

**June 23, 2008**

**REGULAR MEETING 1**

The City Council of the City of Sherwood met for a regular meeting on June 23, 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.

Arthur Ward, pastor of Rock City Harvest Church, 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 May 27, 2008, as transcribed. The roll call vote was unanimous.

Mayor Hillman introduced Ellen Norvell as the new City engineer.

Alderman Sulcer, Chairman of the Advertising and Promotion Commission, advised they met and discussed the 4<sup>th</sup> of July celebration. The next 4<sup>th</sup> of July meeting will be Wednesday, June 25, 2008, 10:00 a.m. at Sherwood Forest. Volunteers are still needed.

Alderman Rankin, Chairman of the Parks and Recreation Committee, announced there would be closing ceremonies for baseball and softball on Tuesday, June 24, 2008, at 7:00 p.m. on Field 10. Sonny Janssen, Director of Parks and Recreation gave an update on the fields from the storm damage. The t-ball fields six and seven have been completed. The optimist club will be hosting the t-ball state tournament this Friday. There are twenty teams in this tournament. The four fields on top of the hill and the concession stand are still in repair stages. The dugout roofs, fences, and backstops have been repaired, and the two new scoreboards are in place. The light company arrived with concrete pedestals to put in the ground. It will take two weeks to get this process going. The optimist club will be hosting forty-eight teams in the Cal Ripken baseball tournaments for 7-8 year olds. They have asked the lighting people to come back and dig the trenches after the tournament so kids will not be falling in them. Mayor Hillman commended Mr. Janssen and his department on the work they have done on the area.

Alderman Vassar, Chairman of the Personnel Committee, stated there would be ordinances for new employees for the Street, Sanitation and Wastewater departments. The trash pickup needs to be increased and this requires vehicles and personnel. Gravel Ridge is serviced with extra pickup. Lanny Leder, Director of Public Works, stated to the council that the City of Sherwood has grown. The one street maintenance worker will help to work into two crews. The sanitation position is the most needed. These extra people will help with sanitation pickup. Bill Miller, with the Wastewater Sewer Department, addressed the council and stated there is a need for more positions in the wastewater department.

**Ordinance No. 1779, entitled, "AN ORDINANCE CREATING ONE STREET MAINTENANCE WORKER POSITION IN THE PUBLIC WORKS-STREET DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES"** was read. Alderman Sulcer, seconded by Alderman Davis, made a motion 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 Harmon, seconded by Alderman Brooks, made a motion 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. Alderman Vassar stated this is prorated for \$13,828 for the remainder of the year. Alderman Sulcer, seconded by Alderman Rankin, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

**Ordinance No. 1780, entitled, "AN ORDINANCE CREATING TWO MAINTENANCE AND REPAIR TECHNICIAN POSITIONS IN THE WASTEWATER DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES"** was read. Alderman Davis, seconded by Alderman Rankin, made a motion 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 Sulcer, seconded by Alderman Henry, made a motion 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. Alderman Vassar stated the total for this was \$14,505. Alderman Harmon, seconded by Alderman Rankin, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

**Ordinance No. 1781, entitled, “AN ORDINANCE CREATING ONE EQUIPMENT OPERATOR POSITION IN THE PUBLIC WORKS-DRAINAGE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES”** was read. Alderman Harmon, seconded by Alderman Henry, made a motion 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 Sulcer, seconded by Alderman Henry, made a motion 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. Alderman Vassar stated this job was for \$15,441.00. Alderman Davis, seconded by Alderman Brooks, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

**Ordinance No. 1782, entitled, “AN ORDINANCE CREATING ONE SANITATION OPERATOR AND TWO REFUSE COLLECTOR POSITIONS IN THE PUBLIC WORKS-SANITATION DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES”** was read. Alderman Sulcer, seconded by Alderman Harmon, made a motion 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 Rankin, seconded by Alderman Brooks, made a motion 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. Alderman Vassar stated this was a total of \$44,408.00 for three positions. Alderman Rankin, seconded by Alderman Henry, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

**Ordinance No. 1783, entitled, “AN ORDINANCE REZONING PROPERTY AT ASH, EAST KIEHL, AND ELMWOOD FROM R-1 TO R-2, REPEALING CONFLICTING ORDINANCES; AMENDING THE ZONING MAP; AND FOR OTHER PURPOSES”** was read. Alderman Davis asked what would be put on the property. Michael Clayton, Agent for the property, stated there was a site plan turned in to the planning commission for duplexes consisting of twenty-five units on the two and a half acres. There were three or four houses that were purchased by Kelly Powers and he wanted to remodel the area. Alderman Sulcer stated that in the planning commission minutes it states three or four plexes. Mr. Clayton stated some were duplexes. Alderman Sulcer stated she could not find the fourplex on the zoning book. Mr. Clayton stated he meant triplex and fourplex. Alderman Sulcer stated a fourplex was not an R-2 in the zoning book. Mr. Clayton stated in the layout they were four separate buildings, and R-2 zoning does allow for duplexes, triplexes, and fourplexes. Alderman Sulcer again stated it did not state fourplex. Mr. Clayton stated it should be under permitted use under R-2. It was found in the book where the units were allowed. Alderman Vassar asked what the total number of units would be. Mr. Clayton stated twenty-five units on two and half acres. The drawing originally submitted to the planning commission had twenty-seven units, but they will not go with this. The planning commission recommended keeping it zoned R-2 and remove two buildings, making it twenty-five units. Alderman Rankin asked if the drainage issues had been taken care of. Mr. Clayton stated they would be. This is just a preliminary site plan for zoning purposes only. To move forward they will have to come back with a preliminary plat and development plan and go to planning commission and city council. During these stages they will be working on the drainage issue. They plan to do improvements to allow the development to occur. Alderman Sulcer stated this was a lot of triplexes and fourplexes to put on such a small piece of property. Mr. Clayton stated it does fall under the requirements. Alderman Vassar asked

how many phases this construction would require. Mr. Clayton stated it is unknown at this point. Alderman Vassar asked if this was lot eight through sixteen. Mr. Clayton stated there are two rezoning requests going on with this property. Alderman Vassar stated one had been tabled and the council is dealing with the property behind the strip center. Alderman Sulcer stated none of this rezoning was commercial. Alderman Rankin, seconded by Alderman Davis, made a motion 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 Davis, seconded by Alderman Harmon, made a motion 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. Alderman Vassar asked if the development would still include the four-foot berm. Mr. Clayton stated yes, and there would also be a six-foot fence. Alderman Vassar, seconded by Alderman Rankin, made a motion to adopt the ordinance. The roll call vote was unanimous.

Alderman Fender, seconded by Alderman Rankin, made a motion to suspend the rules and place the following ordinance on the agenda. The roll call vote was unanimous. Alderman Fender stated the street committee met with Lanny Leder and Brian Galloway and they informed that there was a need for a knuckle boom truck. There is one truck on order now, and they could get a second truck for the same price. **Ordinance No. 1784, entitled, "AN ORDINANCE APPROPRIATING FUNDS FOR THE PURCHASE OF A VEHICLE AND FOR OTHER PURPOSES"** was read. Alderman Harmon asked if the vehicle would be here this year or next. Alderman Rankin stated the first truck would be here approximately August 2008. Brian Galloway stated that he believed the second truck would be here approximately December 2008. Alderman Rankin, seconded by Alderman Harmon, made a motion 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 Sulcer, seconded by Alderman Henry, made a motion 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. Alderman Harmon, seconded by Alderman Rankin, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Steve Cobb, City Attorney, stated the next ordinance was tabled last month. The ordinance was read one time and placed on the second reading. The ordinance was then tabled after the second reading. Alderman Vassar stated she believed there would be a meeting and this did not happen. She was hoping to get with the developer and make some headway with the situation. She was surprised to see this on the agenda. Alderman Brooks, seconded by Alderman Davis, made a motion to suspend the rules and discuss that the Sherwood City Council approve the request of Cypress Properties to expedite the construction of Maryland Avenue in the Stonehill Subdivision. Cypress Properties will be given six months following the passage of this motion to substantially complete Maryland Avenue and in return Cypress Properties will not be required to build any improvements on Hemphill Road. The roll call vote was unanimous. Mayor Hillman asked representatives for Cypress Properties to approach the council. Alderman Harmon asked if the intent of this motion was to leave Hemphill on the Master Street Plan. Alderman Brooks stated yes. *Alderman Harmon:* This would give the developer a pass to spend the money to develop Hemphill. *Alderman Brooks:* That is correct. *Alderman Vassar:* After the developer has already agreed to do both. *Alderman Davis:* With a time limit? *Alderman Brooks:* With a six-month time limit. *Alderman Sulcer:* Can you do that in six months? *Mr. Lowder:* We cannot get it built that quickly. We could have it designed and under construction that quick. *Alderman Sulcer:* What time frame would you all have it built? *Mr. Lowder:* I think it will take six or seven months to build because of the bad soils, and another two months for design and one month for approval about a nine-month period. *Alderman Sulcer:* To have it completed? *Mr. Lowder:* Yes ma'am. *Alderman Sulcer:* Let me make sure I understand. We are not taking Hemphill off the Master street plan, but we are relieving him of his duties to complete Hemphill? *Alderman Brooks:* That is correct. *Alderman Harmon:* He would not have to pay for it. Which means that this microphone will have a line of developers from now on asking us to give them a pass on the master street plan as well. If we give one developer a pass and

