

MINUTES
CITY OF CHEROKEE VILLAGE, ARKANSAS
REGULAR CITY COUNCIL MEETING
Thursday, October 19, 2023, 6:00 P.M.,
CHEROKEE VILLAGE CITY HALL

CALL TO ORDER – Mayor Rose called the City Council Meeting to order at 6 PM.

PLEDGE OF ALLEGIANCE – Mayor Rose lead the Pledge of Allegiance.

MOMENT OF SILENCE – A moment of silence was observed.

ROLL CALL, ESTABLISH QUORUM – City Clerk Penny Trumpy called Roll Call of Council Members: Present: Heather Harrison, Rachel Tatum, Steve Thompson, Peter Martin, Rob Smith, Eddie Ishmael, Jeff Tatum, and Pamela Rowland (per phone). Quorum established. Mayor Steve Rose and City Attorney Jon Abele were present.

APPROVAL OF AGENDA – Council Member Martin motioned to amend the agenda to include Ordinance 2023-06 under New Business as 1 – A, seconded by Council Member Smith. Motion passes 8 yeas

PUBLIC COMMENTS/QUESTIONS ON AGENDA ITEMS (limit 3 minutes per person)

APPROVAL OF MINUTES: Council Member Smith motioned to approve the September 21st, 2023 council Meeting minutes, seconded by Council Member Martin, Motion passed 8 yeas.

CORRESPONDENCE: NONE

FINANCIAL REPORT: Discussion - Council Member Martin asked about the budgets to be reset this month but nothing on the agenda. This has been delayed for 2 months. Mayor Rose stated this will be done at the end of the year and the Department Heads are doing a good job in staying in budget.

MAYOR'S REPORT:

- With Fall being upon us please remember if you are burning yard debris call Baseheart Fire Station to let them know
- The Website is in progress. We have gained access to the old website and provided that info for the new site.
- The new phone system is still in progress. They are working with Fidelity internet to upgrade the router and speed
- Checking with ARDOT the Bridge replacement project has been advertised and is going out for bids November 1st.
- Truck or Treat will be October 31st at City Hall parking lot from 5 – 8 pm.
- Mayor has spoken with Mr. Clay Stone (cities attorney) about the CVSID vs CV Waterworks vs City of Cherokee Village lawsuit. CVSID has filed a Motion for Summary Judgment, Fire Chief Dienst and the Mayor has participated in a couple of conference calls the last couple weeks. This law suit is a contractual dispute between SID and the Waterworks, not the City. Mr. Stone prepared a response to send to Judge Mr. Rob Rattton. The hearing on this motion is set for October 27th, 2023 at the Sharp County Courthouse at 10 am. The trial date is set for November 2nd, and 3rd, 2023 Sharp County Courthouse at 9 am.
- The 2024 Budget committee appointed by Mayor Rose will be Heather Harrison, Rob Smith, Paul Huensch, Misty Casey and Deb Weichinger. The next budget meeting will be October 24th at 2 pm at City Hall and is open to the public.
- Mayor has discussed with Mark Powell from Entergy Power Company about getting the power for the stop light moved to a primary circuit so it will not have the power interruptions like it has had in the past. There will be a meeting with an electrician about powering it with a generator if needed.

ANIMAL CONTROL: NO REPORT

COMMUNITY SERVICE: NO REPORT

DISTRICT COURT: ON FILE

FIRE DEPARTMENT: ON FILE – Chief Dienst reported that a Raze & Removal of a mobile home cost about \$64,000.

PLANNING & ZONING: ON FILE

CODE ENFORCEMENT: NO REPORT

POLICE DEPARTMENT: NO REPORT

STREET DEPARTMENT: NO REPORT

A & P Minutes: ON FILE (AUGUST 24, SPECIAL MEETING SEPTEMBER 8) ECLIPSE UPDATE Rob Smith updated what the A & P is doing to promote Cherokee Village with the Arkansas Tourism Board to get Cherokee Village on the map again.

An additional group has been formed to work on the events during the Eclipse. A 3 day event is planned to keep people in the area after the eclipse. The event will include a Ferris wheel, Jumbotron showing NCAA Final Four games, Live Music, Kids Zone with Bounce Houses, Food Trucks, Pop up Shops, and Beer Garden.

AIRPORT Minutes; ON FILE (SEPTEMBER 6, SPECIAL FINANCIAL MEETING OCTOBER 4,) The airport purchased two (2) properties at the end of the of their property to extend the runways. This will allow bigger plains access.

P & Z COMMISSION, Minutes. ON FILE

STREET COMMITTEE Minutes: NO REPORT

TRI-COUNTY SOLID WASTE: ON FILE - struggling financially

SHARP CO. SENIOR CENTER: ON FILE - Served 2121 meal, to seniors in the area.

WELCOME CENTER: NO REPORT

OLD BUSINESS:

1. **Animal Control Committee names and duties - Mayor** - Working on this Committee but not completed. Tabled to November Council Meeting.
2. **2024 Budget Committee names – Mayor** - Heather Harrison, Rob Smith, Paul Huensch, Misty Casey and Deb Weichinger. Meeting October 24, 2023 2 PM. Open to the public.
3. **Water Works Law Suit update – Mayor** addressed in Mayors report.

NEW BUSINESS:

1. **Resolution No 2023-09 – A RESOLUTION TO LEVY AD VALOREM TAXES FOR THE COUNTIES OF SHARP AND FULTON, ARKANSAS, FOR THE CITY OF CHEROKEE VILLAGE, ARKANSAS.** Council Member Martin motioned to pass Resolution No 2023-09, seconded by Council Member Smith. Roll Call Vote: R Tatum yes, Thompson yes, Martin yes, Smith yes, Ishmael yes, J Tatum yes, Rowland yes, Harrison yes, 8 yea's. Motion passed

1 –A Ordinance 2023-06 AN ORDINANCE, SPECIFICALLY PERMITTING A COUNCIL MEMBER OF CHEROKEE VILLAGE, ARKANSAS, TO LEASE LAND TO CHEROKEE VILLAGE ADVERTISING AND PROMOTION COMMISSION AND PRESCRIBING THE EXTEND OF SUCH AUTHORITY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

- a) Title Read by City Clerk. Council Member Martin motion to put on the floor for discussion
- b) Council Member Martin moved to suspend the rules and waive the requirement that an ordinance be read three (3) different days for our consideration of Ordinance 2023-09, dealing with Permitting a Council Member of Cherokee Village, AR to lease land to Cherokee Village Advertising and Promotion Commission, and that the ordinance be brought up for final passage by this council without the necessity of reading the ordinance. Seconded by Council Member Ishmael. Discussion: Rob Smith explained why this ordinance is necessary due to Council Member Harrison owns part of this property being leased to A & P. Roll Call Vote: Thompson yes, Martin yes, Smith yes, Ishmael yes, J Tatum yes, Rowland yes, Harrison Abstained, R Tatum yes, Motion passed 7 yea's 1 Abstained.
- c) Council Member Martin motioned for Final passage of Ordinance 2023-06, seconded by Council Member Ishmael. Roll Call Vote: Martin yes, Smith yes, Ishmael yes, J Tatum yes, Rowland yes, Harrison Abstained, R Tatum yes, Thompson yes. Motion passed 7 yea's 1 Abstained.
- d) Council Member Martin motioned to implement the Emergency Clause:
 - The administration of the City, and the City Council of the City of Cherokee Village, Arkansas recognizes and declares an emergency to exist, and this Ordinance, being necessary for the preservation of the public peace, health, comfort, convenience, morals, safety and welfare of the City of Cherokee Village, Arkansas, shall be in full force and effect immediately upon acceptance of the Ordinance. Seconded by Council Member Ishmael. Roll Call Vote: Smith yes, Ishmael yes, J Tatum yes, Rowland yes, Harrison Abstained, R Tatum yes, Thompson yes, Martin yes. Motion passed 7 yea's 1 Abstained

2. Short term Special use Permit 2023-13 – Eclipse & Related Request – Jonathan Rhodes.

- a. Mayor Rose put this on the floor for discussion.
 - Council Member Martin questioned the Beer Garden. Whose liquor license would be used?
 1. Council Member Smith stated that A & P is looking into finding a business interested in doing the Beer Garden and if not A & P will step in and run it like they have in the past. Special use.
 - Council Member Thompson expressed concerns of the cost of the Ferris wheel of \$80,000 and the 35 days for the term of the Special Use Permit. Would it be more cost effective to reduce the days to 5 days for the Ferris wheel? #2 concerns can the City charge for use of public City parking lot.
 - Council Member R Tatum wants to know who is responsible for the cost of the Police and Fire Departments extra man power.
 1. Council Member Smith replied that A & P is working on their budget to include a line item to help with these cost.
 - Council Member J Tatum's concern with the signing of these contracts #1 is the City responsible if there is not enough money collected to cover the contract amounts. The City does not have the funds to cover the contract.

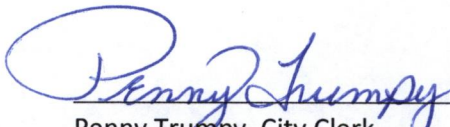
1. Council Member Smith responded "There are no refunds" The people will move to an area where it can be seen. A & P has asked the Air B&B's and rentals to make it a minimum of 3 day rental. City Attorney Jon Abele states the City is not responsible for the contracts A & P signs. Council Member Smith states that \$20,000 has been collected to date. Once this Special Use Permit is issued A & P can hit the ground running. This has been worked on for 6 months. After discussion of A & P's plans to promote the City of Cherokee Village and more concerns were expressed. Council Members were expressing concerns of residence and business of Cherokee Village. More discussion on the Ferris wheel and the cost of 35 days verses 5 days.
 2. Council Member Thompson questioned the reserves that A & P states are available. There is a \$23,000 budget short fall and if that is the same next year the reserves will be reduces again.
 3. Council Member R Tatum asked if an Ambulance Service has been put on standby as it is required an Ambulance Service be on site for any Event. That has not been addressed yet.
 4. Council Member J Tatum asked City Attorney Jon Abele if this would go to litigation can the City be drawn into this. City "Attorney Jon Able said no the City is not responsible.
 5. Council Member Thompson asks for calcification that the A & P Commission is not willing to adjust anything to do with the Farris wheel. Amanda Smith replied "No"
 6. Council Member Rowland asked what the reasoning for not adjusting the Special Use Permit tonight. Attorney Jon Able states that A & P has asked a specific question and Council can say yes or no. Council Member Rowland suggests there be a middle ground found between Council and A & P.
 7. Council Member Martin stated that if this is passed what if A & P does not make changes.
 8. Council Member Smith and Council Member Rowland are members of the A & P Commission. Council Member Smith suggest Council vote to see who is for it and who is not.
- Council Member Martin asked Mayor Rose for a question/vote on Special Use Permit 2023-13, seconded by Council Member Smith Roll Call Vote: Ishmael yes, J Tatum nay, Rowland yes, Harrison Abstained, R Tatum nay, Thompson nay, Martin Abstained, Smith yes. Motion Failed 3 yea's, 3 nays, 2 abstained.

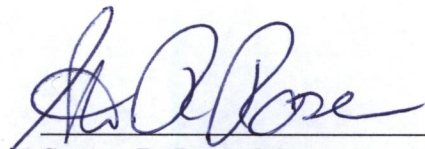
COMMENTS/QUESTIONS ON CITY RELATED BUSINESS (limit 3 minutes per person)

- Roxanne Helton concerning the play ground equipment at Tohi Trails. Can a group of citizens install the play ground equipment? At the advice of the City Attorney the Mayor will need to check into the liability of Citizens doing the work. Mayor Rose will call Ms. Helton to update her after he has researched it.
- Ed Soja has a couple of questions on the Ferris wheel. #1 who is responsible for liability? Council Member Smith states the Farris Wheel Company is and will have someone on site at all time. #2 If it is \$18,000 a weekend and there or 4 weekends that equals \$72,000 not \$80,000. Council Member Smith stated that is a mute point since we are not doing it anyways.

ADJOURNMENT – Council Member Martin motioned to adjourn, seconded by Council Member Smith. Meeting adjourned at 7:30 PM

Date: 11/16/2023


 Penny Trumpp, City Clerk


 Steven R. Rose, Mayor

