

**August 25, 2008**

**REGULAR MEETING 1**

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

Reverend Sam Wakefield, Minister of Music at Baring Cross Baptist Church, led in prayer, and the Pledge of Allegiance was given to the flag.

Alderman Vassar made a motion that the minutes of July 28, 2008, be amended to reflect that North Little Rock Electric would have a truck available for the City of Sherwood in case of inclement weather to show Sherwood and North Little Rock are being serviced the same. Alderman Brooks seconded the motion and the roll call vote was unanimous to adopt the minutes as amended.

In honor of Bea Penny, a plaque was given to the family, to be placed at the Amy Sanders Library for all the contributions the family has made to the City of Sherwood.

Alderman Fender introduced Jamaal Lampkin, District Aide to Congressman Vic Snyder. Mr. Lampkin addressed the council and stated he was the district aide and informed the council that he was available for any needs by the city.

Alderman Sulcer, Chairman of the Advertising and Promotion Commission, stated the commission met and discussed Sherwood Fest, set for September 20, 2008. Work is being done on the trail of lights that is set to open December 1, 2008. The commission voted to allocate \$100,000.00 to the General Fund for repairs to the clubhouse located on the North Hills Country Club, property that will be purchased by the City. Alderman Sulcer stated that the Roundtop Station has a committee in place now to help with repairs to the station.

Alderman Rankin, Chairman of the Parks and Recreation Committee, stated the committee met. Alderman Rankin stated he had an update on the master park plan from ETC and they are 20% complete, and another update will be given upon the 25% completion. There would possibly be a report to the council by the end of the year.

Mayor Hillman asked Sonny Janssen, Director of Parks and Recreation, to give an update on the work his department is doing on the North Hills Country Club property. Mr. Janssen stated they are currently mowing the fairways. The current owners have allowed the city to enter the buildings to determine the repairs needed. There will be a community workday on September 6, 2008, beginning at 8:00 a.m. There will be food and Pepsi is donating drinks. There will possibly be another workday later in the month. Mr. Ted Brown asked if the Recreational Vehicles would remain. Mr. Janssen stated they belonged to the owners and will be moved upon closing.

**Ordinance No. 1791, entitled, "AN ORDINANCE REZONING THE PROPERTY AT PART OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 11 WEST, PULASKI COUNTY, ARKANSAS, FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-4 COMMERCIAL; AMENDING THE ZONING MAP; AND FOR OTHER PURPOSES"** was read. Michael Clayton, of Clayton Engineering, represents Greg Heslep, owner of the property. The land is along the frontage of Highway 107 on the north side of Gravel Ridge. The existing highway is currently 2-lane and will possibly turn into a 4-lane to widen the portion on over to Bayou Meto Creek. The request is for a C-4 zoning to be conducive to the Gravel Ridge area. There was concern about billboards being placed on the property, and his client stated there was no intent to place billboards on the property. Alderman Harmon stated this property was noticed for two planning commission meetings and there was no opposition at either meeting. Mr. Clayton stated there was unanimous support at the planning commission. Alderman Harmon stated initially he could not see a C-4 zoning on Highway 107. He drove out to Gravel Ridge after discussion with Mr. Clayton, and found that a C-4 zoning would be consistent with development in Gravel Ridge. Alderman Harmon has come to believe that Gravel Ridge is a separate and distinct community from Sherwood. It is now part of

Sherwood, but it is also developed and run separate from Sherwood. It has a separate and distinct nature about the community. Consequently as you drive through Gravel Ridge you see Gregory Polaris, Hum's Hardware, Kellogg Valley Motors, C & S Tractor and other uses, which are currently zoned C-4. If the city denies this C-4 zoning the council is saying that if all of the non-conforming uses if they ended up deciding they wanted to sell their property, they would not be able to be granted C-4 zoning. A lot of these businesses and people supported the city in the annexation. Alderman Harmon stated he did not want to set a precedent all the way from Highway 107 in Gravel Ridge back. He stated that Highway 107 has a nature different from North Hills to Brockington of one type of zoning classification. We do not do C-4 zoning that far, but it has a different nature from Brockington forward where C-4 zoning is allowed. It is developed separate and distinct from the area south of Brockington. Alderman Harmon stated he was comfortable with this area having a C-4 zoning. Alderman Sulcer stated that the land use map for the master street plan has not been updated for Gravel Ridge. She stated she received a call saying someone wanted C-4 zoning to put a car lot on Highway 107 and she advised it was not allowed. Alderman Vassar stated the people in the Gravel Ridge community apparently appreciate the services because they are doing business with these particular businesses. Alderman Vassar stated that several years ago Highway 107 up to Gravel Ridge was determined to be a scenic highway. If she can be assured there will be no problem with land that separates the area and not setting a precedent she would not be opposed to C-4 zoning. Alderman Vassar does not want to deny the community of the services they are happy with. She does not want to set precedent on something that was determined by the council to be scenic years ago Alderman Harmon asked if Alderman Vassar was saying this area was designated scenic inside the city limits. The area he is referring to all became the city of Sherwood in the last few months. Alderman Vassar stated a boundary needs to be set that stipulates one side of the highway can be zoned C-4 and the other end is determined to be scenic. Alderman Rankin stated Brockington Road north to our city limits was scenic. Alderman Vassar stated the planning commission approved it. Steve Cobb, City Attorney asked Dwight Pattison to address the council on this. Mr. Pattison stated he is working on the land use map and master street plan and he hoped to have the comments of all involved at the next planning commission meeting and then in two weeks have a drawing that would be at city hall for public review. Possibly in two months the land use map for the master street plan will be complete. Mr. Pattison suggested the division of C-3 and C-4 zoning would be the north belt north because we would have the north belt and then a small area that has a buffer. Areas north of that could be zoned C-4. Alderman Fender asked if the development of the four corners would have to be zone C-4. Dwight stated it would not be a problem for the four corners development, it is zoned C-3. Alderman Davis asked if the businesses in Gravel Ridge are currently working under C-4 zoning. Alderman Harmon stated this was his argument. Gravel Ridge is developed as a C-4 type of community and the people of Gravel Ridge seem to like it that way, and he does not have a problem with this being zoned C-4. Alderman Sulcer stated her only problem was the land use map was not in place yet. Dwight Pattison stated a swamp area to the east and to the south surrounds this site and the planning commission has already recommended approval for multi-family, which would surround this C-4. This would act as a buffer between the commercial and single-family dwelling. Steve Cobb, City Attorney, suggested that the boundary issue be taken before the planning commission and the council only look at the rezoning request at hand. Ralph Stewart, a business owner in Gravel Ridge, stated Gravel Ridge residents try to upgrade their community by the businesses being presented in a clean manner. He stated that it is important that C-4 zoning is kept to help guarantee that the businesses could be sold in the future. Alderman Vassar stated she has reservations on the C-4 zoning, but because of the needs of the community, and the assurance things can go well, she has no problem with a C-4 zoning. 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 Vassar, seconded by Alderman Sulcer, 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 vote.

**Ordinance No. 1792, entitled, “AN ORDINANCE REZONING THE PROPERTY AT PART OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 11 WEST, PULASKI COUNTY, ARKANSAS, FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-3 MULTI-FAMILY RESIDENTIAL; AMENDING THE ZONING MAP; AND FOR OTHER PURPOSES”** was read. Alderman Rankin asked if this was behind the C-4 property that was just passed. Michael Clayton, of Clayton Engineering, stated it was. Alderman Davis, seconded by Alderman Sulcer, 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 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 Brooks, 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.

An ordinance entitled, **“AN ORDINANCE REZONING THE PROPERTY AT LOTS 1, 2, AND 3, HATCHER OAKS ADDITION, PULASKI COUNTY, ARKANAS, FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-3 MULTI-FAMILY RESIDENTIAL; AMENDING THE ZONING MAP; AND FOR OTHER PURPOSES”** was read. Alderman Sulcer stated she spoke with permits and planning and was informed that the property had already been approved through Pulaski County. There are already duplexes that have been built and others that have not been. Kenneth MeckFessel, owner of the property, addressed the council and stated he had received prior approval through Pulaski County. Mayor Hillman stated this was discussed administratively and it was determined that it was only fair since he had already been approved through Pulaski County prior to annexation, that he be given permission from Sherwood. Alderman Vassar asked if there was anyone at the planning commission that opposed this rezoning. She was informed there had not been. John Mason, 515 Taylor Road of Gravel Ridge, stated Mr. MeckFessel agreed to change the zoning from R-3 to R-2 at the planning commission meeting and this was voted on at the meeting. Mr. MeckFessel stated he sent notices out that had R-2 zoning on the notice, but planning commission had it listed as R-3 zoning. The planning commission minutes state R-3 zoning. Alderman Rankin asked if Sherwood would get a PUD. Dwight Pattison stated only in the platting of the property. The developer would have to submit application through the city. The County does not address the land use like the city does. Alderman Rankin asked if the city had any jurisdiction over the property already platted. Mr. Pattison stated the city did not have any jurisdiction on anything that has already been platted. Alderman Rankin asked if the city would have to take care of any drainage issues. Mr. Pattison stated yes. Alderman Sulcer asked how many have been platted so far. Mr. MeckFessel stated he had approval to build ten duplexes. Two are already completed, there are two under construction at this time and he has six more to build. Alderman Rankin asked if there was a storm water plan. Mr. Pattison stated no because it was in the county when it was approved. Alderman Rankin asked if there is a problem with drainage the city would be responsible. Mr. Pattison stated any problem in Gravel Ridge from now on would be the responsibility of the city. Alderman Vassar, seconded by Alderman Rankin, made a motion to amend the ordinance to reflect R-2 zoning. The roll call vote was unanimous. **Ordinance No. 1793, entitled, “AN ORDINANCE REZONING THE PROPERTY AT LOTS 1, 2, AND 3, HATCHER OAKS ADDITION, PULASKI COUNTY, ARKANAS, FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-2 MULTI-FAMILY RESIDENTIAL; AMENDING THE ZONING MAP; AND FOR OTHER PURPOSES”** was read as amended. Alderman Harmon, seconded by Alderman Rankin, made a motion to suspend the rules and place the ordinance on the second reading as amended. The roll call vote was unanimous. The ordinance was read for the second time as amended. Alderman Rankin, seconded by Alderman Vassar, made a motion to suspend the rules and place the ordinance on the third and final reading as amended. The roll call vote was unanimous. The ordinance was read for the third time as amended. Alderman Brooks, seconded by Alderman Davis, made a motion to adopt the ordinance as amended. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

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Steve Cobb, City Attorney, advised the council that the Mr. MeckFessel was appealing the planning commission's denial of rezoning at 7225 Jacksonville Cut-Off from a R-1 to R-3 zoning. Mr. MeckFessel is requesting that the council consider sending the rezoning back to the planning commission for a R-2 rezoning. Mr. MeckFessel addressed the council and advised that he has been a pastor in Gravel Ridge for 14 years, he lives in Gravel Ridge and he went door to door in the election to help Sherwood annex Gravel Ridge. It is his desire that Sherwood make significant changes to Gravel Ridge. He believes the city council needs to take a proactive approach in improving the area. It is not his desire to continue at the same pace or development. He requests that the property not remain a R-1 zoning so he may be able to sale the property to a developer. Mr. MeckFessel would like the zoning that was rejected for R-3 to be sent back to the planning commission for approval of another zoning. Mr. MeckFessel stated there needed to be a solution that will make everyone happy. The developer that has intentions of buying the property from him had met with some of the neighbors and they could not come up with a resolution on what would satisfy them. Mr. MeckFessel would like for this to go back before the planning commission to allow him more time to meet with the residents of the area to try and resolve the issue. Alderman Vassar asked if he has met with the people. Mr. MeckFessel stated he had conversations with John Mason and Mary Jones. Alderman Vassar asked if Mr. MeckFessel could meet with them and come up with a resolution prior to going back to the planning commission. He stated it would be up to the people. Alderman Sulcer asked if the planning commission did not pass a rezoning request, would it be another year before this could be brought back to the council. Steve Cobb, City Attorney, advised that Mr. MeckFessel has appealed the planning commission's decision, so the council can either affirm or deny the planning commission. The city council or planning commission has the ability to waive the one-year limitation. Alderman Vassar stated she believed that anytime people could work this out without bringing it to the governmental body to make the decision, it is a better situation. The neighbors could say what they do or do not want, and a compromise could be reached. Alderman Davis asked the people that were opposed to stand up. John Mason, 515 Taylor Road, addressed the council and stated that it was originally submitted to the planning commission as a R-3 with 57 apartment units. He has visited with everyone on Rita, Taylor and Brooke Lane, in Gravel Ridge, and there is strong opposition to this development. The area around Taylor Road is hazardous due to the blind spot at the top of the hill. Mr. Mason stated at one time there was \$125,000 allocated by Pulaski County to fix the hill at Taylor Road, but it was never done. A meeting was held with Michael Clayton and Gary who was interested in the purchase of the property at that time, were proposing multi-family development. A citizens meeting was held and they tried to compromise to no avail. Alderman Vassar asked if alternative solutions were discussed at the meeting. Mr. Mason stated the only discussion was on the multi-family development. There was a unanimous vote against the project. Mr. Mason stated they would be open to commercial office space. Mr. Mason stated that the residents are opposed to this going back to the planning commission. There have already been three meetings and it was unanimously voted against at the planning commission meeting. Mary Jones, Rita Drive, stated this property backs right up to her property line. She has two small children. Her son catches the bus on the corner of Rita and Jacksonville Cutoff. Ms. Jones stated she made the community aware of the situation. Alderman Vassar asked if another meeting would be useless. Ms. Jones stated yes. There are signed petitions from all that are opposed to the development. Alderman Sulcer stated she spoke with several residents who could not attend the meeting, but were opposed to the development. Mayor Hillman stated that Mr. Mason referenced commercial in the future and asked if he were open to commercial zoning in this area. Mr. Mason stated they would prefer to see office space. Mr. Mason stated the city needs to appropriate money before development is done, to level the hill out on Taylor Road. The primary goal in Gravel Ridge is to have that area and the land use to be zoned residential single family. They would not be opposed to Mr. MeckFessel coming back with some sort of office use. Ted Brown, stated he has a daughter at 7101 Jacksonville Cutoff, he stated that this is a dangerous hill. He was happy to see Sherwood move in and take over. He has seen more police officers in the area since annexation. The county had allocated \$125,000 to fix the hill, but it never got done. Mayor Hillman explained it was her understanding that because Gravel Ridge was not an incorporated area there was

no one to represent them at Metroplan. Alderman Vassar asked what it would take to get them to re-allocate funds. Mayor Hillman stated this needed to be re-visited. Steve Cobb advised the council their options were to vote to affirm the planning commission, which was to deny the zoning, or vote by motion granting Mr. MeckFessel a waiver or a resubmission of a new rezoning request to the planning commission for next months council meeting. Alderman Harmon, seconded by Alderman Sulcer, made a motion to affirm the planning commissions decision. The roll call vote was unanimous. Steve Cobb advised the zoning has been denied, and it would be twelve months before it could be resubmitted.

**Ordinance No. 1794, entitled, "AN ORDINANCE REGULATING THE DISCHARGE OF INDUSTRIAL AND COMMERCIAL WASTEWATER TO THE PUBLIC SEWER SYSTEM; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL EXISTING ORDINANCES IN CONFLICT THEREWITH; AND FOR OTHER PURPOSES, ALL PERTAINING TO SEWER LINES, SEWERAGE SYSTEMS AND SEWAGE TREATMENT SYSTEMS SERVICED BY THE CITY OF SHERWOOD, ARKANSAS"** was read. Alderman Fender asked Steve Cobb where this ordinance came from. Larry Carpenter, Attorney for the Sewer Committee, addressed the council. He explained that the EPA requires this ordinance for any treatment plant that connects to the Five-mile Creek treatment plant. It covers anything that the city puts into the system. It has to be reviewed and updated on a five-year basis. North Little Rock does all the work and makes sure everything is up to standard. This was adjusted to match the Sherwood policy. Alderman Fender asked if it was from EPA or ADEQ, and if it were a federal mandate. Mr. Carpenter stated it was. It has been approved by ADEQ through the EPA program. Mr. Carpenter is working along with the attorney with North Little Rock wastewater, Mark Halter. Alderman Davis asked if this ordinance would bring the city back into compliance with everything. Mr. Carpenter stated it would. Alderman Harmon asked if this would affect anyone that is currently doing business in Sherwood. Mr. Carpenter stated it would not. Alderman Vassar, seconded by Alderman Brooks, 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 asked if this took care of the penalties that the city was fined. Steve Cobb stated this had nothing to do with that issue. Alderman Harmon, seconded by Alderman Rankin, 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 Rankin, seconded by Alderman Davis, made a motion to adopt the ordinance. The roll call vote was unanimous. Alderman Vassar stated she needed August 2008 sewer minutes. Mr. Carpenter stated he has the agenda but the minutes have not been typed up yet. The emergency clause passed with a unanimous roll call vote.

Alderman Sulcer asked Mr. Carpenter if he could update the council on the ADEQ fines. Mr. Carpenter stated a meeting was held August 11, 2008. ADEQ has extended the time for the city to respond until Tuesday, September 2, 2008. A package is being prepared to explain what has been done to take care of the violations from last January. There is a proposal of additional hiring and training to take care of the treatment samples. Mr. Carpenter is hopeful that the fine will be reduced. The sewer committee has put out qualifications for engineering firms to help with the major problems that need to be addressed. Crist Engineering was chosen unanimously. Mr. Carpenter stated the summary of all the changes that have occurred in the last few months of the hiring of additional employees and the new city engineer could possibly be in the city's favor.

Alderman Steve Fender, Chairman of the Street Committee, stated he needed input from the council on the discussion of putting a light at East Lee and Highway 107. The street committee met and discussed this issue but there was not a vote. If the light is going to be put in, the plans and design need to be done. This will cost approximately \$10,000 to \$15,000. If the council chooses to do the light the project can be put out for bid. If the money is not available at this time, it could be placed in the budget for 2009, and the light could be constructed next year. Alderman Fender stated a left turn could not be made going south on Highway 107 because it was too dangerous. Alderman Fender stated he

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was in favor of this light. Mayor Hillman asked what the recommendation of the street committee was. Alderman Fender stated there was not a recommendation from the street committee. Alderman Rankin stated he was not at the meeting, and asked if this had already been to the highway department. Alderman Fender stated the area has met the criteria from the highway department for a light. Alderman Fender stated member of the committee did not want to use city funds to pay for the light. If the highway department pays for it, it could take five years. Alderman Harmon asked if the highway department had looked at Highway 107 and Lee and said there needed to be a light there. Alderman Rankin stated yes. Alderman Harmon asked what the history of Sherwood was as far as city money being used to put in lights. Alderman Fender stated it was used at Bearpaw and Shelby. Alderman Vassar stated she believed it was used at Club as well. Alderman Vassar stated she believed it would be a good move for the city to show good faith to the state, because they have already turned down two lights in this area recently. They did a traffic count and deemed it was needed at this particular intersection. Alderman Davis stated the light at Bearpaw was put in so the kids driving could turn into the school, and the light at Shelby was put in for the recreation center. Alderman Brooks asked if this could be addressed at the budget meeting for the 2009 budget. Mayor Hillman stated the city needed to reevaluate at budget time because we are paying for portions of Brockington Road. Alderman Davis stated the consensus of the street committee to have the city pay for the light was no. Alderman Rankin stated he was on the committee and had he been there he would have voted to do it. Alderman Fender stated there has been request from the public to do it. Alderman Brooks, Harmon, and Vassar all stated they were in favor of it. Mayor Hillman stated this would be considered at the 2009 budget.

Steve Cobb, City Attorney, stated the last few months an ordinance has been on the agenda to change the master street plan for Hemphill. Mr. Cobb drafted an ordinance that offered a compromise with the developer. The developer has received it and sent back a different proposed ordinance. There has not been a time for discussion, and Mr. Cobb would like to table the ordinance until there is time for a meeting with the developers. Alderman Sulcer, seconded by Alderman Brooks, made a motion to table the ordinance. The roll call vote was unanimous.

**Resolution No. 12-2008, entitled, "A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #22R-029-01-015-00, COMMONLY KNOWN AS 27 FRA-MAR, TO CONSTITUTE A PUBLIC NUISANCE"** was read. Alderman Brooks, seconded by Alderman Rankin, made a motion to adopt the resolution. The roll call vote was unanimous.

**Resolution No. 13-2008, entitled, "A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-023-01-004-00, COMMONLY KNOWN AS 105 CHERRYWOOD, TO CONSTITUTE A PUBLIC NUISANCE"** was read. Alderman Vassar, seconded by Alderman Brooks, made a motion to adopt the resolution. The roll call vote was unanimous.

**Resolution No. 14-2008, entitled, "A RESOLUTION IMPLEMENTING AND SETTING FORTH DETAILS REGARDING ORDINANCE NO. 1790, ADOPTED JULY 28, 2008; AND PRESCRIBING VARIOUS MATTERS RELATED THERETO"** was read. Steve Cobb, City Attorney stated this is the approval of the lease between the city and the Public Facilities Board for the North Hills County Club property. Alderman Harmon, seconded by Alderman Rankin, made a motion to adopt the resolution. The roll call vote was unanimous.

Steve Cobb, City Attorney, advised that in attendance at the council meeting were Tim Grooms, Legal Counsel, Trip Gentry, Environmental Expert, and Mike Shannon, Lead litigator on the condemnation case. They have settlement documents that need to be signed by the council after the meeting is adjourned.

Mayor Hillman made the following announcements:

- Members of the Mayor's Youth council were in attendance of the council meeting

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**REGULAR MEETING 7**

- A cleanup day for the North Hills Country Club is set for September 6, 2008, beginning at 8:00 a.m. There will be food.
- Sherwood Fest will be Saturday, September 20, 2008, from 8 a.m. – 5 p.m. and the Sherwood Chamber will host a pancake breakfast from 8 a.m.- 10 a.m.

Alderman Vassar, seconded by Alderman Harmon, made a motion to adjourn.

**ATTEST:**

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Angela Nicholson, City Clerk

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Virginia R. Hillman, Mayor