

September 22, 2008

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on September 22, 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, Brooks and Harmon. Alderman Henry Absent.

John Sloan, Teaching Pastor of Cornerstone Bible Fellowship, led in prayer, and the Pledge of Allegiance was given to the flag.

Alderman Vassar, seconded by Alderman Rankin, made a motion, to approve the minutes of the regular meeting on August 25, 2008, as transcribed. The roll call vote was 7 ayes, Alderman Henry absent.

Mayor Hillman presented a proclamation to Jackye Parker, Principal of Clinton Elementary School. The presentation was for the achievement of status that very few schools in Arkansas have received. Ms. Parker stated the Blue Ribbon award is associated with "No Child Left Behind" and is the highest and most prestigious award a school can receive based on performance determined by test scores. Ms. Parker stated they were honored that the City of Sherwood acknowledged the school for their accomplishment. Ms. Parker stated the scores are based on Adequate Yearly Progress (AYP) which means they continue to grow and meet the state mandated requirements. Ms. Parker introduced Dr. Beverly Rupin, Deputy Superintendent of Learning Services, Brenda Harnage, Director of Elementary Education, and Jason Young, Assistant Principal.

Mayor Hillman recognized the Sherwood Mayor's Youth Council in attendance.

Alderman Sulcer, Chairman of Advertising and Promotion Commission, stated there would not be an October meeting. The meetings have been moved to the Bill Harmon Recreation Center.

Ordinance No. 1795, entitled, "AN ORDINANCE REZONING THE PROPERTY AT 14723 HIGHWAY 107, NPS COMMERCIAL SUBDIVISION, FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL; AMENDING THE ZONING MAP; AND FOR OTHER PURPOSES" was read. Michael Hall, property owner was available for questions. Alderman Vassar asked if the property was approved by Pulaski County. Mr. Hall stated it was approved in 2006 by Pulaski County. Alderman Sulcer stated she would abstain from this ordinance because she is a brokerage at the company that is leasing the property. Alderman Vassar, seconded by Alderman Rankin, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was 6 ayes, Alderman Sulcer abstained and Alderman Henry absent. The ordinance was read for the second time. Alderman Rankin, seconded by Alderman Davis, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 6 ayes, Alderman Sulcer abstained and Alderman Henry absent. The ordinance was read for the third time. Alderman Brooks, seconded by Alderman Vassar, made a motion to adopt the ordinance. The roll call vote was 6 ayes, Alderman Sulcer abstained and Alderman Henry absent. The emergency clause passed with 6 ayes, Alderman Sulcer abstained and Alderman Henry absent.

Alderman Vassar asked if the City would do a traffic study on the signal lights at Lee Avenue. Mayor Hillman stated it was determined it would be discussed at the 2009 budget. Alderman Fender stated the plans would have to be drawn up.

Resolution No. 15-2008, entitled, "A RESOLUTION APPOINTING SANDY DIAL TO THE SENIOR CITIZEN COMMITTEE, REPLACING FREIDA EVANS BOLIN" was read. Alderman Vassar, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote was 7 ayes, Alderman Henry absent.

Resolution No. 16-2008, entitled, "A RESOLUTION APPOINTING DONALD GRANADE TO THE SENIOR CITIZEN COMMITTEE" was read. Alderman

Harmon, seconded by Alderman Rankin, made a motion to adopt the resolution. The roll call vote was 7 ayes, Alderman Henry absent.

Resolution No. 17-2008, entitled, "A RESOLUTION APPOINTING ALBERT HARRIS TO THE PLANNING COMMISSION, REPLACING WAYNE SMITH" was read. Alderman Fender, seconded by Alderman Harmon made a motion to adopt the resolution. The roll call vote was 7 ayes, Alderman Henry absent.

Mayor Hillman stated the next item on the agenda is in reference to expanding Maryland Avenue. Mayor Hillman referenced the draft that was given to the City by Scotty Thurman, a representative of Cypress Properties. Mayor Hillman advised that it was discussed with Mr. Thurman that the item on the draft that states, "sections of Maryland Avenue between Brockington and Highway 107 are complete", was not correct. It will be replaced with the city of Sherwood is willing to begin construction on the city portion of Maryland from Raywood upon Central Arkansas Water replacing the 24" main. The city received word last week that Central Arkansas Water has budgeted for 2009 to move the water main for the city. Upon their commitment that would suffice that the city move forward on Maryland. The next item in Section 1, Mr. Thurman has maintained that Andy Collins will not move from the seven years. Steve Cobb, City Attorney, requested that the city place in this section seven years from date of passage, but Cypress wants it to state seven years from the date of completion. The only alternative that Mr. Collins is willing to do is go to ten years from date of passage, which is his suggested compromise for this. *Alderman Rankin:* So he is telling us what we are going to do? *Mayor Hillman:* No. We either have a choice to work with him or there is no Maryland. *Alderman Rankin:* When we were in the meeting it was five years. *Alderman Sulcer:* We did talk about seven. *Alderman Rankin:* We did not agree on that, did we? *Alderman Sulcer:* No. We did not agree on anything. There will not be that much difference from passage and completion, maybe six months. *Alderman Davis:* This road is critical. *Alderman Sulcer:* I know. I am talking about the seven years starting from passage to completion, so that is not that big of time. *Alderman Rankin:* He has it on there as far as from construction. *Mayor Hillman:* That is what Mr. Collins has offered. *Alderman Harmon:* Now do the math. He is saying instead of having seven years from the date of construction, he wants it to say ten years from the date hereof. The difference is three years. He wants three years to build it. So if we give him the ten years, what he is saying is that he does not want to build it for the next three years. *Alderman Vassar:* Can we not amend this to say construction to begin immediately, or construction to start prior to December 31st 2008? *Alderman Sulcer:* The one in our folder states immediately. *Steve Cobb:* The one in your packet is the one I drafted. Then I sent it to them and this draft is what they sent back. *Alderman Sulcer:* Mayor, will he take that verbage out? *Mayor Hillman:* Which one the ten or seven years? *Alderman Sulcer:* No. *Alderman Vassar:* It says he has to start immediately. *Alderman Brooks:* In the section where it says he will start immediately, or by the end of 2008. *Alderman Vassar:* What is the difference between starting work and stopping and having an estimated completion date? If you have an estimated completion date, it looks to me, once the project is started it has to be completed in a reasonable amount of time. You can start anything. You can go out there and move a rock and say you have started construction. My question is, do we have the power to hold him to starting with a completion date in sight? I know we will get into weather and all, but a reasonable estimate of the completion date. *Alderman Rankin:* Do we have approved plans? *Mayor Hillman:* For our portion or their portion? *Alderman Rankin:* Their portion. *Mayor Hillman:* No, we do not. *Alderman Sulcer:* He will go ahead and start without us having Maryland. *Mayor Hillman:* Some of us are going to have to trust somebody. *Alderman Davis:* Yes. *Alderman Rankin:* I agree. *Alderman Sulcer:* There is a big trust issue. *Mayor Hillman:* We are holding our residents hostage out there because we cannot agree among ourselves. *Alderman Sulcer:* It will be better for his subdivision to complete Maryland. *Alderman Harmon:* Was he not supposed to have already completed Maryland? Back to her question of can we hold him to it. The answer is if we put it in here (ordinance) that he is suppose to start on X date and finish on Y date, and we hold him to it, then what you are asking is if he does not do it, can we sue him and make him do it? If the answer is yes, then forget the ordinance, he is suppose to have already built it, let's sue him now. Because he was suppose to already

have done it. *Alderman Sulcer*: Who gave him the waivers to not finish? *Mayor Hillman*: Someone in the system gave him the waivers. *Alderman Rankin*: Yes. *Mayor Hillman*: None of us had anything to do with it that is here. Something has gone on that I have no knowledge of. I do not know what it is. All I know is that we have a section of Maryland that is critical to run east and west in this city. We need the traffic moving. I am willing to compromise to get it done. We (city) do not have the \$350,000 to do it. *Alderman Harmon*: I have no problem with an ordinance that has a start and finish date. Ten years does not work. All this is saying is he does not want to do it for the next three years. *Alderman Rankin*: Right. *Mayor Hillman*: I think you are assuming he will not do it. We are going to have to trust him at some point. *Alderman Brooks*: I think when he came he indicated he could start quickly and be done in nine months. I know there are some people here from Stonehill and they want to get out of their neighborhood. I want us to work toward something that we can all live with, and give these people in Stonehill some relief. *Alderman Vassar*: That is your (Alderman Brooks) area. What you heard knocking on doors was "get us through". I want to get them in and out. I want them to understand it is not this council that is holding things up. *Mayor Hillman*: At this point we have nothing to loose. We (city) have no street and we don't have the funds to do it. We can't even do LUZA funds through Metroplan because we have compromised getting variances along the way for the width of the streets. There is no money there to do it. Whatever we gain is a win. *Alderman Rankin*: I guess my question is, can we force him to do it? Steve, is there anyway we can force him to do that? *Mayor Hillman*: No. So what do we have to loose if we agree to this? *Alderman Rankin*: I am not going to compromise on Hemphill. Like Charlie (Alderman Harmon) said, we can give him ten years to do it. *Alderman Sulcer*: He just wants seven. I do not see where you are coming in with the other three. *Alderman Harmon*: He (Mr. Collins) asked for it. He said I want ten years. *Alderman Davis*: He put it down in writing for seven years. *Alderman Sulcer*: In the meeting he said seven. *Steve Cobb*: Where we got off track was they control the date of completion. I did not believe that was a good finite or spot that we could point to say it was suppose to be completed by such day. In my version, which is in your packet, I said from date of passage. This is a date we can all research and go back and figure out what that date was. As I understand from what the Mayor has said in her discussion today, is that they still want a period of seven years on construction completion but a maximum of ten years from passage. *Mayor Hillman*: They will go either/or. *Alderman Harmon*: Seven or ten. *Mayor Hillman*: He has written he will go seven years. I cannot push him any further. *Alderman Harmon*: The problem with the seven years is it is seven years from the construction date and he completely controls that, so he never has to build it. The way he has drafted it, he never has to build it. The seven years never starts ticking until he has built Maryland. We have no hammer to make him build. *Alderman Sulcer*: I know. I took the man at his word in the Mayor's office saying he would start it immediately. *Mayor Hillman*: We are not going to have the street anyway, until he starts development. *Alderman Sulcer*: I know we have a subdivision that people need another in and out. They are not getting it, and we are not getting anywhere from where we are sitting right now. *Alderman Davis*: Somebody has got to trust somebody. *Alderman Harmon*: There are only two you can build. You can build Maryland or you can build Hemphill. These are the only two in and outs we have. We give up ever being able to build Hemphill in exchange for him doing Maryland. *Alderman Sulcer*: No we are not giving up Hemphill. *Alderman Harmon*: We are doing a moratorium on Hemphill for seven years in exchange for him doing Maryland, and we have no hammer to make him do it. *Mayor Hillman*: As it stands now we have no hammer. We are not going to get either one of them anyway. So we have nothing to loose by trying to work with him on this. *Alderman Rankin*: I think we have been trying to work with him, Mayor. *Alderman Vassar*: When he sold those lots and developed that subdivision in good faith, had those people buy those lots and buy those houses telling them they would have a way in and a way out, he has let them down as well as let us down. I would like to see them work with him as well and have him tell them no, like he has told us. *Mayor Hillman*: My understanding is he has worked with whatever he was required of at the planning commission stage. Whether it was the correct protocol, his site work was signed off by the city engineer at the time. He was approved to move forward in whatever he did. So if the street is not built today I really do not think we can go back and bless him out because he got the blessing from somewhere because that is what he did. *Alderman*

Sulcer: Yes, because the city let him do it. *Mayor Hillman:* Absolutely. *Alderman Sulcer:* I am concerned about the citizens in Stonehill. *Alderman Vassar:* Let me ask you this, if he goes in there and builds his portion of Maryland tomorrow, what about our portion? *Mayor Hillman:* That is what I mentioned. *Alderman Vassar:* Okay, we are ready to do that? *Mayor Hillman:* We have got to move the 24" water main. *Alderman Vassar:* Okay, somebody is going to move that. What is it going to cost us to do our part? *Alderman Brooks:* We had the money in the budget. *Mayor Hillman:* We had budgeted that. We were at budget level last year. The person I depended upon that was in the position at that time did not share with me that there was a 24" water main or the right-of-way. We are working on both. *Alderman Rankin:* We do not have the right-of-way? *Alderman Sulcer:* I think the Hum's still have the right-of-way. *Mayor Hillman:* It can be acquired. *Alderman Vassar:* I say we start on our part sooner rather than later and we set the limit. We are doing our part of it and he (Collins) shows us good faith and does the other part. *Alderman Sulcer:* Can we legally, since we had approved this phase that he is developing right now, there is nothing we can do. He still has a lot of empty lots. *Alderman Brooks:* There are a lot of empty lots over there. *Alderman Sulcer:* I was going to say if he has another phase coming up, could the city not approve it? *Alderman Rankin:* He doesn't. *Alderman Vassar:* He doesn't have another phase. *Alderman Fender:* I didn't see this draft until I got here tonight. The way I am hearing this is if we give him a pass on Hemphill, I don't know if or when he is ever going to do Maryland. *Alderman Rankin:* There is no date. Steve, can we put dates in here? *Steve Cobb:* We can put dates in. Whatever you (council) decide is not something we should pass tonight because we are going to have to go back to him (Collins) and see if he is going to agree to it. We need something in writing from them. *Alderman Brooks:* Just because we approve it does not mean he will agree to it. *Steve Cobb:* I think what Scotty told the Mayor today, is if you (council) agree on what is on this draft, I guess that is what they are saying they would do. Even at that we do not have a letter from Cypress that outlines their commitment. *Alderman Brooks:* So on the part of seven years from date of completion, can we put a date in there? *Mayor Hillman:* The only compromise I could get from Andy was to do ten years from passage. *Alderman Sulcer:* Or leave it at the seven years like it is written and take out paragraph two? *Mayor Hillman:* Correct. *Alderman Sulcer:* Take out that and leave the seven years like it is. If we are fussing about this developer then we better go back and see what some of the other developers have done to the city. *Alderman Harmon:* I noted they also removed the word "immediately" from the third whereas that we had originally. *Alderman Vassar:* Will he meet with the neighbors? *Alderman Sulcer:* He has met with them in the Mayor's office. *Alderman Rankin:* Regardless, if we do this today and ask him to do it, he still has to develop a plan. You are talking two months maybe three. As far as trying to get a plan drawn, it will not happen this year. *Alderman Harmon:* So if he was given eighteen months from date of passage to get it built, that is more than enough time. *Alderman Vassar:* I say we do our part and set the example and let all these people know that we are following through with our commitment. *Mayor Hillman:* We can say that if we want but that is not what we are doing. He has brought his compromise to the table and if we are not going to acknowledge it at all, then we really aren't working with him. We are still going back to saying this is what we want, we are not going to be moved at all. As it is we have nothing, so we are not losing anything. There is no Hemphill and there is no Maryland. By trying to work with him, it is only a gain for us. *Alderman Rankin:* We have been waiting since May for him to get something back to us, and that was just for a response. *Alderman Brooks:* This has been going on a long time. The people in Stonehill are the only ones that are suffering. *Alderman Sulcer:* We have got to come to a meeting of the minds somewhere. *Alderman Harmon:* It needs to be pointed out that there has not been that much dialogue since Steve and I had our conference call with Mr. Collins, we waited a long time to hear back from him. *Mayor Hillman:* We are not willing to come back to the table with anything different. Tonight what we are discussing we are all going right back to what we want. We are not willing to waiver at all. If this is the way it is going to be then we are not going to accomplish anything. *Alderman Rankin:* It is not what we want, it is what we were entitled to from the start. Somebody in the city might have done something, but still we do not relinquish the fact that he is ten years from doing this. *Mayor Hillman:* You are the one that is putting the ten years in there. *Alderman Rankin:* Nineteen ninety-eight. *Mayor Hillman:* All I know to do is

take the man at his word. He said he was going to build it. *Alderman Harmon*: I don't think it is the city's job to have to compromise with the developers for them to build their roads that they were suppose to build previously. I wouldn't want developers to come up here and negotiate with development of their streets. We have gone this far, and the ordinance that Steve and I drafted was down the line what Andy Collins asked for in our phone conversation. It is not as if we didn't do exactly what he asked us to do that day in Steve's office. I think Steve will agree with me on that. Then when they turned around and sent this thing back with the seven years from date of construction and the other language that was in it, they were changing the deal. We did what we said we would do that day on the telephone conference. *Mayor Hillman*: I was not in that conversation. I want to make it clear to the audience they (Cypress) have been mandated by the city to build this street. They do not have to build the street until they develop the property. If they build the street prior to developing, which is what they are offering to do, I cannot understand why it is not a win for our citizens. It is not like there are houses out in the woods and we are trying to get a road to it. We are asking them to move forward and build their street prior to development. That's it. Whatever the council chooses to do. We need to do something. *Alderman Rankin*: Charlie (Harmon) what was your proposal to him that was different than this? *Alderman Harmon*: It is the one in your packet. This is the one Steve (Cobb) drafted after our phone conference with Andy Collins. *Steve Cobb*: We had the meeting in the Mayor's office. *Alderman Harmon*: We did research on whether or not to have a seven-year moratorium contract, we found we could not do that with the city, it had to be an ordinance. Remember after the meeting we were to research that issue? *Steve Cobb*: Right. *Alderman Harmon*: After it was determined that you could not have a seven year moratorium contract with the city it had to be done by ordinance. *Steve Cobb*: Suspension instead of a moratorium. *Alderman Harmon*: Then we had the phone conference. *Steve Cobb*: Then I drafted the ordinance and sent it over to them. I sent it over for them to make comments, but instead of comments this draft was sent back. *Alderman Vassar*: When did we receive this draft? *Steve Cobb*: That would have been before the last council meeting. *Alderman Sulcer*: July 28th. *Alderman Harmon*: I think that was the date of the council meeting. *Alderman Davis*: Somebody has got to trust somebody. From what I have seen from both, we do not trust them and they do not trust us. The road has got to get through. If Brockington gets started, the way it is going right now, there is not going to be any ins and outs in that place. If we have to forfeit Hemphill, which I am for forfeiting it completely. Do I understand that if Hemphill is opened, then do we (city) have to pick it up from there and bring it on to Kiehl? Do we have to do the curb, gutter and sidewalk? Widen it into those people's yards. *Alderman Harmon*: If Maryland is opened we have to curb, gutter, and sidewalk it all the way to Highway 107 creating open ditches. *Alderman Davis*: Those houses aren't that close on Maryland. They are right next to it on Hemphill. Are you going to put a sidewalk in their yard? *Alderman Sulcer*: There are some pretty close ones on Maryland. *Alderman Harmon*: You are going to be watching television in Dave Phelps den with it. *Alderman Sulcer*: There is not an easy answer to any of it. We have got to come to terms and give these people some help. I do not like it any better than you do. *Alderman Rankin*: I do not like it at all. *Alderman Davis*: It needs to be opened. *Alderman Harmon*: In respect to the money that you will spend by the time you have done the Hum Road section of Maryland, and by the time you curb, gutter, and sidewalk the rest of Maryland, you could have constructed, built and finished Hemphill twice. Maryland takes you to Wal-Mart, and Hemphill takes you to the freeway. I do not understand exactly why we are so worried about Hemphill verses Maryland. *Mayor Hillman*: I do not think Collins is suggesting we are going to curb and widen Maryland all the way out at this point. *Alderman Harmon*: Eventually you are going to have to, or the wrecker services are going to love us, pulling people out of the ditches. *Mayor Hillman*: It is not near the shape that Hemphill is in. *Alderman Fender*: Lantrip was not in too good of shape before we did Lantrip, and we all know how much Lantrip is used. *Mayor Hillman*: We do not have houses that face Lantrip. *Alderman Davis*: There is an opening on Hemphill. *Alderman Vassar*: Can I propose another meeting? Or attempt another meeting. *Mayor Hillman*: If you would be willing to come to it. I don't know if they (Cypress) would come or not. I think they are tired of us. *Alderman Vassar*: I would be more than glad to come. *Alderman Rankin*: Mayor, what are they tired of? They were supposed to do something that we allowed them to take time on. Why do they not want to do it now?

Mayor Hillman: All I know is that they are not required to build it yet. I asked them if they could try to push Maryland on through prior to developing the lots, and that is what we are trying to do. When you want to compromise that means you have to give some to. *Alderman Rankin:* I understand that. Alderman Davis is talking about trusting somebody; well I think we have already showed that. We have been giving in by him not doing it in Phase III. I believe they are on Phase V now. *Mayor Hillman:* We cannot find record on that. *Alderman Rankin:* Okay, let me ask this, if we cannot find record of it, how come we can't tell him to do it? Because it was suppose to be in Phase III. *Mayor Hillman:* We would look pretty silly going back to enforce our rules and regulations, we would have a lot more to go back and pickup on. *Alderman Vassar:* I propose another meeting. I doubt he would want me at that meeting because I am the one that found the research where he was suppose to have done in the past. But if he wants me at the meeting I will be more than happy to be there. *Alderman Rankin:* Becky, I would like for you to be at the meeting. *Mayor Hillman:* (to city attorney) What do you suggest we do? *Steve Cobb:* As it stands right now this ordinance that is in the packet has never been read. We tabled it last month and then this is different than the one we had before which was to change the master street plan. Alderman Vassar was that a motion? *Alderman Vassar:* I would be more than glad to make a motion for that. To come to some attempt for a resolution to this situation. Alderman Vassar, seconded by Alderman Harmon, made a motion to attempt another meeting with Cypress Properties. The roll call vote was 7 ayes, Alderman Henry absent. Steve Cobb stated this needed to be scheduled sooner rather than later.

Ordinance No. 1796, entitled, "AN ORDINANCE GRANTING FIRST ELECTRIC COOPERATIVE CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE EXCLUSIVE RIGHT, PRIVILEGE AND AUTHORITY TO SELL, FURNISH, AND DISTRIBUTE ELECTRIC POWER AND ENERGY AND ERECT, MAINTAIN, EXTEND, AND OPERATE A SYSTEM FOR THE DISTRIBUTION, TRANSMISSION, FURNISHING, OR SALE OF ELECTRIC POWER AND ENERGY WITHIN CERTAIN AREAS OF THE CITY OF SHERWOOD, ARKANSAS, AND TO ITS INHABITANTS, AND TO USE THE STREETS, ALLEYS, BRIDGES, AND OTHER PUBLIC GROUNDS OF THE CITY IN CONNECTION THEREWITH; FIXING THE TERMS THEROF, AND FOR OTHER PURPOSES, AND DECLARING AN EMERGENCY" was read. Steve Cobb explained to the council that this ordinance would establish First Electric as the franchisee to the City of Sherwood for the Gravel Ridge annexation. First Electric already is the service provider to Gravel Ridge by designation. By this ordinance it is recognized that Gravel Ridge is Sherwood and the city grants First Electric franchise just like any other utility in the area. They will pay the city a franchise fee. Mayor Hillman stated this would set the franchise fee in motion. Steve Cobb stated this does not interfere with North Little Rock electric. Alderman Sulcer asked when the franchise fee would go into effect. Mr. Cobb stated as soon as the ordinance is passed, the fee would be collected and remitted to the city. Comcast Cable already is remitting to the city. 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 7 ayes, Alderman Henry absent. The ordinance was read for the second time. Alderman Sulcer, 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 7 ayes, Alderman Henry absent. 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 7 ayes, Alderman Henry absent. The emergency clause passed with a roll call vote of 7 ayes, Alderman Henry absent.

Ordinance No. 1797, entitled, "AN ORDINANCE APPROPRIATING FUNDS TO PAY THE LEASE OBLIGATION OF THE CITY OF SHERWOOD, ARKANSAS, TO THE SHERWOOD PUBLIC FACILITIES BOARD FOR THE BALANCE OF 2008, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES" was read. Mayor Hillman advised this ordinance is to fund the payments beginning on October 1, through the end of the year, 2008. Alderman Vassar, seconded by Alderman Rankin, made a motion to suspend the rules and place the ordinance on the second

reading. The roll call vote was 7 ayes, Alderman Henry absent. The ordinance was read for the second time. 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 7 ayes, Alderman Henry absent. The ordinance was read for the third time. Alderman Vassar, seconded by Alderman Rankin, made a motion to adopt the ordinance. The roll call vote was 7 ayes, Alderman Henry absent. The emergency clause passed with a roll call vote of 7 ayes, Alderman Henry absent.

A resolution entitled, **“A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-024-012-052-00, COMMONLY KNOWN AS 8806 PATRICIA LYNN LANE TO CONSTITUTE A PUBLIC NUISANCE”** was read. Alderman Fender stated that they are cleaning the property up. Mayor Hillman asked Scott Kelley, City of Sherwood Code Enforcement Officer, if the property was acceptable? Scott Kelley stated he was satisfied. Alderman Rankin, seconded by Alderman Vassar, made a motion to table the resolution. The roll call vote was 7 ayes, Alderman Henry absent.

Resolution No. 18-2008, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-006-00-063-00, COMMONLY KNOWN AS 411 RIDGELEA AVENUE TO CONSTITUTE A PUBLIC NUISANCE” was read. Alderman Vassar, seconded by Alderman Rankin, made a motion to adopt the resolution. The roll call vote was 7 ayes, Alderman Henry absent.

Resolution No. 19-2008, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-003-00-001-29, COMMONLY KNOWN AS LOT 347 OF SUNWOOD MOBILE HOME COURT, AT THE 300 BLOCK OF CHERRIE AVENUE, 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 7 ayes, Alderman Henry absent.

Mayor Hillman stated in the council packets are copies of two lots at 403 & 405 Calloway that belong to the city. Mayor Hillman stated Gene Griffin was interested in purchasing these lots. Alderman Harmon asked how the city obtained the property. Mayor Hillman stated the city has had them a long time. The history is unknown. Alderman Fender asked if there were a tax lien on these lots. Mayor Hillman stated no. Alderman Vassar asked Sonny Janssen, Parks and Recreation Director, to have these lots added to the Master Park study. There may be a need for a park in this area.

Tracey Overman, of 6749 Austin Harbor Loop, approached the council in reference to the baseball fields not being ready to play ball after the April 3, 2008 tornado. Mrs. Overman stated that her son’s team attempted to practice on one of the baseball fields and was asked to leave because the conditions were unsafe. Her argument was that the fields had been used for tournament games and she felt that if it was safe for the tournament games it was safe for the younger players. Mrs. Overman was very upset that the baseball teams were not able to play on the ball field. She further stated the city has had plenty of time to get the fields repaired. Sonny Janssen, Parks and Recreation Director, was asked to explain why the fields were deemed unsafe. Mr. Janssen stated that trenches were to be dug by the contractor that is setting the light poles for the fields. He felt that it would be dangerous for the players to be on the fields with the trenches. Mr. Steve Poppy, a 7-8 year old coach, also addressed the council on his concern that the fields have not been repaired. It was determined by the council that this issue needs to be taken before the next Parks and Recreation Committee meeting.

Alderman Vassar announced that former Alderman Owain Hughes passed away and the funeral services are at North Little Rock Funeral Home on Friday, September 26, 2008.

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

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor