

**CITY OF CEDARVILLE, ARKANSAS**  
**RESOLUTION No. 2002-1**

A RESOLUTION TO ENSURE FURTHERANCE OF FAIR HOUSING PRACTICES,  
AND FOR OTHER PURPOSES

**WHEREAS**, the City of Cedarville has received a grant from the Arkansas  
Department of Economic Development, ADED, and

**WHEREAS**, a requirement of said grant is that the City take steps to ensure fair  
housing practices within the City, and


**WHEREAS**, the City of Cedarville desires to ensure that the residents of the City  
has an equal opportunity in the choice of housing offered to them, and

**WHEREAS**, the equality of housing choices is a fundamental right flowing from  
the concept of equal justice under the law.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF CEDARVILLE, ARKANSAS:**

That any housing unit offered for sale or rent to the general public through any public  
advertising media shall be made equally available to all persons regardless of race, color,  
creed, national origin, age or sex.

**PASSED AND ADOPTED:** 4-1-02  
(DATE)

  
MAYOR BEVERLY PYLE

ATTEST:

  
JANE DICKSON RECORDER/TREASURER

**CITY OF CEDARVILLE, ARKANSAS**  
**RESOLUTION No. 2002-2**

**A RESOLUTION ESTABLISHING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES WITHIN THE APPLICANT'S JURISDICTION AGAINST INDIVIDUALS ENGAGED IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS.**

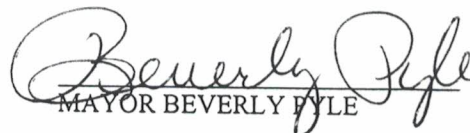
**WHEREAS**, the City of Cedarville is applying for Arkansas Community and Economic Development Program funding.

**WHEREAS**, as required by the Housing and Community Development Act of 1974, as amended, it shall be the policy of the City of Cedarville, Arkansas to ensure that the following are true:

1. The City has adapted and is enforcing this policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.
2. The City will ensure that all law enforcement agencies within its jurisdiction will enforce all applicable State and Local laws against physically barring entrance to or exit from a facility or location, which is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. In response to non-violent civil rights demonstrations, the City will be mindful and protective of the rights of all participants in such demonstrations, as well as any onlookers, bystanders, or any other persons located in the vicinity or owing property in the vicinity.
4. In connections with such demonstrations, the use of force shall be permitted only when necessary to protect the rights of individuals or to uphold the law. In no event shall the use of force in excess of that necessary to achieve lawful goals of the City be permitted.

**NOW**, therefore be it resolved that consistent with the goals and objectives of activities assisted under the Act, as amended, the City shall adopt and enforce the policy contained here.

RESOLVED THIS 1<sup>st</sup> DAY OF April 2002.

  
MAYOR BEVERLY PYLE

ATTEST:

  
JANE DICKSON RECORDER/TREASURER

**CITY OF CEDARVILLE, ARKANSAS**  
**RESOLUTION No. 2002-3**

**ANTI-DISPLACEMENT PLAN**

**WHEREAS**, the City of Cedarville will replace all occupied and vacant occupiable low and moderate income dwellings demolished or converted to a use other than as low and moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, and described in 24 CFR 570.496a(b)(1). All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.

**WHEREAS**, the City of Cedarville will provide relocation assistance as described in 570.495a(b)(2) to each low and moderate income household displaced by demolition or by the conversion of a low and moderate income dwelling to another use as a direct result of assisted activities.

If any such project will involve the demolition or conversion of low and moderate dwelling units, the following will be provided:

1. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than low and moderate income dwelling units as a direct result of the assisted activity;
2. A time schedule for commencement and completion of the demolition or conversion;
3. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
4. The source of funding and a time schedule for the provision of replacement dwelling units; and
5. The basis for concluding that each replacement dwelling will remain a low and moderate income dwelling unit for at least 10 years from the date of initial occupancy.

**NOW, THEREFORE BE IT RESOLVED**, that consistent with the goals and objectives of activities assisted under the Act, as amended, the City of Cedarville will make every effort to minimize the displacement of persons from homes.

RESOLVED THIS 1 DAY OF April 2002.

  
MAYOR BEVERLY PYLE

ATTEST:

  
JANE DICKSON RECORDER/TREASURER

**RESOLUTION NO. 2002-4**

**RESOLUTION OPPOSING THE PASSAGE OF  
PROPOSED AMENDMENT 3**

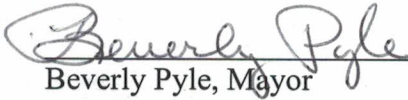
Whereas, Amendment 3, the proposed constitutional amendment to abolish and prohibit the taxation of food and medicine has been certified to be on the November 5<sup>th</sup> Ballot and,

Whereas, the passage of Amendment 3 would result in the loss of approximately 30% of Arkansas municipal sales tax revenue and,

Whereas, the loss of this revenue could result in the reduction or loss of numerous municipal services such as law enforcement, fire protection, public work projects, solid waste pick-up, airport services, community centers, parks and recreation services and,

Whereas, the passage of Amendment 3 could do long-term damage to the quality of life for every Arkansan.

Now Therefore Let It Be Resolved, that the City of Cedarville Opposes Initiated Amendment 3 and urges all of the citizens of Cedarville to work to defeat this amendment in the November 5<sup>th</sup> 2002, Election.

  
Beverly Pyle, Mayor

  
Jane Dickson, Recorder/Treasurer

Date 10/7/02



RESOLUTION NO. 2003-01

**A RESOLUTION REQUESTING ADVANCEMENT OF THE TOWN OF CEDARVILLE, ARKANSAS, FROM INCORPORATED TOWN TO A CITY OF THE SECOND CLASS.**

WHEREAS, it appears from the 2000 Federal Census, which has been certified by the Bureau of Census, said census having been completed on April 1, 2000 that the population within the corporate limits of the Town of Cedarville, Arkansas is 1133 inhabitants and that said Town of Cedarville is therefore entitled to be designated and advanced to a City of the Second Class.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CEDARVILLE, ARKANSAS;

That application be made to the State Auditor, Attorney General and Secretary of State as provided by law for advancement of said Town of Cedarville, Arkansas from the classification of Incorporated Town to a City of the Second Class.

Be it further resolved that the Mayor and Clerk/Recorder make the application aforesaid, and attach thereto a copy of this Resolution and much other matters and evidence as may be obtainable and required in support of such application.

This Resolution approved and adopted this 3<sup>rd</sup> day of March 2003.

Attest:

Jane Dickson  
Clerk/Recorder

Beverly Pyle  
Mayor

**FILED**

MAY 26 2003

CHARLIE DANIELS  
SECRETARY OF STATE

BY \_\_\_\_\_

**CITY OF CEDARVILLE  
P.O. BOX 505  
CEDARVILLE, ARKANSAS 72932  
BEVERLY PYLE, MAYOR**

*May 8, 2003*

*Leanna Godley  
Secretary of State  
256 State Capitol Room 026  
Little Rock, Arkansas 72201*

*Dear Ms. Godley,*

*The Town of Cedarville, Arkansas is requesting to become a City of the Second Class. According to the 2000 census our population is 1133, which makes us eligible for this advancement.*

*Enclosed are documents supporting this move?*

*If you have any questions you may reach me at 479-474-6158 or 479-461-4035.*

*Thank you,*

*Beverly Pyle, Mayor*

*copy*

**RESOLUTION NO. 2003 - 02**

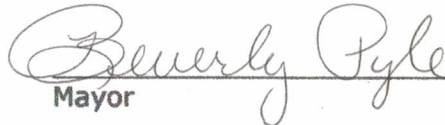
**BE IT RESOLVED BY THE CEDARVILLE CITY COUNCIL IN CRAWFORD COUNTY, ARKANSAS that:**

This Council is on record as supporting the Boston Mountain Landowners Association (BMLOA) and the residents of Crawford County, whose property is involved in the Lake Fort Smith Water Expansion Project, in their efforts to legally curb the indiscriminate and inappropriate use of eminent domain by the City of Fort Smith, Arkansas.


Said indiscriminate and inappropriate use will further unfairly encumber the economic development of Crawford County by reducing its tax base when ownership of Crawford County property is transferred to the City of Fort Smith. Said reduced tax base is not in the best interest of Crawford County Residents.

This Resolution adopted this 7<sup>th</sup> <sup>July</sup>~~June~~ day of ~~June~~, 2003.

**APPROVED:**

  
Mayor

**ATTEST:**

  
City Clerk

## **Boston Mountain Landowners Association**

17800 Boston Mountain Rd

Mountainburg Ar. 72946

1-479-369-4780

[www.bmloa.com](http://www.bmloa.com)

[gary@bmloa.com](mailto:gary@bmloa.com)

Gary or Cheryl White

### **Pam Kerivan Lawsuit.**

Last June the city filed condemnation papers against Pam Kerivan whose land borders the Lake Ft. Smith project.

Roughly 10 acres were involved. 1/2 acre within the 300' buffer zone... which was condemned and taken outright. And 9.5 acres, which was forced under the Watershed Agreement.

May 29<sup>th</sup>, 2003 Pam's attorney, Walton Maurras, filed several motions against the City of Ft Smith. If successful, these motions could stop the project temporarily. However, our objective is not to stop the project, but to force Ft. Smith to proceed LEGALLY.

