

May 26, 2009

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on May 26, 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, Sulcer, Brooks, and Harmon. Alderman Kevin Lilly absent.

Dr. J.D. Stakes, pastor of First Baptist Church of Gravel Ridge, 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 April 27, 2009, as transcribed. The roll call vote was 7 ayes. Alderman Lilly absent.

Korey Malloy and Alicia Hamilton, sponsors for the Mayor's Youth Council awarded Jordan Pruitt and Allison Frymar college scholarships of \$250.00 each.

Alderman Sulcer, Chairman of the Advertising and Promotion Commission, stated they met and discussed Sherwood Fest and the 4th of July. The next meeting for Sherwood Fest and the 4th of July will be on June 22, 2009, at 2:00 and 3:00 p.m. at the Bill Harmon Recreation Center.

Resolution No. 16-2009, entitled, "A RESOLUTION RE-APPOINTING RON ROY TO THE CIVIL SERVICE COMMISSION" was read. Alderman Davis, seconded by Alderman Sulcer, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Lilly absent.

Ordinance No. 1820, entitled, "AN ORDINANCE DETERMINING THE USE OF THE NORTH HILLS PARK PROPERTY, DIRECTING THE COMMENCEMENT OF RESTORATION OF THE FACILITY, DETERMINING AN ANTICIPATED REOPENING OF THE FACILITY, APPROPRIATING FUNDS, WAIVING COMPETITIVE BIDDING, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES" was read. Alderman Davis addressed the council and stated that he had constituents that were against this ordinance. Alderman Davis suggested that the city wait to move forward with the golf course until the city is able to repair drainage and streets in the city. Alderman Davis would like to pay the balance down before making it a Class A golf course. Alderman Sulcer stated she was the only person on the council who did not vote for the golf course, but the city owns the golf course and there needs to be something done to bring in revenue. Alderman Vassar stated that this issue has been researched and discussed for two years. Alderman Vassar stated the city needs to take the necessary action that was recommended by the engineering firm that was hired and the endorsement from the Sherwood Chamber of Commerce, local educators, and the Keep Sherwood Beautiful Commission. Alderman Vassar stated that tonight the city has the opportunity to make it a fine golf course that can be used by the young and senior citizens. Alderman Vassar stated that with limited funds and no tax increase the city must be frugal. Alderman Vassar further stated that income revenue, special projects, grants and permanent financing can further benefit development. Alderman Vassar stated the citizens would be pleased with the results. Alderman Vassar stated that other city structures have had opposition but the city moved forward and now has a great Senior Citizen Center, pools, ball fields, and a hospital. Alderman Vassar stated that all the capital improvements were completed without a special election or putting it on the general election ballot. Alderman Vassar, seconded by Alderman Harmon, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was 6 ayes. Alderman Davis no. Alderman Lilly absent. The ordinance was read for the second time. Alderman Rankin, seconded by Alderman Vassar, 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 Davis no. Alderman Lilly 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 6 ayes. Alderman Davis no. Alderman Lilly absent. The emergency clause passed with a roll call vote of 6 ayes. Alderman Davis no. Alderman Lilly absent.

May 26, 2009

REGULAR MEETING 2

Alderman Vassar, Chairman of the Personnel Committee, stated they met. An ordinance was on the agenda for creating positions for the golf course. There was discussion on the extended education for city employees. This will be reviewed and there will be an amended policy for education.

Ordinance No. 1821, entitled, "AN ORDINANCE CREATING ONE ADDITIONAL PARK MAINTENANCE GENERALIST; CREATING ONE GOLF COURSE SUPERINTENDENT; AND CREATING TWO PART TIME REGULAR GOLF COURSE LABORER POSITIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read. Alderman Davis, 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 Lilly absent. The ordinance was read for the second time. Alderman Sulcer, 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 Lilly absent. The ordinance was read for the third time. Alderman Rankin, seconded by Alderman Brooks, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Alderman Lilly absent. The emergency clause passed with a roll call vote of 7 ayes. Alderman Lilly absent.

Ordinance No. 1822, entitled, "AN ORDINANCE AMENDING ORDINANCE 445, CITY OF SHERWOOD CONTROL OF DEVELOPMENT AND SUBDIVISION OF LAND (RULES AND REGULATIONS) TO REFLECT THE CHANGES CONTAINED HEREIN REGARDING SIDEWALKS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES" was read. Mayor Hillman stated this ordinance was to clarify that the developers continue to place the sidewalks in rather than leave it as an option for the builders. Paul Brown, Code Enforcement Officer, stated that a certificate of occupancy will not be issued if the builder does not take care of all issues that need to be fixed or repaired. Ellen Norvell, City Engineer, stated that the development falls back on the developer. Alderman Sulcer asked who approved where the developers put their streetlights. Ellen Norvell stated the electric companies have been doing this. This is a policy that her office can look into. 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 Lilly absent. The ordinance was read for the second time. Alderman Harmon, 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 7 ayes. Alderman Lilly absent. The ordinance was read for the third time. Alderman Davis, seconded by Alderman Brooks, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Alderman Lilly absent. The emergency clause passed with a roll call vote of 7 ayes. Alderman Lilly absent.

Ordinance No. 1823, entitled, "AN ORDINANCE REZONING PROPERTY AT 8320 HIGHWAY 107 (WEST 173.00 FEET OF THE PROPERTY) FROM R-1 TO C-3; REPEALING CONFLICTING ORDINANCES; AMENDING THE ZONING MAP; AND FOR OTHER PURPOSES" was read. Alderman Harmon stated the staff comments were the removal of the 40' access easement back to Lee. The plat the council received still had the easement on it. Ellen Norvell, City Engineer, stated this would be resubmitted without the 40' easement. There will be no access to Lee. Carolyn Marsh, of 501 East Lee Avenue, addressed the council voicing her concern for the rezoning of this property. Ms. Marsh stated she is concerned with having a 53,000 square foot parking lot in her back yard. Ms. Marsh is also concerned with the lighting and screening that would be placed on the property. Another concern Ms. Marsh has is the drainage issue. Rusty Titsworth, 404 East Lee Avenue, addressed the council and stated he was unaware of the rezoning request and the drainage issue also affects his property. Mr. Titsworth was concerned about the safety issue of having ingress and egress onto East Lee from ABC Financial. There is a home that is on East Lee that has been gutted and is being used as a parking lot by ABC Financial. Brenda Aycok, whose property adjoins 501 East Lee, stated that the runoff from ABC Financial runs behind her property and feeds into the ditch. If the parking lot is put in her home will decrease in value. Mike Marlar, with Marlar Engineering Co., addressed the council and stated that the same questions came up during the planning commission. Discussion that there would be retention and there

would be no additional drainage after construction than there was before construction. Alderman Vassar asked how the issue of the drainage would be handled. Mr. Marlar stated the developer couldn't go downstream on a drainage ditch that is in an easement and do construction improvements on private property. The drainage improvements on the business's property will not increase drainage flow into the ditch above what is currently being drained into the ditch at this time. Alderman Vassar asked where the retention pond would be. Mr. Marlar stated there are a number of areas on the site that the retention could be placed. Alderman Vassar asked if the woods are going to be removed. Mr. Marlar stated they would not be removed. Alderman Brooks asked how many parking spaces are proposed. David Jones, also with Marlar Engineering stated approximately 100 spaces. Alderman Fender stated that there has been concern about egress and ingress onto East Lee, and asked Mr. Marlar if this would be an issue. Mr. Marlar stated it is not an issue. Bob Whisenett, CFO of ABC Financial, stated the parking on Lee Avenue has been halted. Mr. Whisenett stated that ABC Financial has approximately 300 employees and they are out of parking space and that is why this request is being made. Mr. Whisenett stated ABC Financial will work with the citizens in anyway they can. They want to do what is necessary to work with the community. Ellen Norvell, City Engineer, stated if the council is concerned with the retention it could be reviewed during the construction plans. Alderman Sulcer asked if it could be required they turn off the lights in the parking lot. Ms. Norvell stated that you do not want the lights shining in people's backyards, but the police do not want to have a dark parking lot either. Alderman Harmon stated that shielded lights could be required. 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 Lilly absent. The ordinance was read for the second time. Alderman Rankin, seconded by Alderman Fender, 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 Lilly absent. The ordinance was read for the third time. Alderman Fender, seconded by Alderman Harmon, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Alderman Lilly absent.

Alderman Fender, Chairman of the Street Committee, stated they met and had a public hearing on the next item on the ordinance. It was requested that this ordinance only be read one time.

An ordinance entitled, "AN ORDINANCE APPROVING THE ACCESS MANAGEMENT PLAN AND AGREEMENT FOR BROCKINGTON ROAD, AUTHORIZING THE MAYOR'S EXECUTION OF THAT AGREEMENT AND FOR OTHER PURPOSES" was read. Mayor Hillman asked Ellen Norvell if this would delay the construction on Brockington Road. Ms. Norvell stated no. Alderman Harmon asked if this literally meant that driveways would be closed. Ms. Norvell stated the existing driveways would stay in place. This access plan if put in place would limit the distance between driveways. What this ordinance is saying, if there is re-development of the property where the driveway exists they would relocate the driveway. Alderman Fender stated that this ordinance was to maintain traffic flow and for safety. The document is available in the engineer's office for anyone who would like to review it.

Resolution No. 17-2009, entitled, "A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #22R-027-00-007-00, COMMONLY KNOWN AS 5921 JACKSONVILLE CUTOFF TO CONSTITUTE A PUBLIC NUISANCE" was read. Scottie Kelley, Code Enforcement Officer, stated that it looks as if the property is currently being torn down. Alderman Sulcer stated that in January, Kenny McFessel's property was condemned and it is still standing. Mr. Kelley stated that it should not be by the first week of next month. Mr. McFessel has been working with the city and things will be done by the first of the month. Alderman Brooks, seconded by Alderman Rankin, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Lilly absent.

A resolution entitled, "A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #22S-001-05-041-00, COMMONLY KNOWN AS 103 WINONA TO

May 26, 2009

REGULAR MEETING 4

CONSTITUTE A PUBLIC NUISANCE” was read. Mr. Eugene Jackson, owner of the property was present to address the council. Mr. Jackson stated that he has been dealing with contractors, the insurance company and the weather. He has found a contractor that will be working on his property in about a week. Alderman Vassar stated that the property must be secured. Alderman Vassar, seconded by Alderman Harmon, made a motion to table the resolution for 30 days. The roll call vote was 7 ayes. Alderman Lilly absent.

Alderman Vassar asked that the code enforcement officer enforce the inoperable vehicles that are around the city.

John May, of 2817 Maelstrom Circle, addressed the council and stated that the lot next to him is vacant and is a health hazard. He stated the lot is a low area and is retaining water and is a swamp. Mr. May stated that mosquito’s are bad around the lot. Mr. May stated that water is draining into his lot and making a swamp of his lot. Ellen Norvell, City Engineer, stated that in the last six months her office has implemented a policy that requires builders to submit a grading plan when they apply for a permit to build. Mr. May stated that this past weekend the police were called because kids in their vehicles were cutting donuts in the lot.

Mayor Hillman introduced the Mayor’s Youth Council.

Mayor Hillman made the following announcements:

- Sherwood’s Pet Fair & “Fun”-Raiser, Saturday, May 30th, 2009, 9 a.m. to 5 p.m., Sherwood Municipal Complex.
- Sherwood’s Great American Cleanup May 30th, 2009, 9 a.m. at the Senior Citizen Center
- The Mayor is working with the Sherwood Chamber to explore the re-development of Economic Development.

Alderman Sulcer stated the Sherwood Elementary Odyssey of the Minds was competing in Ames, Iowa for World.

Mayor Hillman reported that Sherwood has been approved for a new Sylvan Hills Middle School.

Alderman Vassar, seconded by Alderman Davis, made a motion to adjourn at 8:07 p.m.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor