

March 26, 2007

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on March 26, 2007, at 7:00 p.m. in the Council Chambers. Those present were City Attorney Steve Cobb, City Clerk Virginia Hillman, Aldermen Vassar, Rankin, Fender, Davis, Sulcer, Brooks, and Harmon. Mayor Stedman and Alderman Henry absent.

Due to Mayor Stedman's absence, a motion was made by Alderman Sulcer, seconded by Alderman Davis, to appoint Alderman Vassar as Acting Chairman for the meeting. The vote was 6 ayes. Alderman Henry absent. Alderman Vassar did not vote throughout the meeting due to serving in the capacity of Acting Chairman.

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

A motion was made by Alderman Rankin, seconded by Alderman Brooks, to approve the minutes from the February 26, 2007 council meeting and the March 6, 2007 special called council meeting. The roll call vote was 6 ayes. Alderman Henry absent.

Alderman Sulcer, Advertising and Promotion Commission Chairman, announced that plans are underway for the Annual Fourth of July Celebration. One hundred volunteers are needed for the event. Also, the Annual Easter Egg Hunt will be Sunday, April 8th at Sherwood Forest, 2:00 p.m.

Keith Rankin, Parks and Recreation Chairman, announced that the Lady Razorbacks will be here April 18th. The first game begins at 5:00 p.m. and the second game will begin at 7:00 p.m. An Autograph session will begin at 3:30 p.m. Opening ceremonies for the ballpark will be April 20th at 7:00 p.m.

Alderman Fender, Street Commission Chairman, announced that public hearings have been held in regard to the North Belt Freeway. At this point, the proposed route appears to be favorable for Sherwood.

Resolution No. 6-2007, entitled, "A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-003-00-001-12, COMMONLY KNOWN AS LOT 743 OF THE EDGE WOOD MANOR MOBILE HOME PARK LOCATED AT 729 CHERRIE AVENUE TO CONSTITUTE A PUBLIC NUISANCE" was read. A

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motion was made by Alderman Rankin, seconded by Alderman Brooks, to adopt the resolution. The roll call vote was 6 ayes. Alderman Henry absent.

A motion was made by Alderman Sulcer, seconded by Alderman Brooks, to suspend the rules and place the following resolution on the agenda. The roll call vote was 6 ayes. Alderman Henry absent.

Resolution No. 7-2007, entitled, "A RESOLUTION IN SUPPORT OF THE SELECTION MADE BY THE SYLVAN HILLS MIDDLE SCHOOL PROPERTY SEARCH COMMITTEE NUISANCE" was read. A motion was made Alderman Sulcer, seconded by Alderman Rankin, to adopt the resolution. The roll call vote was 6 ayes. Alderman Henry absent.

Resolution No. 8-2007, entitled, "A RESOLUTION AUTHORIZING THE MAYOR TO CONTRACT FOR PROFESSIONAL SERVICES IN CONJUNCTION WITH THE FEASIBILITY STUDY OF NORTH HILLS COUNTRY CLUB" was read. A motion was made Alderman Rankin, seconded by Alderman Sulcer, to adopt the resolution. The roll call vote was 6 ayes. Alderman Henry absent.

Ordinance No. 1733, entitled, "AN ORDINANCE GRANTING FIRST ELECTRIC COOPERATIVE CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE EXCLUSIVE RIGHT, PRIVILEGE AND AUTHORITY TO SELL, FURNISH, AND DISTRIBUTE ELECTRIC POWER AND ENERGY AND ERECT, MAINTAIN, EXTEND, AND OPERATE A SYSTEM FOR THE DISTRIBUTION, TRANSMISSION, FURNISHING, OR SALE OF ELECTRIC POWER AND ENERGY WITHIN CERTAIN AREAS OF THE CITY OF SHERWOOD, ARKANSAS AND TO ITS INHABITANTS, AND TO USE THE STREETS, ALLEYS, BRIDGES, AND OTHER PUBLIC GROUNDS OF THE CITY IN CONNECTION THEREWITH; FIXING THE TERMS THEREOF, AND FOR OTHER PURPOSES" was read for the first time. City Attorney Steve Cobb stated that the Ordinance passed a couple of years ago granted First Electric Cooperative the exclusive franchise for Millers Crossing and approximately eight homes on Miller Road, which are currently in litigation. Since Millers Crossing was under development, it was the agreement of all involved that this lawsuit should not impede the development. An agreement was reached between North Little Rock Electric and First Electric Cooperative whereby First Electric Cooperative would go ahead and provide service for the area. The proposed ordinance will grant service to an area that is soon to be developed to be provided by First Electric Cooperative. Alderman Harmon asked if this was the same ordinance used a couple of years ago. Mr. Cobb stated that it was basically the same and also included the new proposed service area. Both ordinances are 40-year terms subject

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to the litigation. Alderman Harmon questioned if a new ordinance each time with 40-year terms would not be cumbersome to keep up with in the future. Mr. Cobb stated that hopefully the lawsuit would be settled and this proposed second ordinance would be the last one necessary. Hopefully a decision will be made this Spring to resolve the issues. A motion was made by Alderman Sulcer, seconded by Alderman Davis, to suspend the rules and place the ordinance on the second reading. The roll call vote was 6 ayes. Alderman Henry absent. The ordinance was read for the second time. A motion was made by Alderman Sulcer, seconded by Alderman Rankin, to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 6 ayes. Alderman Henry absent. The ordinance was read for the third time. A motion was made by Alderman Rankin, seconded by Alderman Davis, to adopt the ordinance. The roll call vote was 6 ayes. Alderman Henry absent. The emergency clause passed with 6 ayes. Alderman Henry absent.

Resolution No. 9-2007, entitled, “A RESOLUTION FINDING THE STRUCTURE AT LOT 4, BLOCK 2, LAKE CHERRYWOOD NO. 1 ADDITION, COMMONLY KNOWN AS 106 ELMWOOD, TO CONSTITUTE A PUBLIC NUISANCE.” was read. Bill May, owner and occupant of the property addressed the Council. Mr. May stated that he had a parcel of property that he is purchasing through delinquent taxes. He will not know for sure whether or not the property is his until after June 8th. The property is raw land and will take time to ready for occupancy. He stated that Mayor Stedman had visited him earlier and was willing to help him. Alderman Vassar stated that the city engineer and mayor were working with him regarding the situation. Alderman Vassar stated that it was her understanding that the life threatening violations had been corrected. Mr. May stated that repairs had been made. Andy Wilson, Code Enforcement Officer addressed the council. He stated that the immediate safety issues had been resolved. Mr. Wilson stated that he had explained to Mr. May previously that if the council chose to condemn the property, the City would continue to give him a number of months to ready his property, contingent upon Mr. May entering into a rehabilitation agreement on the property. Mr. Wilson stated that Mr. May had indicated that he might tear the structure down. This would also be acceptable. Mr. May would need to continue to remove cars, etc. from the property. The City is willing to work with him either way. Mr. Wilson explained that the rehabilitation agreement generally was for six months. The first two months focus on the premise violations, third and fourth months focus on the exterior of the structure, and the final two months focus on the interior of the structure. Mr. May stated that he was on a fixed income of \$795. He cannot guarantee that he can make the repairs within six months. He does not understand why he should have to spend what little money he has on a structure that is not going to make any difference. Mr. May stated that all of the boats, with the exception of the one he was working on, had been moved. He has also moved a lot of other items from the property. Mr. May stated that he felt that he was grandfathered in. Alderman Vassar stated that even though his business was grandfathered in, there still are issues of code violations that are not allowed in Sherwood. There are safety, health, and numerous problems with the property. The

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focus is whether or not the house he is living in is a legal structure in Sherwood. Mr. May has the right to fix it up, remove it or if this Council adopts the resolution, the City will work with Mr. May. If Mr. May chooses to break the agreement he makes with the City, a bulldozer will be sent over there. The City will take care of it for him. The City has done it before and is prepared to do it again. Tom Brooks addressed the Council. He stated that he was on the Council in the late 70's and early 80's when the property was annexed into the City. He encouraged the council to mix passion with compassion. A motion was made by Alderman Brooks, seconded by Alderman Rankin, to adopt the resolution. The roll call vote was 6 ayes. Alderman Henry absent.

Alderman Vassar announced that the mayor appointed committee met this afternoon regarding the North Hills Country Club. Tim Grooms, a Sherwood resident and also one of the best real estate attorney's in the state was also at the meeting. Mr. Grooms has given some good information to the committee. Mr. Jack Cashion who conducted a study for the City 10 years ago, was also at the meeting. He has offered his help. There are a number of possibilities at this point. The City is still waiting to hear back from the first buyer. At this point, the mayor has received a phone call from the individual who states that he is still out of town and says that he is still interested in meeting with the City. Mr. Harkins, the banker for the buyer, was at the meeting a couple of weeks ago. Those who were present at the meeting heard what Mr. Harkins had to say. The committee has had no further contact from Mr. Harkins. The resolution passed tonight will authorize the mayor to enter into any contract necessary to conduct a feasibility study to explore the possibilities that the City would have to buy the golf course and retain it as a golf course or use as a park/golf course. The earliest that a special election may be held is 45 – 60 days.

Mike Anderson, Sherwood Fire Commission Chairman, introduced the Sherwood Fire Chief, Frank Hill. Frank Hill announced that an ISO test was conducted this year. The results were outstanding. The entire City is now a rating of two (2) with the exception of the small area of Rixey Road, which will remain a nine (9). Plans are underway to correct the situation and the entire City should then be a two (2). There are only eight fire departments in the state of Arkansas with a rating of two (2). Copies of the letter are available for any one that needs one. The rating is effective June 1, 2007. Also Rixey Road has water, though not certified, the water is available in case of an emergency. Completion of the water system is expected by the end of the month. The next goal for the fire department is to obtain a rating of one (1).

A motion was made by Alderman Brooks, seconded by Alderman Sulcer to adjourn. The roll call vote was 6 ayes. Alderman Henry absent.

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ATTEST:

Virginia R. Hillman

Becki Vassar

City Clerk

Acting Chairman