

January 22, 2007

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on January 22, 2007, at 7:00 p.m. in the Council Chambers. Those present were Mayor Danny Stedman, City Attorney Steve Cobb, City Clerk Virginia Hillman, Aldermen Vassar, Rankin, Fender, Davis, Sulcer, Henry, and Harmon. Alderman Brooks absent.

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

Alderman Vassar asked to amend the minutes to state that the AR Gardens that the City wouldn't be liable for any damage caused by garbage trucks/any City vehicles. A motion was made by Alderman Vassar, seconded by Alderman Fender, to amend the minutes from the December 26, 2006 council meeting. The roll call vote was 7 ayes. Alderman Brooks absent.

Mayor Stedman introduced Chief Kel Nicholson to make a presentation. Chief Nicholson presented a Civilian Employee of the Year Award to Tracy Cantrell, and Officer of the Year Award to Officer Frank Spence. Mayor Stedman expressed appreciation to these employees for their good work.

Alderman Sulcer, Chairman of Advertising and Promotion stated they did meet and the discussion was about the Enchanted Forest and ways to make it better in the future. The commission did vote to change the entrance into the Enchanted Forest. The new entrance will be from Dee Jay Hudson to relieve traffic on West Maryland. Mayor Stedman commended Alderman Sulcer on the Enchanted Forest. Alderman Sulcer announced there would be no February 2007, meeting.

Alderman Rankin, Chairman Parks & Recreation committee stated the committee did not meet.

Alderman Vassar, Chairman Personnel Commission, advised they met and they have an ordinance creating an Assistant Director in the Advertising and Promotions Department. Mayor Stedman stated he presented this to the personnel commission because Sherwood Forest is an under utilized facility. There are great meeting opportunities there and it could generate some extra revenue for the City. The position he is recommending would work along with the Bill Harmon Recreation Center. Alderman Vassar stated there would be no February 2007, meeting.

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Ordinance No. 1728, entitled, “AN ORDINANCE CREATING AN ASSISTANT DIRECTOR OF ADVERTISING AND PROMOTIONS POSITION IN THE ADVERTISING AND PROMOTIONS DEPARTMENT” was read for the first time.

A motion was made by Alderman Sulcer, seconded by Alderman Henry, to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes. Alderman Brooks absent. The ordinance was read for the second time. Alderman Rankin asked if mileage reimbursement would be provided for the individual in the position, Mayor Stedman stated a method of mileage would be used. 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. The roll call vote was 7 ayes, 1 absent. 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 7 ayes, 1 absent. The emergency clause passed with 7 ayes. Alderman Brooks absent.

Ordinance No. 1729, entitled, “AN ORDINANCE REZONING THE PROPERTY AT 10411 HIGHWAY 107 FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL” was read for the first time. Mayor Stedman stated this ordinance had been tabled at the last council meeting for concerns about the rezoning and he spoke with Michael Clayton, City Engineer, and a possible solution would be a green belt on the backside of the property. The developer did agree to this. Individual citizens from the neighborhood were available to address this ordinance. Kris Smith, 10803 Chestnut Drive, her property is directly behind Highway 107. She informed the council that she attended the planning commission meeting on December 12, 2006. Three individuals, including herself spoke against the rezoning to C-3, she passed out a map showing the residential property that is around the area in question. She said it was stated at the meeting that it was mostly commercial property, but when you look at the map it is surrounded by residential property. Her understanding is it the City’s plan would be that all of Highway 107 to Brockington Road will be commercial property. It was also stated at the meeting that no one called about the rezoning to the planning commission, but she knows that her husband called at least twice. Jim Anderson spoke afterwards and suggested that all phone calls to the planning commission be logged so there can be documentation of such inquires. She has since learned that the property that is being rezoned is going to be used for an epilepsy foundation and believes it can be zoned O-1 Office or O-2 Office. She is asking that the item be sent back to the planning commission to be rezoned O-1 Office or O-2 Office because it is surrounded by residential areas. When you drive down Hwy 107, the property that is commercial most of the streets run perpendicular to Hwy 107, and according to the map one of the streets runs parallel to Hwy 107, so all of these properties on Hwy 107 back up directly to residential properties, not just one or two but the entire street. Another concern was would the four or five residential properties across Hwy 107 be rezoned commercial as well. Ms. Smith stated she was pleased with the

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discussion of the buffering. The property referenced used to be wooded, but it has been completely cleared, she asked that if something is going to be rezoned that it not be cleared completely unless it has to be. Marcia Little, 10819 Chestnut Drive, her concern is trafficking and safety of the school area. They would like elevated berm, something that looks good and some restriction on the lighting. She would like to have the respect and concern for the children in the areas because of Churches and people crossing streets, they want to restrict selling of cigarettes and liquor in front the schools, they want safety for the children. Alderman Vassar asked if there was a rush, could this ordinance be read once. Michael Clayton, advised the developers have asked the City to move forward. Michael Clayton stated that there are advantages with the property concerning the lighting. The property is downhill and currently being cutting out into the hillside and it will be partly depressed into the area. As far as lighting and noise level will be addressed when the site committee that comes at the staff level or planning commission. Alderman Vassar asked when the trees were cut, was this to do some drainage work. Brooks McRae, with McKimmey Associates, representing the owners of the property addressed the council and stated the property was excavated for dirt, he doesn't believe the front of the property was heavily wooded, they may have gone in back behind the home. The home was being donated to the Epileptic Fund not the site. They did agree to do the buffering improvements that were asked for, and the lighting would be handled at a site plan review. Alderman Vassar stated her understanding is that the structure is to be moved off the site, Mr. McRae stated that is correct. Alderman Harmon asked if Ms. Phillips request about using the berm, and asking to increase the height of the twenty-five foot green belt, is this a realistic possibility, increasing the barrier that would eliminate the light and noise. Michael Clayton stated that the elevation they plan on using for future work is so much lower, to build a berm, it's will have a much wider levee, that if your elevated and your tilting downhill, you could build a berm and the price would be about the same. Alderman Harmon asked that since the site has already been lowered, the back of the site is already at the highest point so if we use the back twenty-five feet were already being built on the highest point on the tract. Michael Clayton stated he would refer to it as a landscape area and not a green belt, that a green belt is a like a natural buffer. If they are cutting down slope, what you can do is put in a privacy fence in addition if there is a need for it, and his thoughts were to stagger two roles of trees, Bradford pears on one side, and on the other side some type of evergreen. Alderman Rankin inquired if this would be like a PUD as far as the process. Michael Clayton stated they are requesting C-3 zoning, and PUD for this property for that type of development. Alderman Davis inquired if this area is dry, being that you couldn't sell liquor. Michael Clayton stated he was not real certain. Mr. McRae stated he believed Maryland Ave would be the closest you could have liquor north to Brockington. Alderman Rankin stated that Brockington Road didn't have any liquor stores at this time. Mr. McRae stated that at Brockington and Hwy 107 you could not sell liquor. Alderman Vassar asked that if there's residential on either side of this property, would there be fencing there as well. Michael Clayton, pointing out on the map that if you look at lots 9 and 10 along Hwy 107, those individuals they would like to have theirs rezoned, he spoke with them about 3 weeks ago, and there are some pressures along Hwy 107, and I wouldn't treat the adjacent

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properties truly residential, because the setbacks are different. You've got commercial and residential, and the rear of these properties you've got Chestnut Drive, that's a true residential. Alderman Vassar stated that when referring to the 25-foot minimum green buffer, she believes it would help the situation because there is setback for structure. Alderman Vassar asks that the City give them some protection of at least 25 feet green trees. Mayor Stedman stated that this would be something that can be done procedurally anytime the City is connecting residential to commercial, this should be standard procedure. Alderman Vassar asked the individuals concerned if this would be satisfactory to them. Ms. Smith stated it sounded like what she expected, was still asking is if it's truly that foundation that is coming to that property, it could be rezoned O-1 Office or O-2 Office instead of going to the top at C-3. She would like this to go back to the planning commission to possibly look at again instead of such a high zoning.

Alderman Vassar stated she was hesitant because the Epilepsy Foundation could not give a definite answer on the plans of the foundation for this house in question. Sharon McMinn, Founder of the Epilepsy Education Association, state the house was donated to the Epilepsy Education Association of Arkansas. Ms. McMinn stated that when the house became available at 10411 Hwy 107, Bryon McKimmey spoke with her about donating the house to the association. Not the land, just the house, we have been working on the house. I cannot give you a definite answer of when the work is going to be done, there is a lot of things that need to be done in the house and finances, because the association raises money to give away for college scholarships, so right now funding for the association is at a minimum. So at this time a definite answer cannot be given without inquiring with the Epileptic Board as to when they are going to move into the house. The house was donated to the association with the understanding that the association would be moving the house to another location. So what the council you are voting on is really not about the house, it's about the land. Alderman Vassar stated there was some problem with the maps, 2004, 2006, was there another side as far as paper work was concerned. Michael Clayton stated the land use map has been amended twice since. The original land use map before it was amended again in 2004, originally it had shown residential, and it had been changed. Alderman Vassar stated there is another technicality, the recommendation here says plans stay recommends and then when she viewed the map, she looked at 2004 and 2006 and it showed something different than the recommendation shows. Mr. McRae stated the amended map shows strictly commercial. Alderman Rankin asked if everything could be amended as far as having a buffer. Mr. McRae stated that it could stop short of the property line zone; you could stop 25 feet short. Alderman Vassar stated if the City does that, the developer will not be satisfied, and she wants the City to give the best protection between commercial and residential that they can have. She understands that can't control it if you don't own it, but if the City makes the developer stop short twenty-five feet, then he's going to go in there and do the minimum requirements, and she believes that if the City zones it to the property line, but require that exactly 25 feet minimum be green space with a fence or buffer, then the City would be better off. Mr. McRae stated the City could be as specific as desired.

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Alderman Vassar, seconded by Alderman Davis, made a motion to suspend the rules and place the ordinance on the second reading, amending the zoning map. A roll call vote 6 ayes, 1 abstain, 1 absent. The ordinance was read for the second time as amended. Alderman Rankin, seconded by Alderman Henry, made a motion to suspend the rules and place the ordinance on the third and final reading as amended. The roll call vote was 6 ayes, 1 abstain, 1 absent. The ordinance was read for the third time as amended. A motion was made by Alderman Davis, seconded by Alderman Rankin to adopt the ordinance as amended. The roll call vote was 6 ayes, 1 abstain. Alderman Brooks absent. The emergency clause passed with 6 ayes, 1 abstain. Alderman Brooks absent.

Ordinance No. 1730, entitled, "AN ORDINANCE REZONING A PARCEL OF LAND NORTH OF 9400 HIGHWAY 107 FROM R-1 TO C-3: AMENDING THE ZONING MAP" was read for the third time. Henry Walla, 303 E. Maryland, would like to see this property zoned to 300' to the C-3 just as the property to the north of it. Michael Clayton stated parcel 1 was 55' wide and 442' deep. Mr. Walla stated he wanted it to stop at the 300' footmark. Tommy Bond, represents Ark Best Realty, who is asking for this rezoning, stated the 50' wide strip that adjoins the parcel that is already zoned C-3 is a full 442.5 deep to the South, only to the south, to the north the parcel is 300 feet deep. They have submitted to the planning commission a planned commercial development for all the remainder of the property, which is the parcel wrapped around behind it. They ask that you rezone the entire 50' by 442' depth. Alderman Vassar stated that the residents need some protection and she wanted to point out the two residences nearby and we are already having problems with stuff getting left out. The property needs to be cleaned up. Mr. Bond stated they would clean up the area. Mr. McGhee was asked if he would like to speak. Mr. McGhee stated that the property is already C-3 zoning, there's a little section back there that they are trying to get 440 feet in that little area. During this time discussion is being discussed about the map. Michael Clayton stated to go along with that rezoning of C-3 for 300' and there do have a difference, and the planning commission that will be coming up the second week of February to plan commercial development, and he recommends 300'. Alderman Sulcer inquired if the C-3 to the south of parcel is not already C-3, she was informed it is. Mayor Stedman stated that an agreement to go 300' C-3 has been reached. Alderman Vassar, seconded by Alderman Rankin to suspend the rules and place the ordinance on the second reading. City Attorney Steve Cobb advised that an amendment would have to be made and the ordinance start all over. A motion was made by Alderman Rankin that the property be 300' feet C-3, seconded by Alderman Vassar, the roll call vote was 7 ayes. Alderman Brooks absent. The ordinance was read for the first time as amended. Alderman Sulcer, 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. Alderman Brooks absent. The ordinance was read for the second time as amended. Alderman Vassar, seconded by Alderman Henry, to suspend the rules and place the ordinance on the third and final reading as amended. The roll call vote was 7 ayes. Alderman Brooks absent. The ordinance was read for the third time as amended. Alderman Rankin, seconded by

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Alderman Fender, to adopt the ordinance as amended. The roll call vote was 7 ayes. Alderman Brooks absent. The emergency clause passed by 7 ayes. Alderman Brooks absent.

Alderman Fender, Street Commission Chairman, advised the commission met and a draft of what is going to be produced from the street commission that will be coming to the council for approval, titled Standard Details and Specifications. If there is someone who wants to come do a street in Sherwood, or drainage project, this will specify exactly how the City wants it to be done. Those interested in the document should contact Michael Clayton or Blake Martin about it. This is to eliminate problems like what occurred in Stonehill. Alderman Rankin advised that once approved this document would be available on the web page. The material has come from Little Rock and North Little Rock, and the Commission is adopting it.

Resolution No. 1-2007, entitled, “A RESOLUTION APPOINTING RESIDENTS, EMPLOYEES, AND ALDERMEN TO BOARDS, AND COMMISSIONS, AND COMMITTEES” was read for the first time. Alderman Vassar stated this resolution list Position 1 elected officials that have 4-year terms and the appointments should reflect that. Mayor Stedman advised this had been corrected. Alderman Vassar asked Lee Church if he would no longer do business with MEMS, while serving on the Joint Emergency Medical Services Board. Mr. Church advised he didn't do business with MEMS, and that he would continue not to. Alderman Vassar questioned about the Parks and Recreation Committee having members of the optimist on the board. Alderman Sulcer stated Don Childers a passed president and Bruce Mason who are affiliated with the optimist club. Her concern is them looking if something comes up the City vs. the Optimist Club, they are going to vote for the optimist club. We need people on there that is going to look out for the benefit of the City. Mayor Stedman agreed, but stated he also sees it valuable to have an individual on the Parks and Recreation Board from the optimist club. In the contract, the City can cancel at anytime. Sonny Janssen, Director Parks and Recreation stated it could be cancelled at anytime. Alderman Vassar- stated that anyone on any of these boards has got to have the City has got to be their first priority. She appreciates the optimist and what they do, but the City needs to be first and foremost if they are going to serve on this board. Alderman Harmon, seconded Alderman Vassar's concern, and express his appreciation for what the optimist has done in Sherwood for years, that the City already has an optimist board member with Bruce Mason, and now is adding another one, and the ball park program is only one park out of all the parks available to Sherwood. Mr. Harmon wants to make sure the City is not over representing the optimist and baseball program. Mayor Stedman stated to the Alderman that approving this resolution was at their discretion, that he recommended Mr. Childress because he is interested in serving the City of Sherwood community, and has done a great on the optimist, and was interested in serving on the parks and recreation. Alderman Vassar stated she didn't want it to look like the Council was picking on Mr. Childress.

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Alderman Vassar, seconded by Alderman Davis, to adopt the resolution. The roll call vote passed with 6 ayes, 1 nay. Alderman Brooks absent.

Resolution No. 2-2007, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S023-01-087-00, COMMONLY KNOWN AS 129 HOLLYWOOD AVE., TO CONSTITUTE A PUBLIC NUISANCE” was read for the first time. Alderman Rankin asked Attorney Steve Cobb, if the structure could be torn down the next day, Mr. Cobb advised there is a time line to give the property owner time to clean up at their own expense, and if they don't the City does it in 30 days. Alderman Rankin, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote passed with 7 ayes, 1 absent.

Resolution No. 3-2007, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-023-01-082-00, COMMONLY KNOWN AS 119 HOLLYWOOD, ALSO KNOWN AS 19 HOLLYWOOD AVE., TO CINSTITUTE A PUBLIC NUISANCE” was read for the first time. Alderman Vassar, seconded by Alderman Sulcer, to adopt the ordinance. The roll call vote passed with 7 ayes. Alderman Brooks absent. Alderman Sulcer asked Chief Kel Nicholson why Sgt. John Scott is no longer in the COPPS Department. Chief Nicholson advised this was a personnel issue. Alderman Sulcer stated that Sgt. Scott did a wonderful job for the City. Chief Nicholson addressed the council stating the Police Department is bigger than any one department, and it needs employees like Sgt. John Scott who has longer experience to move into the patrol division, and that he is a great Sergeant. That the Department feels like Sgt. Scott could provide the City will a lot better coverage and supervision of the officers. Patrol at this time needs senior leadership and Sgt. Scott does such an outstanding job.

Mayor Stedman advised that the construction has started on the addition to the Senior Citizen Center. It will be a great addition and a lot of extra space would be available. Alderman Harmon was asked to give an update on his father, former Mayor Bill Harmon. Alderman Harmon stated his dad was sore. He is at the Sherwood Rehab hospital in Sherwood, and is doing really well. Mayor Stedman also stated that the property across from the Sr. Citizen Center is going to be used to put extra parking for the Sr. Citizen Center, approximately 60 spaces.

Alderman Sulcer asked Linda Nickles, Director of Economic Development to give an update on Roundtop. Ms. Nickles stated the registration has been submitted to the Review committee of Arkansas, they will give the City an answer by the 15th of February, and submit it on to the final.

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Mayor Stedman announced Wilbur Johnson had a presentation he would like to make to librarian Jeannine Swindle. Mr. Johnson explained that he was presenting WWII History of 40 veterans of Army, Navy, Air Force and Marine. There was a boy that was going to UCA was asking about WWII, and Mr. Johnson explained to him about it. He said we have nothing in the library at UCA about the veterans in WWII. So he goes to his grandfather, in Arkansas and he gave him permission to go ahead and interview these 40 veterans of Arkansas, and has given DVD's of the interviews to libraries in mostly in the colleges, and some counties and cities of Arkansas. It's oral history of Arkansas veterans and a documentary featuring 40 Arkansas veterans of WWII to give the nations history of telling the story of the war, the months, and eyewitness. It has stories and pictures of Army, Navy, Air Force and Marines, B57 pilots to on down. Mr. Johnson is on the tape and was in the outfit that liberated Death Out Prison Camp in Germany.

Mayor Stedman recognized Lance Green, Youth Council Vice Mayor.

Bill Miller wants to take a photo of all the council members for the Shrine Circus magazine following the council meeting. After adjournment pictures will be made.

A motion was made by Alderman Davis, seconded by Alderman Rankin to adjourn. The roll call vote was 7 ayes. Alderman Brooks absent.

ATTEST:

Virginia R. Hillman

Danny Stedman

City Clerk

Mayor