

**CITY OF CHEROKEE VILLAGE, ARKANSAS**  
**City Council Minutes**  
**January 20, 2005**

The monthly meeting was called to order at 7:00 PM Thursday, January 20, 2005 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: Jim Fenton, Lew Hagerman, Tom Henkels, Peter Martin, Angela Petersen, Scott Paul, Russ Stokes and Jan Torbit

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

Absent: None

Mayor Maynard presented certificates of appreciation to Ray Torbit and Wally Schultz for their service on the Council. He then welcomed the new members, Tom Henkels, Peter Martin, Angela Petersen and Jan Torbit.

**MINUTES:** Motion to approve the December 2, 2004 minutes was made by Mr. Stokes and seconded by Mr. Fenton. With a voice vote of eight ayes, 0 nays, motion carried unanimously.

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

**CORRESPONDENCE:** Two letters inviting the Police Chief to conferences were read.

**REPORTS:**

**Homeland Security:** Bill Racette reported we have received a grant of \$4,716.88 for the CERTS and VIPS programs.

**Municipal Planning & Development:**

They met in December but not in January. The FireWise program is on task, and the contractor has been here all week. They are doing the assessments, and will then make recommendations to the City. This committee was established in the very beginning of the City to create a better Cherokee Village by attracting tourists and retirees.

**Planning & Zoning:** In packet.

**Police Dept.:** No report. Mayor Maynard and Lloyd Broughton have graduated and become certified Auxiliary Police Officers.

**Fire Dept.:** Chief Taylor reported that two fire fighters helped Nine Mile Ridge VFD in a disappearance case. Engine #1 (1974 Haul) was in an accident. We should get it back this weekend. The engines are tested every year.

**Street Dept.:** In packet.

**UNFINISHED BUSINESS:**

**School resource officer:** No news.

**City Hall landscaping:** Tabled until February meeting.

**NEW BUSINESS:**

**IESI rate increase:** Rod Smith asked the Council for a 3% (consumer price index) increase in trash pickup, from \$12.24 to \$12.62 per month. We have had no actual rate increase since 2001. In 2003 there was a small increase for fuel. We also receive a 5% franchise fee quarterly from this utility. The increase would start April 1, and the contract is up in 2008. Mr. Hagerman made a motion to allow the 3% rate increase in the IESI trash pickup fees. Mr. Henkels seconded. Discussion. The Clerk/Treasurer called the roll: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of eight ayes, 0 nays, motion carried.

**Fire protection outside city limits ordinance:** Mayor Maynard asked Mrs. Maynard to read **An Ordinance authorizing the Cherokee Village Fire Department to provide fire protection outside the city limits of Cherokee Village pursuant to certain conditions; establishing the conditions pursuant to which fire protection outside the city limits may be provided; providing a method for application for fire protection for certain parties outside the city limits; providing fees for the services provided hereby; declaring an emergency; and for other purposes.** Mr. Martin made a motion to table the ordinance until the February meeting. Mr. Fenton seconded. Discussion. After discussion, Mr. Martin rescinded his motion. Mr. Fenton made a motion to accept the first reading of the ordinance. Mr. Paul seconded. Discussion. Mr. Martin made a motion to change the wording of the last sentence of Section 1C from Mayor to Fire Chief or his designee. Mr. Hagerman seconded. Discussion. The Clerk/Treasurer called the roll: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of eight ayes, 0 nays, motion carried. Mr. Martin made a motion to add the wording "by accessible road" to Section 1D. Mr. Hagerman seconded. Discussion. The Clerk/Treasurer called the roll: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of eight ayes, 0 nays, motion carried. Mr. Hagerman made a motion to change the wording Section 1B. Mr. Martin seconded. Discussion. The Clerk/Treasurer called the roll: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan 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. Stokes seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of eight ayes, 0 nays, motion carried. Mrs. Maynard read the Ordinance, title only, for the second time.

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

Mr. Henkels made a motion to accept the Ordinance. Mrs. Torbit seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan 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 2005-01**.

Mr. Hagerman made a motion to accept the emergency clause. Mr. Stokes seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of eight ayes, 0 nays, motion carried.

**Mutual aid resolution:** Mayor Maynard asked Mrs. Maynard to read a **resolution authorizing an agreement for mutual aid fire protection with the neighboring fire departments**. Mr. Hagerman made a motion to accept the resolution. Mrs. Torbit seconded the motion. Discussion. Mr. Stokes made a motion to use the cities' names in the title instead of the word "neighboring". Mr. Fenton seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of eight ayes, 0 nays, motion carried. Mayor Maynard asked for a roll call vote for adoption of the resolution. The Clerk/Treasurer called the roll: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of eight ayes, 0 nays, motion carried.

**401(a) Ordinance and Adoption Agreement:** Mayor Maynard asked Mrs. Maynard to read **An Ordinance supporting the establishment of a defined contribution plan for the City of Cherokee Village, Arkansas**. Mr. Stokes made a motion to accept the first reading of the Ordinance. Mrs. Torbit seconded. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, no; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of seven ayes, one nay, motion carried. Mr. Martin made a motion to table the second and third readings of the Ordinance to the February meeting. Mr. Hagerman seconded. Discussion. With a voice vote of eight ayes, 0 nays, motion carried unanimously.

**Police Dept. Block grant resolution:** Mayor Maynard asked Mrs. Maynard to read a **resolution of the City Council of the City of Cherokee Village, Arkansas to apply to the Local Law Enforcement Block Grants Program, to confirm the City of Cherokee Village's commitment to provide matching funds and for other purposes**. 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: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of eight ayes, 0 nays, motion carried.

**Council meeting resolution:** Mayor Maynard asked Mrs. Maynard to read a **resolution to change Council meetings dates and times**. Mr. Fenton made a motion to accept the resolution. Mrs. Torbit seconded the motion. Discussion. Mr. Hagerman made a motion to have a working session at 6:30 PM on the Monday prior to the third Thursday meeting. Mr. Martin seconded the motion. Discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Jim

Fenton, no; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, no; Angela Petersen, yes; Russ Stokes, no; and Jan Torbit, no. With a vote of four ayes, four nays, vote was tied. The Mayor declined to vote for. Motion failed. Mayor Maynard asked for a roll call vote for adoption of the resolution. The Clerk/Treasurer called the roll: Jim Fenton, yes; Lew Hagerman, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of eight ayes, 0 nays, motion carried.

Mr. Martin made a motion to video tape all committee meetings and have them archived. He would pay for the tapes. Mr. Stokes seconded the motion by discussion. Mayor Maynard asked for a roll call vote. The Clerk/Treasurer called the roll: Jim Fenton, no; Lew Hagerman, yes; Tom Henkels, no; Peter Martin, yes; Scott Paul, no; Angela Petersen, yes; Russ Stokes, no; and Jan Torbit, no. With a vote of three ayes, five nays, motion failed.

**Public comments:**

**MEETINGS AND ANNOUNCEMENTS:**

Friday, January 21, 9:00 AM; District Court, Ash Flat Courthouse  
Tuesday, January 25, 1:00 PM; Computer Club, Cherokee Lodge  
Wednesday, January 27, 3:30 PM; Strategic Planning Committee, Town House Bldg.  
Wednesday, February 2, 3:00 PM; Road Committee, City Hall  
Monday, February 7, 1:00 PM; Planning & Zoning Commission, City Hall  
Tuesday, February 8, 4:00 PM; Municipal Planning & Dev. Committee, City Hall  
Tuesday, February 8, 6:00 PM; Cancer Support Group, City Hall  
February 18, 9:00 AM; District Court, City Hall  
Monday, February 14, 6:00 PM; Sharp County Quorum Court, Ash Flat Courthouse  
Monday, February 14, 7:00 PM; Fulton County Quorum Court, Salem Courthouse  
Thursday, February 17, 7:00 PM; City Council meeting, City Hall  
Monday, February 21; PRESIDENT'S DAY – OFFICE CLOSED

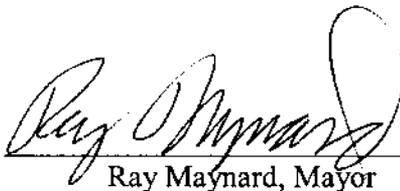
Cherokee Lodge (Senior Citizens Center) open, Monday through Friday, 9 – 2,  
unless otherwise noted; lunch at 11:30 AM

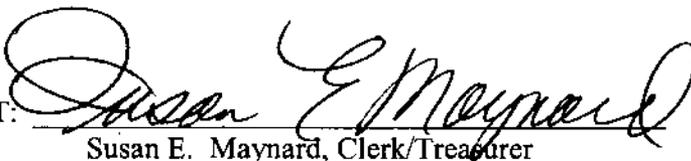
Re-cycling open every Tuesday 9:00 – 11:00 AM, weather permitting, City Hall Prkg Lot

**ADJOURNMENT:**

Motioned to adjourn was made by Mr. Martin and seconded by Mr. Fenton. With a voice vote of eight ayes, 0 nays, motion carried unanimously. Meeting adjourned at 9:30 PM.

DATE: February 17, 2005

APPROVED:   
Ray Maynard, Mayor

ATTEST:   
Susan E. Maynard, Clerk/Treasurer