they do not have to pay for streets that they are committed to build as well. If we give one a pass and not obligate him to pay, we will set precedence. *Alderman Davis:* We always set precedence. This council has set more precedence than any other council in history. Can we go ahead and give him seven months? To keep this ordinance and table it for six months. Can we table this for six months? *Steve Cobb:* Yes. *Alderman Sulcer:* He said he would need nine months. *Mayor Hillman:* Alderman Harmon, what I would like to address on the Hemphill development, is that if he does not build the lots the street is not going to be built anyway. So he is not going to build the lots anyway, so Hemphill is never going to come to pass. *Alderman Sulcer:* Are we going to block the building of those lots? *Alderman Rankin:* So what is the point? *Alderman Harmon:* Exactly. Why not leave it on the master street plan. *Alderman Davis:* We are not taking it off it is staying there. It is suspending the ordinance. *Alderman Vassar:* We are giving him a free pass, something in writing saying, after you (developer) have told us, and it is in the minutes. Month after month, year after year you have agreed to do both, and now we are saying you are relieved of all responsibility of the cost for building a street that you (developer) agreed to do, just to open Maryland. I want Maryland opened as bad as anyone in this room. I do not think it is fair that a developer is giving us an ultimatum on I will do one if you will do the other. *Alderman Sulcer:* I do not see what the advantage is of him to come to the city and ask for that. Why does he not go ahead and open Maryland? *Alderman Harmon:* In response to what you said Mayor, you are right, if he is not ever going to build or develop around Hemphill then he should not be concerned about Hemphill staying on the master street plan. If we take his obligation to pay for Hemphill off, then I bet he does develop the property around Hemphill, because it is not going to be his obligation to pay for the street that goes on Hemphill, it will be the city's obligation. *Alderman Sulcer:* That will give him some extra lots to the tune of about \$35,000 to \$45,000 a lot, depending on what the lots are going for. The city has already put \$5.5 million to a development where one developer could sell to another. *Alderman Brooks:* My intent, there are people from Stonehill here tonight, is just to give them another way out in the neighborhood. My intent is not to remove Hemphill from the master street plan. *Alderman Sulcer:* I agree they need another out more than anything. *Alderman Rankin:* (to Mr. Thurman, Mr. Lowder) Where are we to a point that you are either going to start or not start Maryland? *Alderman Davis:* I think it is the economics. If he (developer) can get away with the \$300,000, then they will go ahead and start Maryland, and put that money toward it. *Alderman Vassar:* I would like to see the estimates that have surfaced somewhere showing that Hemphill will cost \$100,000. Twenty-five thousand of it being the cities and seventy-five thousand yours (developer), as recent as 2006. How much are you (developer) talking as far as building either or? Seven hundred thousand just sounds way up there. *Mr. Lowder:* I do not know what the actual cost of Hemphill will be, but the drainage structure alone will be \$100,000. *Alderman Vassar:* \$100,000? *Mr. Lowder:* Just the drainage structure. Then you have the curb, guttering, and sidewalks. The parallel drainage that will need to be constructed will be around \$250,000 to \$300,000. *Mr. Thurman:* If \$700,000 sounds steep to you, imagine how it sounds to the company. *Alderman Vassar:* Look at how much it would have cost the company if they had built it when they were suppose to. *Mr. Thurman:* I am here to work with the city of Sherwood. I am not worried about past issues. I have talked to the board of directors at Cypress Properties and I came here today to let you know that we recognize the fact that we do not have to do anything. *Alderman Vassar:* That is right. *Mr. Thurman:* So me being here shows that we are trying to work with you. We are at a point where times are hard for everyone. I do not see anyone walking around saying they want to spend \$700,000. At the same time we are prepared to work with the city. The reason the special meetings did not happen is because the owner came to you. How about a 10-year moratorium? Where the city of Sherwood does a study on whether or not Maryland corrects the issues with the traffic flow. How about that? Is this an option? *Alderman Harmon:* Moratorium for what? *Mr. Thurman:* About doing anything in regards to Hemphill, period. *Alderman Harmon:* Provided that in the same ten years you do not develop the lots. In other words you do not take the action that would otherwise trigger the development, and the City does not take any action. *Alderman Sulcer:* If you do a ten-year moratorium there is nothing that can be done there. *Alderman Vassar:* I do not think we can obligate future councils. *Alderman Davis:* No. *Mayor Hillman:* I would like to make one more comment. (Reading from April 8,

2008 Street Committee minutes) Mayor Hillman reported that Andy Collins is willing to connect Maryland through his property but he wants Hemphill taken off the Master Street Plan. She said it is a win-win situation. There were further discussions about street improvements. Walt Barnhardt made a motion to remove Hemphill off the Master Street Plan. Les Bronson seconded the motion (*end of reading*). It was a unanimous vote at that time by the street committee to move forward with this. This vote was on and I do not know what happened. *Alderman Fender*: I know what happened. I came to you and told you that the street committee had no standing in this issue. That it had to go before the planning commission and they had to have a public hearing. I told you that in your office after the meeting. *Mayor Hillman*: But at the time you thought you did, and you were agreeable to it. *Alderman Fender*: The chairman does not have a vote. *Alderman Rankin*: I voted for it at the time and we can all change our minds. That is what we can do. *Mr. Thurman*: Really? *Alderman Rankin*: Yes sir, we sure can Scotty. As far as wanting to set precedence there, because we all wanted Maryland in at that time. We still do. You take a step back and think about it and see what the whole big picture of it is. I do not think it is a win-win for Sherwood. *Alderman Davis*: Mr. Thurman I think one of the biggest issues they have got is getting emergency equipment to Maryland. Is there any way you can donate some land for a fire station? *Mr. Thurman*: We have offered that before and it has been turned down. *Alderman Davis*: You have offered to donate land, to whom? *Mr. Thurman*: The former Mayor. *Alderman Vassar*: There is a deal here, let me explain to you. In the engineer's list they are to give five acres for park property. That is item number sixteen. *Alderman Davis*: What do you have there? *Alderman Vassar*: I have planning commission minutes that go back to 1998. They are planning to donate property for parks. *Mr. Thurman*: It has been donated. *Mayor Hillman*: I have copies of it here. *Alderman Vassar*: Possibly some might be used for a fire station, so I do not know if that is anything new and different. *Alderman Davis*: That would relieve the issue of the fire and emergency equipment getting into Maryland. If there were a fire station there. *Alderman Rankin*: At the corner of Maryland and Hemphill is that what you are talking about, or just in general? *Alderman Davis*: Just in general. In the Maryland area. *Alderman Sulcer*: If he were agreeing to a moratorium on that property on Hemphill for ten years, the other councils would have to honor it. *Alderman Davis*: Ms. Vassar said that was not a good idea, and I agree. *Alderman Vassar*: I am asking for a legal opinion on that. *Steve Cobb*: I think that is an awfully long time, and do not recommend that you do that. *Alderman Vassar*: I think the biggest problem we have run into so far with this is that we (council) have been so nice to developers and attempted to work with them. I have been on the phone this morning with another major developer in the Sherwood area. I asked them if we required them to develop in phases in numerical order, and not allow them any further to skip around to different phases and do them out of order, would this cause the developer any hardship. The developers I spoke with this morning assured me that would be fine with them. The numerical order would not cause any hardship whatsoever. I am prepared to ask our planning commission to work with the developers and not allow them to work out of sequence. Because if we had not allowed that to happen we would not be in this mess tonight. We would have Maryland Avenue open, as well as Hemphill. *Mayor Hillman*: We probably would not have Maryland yet because Maryland is not developed. *Mr. Lowder*: Actually, Hemphill is in the very last documented phase. There are only a few lots in Phase 6 that is in place. It is the sixth and final phase of Stonehill. *Alderman Vassar*: Maryland was in the third, is that correct? *Mr. Lowder*: That is correct. *Alderman Sulcer*: What phase are we in now? *Mr. Lowder*: We have completed Phase 4. Technically it says five, but it is really four. *Mayor Hillman*: Where was permission granted not to do Maryland? At the planning commission stage? *Mr. Lowder*: No it was at the staff level. *Mayor Hillman*: The staff level being which department? *Mr. Lowder*: The engineering department. *Mayor Hillman*: Was that verbal or written? *Mr. Lowder*: I guess you would say it was written because the plats are finished and accepted, the final plats. *Alderman Vassar*: It also appears in the planning commission minutes. *Alderman Rankin*: What does it say? *Alderman Vassar*: I have a time line starting here from 1998 and it goes back to Basil Shoptaw when Thomas Engineering did the original work and (inaudible) requested a waiver on construction of Maryland Avenue in 1998. They were asking for the southeast corner of lot 2 to the southwest corner of lot 12. (*reading from minutes*) they will construct a portion of Maryland Avenue, 36' of pavement and

sidewalks on both sides for about a quarter of mile up to this development. He has visited with the mayor on this issue and they are very committed to getting Maryland built. March 10, 1998, recommendation for approval of the preliminary plat if Maryland is built. April 14, 1998, Thomas Engineering discussion of minor arterial vs. collector street. All this had to do with whether houses could face Maryland Avenue or not. If houses face Maryland Avenue that means their driveways are on Maryland Avenue and there was some discussion and concern about driveways on Maryland Avenue. Comments from the engineering department on that file dated March 29, 2000: Hemphill is shown on the master street plan to connect at Phase 3, Stonehill drive from Maryland Avenue to the north shall be a collector street. The city planner, Mr. Dwight Pattison, comments from the same file on March 29, 2000, he stated quote "the proposed street system does not conform to the master street plan. First cul-de-sac in southeast corner of plat near power line easement must provide connection to Hemphill/Lantrip as a collector street. Collector level access must also be provided from Maryland to the northwest. This can be provided by expanding Stonehill Drive all the way north making it the last cul-de-sac before the creek, a through collector street to the west" so you would have a street all the way through north and south to the access road. Quote "planning staff recommends plans to be resubmitted at proper scale with above corrections". Planning Commission minutes from May 9, 2000, preliminary plat Phase 2 through Phase 6. Melberger is now doing the work, and you Mr. Lowder apparently were the agent because that is what I found in the minutes. The minutes reflect the negotiated preliminary plat that we feel is in the best interest of the city for extending Maryland Avenue Phases 2 and 3. It connects the collector street master street plan for Hemphill. Mr. Lowder confirmed that they will provide with the zoning and would comply with the street names. August 10, 2004, planning commission minutes, new business: Property owner at 1610 Hemphill stated they were told when they purchased the property that the street would go through eventually. She also stated she would love to have the street go through. City engineer informed the commission that the developer is trying to make an issue of not connecting Hemphill Road from the Stonehill subdivision and not comply with the master street plan. The city has revisited the issue internally and taken a strong stance that we are going to stay with the master street plan and comply with it. The question is when is it going to be built not if. I have an unknown date prior to July 29, 2000. There is a letter to the Stonehill residents from Andrew J. Collins. This references a survey to attempt to persuade the city of Sherwood not to force the connection of Hemphill. The letter asks for feedback on traffic congestion on Hemphill. Alderman Vassar quoted "the more responses we get the more viable our requests for input to take to the city. A stamped return envelope is enclosed." In July 29, 2000, a second letter to the Stonehill residents from Andrew J. Collins, reference "thanking residents for the reply to the survey and asking for firm pleasant letters to Michael Clayton with a copy to Mayor Harmon stating you do not want a deferral of Hemphill, but we want something in writing assuring us that Hemphill will never be extended. I fully intend to demand a final solution to this Hemphill problem before I spend hundreds of thousands of dollars to fast tract Maryland." Names and addresses for the mayor and engineer were included. Then there were two letters to Mr. Clayton opposing Hemphill and his reply. These were dated August 11<sup>th</sup> and 12<sup>th</sup> and they are in the file. Then a letter to Mayor Harmon from Mr. Collins reference the apology for comments made earlier making reference to opposition to building the connector street etc. This was a private letter and it goes on through the business about the huge cost to his company and that you made us promises and in a few years you will be gone and you simply put the decision in your successors lap. He also states quote "I am wanting what is best for Sherwood". November 9, 2004, according to Sherwood planning commission minutes residents ask the commissioners to have the street Hemphill put through. The next reference March 16, 2005, a letter to Michael Clayton from Mr. Lowder stating the Melberger Firm quote " your decision to allow us to complete the area next to the ERC apartments and postpone the extension of Maryland Avenue to a future phase is certainly appreciated by both me and my client". April 19, 2005, a letter to Mr. Lowder from Michael Clayton quote "It is my full understanding the next construction phase will include the final extension of East Maryland Avenue to the western portion of the developers property." There is also a rough estimate for Hemphill that I mentioned earlier dated August 31, 2006, that shows a \$100,000 and I do not know where that came from. In addition there is a resolution number 97-14 passed by

Metroplan board in September 1997, in support of the Sherwood master street plan while determining a route for the North belt freeway. This shows that Metroplan recognizes and reinforces the significance of our master street plan. All I am saying to you all is simply that this body cannot take lightly everything that has gone on. I urge you to be extremely careful in the decisions that you make, because we have been assured things were going to happen and they did not. *Mayor Hillman*: Is there anyone else that would like to speak from the audience? *Gary Stroud*: I live on Maryland Avenue. I am getting into the game a little late, I do not understand what the magic of Hemphill is. I went over and looked at that street and it is a very narrow residential street. It does not go anywhere, it dead ends. You talk about getting emergency traffic equipment in there, seems to me it would be a very dangerous proposition the way it is. Hemphill has cars parked all over it, you try and bring a fire truck through there and you are asking for trouble. Also, it seems the impact would not be favorable for Stonehill, all it does is put more traffic out on Maryland Avenue. We are going to be dealing with enough traffic, as it is if Maryland is opened up. I do not want to see Hemphill go through. I would rather see Maryland go through. That is going to impact us more significantly than Hemphill. So what is the deal with Hemphill? It is a short street. You say it is a connector, yeah it can connect at Maryland but it stops at Cherry. How are you going to get emergency traffic through? It is going to have to wind through a subdivision that is not equipped to take big vehicles like a fire truck, an ambulance, and a rescue truck. I do not understand. *Mayor Hillman*: I have been in the game and I still do not understand. If we improve Hemphill to what it deserves as much traffic as we are going to dump out on it, we are going to take everyone's front yards out there. Those kids are going to be playing on the street. We have done enough of dumping traffic into unimproved streets. That has been a precedent that we have done. We dumped other portions of Maryland and Woodruff. We created a huge problem on Woodruff Avenue. Just because we have done it in the past does not mean we have always made the best decisions. Maybe we did what we thought was right. I think what is right is to give the people in Stonehill another avenue. Right now if the power lines fall tonight there is no way out of Stonehill. *Mr. Stroud*: That is right. I do understand that there is going to be more connector streets from one subdivision to another. There are more opportunities than Hemphill. Hemphill is a very small insignificant street. It is a residential street that is the way it is designed. I think there needs to be more creativity at looking at what options are available instead of hammering this street. Maybe you need to talk to the people of Stonehill and Hemphill and see if they are really interested in this. Maybe get a committee of citizens to help come up with an idea. *Mayor Hillman*: I would be very open to that. *Jeff Stewart*: I live on East Maryland. We already have connectors running out to Millers Crossing. If there was a problem right now vehicles can get in, that is not an issue. In the time it would take one street we could have Maryland done. In which case then we would have a street that is a major thoroughfare where these vehicles can come in and go out. They cannot get in and out of Hemphill. I agree with you wholeheartedly by the time it was built up to the point to where they could even make a turn into Hemphill because of how narrow it is and the depth of the ditches on both sides these kids will have no front yards. I have heard that the residents of Hemphill do not really want this to go through, and we that live on East Maryland do not want it to go through either. Why is it necessary for us to do something that the residents of both streets really do not want to happen? When there are solutions in the works and there is already a secondary means in there. It is not an emergency. We can do it right. *Mayor Hillman*: What is your suggestion? *Mr. Stewart*: My suggestion is let East Maryland move on through. You have everything that you need at that point, there is no need for Hemphill to extend. I would like to hear a logical reason for it. Everybody is pushing for it to be done. *Mayor Hillman*: I am not pushing for it. *Alderman Sulcer*: I do not think everybody is pushing for Hemphill to be opened. I think the idea is will this developer do what he says he is going to do. I want Maryland open and I do not want Hemphill open. How are we sure he (developer) is going to do that in nine months. *Mr. Stewart*: You know my mom always said two wrongs do not make a right. You know what, if we are asking him to do something that makes no sense and he is dragging his feet. *Alderman Sulcer*: We are asking him to do what he says he is going to do. *Mr. Stewart*: I understand that as well. You take a look at this and say that what we are asking is an unreasonable and unnecessary deal. We understand in that circumstance. As far as other things are concerned I am not sure exactly how. To stand

on it for principle for something that makes no logical sense. Let us get Maryland through and do it right. *Alderman Vassar:* What would you say to the developers that line up at this podium and ask that we take streets off and not make them responsible? *Mr. Stewart:* I am sure that there are things that I said I was going to do at one point, and you just have to sit back and say that does not make sense. Okay, give them a pass on that one. *Alderman Vassar:* So you want us to give them all passes, is that what it amounts to? *Mr. Stewart:* Maybe we should ask them for reasonable things to begin with. At that time it may seem to have been, but now it makes no sense. Now it is not reasonable or necessary. Both people on both sides do not want it. To make them do it out of sheer principle. *Alderman Vassar and Sulcer:* We are not making them open Hemphill. *Alderman Harmon:* We are only keeping it on the street plan. That needs to be made clear. All we are doing is not removing it from the master street plan. We are not asking anybody to open up Hemphill today, tomorrow, or next year. *Mr. Stewart:* That is tying up property on an indefinite basis for something we need to figure out whether it is necessary or not. If the residents on both sides do not want this and there is no logical reason for it to do so, let the man use his property, let us go on and be reasonable. At that time it may have looked like something on paper, but now when it comes into practical application it does not make sense. So let us move on to something else. *Alderman Vassar:* What if we had not done Lantrip? At one time Lantrip was in the same situation as Hemphill is. Look at what Lantrip has done for the City of Sherwood. We have a direct route to the fire station, Clinton Elementary, and to get the emergency vehicles there. *Mr. Stewart:* When we have Maryland extended, what purpose is Hemphill going to be? *Alderman Vassar:* It is a north/south artery through the city of Sherwood. That is exactly what it is. *Mr. Stewart:* We have a major east/west. *Alderman Harmon:* We have to have north/south, east and west. This is part of the future planning. This is looking into the future at what might be needed in the future. *Mr. Stewart:* The people there do not want it. We do not want it. It makes no sense. The people on these streets do not want it. Do you want to just move the people off the streets on north/south. *Alderman Harmon:* I agree the emergency vehicles are a big concern for me. We had a fire chief last week (month) and he pointed out that the station on Lantrip is the primary service station for Stonehill. The station on Highway 107 will supplement, but the primary responding station is on Lantrip. Even after Maryland goes through it will still be the station on Lantrip. That station is still going to have to drive down Lantrip, go right on Kiehl and left at the light at Brockington and left to get into Stonehill to respond. Whereas when Hemphill is completed, if it is ultimately completed and if he develops the lots and if he does his portion, then the city will have to bring the other part up to collectors standards just like they did Lantrip when Lantrip went through. Then at that point the fire department would have a direct route in. That is just one issue. There are a lot of future issues. It is not just access out for Stonehill, there may be people in the Witts addition that want to go through to have access to Maryland to go to the Super center Wal-Mart. It is a north/south artery for the street, for the city, and for the future. *Mr. Stewart:* It is all about the residents and they do not want this. You have a commitment for acreage that could be used for a park or what have you, use that for a fire station on Maryland and that would be able to give a lot more support. All I am saying is that the people who live there (Hemphill) and on Maryland do not want this. That may have worked great on paper at one point but now that there are people actually involved we do not want this. Let us figure out another way. *Alderman Sulcer:* Maybe that is what we need to do is sit down. *Alderman Rankin:* We tried that. *Anthony Verbitski:* I live on East Maryland. As a homeowner I feel that this would not be a good purpose to run that street through there (Hemphill). We do not want, basically the whole neighborhood does not want it. Once East Maryland goes through that will be fine. It will put plenty of traffic going through as it is. We do not need another side road going through. Another in and out will be in the phase behind us that will connect into Millers Crossing. *Mayor Hillman:* I also believe Willow Grove will take you out south. *Mr. Verbitski:* To me it is like the city is fighting over the developer said this and that. I think you need to be thinking with the people, the owners and the taxpayers that own these houses. Do we not have a say? *Mayor Hillman:* I am trying to help you. *Mr. Verbitski:* If it was going through your house, you have had it this way for years and now you want to change. We do not want it. *Alderman Vassar:* I respect your opinion. Now if that fire truck needs to get to your house and it is held up. I just want you to think

about that. *Mr. Verbitski*: I will definitely do that. *Mr. Stewart*: They will need a hinge in the middle to turn on Hemphill. *Alderman Harmon*: It is a straight shot from Lantrip to Hemphill. *Alderman Davis*: No it is not. *Alderman Sulcer*: I do not understand Mr. Collins reasoning about wanting to do all this. All of sudden out of the goodness of his heart he wants to spend all this money for Maryland. *Mayor Hillman*: I asked him could we not work something out. He did not come to me. I contacted Mr. Collins last fall, and stated that we have to have Maryland connected, and asked for their help. *Alderman Sulcer*: I am just going from what has happened in the past with this developer. If this gets approved this evening, when will everything get started? So in nine months from tonight we can expect to drive down that road? Is that right? Because you said nine months. *Mr. Lowder*: Yes ma'am. *Alderman Davis*: Alderman Brooks' idea is to just leave Hemphill alone. *Alderman Sulcer*: March 2009, it is going to be completed? *Mr. Lowder*: I believe that is right. *Mr. Thurman*: Weather permitting. *Alderman Vassar*: Here we go. *Mayor Hillman*: We cannot control the weather. Alderman Brooks would you restate what your motion was? *Mr. Lowder*: I am anticipating normal weather. If I am building an arc in two months then it will not be nine months. *Alderman Sulcer*: I am just saying that within nine months you should have it completed. *Mr. Lowder*: I have a commitment from Cypress Properties that when this is approved that I can begin design immediately bringing it to a point and put it under construction with the contractor immediately. *Alderman Sulcer*: Is it about \$700,000 to do that road, is that what I am understanding? *Mr. Lowder*: No, Maryland is in the \$350,000 to \$370,000. *Alderman Sulcer*: We are not going to get started on the street and then say we do not have the funds to finish it then? *Mr. Lowder*: I am not his banker, but I do not think Mr. Collins has any problem at all with the money. *Alderman Vassar*: He will not do anything until we have something in writing that relieves him of responsibility of Hemphill, is that correct? Financially? *Mr. Lowder*: I think he also agreed to a moratorium. Either way. *Alderman Davis*: Not a ten-year one. *Alderman Brooks*: I do not think we can do a ten-year one. *Alderman Sulcer*: That is too long. How about a five-year moratorium? *Alderman Davis*: What would this moratorium be on? *Alderman Sulcer*: That Hemphill would not be developed. *Mayor Hillman*: Then what are you going to do in five years? *Alderman Sulcer*: I do not know. *Alderman Davis*: Alderman Brooks could you re-read your request? *Alderman Brooks*: I will re-read it the way I did the first time and I think we will need to amend it to say nine months. Alderman Brooks re-reads the original motion. *Mayor Hillman*: You want to increase it from six months to nine months? *Alderman Brooks*: I would have to make an amendment to that. *Steve Cobb*: Yes, a motion to amend to nine months from today. *Alderman Vassar*: The moratorium is another paragraph? *Mr. Lowder*: I would like to address the council about the moratorium. *Alderman Vassar*: Please do. *Mr. Lowder*: The moratorium does not make much sense. *Alderman Sulcer*: It was your idea. *Mr. Lowder*: If Mr. Collins in three years develops that phase, then he does not have to do Hemphill. Now, if in five years the lots are developed, and it is two years later and what is going to make him do Hemphill? *Alderman Harmon*: That was my question about it being a moratorium, going both ways, otherwise it was not going to work. *Mayor Hillman*: I think that would contradict waiving the improvements to Hemphill. What are we going to do with the motion that Alderman Brooks has made? Alderman Davis seconded Alderman Brooks motion. City Clerk Angela Nicholson asked if this was the one to amend. Alderman Davis stated yes. The roll call vote was three ayes, 5 nays to amend the motion. Alderman Sulcer stated she disagreed with what had to happen, but she is voting for this for the citizens. After listening to the citizens she voted yes. *Mayor Hillman*: No's have it. Mayor Hillman apologized to the citizens stating she has tried to help them out. She has done all she could do with the council to try and help out.

**Resolution No. 9-2008, entitled, "A RESOLUTION IN SUPPORT OF DANNY EBBS, PRINCIPAL OF SYLVAN HILLS HIGH SCHOOL AND FOR OTHER PURPOSES"** was read. Alderman Vassar, seconded by Alderman Brooks, made a motion to adopt the resolution. The roll call vote was unanimous.

Mayor Hillman stated that Herschel Bowman would address the council and give a MLRA update. Mr. Bowman stated Metro Little Rock Alliance is an eleven county alliance in central Arkansas that was developed about four or five years ago. There are

twenty-eight representatives. Mr. Bowman is the Sherwood representative. There are also economic development officers that are included. A mail out has been sent worldwide and to industries finders for the people. The website is listed on the mail out. It speaks, and sales central Arkansas. It lists larger properties in central Arkansas. One of Sherwood's properties that are listed is the Sycamore Industrial Park located behind Sam's Club. When people come to the website it shows how many hits. In May there were 14,000 visits with about 1,500 page views. The hits have been increasing. There are advertisements in different publications to sale central Arkansas. The MLRA helped bring Cardinal Health and FTD Florist to Sherwood. Mr. Bowman thanked the council for funding the MLRA this year. The last four to five years the City of Sherwood has changed. This website allows the city to compete with any area in the United States. Mr. Bowman stated Sherwood needed an economic development division.

Mayor Hillman stated Mr. Jack Wilson would address the council in reference to property that was annexed with Gravel Ridge. Mr. Wilson stated that Jacksonville was asked to put this property in their annexation because it bordered a subdivision that was being developed in Jacksonville. The piece of property is a lake. It lies in the floodwaters of Kellogg. It has no value for development. The high ground the lots would set on was petitioned into Jacksonville. The development proceeded and a lake was made out of the adjoining property. Sherwood presented the same legal description upon their request for annexation. The problem is the lots that back up to the lake. The lots are in the City of Jacksonville and the water belongs to the City of Sherwood. Mr. Wilson is asking for release of this property and allow it attach to the lots in Jacksonville. Alderman Vassar asked if Mr. Wilson's legal experts have decided this was the best solution. Mr. Wilson stated he could not think of a better solution. The city of Sherwood has no access to get to this property. Alderman Fender asked City Attorney Steve Cobb if this would need to go to the planning commission first. Mr. Cobb stated he would need to research if de-annexation were possible. It might work out that Jacksonville may agree to take this by agreement. Alderman Rankin asked if there was a pressing issue or could this be looked into. Alderman Harmon asked what was on the property in Sherwood. Mr. Wilson stated it was on the backside of Kellogg Creek. Mr. Wilson stated they are in the process of trying to plat the lots. Anytime they build on lake property they try to extend the property into the waters. Alderman Davis asked if this abuts to Indianhead Lake. Mr. Wilson stated it did not.

Mayor Hillman asked the committee for the sale of Trammel Road property to update the council. Alderman Sulcer, Chairman, stated they met twice and there were two different offers made on the property. Alderman Sulcer stated there would be a sign listed on the property and an advertisement in the newspaper for sealed bids. Alderman Rankin asked Mr. Cobb how long this would need to be advertised. Mr. Cobb stated two weeks to thirty days. Alderman Vassar, seconded by Alderman Rankin, made a motion to suspend the rules for discussion of the sale of Trammel Road property. The roll call vote was unanimous. Alderman Harmon, seconded by Alderman Rankin, made a motion to accept the recommendation of the committee, and the property be placed up for sale by sealed bids, the City of Sherwood has the right to reject any and all bids. The bids will be accepted for two weeks following the placement of the advertisement. The roll call vote was unanimous.

Alderman Vassar announced that the City Attorney advised that there was need for discussion on pending legal matters. She suggested a workshop be held for discussion. It was determined they would meet Tuesday, June 24, 2008, at the Bill Harmon Recreation Center at 3:00 p.m. Mr. Cobb stated this was a public meeting but not a public forum. Discussion would be on North Hills Country Club condemnation case and the North Little Rock Electric case.

Don Hindman, Senior Citizen Director, asked if as a city employee he had a right to bid on the land that will be up for sale on Trammel Road. Mr. Cobb stated if it were sealed anyone could bid.

**June 23, 2008**

**REGULAR MEETING 11**

Mayor Hillman stated Sherwood Mayor's Youth Council members Jordan Pruitt and Lance Green were in attendance. The 4<sup>th</sup> of July celebration will be from 6-9 p.m.

Alderman Sulcer asked if a map for the Trammel Road property could be posted in the City Clerk's office. It was determined the map would be available.

Alderman Vassar made a motion to adjourn.

**ATTEST:**

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Angela Nicholson, City Clerk

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Virginia R. Hillman, Mayor