

October 23, 2006

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on October 23, 2006, at 7:00 p.m. in the Council Chambers. Those present were Mayor Bill Harmon, City Attorney Steve Cobb, City Clerk Virginia Hillman, Aldermen Vassar, Rankin, Fender, Davis, Sulcer, Stedman, Henry, and Brooks.

Alderman Sulcer led in prayer and the Pledge of Allegiance was given to the flag.

A motion was made by Alderman Vassar to approve the minutes of the regular meeting on September 25, 2006, as transcribed. Alderman Henry seconded the motion and the roll call was unanimous to approve the minutes.

Alderman Sulcer advised the Advertising and Promotion Commission did not meet. There will be a November meeting.

**A proposed ordinance amending Ordinance No. 729 schedule of uses to remove churches, and other religious institutions along with their accessory buildings and uses, from the schedule of uses in C-3 and C-4 zones; and to remove educational institutions from C-4 and add them by right in O-1, O-2, C-1, and C-2 zones, and for other purposes,** was read for the second time. Alderman Vassar requested that the proposed ordinance be amended to remove churches from the proposed ordinance. John Carnes, a local pastor, asked for clarification regarding churches. Mayor Harmon stated that the proposed amendment would not affect churches in any way. Marty Watson, a local pastor, asked for clarification to ensure that churches would not be affected. Alderman Stedman asked if the represented churches would be more comfortable with a new ordinance or amend the proposed ordinance. The churches represented stated that the proposed amended ordinance would be satisfactory to them. Mayor Harmon stated that all schools would fall under the proposed ordinance. A motion was made by Alderman Vassar, seconded by Alderman Sulcer to amend the ordinance. The roll call vote was 7 ayes and 1 nay to amend the proposed ordinance. The ordinance was amended as follows.

**Ordinance No. 1717 entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 729 SCHEDULE OF USES TO REMOVE EDUCATIONAL INSTITUTIONS FROM C-4 ZONE AND ADD THEM BY RIGHT TO O-1, O-2, C-1 AND C-2 ZONES, AND FOR OTHER PURPOSES"** was read for the first time as amended. A motion was made by Alderman Vassar, seconded by Alderman Rankin, to suspend the rules and place the ordinance on the second reading, as amended. The roll call vote was 7 ayes and 1 nay to place the ordinance on the second reading, as amended. The ordinance was read for the second time. A motion was made by Alderman Rankin, seconded by Alderman Davis, to suspend the rules and place the ordinance on the third and final reading, as amended. The roll call vote was 7 ayes and 1 nay to place the ordinance on the third reading, as amended. The ordinance was read for the third time. A motion was made by Alderman Vassar, seconded by Alderman Davis to adopt the ordinance, as amended. The roll call vote was 7 ayes and 1 nay to adopt the ordinance, as amended.

**A proposed ordinance entitled, "AN ORDINANCE REZONING A PARCEL OF LAND NORTH OF 9400 ARKANSAS STATE HIGHWAY 107 FROM R-1 TO C-3; AMENDING THE ZONING MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES"** was read for the second time. Mayor Harmon announced that the owners of the property were currently out of town and unable to attend tonight's meeting. There are some questions that need to be addressed. The property owners have requested that the proposed ordinance be deferred until the January 2007 City Council Meeting. Alderman Vassar stated that concerned residents would be notified when the property comes before the Council again.

Mayor Harmon announced that the Oakdale Sewer improvements are currently underway. Approximately one thousand acres of land will be accessible to sewer as a result.

Alderman Fender, Street Commission Chairman, announced that the City is working with FEMA regarding homes in the flood plain along Five Mile Creek. All homes along Five Mile Creek, with the exception of one, would be removed from the flood plain if proposed plans are approved. It is anticipated that by November 1<sup>st</sup>, acquisition of rights-of-ways will be in progress for Brockington Road widening. Also, the Street Commission is researching the possibility of purchasing a horizontal chip grinder. The purpose of the grinder will be for yard waste. All household garbage will continue to be taken to the landfill. Blake Martin, Assistant City Engineer, stated that the repairs on Stonehill are nearing completion. Discussions regarding changing procedures for accepting new streets were entertained. Also, the traffic signal at Seminole and North Hills is installed and functioning as anticipated.

**Ordinance No. 1718, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1187 ESTABLISHING THE RETIREMENT ELIGIBILITY AND BENEFITS OF THE SHERWOOD CITY ATTORNEY"** was read. Mayor Harmon stated that the ten year vesting is the same as the mayor, city clerk, judge, and city employees. A motion was made by Alderman Vassar, seconded by Alderman Davis, to suspend the rules and place the ordinance on the second reading. The roll call vote was unanimous. The ordinance was read for the second time. A motion was made by Alderman Sulcer, seconded by Alderman Brooks, to suspend the rules and place the ordinance on the third and final reading. The roll call vote was unanimous. The ordinance was read for the third time. A motion was made by Alderman Davis, seconded by Alderman Henry, to adopt the ordinance. The roll call vote was unanimous.

**Ordinance No. 1719, entitled, "AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF A BUCKET TRUCK, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES"** was read. Mayor Harmon stated that the current bucket truck does not have the capability to reach many of our traffic signals. Since the truck is used, competitive bidding would need to be waived. A motion was made by Alderman Davis, seconded by Alderman Rankin, to suspend the rules and place the ordinance on the second reading. The roll call vote was unanimous. The ordinance was read for the second time. A motion was made by Alderman Vassar, seconded by Alderman Sulcer, to suspend the rules and place the ordinance on the third and final reading. The roll call vote was unanimous. The ordinance was read for the third time. A motion was made by Alderman Sulcer, seconded by Alderman Davis, to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Mayor Harmon introduced the members of the Mayor's Youth Council. Also, the youth council will have a fish fry on November 2<sup>nd</sup> to raise funds for the National League of Cities conference held in Washington, DC.

**Resolution No. 14-2006 entitled, "A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO ALLOW THE OFFERING OF IP-ENABLED VIDEO SERVICES TO THE CITY OF SHERWOOD, ARKANSAS BY AT & T ARKANSAS AND FOR OTHER PURPOSES"** was read.

City Attorney Steve Cobb addressed the council regarding the proposed resolution. Mr. Cobb has written the proposed agreement between AT & T and the City to be comparable with the agreement between Comcast and the City. There are many unknowns since AT & T involves new technology. Federal regulations and legal litigations could challenge our agreement due to the fact that the technology is new and there are unknowns. There is a four percent franchise fee written into AT & T's contract as is also required of Comcast. Many of the Council Members stated that they have had numerous residents request that AT & T be allowed to offer their services. Mr. Cobb stated that the classification or name of the proposed services could face changes from the government. He stated that the resolution could be challenged. Mr. Cobb stated that the proposed agreement does not require AT & T to offer the same product to each resident but requires AT & T to offer each resident some type of product.

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Edward Drilling from AT & T addressed the Council. AT & T believes that they can provide services to the citizens through video programming via internet. AT & T is currently providing the service to about 5,000 residents in San Antonio, Texas. The signal is 100% digital. A new product is currently being developed using dish as well as digital. If the proposed resolution is passed, it is anticipated that the services will be available in 2007.

Mike Wilson from Comcast addressed the Council. He believes that the proposed agreement does not promote fair competition for every citizen but rather selective. He believes that AT & T intends to provide a satellite dish and low speed internet for some areas of Sherwood and not the digital. He believes that AT & T is a company with vast resources and should not be allowed special provisions.

Steve Cobb explained that litigations could be technical in nature since this is new technology. Sherwood would not be isolated with the impact.

Sharon Ray, a resident of Sherwood encouraged the Council to allow competition for the citizens of Sherwood. She believes that the citizens deserve the opportunity to benefit from competition. A motion was made by Alderman Rankin, seconded by Alderman Davis to adopt the resolution. The resolution was adopted by an unanimous vote.

Linda Callahan asked the council the status of the property at Lee and Catteron. Steve Cobb stated that the City is in litigation to condemn the property.

Mayor Harmon announced the annual Halloween Carnival on October 31<sup>st</sup> at Sherwood Forest from 6:30 p.m. – 8:30 p.m. Steve Cobb announced an Election Watch Party sponsored by the Sherwood Chamber of Commerce on Tuesday, November 7<sup>th</sup> at 7:30 p.m.

A motion was made by Alderman Vassar to adjourn.

ATTEST:

Virginia Hillman  
City Clerk

Bill Harmon  
Mayor