### **The Basis of Pam's case.**

#### **The Supreme Courts:**

When there's a dispute as to whether or not Eminent Domain applies in a particular situation.... both the US Supreme and Arkansas Supreme Courts have ruled in favor of the **landowner**...

"Statutes relating to the exercise of the right of eminent domain, *especially where there is an alleged delegation of the power*, should be strictly construed in favor of the landowner and against the condemnor, largely because they are in derogation of the common right." (City of Little Rock v. Sawyer)

#### **Arkansas State Code:**

Which we believe states that Ft Smith has no legal basis to use the power of Eminent Domain... or to regulate health issues... **more than 5 miles outside their city limits**. While the Dept of Health has recommended that Ft Smith acquire land outside the 300', it cannot give them the authority to use Eminent domain to do so.

ACA:14-262-102, (b)(1) The city council shall have the power to establish a board of health.

(2) The board shall have jurisdiction for one (1) mile beyond the city limits, and for quarantine purposes, in cases of epidemic, five (5) miles.



ACA:14-54-702(b) For the purpose of establishing and supplying waterworks, any municipal corporation may go beyond its territorial limits. Its jurisdiction to prevent or punish any pollution or injury to the stream or source of water, or to the waterworks, shall extend five (5) miles beyond the corporate limits.

### **Concerning the Watershed condemnations...**

The Arkansas constitution reserved and delegated those powers exclusively to the Arkansas State Board of Health.

ACA 20-7-109 (a)(1) Power is conferred on the State Board of Health to make all necessary and reasonable rules and regulations of a general nature for the protection of the public health and safety; for the general amelioration of the sanitary and hygienic conditions within the state; for the suppression and prevention of infectious, contagious, and communicable diseases; for the proper enforcement of quarantine, isolation, and control of such diseases; and for the proper control of chemical exposures that may result in adverse health effects to the public.

(2) All rules and regulations promulgated pursuant to this subsection (a) shall be reviewed by the House and Senate Interim Committees on Public Health, Welfare, and Labor or appropriate subcommittees thereof.

We read this to mean that Ft Smith has no power to use Eminent domain to Condemn land or force land-use restrictions on Crawford county residents.

### **What will happen if we lose?**

The city will have a book of blank checks to write against Crawford County and it's citizens. They currently own over 6000 (non taxed) acres in this county. Their plan is to own or control almost 2000 more... which would reduce our tax base even further.

(If it works out in Crawford County, like it has in other areas where watershed restrictions were imposed, the value of this land could fall by as much as 90%.)

### **We need your help.**

We're planning to launch a press/publicity campaign to make Crawford County citizens aware of the implications of this case. To get the ball rolling, this will take time and some money, we will carry as much of the load as we can. Do you have any advice, ideas, or suggestions?

- We have a resolution of support, we'd like you to approve.
- We'd be grateful for any advice, ideas, and most certainly, your support.

Complete records of the City's actions, and the related laws can be found at:  
**[www.bmloa.com](http://www.bmloa.com)**

**CITY OF CEDARVILLE**  
**RESOLUTION NO. 2003-003**

A RESOLUTION TO ENSURE FURTHERANCE OF FAIR HOUSING PRACTICES,  
AND FOR OTHER PURPOSES

**WHEREAS**, Cedarville has received a grant from the Arkansas Department of Economic Development, ADED, and

**WHEREAS**, a requirement of said grant is that the City take steps to ensure fair housing practices within the City, and

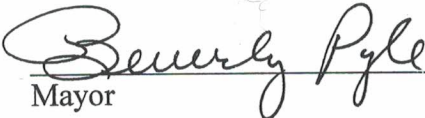
**WHEREAS**, Cedarville desires to ensure that the residents of the City has an equal opportunity in the choice of housing offered to them, and

**WHEREAS**, the equality of housing choices is a fundamental right flowing from the concept of equal justice under the law.


**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF  
CEDARVILLE, ARKANSAS:**

That any housing unit offered for sale or rent to the general public through any public advertising media shall be made equally available to all persons regardless of race, color, creed, national origin, age or sex.

**PASSED AND ADOPTED ON THIS 4th DAY OF AUGUST 2003.**

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder/Treasurer

**RESOLUTION ESTABLISHING A POLICY PROHIBITING THE USE OF  
EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES WITHIN THE  
APPLICANTS JURISDICTION AGAINST INDIVIDUALS ENGAGED IN NON-  
VIOLENT CIVIL RIGHTS DEMONSTRATIONS**

RESOLUTION NO. 2003-004

**WHEREAS**, Cedarville, Arkansas is applying for Arkansas Community and Economic Development Program funding,

**WHEREAS**, as required by the Housing and Community Development Act of 1974, as amended, it shall be the policy of Cedarville, Arkansas to ensure that the following are true:

1. The City has adapted and is enforcing this policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.
2. The City will ensure that all law enforcement agencies within its jurisdiction will enforce all applicable State and Local laws against physically barring entrance to or exit from a facility or location, which is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. In response to non-violent civil rights demonstrations, the City will be mindful and protective of the rights of all participants in such demonstrations, as well as any onlookers, bystanders, or any other persons located in the vicinity or owning property in the vicinity.
4. In connections with such demonstrations, the use of force shall be permitted only when necessary to protect the rights of individuals, or to uphold the law. In no event shall the use of force in excess of that necessary to achieve lawful goals of the City be permitted.

**NOW, therefore be it resolved that consistent with the goals and objectives of activities assisted under the Act, as amended, the City will adopt and enforce the policy contained herein.**

Resolved this 4<sup>th</sup> day of August 2003.

  
Mayor

ATTEST:

  
Recorder/Treasurer



## ANTI-DISPLACEMENT PLAN

### RESOLUTION NO. 2003 - 005

WHEREAS, the City of Cedarville will replace all occupied and vacant occupiable low and moderate income dwellings demolished or converted to a use other than as low/moderate housing as a direct result of activities assisted with funds provided by the Housing and Community Development Act of 1974, as amended, and described in 24 CFR 570.496A(B)(1). All replacement will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.

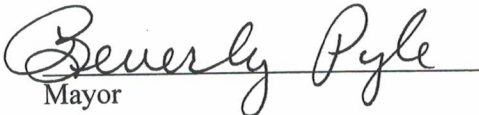
WHEREAS, the City of Cedarville will provide relocation assistance as described in 570.496A(B)(1), to each low/moderate-income household displaced by demolition or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

If any such project will involve the demolition or conversion of low or moderate dwelling units, the following will be provided:

1. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than that of low/moderate dwelling units as a direct result of the assisted activity; and
2. A time schedule for commencement and completion of the demolition or conversion; and
3. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units; and
4. The source of funding and a time schedule for the provision of replacement dwelling units; and
5. The basis for concluding that each replacement dwelling will remain a low/moderate-income dwelling for at least 10 years from the date of initial occupancy.

**Now, therefore be it resolved that consistent with the goals and objectives of activities assisted under the Act, as amended, the City of Cedarville will make every effort to minimize the displacement of persons from homes.**

8-4-03  
Date

  
Mayor

ATTEST:

  
Recorder/Treasurer



**CITY OF CEDARVILLE**  
**PO BOX 505**  
**CEDARVILLE, ARKANSAS 72932**

August 4, 2003

Ms. Francille Honeycutt  
ADED  
One Capitol Mall  
Little Rock, Arkansas 72201

RE: Cedarville Project  
ACEDP Project #790-08221-02

Dear Francille:

The purpose of this letter is to advise you that I have been appointed by the City Council as the Fair Housing/Equal Opportunity (FH/EO) Certifying Officer pursuant to the ACEDP Administrative Manual.

You will be notified immediately should it be necessary to change the FH/EO Officer prior to the closeout of this ADED grant.

Sincerely,

A handwritten signature in cursive script that reads "Beverly Pyle".

Beverly Pyle  
Mayor

**RESOLUTION NO. 2003-006**

**WHEREAS**, the City of Cedarville, Arkansas recognizes the need to provide public recreation facilities for its' local citizens and visitors, and

**WHEREAS**, the City wishes to apply for FUN Park grant funds through the Arkansas Department of Parks and Tourism to develop a public park; and

**WHEREAS**, the Mayor and the City Council understands that if granted funds for park development, they must provide land, by lease or ownership, to develop park facilities on; and

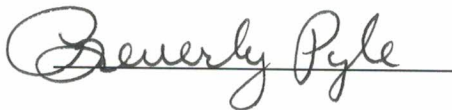
**WHEREAS**, the City of Cedarville, Arkansas will sign a contract agreeing to provide the necessary resources to maintain this park and facilities for a period of 25 years;

**NOW, THEREFORE, BE IT RESOLVED** the City of Cedarville, Arkansas hereby authorizes the Mayor to submit an application for grant funding to the Arkansas Department of Parks and Tourism to develop a public park.

Passed this 21<sup>st</sup> day of August, 2003

APPROVED:

Mayor

A handwritten signature in cursive script, reading "Beverly Pyle", written over a horizontal line.

Recorder/Treasurer

A handwritten signature in cursive script, reading "Jane Dickson", written over a horizontal line.