

February 23, 2009

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on February 23, 2009, 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, Brooks, Harmon and Lilly.

Father West, of Immaculate Conception, 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 January 26, 2009, as transcribed. The roll call vote was 7 ayes. Alderman Sulcer absent.

Chief Kel Nicholson made presentation of awards to the following people:

- Officer of the Year – Officer Danny Kelley
- Dispatch Detention Officer of the Year – Allison Rady
- Civilian Worker of the Year – Nicole Weatherly
- Life Saving Award – Officer Ryan Baker and Officer Brian Kinder

Mayor Hillman gave the following State of the City:

2008 was again a very busy year for our City. New growth came in many ways. The residents of the Gravel Ridge Community overwhelming voted to become residents of Sherwood with almost a 3 -1 margin. The annexation added 3,000 plus to our population as well as 2,500 acres. Our new residents have been pleased that we upheld our agreements with them for improved police, fire, and better code enforcement. The City also acquired the North Hills property, formerly known as the North Hills Country Club. Our first Wal-Mart Supercenter also opened.

The Hot Check Division issued 15,970 warrants for 2008, a decrease of 7,881 from 2007. Hot Check cases were up 555 from 2007. Monies deposited into the General Fund were \$1,591,000, a decrease of \$86,000 from 2007.

The District Court Division handled 5,414 criminal cases, up 69 from 2007. Traffic and DWI cases were down from 2007. \$1.3 million dollars was paid to the General Fund, down \$267,000 from 2007.

The Human Resources Department and the Civil Service Commission conducted Police Officer testing twice in 2008 and is scheduled again for April 6, 2009. Human Resources staff attended several training workshops in 2008 including customer service, EEO compliance, ADA compliance and employee relations law compliance. At the end of 2008 there were no pending EEO cases involving Human Resources. In January 2008, the City of Sherwood won a federal EEO lawsuit.

The police department had a very busy 2008, especially with the annexation of the Gravel Ridge community, and I feel like the police department is making great strides to improve our services for the residents during 2009. There are 5 officers away on military duty. The police department has 9 open patrol positions and will start the hiring process as soon as the Civil Service Commission certifies their next test scheduled for April 2009.

During 2008, the department:

- Investigated over 3,500 crimes
- Worked 2 homicides
- Worked 12 robberies as compared to 24 for 2007
- Worked 810 thefts
- Worked 236 forgery cases
- Internet crimes and credit card crimes continues to rise

This past year the Sherwood Police Department handled over 53,000 incidents, which are 7,500 more than 2007. However, most of the incident increase can be attributed to more calls for service than more crime. Calls for service will continue to rise as our City grows.

It's been a year of progress for The Computer Services Department. We have upgraded 4 more servers to the new more efficient rack mounted design. These server upgrades are part of an ongoing effort to maintain the reliability and integrity of the network. In order to comply with the Arkansas Division of Legislative Audit, we have implemented many new policies including security policies that require us to maintain a higher level of security and a disaster recovery policy that requires periodic testing of our backup and recovery systems.

The addition of the power generator to the administration building has greatly enhanced our ability to provide uninterrupted services. In the event of a power loss, we can now continue to provide access to computer and network resources until power is restored.

The Animal Services Department continues to successfully adopt animals. 95% of adoptable animals were placed with new families. The department experienced an increase in animal population, partly due to the annexation of the new area.

The Senior Citizens Department was successful in receiving another grant for a new van. The value of the van was approximately \$48,000 and cost the City only 20% matching funds. Vans were driven 41,000 miles, 10,000 more than 2008. The department continues to provide invaluable services to our seniors by transporting to medical appointments as well as many outings. More than 5,600 trips were made to assist the needs of our seniors. The Meals on Wheels provided hot meals to 117 seniors throughout 2008.

The Sports Complex and surrounding residential areas suffered a tornado on April 3. While no person was injured at the Complex, there were many who felt that the tornado had injured a part of him or her. Sylvan Hills High School, also damaged by the storm, utilized our recreation center to hold classes until repairs could be made. The center also began hosting the After School Program and has provided a great environment for the children. This program is maxed out at 68 students. Sherwood Forest was placed under the parks department and has experienced a growth in reservations during the last half of 2008 due to the ability to have multiple events per room per day, with the relocation of the after school program. The North Hills Park land and clubhouse were purchased in September 2008 and the clubhouse opened for rental in December 2008. A citywide master park plan is currently underway by a consulting firm at this time.

The Public Works Department completed many small in-house drainage jobs and outsourced some larger projects. The sanitation department added two boom trucks for extra pickup, as well as new employee positions. Automated household garbage collection is currently being explored. The leaf vacuum season operated exceptionally smooth. Improvements continue to be made.

The Permits, Planning, and Engineering Department saw a decrease from 207 permits in 2007 to 125 permits in 2008 for new housing starts. The building permit process was revised to assure that drainage and floodplain ordinances are being followed. The Wastewater Department, beginning in mid 2008, began to successfully operate both plants in compliance with state and federal requirements. Work continues to be done to bring all areas of wastewater into compliance with ADEQ expectations.

In 2008 both General and Street funds, were under budget projections for expenditures. As our economy continues to change, we are in hopes that our

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projected revenues for 2009 will hold. As we continue in 2009, we anticipate more challenges and possibilities for our City. We are all up for the journey!

Alderman Brooks stated the Advertising and Promotion Commission would meet Wednesday, March 4th.

Alderman Rankin, Chairman of the Parks and Recreation Committee introduced Mr. Mizan Rahman, P.E. with ETC Engineers & Architects, Inc. to give an update on the Master Park Study. Also in attendance were Peter Carr, Vice President, and Steve Hill, Landscape Architect and Golf Course Specialist. Mr. Rahman stated the study would be a long-range park plan. The first step is inventory on the existing park system. Second was study and development, which included a short term and long-term plan. The short term addresses the immediate needs of each park. In addition a study is being done on the North Hills Golf Course. The third item in the scope is public participation. This will be the next phase, to show the public the thoughts and have public opinion to what are the needs of the parks. ETC would like to compare Sherwood parks to national standards. Once all of this is finished the long-term plan, along with a present day cost, will give an idea for future investment in the park system. The last item will be to present this to the public as well as the council. Mr. Rahman stated that ETC Engineers have several recommendations for the golf course. The difficulty is in addressing the cost of putting the golf course back. Mr. Rahman suggests that a workshop be held to help determine costs. Alderman Fender asked what time frame would the city be looking at. Mr. Rahman stated in the next four months. Alderman Rankin asked if anything would be done on the golf course this year. Discussion was made on the pumps and sprinkler system. Alderman Harmon stated at the last Parks and Recreation Committee meeting the committee voted unanimously to recommend to the council that the golf course continue to be an 18-hole golf course and work begin as soon as possible. This was based on three options with the plan to date. The three options were the property stayed as is, as a nine-hole golf course with walking trails, and the third was an 18-hole golf course. Discussion was that a nine-hole golf course would not be marketed as well as an 18-hole golf course. Mr. Rahman stated the study is still in progress and it is difficult for him to recommend an 18-hole golf course. Alderman Harmon stated he understood that they did not recommend it, but typically a 9-hole golf course is not marketed like an 18-hole golf course. Alderman Davis asked if ETC Engineers would come back before the council next month with cost figures. Mr. Rahman stated it would require some investigative work. Any recommendation must have a cost component. Alderman Vassar asked if ETC Engineers did all the cost estimates. Mr. Rahman stated yes. Alderman Vassar asked if public input would be outside of the city limits. There are people outside the city limits that want to play on the golf course. Mr. Rahman stated public expenditure is limited to the citizens of the jurisdiction. Input from outside public input would not have an invested interest except for their desire to utilize the facility. The scope of ETC Engineers is limited strictly to the city limits. Alderman Fender stated that once everything was in order a workshop needs to be held. In discussion, Sonny Janssen, Parks and Recreation Director was asked to see what he could do to check the pumps and water sprinkler. Alderman Rankin stated a motion was made at the parks and recreation committee that was to be presented to the council and he is not sure what transpired between now and then. Alderman Harmon stated the committee discussed the only thing that would be feasible would be an 18-hole golf course that would turn in money. Alderman Vassar asked how soon could ETC Engineers give the council in the near future, to open up even a driving range. Mr. Rahman stated staff could get started. Mayor Hillman asked why a park study was being done if the city was not going to use their input. Alderman Vassar asked if the contract with ETC Engineers had a time line. Mr. Rahman stated no. In ETC's internal document they have a final planning study date of June 2009. Mayor Hillman stated it would be wise to count the cost before making a commitment. As stewards of the finances, the costs should be known before spending. Alderman Harmon stated the parks and recreation committee agreed to spend the bare minimum to get the course back green. Mr. Rahman stated this course was built 30 years ago, and most of the infrastructure, and the sprinkler system which is a major part of this, has run its course of life. The question is what part can be salvaged. Alderman Vassar, seconded by Alderman Harmon, made a motion to get the water system taken care of.

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The roll call vote was 7 ayes. Alderman Sulcer absent. Alderman Harmon, seconded by Alderman Brooks, made a motion to schedule a workshop in the next 45 days. The roll call vote was 7 ayes. Alderman Sulcer absent.

Alderman Vassar, Chairman of the Personnel Committee, stated their meeting would be on March 12, 2009, instead of the 5th.

Ordinance No. 1818, entitled, "AN ORDINANCE AMENDING THE MASTER STREET PLAN FOR THE CITY OF SHERWOOD, ARKANSAS" was read. Steve Cobb, City Attorney stated this ordinance has been read three times previously. Alderman Vassar stated in 1984 the council was given a book on the north belt loop. At that time the council was concerned about the St. Joseph's Orphanage and Camp Robinson. Ten years later the north belt concern was the school complex and Indianhead Lakes Estates and the North Little Rock airport. Fifteen years later there is still no north belt loop. An agreement has not been made. The council in April, the council passed a resolution approving the route. There has got to be a decision made. Some of the best developers in Sherwood are being hurt by this situation. Alderman Vassar feels that the planning commission is being held up. According to the Arkansas Highway Department quote "we are on the top of their list of priorities. They are waiting on us to move". If the council moves on the master street plan and takes the city off the playing field leaving the two entities to deal with each other, the developers and highway department. The council has waited two months for the entities to get together and they have not moved forward. Alderman Vassar stated she believes it is time to step up to the plate and do something to move traffic. Hal Kemp, Attorney representing Sherwood Land Company, presented the opposition to the council of the north belt freeway. His client has a preliminary plat before the planning commission for approval for 1500 lots. The route that the highway department has identified as the proposed route would have impact on this development. There are 500 lots north of the proposed route. The highway department's plan does not contemplate any means his client would have to develop over the freeway. The highway department has not provided any information to the developer or the council about where the overpasses will be. This is an economic cost to his client because there are 500 lots and the north 400 acres of the property stranded without any access. The action of the council tonight will cause this to happen. The planning staff correctly states that the council triggers the one-year period, by doing so you put the highway department on notice that they must take action. By adopting this ordinance it will have the effect of asking his client to shut their business down for one year. A 1500 lot development in Sherwood is an economic engine. The issue presented tonight is that the highway or Metroplan is not acting tonight. The City of Sherwood is acting tonight through your vote. Once this happens your planning commission will turn my clients application for preliminary plat down. The result of that is a taking, the moment you adopt this ordinance you are affecting a regulatory taking of my clients property. The consequence of that is there is a short period of time for his client to ask the courts to ask the city to pay the developers the fair market value of the right of way and the land that is damaged as a consequence of the right of way. The action of the council tonight could trigger a chain of events that would make it impossible for his client to back up. Thirty days from the date of this adoption, his client may be compelled to ask the court to determine whether the City of Sherwood should have to pay the fair market value of this property. Alderman Vassar stated that if his developer builds those 1500 lots, how would the developer be able to get the people in and out of Sherwood. Alderman Harmon stated that himself, the Mayor, Barry Hyde met with the Arkansas Highway Department at the capitol and he took the maps with him and asked them specifically about this issue and Dan Flowers, and Chief Engineer, said we could never cut a man's land off like that, if we did it would be a taking and we would have to pay them for it. They know that. The city would have to build a fly over or have to give access. Mr. Kemp stated that is accurate but when Alderman Harmon suggests that the highway department would never do that is not accurate. Mr. Kemp stated that the council is the one taking the action. That the highway department has the city doing their bidding. The action about the loss of his clients usable land is a function that the city is engaged in, not the highway department. The cause of action for condemnation compensation will name the City of Sherwood, not the highway department. The city in turn will have to sue the highway

department to recover the cost. The landowner does not have a problem with the City of Sherwood, why create a cause of action when one does not now exist. If the highway department wants the right of way from his client they are empowered to do so. Alderman Fender stated that when the highway department put forth their recommendation for a preferred route, and the council passed a resolution endorsing this route, these concerns should have been addressed at that time. Dwight Pattison addressed the council and presented a few points stated that the route is on the master street plan. The city is not adding it to the master street plan they are adjusting the location. If it is off the master street plan, it goes off the plan with Metroplan and zero federal dollars can be spent. Lucien Gillham, a member of the Planning Commission, spoke with Carl Rosenbaum and he said that the Arkansas Highway Department was given \$138 million dollars for construction and it had to be awarded before July. Mr. Rosenbaum stated that there are 18,000 cars a day that comes down Highway 107 and in about five years it is going to be 25,000 cars a day. Mr. Rosenbaum stated that the amount of cars would overwhelm Highway 107 and a four lane Brockington. Mr. Rosenbaum would like to get the north belt freeway built. Also, Mr. Rosenbaum stated that if the north belt is shifted further north it would not be used. Alderman Vassar, seconded by Alderman Rankin, made a motion to adopt the ordinance. The roll call vote was 6 ayes. Alderman Brooks abstain. Alderman Sulcer absent.

Alderman Fender, Chairman of the Street Committee, stated their meeting included Richard McGhee from Metroplan. The meeting was more of a workshop. Discussion was focused on Maryland and there is hope that there will be federal money available.

Resolution No. 7-2009, entitled, "A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-001-00-019-00, COMMONLY KNOWN AS 8800 LANDERS ROAD TO CONSTITUTE A PUBLIC NUISANCE" was read. Alderman Brooks, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Sulcer absent.

Resolution No. 8-2009, entitled, "A RESOLUTION APPOINTING DON HUGHES, REPLACING CLYTICE KOEHLER TO THE CIVIL SERVICE COMMISSION" was read. Alderman Davis, seconded by Alderman Brooks, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Sulcer absent.

Mayor Hillman informed the council that there is no cost to the City of Sherwood on the following resolution. **Resolution No. 9-2009, entitled, "A RESOLUTION AUTHORIZING THE MAYOR TO CONDUCT A FEASIBILITY STUDY ON THE POSSIBLE MERGER OF NORTH LITTLE ROCK WASTEWATER AND SHERWOOD WASTEWATER"** was read. Alderman Vassar, seconded by Alderman Brooks, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Sulcer absent.

Charlie Wood, Pulaski County Special School Board representative for Sherwood, addressed the council and gave them an update on the new middle school for Sherwood. Recently it was determined that the cost for the Oakgrove High School is approximately \$81 million dollars. The school district cannot afford \$81 million for the high school plus the cost of the middle school. The administration suggested that the Oakgrove High School be built and Sylvan Hills Middle School be put on hold. When this was proposed, Mr. Wood offered an amendment to the motion to say that the \$81 million was for both the Oakgrove High School and Sylvan Hills Middle School. The motion that officially passed was that Oakgrove High School and Sylvan Hills Middle School are on the same time schedule. There will be a workshop in March to address how to pay for the schools. The project will go forward. Mr. Wood wanted to inform the council that he is supporting Sherwood and will work hard to make sure that the middle school will be built. Alderman Vassar asked that Mr. Wood periodically update the council on the progress of the situation. Ms. Freeling asked Mr. Wood that more is done for this side of the river in reference to schools.

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Gretchen Helton, an officer with the Animal Services Department addressed council and stated that the animal Services Department will be hosting a “Break the Chain Fundraiser” at City Hall on April 25 and 26, 2009. The home office of Modern Woodmen of America up to \$2,500.00 will match all proceeds raised from this project. Robin Breaux, Director of Animal Services added that from 11:00 a.m. – 4:00 p.m .the mobile adoption unit will move to Immaculate Conception church for their fair.

Mayor Hillman made the following announcement(s):

- Introduction of the Mayor’s Youth Council

Alderman Brooks, seconded by Alderman Davis, made a motion to adjourn at 8:36 p.m.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor