

October 22, 2007

REGULAR MEETING 1

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

Purnell Maxwell, Minister of Clayton Chapel Baptist Church, led in prayer, and the Pledge of Allegiance was given to the flag.

Alderman Sulcer, seconded by Alderman Davis, made a motion, to approve the minutes of the regular meeting on September 24, 2007, as transcribed. The roll call vote was 7 ayes.

Mayor Hillman introduced Lanny Leder as the interim Public Works Director.

Gretchen Helton, Sherwood Animal Control Officer, gave an update on the wounded canine named "Frannie". Ms. Helton stated that on October 11, 2007, the shelter received a chocolate Labrador retriever. The lab was taken to the North Hills Animal Clinic and checked by Doctor Baeynes. It was discovered Frannie had a bullet wound to the jaw, and life saving surgery was needed, or there would be immediate euthanization. It was decided the Animal Shelter would advertise on local television stations to ask for donations. A successful surgery was performed on October 15, 2007, by Doctor Terry Dew. As of October 22, 2007, the City Clerk's office had verified that \$12,000 had been donated to the Animal Shelter. The North Hills Animal Clinic has confirmed they had over \$1,000.00 in donations that would be given over to the Sherwood Animal Shelter.

Alderman Sulcer, Chairman Advertising Promotion Commission, stated they met and discussed the opening of the Trail of Lights, which will be on November 30, 2007. The commission will not have another meeting until January 2008.

Alderman Rankin, Chairman Parks & Recreation Committee, advised they met. He stated that soccer registration had 220 players enrolled. The basketball registration is still ongoing.

Ordinance No. 1754, entitled, "AN ORDINANCE REZONING 6535 WARDEN ROAD FROM C-3 TO C-4 AMENDING THE ZONING MAP; AND FOR OTHER PURPOSES" was read. Todd Rison with the Hathaway Group was present to answer any questions. 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 7 ayes. The ordinance was read for the second time. A motion was made by Alderman Rankin, 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. 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 7 ayes.

Attorney Steve Cobb advised the Planning Commission would like the council to return the rezoning request for Collins Subdivision, Lot 27, for further consideration.

Alderman Fender, Chairman Street Committee, stated they met. Enclosed in the council packet is an ordinance for the Storm Water Pollution Prevention Code for the City of Sherwood. He would like the ordinance read one time to allow the council members to review it. Alderman Vassar inquired about the Senior Citizen Parking Lot, Alderman Fender stated it is going well.

An ordinance entitled, "AN ORDINANCE CREATING A STORM WATER POLLUTION PREVENTION CODE FOR THE CITY OF SHERWOOD, ARKANSAS, DELCARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read one time.

Ordinance No. 1755, entitled, "AN ORDINANCE AMENDING ORDINANCE 603, THE SIGN ORDINANCE FOR THE CITY OF SHERWOOD TO REFLECT THE

October 22, 2007

REGULAR MEETING 2

CHANGES HEREIN; AND FOR OTHER PURPOSES REGULATING ELECTRONIC SIGNS; AND DECLARING AN EMERGENCY” was read for the second time. Alderman Vassar stated she understood that businesspersons and the planning office have agreed on the ordinance. A motion was made by Alderman Vassar, seconded by Alderman Davis, to place the ordinance on the third and final reading. The roll call vote was 7 ayes. The ordinance was read for the third time. A motion was made by Alderman Sulcer, seconded by Alderman Henry to adopt the ordinance. The roll call vote was 7 ayes. The emergency clause passed with 7 ayes.

Ordinance No. 1756, entitled, “AN ORDINANCE PROHIBITING THE SALE OF NOVELTY LIGHTERS IN THE CITY OF SHERWOOD, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES” was read. Chief Frank Hill addressed the council and stated that this ordinance is very important to the Fire Department. He presented samples of novelty lighters, showing how easy it is for children to burn themselves with them. He stated the North Little Rock council passed this same ordinance. If the ordinance goes to the County level, it can become a statewide law. 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 7 ayes. The ordinance was read for the second time. A motion was made by Alderman Sulcer, 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. 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. The emergency clause passed with 7 ayes.

Ordinance No. 1757, entitled, “AN ORDINANCE APPROPRIATING FUNDS TO UPGRADE THE SHERWOOD 911 EMERGENCY SYSTEM; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES” was read. Chief Kel Nicholson addressed the council stating the 911 systems needs updated equipment. The Commercial Mobile Radio Services Emergency Telephone Board is willing to pay \$55,000 for the City of Sherwood to upgrade, costing the City \$28,454. This will bring new equipment in to allow for faster transfers of 911 calls and better recording. 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. The ordinance was read for the second time. A motion was made by Alderman Davis, seconded by Alderman Sulcer, to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 7 ayes. The ordinance was read for the third time. A motion was made by Alderman Sulcer, seconded by Alderman Rankin, to adopt the ordinance. The roll call vote was 7 ayes. The emergency clause passed with 7 ayes.

Resolution No. 27-2007, entitled, “A RESOLUTION TO APPOINT EACH OF THE FIVE MEMBERS OF THE CITY OF SHERWOOD BOARD OF ADJUSTMENT TO THE CITY OF SHERWOOD BOARD OF SIGN APPEALS” was read. A motion was made by Alderman Rankin, seconded by Alderman Davis, to adopt the resolution. The roll vote was 7 ayes.

Resolution No. 28-2007, entitled, “A RESOLUTION RE-APPOINTING NITA PILKINGTON TO THE ADVERTISING AND PROMOTIONS COMMISSION” was read. A motion was made by Alderman Vassar, seconded by Alderman Sulcer, to adopt the resolution. The roll call vote was 7 ayes.

Resolution No. 29-2007, entitled, “A RESOLUTION RE-APPOINTING JOHN HESTER TO THE ADVERTISING AND PROMOTIONS COMMISSION” was read. A motion was made by Alderman Vassar, seconded by Alderman Sulcer, to adopt the resolution. The roll call vote was 7 ayes.

Resolution No. 30-2007, entitled, “A RESOLUTION RE-APPOINTING FORREST PENNY TO THE PUBLIC FACILITIES BOARD” was read. A motion was made by Alderman Rankin, seconded by Alderman Sulcer, to adopt the resolution. The roll call vote was 7 ayes.

October 22, 2007

REGULAR MEETING 3

Steve Cobb, City Attorney, gave an update on the negotiations with the purchase of the North Hills Country Club property and on the City of Sherwood vs. North Little Rock Electric lawsuit. Mr. Cobb stated the attorney's met and there is still disparity between the owner's perceived values of the property. There are third party persons that have brokering ideas, and that a portion of the golf course may be parceled out and developed in other ways. The persons who have approached the City about this idea have been encouraged to proceed with their ideas and possibly bring an agreement before the council and the owners. The City of Sherwood and First Electric are in litigation trying to get a judge to agree with the City of Sherwood and First Electric that the City has the authority to determine whom the City wishes to offer franchise to for electrical service. The City believes the rates with First Electric are very competitive to what is currently offered to residents of Sherwood. The case is before Judge Fox now. The City of Sherwood and attorneys for First Electric have filed motions for summary judgment and they have been delivered to the court. This means that everyone is in agreement as to what the facts of the case are. North Little Rock's response is due November 5, 2007. After the response, the Judge can decide or the case can go to trial. If a need for a trial is determined it will begin in February 2008 and last one week.

Mayor Hillman opened for discussion on the ambulance service with MEMS. MEMS has asked for \$28,000 from the City of Sherwood to supplement for the 2008 service. Alderman Vassar stated she thought this was a very reasonable amount. Alderman Brooks stated she believed the service was good with MEMS. Alderman Davis stated that Mr. Swanson spoke to the Rotary about the service. Alderman Fender stated that the Medicare reimbursements keep going down.

Curtis Lyman, of Lee Street, stated that the road to the new subdivision being developed around his property has hindered his ability to place a fence on the backside of his lot. He is asking the council for approval to place the fence on the City right of way. Alderman Sulcer asked Mr. Lyman if he made the developers move the road over during construction because he had been using the property. He stated that he had been using the property. When he purchased the property it was a vacant house and had been used as a drug house. He purchased the home and updated it. Mr. Lyman stated the pastor of the church told him that he could use this piece of property. Mr. Lyman offered to purchase it from the church and they became belligerent. Alderman Vassar asked if she understood him to say he couldn't put the fence on the property line. He stated that he went to planning commission and the City Engineer had given him approval to put the fence on the property line. Alderman Vassar asked if he was asking the council to allow him to put the fence on city right of way. Mr. Lyman stated he is asking the City to vacate the right of way or give him a variance to put the fence on city right of way; the only utility under this right of way is a water line. Alderman Vassar stated she is concerned with the precedence that would be set if the City allowed a structure to be constructed in city right of way. Mr. Lyman stated there are several places that the City has vacated right of way. Alderman Sulcer stated that it is easements that are vacated not right of ways. Mayor Hillman asked whose property this fence would have been on had it been in place before development of the street. Mr. Lyman stated it would have been on the church property. Mr. Lyman accepted an ingress/egress agreement from the church that allowed him to do whatever he wanted on the property. The 350 feet from fence to curb is his entire front yard, and he has no desire to do anything with this area except maintain it. He just wants his backyard to have the fence. Alderman Vassar asked what the Board of Adjustment said to him about this. Mr. Lyman stated he didn't go to the Board of Adjustment that he went to the City Planning Commission. Michael Clayton, City Engineer, stated that the Board of Adjustments can grant waivers on set backs on the property line. This case is not a set back issue, it is a request to build on the city right of way. Steve Cobb, City Attorney, stated this issue needs to be researched. Mr. Lyman asked the council members to come look at this property.

Ron Leiker, of Helen Drive, addressed the council and stated that there is a rumor that a portion of Storer Park will be removed to allow Helen Drive to cut through and intersect with Kiehl Avenue. Michael Clayton stated he was not aware of this and would look

October 22, 2007

REGULAR MEETING 4

further into this. Mr. Leiker asked that the park receive new playground equipment and more maintenance. Sonny Janssen, Parks & Recreation Director, stated there is a master plan in process to update City parks and that Storer Park will be included.

Alderman Sulcer stated she has been receiving more calls on the car dealerships playing loud music at night. Chief Kel Nicholson addressed the council and stated that the Police Department has already issued a citation to the Crain dealership. The decibel meter has been repaired and the police officers are on top of the situation.

Mayor Hillman announced the Halloween Carnival at Sherwood Forest, October 31, 2007, from 6:30 – 8:30 p.m.

Alderman Sulcer stated that Linda Nickle, Director Economic Development, is still working on the Roundtop Station. Ms. Nickle stated that it would go before the review committee on December 5, 2007, between 10:00 a.m. – 12:00 p.m.

A motion was made by Alderman Brooks to adjourn.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor