

July 27, 2009

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on July 27, 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, Fender, Davis, Sulcer, Brooks, Harmon and Lilly. Alderman Rankin absent.

Dr. Jerry Gay, Director of the North Pulaski Baptist Association, led in prayer, and the Pledge of Allegiance was given to the flag.

Alderman Vassar, seconded by Alderman Lilly, made a motion, to approve the minutes of the regular meeting on June 22, 2009, as transcribed. The roll call vote was 7 ayes. Alderman Rankin absent.

Mayor Hillman stated that item number five on the agenda, State Representatives Barry Hyde and Jim Nickels presentation, would be moved to next month's council meeting.

Alderman Sulcer, Chairman of the Advertising and Promotion Commission, stated the committee met and finalized the plans for the 4th of July celebration. The celebration was very successful.

Alderman Sulcer stated the Parks and Recreation Committee met and discussed updates on the legion field.

Mayor Hillman introduced the new golf course superintendent, Mandel Brockinton.

Ordinance No. 1828, entitled, "AN ORDINANCE REZONING PROPERTY AT 14418 HIGHWAY 107 FROM R-1 TO C-4; AS AMENDED; AMENDING THE ZONING MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read. Ralph Stewart, owner of property, stated that he felt it would be beneficial to the community and businesses if this ordinance were passed. Alderman Vassar stated there was a certain boundary that has allowed C-4 and his business is in it. There was a group that came before the council stating that since they did not have access to the expressway and these businesses have been operating under what the City of Sherwood considered C-4 businesses, it is the consensus of the group that the council allow them to operate as they have in the past. Alderman Vassar stated for the record that south of the boundary in the discussion the council would not allow C-4 all the way to the city limits. Alderman Vassar, seconded by Alderman Lilly, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes. Alderman Rankin absent. The ordinance was read for the second time. Alderman Harmon, seconded by Alderman Brooks, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 7 ayes. Alderman Rankin 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 Rankin absent. The emergency clause passed with 7 ayes. Alderman Rankin absent.

Ordinance No. 1829, entitled, "AN ORDINANCE REZONING PROPERTY AT 14620 HIGHWAY 107 FROM R-1 TO C-4; AS AMENDED; AMENDING THE ZONING MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read. Alderman Vassar stated the statement she made in the first ordinance would carry on through all of the rezoning of this area. 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 Rankin absent. The ordinance was read for the second time. Alderman Sulcer, seconded by Alderman Lilly, 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 Rankin absent. The ordinance was read for the third time. Alderman Sulcer, seconded by Alderman Harmon, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Alderman Rankin absent. The emergency clause passed with 7 ayes. Alderman Rankin absent.

Ordinance No. 1830, entitled, “AN ORDINANCE REZONING PROPERTY AT 15417 HIGHWAY 107 FROM R-1 TO C-4; AS AMENDED; AMENDING THE ZONING MAP; 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 Rankin absent. The ordinance was read for the second time. Alderman Vassar, seconded by Alderman Lilly, 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 Rankin absent. The ordinance was read for the third time. Alderman Harmon, seconded by Alderman Davis, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Alderman Rankin absent. The emergency clause passed with 7 ayes. Alderman Rankin absent.

Ordinance No. 1831, entitled, “AN ORDINANCE REZONING PROPERTY AT THE INTERSECTION OF HIGHWAY 107 AND GENERAL SAMELS FROM R-1 TO R-1 CONDITIONAL; AS AMENDED; AMENDING THE ZONING MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES” was read. Alderman Vassar stated that the rezoning sign was missing from the area. Ellen Norvell, City Engineer, stated that property is on the opposite side of the road from General Samuels. The property is located west of Highway 107. Alderman Harmon stated he did look across the street and the rezoning sign was not there. Ms. Norvell stated that it was there before the planning commission. 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 Rankin absent. The ordinance was read for the second time. Alderman Sulcer, 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 7 ayes. Alderman Rankin absent. The ordinance was read for the third time. Alderman Harmon, seconded by Alderman Sulcer, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Alderman Rankin absent. The emergency clause passed with 7 ayes. Alderman Rankin absent.

Ordinance No. 1832, entitled, “AN ORDINANCE REZONING PROPERTY AT 7900 HIGHWAY 107 FROM R-1 TO C-3; AS AMENDED; AMENDING THE ZONING MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES” was read. Alderman Vassar stated she is receiving concern from people about the depth of the lot. The lot is 539’ deep with highway frontage of 100’. The question has arisen about the business that is going in, if it is not successful, you have 539’ of C-3 property. There is residential on both sides of the back of the lot. Alderman Vassar is proposing that the back portion remain zoned R-1. Dwight Pattison, stated that the property east of this property is already zoned C-3. Alderman Vassar asked if the townhouses would be north of this property. Dwight Pattison stated they would. The mini warehouses come back behind the subject property and on the south side of the property you have residential. Alderman Vassar asked if this question came up at the planning commission. Mr. Pattison stated that it did not. There was no opposition. Alderman Harmon asked if it was surrounded by C-3. Mr. Pattison stated except for one short piece of the southeast corner, and everything else was C-3. Alderman Fender stated that the council’s practice has not been to go back farther than 300’ and this is not consistent with that. Alderman Fender asked Gwen Couch if there would be a need to go farther than the 300’. Ms. Gwen Couch stated they were the sellers of the property. Joe Clay, with Ms. Couch, stated the buyer was not present. Ms. Couch stated they were talking about at one time having residential on the property. Mr. Clay stated they could not state whether the 300’ would be enough. Alderman Sulcer stated there is C-3 behind the property. Alderman Davis asked Mr. Pattison what he recommended. Mr. Pattison stated his recommendation is to rezone the entire depth C-3 because it is already C-3 to the east of it. Alderman Vassar questioned if this was done what kind of buffer would be in place. Mr. Pattison stated the proposal is to take the screening from the sides and move them back to the rear of the property. Alderman Harmon stated he did not want to set a precedent going beyond the 300’ but since the surrounding area was already C-3 this could be an exception. Alderman Fender, seconded by Alderman Sulcer, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was

July 27, 2009

REGULAR MEETING 3

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

Alderman Lilly, seconded by Alderman Fender, made a motion to suspend the rules to bring discussion from the sewer committee before the council. The roll call vote was 7 ayes. Alderman Rankin absent.

Steve Cobb, City Attorney, stated the sewer committee met with an engineer regarding a request for a sewer easement that runs across the Sherwood Forest property. Ellen Norvell, City Engineer, stated they spoke with the engineer and there will be conditions before the council can act on this. The City can receive a benefit from the sewer, in lieu of requesting payment of the easement that the city has use of the sewer. Mr. Cobb asked that the council take a vote tonight to allow the Mayor to execute the easement if those conditions are met. Alderman Sulcer asked if the city did not give them the easement would they have to go somewhere else or could they still run their sewer through the city. Ms. Norvell stated she was unsure how they would get through the property if the city did not grant an easement. The preliminary from the park study shows there will need to be sanitary sewer. This would be a way to get it to the property without cost to the city. Alderman Sulcer asked if the sewer was adequate for the buildings that were currently on the property. Ms. Norvell stated there was no sewer at the mule barn. Alderman Fender asked Alderman Lilly if it was at the recommendation of the sewer committee that this be done. Alderman Lilly stated that is was an unanimous recommendation. Alderman Vassar asked if the sewer easement would be beneficial to the RV Park that was mentioned during the park study. Ms. Norvell stated there would definitely be a need for sanitary sewer. This would give the city the ability to have the trunk line going across the property and the city would tie on to this trunk. The city would be granting North Little Rock this easement and they would have to agree to the concessions. Alderman Sulcer asked if the city stated no to this easement and North Little Rock ran the sewer there, could North Little Rock keep Sherwood from tying on to the sewer. Ms. Norvell stated she did not think that North Little Rock would keep the city from tying onto the sewer. Alderman Fender asked Steve Cobb if this would require a resolution, giving the Mayor the authority to execute the easement. Steve Cobb stated he would outline a resolution indicating an agreement between the developer and the city and once that is signed, the Mayor would have the authority to execute the easement. Alderman Harmon, seconded by Alderman Fender, made a motion that the council authorize the Mayor to execute an easement provided that the easement allows the city to tie on to the sewer with no tie on costs or fees for use at the Sherwood Forest Parks and ballparks. The roll call vote was 7 ayes. Alderman Rankin absent.

Alderman Fender, Chairman of the Street Committee, stated the committee did meet. The leaf truck was ran due to the hailstorm on June 30, 2009 that hit the Sherwood area. Alderman Fender asked Tracy Sims if the city could qualify any capacity with FEMA for the damage from the hailstorm. Mr. Sims (not present) informed Alderman Fender that FEMA guidelines dictate that you have to have structural damage to your home. The city will not be able to make this a disaster area. Alderman Fender stated that the next ordinance on the agenda he would request this to be tabled. Alderman Sulcer asked if this ordinance needed to go back before the planning commission. Steve Cobb, City Attorney, stated this is an issue that is being worked on. Alderman Fender also asked that the budget committee for the 2010 budget consider two (2) new boom trucks for the Public Works department. The roll call vote to table "An ordinance approving the Access Management Plan and agreement for Brockington Road, authorizing the Mayor's executing of that agreement and for other purposes" was 7 ayes. Alderman Rankin absent.

July 27, 2009

REGULAR MEETING 4

Resolution No. 19-2009, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #22S-001-05-041-00, COMMONLY KNOWN AS 103 WINONA TO CONSTITUTE A PUBLIC NUISANCE” was read. Scott Kelley, Code Enforcement Officer, asked the council to pass this resolution and he will work with the owner. Alderman Brooks, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Rankin absent.

Ellen Norvell, City Engineer, stated the Sherwood Fire Department did bring a floor plan and Paul Brown will be working with the fire department on the site layouts. Alderman Vassar stated this is a situation where the council is giving the fire department the okay to do the construction. The city is not spending the money until the end of the year. Alderman Davis stated the fire department wants to know that the city will give them the money, and has the fire department checked for grants. Mayor Hillman stated there was a grant available but the fire department stated they did not have time to apply for it. The city would not give anyone else a permit, and the building process should not be started until everything is submitted and approved through the city’s building department. Alderman Harmon stated all the council is doing is stating to the fire department that the city will give them up to the \$60,000.00. Any other money they receive has to be subtracted from what the city gives them. Alderman Vassar stated she believes the council is supporting the fact that the improvements are needed. Alderman Sulcer asked if the fire department builds the building and use their own funds and the city gives them the land to build on, who legally owns the building after it is complete. Steve Cobb stated the city. Tom Brooks, board member of the fire department, stated they would submit all requests for the building. All the fire department is asking is that the funds to reimburse the fire department is available. Mr. Brooks stated that the grant in question stated enhancement of sleeping quarters would be the low priority. The fire department felt that it would be wasting time filling out the forms for this grant believing it would have been rejected. Alderman Vassar encouraged Mr. Brooks and the fire department to continue to look for grants. David Teague, Sherwood Fire Chief, addressed the council and stated that in regards to the grant there is \$210,000,00.00 in President Obama’s stimulus plan. There are 52,000 fire departments in the United States. The people running the grant program are anticipating giving out less than seventy-five grants. The Sherwood Fire Department’s chances are very slim and it would possibly be six to eight months before they would even find out if they might get it. Mayor Hillman asked that Paul Brown be involved in the plans. **Ordinance No. 1833, entitled, “AN ORDINANCE COMMITTING FUNDS FOR REIMBURSEMENT FOR EXPANSION OF THE LIVING QUARTERS AT THE LANTRIP ROAD SHERWOOD FIRE DEPARTMENT BUILDING”** was read for the second time. Alderman Harmon, 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 7 ayes. Alderman Rankin absent. The ordinance was read for the third time. Alderman Fender, seconded by Alderman Davis, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Alderman Rankin absent.

Resolution No. 20-2009, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #22R-021-00-013.01, COMMONLY KNOWN AS 14808 HIGHWAY 107 TO CONSTITUTE A PUBLIC NUISANCE” was read. Alderman Brooks, seconded by Alderman Lilly, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Rankin absent.

Resolution No. 21-2009, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #22R-020-19-001-00, COMMONLY KNOWN AS 100 GRAVEL LANE TO CONSTITUTE A PUBLIC NUISANCE” was read. Alderman Davis, seconded by Alderman Harmon, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Rankin absent.

Resolution No. 22-2009, entitled, “A RESOLUTION FINDING THE COMMERCIAL STRUCTURE LOCATED ON PARCEL #22R-029-03-001-00, COMMONLY KNOWN AS 14307 HIGHWAY 107 TO CONSTITUTE A PUBLIC

July 27, 2009

REGULAR MEETING 5

NUISANCE” was read. Alderman Vassar, seconded by Alderman Sulcer, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Rankin absent.

Steve Cobb, City Attorney, stated the next ordinance on the agenda should read “amending Ordinance No. 603” instead of Ordinance 1079.

Ordinance No. 1834, entitled, “AN ORDINANCE AMENDING ORDINANCE 603, THE SIGN ORDINANCE, ESTABLISHING THE PROVISION FOR NON-PROFIT ORGANIZATIONS TO APPLY FOR MAYORAL CONSENT TO PLACE SIGNS ADVERTISING NON-COMMERCIAL LOCAL EVENTS WITHIN THE PUBLIC RIGHT-OF-WAY” was read. Andy Wilson, Code Enforcement Officer, stated to the council this ordinance was to make provisions for the signs and to help have an ordinance to establish guidelines for temporary signs and commercial signs. The idea is to help alleviate signs from remaining up for a long period of time. Persons placing signs will be given a time frame of when they need to remove their signage. Alderman Vassar stated if a project is not complete the people need to be able to extend the time frame for having their signage out. Alderman Vassar stated that the non-profit organizations need to be made aware their signs are to be removed within 24-48 hours after the event. Alderman Vassar, seconded by Alderman Fender, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes. Alderman Rankin absent. The ordinance was read for the second time. Alderman Sulcer, 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 7 ayes. Alderman Rankin absent. The ordinance was read for the third time. Alderman Vassar, seconded by Alderman Brooks, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Alderman Rankin absent. The emergency clause passed with 7 ayes. Alderman Rankin absent.

Sonny Janssen, Director of Parks and Recreation, stated he spoke with ETC Engineers, and they stated they would have a rough draft on the Master Park proposal to him and the Mayor in three weeks. The final draft would be given after it is reviewed.

Alderman Sulcer asked if the North Hills Park would be renamed. Mayor Hillman stated this should go through the Parks and Recreation Committee. Alderman Vassar stated she believed the country club would lose its identity if the name were changed and for marketing purposes suggested the name remain the same.

Lucien Gillham, a resident of Pennwood Drive, gave the council a petition that was taken up from residents on Pennwood requesting speed humps. The residents would like to have the speed humps to slow the traffic down on their street. Mr. Gillham stated that several people have called the Sherwood Police Department and did not receive any help from them. Mr. Gillham pointed out the City of Little Rock had over 300 speed humps, the City of North Little Rock has over 40, and City of Conway have between 50 and 60. The City of Cabot and Maumelle both have them. Mr. Gillham spoke with Danny with the North Little Rock street department and Danny stated that he had just ordered sets of prefab speed bumps that you place down and they can be moved around. This is what Mr. Gillham would like to see the City of Sherwood do. Chief Kel Nicholson stated to the council that the police department is aware of the speeding on Pennwood. There are 546 streets in Sherwood. There are a lot of vehicles that are stopped for speeding on Pennwood, but when they are actually pulled over it ends up being on another street. There were 98 vehicles stopped to date in 2009 on Pennwood. In 2008 there were 197 vehicles stopped. The police are there when they can be. The police department put in the budget a request for a traffic officer, which they received, but they are still in the hiring process. When the police department gets an officer that works nothing but traffic, there will be a lot of complaining in town because there will be a lot of tickets written. The police department does the best they can and recognizes there is a problem with speeding. Alderman Vassar asked if they could concentrate on the area at certain times of the day. Chief Nicholson stated that has been done. The police department cannot commit to being somewhere unless it is prescheduled. The police department tries to schedule to be there during lunch times. The problem in the morning time traffic is the

police department is answering alarm calls and accidents. Alderman Fender stated he has spoke with the residents of Pennwood and they do have a problem with speeders. Alderman Fender asked that when the police are there that they not give out warnings but give out tickets. Chief Nicholson stated that discretion is given to the officers when they pull over a vehicle. Chief Nicholson stated warnings are given out first because when tickets are written everyone on the street receives one. Don Redd stated that was more of a reason to have the speed humps because this would allow for something to be done all the time. Chief Nicholson stated he was not protesting the citizens of Pennwood. Mr. Redd stated he understood. Chief Nicholson stated he understood the problem for the Pennwood residents and that is why he tries to have a policeman run radar on their street. Mr. Redd stated that the police do a good job when they are there, but most of the time they are not there during peak traffic time. Chief Nicholson agreed because that is when the police are tied up with other calls. A female in the audience stated that in the past a dog has been hit and it's possible a child could be hit. A female who lives on the corner of Club and Pennwood stated that she could not allow her children out to check the mail or play in the driveway because of the speeding on this street. Mike Anderson, commissioner on the fireboard, stated people are going to do things they are not supposed to do. The problem with the ambulance and fire trucks is with the load they are carrying and when the speed humps are hit, it throws everything around in the fire trucks and the ambulance. Jon Swanson, Director of MEMS, stated that speed bumps are problems for the ambulance because for one it slows them down and secondly it bounces the rear springs knocking equipment and medical supplies around. Most importantly when a patient is loaded the impact of the bump could cause a problem. Frank Gillham, a resident on Pennwood, addressed the council and stated that Little Rock and other cities around town has speed humps, and the city is worried about breaking springs and medical supplies being knocked around. In reality you are only slowing down for a moment. Mr. Frank Gillham stated it would only be a matter of time before someone gets run over, rear ended, or a head on collision for people accelerating up the hill. He believes the city should consider trying out a speed hump. Mr. Frank Gillham stated he does see the Sherwood Police on Pennwood backed up in driveways, but as soon as they leave the speeders return. Mr. Frank Gillham asked the council to reconsider having the speed humps put in place. Alderman Sulcer asked if the speed humps are like the ones that are gradual. Mr. Lucien Gillham stated like the ones on Kierre and Osage. Alderman Fender stated he and Lucien Gillham and Don Redd have spoke on the phone the residents' would like to have six (6) speed humps. Alderman Fender stated the dilemma he has with this is that he is not sure how to draw the line on who can get speed humps. There is a problem but Alderman Fender is not sure speed humps are the answer. Alderman Lilly asked if they could set a criteria for what street receive speed hump recommendation. Alderman Vassar stated one way would be to have an old police car parked on Pennwood.

Mayor Hillman made the following announcements:

- Introduction of the Mayor's Youth Council
- Sherwood Chamber Fish Fry, Thursday, July 30, 2009, from 5:00 – 7:00 p.m. at Sherwood Forest
- National Night Out, Tuesday, August 4, 2009, from 6:00 – 9:00 p.m.

Doris Anderson, a member of the Sherwood Police Academy Alumni Association, reported to the council that Delta Dental donated \$2,250.00 to buy vest for the K-9 dogs and the Sherwood Moose Lodge donated \$1,000.00 for K-9 accessories.

Alderman Vassar, seconded by Alderman Davis, made a motion to adjourn at 8:35 p.m.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor

