

June 28, 2010

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on June 28, 2010, at 7:00 p.m. in the Council Chambers. Those present were City Attorney Steve Cobb, City Clerk Angela Nicholson, Aldermen Vassar, Fender, Davis, Sulcer, Brooks, Harmon, Lilly and McMinn. Mayor Virginia R. Hillman absent.

Alderman Brooks, seconded by Alderman Davis, made a motion for Alderman Vassar to chair the June 28, 2010, council meeting. The roll call vote was unanimous.

Alderman Tim McMinn led in prayer, and the Pledge of Allegiance was given to the flag.

Alderman Davis, seconded by Alderman Sulcer, made a motion, to approve the minutes of the regular meeting on May 24, 2010, as transcribed. The roll call vote was unanimous.

Alderman Sulcer, Chairman of the Advertising and Promotion Commission stated the commission met and discussed the Enchanted Forest. There will not be a meeting in July. The Sherwood Sharks swim team is having a fundraiser auction at the Bill Harmon Recreation Center on July 14-15, 2010.

Alderman Harmon, Chairman of the Parks and Recreation Committee stated the committee met on June 14, 2010. The meeting was to report on the progress at The Greens at North Hills. Alderman Harmon stated that as of June 27, 2010, there have been 4,686 rounds of golf played at The Greens. The city revenue received is \$254,621.00 from the pro shop and additional revenue for rental of \$20,105 for total revenue of \$274,726.00, which is well ahead of the revenue budgeted to date for The Greens at North Hills. Alderman Harmon introduced Dawn Darter the Golf Pro and Mandel Brockington who both have had a major role with the success of the course. Dawn Darter stated that there is a Junior Golf that has started with a six-week session that is held Tuesday, Wednesday and Thursday. The ages are 5-7 on Tuesday, 8-10 on Wednesday, and 11 and up on Thursday.

Alderman Davis, seconded by Alderman Harmon, made a motion to suspend the rules and place the below ordinance on the agenda. The roll call vote was unanimous.

Ordinance No. 1867, entitled, "AN ORDINANCE APPROPRIATING FUNDS TO THE STREET FUND FOR REPAIR TO THE LEE STREET BRIDGE AND THE ABERCORN CULVERT CROSSING" was read. Alderman Davis stated the ordinance will allow the money to be taken out of general fund to pay for the repair and the city will seek reimbursement from FEMA. Alderman Fender asked if this has been or will be put out for bid. Ellen Norvell, City Engineer stated it would once the money is appropriated. Alderman Harmon, 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 Brooks, seconded by Alderman Davis, made a motion to adopt the ordinance. The roll call vote was unanimous.

Alderman Harmon, seconded by Alderman Brooks, made a motion to suspend the rules and replace the ice cream ordinance with a new ice cream ordinance. The roll call vote was unanimous.

An ordinance entitled, **"AN ORDINANCE ESTABLISHING THE REQUIREMENTS FOR THE SALE OF ICE CREAM AND SIMILAR PRODUCTS FROM MOBILE UNITS; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES"** was read. Alderman Harmon asked that the ordinance only be read once tonight. Alderman Harmon stated he drafted this ordinance based on the city of Conway's ordinance. This new ordinance deals with several factors that have been discussed in previous meetings. Alderman Harmon stated the ordinance is a stronger ordinance than

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the one previously considered. Alderman Harmon stated he has received several comments from residents in favor of the ice cream ordinance. Alderman Davis asked if there could be a special called meeting because the ice cream season is getting close to ending.

Alderman McMinn stated that a street sign has been posted on Highway 107 stating that Johnson Drive is the next right. Alderman McMinn feels this will help with the situation involving Johnson Drive and Johnson Avenue.

Alderman McMinn, seconded by Alderman Fender, made a motion to table, indefinitely, the ordinance entitled, **“AN ORDINANCE RENAMING A SECTION OF JOHNSON DRIVE WITHIN THE CITY OF SHERWOOD, ARKANSAS, TO BEAR PAW EAST, DESIGNATING ITS TERMINUS POINTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES”**. The roll call vote was unanimous.

Resolution No. 11-2010, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-003-23-012-00, COMMONLY KNOWN AS LOT 329 OF ROYAL OAKS MOBILE HOME PARK LOCATED AT 4600 RIXIE ROAD TO CONSTITUTE A PUBLIC NUISANCE” was read. Alderman Vassar asked if the structure is occupied. Scott Kelley, Code Enforcement Officer, stated it was not. Alderman Brooks, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 12-2010, entitled, “A RESOLUTION FINDING THE COMMERCIAL STRUCTURE AND PROPERTY LOCATED ON PARCEL #23S-053-01-001-00, COMMONLY KNOWN AS 7000 LANDERS ROAD FORMERLY KNOWN AS CABOT POOL AND SPA, TO CONSTITUTE A PUBLIC NUISANCE” was read. Alderman Davis, seconded by Alderman Brooks, made a motion to adopt the resolution. The roll call vote was unanimous. Alderman Vassar asked how long would it be before the pool would be filled in. Scott Kelley, Code Enforcement Officer, stated 30 days.

Alderman Sulcer asked when property is condemned is the resolution posted on the property. Alderman Sulcer stated that she did not see the resolutions on the property at North Hills Shopping Center. Scott Kelley stated he had posted the resolution when the council approved the resolution. Alderman Vassar asked what the process was on tearing down the structure at the North Hills Shopping Center. Steve Cobb, City Attorney, stated that he is still working with the attorney's on the property.

An ordinance entitled, **“AN ORDINANCE AUTHORIZING THE CONDEMNATION OF THE PROPERTY KNOWN AS THE GREEN VALLEY PROPERTY OWNERS ASSOCIATION PARK; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES”** was read. Alderman Davis stated that this is a park in Green Valley and at one time belonged to a property owners association. The association ceased about five (5) years ago and the property is in need of maintenance. A group of people who are homeowners have asked the city to take over the property. Jim Ellis, a member of the property owner's association was in the audience. Alderman Sulcer asked how this would be paid for. Alderman Davis stated it would be condemned and taken for taxes. The pool would be eliminated and the city would maintain and mow the property. Alderman Vassar stated that an interested group is planning on having a community cleanup and is seeking volunteers to help. There is a letter from the board explaining the situation so there would be a record on file. Steve Cobb, City Attorney, explained that the property owners association is no longer a viable entity. For one year there has been requests made to reform and reconstitute the association so it could be sold to the city and there has been no success. Mr. Cobb states he believes the only way the city could obtain the title is through eminent domain. Alderman Harmon stated he believes this is an expensive way to obtain the park. Alderman Harmon stated that anyone of the property owners could object to the price. Mr. Ellis stated that the association was active and dues were received up until about five (5) years ago. Mr. Cobb recommended the ordinance be read one time until further research is done.

Resolution No. 13-2010, entitled, "A RESOLUTION APPROVING THE INTERLOCAL AGREEMENT BETWEEN METROPLAN AND THE CITY OF SHERWOOD REGARDING FUNDING OF THE BROCKINGTON ROAD PROJECT" was read. Alderman Fender asked Ellen Norvell, City Engineer, if we were paying another engineering firm more money than we paid the other. Mrs. Norvell stated that anytime federal funds are expended there is a selection process for engineers that is required by the Arkansas Highway Department, you cannot bid for engineering services. Every member on the selection committee felt the firm that was selected was the most qualified. Negotiations were entered into with Garver Engineering for the services. There were phone calls and discussions with the highway department and the highway department approved the contract and the project needed to move forward. Alderman Fender stated that in the audit of 2008 there was money spent that had not been approved by the council and asked if the city was venturing toward this again. Mrs. Norvell stated she could not answer to the audit. Mrs. Norvell stated there was a resolution passed in December of 2000 for Brockington Road that referred to the city backing the Brockington Road project from Highway 107 to Kiehl Avenue. Alderman Sulcer stated the resolution had nothing to do with this, that was for STP funds and now we are using ARRA funds. Alderman Sulcer that resolution had nothing to do with that. Mrs. Norvell stated that the resolution states that Brockington Road would be supported and what the federal share would be and what the city share would be. The resolution also stated that the Mayor or his designated representative is authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of Brockington Road. Mrs. Norvell stated that in the past there were no agreements for construction or engineering services brought before the council other than this resolution. Alderman Sulcer stated she is referring to the different funding for Brockington Road. Alderman Sulcer referred to statute 14-58-303 that any services that are not in the budget have to go before council. The services are not in the budget. Mrs. Norvell stated the services would not be paid for out of the 2010 budget. Alderman Harmon asked if the resolution was postponed would it cause hardship on Brockington Road. Mrs. Norvell stated Metroplan is meeting this week and she is unsure if Metroplan has to have an answer, but a commitment has already been made that the city would pay 20% for this project. If the city does not approve she is unsure what Metroplan would do. Alderman Vassar asked if the resolution only referred to federal refunds of only one kind of funding. Alderman Sulcer stated it was for STP funds. Alderman Sulcer stated she did not believe there was discussion on widening Brockington in 2000. Mrs. Norvell stated the resolution stated it was for the widening project on Brockington from Highway 107 to Kiehl Avenue and her understanding that the Brockington Road project has been looked at for ten (10) years or more. Alderman Fender stated that he believes that the council should vote on expenditures above \$20,000. Alderman Sulcer stated this was not in the budget for this year, but the contract was signed this year and to be paid next year. Alderman Harmon, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote was unanimous.

An ordinance entitled, "AN ORDINANCE ESTABLISHING PROCEDURES FOR REVIEW OF THE NAMING OF STREETS; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES" was read. Alderman Vassar stated this ordinance is so that street names would be researched so there are no longer duplicate street names. Alderman Harmon, seconded by Alderman Sulcer, made a motion to amend Section 4 to state *Newly planned development streets that connect with existing streets or proposed to connect with the existing street name shown on the master street plan.* The roll call vote was unanimous. **Ordinance No. 1868, entitled, "AN ORDINANCE ESTABLISHING PROCEDURES FOR REVIEW OF THE NAMING OF STREETS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES"** was read for the first time as amended. Alderman Harmon, seconded by Alderman Davis, made a motion to suspend the rules and place the ordinance on the second reading as amended. The roll call vote was unanimous. The ordinance was read for the second time as amended. Alderman Sulcer, seconded by Alderman Brooks, made a motion to suspend the rules and place the ordinance on the third and final reading as amended. The roll call vote was unanimous. The ordinance was read for the third time as amended. Alderman Brooks, seconded by

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Alderman Sulcer, made a motion to adopt the ordinance as amended. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Ordinance No. 1869, entitled, "AN ORDINANCE APPROPRIATING FUNDS FOR THE PURCHASE OF DATA RADIO SYSTEMS FOR THE SHERWOOD POLICE DEPARTMENT, WAIVING COMPETITIVE BIDDING; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES" was read. Chief Kel Nicholson stated that the court automation fund is set up with money generated from the courts that can be used to enhance the court system. The radios would allow the Sherwood Police Department the ability to run local warrant checks and serve warrants for the Sherwood District Court when the ACIC system is down or the dispatchers cannot handle local warrant checks. Chief Nicholson spoke with Judge Hale on this matter and the Judge agrees this is an appropriate use of the money. Steve Cobb, City Attorney, stated these radios relate to the new court software, Virtual Justice. Chief Nicholson stated this is adaptable to the court package. Alderman Vassar asked what the cost would be. Chief Nicholson stated it was in the ordinance for \$31,868.64. Chief Nicholson stated it is currently used but there are twelve (12) police cars that do not have the system and the money was not available in the General Fund budget. Chief Nicholson stated that Motorola and MJ Communications were the only vendors within a hundred mile radius that could do the work. Alderman Sulcer asked how long it would take to install the radio system. Chief Nicholson stated they are ready. Alderman Sulcer, seconded by Alderman Brooks, 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 Davis, 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 Fender, 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.

Scott Kelly, Code Enforcement Officer, spoke to the council about property nuisance abatements. This year there have been two structures razed, and between the two structures it cost the city approximately \$5,000.00. The property owners have paid the city back, plus the ten percent fee. There have been ten properties that had the grass cut for the month of May. Alderman Vassar asked what height for grass that the city was enforcing. Mr. Kelly suggested the city lower the height of grass to 6". There was discussion on amending the grass ordinance from 10" to 6". Alderman Vassar recommended that we also amend the time frame the property owner has to cut the grass.

Alderman Sulcer stated that she attended the AR Municipal League meeting in Hot Springs and it was a very informative meeting.

Alderman Vassar stated that 77% percent of the census counts have been received from Sherwood.

Alderman Vassar made the following announcement:

- Sherwood's 4th of July Family Celebration, Saturday, July 3, 2010 at Sherwood Forest from 6:00- 9:00 p.m.

Alderman Vassar, seconded by Alderman Davis, made a motion to adjourn at 7:54 p.m.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor