

## REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on July 23, 2007, at 7:00 p.m. in the Council Chambers. Those present were Aldermen Vassar, Rankin, Fender, Davis, Henry, Brooks, and Harmon; Interim Mayor Bill Harmon, City Attorney Steve Cobb, and City Clerk Virginia Hillman. Alderman Sulcer absent.

Alderman Harmon 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 June 25, 2007, as transcribed. Alderman Brooks seconded the motion and the roll call was 7 ayes, Alderman Sulcer absent.

Cheryl Ferguson, Director of Advertising and Promotions, and Korey Malloy, an advisor for the Sherwood Youth Council, presented the Sherwood Youth Council Scholarships to Sarah Longwill and Cody Williamson.

Alderman Rankin, Parks and Recreation Committee Chairman, announced that the 11-Year-Old Regional Babe Ruth Tournament is going on currently and the finals are tomorrow night at 6:00 p.m. There are twenty plus teams from four states. Alderman Vassar announced that the Sylvan Hills team came in 4<sup>th</sup> place, making this the highest that the Sylvan Hills team has done so far.

Alderman Vassar, Personnel Committee Chairman, advised the committee did meet. She stated that the packet that council members have received showing updates to the policy manual would not be discussed until the next council meeting. Any questions need to be forwarded to Bob Wheeler, Director of Human Resources. The unexpired term of Arnie Bergquist, who resigned from the personnel committee, needs to be filled. A motion was made by Alderman Vassar, seconded by Alderman Brooks, to suspend the rules and place a resolution to replace Mr. Bergquist on the agenda. The roll call was 7 ayes, Alderman Sulcer absent.

**Resolution No. 19-2007, entitled, "A RESOLUTION NAMING NAN GENTRY TO THE SHERWOOD PERSONNEL COMMITTEE TO FILL THE UNEXPIRED TERM OF ARNIE BERGQUIST"**, was read. A motion was made by Alderman Davis, seconded by Alderman Vassar, to adopt the resolution. The roll call vote was 7 ayes, Alderman Sulcer absent.

**Ordinance No. 1741, entitled, "AN ORDINANCE CREATING ONE TENNIS CENTER PROFESSIONAL POSITION IN THE PARKS & RECREATION DEPARTMENT"** was read for the first time. A motion was made by Alderman Rankin, seconded by Alderman Harmon, to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes, Alderman Sulcer absent. The ordinance was read for the second time. A motion was made by Alderman Brooks, seconded by Alderman Rankin, to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 7 ayes, Alderman Sulcer absent. The ordinance was read

for the third time. A motion was made by Alderman Rankin, seconded by Alderman Vassar, to adopt the ordinance. The roll call vote was 7 ayes, Alderman Sulcer absent. The emergency clause passed by a roll call vote 7 ayes, Alderman Sulcer absent.

**Ordinance No. 1742, entitled, “AN ORDINANCE CREATING ONE CASE COORDINATOR POSITION IN THE DISTRICT COURT”** was read for the first time. A motion was made by Alderman Vassar, seconded by Alderman Henry, to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes, Alderman Sulcer absent. The ordinance was read for the second time. A motion was made by Alderman Harmon, seconded by Alderman Rankin, to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 7 ayes, Alderman Sulcer absent. The ordinance was read for the third time. A motion was made by Alderman Fender, seconded by Alderman Davis, to adopt the ordinance. The roll call vote was 7 ayes, Alderman Sulcer absent. The emergency clause passed by a roll call vote 7 ayes, Alderman Sulcer absent.

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**An ordinance entitled, “AN ORDINANCE RENAMING BROOKSWOOD, IN THE CITY OF SHERWOOD, ARKANSAS TO BROCKINGTON ROAD”** was read for the second time. Mr. Woolverton stated he did not wish for the name to change because he has a business there. A motion was made by Alderman Vassar, seconded by Alderman Brooks, to suspend the rules and place the ordinance on the third and final reading. The roll call was 7 ayes, Alderman Sulcer absent. The ordinance was read for the third time. A motion was made by Alderman Vassar, seconded by Alderman Davis, to adopt the ordinance. The ordinance failed by a roll call vote of 7 nays, Alderman Sulcer absent.

**Ordinance No. 1743, entitled, “AN ORDINANCE ABANDONING AN EXISTING RIGHT-OF-WAY ORIGINALLY PART OF LOTS 15 AND 16, PHASE 3, STONEHILL SUBDIVISION”** was read for the first time. A motion was made by Alderman Vassar, seconded by Alderman Brooks, to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes, Alderman Sulcer absent. 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. The roll call vote was 7 ayes, Alderman Sulcer absent. The ordinance was read for the third time. A motion was made by Alderman Brooks, seconded by Alderman Davis, to adopt the ordinance. The roll call vote was 7 ayes, Alderman Sulcer absent.

**Ordinance No. 1744, entitled, “AN ORDINANCE OF THE CITY OF SHERWOOD; CREATING AND ADOPTING AN OVERLAY DISTRICT FOR AREAS WITHIN THE FIVE (5) MILE PLANNING JURISDICTION AND NEWLY ANNEXED TERRITORIES AFFECTED BY THE AIR COMPATIBLE USE ZONE (AICUZ)”** was read for the first time. Mayor Harmon stated Lucien Gilliam, of the Sherwood Planning Commission was available, and that this ordinance

was a requirement for the Little Rock Air Force Base. Mr. Gilliam stated AICUZ is a Department of Defense program that applies to the Army, Navy, and the Air Force. The main goal of AICUZ is to make the area around an air base safe for the populace in the event of a crash. There are three zones at each end of the runway, the Clear Zone, which is a 3000' x 3000' square at the end of the runway; it is wholly contained within the air base property at both ends. The APZ I zone is 5000' long, generally off the air base; APZ II is 7000' long and 3000' wide. Michael Clayton, Director of Engineering, pointed out the boundary lines of the proposed annexation. He stated that the Clear Zone is not in the city limits, and the only areas affected are APZ I and II. Mr. Gilliam, stated the program is based on cooperation between the air base and surrounding communities and to promote compatible growth. The original AICUZ was done in 1977. AICUZ is based on the kind of aircraft and number of aircraft. The Department of Housing and Urban Development says that noise above 65 decibels is incompatible with residential housing, but is compatible with industrial and shopping districts. The noise zone around LRAFB does have an area that extends out to Hwy 107, of 65 decibels. The next issue is accident potential zones; a study done concluded that 27% of accidents occur on the runway, 28% occur out in the Clear Zone, 8% occur in APZ I and 5% occur in APZ II, other accidents within 10 miles occur at 31%. The main thing recommended in the APZ I is no residential housing, but it is allowable in APZ II but not more than one house per acre. It's bad to have a Church, school or community center that has a large number of people gathering together. The ordinance requires that any houses built in the 65 decibels zone have enough insulation so that the 65-decibel noise level wouldn't bother the residents. If someone tries to build a television or wireless tower, the FAA would disallow it. Generally the air base does not operate on Sunday, and very little on Saturday, and not much after 2 a.m. They try to route the aircraft to avoid residential areas, and the air force does not fly over the ostrich farms. Arkansas Act 530 of 1995 requires the City to enact AICUZ guidance by adoption of ordinance. Alderman Rankin asked Michael Clayton how many acres are involved in the APZ I, Mr. Clayton guessed around 350 acres. He also asked Mr. Gilliam if Jacksonville passed an ordinance where in an APZ I zone one house per acre was built. Mr. Clayton stated he would encourage development of other uses beside residential in the APZ I zone, such as commercial, and more residential in the APZ II zone. A motion was made by Alderman Rankin, seconded by Alderman Harmon,  
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to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes, Alderman Sulcer absent. The ordinance was read for the second time. A motion was made by Alderman Vassar, seconded by Alderman Henry, to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 7 ayes, Alderman Sulcer 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 7 ayes, Alderman Sulcer absent.

**An ordinance entitled, "AN ORDINANCE REZONING THE PROPERTY AT OAKDALE AND BROCKINGTON ROAD FURTHER DESCRIBED AS PART OF SECTION 29, TOWNSHIP 3 NORTH, RANGE 11 WEST, PULASKI COUNTY ARKANSAS, FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-3**

**MULTI-FAMILY RESIDENTIAL; AMENDING THE ZONING MAP**” was read for the first time. Brooks McRae, representing Sherwood Holdings, owner of property that is requesting the rezoning. The development proposes 228 luxury apartment units that will include 24 1-bedroom, 106 2-bedroom and 93 3-bedroom units. This is owned by private individuals. The financing is around the \$15 million range. The rental fees will be around \$800 on 2-bedroom and \$1200 on 3-bedroom. The request is for a zoning change; a site plan has been submitted and will go back to the planning commission and for final approval. Mr. Brooks stated the vacancy rates are approximately 92-97 vacancies in other markets. The developer would not endorse any other apartment complex with lesser expectations to go in. These apartments are pleasant with iron gates, garages, adjacent to a C-3 43 acre tract, possibly a lake area to the west. One of the investors lives locally, the brother lives in New Jersey, and the father lives in Florida. Constant McClure lives in Jacksonville Mr. McClure will be the onsite manager. The investor is not a corporation but a family entity. Alderman Vassar is concerned with the criminal activity and if the property’s vacancy rate is high will they drop the rates and rent to anyone. The size of the project concerns her at this time. Mr. McRae stated the site plans would be adjusted. Alderman Vassar asked if it was urgent for the council to approve this, because she would like some feed back from the people. Alderman Vassar received several phone calls concerning the apartment complex development. Alderman Fender asked what the definition of a luxury apartment is. Mr. McRae stated it is the control access, the fencing the landscaping, garage units. Alderman Fender asked if it has been determined what the square footage of the apartments would be. Mr. McRae stated the 1 bedroom is 740 square feet, 2-bedrooms are 1070 square feet, and the 3-bedrooms are 1200 square feet. Alderman Davis asked if there was an ordinance in place at this time that makes it mandatory for apartment managers to do background checks for criminal activity. Michael Clayton advised that it is not required. Alderman Davis asked if the city could make it a requirement. Mr. Clayton stated to the council that at this time this ordinance is for zoning purposes only and that the site plan will be brought back before the planning commission and council for approval. Mayor Harmon asked City Attorney Steve Cobb to research the question of background checks. Alderman Davis asked where the proposed new interstate would go. Mr. Clayton described the location of the direction of the interstate. Alderman Davis inquired about a buffer between the apartments and single-family housing. Tim McClure co-owner, is available to answer any questions, his family has been in the apartment business for 65 years, and any concern can be addressed to Mr. McClure. His family plans to build this and financing should not be an issue. Alderman Harmon asked about the history of the other complexes that they own. Mr. McClure stated that they have maintained the highest rank in the area. Their first complex consisted of 300 units. They don’t want to drop rates because it is better to keep them empty and draw better tenants. He sees the construction being done in a timely manner. He advised that they do screen their tenant’s quite extensively. Alderman Vassar asked if they had their own security on site. Mr. McClure stated that if it became an issue they would employ security. Mike Anderson reminded the council the response time for emergency vehicles depends upon being able to get to the area. There will be more emergency calls to the area. Traffic on that road is continuing to grow because of the amount of development and development of other cities. Julian Carney, 3<sup>rd</sup> generation real estate investor and licensed realtor, stated she believed the concept of

luxury apartments would be idea for the city eventually. Of the 11 thousand housing units that the city currently has 3000 are devoted to rental dwelling. She feels the city  
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needs to have meaningful and mindful development when it comes to multi-family. One aspect of the community that has been overlooked is the need for affordable senior housing. She would like to encourage the city to take time and research all this in question before a decision is made about this rezoning. The ordinance was read one time and will be brought before the council at a later time.

Alderman Fender, Chairman of the Street Commission, advised that on September 19, 2007, bids for the North section of Brockington Road would open at the Arkansas Highway Department. He also stated that the City has been turned down a second time for a traffic signal at Kiehl and Oakbrooke. The Street committee met late and did not have time to get an item on the agenda. Alderman Fender made a motion to suspend the rules and place a resolution on the agenda adopting the Public Works Infrastructure Standards. He would like for this to be in resolution form instead of ordinance because this document will evolve as time goes on and changes will be made. Alderman Rankin seconded the motion. The roll call vote was 7 ayes, Alderman Sulcer absent.

**Resolution No. 20-2007, entitled, “A RESOLUTION APPROVING AND ADOPTING THE PUBLIC WORKS INFRASTRUCTURE STANDARD DETAILS FOR THE CITY OF SHERWOOD”** was read. A motion was made by Alderman Vassar, seconded by Alderman Rankin, to adopt the resolution. The roll call vote was 7 ayes, Alderman Sulcer absent.

Alderman Vassar stated she received information on the sign ordinance from Steve Perry, and information given to her reveals possible legal action could be filed against the city because of encroaching on someone’s freedom of speech. Alderman Harmon stated he was concerned about the risk factor, but not about the content. He feels that the information was written by sign companies that have an interest in scaring cities off from regulating signs. Alderman Vassar stated she is concerned with permits being issued between now and the time the council passes a sign ordinance. She stated the City of Cabot is re-writing theirs and most cities don’t allow these type of signs. Alderman Harmon stated he didn’t have a problem with how the ordinance is written, but the City doesn’t need to issue a permit with a sign ordinance in place. Alderman Davis suggested a moratorium be placed on the signs until further discussion. Mayor Harmon stated Steve Cobb has spoken with others in the sign business and that there are some amendments to the ordinance that he is prepared to make changes to. One issue is the elimination of strobes but not of motion. Michael Clayton stated his only concerns are lighting and clutter. The ordinance was read once, and tabled for 30 days.

**Resolution No. 21-2007, entitled, “A RESOLUTION TO ABANDON A WALKING EASEMENT IN OAKBROOKE SUBDIVISION, AND VESTING TITLE TO SAID PROPERTY EQUALLY BETWEEN ADJACENT PROPERTY OWNERS”** was

read. A motion was made by Alderman Rankin, seconded by Alderman Davis to adopt the resolution. The roll call vote was 7 ayes, Alderman Sulcer absent.

**Resolution No. 22-2007, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-014-00-070-00, COMMONLY KNOWN AS 103 ANN AVENUE TO CONSTITUTE A PUBLIC NUISANCE”** was read. Alderman Vassar asked if the residence is occupied. Scott Kelley, Code Enforcement Officer advised it is vacant and he has made attempts to locate the owner. A motion was made by Alderman Vassar, seconded by Alderman Davis to adopt the ordinance. Michael Clayton advised this structure is in probate court. Connie Collier, 105 Ann Avenue, stated to the council the extreme nature of the house. The roll call vote was 7 ayes, Alderman Sulcer absent.

Carrie Messinghall, resident of the area near construction of Wal-Mart addressed the council on the issue of there not being a wall that blocks her and her neighbor’s residence from the Wal-Mart site. She stated that the residents were presented with the plans on the Wal-Mart, and have since asked for updates concerning the construction, to which she has received no reply. She stated the residents were promised a meeting with the owner of the property and the Wal-Mart representatives and has placed several calls to schedule **July 23, 2007**

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this meeting to no availability. Her concern is what is going to happen when criminal activity occurs at Wal-mart and the suspects flee the area and head directly into her yard, they will inevitably jump any fence that is constructed. She is asking that a brick or concrete wall be placed between the eight or so residences that are affected by this construction and the Wal-Mart site. She stated that currently there are seven houses for sale in this area. Every morning she wakes up to an eyesore. She wants in writing assurance from the City as to what they will do about this situation. The quality of life for them is very poor, and that if the city could afford a \$2.5 million dollar Country Club, they could build a brick wall. She is hoping they can reach some sort of an agreement to resolve this issue.

Roger Messinghall would like to have the council come out to the area on some Saturday around 7 a.m. to see all that they have to put up with. The council can get first hand knowledge of the situation and in future developments know the possibilities of the effect of issues like this. Mayor Harmon stated that between now and the next council meeting there will be some people there to view the issues.

Dalton Davies, business owner at North Hills and Hwy 107, addressed the council on the flooding issue that occurs at Country Club and Beverly. He asked if the City had done any studies of what the cost would be to clear up this problem. Michael Clayton, City Engineer presented a power point of several issues he has reviewed for this area. He stated that should development occur around Country Club you would have issues of traffic signals, drainage inlets, storm drainage, and the Windchime Bridge would need to be raised. He estimated the costs for three signals and a master control system to synchronize the traffic signals to be \$450,000, street repairs at approximately \$666,000,

storm drains \$450,000, drainage channel near North Devon \$108,000, and the expansion of Windchime Bridge \$400,000 - \$500,000, for an approximate total of around \$2.2 - \$2.4 million dollars for basic infrastructure. Mr. Davies asked if this would be passed on to the taxpayers or would developers be responsible. Mayor Harmon replied this would be done at taxpayer expense.

A citizen who just purchased property on Katye Lane addressed the council about the brick or concrete wall that will separate Wal-Mart and the residents of the Katye Lane area. He stated he didn't want the Wal-Mart parking lot in his backyard. He wants his neighborhood to be back to normal and is concerned about their property values.

Preston Brailsford, 219 Katye Lane, addressed the council about concerns of criminal activity once Wal-Mart is completed. He stated that if no wall is built between the residents of Katye Lane and Wal-Mart, they would be facing issues such as what occurred at the North Little Rock McCain Wal-Mart a few days ago. The criminals will jump the ditch and run directly toward the resident's homes in this area. He is asking for security for this area. He stated that since Sherwood lost Wal-Mart four years ago, the City would do whatever it takes to get it back without concern for the citizens. That the city only wants to get the money so they can buy the golf course.

Frank Hill, Sherwood Fire Department Chief, advised the council that an ISO rating for the City of Sherwood and a piece of Rixey Road is 2/9. Central Arkansas Water is finishing up a project around the Rixey area and all the hydrants running at 140 psi per hydrant, and 960 psi in some areas, with 3000-4000 gallons per minute. The fire department has submitted the paper work necessary to bring the ISO rating in the Rixey area down to a 2, possibly as early as September 2007.

A motion was made by Alderman Vassar, seconded by Alderman Rankin, to adjourn.

ATTEST:

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Virginia Hillman, City Clerk

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Bill Harmon, Interim Mayor