

November 26, 2007

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on November 26, 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, Brooks and Harmon.

Will Feland, Pastor of First Christian Church of Sherwood, led in prayer, and the Pledge of Allegiance was given to the flag.

Alderman Vassar, seconded by Alderman Brooks, made a motion, to approve the minutes of the regular meeting on October 22, 2007, as transcribed. The roll call vote was unanimous.

Mayor Hillman announced that Lanny Leder is the new Public Works Director.

Alderman Sulcer, Chairman Advertising & Promotion Commission stated they did not meet. She announced the reception and opening for the Trail of Lights is on Friday, November 30, 2007, beginning at 5:00 p.m. with Mayor Hillman turning the lights on at 6:00 p.m. Tom Brooks gave an update on the Christmas parade. The parade will be held on Sunday, December 2, 2007, at 2:00 p.m. This is the biggest Sherwood Christmas parade having 125 entries. There will be a reception at the Senior Citizen Center after the parade. The grand marshal will be Juvenile Judge Rita Gruber, and the dog "Frannie" will be the pet grand marshal. There is no rain date.

Alderman Rankin, Chairman Parks and Recreation Committee stated they did meet. He stated the board voted unanimously to name the indoor practice facility at the ballpark *Forest Marlar Indoor Practice Facility*. The Festival of Lights will run from November 29 through December 1, 2007, and the silent auction will be on December 1, 2007. All proceeds go to the local Sherwood schools.

Ordinance No. 1758, entitled, "AN ORDINANCE REZONING A PORTION OF 7405-7507 HIGHWAY 107 CONTAINING APPROXIMATELY 2.74 ACRES FROM C-SC TO C-3; AMENDING ORDINANCE 729 AS AMENDED; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read for the first time. Alderman Vassar stated she met with Mr. Marc Yelenich and the City of Sherwood will see good businesses going into his center. The storage building will go into the Harvest Foods building and have on-site security. Alderman Vassar has met with several area businesses and neighbors and their request is that the retaining wall be closer to the property so it will have a wider green belt between them and the commercial property. There will be approximately 300 mini storages. Alderman Brooks presented a letter from Carol Woolridge, who resides at #2 Toltec in North Little Rock, she is a counselor at Clinton Elementary and is on the Keep Sherwood Beautiful. Ms. Woolridge states in her letter that her property backs up to the Harvest Foods building and in the past there has been flooding and drainage issues and she would like for the council to address these. Michael Clayton, City Engineer, addressed the council and stated the property is currently on C-SC and changing it to C-3 will not effect the drainage requirements. There is a large drainage ditch in the area and the developers plan on covering the entire drainage facility, which goes under Highway 107 all the way up into North Little Rock city limits, with a 12 foot by 8 foot covered box culvert. The storm ordinances require a design for a once in a ten-year storm and the developers are designing it for a 100-year storm. Alderman Rankin asked about the size of the culvert. Mr. Clayton stated that when the developers get to the building permit stage the construction plans would be looked at closer. Greg Mueller, Director of Operations with the Ashley Group, stated that they are selling the property to Mr. Yelenich and are in favor of this development. Alderman Vassar stated she questioned the hours of operation of the storage facility and was told that tenants will be allowed to go in and out between the hours of 8:00 a.m. to 6:00 p.m., with a few people paying an additional fee that allows them 24-hour access. 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 Sulcer, 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 Rankin, seconded by Alderman Davis, to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Ordinance No. 1759, entitled, "AN ORDINANCE REZONING LOT 27, COLLINS SUBDIVISION FROM R-1 TO C-1; AMENDING ORDINANCE 729 AS AMENDED; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read. Brooks McRae stated this project is at the corner of Hillwood and Highway 107 on the southeast corner. An initial C-3 use request was turned down by the Planning Commission. The council approved letting the rezoning go back before the planning commission. It was then recommend for a C-1 use. Alderman Vassar spoke with the planning commission about this property, and her concern with the planning commission was the size of the lot and the fact that it abuts a residential area. Alderman Vassar stated it was decided by the planning commission that there would be no ingress/egress onto Hillwood. Alderman Rankin asked if the ingress/egress is only off of Highway 107. Michael Clayton stated that the lot meets the minimum requirement zoning size of 100 foot by 100 foot in depth and width. By allowing an ingress/egress only on Highway 107, he believes it will be safer to allow a corner lot to utilize a two way in and out. On a 100-foot lot you can create two points of ingress/egress on Hillwood and the driveway. The goal is to get people off of Highway 107. He will suggest when the site plan comes back for development it be looked at by the planning commission. Mr. McRae stated that the owners of the property were under the impression that the chairman of the planning commission would not be supportive of any use coming onto Hillwood, and it would be determined when they came in for a site plan review. When the developers make application for a building permit it should be addressed. Alderman Vassar is concerned the property across the street might also become commercial and it would not be bad to have two commercial properties on the corner of Highway 107 with ingress/egress, but you would have residents directly to the side and have ingress/egress on Hillwood, which is a residential street. Alderman Rankin asked Michael Clayton if there was a solution to this. Mr. Clayton stated at this time it is unknown what the development would be on this property. Alderman Harmon stated that the chances of having a high traffic development on a C-1 are slim. Alderman Harmon is concerned with another ingress/egress only on Highway 107 that close to the Hillwood intersection and for the Hillwood residents. There will be traffic coming at one another from both directions turning into different locations causing a dangerous intersection. Alderman Vassar stated she did not want it to be more dangerous for the residents of Hillwood. Mr. Clayton stated that when the site plan comes to the planning commission, the commission can be made aware of all of these concerns. Alderman Rankin asked that when it is brought in for review that Mr. Clayton makes sure everything is covered. Mr. Clayton stated the developers are required to meet the minimum requirements. Alderman Rankin asked if the minimum requirements would be best here or did they need to have more. Mr. Clayton stated the minimum would be all right. Mr. Clayton stated this is not a substandard sized lot. Most of the times issues are created when a residential lot is being converted to commercial. He stated that a shared driveway on the southern most part of property line would allow access between the property's and to get traffic off of Highway 107 and not have two driveways 100 feet apart. A motion was made by Alderman Rankin, seconded by Alderman Davis to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes, 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 7 ayes, Alderman Sulcer abstained. The ordinance was read for the third time. A motion was made by Alderman Harmon, seconded by alderman Brooks, to adopt the ordinance. The roll call vote was 7 ayes, Alderman Sulcer abstained. The emergency clause passed with 7 ayes, Alderman Sulcer abstained. Alderman Sulcer stated her reason to abstain was she worked for the company that has this property listed for sale.

Mayor Hillman stated that the next item on the agenda would be the Preliminary Development Plan for Sherwood Forest apartments. Discussion is needed before this

plan is referred back to the planning commission for final approval. Alderman Vassar asked how many structures there would be. Mr. McRae stated there are a total of 228 units. In Phase II there is the Day Care facility. Alderman Rankin asked if the erosion control plan has been approved. Mr. McRae stated it has been submitted to ADEQ. Michael Clayton stated that it is in the process. The goal tonight is to listen to any comments or concerns from the council and the public and then have the concerns forwarded to the planning commission for next months meeting for the final development plan. Once the plan is approved the developers will get their construction drawing and permits to go to work. Mr. McRae stated that there are 114 units in Phase I consisting of 7 buildings, the clubhouse and a pool. He stated this is the second time the plan has been before the council and they have informed the council that this would be an upscale apartment complex with controlled entrance, fencing, landscaping, no tax exempt financing, etc. Phase I will be 75% occupied before development is begun on Phase II. There are approximately 34 onsite garage units. Alderman Vassar asked where the mailboxes would be and about rodent pest control due to garbage. She was informed the mailboxes are beside the clubhouse and the complex will have adequate pest control. A motion was made by Alderman Rankin, seconded by Alderman Vassar, to send the Preliminary Development Plan back to the planning commission. The roll call vote was 7 ayes, Alderman Sulcer abstained.

Alderman Fender, Chairman Street Committee, stated they met. Alderman Fender introduced Todd Stuff, a resident at the corner of Maryland and Overcup. Mr. Stuff addressed the council about a stop sign that had been removed from Overcup and Maryland. He stated that vehicles are coming off of the hill at Maryland at high rates of speed, and just tonight an accident occurred at this location. He would like for the council to have the signs replaced. He believes the decision to remove the signs was premature. Mr. John Florning spoke to the council and stated that it was his wife and children that were involved in the accident mentioned. He would like to know how the common citizen is notified when there is a change in an area regarding stop signs. The sign had been at this location for a lengthy time. Mayor Hillman asked Public Works Director Lanny Leder if he would explain if there were any notices given to warn traffic of the changes. Mr. Leder stated that a warning sign could not be found, but when the signs are put up they are flagged. Alderman Vassar asked Alderman Fender how it is decided to remove signs. Alderman Fender stated the street committee will re-look at this particular sign removal. Alderman Fender stated the rationale of this was that the street was to be a collector street and it is not common to have stop signs at every intersection. Mayor Hillman asked that the signs be put back up until the street is cut through and then reviewed at that time. Alderman Fender asked that the storm water ordinance be read only one more time and brought back before the council next month.

“AN ORDINANCE CREATING A STORM WATER POLLUTION PREVENTION CODE FOR THE CITY OF SHERWOOD, ARKANSAS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES” was read for the second time. Alderman Sulcer stated she spoke with Al Johnson, a storm water engineer, on retainer with the Arkansas Municipal League and works for MPEC, and stated he would be willing to speak with the council on this issue. Alderman Sulcer spoke with Mr. Johnson about fees being placed in the Storm water code and he feels there should be fees in place. Alderman Sulcer stated that when the City has problems, particularly like the one at 2757 Maryland, where the developer was probably at fault and the cost of \$36,000 would fall back on the city. If there had been some storm water fees collected from the developer the City would have it in the budget to take care of the problem. Alderman Harmon stated that if fees are charged upon development this is an impact fee. Alderman Sulcer stated they are not calling it impact fees but a storm water fee. Alderman Fender stated this was discussed in the street committee meeting and the committee thought it best to keep the fee structure low and to change the fines. A developer approached Alderman Fender and was concerned with the fine amount. It was explained to the developer that the fine would be at the discretion of the Judge. The fine amount would be at the discretion of the judge, with a fine up to \$1000.00. Alderman Sulcer stated that this is an avenue to help the City with costs. Michael Clayton stated there was a permit fee to regulate, enforce and to inspect. Alderman Sulcer stated that there are no fees and

the City is paying employees to do the inspections, giving the developers a break. Mr. Clayton said there are set fees called storm water utility fees designed to be put back in the infrastructure. There is an ordinance that is Phase II of the Clean Water Act where ADEQ is coming down on City's making them comply with the Storm Water Act. The City is considered to be a metropolitan area and this means the City has to have a MS-4 Phase II of the Clean Water Act, and this has to be in place fully by the year 2009. The City is moving ahead because it is a wide program. The trouble is dealing with erosion control measures. ADEQ deals with larger sites of 5 acres or more. Most of the City's complaints are from materials that developers, contractors, or laborers causing run-off into the driveways of residents or material is washing off into the street and there is no proper cleaning method. Silt, sand, and loose material wash off into the storm drains and fill up the ditches. This reduces the hydraulic capacity of these facilities, which in return flood out areas. There are large-scale developers and commercial site developers with larger than 5 acres of development that have to go through a process governed by ADEQ. Most of the City's problems are with small developers. Alderman Sulcer is concerned with the time devoted to reviewing an inspection with large developments. Mr. Clayton stated that Tracy Sims would be handling the storm water issues. He stated that the ordinance would allow the City to address the issues involved in small developments. The City engineer wants to encourage the developers to come in and get a permit, this is why there is no permit fee. If the developer does not follow regulations they will receive a citation and the Judge can impose the fines with a range of \$250.00 to \$1,000.00. Alderman Vassar stated there should be a standard policy for 1st, 2nd, and 3rd offenses in place. Alderman Fender stated that when a person is a repeat offender it will be at the Judge's discretion to fine them. Alderman Sulcer would like to see the placing of leaves in the drainage and street enforced. Alderman Fender stated that the Senior Center parking lot is paved and striping will be done as soon as weather permits. Mayor Hillman stated that she and the City engineer spoke with Mr. Boles with the Arkansas Highway Department regarding the north belt freeway. The Highway Department has agreed upon a design and will move quickly to issue a record of decision. The Highway Department has agreed to tighten up the access ramps and the City will be allowed to develop on the east and west corners.

“AN ORDINANCE PROVIDING FOR THE ADOPTION OF A GENERAL FUND DEPARTMENT BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2008, AND ENDING DECEMBER 31, 2008; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR AND FOR OTHER PURPOSES” was read. Mayor Hillman stated that the budget committee has worked hard on the budget. It is recommended that the proposed budget ordinance be read one time and considered for passage next month. The 2008 budget consists for the purchase of one sanitation truck, one animal control vehicle. The vehicle the budget committee is recommending will carry more animals. Mayor Hillman stated she would like for the City to begin replacing Animal Control vehicles every other year. The City needs to replace vehicles on a timely basis to keep them up. The budget also includes eight new police vehicles, she thinks ten should be purchased, six new police officer positions. Mayor Hillman stated the City is growing in population and land and with growth there is crime. Her number one priority is public safety and it is also the number one priority of most citizens in the City. The six positions are very much needed. Alderman Vassar asked if a public hearing would be done before the December council meeting to discuss the budget issues. Mayor Hillman stated there have already been three budget committee meetings. A motion was made by Alderman Fender to amend the General Fund Department budget to delete Economic Development in its entirety. Mayor Hillman stated this was a drastic measure and would like for the council to have discussion on this before it is approved. Economic Development is a progressive move for the City of Sherwood and the City would be going backwards if this department is removed. Alderman Fender stated the problem was that the City has tried to make the Economic Development Department work the last 12 years. He was informed that it was difficult to gage what that person might bring into the City and how it could be assessed if they were successful or not and he does not feel that any progress has been made in this area. Mayor Hillman stated a full time person has only been on board for two years, the

previous set up was not a full time employee. Alderman Vassar stated her concern was is it a true City department because the office is not located in the City complex. The individual rarely comes to the council meetings like the other department heads. The council does not receive anything in writing from the individual. Alderman Vassar stated she does not want to beat up on the individual, but her problem is with the program. The City pays large dollars for economic development, Jacksonville completely did away with their Economic Development and the Chamber of Commerce took care of the situation. In years prior the economic development department has never performed like it was suppose to. The department has acted as one that answers only to the Mayor, as one that answers to Human Resources, and one in relationship with the Chamber. Mayor Hillman asked if it has been a problem for so long why all of a sudden tonight it is going to be abolished. Alderman Davis stated that the Economic Development department head was brought into the budget committee meetings and she had advised what all she had done, and what her plans for the City were. She has only had two years to do anything and in this time she has brought new revenue to the City of Sherwood. He advised that she stated she would be glad to come in and address the city council and she was told not at this time but perhaps at the December council meeting. Mayor Hillman stated the director is willing to do reports, and it was the Mayor's understanding she has not been asked to provide any. Alderman Vassar stated it has been requested. She also stated it is not a personality situation, but more than once a report has been requested by the council. The person before made two reports and disappeared. Alderman Vassar stated it is not the individual, but the position that has not performed up to the expectations of the City. Alderman Vassar stated that according to the money in the budget that is spent out of this department, the City is not getting the return they should. Alderman Harmon stated his interest was about what Jacksonville had done. Alderman Vassar stated they had done economic development in the past and the person that was doing economic development with the chamber was doing an excellent job, but has since left. Jacksonville has been unable to fill the position with someone as successful so they are going to create another department to see if it works again. Mayor Hillman stated that Jacksonville does not have a proven method either. She stated that if you look at North Little Rock they have had the same person in place for eighteen years and it has taken awhile for them to get where they are at now. This is not created overnight. Perhaps some expectations need to be laid out for the director of economic development, and not blame it on the position. Alderman Sulcer asked how \$3600 of rent has been incurred for this department. Alderman Fender stated that the problem was the concept was not working for the City. The council's job is to assure that taxpayer money is spent wisely. Mayor Hillman believes more consideration is needed on this before it is abolished. Alderman Brooks asked Mayor Hillman if she had been able to ask Don Zimmerman with the Arkansas Municipal League about the economic support that is given to the chamber each month. Mayor Hillman stated that Mr. Zimmerman had gotten back to her late Wednesday and his mother had passed away, but he referred the Mayor to someone else and that person was out of the office at that time. Alderman Brooks stated that the budget committee had a problem with money going to the chamber foundation when there is no foundation. Alderman Vassar stated if the money is not going to be spent wisely then the council needed to do away with economic development. Alderman Vassar stated that at one point in time the council had spoken about the addition of the individual who held the economic development position writing grants and the situation arose with Roundtop. Mayor Hillman stated that Roundtop goes before the Historical Registration in December 2007. The Historical Registration does not meet on a monthly basis. Alderman Sulcer stated that Sandy Baker has helped the City out on this situation. The council was told in April or May that the City would have funds and it was her understanding that it had not been submitted on time. Alderman Vassar asked what the capital disbursements in the economic development budget were for. It was unknown. Alderman Sulcer stated that she was just handed a newsletter from the Arkansas Historic Preservation Restoration Program by Gayle Moore. Alderman Vassar asked about postage from the economic department. Alderman Rankin asked if there was a capital disbursements sheet in the packet, in which Alderman Brooks advised that she questioned this after the director left the budget meeting. Alderman Sulcer stated that the fax that Ms. Moore had handed her from the Arkansas Historic Preservation Restoration stated round top would be considered on December 5, 2007. Alderman Vassar stated she

felt the council should abolish the economic development department if there is no better reporting system. Alderman Fender stated he has not received a report in the two years since she has been in the position, nor a phone call. Alderman Vassar stated it goes beyond the current economic developer. Alderman Fender stated it just is not working. Alderman Vassar seconded the motion and the roll call vote was 7 ayes, Alderman Davis no. At this time the Street Fund Budget ordinance was read. Alderman Vassar asked about the revenue of *Sale of Fixed Assets* on page two of the budget. Mayor Hillman stated this is from auctions. Alderman Vassar asked about General Fund Budget item *MISC 70250* for \$1000.00. She was informed this was never used. Alderman Vassar made a motion to delete this line item. Attorney Steve Cobb advised that a motion had already been made and that he had already read the Street Fund ordinance. Alderman Sulcer asked if a meeting was needed on the budget in which Alderman Vassar agreed. Alderman Vassar suggested a public hearing one-hour before the December council meeting. Mayor Hillman stated that she did not inform Alderman Vassar because she stated she did not want to have any part of the budget. Alderman Vassar stated she did not want to be on the budget committee. Alderman Sulcer asked if the vehicles came out of capital disbursements in the general fund. She was informed that they did. Steve Cobb stated that the General Fund budget ordinance had been read one time and a motion was made and a vote was made on the motion. Mayor Hillman stated that the meeting needed to be held, but one hour before the council meeting would not be long enough. Aldermen Rankin and Brooks agree this would not be enough time to go over the budget. It was determined that the discussion would continue on the general fund budget. Mayor Hillman asked that the term for any changes to the budget be called suggestions instead of amendments. Alderman Vassar suggested that line item 70250 in the general fund budget be deleted. Alderman Vassar asked what account 78990 *Refunds/Reimbursements* under administration were. Mayor Hillman advised this is money that is receipted for any refunds that the City receives. It showed an estimated credit balance in 2007 of \$307,800.00. Mayor Hillman advised this would be checked into. Alderman Rankin asked if this was part of turnback. Mayor Hillman advised this was an accumulation of refunds and the parenthesis is in error. Alderman Vassar asked why the Police Department was asking for six new officers. She addressed Chief Kel Nicholson and stated that he had requested three officers previously and now was asking for six. What explanation is there for this. Chief Nicholson addressed the council and advised that there is more crime and the City is growing. A Wal-Mart super center is coming in and this will require more manpower. Alderman Vassar asked if Wal-Mart paid for security. Chief Nicholson advised Wal-Mart does not work through the police department, but they will hire off duty. Wal-Mart still has to contact the police department for on-duty officers to respond. Alderman Vassar asked if local officers were used. Chief Nicholson stated he did not know what Wal-Mart's policy was, but they do try to use local officers. Wal-Mart hasn't approached the police department in reference to off duty officer work. Alderman Vassar stated that she was under the impression by hiring the three officers this would put the City in good shape. The 2,000 acres to be annexed, once the courts decide, has no structures or streets. At what point in time will the City need additional officers on top of the six now. Chief Nicholson advised that he could not answer that question because he does not know what is going to be developed in the area. If it is all residential it cannot be determined at this point what type of calls for service will come from the area. Right now it takes 15 minutes for the police units to get from the current City limits to the new annexed City limits. If they are out there in the afternoon it is another 20- 25 minutes that the unit it out of the City. The six people that are being asked for will not be eligible for hire until April 2008, and if they are not already certified they have to go through the academy. Alderman Vassar asked if there were people that were already certified that wanted to go to work for Sherwood Police Department or are most of those that are hired sent to the Police Academy by Sherwood. Chief Nicholson answered they would like to work for Sherwood, but not for what Sherwood pays. They like the City but they go to work for State Police or Little Rock because their pay scale is higher. Most applicants are not already certified. Alderman Vassar asked after we train them do they go to other police departments. Chief Nicholson replied no that they stay with Sherwood. Alderman Rankin asked Chief Nicholson the process and the ratio that it takes to hire a police officer applicant. Chief Nicholson explained there was approximately 30 people on the list this year to hire from and the police department is currently one position short and

the police department could not hire from the current list. The hiring rate is one in six that are eligible for police work. Alderman Brooks stated that they might not even be able to hire all six officers, in which Chief Nicholson confirmed. Alderman Sulcer stated that at the last public safety meeting at the Arkansas Municipal League the situation with officers working off duty jobs at department stores and the liability that falls on the local City's was addressed. If an officer was hurt or did something, there was a question about the insurance covering the officer. Chief Nicholson stated usually the insurance covers the City in a lawsuit filed against the City due to an officer being hurt or hurting someone. Chief Nicholson stated they would not cover the individual officer but would cover the City. Alderman Sulcer stated that Don Zimmerman of the Arkansas Municipal League said changes were coming about the liability of the City's. Chief Nicholson stated the insurance would not assume legal counsel for the individual officer, but they would for the City. Mayor Hillman stated the City needs to review the policy that the Arkansas Municipal League is pursuing. Alderman Vassar commended the chief and police department for the reduction on crimes listed on his statistic classifications have been reduced from 2006 to 2007. Chief Nicholson stated that if the police department did not need the money there would be no request for it. With the request on vehicles, he does not ask for a specific number. The city mechanic tells him how many he needs. The six officers if granted, will take at least until September 2008 before they are released on the street. The question Alderman Vassar has with the number of patrol officers was this did not include the need for more once the 2,000 acres is annexed. Chief Nicholson stated that he could not guarantee these six officers would cover it, but the police department is working on trying to provide what is currently needed and help cover up to some point the new annexation. It cannot be determined how many officers are going to be needed until the police department starts receiving calls for the area once development is started. During the building process thefts will occur. Chief Nicholson asked for one narcotics officer, more is definitely needed, but he believes the police department can get by for now with the addition of one narcotics officer. Alderman Vassar asked about the patrol traffic officer. According to the request this person will allow traffic complaints to be quickly enforced in residential areas. Does this mean this person will only be doing traffic control. Chief Nicholson stated no, that the main job would be traffic enforcement in residential areas. Alderman Vassar asked if this was being done now. Chief Nicholson replied that all patrol officers do this now when time allows. This is why this particular spot is needed, to help relieve the officers to focus on crime. Right now the COPPS are working residential traffic sections. Other residential areas are making requests and the police cannot get there as soon as the citizens want. The police department is down in School Resource Officers; the COPPS are working in the schools right now. Alderman Harmon asked about the new annexation at what point in the geographical boundaries of the City will it require a police substation in the area to reduce response time. Chief Nicholson stated that the City is set up right, and at this time a substation is not needed. With the new annexed area, and if any part of Gravel Ridge is annexed, there will be need for a substation. The district police units border up to Highway 107 and Brockington. The police have been driving out to Jacksonville Cato and stopping by the businesses to let them know they are in the area and some day they may be working the area. Hopefully some community businesses will allow an officer to be placed in their location. Victory Baptist School has a COPPS office in their building and one is in place at the Bill Harmon Recreation Center. Alderman Vassar asked about the police units and why does the police department need to replace both K-9 units in one year. Chief Nicholson stated they are junk. The city mechanic has been recommending for years to get rid of the K-9 units, but the money has not been available to replace the cars. The K-9 units are worn out. A K-9 unit was replaced this year with a Dodge Charger. The budget committee recommended a total of eight police cars. One Ford Crown Victoria to replace a K-9 unit, and seven Chevrolet Impalas to replace patrol units. Alderman Harmon questioned gasoline prices for the police vehicles, in general when the vehicles are replaced will the newer ones get better gas mileage. Chief Nicholson replied that generally the new police cars get five or six more miles to the gallon, but once they hit the five-year mark gas becomes costly. Alderman Harmon asked if any of the City vehicles that were being requested for purchase would have alternative fuel. Alderman Rankin explained that the particular vehicle for Animal Services is not available with alternative fuel. Alderman Rankin stated that the budget committee was a tough one this

year. Alderman Davis stated that the city mechanic came to the budget committee meetings and verified that all these vehicles need to be replaced. Alderman Vassar stated that the information from this meeting has been very informative. Her suggestion is to prepare a report for the entire council before the budget decision. Chief Nicholson advised this has been in his yearly report since he became chief. Alderman Rankin stated that most all department heads came to the budget meeting and explained their budget requests. Mayor Hillman stated that officers are not just needed for new growth, but the City's crime rate is higher in Sherwood than it has ever been. The visibility of the police officers is one of the few things that will deter criminal activity. The City can say they have a low crime rate, which is true when it is compared to crime in Little Rock. Mayor Hillman questioned if the council wanted to compare it to 10 years ago or Little Rock. If the City does not act now it will never regain the low crime rate it currently has. Gas is going up, crime will go up. The City needs to put their money where the priorities are. Mayor Hillman stated her priority is public safety and she feels that you will find the same priority among the citizens of Sherwood. Alderman Sulcer state there is a lot of crime in the apartment complexes. Mayor Hillman asked if anyone would like to address the council in reference to the City's police department. Alderman Brooks asked how many officers were out due to Iraq. Chief Nicholson stated two are currently on active duty, but a total of eight officers have the potential to be activated. Alderman Sulcer stated the police department does a real good job getting stuff done. Mayor Hillman stated that one officer has just recently retired, and possibly one other will be retired soon. Randy Kinsey, acting president for the Sherwood Citizen's Alumni Police Academy, stated to the Chief and police department that the Alumni Academy endorses adding on new officers. He and his wife have been residents of Sherwood for 23 years, and they have seen a tremendous amount of growth in the City. He stated that it could be said that Sherwood is the safest city in the state, but when you continue to grow there are no safe places. By adding the additional officers to the City it will make Sherwood a better place. One of the things that attracted him to Sherwood was the low crime rate. Being a part of the Citizen's Police Academy Alumni Association their criteria is that you have to be a graduate of the Sherwood Citizen police academy. He encouraged all who have the opportunity to go through the academy. He stated Sherwood has the finest police department in the State. The citizen's academy gives you the opportunity to see the inner workings of the police department. Our police department is doing everything vitally important for the safety of the citizens of Sherwood. The alumni associations' objective is to work with the police department and to be a liaison between the citizens and the police department. The reason people go through the citizen's academy is because they are concerned with Sherwood. The citizens need to endorse the police department. Alderman Vassar asked about the court budget item #73123 *DNA testing*, why the City pays this out. Alderman Vassar was informed that this is money collected with fines and then forwarded on to the state. Mayor Hillman advised that she spoke with Judge Hale and it was agreed that three positions not be filled and taken out of the budget in the Hot Check office due to the decrease in the revenues. Also a position in the City Clerk's office that did hot checks work was removed. Approximately \$90,000.00 is being saved and Mayor Hillman feels this would be justification for the addition of the six police officers. Alderman Vassar stated that when the personnel commission met Judge Hale met with them and informed them he was not going to fill the vacant positions. Alderman Vassar asked if the sanitation department would be replacing a garbage truck. Michael Clayton stated that this was the knuckle boom truck. Alderman Sulcer asked what the *Green Recycling* in the budget referred to. It was explained this was start up money for the City to move forward in purchasing its own horizontal grinder. Alderman Fender stated the City is out approximately \$300,000 this year hauling leaves out to the compost site in Scott. If the City looks into a lease purchase of a grinder it could save the city money in the future. ADEQ will allow the city to dump leaves on a site for six months before they have to be composted. Alderman Harmon asked if the city had a horizontal grinder if the expense would go down. Alderman Rankin stated that Michael Clayton brought the information to the budget committee. The committee wants to get the site ready. The committee believes the budgeted amount is what it is going to take to get a road and to have lime stabilization for the property on Trammel Road. Alderman Sulcer asked about the road. Alderman Rankin stated the road would be for the dump trucks to bring in the compost. Alderman Brooks stated you

should not have the trucks coming in on a residential road. Mr. Clayton stated the program is so the city can decrease the trip time on the trucks. The current trip time is about an hour. That is once reason the Trammel Road site is a good place to put the recycling. The city needs to develop a feasibility study to see what it will take to build a 2-3 acre tract area for composting. The road going into the residential area will be for light loads, like someone going in with a pickup truck. Alderman Sulcer stated it does belong to the City and is on city property. Mr. Clayton confirmed this. Mr. Clayton stated coming up off Trammel Road there will be a need for a road designed to accommodate heavier loads to enter and leave the site. The lime stabilization needs to be focused on in the summer months of June, July, August, and September. Two acres need to be set aside for a composting site and the soil needs to be stabilized. Alderman Sulcer asked how big the grinder was and was informed about the size of an eighteen-wheeler. Alderman Vassar asked about the longevity of this machine. Alderman Fender stated the blades need to be replaced once a year. Mr. Clayton stated the machine had a lifetime of about 14 to 15 years. Alderman Vassar asked if there was a contract with the dumpsite. Mr. Clayton stated no, that the fuel charges can be increased. This is why the city needs to look forward to purchasing the grinder. The compost site being on Trammel Road can increase the productivity. Mayor Hillman stated the city is trying to move forward with this project. There is no need to budget the full amount until preparations are done on the soil so that equipment can be placed on the site. Mayor Hillman stated that it has been agreed that the site would be the best location, but the soil is not the greatest. To move forward on the grinder and also look into having curbside recycling. Alderman Rankin stated that almost \$400,000 a year would be saved by having this because of the dumping fees, vehicles wear and tear, and labor. Mr. Clayton stated the annual cost of dumping is approximately \$250,000 to \$300,000. Alderman Vassar asked if there were new and updated models. Alderman Fender stated that there are different type models and it has been discussed not only to get one big enough for the city but large enough to have surrounding cities use our services and this will also bring in revenue for the city. The unit will need to be able to accommodate other entities. Alderman Sulcer asked how noisy these grinders are. Alderman Fender stated it has an 800-horse power motor. It will be noisy. It has been discussed to place a berm in the location to reduce the noise level. Alderman Vassar asked Parks and Recreation director Sonny Janssen about line item 72050 *Public Relations*. Mr. Janssen stated this is meal allowance when ASA members come into town. Alderman Vassar questioned line item 73500 *Travel/Vehicle Maintenance* and why is it combined together. Mr. Janssen stated this is for vehicles that are driven in town. Alderman Vassar asked where the mower expense was. Mr. Janssen stated that it was combined with the *Travel/Vehicle Maintenance* account. Alderman Vassar asked about line item 78992 *National Tour Expense*. Mr. Janssen stated this is the expense for the Super Series baseball team tournaments. Alderman Vassar asked about the Capital disbursements expense of parks and recreation. Alderman Brooks stated there is a need for new equipment at the Bill Harmon Recreation Center. Alderman Vassar stated this was all she had for now.

AN ORDINANCE PROVIDING FOR THE ADOPTION OF A STREET DEPARTMENT BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2008, AND ENDING DECEMBER 31, 2008; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR AND FOR OTHER PURPOSES" was read. Alderman Fender asked if each ordinance would be read just one time and passed at the December 2007 council meeting. Mayor Hillman confirmed. Alderman Vassar asked about 71019 *Traffic Signals*. Michael Clayton stated that the signal light at Highway 107 and Bear Paw will be upgraded to a four legged signal light. He has set aside extra money in the budget for the traffic account in case a new signal project is brought up in the year. Alderman Vassar asked if the \$475,000 budgeted under *Street Improvement* would cover the cost for repairs to the streets that are in much need. Mayor Hillman stated that a couple of streets covered in the budget are Maryland and Woodruff Road. Alderman Sulcer asked about the money back from Stonehill. Alderman Vassar asked if the budgeted money includes Brockington. Mayor Hillman stated the funds have already been appropriated. The city will pay the up front costs and be reimbursed.

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AN ORDINANCE PROVIDING FOR THE ADOPTION OF AN ADVERTISING AND PROMOTIONS COMMISSION BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2008, AND ENDING DECEMBER 31, 2008; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR; AND FOR OTHER PURPOSES” was read. Alderman Vassar asked if the A & P Commission would be financing the parade. Alderman Sulcer stated that this will be done through a contract with the Chamber of Commerce. Alderman Sulcer stated that Sherwood Fest will be paid for out of the A & P Commission budget and the employee that the commission has been reimbursing General Fund will no longer come out of A & P Commission. Alderman Vassar asked about the July 4th event. Alderman Sulcer stated that this and capital expense will be out of the contingency budget. Alderman Sulcer stated the July 4th event has decreased in cost because some things were taken out. The tournament event fees and calendars for Parks & Recreation will come out of the A & P budget because it promotes the City.

AN ORDINANCE PROVIDING FOR THE ADOPTION OF A WASTEWATER BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2008, AND ENDING DECEMBER 31, 2008; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR AND FOR OTHER PURPOSES” was read.

Resolution No. 31-2007, entitled, “A RESOLUTION APPOINTING MARY JO HEYE, REPLACING AMY SANDERS TO THE PARKS AND RECREATION COMMITTEE” was read. A motion was made by Alderman Sulcer, seconded by Alderman Brooks, to adopt the resolution. The roll call vote unanimous. Mayor Hillman introduced Ms. Heye to the council.

Alderman Sulcer asked Michael Clayton about the Board of Adjustment minutes inquiring about the sign on Trammel that got put on city right of way. She asked Mr. Clayton if the board is going to require the developers to remove the sign. Mr. Clayton stated this was a subdivision entrance sign. The road is going through part of city property. This is why it was suggested that it go before the Board of Adjustments to grant a variance and permit to allow the subdivision sign to be installed at the entrance of the subdivision. Alderman Sulcer stated Dwight Pattison said they could approve the sign but the location of the sign is out of the board jurisdiction. Alderman Sulcer asked whose jurisdiction was it in. Mr. Clayton stated it was up to the sign committee. Alderman Sulcer asked if Terry Paff wanted a sign for Creekside, would he be allowed to be put it on Oakbrooke. Mr. Clayton stated most of the time the streets that the developers build are touching a public street. This particular case the developers do not have any frontage on the street. Alderman Sulcer stated she disagreed and that the sign should not be on the city right of way. It is private property, and the same situation is going on with East Lee. Mr. Clayton stated subdivision street signs are allowed on city right of way, and one example is Oakbrooke at Kiehl. The Gap Creek sign is on a private entrance and maintained by the property owners association. Mr. Clayton stated there are a number of signs that use some part of the city right of way. Alderman Sulcer stated that developers have to go before the board of adjustments. Mr. Clayton stated the road is being built on city property. Alderman Sulcer stated she didn't agree with this either. Mr. Clayton stated the developers are building the sign to meet city standards and that it is a right of way entrance going into a subdivision 1000 feet behind the city property. Mr. Clayton feels it is an appropriate request, but it is not under the authority of the permit office, so it goes before the Board of Adjustments to get approval.

Kerry Rounsaville, a resident of the Highland Hills subdivision, particularly the Tiffany Circle and Katie Lane area, addressed the council and asked the city attorney or engineer to explain City ordinance No.1492 about the buffering between commercial and residential concerning the Wal-Mart construction that is between their neighborhood. Mr. Clayton stated the letter addressed to the council refers to two provisions. The first

one state that landscape is to be a fence or wall, the second provision Section 8 E refers to a six-foot fence that is required between residential and commercial properties. Representatives of Wal-Mart have said they would follow the city's regulations. Mr. Clayton feels the letter to the council is premature because the construction is not complete. At the time construction is complete outstanding issues will be dealt with. Mr. Rounsaville stated that Wal-Mart said in the September meeting they would not put up a fence or wall. There have been three other contacts with Wal-Mart and they stated a fence will not be put up. On the site plan that was approved Wal-Mart has the buffering wall on their site plan. Alderman Harmon asked Mr. Clayton to explain how the existing fences in the backyards comply. Mr. Clayton stated the construction notes are on the site plan from Wal-Mart engineers, The Casey Wilder Group out of Bartlett Tennessee. Ms. Rounsaville stated they are talking about fencing and screening. Mr. Clayton stated there is an ordinance on landscape and screening and the text on the site plan is strictly adopted from city ordinance. He stated that Wal-Mart is aware of the ordinance and they will follow all requirements of the city. Wal-Mart is under construction and the department does not normally enforce the landscaping ordinance until they get closer to the certificate of occupancy stage. Mr. Clayton stated it is too early to assume Wal-Mart will not be doing the fence. Ms. Rounsaville stated that Wal-Mart adamantly stated they would not put a fence up, that it was not in their budget. Wal-Mart has not done what was adopted by the Planning Commission on the site plan. Wal-Mart said construction was going to be 90 feet from residential property, but it is less than 10 feet from a current resident. The construction fence was to contain landscaping, it did not include the ditch, and does not include elevation. The map that was approved at the planning commission and a lot of things has changed during construction. Ms. Rounsaville stated at the meeting, Wal-Mart stated they would not put a fence up. The letter is asking the city to confirm that they will make Wal-Mart abide by city regulations. The residents want a letter from the city stating the city will enforce their own city codes. Ms. Rounsaville stated that the council has no idea the safety concerns for animals, children, homes and themselves. There have been at least six acts of violence in the state of Arkansas in a Wal-Mart parking lot. Their homes are less than 10 feet from the Wal-Mart parking lot. Wal-Mart is less than 50 feet and ever green shrubby is not what you put when it is 50 feet from your home. Ms. Rounsaville reads "a permanent fence shall be provided along any side or rear property line which abuts property zoned for residential purposes". The residents want to be ensured they do not have to move, they want the citizens safety. She stated the council asks why we need more police, it is because we have a Wal-Mart and this is not small construction. There will be a big parking lot less than 50 feet from a baby. People can't be let in and out of their home without being afraid. She asked that if Wal-Mart refuses to provide a fence or wall, which is required, then the city does not need to issue the certificate of occupancy. She stated the city has the authority to do this. Alderman Rankin explained to Ms. Rounsaville that he believed that was what the city engineer was explaining to her about the construction documents. Alderman Rankin verified that the regulations were in the construction documents and Wal-Mart will abide by this. Mr. Clayton stated the regulations were in the construction documents that were approved by the Planning Commission and City Council. Also on record Wal-Mart stated they would meet or exceed all requirements of the city. Alderman Rankin stated the building was in construction phase. Ms. Rounsaville stated that Wal-Mart said they are not going to construct a fence they would put evergreen shrubbery there. Mayor Hillman stated that at the meeting Wal-Mart was going to review the fencing and at a later time stated they were going to add more evergreens. Wal-Mart said they would not do a brick fence. Attorney Cobb stated that he forwarded the letter to the Wal-Mart attorney and called him today, he was gone for the day, so his response is unknown at this time. Mr. Cobb is meeting with him on Thursday. Ms. Rounsaville again stated the residents wanted a written response in 30 days. Alderman Vassar stated she was not sure if a response could be done in 30 days. She does not believe they can give Wal-Mart a time line. Ms. Rounsaville stated they have had two years. Alderman Vassar stated it would be better to deal with them and give them time to make sure things is taken care of properly instead of giving them a time line ultimatum. Alderman Vassar stated Wal-Mart is going to abide by the city's written ordinance. If it is in the city's rules and regulations they will follow them just like anyone else. Mr. Rounsaville asked if the construction permit could be held until the fence is put in place. Attorney Steve Cobb stated he would

ask about this. Ms. Rounsaville asked the City to guarantee the residents that Wal-Mart would not get away with not putting up a fence. Mayor Hillman stated the City could not guarantee the kind of fence the residents are wanting, but the city can guarantee Wal-Mart will not get their certificate of occupancy until they have fulfilled the guidelines like every one else. There have been no special deals cut with Wal-Mart. Mr. Rounsaville stated Lori Smalling, a representative of Wal-Mart, felt very strongly when she said that Wal-Mart has spent too much money on the construction due to blasting. Alderman Vassar stated tempers were high that night and words were spoken that should not have, and hopefully cooler heads will prevail and this will all be worked out. Ms. Rounsaville stated at the meeting with Wal-Mart, Lori Smalling stated that Wal-Mart has met and exceeded the city's codes, and Wal-Mart will not do a fence because they do not have the budget for it. Alderman Vassar stated that she might not be the last resort. Mr. Rounsaville state Ms. Smalling said she didn't have the authority to sign off on a fence. Ms. Rounsaville stated that Ms. Smalling told Mayor Hillman and she there would be no fence. Mayor Hillman stated this was true. Mayor Hillman stated she believes that Ms. Rounsaville is referring to a continuous fence from the beginning of property to another, and that is what Wal-Mart will not do. There are some other screening requirements that they will have to do according to the city's rules and regulations. Alderman Sulcer stated she thinks there is an agreement with Rogers that Wal-Mart could not put a fence. Alderman Harmon backed this up, but stated they couldn't put a wall on Rogers property. Mr. Press Brailsford asked if once all of this is settled with Wal-Mart the whole process would start back up with Rogers property. Alderman Harmon stated Rogers has to come to the council if he wants to develop that property. Mr. Brailsford stated he hoped that the council did a better job on that than they have on the Wal-Mart issue. Mr. Brailsford quoted from the Arkansas Democrat Gazette on November 27, 2007, that the City Clerk stated that when Wal-Mart opens in 2008 the first few months of estimated tax revenue from Wal-Mart will be \$374,000.00. If this figure is accurate that is \$93,500 a month coming in for the end of the year. If you forecast that as being accurate, on a 12 month basis, that is \$1,122,000.00 per year. Comments have been made that the City cannot afford a fence and that if you put a fence up it will set precedence. Mayor Hillman stated the city cannot set precedence. Mr. Brailsford stated the city already has with the North Hills Golf Course fence when it was put up. Mayor Hillman stated this was done before she came into her current position. Alderman Rankin asked Mr. Brailsford if he was asking the city to put up a fence in his backyard. Mr. Brailsford stated no. Alderman Rankin asked him what he was asking for. Mr. Brailsford stated he is asking if the city council cannot make Wal-Mart put up a fence then the city should be responsible. Alderman Rankin stated that the council will make Wal-Mart put up a fence. Alderman Rankin stated Wal-Mart has to abide by the city ordinances. When construction is done Wal-Mart will be required to an inspection. Upon inspection if Wal-Mart does not meet city code then they will not get a certificate of occupancy. Alderman Rankin confirmed with City Attorney Steve Cobb that Wal-Mart cannot open their doors until they receive their letter of occupancy. Alderman Rankin stated he would not want the situation in his backyard either, but it is under construction and Wal-Mart will abide by city ordinance. Mr. Brailsford stated in the beginning it was said a wall would be put up, and now is said it could not be done because the sewer line was going to be re-routed, and the sewer line comes right up to the property line. Mr. Brailsford questioned if the fence was going to be put on the city property. Mr. Brailsford stated the ditch is causing a mosquito problem. Putting up a fence at North Hills Country Club set the precedence. Alderman Rankin asked if this was done about 19 years ago. Mr. Brailsford stated no it was five years ago. Chief Nicholson stated that an accident had occurred there and the insurance of those involved covered the fence. Michael Clayton stated the situation with the North Hills Country Club brick wall was because at the time the city had some money to work with Metroplan to widen the North Hills and Country Club intersection to upgrade a signal light. The right of way was an issue and instead of paying money for the right of way the city did an in-kind exchange, which said that the city would build the wall if North Hills Country Club would grant the city the extra right of way. This was done around 1995. Mr. Brailsford stated it has been admitted that the crime in Sherwood has increased. There has been another major crime take place at a Wal-Mart. If there is no fence the criminals can come right through their property. He charged if anyone would like to

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argue that. Attorney Steve Cobb informed Mr. Brailsford that this was not a debate but a time for comments.

Mayor Hillman stated that the December council meeting this year falls on a Christmas holiday for the City and the city is closed. The date has been set for Wednesday, December 26, 2007, but she feels that it would be best to push it back a week and have it on Monday, December 17, 2007, at 7:00 p.m. A motion was made by Alderman Vassar, seconded by Alderman Sulcer to move the date of the December council meeting to Monday, December 17, 2007, at 7:00 p.m. The roll call vote was unanimous.

Mayor Hillman recognized that Lance Green, Jordan Pruitt, and Kristin Walker, members of the Mayor's Youth Council were in attendance at the meeting. Trail of Lights will be opening Friday, November 30, 2007 at 6:00 p.m. The Festival of Lights will start November 30, 2007; the silent auction will be Saturday, December 1, 2007, at Bill Harmon Recreation Center. The annual Sherwood Christmas parade will be Sunday, December 2, 2007, at 2:00 p.m. Breakfast with Santa is Saturday, December 8, 2007 from 8:00 a.m. – 10:00 a.m. Tickets are available in the Mayor's office.

A motion was made by Alderman Vassar to adjourn.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor