

CITY OF CHEROKEE VILLAGE, ARKANSAS
City Council Minutes
June 23, 2005

The monthly meeting was called to order at 7:10 PM Thursday, June 23, 2005 by Mayor Ray Maynard. The meeting was held at City Hall. The Pledge of Allegiance was recited; he called for the roll and declared a quorum.

ROLL CALL:

Answer Roll Call: Jim Fenton, Peter Martin, Scott Paul Angela Petersen, Russ Stokes, Jan Torbit and Kent Viers

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

Absent: Tom Henkels

Mayor Maynard thanked all the volunteers who helped make the 50th Anniversary Celebration and the Air Show such a success.

MINUTES: Mr. Martin made a motion to table accepting the minutes as he wanted to discuss with the clerk some things that were omitted. Mr. Fenton replied that the minutes couldn't be tabled, and made a motion to accept the minutes as prepared. (No vote.) Mr. Martin proceeded with his objections to the prepared minutes. Mr. Fenton said there could be no discussion as there had been no second. Mr. Paul seconded Mr. Martin's motion. (No vote.) Mr. Martin requested corrections as follows:

1. He suggested that she add the reasoning behind the Council's voting actions.
2. At the beginning of the last meeting, Mr. Martin called a point of order that the assignment of Mr. Stokes as acting Mayor by Mr. Maynard was illegal as he did not have the authority to do that.
3. Under public comments, Mr. Martin asked that three things be included on the June agenda as follows:
 - a. Assignment of "Second in command" for Dept. heads
 - b. Discussion giving Planning & Zoning some direction as to why the Council rejected their last drafted ordinance
 - c. Discussion of having working meetings

(Recorder's Note: Mrs. Maynard had asked Mr. Stokes on Friday, May 20 if she should include these things on the June agenda, and Mr. Stokes replied, "No.")

Mayor Maynard asked for a motion to approve the minutes as corrected. (Recorder's Note: Mrs. Maynard brought up the fact there had not been any voting on the last two motions. Mayor Maynard asked the Council what they wanted to do. They continued without acting on the first two motions.) Motion to accept the minutes as corrected was made by Mr. Stokes and seconded by Mr. Martin. With a voice vote of seven ayes, motion to accept the minutes as corrected carried unanimously.

TREASURER'S REPORT: Mr. Martin asked when we usually had an audit. Mrs. Maynard replied that in the past it had been in March or April, but that the State Legislative Audit Division was behind and has no idea when they will be here. Motion to accept the May financial report was made by Mr. Viers and seconded by Mrs. Torbit. With a voice vote of seven ayes, motion carried unanimously. Reports will be filed for audit.

CORRESPONDENCE: Mrs. Maynard read a letter from the Sharp County Regional Airport thanking the Police Dept.'s help with the Air Show.

REPORTS:

Animal Control: Mr. Martin reported that the committee had met with Judge Johnson regarding its being a non-profit organization. Mayor Maynard asked if there had been any success in working with all the four cities. Mr. Martin answered that Hardy and Highland had representatives on the committee, but Ash Flat did not due being unable to find anyone willing to serve on the committee. Mayor Maynard said he'd really like to see something going on this with all the cities involved. He is reluctant to foot the bill completely with Cherokee Village.

Fire Dept.: May report in packet. Engine #1 is back in service. That saved the City around \$15,000.

Homeland Security: No report. Mr. Martin asked what was happening with our plan. Mayor Maynard said there is a web site that explains what our plan is and where we are with it.

Municipal Planning & Development:

Strategic Planning meeting: Cy Bertram reported there are 15 members on this Committee who are divided into three groups. Each group was charged with planning its own city and how they would like it to be, its mission and goals. From these three plans, the committee came up with a vision statement, a mission statement and goals. (Attached.) They have a committee meeting scheduled with Renee' Doty in the Map Room on Tuesday, June 28 at 4:00 PM. Cy has conducted a survey, with 62 being returned. Mr. Martin asked if the Council should approve the involvement with the ACE program. Mr. Fenton said that after this next meeting, the committee should be ready to make a presentation to the Council, and the Council would act on that. Our requirement to be in the ACE program is that we are a city of less than 5,000; we have to have anywhere from one to three components in the economical development area; and have three to five components from the community development area.

Planning & Zoning: In packet. There has been a quite a number of permits issued. Mrs. Romans said there were over \$800,000 in permits issued last week.

Police Dept.: In packet. Chief Goodwin reported that four officers had attended training programs during the month. One program was "Protecting Children On Line". Another was "Community Crisis Preparedness Workshop" in Highland. Agencies from all over attended, not only law enforcement. Officers were also certified in the National Incident Management System. Sharp County Domestic Violence had a workshop.

Street Dept.: We have about five miles ready to be chip-sealed. All streets having houses have been mowed. Mrs. Petersen asked why so many street signs are being replaced. Mr. Cherry

replied that they are stolen. We do make our own street signs. We would like to do about 16 miles of roads chip-sealed.

UNFINISHED BUSINESS:

Mr. Martin made a motion to recall the motion from the March 17, 2005 meeting regarding the allocation of an additional \$1,000 to the Police Dept. budget for a shooting range. Mr. Paul seconded. Mr. Martin introduced a memo from Sharp County Sheriff Dale Weaver stating they were in the process of making a range that we could use. Mr. Martin feels we don't need the additional liability of a shooting range if there is one available for our use. He suggested we donate the \$1,000 to the Sheriff's Dept. for their range. Chief Goodwin had spoken to the Sheriff and the County Judge and neither could give a time limit as to when it would be available. The Judge said it was way down on his list of priorities. We have done a little volunteer work already on our range. Mr. Martin made a motion to put the creation of the local one on hold until it is shut down. Mrs. Maynard reminded the Council it had not voted on the first motion. Mayor Maynard asked Mr. Martin if he would like to amend or withdraw his motion. Mr. Stokes suggested that we not waste time in discussion and have Chief Goodwin check out the progress of the Sheriff's range, make a report for the next Council meeting and we can make a decision from there. Mr. Martin changed his motion to defray any action on our range until further investigation on the Sheriff's range can be done. Subject to be added to the July agenda. Motion was seconded by Mrs. Petersen. With a voice vote of seven ayes, motion carried unanimously.

NEW BUSINESS:

Additional Road Project: Mr. Stokes suggested the Council not act on this until the Roads & Streets Committee had made its final report, and then brings the recommendation to the Council at the July meeting.

Mayor Maynard reported Gene Peck had given a 1984 Ford Cube Van to the City last year, which we let the recycling program use. Subsequently, the program has bought a new van. The old van has many mechanical problems, and is not worth spending any more money on (in the Mayor's opinion). Motion to donate the 1984 Cube Van to Tri-County Recycling was made by Mr. Stokes, and seconded by Mrs. Torbit. With a voice vote of seven ayes, motion carried unanimously.

Mr. Martin asked if it would be possible to get a list of names and addresses of people who have been sent letters for code violations or have a report given similar to the Police Dept.'s report stating the number of violations for the month. It was stated this is a matter of public record and to ask Mrs. Romans for a report.

Mr. Martin still says the grass mowing ordinance is illegal as it seems to be unenforceable. The Road Dept. can't keep the right-of-way mowed to a height of less than 10 inches; therefore we should have an exception for out-of-town property owners. Mayor Maynard asked Mr. Martin if he would like to rehash this subject, to ask Mrs. Maynard to put it on the next agenda. Mr. Martin then asked if his previous three items would be put on the agenda. Mrs. Maynard replied that the "Second in Command" report was in the Council Packet. Mayor Maynard said the Council should pick a Vice Mayor at the first meeting of the year when the meeting set-up is being discussed. Mr. Martin asked if that could be put on the agenda for the next meeting. Mrs. Maynard said the Mayor makes the agenda. Mr. Martin was confused by this statement as he

was under the impression that the Council was the Legislative body and it was up to the Council members to create the agenda. He thinks it should be the "board's" decision. If a Council member wants something on the agenda, it should automatically go on the agenda. If a resident wants something on the agenda, they should fill out a form requesting they be put on the agenda. He doesn't see why something he's asking for should have to be approved by anybody. Since he was a dully-elected official of the city so he does have some input. He has requested it in a nice manner and was trying to be dignified. Mayor Maynard said that as long as things were presented to Mrs. Maynard before noon of the Friday before the Thursday meeting, it should be put on the agenda. Mr. Martin asked that these things be put on the agenda, please.

PUBLIC COMMENTS: Ray Torbit, from the audience, asked (1) if the fires along the walking trail had been set maliciously or were an accident. (We have no reason to think that they were set on purpose.) Could SID put up some kind of special notice on the trail? (2) Does our Police Dept. have any of the recalled bullet-proof vests? Chief Goodwin was not present, but Mrs. Maynard said she didn't think we had any vests made by that manufacturer. (3) Comment for the Road Dept., the low water area on East Lakeshore, near Pontiac is now dry and patching materials put in the holes last fall is gone. Could some concrete be put in the holes? Mr. Cherry replied that it would have to be a thick layer of cement laid to keep the material in place. (4) He doesn't believe the City can give away any City property. (Referring to the recycling van) He believes the Council can vote to scrap it or put it out to bid.

Steve Martin asked if the City was going to ban fireworks. The Mayor replied that it had already been done for the City and, in fact, for the County also. It will not affect our usual 4th of July Fireworks show, however.

Mr. Stokes had mentioned at the last meeting he had found a dead bat in his yard and preserved it and had given it to the County Health Dept. He was under the impression that they would be testing it for West Nile Virus. It was not. The State Health Dept. in Little Rock tested it only for rabies.

Mayor Maynard, in regard to the recycling van, said that it is city property, and we support and are a member of the Tri-County Recycling program. He asked Mr. Starken to look into the matter. Mr. Starken said he would, and would get back to him Friday. It was decided not to do anything until Mr. Starken got back to the Mayor.

Mr. Fenton asked, as Cherokee Village is in both Sharp and Fulton Counties, whose responsibility is it to answer ambulance calls in the Fulton County portion? Mayor Maynard said he has talked with Grace Richeson, who heads our ambulance service here; they (Spring River Paramedic Ambulance Service) have an agreement with Fulton County Ambulance that they will respond to any Cherokee Village, Fulton County, medical calls. Mr. Fenton referred to an accident that had occurred at the intersection of Highway's 62/412 and 289, which is just outside the city limits of Ash Flat. 9-1-1 said they couldn't call SRPAS to respond. Mayor Maynard asked Mrs. Torbit (a SRPAS Board Member) to talk with Grace Richeson regarding this matter and report back to the Council at the July meeting.

Steve Martin said he believed it was the blue jays that carried West Nile Virus, not bats, and did not think there was a problem with it in our area yet.

Peter Martin asked the Council members to attend a meeting he is holding July 15 in the Courtroom. It would be before his regularly scheduled meeting at 7:00 PM. He would like to discuss the Planning & Zoning meeting of July 11 where they will be discussing making some changes in septic systems, and he feels we should educate ourselves in this matter. He feels it's important for all to attend.

Motioned to adjourn was made by Mr. Viers and seconded by Mrs. Torbit. With a voice vote of seven ayes, motion carried unanimously. Meeting adjourned at 8:03 PM.

MEETINGS AND ANNOUNCEMENTS:

Tuesday, June 28, 4:00 PM; Strategic Planning Committee meeting, Map Room, City Hall
Saturday, July 2, 7 – 10 PM; Street Dance, Gazebo area
Monday, July 4 – OFFICES CLOSED
Monday, July 4, 6 AM – Noon; Fire Dept. Pancake Breakfast
Monday, July 4, 5 PM; BBQ at the Dam
Monday, July 4, dusk; 4th of July Fireworks, Thunderbird Dam
Wednesday, July 6, 3:00 PM; Road Committee, City Hall
Monday, July 11, 1:00 PM; Planning & Zoning Commission, City Hall
Monday, July 11, 6:00 PM; Sharp County Quorum Court, Ash Flat Courthouse
Monday, July 11, 7:00 PM; Fulton County Quorum Court, Salem Courthouse
Tuesday, July 12, 4:00 PM; Municipal Planning & Dev. Committee, Cherokee Lodge
Friday, July 15, 9:00 AM; District Court, City Hall
Thursday, July 21, 7:00 PM; City Council Meeting, City Hall

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

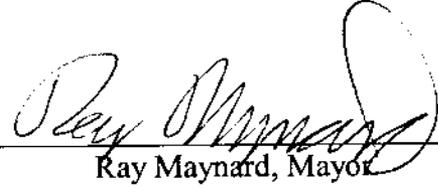
Re-cycling open every Tuesday 9:00 – 11:00 AM, weather permitting, City Hall Prkg Lot

ADJOURNMENT:

Motioned to adjourn was made by Mr. Viers and seconded by Mr. Martin. With a voice vote of seven ayes, motion carried unanimously. Meeting adjourned at 8:03 PM.

DATE: July 21, 2005

APPROVED: _____


Ray Maynard, Mayor

ATTEST: _____


Susan E. Maynard, Clerk/Treasurer