

February 25, 2008

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on February 25, 2008, 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 Rankin, Fender, Davis, Sulcer, Henry, Brooks and Harmon. Alderman Vassar absent.

Paul McClung, pastor of First Baptist Church of Sherwood, led in prayer, and the Pledge of Allegiance was given to the flag.

Alderman Brooks, seconded by Alderman Sulcer, made a motion, to approve the minutes of the regular meeting and the special called meeting on January 28, 2008, as transcribed. The roll call vote was 7 ayes.

Alderman Sulcer, Chairman Advertising and Promotion Commission, advised there would be a meeting on March 5, 2008, 3:00 p.m. at Sherwood Forest.

Alderman Rankin, Chairman of Parks and Recreation Committee, stated that Parks and Recreation Director Sonny Janssen, would address the council. Mr. Janssen stated that the committee is asking the City Council and Mayor to accept the proposal from ETC Engineer and Architect. This is the master plan to bring the parks department up to date. The plan is open for further direction if the green space of the golf course and the proposed annexation becomes property of the City of Sherwood. Sherwood Forest has been placed under parks and recreation and this too has been added to the park plan. The committee would like the city attorney to draft an ordinance to continue to provide green space for the city. This will enforce the subdivision rules and regulations having the developers to set aside green space. The older portion of Sherwood has several parks, and the newer portion is limited on the parks available. The ordinance can be created by setting aside a certain portion of the property, or money for the property if undeveloped. The planning commission will need to be included because they will be enforcing the rules and regulations. The master plan will cost approximately \$90,000. Mr. Janssen would like to have \$50,000.00 appropriated to start work on the master plan. The remaining amount will be budgeted in the second year. The plan is open ended to allow for future development. Mayor Hillman stated that a lot of citizens have questioned why there are no parks on the north side of the city. She feels that a lot of developers would be willing to do this. Wayne Smith, a member of the planning commission, addressed the council urging them to adopt and implement an ordinance governing open air/green space park requirement that the developers have to adhere to in setting aside allocated space for park development. This will benefit the city in the safety and health of our citizens. It will be more attractive to new homebuyers. Alderman Rankin stated the parks committee is asking for Phase I and Phase II allocating \$50,000 from the general fund to the parks and recreation to hire ETC Engineers and Architects. Alderman Rankin, seconded by Alderman Harmon, made a motion to draft an ordinance for the Master Parks and Recreation Plan, the roll call vote was 7 ayes.

Ordinance No. 1769, entitled, "AN ORDINANCE REZONING 7777 WARDEN ROAD FROM C-3 TO C-4; AMENDING ORDINANCE 729 AS AMENDED; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read for the first time. Alderman Sulcer stated that she drove by the address today and did not see any signs posted. Wayne Smith stated that the Planning Commission acted on this at the last meeting and brought it to the council. A citizen from the audience stated he did see the sign posted. City Attorney Steve Cobb stated his understanding is that the zoning classification needed to be changed to conform to the master street plan. Dwight Pattison addressed the council and stated that the business will be a Wholesale Auto Sales. Alderman Sulcer stated she would like for the posting to be visible to the public. A motion was made by Alderman Rankin, seconded by Alderman Harmon to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes. Alderman Davis asked should this only be read once due to the conflict on the posting of the signs. Alderman Rankin stated there was no opposition. The ordinance was read for the second time. A motion was made by Alderman Harmon, seconded by Alderman Davis, to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 7 ayes. The ordinance was read for the third time. Alderman Rankin,

seconded by Alderman Brooks, made a motion to adopt the ordinance. The roll call vote was 7 ayes. The emergency clause passed by a vote of 7 ayes.

Alderman Fender, Chairman Street Committee, stated the committee has an ordinance on the storm water pollution that has been read two times.

Ordinance No. 1770, entitled, "AN ORDINANCE CREATING A STORMWATER POLLUTION PREVENTION CODE FOR THE CITY OF SHERWOOD, ARKANSAS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES" was read for the third time. Alderman Sulcer stated she had questions for Tracy Sims. The following questions were asked and answered. Alderman Sulcer: Tracy, are you the only one to enforce the code? Tracy Sims: Yes. Alderman Sulcer: I am in the subdivisions all the time and I see problems with water runoff. The Stonehill area has had problems with water run off. On Article 3, number 4 it talks about Erosion and Sediment Control, are the developers responsible for keeping the streets clean? Who is going to be held responsible for this? Tracy: The developers are ultimately responsible. The individual lots are sold and there will be a separate permit and then it will be enforced. Alderman Sulcer: In number 3 it talks about the ready mix concrete, I have seen trucks washing out on city streets. People living on Trammel Road said they have seen the trucks being washed out across from their property. People on Trammel Road are having a flooding problem because of the subdivision that is being built on Trammel. Who will provide the places for the concrete to be disposed of? Tracy: Yes ma'am the developers will be responsible for their own lot. Alderman Sulcer: So they will be made responsible for places to clean out the concrete trucks? Tracy: Yes ma'am. Alderman Sulcer: Number 2, Waste disposal, are they going to have a dumpster on site? Tracy: Yes ma'am to take care of all the litter and debris. Alderman Sulcer: Each developer, each builder? Tracy: Each permitted individual. Alderman Sulcer: Okay so the developer and the builder? Tracy: Yes ma'am. Alderman Sulcer: It says in Number 6 of Article 3 that things will be filed with the Technical Coordinator, which that is your job description, and they will be accompanied by a certification by qualified personnel that complies with this program. Who are these people that are qualified to turn in the plans? The developer is not the qualified person, is he? Tracy: No they will be required to have an engineer. Alderman Rankin: If I remember correctly everything that goes through ADEQ has to be stamped by an engineer. Alderman Sulcer: How are you going to be out on all the construction sites and see everything that is going on? Tracy: I am out there daily now. This will be incorporated into my daily duties. Alderman Sulcer: It says the owner, developer, or the representative shall inspect all BMP's at least twice per month or within 24 hours of rainfall of ½ of an inch or more. Tracy: That's standard BMP. Alderman Sulcer: This is going to take care of, like in Stonehill, if we pass this tonight the developer is going to have to take care of this and show a plan that they are not going to be flooding the neighbors? Tracy: Yes ma'am. ADEQ is already enforcing this particular area, about the tracking problem. Alderman Sulcer: Article 5 fees and enforcement. If the developer or builders all have to have a plan that an engineer has signed off that their lot is not going to flood their neighbors? Tracy: Storm water plan. Alderman Sulcer: Yes. Your, Scott Kelley and the police can fine the people? Tracy: Yes ma'am. Alderman Davis: There is also a performance bond, are we going to be able to collect off that? Tracy: Yes. Alderman Davis: If the city has to use a street sweeper to sweep up their mess on the road, they can be charged a \$100 minimum? Tracy: Yes. Alderman Sulcer: I spoke with a developer, and they said CAW is cutting the sidewalks and are putting asphalt back where they cut the sidewalk because it is cheaper. We are making one utility company do one thing and another is getting away with doing other things. Tracy: That policy was put in place a year and a half ago. This is on new development. Alderman Sulcer: Yes, this is on new development. If they place their house somewhere they wouldn't be cutting a sidewalk at that place. Tracy: CAW's complaint was that they would put the sidewalk down and build the houses and they would have to go in and do the taps and could not do them. They had to get all this concrete repaired and did not believe this was acceptable so they changed their policy. Alderman Sulcer: That's nice that they changed their policy. We have a policy here in our town. Alderman Fender: I want to tell the rest of the council that the street committee has worked on this document for approximately 8 months and some of the information in

the ordinance and supporting document is very technical in nature. The street committee has relied on Tracy Sims, Bill Miller, and previous city engineer Michael Clayton to put this document together. The document is not perfect and will be a work in progress. I suggest that after we implement this document and as problems arise amendments can be made. Some specifications may change. There was a unanimous decision by the street committee to send the document to the council. Alderman Sulcer: I don't have a problem with that Steve. It is a well-written document. I have talked with other engineers, people in Mississippi, and Maumelle. I would like for it to have some fees in it. I don't have a problem with how it is written I would just like to see fees in place because there are going to be a lot of man hours put in, and a lot of cities have had to hire extra personnel to do it. Alderman Fender: This is not something we are voluntarily doing, this is a mandate that has come down from the Federal Government to the State Government. ADEQ at the state level is in charge of enforcing this. This is a document that the city is required to put in place. Alderman Rankin: ADEQ is the one that looks over the plans. Tracy: On larger development. A motion was made by Alderman Harmon, seconded by Alderman Henry to adopt the ordinance. The roll call was 7 ayes. The emergency clause passed with 7 ayes.

A resolution entitled, **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERWOOD, ARKANSAS FORMING A SELECTION COMMITTEE TO SELECT AN ENGINEER FOR STREET OR DRAINAGE PROJECTS"** was read. A motion was made by Alderman Fender, seconded by Alderman Rankin, to table the resolution. The roll call vote was 7 ayes.

An ordinance entitled, **"AN ORDINANCE AMENDING THE CITY OF SHERWOOD ARKANSAS RULES AND REGULATIONS REGARDING THE CONTROL OF DEVELOPMENT OF SUBDIVISIONS SPECIFICALLY REGARDING THE ACCEPTANCE OF DEDICATED STREETS AND SIDEWALKS, AND FOR OTHER PURPOSES"** was read. Alderman Sulcer stated the ordinance is to ensure that the streets are properly done during development to eliminate the trouble that developed in the Stonehill subdivision. There are streets all over town that the City has had to come in and repair due to streets failing. Alderman Sulcer spoke with City Attorney Steve Cobb and he advised that the ordinance would not affect the two-year bond that is required of the developers. This ordinance just delays the street dedication. This allows us to go back to the bond of the developer if the streets fail. Alderman Harmon asked if this has been addressed with the title insurance company. His concern is when you try to market property to get your title insurance a lot of the times an issue is whether the property abuts a publicly dedicated street. If you delay the dedication of the streets it could affect the insurability of the property for title insurance. Alderman Sulcer stated there are several streets in Stonehill, Indianhead, and Austin Lakes on the Bay that have patched street repairs. Mayor Hillman stated in regards to Stonehill the City had ample time to fix the problem but the time ran out on the bond before anything was done. Alderman Sulcer is concerned with the new streets going in on Trammel, and would like to have something in place so the city will not be out a lot of money. Steve Deere addressed the council and stated that typically in a two-year bond you have enough time to know whether there will be street failure. The failure usually occurs within the first 6 months. He stated that during slow periods the contractors could not be bonded indefinitely. Mr. Deere believes that a two-year bond is plenty of time. Alderman Sulcer stated that this ordinance does not affect the bond. This is only to delay dedication upon final plat. Mr. Deere stated a plat could not be filed through the county without dedicated streets. Mr. Deere said that you file a plat and the City engineer and planning commission sign it. It is then filed with the county and recorded, with the bill of assurance and a two-year maintenance bond. It is brought back to the city and this is when the two-year maintenance bond starts. Even if the road is in and it takes another 3 or 4 months to clean up. If there is a problem before a plat is filed, the contractors go through and address them. Once the plat is filed this inactivates the bond. Alderman Rankin asked if there is any problem as far as contractors getting a two-year bond. Mr. Deere replied not with his contractors. Mr. Dickey Jones, a resident of Stonehill, addressed the council and asked that the roads in Stonehill be repaired. He stated that the potholes are enormous. He spoke with former Mayor Bill Harmon and the

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City Engineer and nothing was done about it. The street looks bad after just two years. Mr. Jones was told that when Stonehill was laid out it was suppose to have drains going down the side and gravel to catch the water, someone pulled it, there was two inches of asphalt instead of the required four. The City engineer told him that the specifications were pulled. A motion was made by Alderman Sulcer, seconded by Alderman Rankin, to table the ordinance. The roll call vote was 7 ayes.

Mayor Hillman introduced the following youth council members: Lance Green-Mayor, Jorden Pruitt-Vice Mayor, and Tristin Walker.

Mayor Hillman made the following announcements:

Three life scouts from Troop 427, who are working on their Communications Merit Badge in attendance of the council meeting are: Devan Scott, John Jones, and Seth Lanham.

The Sherwood Forest annual Easter Egg Hunt will be Sunday, March 23, 2008, at 2:00 p.m.

The special election for the Gravel Ridge annexation is on March 11, 2008. The Mayor's office received numerous calls in reference to a survey that questioned citizens about the Gravel Ridge annexation and the North Hills Country Club. The survey provided inaccurate information about the cost of North Hills Country Club and it is believed that this was done to put negative influence in the community. The Mayor stated there is no plan for a tax increase.

Don Hindman, Director Senior Citizen Center, announced that early voting would start Tuesday-Friday, March 4-7, 2008, from 10:00 a.m. through 5:00 p.m. There will be no voting on Monday in Sherwood.

Randy Kinsey, Chairman Sherwood Citizens Police Academy Alumni Association, stated that the Sherwood Police Academy still has openings and the deadline to sign up is February 28, 2008. Mr. Kinsey stated he is a member of an organization called the Michael Vann Johnson, Jr., American Legion Post # 74. Michael Vann Johnson, Jr. was the first Arkansan killed in Iraq on March 25, 2003. The organization has had a memorial service for the last three years honoring Michael Johnson. The organization will hold its annual memorial observance at the AR Veteran's Cemetery, on March 29, 2008, at 11:00 a.m.

A motion was made by Alderman Davis to adjourn.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor