

December 28, 2009

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on December 28, 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 Rankin, Fender, Davis, Sulcer, Brooks, Harmon and Lilly. Alderman Vassar absent at time of roll call.

Kenny MeckFessel, of New Life Assembly of God of Gravel Ridge, led in prayer, and the Pledge of Allegiance was given to the flag.

Alderman Brooks, seconded by Alderman Rankin, made a motion, to approve the minutes of the regular meeting on November 23, 2009, as transcribed. The roll call vote was 7 ayes. Alderman Vassar absent.

Steve Cobb, City Attorney asked if there were any objections to move Items 7-10 to the front of the agenda. Lavonne McDonald with CAPPD addressed the council and informed them that the resolutions on the agenda were a formality so Galley Support Innovations could receive their grant for software. Ms. McDonald stated there was a resolution to authorize the Mayor to submit the application for Arkansas Community and Economic Development Program; a resolution stating that the City would replace all occupied and vacant occupiable low and moderate-income dwellings demolished or converted as a direct result of construction used from the grant funds, the grant is for software; a resolution to establish a policy prohibiting the use of Excessive Force by Law Enforcement Agencies within the applicants jurisdiction against individuals engaged in non-violent civil rights demonstrations. Chief Kel Nicholson was asked if there was a problem with this resolution and he stated that this resolution is just stating that law enforcement obey the law. The last resolution is for the City to establish a Drug Free Workplace Policy.

Resolution No. 33-2009, entitled, "A RESOLUTION WHEREAS THE CITY OF SHERWOOD WILL REPLACE ALL OCCUPIED AND VACANT OCCUPIABLE LOW AND MODERATE-INCOME DWELLINGS DEMOLISHED OR CONVERTED TO A USE OTHER THAN AS LOW/MODERATE-INCOME HOUSING AS A DIRECT RESULT OF ACTIVITIES ASSISTED WITH FUNDS PROVIDED UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND DESCRIBED IN 24 CFR 570.49a(b)(1). ALL REPLACEMENT HOUSING WILL BE PROVIDED WITHIN THREE YEARS OF THE COMMENCEMENT OF THE DEMOLITION OR REHABILITATION RELATING TO CONVERSION" was read. Alderman Harmon, seconded by Alderman Rankin, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Vassar absent.

Resolution No. 34-2009, entitled "A RESOLUTION ESTABLISHING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES WITHIN THE APPLICANT'S JURISDICTION AGAINST INDIVIDUALS ENGAGED IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATION" was read. Alderman Brooks, seconded by Alderman Lilly, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Vassar absent.

Resolution No. 35-2009, entitled, "THE CITY OF SHERWOOD WILL ESTABLISH A DRUG FREE WORKPLACE" was read. Alderman Rankin, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Vassar absent.

Resolution No. 36-2009, entitled, "A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR ACEDP GRANT FUNDS TO THE STATE OF ARKANSAS" was read. Alderman Brooks, seconded by Alderman Harmon, made a motion to adopt the resolution. The roll call vote was 7 ayes. Alderman Vassar absent.

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REGULAR MEETING 2

The Mayor's Youth Council presented Christmas light awards to Joe Riley and Billy Vahn of 318 Alanbrooke, Ed Pilkinton of 6757 Austin Bay Court, and Steve Warner of 7525 Glenn Hills Drive.

Alderman Sulcer, Chairman of the Advertising and Promotions Commission, stated the committee did not meet. The meeting for January will be on the 13th at 3:00 p.m. at the Bill Harmon Recreation Center. Alderman Sulcer stated that the Trail of Lights has been a great success this year.

Alderman Rankin, Chairman of the Parks and Recreation Committee, stated the committee met. Alderman Rankin stated that Sonny Janssen, Director Parks and Recreation, is looking into separating the utilities with the restaurant that is going in at the Greens at North Hills. Alderman Fender asked Sonny if everything is going well for the Greens to be opened in the spring of 2010. Mr. Janssen stated they feel the Greens will open after the first of the year, but are unsure of the exact date. Alderman Sulcer asked about the liability of the restaurant going in. Mr. Janssen stated that the owners are responsible for the insurance. Alderman Harmon asked if there would be a bond issue brought to the council soon. Mayor Hillman stated that is currently being worked on.

Alderman Vassar arrived at 7:20 p.m.

Alderman Vassar, Chairman of the Personnel Committee, stated the committee met. Alderman Vassar stated the committee is recommending changes to the City's Policy manual. These changes are needed and are included in the following ordinance.

Ordinance No. 1848, entitled, "AN ORDINANCE ADOPTING THE ATTACHED NEW AND AMENDED POLICIES AND RULES CHANGES TO THE CITY'S POLICY MANUAL, AND FOR OTHER PURPOSES" was read. Alderman Rankin, seconded by Alderman Davis, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was unanimous. The ordinance was read for the second time. Alderman Vassar, seconded by Alderman Rankin, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was unanimous. The ordinance was read for the third time. Alderman Harmon, seconded by Alderman Brooks, made a motion to adopt the ordinance. The roll call vote was unanimous.

Ordinance No. 1849, entitled, "AN ORDINANCE CREATING ONE FULL TIME GOLF PROFESSIONAL; CREATING ONE FULL TIME PARK MAINTENANCE WORKER; ONE PART TIME PARK MAINTENANCE WORKER; CREATING ONE FULL TIME PRO SHOP CASHIER; AND CREATING ONE FULL TIME PARK MAINTENANCE GENERALIST; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read. Alderman Vassar stated that these positions should have been created months ago and these positions need to be funded in the budget for the Greens at North Hills to open in the spring of 2010. Alderman Harmon, seconded by Alderman Lilly, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was unanimous. The ordinance was read for the second time. Alderman Vassar, seconded by Alderman Brooks, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was unanimous. The ordinance was read for the third time. Alderman Rankin, seconded by Alderman Lilly, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Steve Cobb, City Attorney, stated the next item was tabled from last month and research on the business was done and the information obtained is the business sold in 2006 and no privilege license has been issued since that time for operation of a car lot. Alderman Sulcer, seconded by Alderman Brooks, made a motion to deny the appeal. The roll call vote was unanimous.

Ordinance No. 1850, entitled, "AN ORDINANCE FIXING RATES FOR SERVICES FURNISHED BY THE SEWER SYSTEM OF THE CITY OF SHERWOOD, ARKANSAS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES" was read. Alderman Lilly stated that the sewer system has operated on approximately half of what other communities around are collecting. The sewer account has operated using reserve funds and now is the time to begin operating without a deficit. Alderman Harmon had a question on Section 4, asking if this gave the city the right to raise fees without council approval. Mayor Hillman stated no, that the rates will be reviewed annually. Alderman Lilly stated the last rate was a decrease to equalize all residents of the city. Alderman Lilly stated that the increase for 2010 would keep the sewer account from operating on reserve funds and keep them from working with a deficit. Mayor Hillman stated this would not affect every resident in the city, only residents that are on the City of Sherwood sewer. Mr. Brown of 106 Shelby addressed the council and stated that he has had problems with his sewer system. About three weeks ago a plumber came to his residence and found that his sewage line had been put into a dead line. Mr. Brown stated North Little Rock came out and fixed his sewer problem. 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 unanimous. The ordinance was read for the second time. Alderman Rankin, 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 unanimous. The ordinance was read for the third time. Alderman Davis, seconded by Alderman Lilly, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Alderman Davis asked City Attorney Steve Cobb if he could advise on the street committee chairman appointment. Steve Cobb stated that a resolution for the Chairman appointment would be done at the next council meeting.

Steve Cobb asked if there were no objections that the council skip Item Number 11 on the agenda until more information is obtained.

Ordinance No. 1852, entitled, "AN ORDINANCE PROVIDING FOR THE ADOPTION OF A STREET FUND DEPARTMENT BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" 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 unanimous. The ordinance was read the third time. Alderman Sulcer asked if the amount included the money from Pulaski County for Brockington Road. Mayor Hillman stated it did not because there was not a commitment from Pulaski County. Mayor Hillman stated that Metroplan has proposed that they fund 100% for Brockington Road up front so the stimulus money can be used. The City of Sherwood will still pay their share but it would not be in 2010. Alderman Vassar, seconded by Alderman Brooks, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Ordinance No. 1853, entitled, "AN ORDINANCE PROVIDING FOR THE ADOPTION OF A WASTEWATER DEPARTMENT BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read. 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 unanimous. The ordinance was read for the second time.

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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 unanimous. 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 unanimous. The emergency clause passed with a unanimous roll call vote.

Steve Cobb, City Attorney stated that Item Number 14 has been withdrawn at the request of the sponsor.

Ordinance No. 1854, entitled, "AN ORDINANCE PROVIDING FOR THE ADOPTION OF A SHERWOOD POLICE DEPARTMENT LOCAL DRUG FUND BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read. Alderman Sulcer, seconded by Alderman Harmon, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was unanimous. The ordinance was read for the second time. Alderman Vassar, seconded by Alderman Davis, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was unanimous. The ordinance was read the third time. Alderman Harmon, seconded by Alderman Brooks, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Ordinance No. 1855, entitled, "AN ORDINANCE PROVIDING FOR THE ADOPTION OF AN ADVERTISING AND PROMOTIONS COMMISSION BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read. Alderman Vassar, seconded by Alderman Sulcer, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was unanimous. The ordinance was read for the second time. Alderman Rankin, seconded by Alderman Sulcer, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was unanimous. The ordinance was read for the third time. Alderman Brooks, seconded by Alderman Sulcer, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Ordinance No. 1856, entitled, "AN ORDINANCE AMENDING THE 2009 GENERAL FUND BUDGET ORDINANCE NO. 1806, THE 2009 STREET FUND BUDGET ORDINANCE NO. 1807, AND THE 2009 SHERWOOD WASTEWATER BUDGET ORDINANCE NO. 1816; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read. Alderman Harmon, seconded by Alderman Lilly, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was unanimous. The ordinance was read for the second time. Alderman Vassar, seconded by Alderman Rankin, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was unanimous. The ordinance was read for the third time. Alderman Brooks, seconded by Alderman Rankin, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Ordinance No. 1857, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1021 REGARDING THE CREATION OF THE ADVERTISING AND PROMOTION COMMISSION REGARDING RESIDENCY REQUIREMENTS FOR MEMBERS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES" was read. Alderman Davis asked if at one time you had to live in the City of Sherwood to be on a commission or committee. City Attorney Steve Cobb stated there are some exceptions to some commissions. Alderman Sulcer stated at that time to have someone on the commission to promote tourism or a restaurant there were not enough

that did live in Sherwood. Alderman Harmon stated that statute says that the language be in the ordinance. Alderman Sulcer stated they do have to live in the County. Alderman Vassar, seconded by Alderman Davis, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was unanimous. The ordinance was read for the second time. Alderman Sulcer, seconded by Alderman Brooks, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was unanimous. The ordinance was read for the third time. Alderman Rankin, seconded by Alderman Sulcer, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Resolution No. 37-2009, entitled, "A RESOLUTION APPOINTING JOFFREY CLARK, REPLACING VIRGINIA HILLMAN, TO THE CITY OF SHERWOOD RETIREMENT BOARD" was read. Alderman Harmon, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 38-2009, entitled, "A RESOLUTION RE-APPOINTING DANNY GILLILAND TO THE CITY OF SHERWOOD ADVERTISING AND PROMOTION COMMISSION" was read. Alderman Sulcer, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote was unanimous.

Ordinance No. 1858, entitled, "AN ORDINANCE AMENDING ORDINANCE 1698 REGARDING REGULATIONS OF PAWNSHOPS, PAWNBROKERS AND DEALERS IN SECONDHAND GOODS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES" was read. Alderman Rankin asked why we are doing this ordinance. City Attorney Steve Cobb stated the original ordinance was not specific in terms of the requirement of these businesses to catalog acquisition of property and to report on an electronic basis the property so a comparison could be done between the acquired property and stolen property. In meeting with the detectives there was explanation that some businesses were not keeping up with their inventory. This ordinance would require the business owners to get the information in five days and impose a fine if information was not received in that time period. Alderman Rankin asked if the pawnshops were up for this. Chief Kel Nicholson stated that the reason behind the passage of this is to ensure that property is listed and numbers are not skipped or missing. Alderman Lilly asked what was meant by electronic tracking system. Steve Cobb stated the city designates the software used and how it is uploaded. Mayor Hillman stated it is already mandated that they use it. 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 unanimous. 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 unanimous. The ordinance was read for the third time. Alderman Lilly, seconded by Alderman Sulcer, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Resolution No. 39-2009, entitled, "A RESOLUTION THAT THE CITY OF SHERWOOD WISHES TO APPLY FOR GENERAL IMPROVEMENT FUNDS THROUGH THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM TO PROVIDE PROGRAMS, MAINTAIN, OR FUND IMPROVEMENTS AT THE GREENS AT NORTH HILLS" was read. Alderman Vassar, seconded by Alderman Rankin, made a motion to adopt the resolution. The roll call vote was unanimous.

Alderman Vassar stated the paperwork has been submitted to the Arkansas History Commission for recognition on the National Historic Register for the Greens at North Hills.

Alderman Vassar stated the Roundtop Station is in need of repairs. Any businesses that are willing to donate time or supplies to help with the structure would be appreciated.

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REGULAR MEETING 6

Alderman Sulcer asked if the agenda could be reworked to allow for citizen comments. Alderman Harmon stated he prefers the way the council allows comments as items are discussed. Alderman Brooks asked if there could be a time limit on the comments made.

Mayor Hillman made the following announcements:

- Condolences to Alderman Harmon on the loss of his mother, Marvelle Harmon.
- Members of the Mayor's Youth Council
- The Central Arkansas Library System will hold a public meeting at the Amy Sanders Library on January 5, 2010, at 6:30 p.m. to explore possibilities of a new library

Ordinance No. 1851, entitled, "AN ORDINANCE PROVIDING FOR THE ADOPTION OF A GENERAL FUND DEPARTMENT BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES" was read for the second time. Alderman Vassar, seconded by Alderman Brooks, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was unanimous. The ordinance was read for the third time. Alderman Harmon, seconded by Alderman Brooks, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote. Mayor Hillman stated this is first budget the city has passed in several years without using reserve funds.

Alderman Vassar, seconded by Alderman Brooks, made a motion to adjourn at 8:26 p.m.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor