

CITY OF CHEROKEE VILLAGE, ARKANSAS
City Council Minutes
March 17, 2005

The monthly meeting was called to order at 7:00 PM Thursday, March 17, 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, Tom Henkels, Peter Martin, Scott Paul, Angela Petersen, Russ Stokes and Jan Torbit

Also Present: Susan Maynard, City Clerk/Treasurer

Absent: City Attorney R.T. Starken

PUBLIC HEARING: Ladonna Bailey gave a presentation of the Hazard Pre-Mitigation Planning, which FEMA requires. The five hazards of this area are dam failures, earthquakes, floods, tornadoes and winter storms. This is a five-year plan to fix problems and minimize risks. We need to have the plan approved by FEMA so we will be eligible for Federal Disaster Funds. We invite her back when she has the plan done. At which time, we will be required to pass a resolution. The plan will be available at the Mayor's office.

MINUTES: Motion to approve the February 17, 2005 minutes was made by Mr. Stokes and seconded by Mrs. Torbit. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

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

CORRESPONDENCE: Mrs. Maynard read a letter from the State of Arkansas congratulating us for receiving a grant through the Local Law Enforcement Block Grant program.

REPORTS:

Fire Dept.: Chief Taylor gave the February report (attached).

Homeland Security: No report.

Municipal Planning & Development: Mr. Fenton announced the committee is working on a complete list of accomplishments since inception. Motion to send SID a "Thank you" card for improving Pappoose Park by updating the playground equipment was made by Mr. Fenton and seconded by Mr. Paul. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

Planning & Zoning: In packet.

Police Dept.: Chief Goodwin gave the February report (attached). Firing range: He reported that SID has arranged for the lease of the property next to the landfill for \$1 per year for three years. He asked the Council for a \$1,000 amendment of the Police Dept. budget. The Department came in approximately \$12,000 under budget for 2004. Motion to accept the \$1,000 amendment to the Police Dept. budget for

a firing range was made by Mr. Paul and seconded by Mrs. Torbit. Mr. Martin wanted to see the plans. The Chief said it would be similar to the one at the Black River Training Academy. It has to meet with NRA guidelines and requirements. It will only be used by officers under the supervision of one of our officers. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Tom Henkels, yes; Peter Martin, no; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of six ayes, one nay, motion carried. Chief Goodwin is revising the existing policy manual.

Street Dept.: In packet.

UNFINISHED BUSINESS:

Animal control: Mayor Maynard asked Mrs. Maynard to read **An Ordinance to amend Ordinance 99-4 providing for licensing and animal control within the City of Cherokee Village, establishing penalties for violation thereof and for other purposes.** Mr. Fenton made a motion to accept the first reading of the Ordinance. Mr. Stokes seconded the motion. Discussion. Mr. Martin made a motion to table the ordinance. Motion failed for lack of a second. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Tom Henkels, yes; Peter Martin, no; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of six ayes, one nay, motion carried. Motion to appoint Mr. Martin as Director of the Animal Control Committee was made by Mr. Fenton and seconded by Mr. Martin. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

Resolution 2005-03: Mr. Martin made a motion to amend the resolution as follows:

1. Beginning in December 2003 there will be one regular City Council meeting each month. If there is a second meeting necessary it will be called a special meeting. Any such special Council meeting involving legislative action will be announced and notice given to all Councilmen four days (96 hours) prior. Mrs. Petersen seconded the motion. The Clerk/Treasurer called the roll: Jim Fenton, no; Tom Henkels, yes; Peter Martin, yes; Scott Paul, no; Angela Petersen, yes; Russ Stokes, abstain; and Jan Torbit, no. With a vote of three ayes, four nays, motion failed.

NEW BUSINESS:

Planning & Zoning ordinance amendment: Mayor Maynard asked Mrs. Maynard to read **An Ordinance to amend Ordinance 99-2 approving and adopting those certain zoning documents and technical codes known as the Cherokee Village Zoning Code, establishing permit fees and penalties for violation thereof and for other purposes.** Mrs. Torbit made a motion to accept the first reading of the Ordinance. Mr. Stokes seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Tom Henkels, yes; Peter Martin, abstain; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of six ayes, one nay, motion carried.

Mr. Clarence Gordon was allowed to come before the Council. He apologized for being late due to a Dr.'s appointment in Memphis. We asked the Council to review his application for a building permit to construct a metal carport, enclosed and sided as is his house. It would be behind the garage and invisible from the street. He had submitted the plans, but was turned down by the Commission.

Fulton County District Court: Mark Johnson was not present to be heard.

District Court Ordinance: Mayor Maynard asked Mrs. Maynard to read **An Ordinance authorizing the levying of an additional five dollar (\$5.00) fine to help defray the expense of incarcerating prisoners pursuant to Act 1188 of 2003; to declare an emergency and for other purposes.** Mr. Stokes made a motion to accept the first reading of the Ordinance. Mr. Martin seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, no; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of six ayes, one nay, motion carried. Mr. Henkels made a motion to waive the rules and place the Ordinance on its second reading, title only. Mrs. Torbit seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, no; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of six ayes, one nay, motion carried. Mrs. Maynard read the Ordinance, title only, for the second time.

Mr. Fenton made a motion to waive the rules and place the Ordinance on its third and final reading. Mr. Martin seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, no; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of six ayes, one nay, motion carried. Mrs. Maynard read the Ordinance, title only, for the third time.

Mr. Stokes made a motion to accept the Ordinance. Mr. Paul seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, no; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of six ayes, one nay, motion carried. Having been read three times, this Ordinance is declared passed. It will be **Ordinance 2005-04.**

Mr. Martin made a motion to accept the emergency clause. Mr. Henkels seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Tom Henkels, yes; Peter Martin, yes; Scott Paul, no; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of six ayes, one nay, motion carried.

Mayor Maynard called for a five minute break.

Meeting reconvened.

Motion to go into executive session to interview applicants to replace Alderman Lew Hagerman was made by Mr. Stokes. Mr. Fenton seconded the motion. Discussion. Mayor Maynard asked for a roll call vote: The Clerk/Treasurer called the roll: Jim Fenton, yes; Tom Henkels, yes; Peter Martin, no; Scott Paul, yes; Angela Petersen, yes; Russ Stokes, yes; and Jan Torbit, yes. With a vote of six ayes, one nay, motion carried. The Council went into executive session at 9:15 PM.

Meeting reconvened at 10:05 PM. Motion to table appointment until next meeting so that resumes could be taken until the close of business on Friday, March 25, 2005 was made by Mr. Stokes. Mr. Fenton seconded the motion. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

Destruction of property: Documentation attached.

Highlights from the Public Meeting: Mr. Martin presented minutes and discussed the meeting of March 18.

Public comments: Mrs. Lueder announced that the HPOA has taken on the responsibility of "Welcome Wagon". Ms. Blough announced the 50th Anniversary Committee is taking reservations for information booths.

MEETINGS AND ANNOUNCEMENTS:

March 18, 9:00 AM; District Court, City Hall
Tuesday, March 22, 1:00 PM; Computer Club, Cherokee Lodge
Wednesday, March 23, 3:30 PM; Strategic Planning Committee, Town House Bldg.
Monday, April 4, 1:00 PM; Planning & Zoning Commission, City Hall
Wednesday, April 6, 3:00 PM; Road Committee, City Hall
Monday, April 11, 6:00 PM; Sharp County Quorum Court, Ash Flat Courthouse
Monday, April 11, 7:00 PM; Fulton County Quorum Court, Salem Courthouse
Tuesday, April 12, 4:00 PM; Municipal Planning & Dev. Committee, City Hall
Tuesday, April 12, 6:00 PM; Cancer Support Group, City Hall
Thursday, April 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

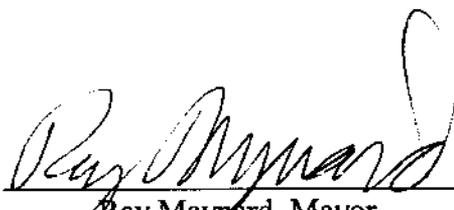
Re-cycling open every Tuesday 9:00 – 11:00 AM, weather permitting, City Hall Prkg Lot

ADJOURNMENT:

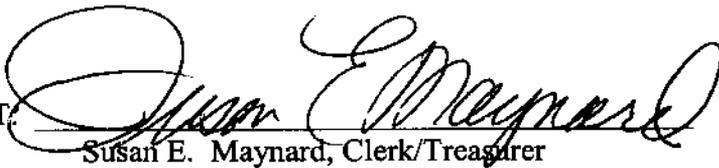
Motioned to adjourn was made by Mr. Martin and seconded by Mrs. Torbit. With a voice vote of seven ayes, 0 nays, motion carried unanimously. Meeting adjourned at 9:50 PM.

DATE: April 21, 2005

APPROVED: _____


Ray Maynard, Mayor

ATTEST: _____


Susan E. Maynard, Clerk/Treasurer