-Isleta Dr., requested a variance to build a garage in front of his house requiring the septic lines to be relocated. Mr. Whalen is checking with the health department on the septic system. The request was tabled until the next meeting.

The Board of Adjustment Meeting adjourned at 1:20 p.m. and the Public Hearing convened.

The P&Z meeting reconvened at 1:35 p.m. Mr. Thompson asked for a vote the change to Ordinance 03-12. All approved.

The meeting adjourned at 1:40 p.m.

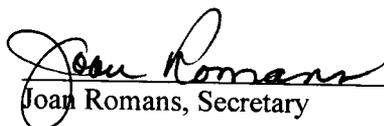


Tom Thompson, Chairman P&Z Commission

8/17/05

Date

ATTEST:



Joan Romans, Secretary

CHEROKEE VILLAGE POLICE DEPARTMENT

JULY REPORT

Citations written: 39
Miles patrolled: 8900
Hours worked: 1005
Hours volunteered: 351

The Cherokee Village Police Department applied to the Technology Transfer Program, U.S. Army Electronic Proving Ground, for a Thermovision Scout infra-red hand-held unit. Our department was recently advised that it has been chosen to receive the equipment and training at no cost. The Thermovision Scout provides night vision capabilities by sensing heat, not light. The device generates real-time pictures in all lighting conditions, including total darkness.

SUMMARY OF THEFTS

Thunderbird Center: Theft of a box of candy bars

Thunderbird Marina: Theft of a vehicle license plate.

Keely's Market: Theft of a money bag containing cash that had been left lying on the propane tank. Juvenile suspects were charged and cited to juvenile court.

Tonto Tr. area: Theft of washer, dryer, and refrigerator. Suspect is a recent tenant that was evicted.

Peoto Dr. area: Theft of a lawnmower.

Sharp County court house: Theft of a computer and accessories stolen in Ash Flat and reported to the Cherokee Village Police Dept.

**CHEROKEE VILLAGE
POLICE DEPARTMENT**

2 SANTEE DRIVE
CHEROKEE VILLAGE, AR 72529

08/15/2005

Page : 1

Citation Totals By Violation

07/01/2005 / 07/31/2005

Violation		Total
112	SERVED WARRANT/SUMMONS/COURT ORDER	5
27-14-304	NO TAGS/LICENSE PLATE	2
27-14-306	IMPROPER USE OF TAGS, REGISTRATION OR	1
27-14-601	FAILURE TO PAY REGISTRATION	1
27-16-303	DRIVING ON SUSPENDED/REVOKED LICENSE	1
27-16-601	LICENSE TO BE CARRIED & EXHIBITED	1
27-16-602(a)	NO DRIVERS LICENSE	1
27-22-104	NO LIABILITY INSURANCE AS REQUIRED	1
27-50-302(5)	LEAVING SCENE OF ACCIDENT	1
27-51-104	CARELESS DRIVING	2
27-51-201	SPEEDING	5
27-51-601	FAILURE TO STOP AT STOP SIGN/YIELD AT	1
5-13-203	BATTERY 3RD	2
5-26-305	DOMESTIC BATTERY - 3RD DEGREE (A)	1
5-36-106	THEFT BY RECEIVING	2
5-36-108	UNAUTHORIZED USE OF VEHICLE	1
5-4-122	FILING FALSE REPORT	1
5-65-103	DWI	2
5-71-212(b)	PUBLIC INTOXICATION (ALCOHOL OR	6
99-11(1)	ILLEGAL TRASH DUMPING	1
99-12	DISCHARGING FIREARM IN CITY LIMITS	1

CHEROKEE VILLAGE POLICE DEPARTMENT

2 SANTEE DRIVE
CHEROKEE VILLAGE, AR 72529

08/15/2005

Page : 1

Total Incidents By Offense Code

07/01/2005 / 07/31/2005

Offense	Total Incidents
103 MISSING PERSON	1
105 DEATH REPORT	1
106 RUNAWAY - JUVENILE	1
107 INFORMATION ONLY	15
112 SERVED WARRANT/SUMMONS/COURT ORDER	5
5-13-203 BATTERY 3RD	1
5-14-103 RAPE	1
5-26-305 DOMESTIC BATTERY - 3RD DEGREE (A)	1
5-28-301 EMERGENCY/PROTECTIVE CUSTODY	1
5-36-103 THEFT OF PROPERTY	3
5-36-106 THEFT BY RECEIVING	1
5-38-204 CRIMINAL MISCHIEF 2ND	4
5-39-201(b-1) BURGLARY - COMMERCIAL	1
5-39-202 BREAKING OR ENTERING	1
5-54-122 FILING FALSE REPORT	1
5-65-103 DWI	2
5-71-209 HARASSING COMMUNICATIONS	1
5-71-212(b) PUBLIC INTOXICATION (ALCOHOL OR	4
8-6-406 -IND LITTERING - INDIVIDUAL	1
99-12 DISCHARGING FIREARM IN CITY LIMITS	1

ROAD DEPARTMENT
JULY 2005

- Dug soft spots in Oklawaha Dr and Opalochee Dr.
- Oil and Chipped 2 ½ miles of street on Shoshone Dr, N. Wichita Cr, S.Wichita Cr, Vega Dr. and parts of Pueblo Dr. and Boanna Dr.
- Put Crack Sealer on PottawattamieDr.
- Patched Streets.
- Took trees out of streets, Trimmed on Corners and Curves.
- Fixed 4 Driveway Approaches.
- Put in Culverts on Boanna Dr.
- Bladed Mix on Oklawaha Dr.
- Made Cold Mix 500 tons.
- Mowed streets in Walbash, Flathead, Hiawatha areas and now working on Boanna Dr.
- Put in 8 Streets Signs
- Put up 1 Speed Limit Sign.
- Worked on Heated Oil Tank Burner
- Worked on area around shop.
- Put 4 new tires on Ford 9000 Dump Truck, 1 new tire on Galion Grader.
- Changed Oil and Greased equipment.
- Worked on Police cars as needed.

Road Committee Minutes

Meeting date 7/6/05

Time 3:03pm

ATTENDING COMMITTEE: Ray Maynard, Tom Henkels, Jim Cherry, Dick Gammie,
Russ Stokes, Wally Schultz

OTHERS ATTENDING: Dean Pease

Meeting was called to order Ray Maynard.

Minutes read of 5/4/05 and 6/3/05 approved.

General discussion:

Regarding the water company leaving the shoulders unfinished (Waketa is bad) Jim Cherry is to follow up on correcting this with Steve Rose.

Overhead pipe to water down the rock at the city street and road facility is done.

Mayor presented the proposal from Spacecom totaling \$4008.26 dated 6/6/05, for security system at the city street and road facility. (As per attached) The work has been ordered to be done.

Mayor presented two proposals from Spurlock one for \$98,900 and the other for \$49,548 both dated 8/13/04 . (As per attached)

MOTION MADE BY Henkels SECOND BY Stokes to present info. and make the council aware of the proposal to do work on Pontiac.

Dean Pease spoke about the poor condition the water company has left the roads and was pleased that the committee was addressing the problem.

ADJOURNED for field trip: 3:36pm

The committee drove to view the conditions at Waketa, Duroc and Marrimac. They need ditching and shoulder work along with appropriate patching.

Looked over the Vaga practice rebuilding location.

Toke out the old material, cut in drainage, Put in 2in minus and 1in minus, rolled it and double chip and sealed it. It looks like this will be the standard for rebuilding.

Okmulgee needs ditching to Winnebago

Field trip over: 4:17pm



Submitted: Wally Schultz

Approved



Pontiac Upgrade

Cherokee Village Portion

1800' X 24' wide			
Concrete culvert			\$6,733.00
1" minus base rock			\$10,500.00
Contract excavator work			\$4,500.00
Double chip seal			\$5,232.00
CV Road crew labor (3 Men 80Hrs)			\$3,600.00
Total CV portion			\$30,565.00

Highland Portion

1350' X 24' wide			
1" minus base rock			\$7,875.00
Contract excavator work			\$3,375.00
Double chip seal			\$3,924.00
City road crew labor (3 men 60 Hrs)			\$2,700.00
Total Highland portion			\$17,874.00

	TELEPHONE LOG	Month of July 05
A.C.		0
BLDG. INSPECT.		43
CITY CLERK		57
CODE ENF.		0
COURT		9
IESI		3
SR.CENTER		0
INFORMATION		75
MAYOR		44
MISC.		29
P&Z		134
PD LINE 5		37
PD OTHER LINES		53
ROADS		4
TOTAL		488
TOTAL		

CITY OF CHEROKEE VILLAGE

BALANCES:

DATE:

August 18, 2005

General Fund:

Totals

A/C Change Fund	\$	20.00
Fire Dept. Petty Cash		50.00
Petty Cash		100.00
833 Account (Fire Dept.)		15,077.13
Fire Prevention Account		16,693.97
General Fund Checking		476,120.75
CD's (Police car, Mosq. Control, Misc.)		58,083.83
CMT		106,977.15
Fire Dept. Capital Expenditures Grant	6,203.37	
Police Car Fund	5,000.00	
Police Donations	175.00	
Unallocated	95,598.78	

\$ 673,122.83

Street Fund:

Checking	\$	165,800.90
CMT		102,956.52
Petty Cash		100.00

268,857.42

LOPFI Fund:

CMT Checking	\$	1,953.53
--------------	----	----------

1,953.53

Court Automation Fund:

Checking	\$	2,782.25
----------	----	----------

2,782.25

Grand Total, All Funds:

\$ 946,716.03

**R.T. STARKEN
DEPUTY PROSECUTING ATTORNEY
SHARP COUNTY, ARKANSAS
P.O. BOX 550
CHEROKEE VILLAGE, ARKANSAS 72525
PHONE: (870) 856-3286
FACSIMILE: (870) 856-3309**

July 26, 2005

Mayor Ray Maynard
Cherokee Village, AR

Mayor Maynard:

The following is provided to you in your official capacity as mayor of Cherokee Village, a city of the first class. At its regular meeting of July 22, 2005, the Council requested a report concerning the operation of a gun range by the City's police department. This letter is in response to their request.

A.C.A. 21-9-301. Tort Liability - Immunity declared.

(a) It is declared to be the public policy of the State of Arkansas that all counties, municipal corporations, school districts, special improvement districts, and all other political subdivisions of the state and any of their boards, commissions, agencies, authorities, or other governing bodies shall be immune from liability and from suit for damages except to the extent that they may be covered by liability insurance.

(b) No tort action shall lie against any such political subdivision because of the acts of its agents and employees.

While public officials named under this section are immune from tort liability for negligent acts committed in the performance of their official duties, that immunity does not include intentional torts committed by those officials. Battle v. Harris, 298 Ark. 241, 766 SW 2d 431 (1989). Regarding the question of liability in federal court, it has been held that state-law immunities do not override a cause of action under 42 U.S.C. 1983 which imposes civil liability on any person who deprives another of federally protected rights. See Monell v. New York City Dept. of Social Services, 436 U.S. 658 (1978). Thus, local governments, municipal corporations, and school boards are subject to suit under section 1983. *Id.* It should be noted, however, that liability will result only if action pursuant to official policy of some nature causes a constitutional tort. And depending upon available State remedies, a federal court may determine that State procedures provide adequate protection of federally protected rights. See, e.g. Collier v. City of Springdale, 733 F. 2d 1311 (8th Cir. 1984). The results will therefore vary depending upon the relief sought and available State remedies.

In conclusion it would seem unlikely that a city operated shooting range, run according to



870-257-5522
Fax 870-257-5524

AGENDA REQUEST

Today's date: 25th July 2005

I would like to be on the agenda for the Aug 16, 2005 City Council meeting.

Subject:

DISCUSS SIGN ORDINANCE AND
REMEDIES OF PROBLEMS CONNECTED
TO THE PROBLEM
BUILDER/CONTRACTORS ~~AND~~ RELIEF FROM
SIGN RESTRICTIONS AND SELECTIVE ENFORCEMENT
OF SIGN ORDINANCE

Signed: William Matsel Boba

Please print name: William MATSELBOBA

CITY COUNCIL MEETING ATTENDANCE

DATE: 8/18/05

Please sign your name as attending this meeting

1.	<i>Bob Hood</i>	24.
2.	<i>Paul</i>	25.
3.	<i>Pam Snyder</i>	26.
4.	<i>RAY TORBIT</i>	27.
5.	<i>Barbara Blough</i>	28.
6.	<i>Chuck Bartlett</i>	29.
7.	<i>Mary Bartlett</i>	30.
8.	<i>Mary Laybe</i>	31.
9.	<i>Al Peterson</i>	32.
10.	<i>Hobie Weisman</i>	33.
11.	<i>Dewell Dorney</i>	34.
12.	<i>Barbara Allee</i>	35.
13.	<i>Wright Wray</i>	36.
14.	<i>Ann O. Peterson</i>	37.
15.	<i>Sara McQually</i>	38.
16.		39.
17.		40.
18.		41.
19.		42.
20.		43.
21.		44.
22.		45.
23.		46.