

September 24, 2007

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on September 24, 2007, at 7:00 p.m. in the Council Chambers. Those present were Mayor Virginia Hillman, City Attorney Steve Cobb, City Clerk Angela Nicholson, Aldermen Vassar, Rankin, Fender, Davis, Sulcer, Henry, Brooks, and Harmon.

Tim McMinn, Pastor of Sylvan Hills Community Church and Sherwood Police Chaplain, led in prayer and the Pledge of Allegiance was given to the flag.

Mayor Hillman introduced the First Year Webelos Boy Scout Troop Pack #259. Members present were Chance, Derrick, Kaynenn, Matthew and Evan.

A motion was made by Alderman Vassar to approve the minutes of the regular meeting on August 27, 2007, as transcribed. Alderman Brooks seconded the motion and the roll call vote was unanimous to approve the minutes.

Alderman Sulcer, Chairman Advertising & Promotion Commission, advised they met and discussed that Sherwood Fest will be held on October 20, 2007. Preparations are being made for the Trail of Lights and the Commission is going to assist monetarily with the Christmas Parade.

Alderman Rankin, Chairman Parks & Recreation Committee, advised they did not meet. He stated that the Jenny Finch Softball clinic had over 400 participants from 16 states.

Mayor Hillman introduced Maureen Pylant as the new Human Resources Director for the City of Sherwood.

Alderman Vassar, Chairman Personnel Committee, advised they met and they have two ordinances on the agenda for the council.

Ordinance No. 1748, entitled, "AN ORDINANCE ADOPTING THE ATTACHED NEW AND AMENDED POLICIES AND RULES CHANGES TO THE CITY'S POLICY MANUAL, AND FOR OTHER PURPOSES" was read for the first time. A motion was made by Alderman Sulcer, 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 Rankin, seconded by Alderman Davis, 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 Harmon, to adopt the ordinance. The roll call vote was unanimous.

Ordinance No. 1749, entitled, "AN ORDINANCE COMBINING TWO PART TIME HUMAN RESOURCE GENERALIST POSITIONS TO CREATE ONE FULL TIME HUMAN RESOURCE GENERALIST POSITION IN THE HUMAN RESOURCES DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read for the first time. A motion was made by Alderman Davis, seconded by Alderman Henry, 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 Rankin, seconded by Alderman Sulcer, to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Ordinance No. 1750, entitled, "AN ORDINANCE REZONING PROPERTY LOCATED 1000 FEET SOUTH OF TRAMMEL ROAD, EAST OF 67/167 FROM I-1 (INDUSTRIAL) TO R-1 (RESIDENTIAL); AMENDING THE ZONING MAP AND THE LAND USE MAP AS SHOWN IN EXHIBIT A; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read for the first time. Alderman Rankin asked if this was part of the new development on Trammel Road. Michael Clayton, City Engineer, stated the property was zoned industrial back in 1995 or

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1996, when the property was annexed. The developers are requesting rezoning. 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 unanimous. The ordinance was read for the second time. 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 vote was unanimous. The ordinance was read for the third time. A motion was made by Alderman Harmon, seconded by Alderman Sulcer, to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed by a unanimous roll call vote.

Alderman Vassar inquired about the sewer issue with North Little Rock. Mr. Clayton advised that the City of Sherwood Wastewater operates half of Sherwood and approximately 5000 customers operate off of North Little Rock. A rate increase will be going to into affect for the North Little Rock Sewer customers. Alderman Vassar advised she received a phone call from a resident that lives on Lee Avenue and she is still on a septic tank. Mr. Clayton advised this was Sewer District #212, which does not belong to the City of Sherwood, and is known as Sylvan Hills Sewer District. This area is North Little Rock Wastewater. He advised the City is in the process of developing a team to work on a long-term litigation strategy to consolidate the other sewer districts. Work is in process to develop a citywide sewer system. Alderman Vassar asked if there has been a resolution to the situation with North Little Rock. Mr. Clayton stated that there have been a number of meetings in the past, but at this time they are trying to resolve the Overbrook 19 lawsuit, that has been going on for couple of years. Attorney Steve Cobb advised that this could soon be settled. Alderman Davis stated that the City had tried to take over the sewer system on Trammel Road, also known as Rixey Sewer System. Mr. Clayton advised that an offer was made to take care of that area and the commissioners made a decision to stay with North Little Rock Wastewater. Alderman Fender asked the number of citizens that do not fall under the City of Sherwood wastewater, Mr. Clayton stated roughly 12,000. Alderman Vassar asked if money was in the sewer budget for legal action. He advised that there was still money in the 1% City Sales Tax account.

Alderman Fender, Chairman Street Committee, stated they did not meet. He reported that on Wednesday, September 19, 2007, the Arkansas Highway Department opened bids for improvements on the north section of Brockington Road. A total of nine bids were turned in, and Mobley Contractors out of Morrilton, Arkansas bid the lowest at \$4,297,000. Alderman Fender advised that construction would start in about 90 days. It was reported that the work might not get started until Spring 2008. The Highway Department has a grace period between November and March where they do not do any work on certain projects. The construction time for Brockington Road is possibly as long as 24 months. The City will pay approximately twelve percent of the cost. Mayor Hillman stated that Metroplan has expressed there may be a chance that funds will be available to complete the south portion of Brockington Road. The bid opening for the Senior Citizen parking lot was on September 18, 2007. A total of three bids were turned in, with the lowest bid of \$109,000 from Red Roc. In November 2006, \$70,000 was appropriated in the budget to do the parking lot. At this time the project is \$39,000 short and Alderman Fender will make recommendation for an additional \$20,000 to be added to resurface and re-stripe the existing parking lot for a total of \$59,000. The completion of the parking lot should be done in November. Alderman Brooks asked about the progress on Maryland Avenue. Mr. Clayton addressed this issue and stated that the rain has held off some of the work and the ground has to be extremely dry before gravel can be put down. Once this is done the work should speed up.

Ordinance No. 1751, entitled, "AN ORDINANCE ABANDONING AN EXISTING UTILITY EASEMENT FOR LOT 7, BLOCK 12, GRANDVIEW ADDITION; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES" was read for the first time. Michael Clayton stated this is a 60' x 120' lot on Hemphill. The owner wants to get rid of the easement so they can build a house. A motion was made by Alderman Vassar, 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 Davis, seconded by Alderman Harmon,

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 Vassar, seconded by Alderman Brooks, to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed by a unanimous roll call vote.

Ordinance No. 1752, entitled, “AN ORDINANCE APPROPRIATING \$59,112.00 FROM THE GENERAL FUND TO CAPITAL DISBURSEMENTS FOR THE CONSTRUCTION OF THE SENIOR CITIZEN PARKING LOT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES” was read for the first time. A motion was made by Alderman Vassar, seconded by Alderman Brooks, to amend the ordinance to add \$20,000 more to the \$39,112.00 for a total of \$59,112.00. The roll call vote was unanimous to amend the ordinance. The ordinance was read for the first time as amended. A motion was made by Alderman Vassar, seconded by Alderman Fender, to suspend the rules and place the ordinance on the second reading as amended. The roll call vote was unanimous. The ordinance was read for the second time as amended. 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, as amended. The roll call vote was unanimous. The ordinance was read for the third time as amended. A motion was made by Alderman Brooks, seconded by Alderman Davis, to adopt the ordinance as amended. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Alderman Harmon, Chairman for the Sign Committee, made a motion to table the sign ordinance for 30 days. The committee has met couple of times but have not had an opportunity to get with the City Attorney to get an ordinance done in proper format. Also more research is needed for the proper language to be put in the ordinance. He advised that at this time he would like to remove the moratorium on the issuance of permits, because the ordinance does not grandfather in existing signs.

Ordinance No. 1753, entitled, “AN ORDINANCE TO AUTHORIZE NEGOTIATIONS BETWEEN THE CITY OF SHERWOOD, ARKANSAS AND CLUB PROPERTIES, INC. FOR THE PURCHASE OF THE NORTH HILLS GOLF COURSE PROPERTY, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES” was read for the first time. Mayor Hillman made some comments of her opinion of the golf course purchase. She is not opposed to the actual purchase of the property. She believes the property would be a great asset to the City of Sherwood if the citizens were willing to support the funding and purchase. She is opposed if acquisition of the property is done in a manner that is unfair to the citizens, as well as the current owners of the property. She stated that condemnation has been mentioned in the past, and she believes this is only acceptable in the case of a public safety issue. This property does not seem to meet this criterion. The proposed ordinance is not to purchase the property, but to negotiate a price between the City and the current property owners. Her opinion is that the citizens of Sherwood should have a voice in the purchase of this property. She stated the city has already expended \$34,000 for the appraisal and feasibility study. The general fund revenues currently cannot support an increase in expenditures without an increase in revenues. She would like to give the citizens of Sherwood the opportunity to decide what is important to them. If the majority are willing to go forward and purchase the property, let's do it and the City will have a beautiful 105 acres to be proud of. Regardless of the outcome of tonight's meeting and the future of North Hills property, it is her intention that herself and the City council will work together for the best interest of the citizens of the City of Sherwood to do the duties of which they have been charged. Public comment was allowed and the following citizens came forward. Pres Brailsford was concerned with the funding for the purchase. He stated for the purchase there would have to be a bond issue or raising of taxes. He asked how it will be maintained and what is the benefit for the citizens that do not live on the course. Julann Carney, resident of Indianhead, stated that Indianhead was a 40-year-old neighborhood that does not have sidewalks, curbs, or gutters. It is a neighborhood that has been neglected by the City. Infrastructure needs to be addressed. She is opposed to the ordinance due to technical reasons, such as Section 3 of the enacting clause, it states the conditions of the purchase shall be approved by the City council, and she feels

that it is not written to allow for a vote from the public. She believes it would be politically correct to offer a vote or amendment to the ordinance that has been written. Another reason she is opposed is due to the perceived conflict of interest that would take place if Aldermen Harmon, Vassar, and Sulcer are to vote on this ordinance because of property either on the golf course or adjacent in which they own. If the Council moves forward in the purchase, do so in manner in which no lawsuit will be brought against the City. Each vote should eliminate any perceived conflict of interest, or violation of the Arkansas Ethics Commission law. She would like to encourage Aldermen Vassar, Harmon, and Sulcer to abstain from the vote. Justin Smith, a Ward 4 resident, stated he is neither for nor against the City of Sherwood having the golf course. He would like to make sure that it goes to a vote of the Citizens. Jim Davis, spoke in favor of the City buying the golf course property, he is a resident of Oakbrooke subdivision. He stated that this is a citywide issue. The council's vote will affect the quality of life of every person in Sherwood, particularly property values in the City of Sherwood. Sherwood is known for its excellent Parks and Recreation Department, state of the art complex of baseball, softball, and soccer fields, the city has Henson Tennis center with additional courts around the city, the Bill Harmon Rec Center with indoor pool, fitness center, and basketball court. Sherwood will not have an 18-hole golf course if the council does not act on this opportunity. He supplied a list of 13 cities in Central Arkansas with their population and the number of 18-hole golf courses in those cities. Sherwood is in danger of becoming the only first class city in Central Arkansas without a golf course. He further commented on the history of the golf course. He believes the biggest loser will be the young people of the area. Sylvan Hills Bears are one of the top rated high school golf teams in Arkansas. Two of the top players are the Zimmerman brothers who grew up on the North Hills Golf Course. This team that represents our City and our area has no home course in which to practice or play home matches, they make a 20-mile trip to practice. The numbers show that this is a financially feasible and affordable project for the City to undertake without a city tax increase. Each month the City of Sherwood loses several thousand dollars in bookings that Sherwood Forest cannot accommodate because of scheduling and space constraints. The clubhouse at North Hills offers several thousand square feet of meeting and event space that can be rented, and in return will be financially good for the City of Sherwood. The drainage problem that would be needed to develop this property as residential would be more costly to the City because permit fees would never add up to what the golf course could bring in. Candy Kasey, a Sherwood resident, believes it would be a travesty to let this opportunity pass by. She stated in the lifetime of generations to come it would be regrettable if the City doesn't take the opportunity to purchase the property. It would attract professionals to the area, businesses and children would benefit from this. It would give children and youth some skills in life. Jeff Stewart, resident of Stonehill, also a previous food/beverage director at North Hills Country Club, stated he worked at Country Clubs of America and they sold the property because it had been unprofitable. He stated everything was done to help self sustain the property. He stated that if there is a market for golf course if will be built. There has not been enough membership to sustain the North Hills golf course. It is has gotten to the point where the property value for development is more than what it's worth as a course. He stated that the 75 acres around Sherwood Forest would be a less expensive place to have a golf course. He believes it is not feasible to purchase the golf course for just a few people that live around it. Steve Winchester, 3202 Seminole Trail in Overbrooke in Sherwood. He defined the word opportunity, and he believes the opportunity to purchase the North Hills property is of extreme importance. The decision will have a profound impact on the future of the City of Sherwood. It will preserve 105 acres of green space in the heart of the city. Not only providing potential recreation and much needed quality meeting space for all citizens of Sherwood, but for other communities as well. According to the feasibility study the course will pay for itself in three years time. He believes there is no need for a citywide vote, since it will not cause a tax increase. The council has been voted in to make these decisions for the citizens. The city will always have needs but will not have an opportunity to purchase the treasure again. Once the property is gone it is gone forever, along with the potential revenue the city will gain after the three years debt. It will be triple the price to build a golf course from scratch. This will cost the city 2 million dollars whether the purchase is made or not because of the drainage issue. Linda Gunn, 18 Club Circle, stated she is a Civil Engineer and has done her own

assumption of the cost it would be for the drainage issue in the area. She stated that Country Club Road would have to be addressed because of the lack of opening in sides of the street that accepts water. This would have to be addressed before development could start. The runoff will be more significant from the development on up the hill on the course; the runoff will affect the people at the bottom of the hill, the water flows to the Windchime spring box, which already floods in rainy weather. She stated development will only add to the cost of improvements the city will have to make just for drainage problems, costs associated with allowing this property to be developed as residential. Alderman Davis stated some good comments have been made. He stated his neighbors oppose the ordinance, and as Alderman Vassar once did he feels he needs to vote with his constituents. However, he said, to think that any one of the council members should not vote because he/she lives on or near the golf course is totally ridiculous. Alderman Harmon stated that he spoke with Graham Sloan, Executive Director of the Ethics Commission and questioned this issue. Mr. Sloan's explanation behind conflicts statutes is that if you are a member of a small elite group and created an ordinance to benefit just your small group for that purpose than you can not vote, but if you are by chance a member of a larger group then you're allowed to vote and it would not be a conflict. He stated that the citizens of the City of Sherwood went to the ballot box a few years ago and created ward elections. A ward system in which they elected councilmen by ward, doing this they automatically created council members who are biased by nature to the needs of their individual wards. He stated it the citizen's do not want bias in the City Council then there is a need to go back and have at large elections of the aldermen. Alderman Davis stated all the council members have studied, worried, aggravated, and stressed over this, and they are not gaining anything from this. He feels that the only ones that are going to complain the most are the ones that want to be on the council. Alderman Sulcer stated that she spoke with the Arkansas Municipal League and the Arkansas Ethics Commission and she has a different point of view than Alderman Harmon. She stated that she has always voted for the best interest of the citizens of the City of Sherwood, and not for personal gain. Her vote will be based on what she was told by the attorney's she spoke with. Alderman Vassar stated everyone knew where she stood on this issue, and it was not because she was from the neighborhood. Many believe she has been around far too long and knows far too much. She stated this City was incorporated April 22, 1948, and the very first town council purchased a sixteen by sixteen army surplus building and placed it in Triangle Park. They did it without a tax increase and without a vote of the people. The city council has done the best they could do to give the citizens of Sherwood the best possible life. The library, Bill Harmon Recreation Center, and all the other structures are standing because the council has voted on these. They were not by special election or tax increases. The citizens appreciate the quality of life they have in Sherwood, Arkansas. The golf course property has been there since 1926, and it is suppose to be there 100 years, hopefully it can be and longer. It will be up to the attorney's, sellers, and buyers. The city has lost approximately \$47,000 dollars since January because Sherwood Forest has been unable to accommodate bookings due to the facility being full. Service with the Police Department, Animal Services, are part time services; sanitation is a service to all citizens of Sherwood. Everyone is saying, "well I don't golf I shouldn't have to pay"; we not only pay for the Senior Citizen Center, not everyone uses this facility, and school districts are paid by those of us that either do not have children or use private school, but we still have to pay the tax. We all pay for this quality of life whether we use it or not. She personally thanked Mike Anderson and Herschel Bowman for their actions with the Sherwood Chamber of Commerce Executive Committee when they unanimously passed a resolution in support of the city's attempt to purchase the property. She urges the council to let the attorney's attempt to save this golf course property. Mike Anderson stated that he supported this as long as it was financially feasible. Thurman Booth, a Westlake resident, believes that this land needs to be preserved. He believes that the council and mayor have the residents concern in their hearts, and that a prudent decision will be reached. 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 6 ayes, Alderman Davis nay, Alderman Sulcer abstain. The ordinance was read for the second time. A motion was made by Alderman Vassar, 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 Davis nay, Alderman

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Sulcer abstain. The ordinance was read for the third time. A motion was made by Alderman Rankin, seconded by Alderman Brooks, to adopt the ordinance. The roll call vote was 6 ayes, Alderman Davis nay, Alderman Sulcer abstain. The emergency clause passed with 6 ayes, Alderman Davis nay, Alderman Sulcer abstains.

Mayor Hillman introduced Sherwood Youth Council Mayor Lance Green and Vice Mayor Jordan Pruitt. Leaf pickup will begin October 15, 2007 and run through January 31, 2008. Sherwood Fest will be on October 20, 2007. A meeting with Wal-Mart representatives will be September 27, 6:30 pm. in the Hickory Room at the Bill Harmon Recreation Center.

Alderman Brooks, seconded by Alderman Sulcer, made a motion to adjourn.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor