

**March 24, 2008**

**REGULAR MEETING 1**

The City Council of the City of Sherwood met for a regular meeting on March 24, 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 Vassar, Rankin, Fender, Davis, Sulcer, Henry, Brooks and Harmon.

Ron Moseley, pastor of Sherwood Bible Church, led in prayer, and the Pledge of Allegiance was given to the flag.

Alderman Vassar, seconded by Alderman Sulcer, made a motion, to approve the minutes of the regular meeting on February 25, 2008, as transcribed. The roll call vote was unanimous.

Alderman Sulcer, Chairman of the Advertising and Promotion Commission, stated they met. Discussion was primarily on the July 4<sup>th</sup> event. Volunteers are still needed. The commission discussed ways to improve the promotion of the City in future events. The commission will meet April 2, 2008. The 4<sup>th</sup> of July meeting will be at 2:30 p.m. and the Advertising & Promotion Commission meeting will be at 3:00 p.m.

Alderman Rankin, Chairman of the Parks and Recreation Committee, advised they did not meet. He would like to ask the council to appropriate \$50,000 out of general fund to the Parks and Recreation budget for the Parks Master Plan. Alderman Rankin stated there would need to be an ordinance to appropriate \$50,000 from the General fund for one year, and the rest would be budgeted in the 2009 budget. Steve Cobb City Attorney stated there would need to be a vote to amend the 2008 budget. A motion was made by Alderman Rankin, seconded by Alderman Sulcer, to discuss appropriations for \$50,000 to the Parks and Recreation Budget from the 2008 budget. Alderman Vassar asked if this was the parks and recreation study for all of Sherwood. A motion was made by Alderman Vassar, seconded by Alderman Sulcer, to have the ordinance drawn up for the April 2008 council meeting. The roll call vote was unanimous. Alderman Rankin announced the Lady Razorback Softball team would be here April 2, 2008, at 5:30.

**Ordinance No. 1771, entitled, "AN ORDINANCE REZONING 404 EAST KIEHL AVENUE FROM R-1 TO C-3 USE; AMENDING ORDINANCE 729 AS AMENDED"** was read. 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 unanimous. The ordinance was read for the second time. Alderman Vassar asked if the screening would remain in force. Alderman Rankin stated yes. 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 unanimous. The ordinance was read for the third time. A motion was made by Alderman Rankin, seconded by Alderman Henry, to adopt the ordinance. The roll call vote was unanimous.

**Ordinance No. 1772, entitled, "AN ORDINANCE REZONING 10219 HIGHWAY 107 FROM R-1 TO R-1 CONDITIONAL USE; AMENDING ORDINANCE 729 AS AMENDED; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES"** was read. A motion was made by Alderman Rankin, 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 Vassar, 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.

**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. Alderman Vassar questioned if on Section 1, Number 3 "Selection Committee shall be the current members of the City of Sherwood", if this was going to be as a

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recommendation or was the street committee going to choose the engineer. Alderman Fender stated it would come as a recommendation. Alderman Davis stated that Item No. 5 overrides all this, stating that the Mayor has a conference with the persons placing the bids. *Alderman Fender:* Under Contract Negotiations the last sentence reads that it comes to the Mayor or City Council for approval. *Alderman Vassar:* The recommendations are taken from the Street Committee. She believes that it is better to have recommendations from the different committees. When you have a figure of \$10,000 that normally is about 10% of the full project, meaning a project of \$100,000 or more. Any type of project this size the council body is elected to make these decisions. She wants to clarify that this is strictly an advisory committee and the decision would come before the Mayor and the City Council. *Alderman Fender:* Yes. *Mayor Hillman:* The resolution needs to note that. *Alderman Fender:* It says the committee itself does not make the final decision, it comes before the Mayor and/or City Council. If you wish to change this to read just the Mayor, or just the City council that is okay. *Alderman Sulcer:* Why do we need this resolution? *Mayor Hillman:* State law governs professional services. There is a City ordinance for infrastructure that is \$20,000 or more. I have a question on Section 1, No. 4, where it says "Ex-officio shall be the public Works director and city engineer that acts only in an advisory role to the committee", these are the people that have more influence on what goes on because this is more their area. I challenge that the Public works director and city engineer are only advisory. *Alderman Rankin:* The Street Committee wants to do what is best for the city. *Mayor Hillman:* So why is this necessary now. This is 2008 and we have been going since 1948 without this. *Alderman Fender:* Number one we don't have a city engineer right now. I want a procedure in place that we would have something to go by. *Mayor Hillman:* It routes out the City engineer even if you had one. This specifically excludes them. *Alderman Fender:* I don't think this is intended to exclude people. *Mayor Hillman:* I read it for what the wording is. When you go to enforce it, it goes back to what it reads, not the intent. *Alderman Fender:* It includes you (mayor) clearly in this when you read it. *Mayor Hillman:* After you (street committee) have made the selection, then whomever the committee selects, then it comes to me (Mayor) and I get to help negotiate the price. This is going to take six weeks. My recommendation would be every two years that we take requests for proposals for professional services for engineering. Have the street committee come in and approve the list and this could be a pool to choose from. When we advertise for positions it costs anywhere from \$600.00 or more. We spend thousands of dollars on advertising. I feel the city would be better served to do it every two years. *Alderman Sulcer:* Let me ask you something, in the past, we have had a city engineer on board, but we out-sourced a lot of our engineering work. *Mayor Hillman:* Pulaski County does not have a staff engineer. Sherman Smith is the Public Works Director and he is an engineer by education. Pulaski County outsources everything they do. The City of Cabot does not have an engineer. Many cities are moving away from having staff engineers because of the different engineering specialties. *Alderman Vassar:* If we are not going to have a city engineer. *Mayor Hillman:* I'm not saying that we are not. There are not a lot of people interested in the city engineer job. We did hire a new street inspector last week that has been a city engineer in Maumelle. He is a civil engineer and P.E. also. *Alderman Rankin:* I have one question, I guess to Steve (city attorney) as far as putting any public works jobs \$20,000 to \$25,000, do we have to have an engineer stamp, as far as sidewalks, curb and gutter. *Alderman Fender:* State law says that anything over \$20,000 has to be done by a professional engineer. *Mayor Hillman:* We have one on retainer for that. *Steve Cobb:* Then he would have a stamp. *Mayor Hillman:* He does. *Alderman Rankin:* I think on architectural services it is \$100,000 and anything on engineering. *Alderman Fender:* This resolution is based on state law. It is put forth to have procedure. We need to move forward with some projects on Maryland, Woodruff and Brockington. I wanted it spelled out as to how we would proceed. This is based on state law. *Alderman Vassar:* Would you consider striking item No. 3 and No. 4 and let it just come as a recommendation from the street committee? *Alderman Rankin:* This is my opinion, the public works director and city engineer are going to be involved irregardless. *Alderman Vassar:* I think they need to be. I don't have a problem with that. Let's strike four and three, and just say that it would be a recommendation. I certainly want you all to look at street and drainage problems. This way the council does not have to be street and drainage understudies. I want a recommendation from that

body. *Alderman Fender*: I want you to know that if we had a project that exceeded \$100,000, which is what this addresses, the \$10,000 refers to professional fees. If we have a project that exceeds \$100,000 I would want this council to ratify any recommendations that the street committee came forward with. *Alderman Vassar*: I think we would have to. *Mayor Hillman*: The money itself for a project is budgeted. If it were a \$100,000 dollar project it would be bid out and come before the council. *Alderman Sulcer*: That is why I do not see any need for this resolution. *Mayor Hillman*: Not when we have a \$20,000 limit, except for professional fees. State law does have its own, it does not put it down to \$10,000.00. *Alderman Rankin*: Put what down to \$10,000, are you talking about the fees or the project itself? *Mayor Hillman*: The fees here for \$10,000. I may be reading it the wrong way, but I feel like I was elected as Mayor to make some decisions. This is lowering it down to \$10,000 and we have never had this in our sixty years of history. *Alderman Brooks*: I think the word "fees" needs to be written in that sentence. The way the wording in Section 2, it may need to be re-written. *Alderman Sulcer*: Read this, "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" if we pass this with this, the street committee will be the one to hire our engineer. *Alderman Vassar*: I think it needs to be re-worded. I don't have a problem with the resolution, but I do think it needs to be re-worded. *Alderman Rankin*: Let's discuss it. *Alderman Vassar*: I think it needs to be a recommendation from the street committee. *Alderman Rankin*: This right here was to help everybody, not to say Mayor no you can't handle it, the people said you can. That is not the intent of this. That is not what we discussed in the street committee meeting. *Alderman Sulcer*: Steve (city attorney) where did you draft this? *Steve Cobb*: Dr. Fender drafted it. *Alderman Rankin*: This is part of state law as far as what we talked about in the, our discussions were to help, not hinder or take anything away from anybody. *Alderman Fender*: I do not see this as being the least bit controversial. I'm sorry I just don't. It's just some guidelines set forth that we can go by to move forward with some of these projects. That is all it is. *Alderman Vassar*: I do not have a problem with it coming from the street committee. *Mayor Hillman*: Why not just advertise every two years one time and get a pool of engineer firms. *Alderman Vassar*: I do have a question with that, not a problem, but a question. If an engineering firm opens in a window period after we have made our selection and there is a pool, is that person going to have to wait until the next period when we allow engineers to submit their resumes? *Alderman Rankin*: If they are not part of the elected process they will have to wait two years. *Steve Cobb*: This idea the mayor has is not something I had considered and I want to research what is a reasonable time if this is the way the council wants to go. If two years is too long or if a year is as long as you can go. Before we rise to a complaint and you have someone say that you have a preferred pool. Then you have a lot of qualified people and they are waiting for two years to get in. I want a chance to look at that. *Mayor Hillman*: We have historically used the same engineer firm many times. And we need to diversify our business. *Alderman Vassar*: We have one that just opened locally, and that person would probably be pooled, but suppose that person didn't open their firm until after the deadline to do that, and we are using someone from out of the city, when we have one located right in our city. *Mayor Hillman*: We only have one firm in Sherwood. *Alderman Vassar*: I thought we had two. *Mayor Hillman*: Who is the other engineer? Who is the other engineer besides Michael Clayton? We certainly would not limit it to city limits. *Alderman Vassar*: What I am saying, I would not want to not allow someone from the City that came in late. I don't have a problem with the street committee recommending to us on the street and drainage projects engineering firms. I don't think the street committee can select an engineer without this body being involved. I think this is merely a recommendation. *Alderman Rankin*: I don't think that was the intent. *Alderman Harmon*: You're talking about making that recommendation on projects that were going to be coming to us anyway, because their projects are such in size. *Alderman Vassar*: Absolutely. *Alderman Harmon*: It simply is coming to us from a recommendation from the street committee. *Alderman Vassar*: yes. *Alderman Davis*: There is no reason for a resolution to do what we are already doing. We recommend stuff from each meeting to come before the council. *Alderman Vassar*: Well didn't you all (street committee) bring this to us? *Alderman Davis*: You all didn't. I saw it on the agenda last month. *Mayor Hillman*: Aren't you on the street committee? *Alderman Davis*: Yes I am. *Mayor Hillman*: It

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didn't come from the street committee? *Alderman Davis:* Well, not all of it. A couple of people got together and talked about it. I didn't get anything on it at the meeting. *Alderman Rankin:* No we discussed it in the meeting. *Alderman Sulcer:* I don't see any need in this. *Alderman Vassar:* Can we table this? *Alderman Davis:* Please. A motion was made by Alderman Vassar, seconded by Alderman Harmon, to table the ordinance for a month. The roll call vote was 7 ayes, Alderman Fender no.

Alderman Fender stated that in the middle of the Big Dam Bridge there are flags up. The Sherwood flag needs to be replaced. Mayor Hillman stated that the City receives a call when one is needed. There is one on order at this time.

Alderman Sulcer inquired if the retention pond at the new Wal-Mart was put underground or taken away. She spoke with Al Johnson, the Storm water Engineer that is on retainer for the Arkansas Municipal League and he stated that Wal-Mart has always had them. Alderman Sulcer is worried about the water flooding local areas. Alderman Vassar stated that last time she was on site, she was told they were temporary until they reached a certain point. Mayor Hillman stated ADEQ inspects the sites.

Alderman Fender inquired about an update on Brockington Road. Mayor Hillman stated that there is a new tech representative, Lucien Gillham. Mr. Gillham informed the Mayor that Metroplan would help fund Phase II, the southern portion of Brockington Road if money was available. Plans have already been done for the southern part, or Phase II of Brockington Road. The City currently does not have right-of-way acquisition for the southern portion. The city needs to move forward and have this as a ready-to-go project. This means having the right-of-way secured, the plans are at Metroplan. Phase I of Brockington Road is currently on schedule. Alderman Fender asked if there had been a change order on Brockington Road. Mayor Hillman stated there was something about the concrete on street cuts. Alderman Fender stated that there was a request by the contractor to close down Brockington Road for a week. He wanted to go on record to state this would be a catastrophe. Mayor Hillman stated for the record that the road would remain open according to plan. Alderman Vassar inquired what action the city needed to take to acquire right of way. Mayor Hillman advised she signed a contract today. Alderman Rankin asked were the City was on the list. Mayor Hillman stated that if funds become available the city would be the first priority. Mayor Hillman stated seventy percent of the traffic on Brockington road comes from northern Pulaski County.

Steve Cobb stated that a petition for Amendment 7 referendum was filed with the City under Ordinance 364, and the publication was done pursuant to the ordinance. Subsequent to the conclusion to the signature period, the ordinance requires that there be a hearing or a meeting of the city council at which time any persons who wish to be heard on the question whether the petition was signed by the requisite number of petitioners. The council needs to decide if a sufficient number of signatures were received, and if they were it needs to be placed on the ballot, and if they were not the council would find that the number of signatures was insignificant and vote to that effect and pursuant to the ordinance. This would be the final decision on this issue. Steve Cobb stated under Article 5, Section 1 the petition needed 15% signatures of the voters from the last general Mayoral election, this number is approximately 1,140. There were 147 signatures received up to the 30<sup>th</sup> day. It would appear the number of signatures required was not obtained. A motion was made by Alderman Vassar, seconded by Alderman Rankin, that the number of signatures required for the petition was insufficient and the matter in question be closed. The roll call vote was unanimous.

Mayor Hillman stated that the Police and Courts building is in great need for roof repair. She presented a proposal from Raintight Roofing, Inc. Alderman Rankin advised the council that something needs to be done quickly before the building is beyond repair. Alderman Rankin stated the proposal brought before the council is a good one. Mayor Hillman recommended the money be taken out of the Capital Improvement account instead of general fund. A motion was made by Alderman Sulcer, seconded by Alderman Rankin, to suspend the rules and place on the agenda to waive the bidding on the roof repair. The roll call vote was unanimous. A motion was made by Alderman Vassar,

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seconded by Alderman Sulcer to repair the roof using Raintight Roofing, Inc. The roll call vote was unanimous.

Mayor Hillman announced that April 1, 2008, Gravel Ridge residents would vote on the annexation.

Mayor Youth Council members present were Lance Green-Mayor, Jorden Pruitt-Vice Mayor, and Tristen Walker. The youth council has been helping on the Gravel Ridge annexation.

Mayor Hillman stated that the city would start a pilot program on curbside recycling in the Gap Creek subdivision in April. There will not be an increase in the monthly sanitation fee.

Alderman Vassar complimented the youth council on a great job with the Easter Egg hunt.

Mayor Hillman stated that there is more opportunity for the youth in the community. The parks and recreation is considering a movie night in the park. The cost for the projection screen is about \$20,000. The parks department is working on having more opportunities available to benefit the youth. Alderman Vassar stated the Health Coalition has a project that involves numbering the curbs in front of homes with reflective numbers. This would be an opportunity for the youth council and scouts to earn money.

Alderman Brooks stated the Keep Sherwood Beautiful Committee will have a cleanup on April 12, 2008. They will meet at Cardinal Health on Landers Road at 9:00 a.m.

Alderman Davis stated that the Little Rock Air Force Base has a honorary Commander, the Chief of Police has been one for four years. Mayor Hillman and Alderman Davis were inducted in the honorary commanders program last week. The Sherwood Veteran's Memorial will celebrate the Veterans Day on November 9, 2008.

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

ATTEST:

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Angela Nicholson, City Clerk

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Virginia R. Hillman, Mayor