

July 26, 2010

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on July 26, 2010, 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, Lilly and McMinn.

Fred Harris, Pastor of Abundant Life Ministries, 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 June 28, 2010, and the special called meeting on July 1, 2010, as transcribed. The roll call vote was unanimous.

Alderman Sulcer, Chairman of the Advertising and Promotion Commission stated the committee did not meet. There will be a meeting August 4, 2010, at the Bill Harmon Recreation Center at 3:00 p.m.

Alderman Harmon, Chairman of the Parks and Recreation Committee stated the committee did not meet, and there will not be a meeting next month.

Mary Jo Heye, Sherwood Sharks Coordinator, addressed the council and stated the swim team had a great season. The Sherwood Sharks is the largest swim program in the state of Arkansas and they have been undefeated seven (7) years in a row.

Alderman Fender asked the council members to view the financial statement on the Street Fund in reference to item #71021-Street Improvement had a six (6) month budget amount of \$350,000.00 and through the first six months the city has spent \$633,000.00. City Clerk Angela Nicholson stated this money is for the construction of Brockington Road and line item #51307-Brockington Road refund on the financial statement shows that the city has been reimbursed for Brockington Road in the amount of \$418,950.11. Alderman Fender stated that if the expenses are over the \$350,000 dollars budgeted there should be council approval. Mayor Hillman explained that Phase II of Brockington Road is no different than Phase I as far as financing. Mayor Hillman explained the city spent only the 20% share. The state mandates the city pay up front 100% and be reimbursed for 80%. Mayor Hillman stated the entire amount of the project could not be budgeted because it is not in the funds.

Chief Kel Nicholson announced to the council the Sherwood Police Department is participating in an alert express program. The program is designed to dial residents by telephone, of any emergency situations inside the city limits of Sherwood. The first test call is scheduled to begin on Friday. Once the call is made to the residents, they will be given the option to opt out of the program or to add one additional telephone number. Chief Nicholson stated the program was started by the Sherwood Police Department and Mayor's office through the Justice Exchange at no cost to the city, and the program should be ready by next month.

Steve Cobb, City Attorney stated at the request of Alderman Davis, line item number six (6) on the agenda is tabled.

Ordinance No. 1871, entitled, "AN ORDINANCE APPROPRIATING FUND FOR EMERGENCY REPLACEMENT OF SANITARY SEWER MAINS ALONG BROCKINGTON ROAD; WAIVING COMPETITIVE BIDDING; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES" was read. Alderman McMinn asked if this sewer main has collapsed. Ellen Norvell, City Engineer, stated that the mapping system is in the process of getting updated. There were potential conflicts with the construction of Brockington Road, the sewer system was determined to belong to the City of Sherwood. The televising of the main revealed the pipe had rocks protruding into the pipe and the emergency is to eliminate the delay of construction on Brockington Road. Alderman Fender asked why the sanitary sewer main was not relocated when the utilities were done. Ms. Norvell stated it would not have been a conflict with the road construction but the condition of the pipe is so bad. It was only determined in the last

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couple of weeks that the sewer main belonged to the city. Alderman Sulcer asked if the sewer main would remain in the same location. Ms. Norvell stated it would remain in the same place. Alderman Vassar asked if the funding would be out of the sewer budget. Ms. Norvell stated it would be. Alderman Fender stated the ordinance should be amended because the ordinance does not show where the money will come from. Alderman Lilly stated the appropriations of the funds is not required because the money is already in the budget, the ordinance is the emergency to waive the competitive bidding. Alderman Sulcer asked how many proposals were received. Ms. Norvell stated two proposals were received, one at \$49,278.00 and another for \$64,400.00. Alderman McMinn asked when the work would begin. Ms. Norvell stated the contractor is ready to begin work as soon as they receive word from the city and she anticipates a completion date of two weeks. 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 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 Davis, 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.

Resolution No. 14-2010, entitled, "A RESOLUTION APPROVING THE VACATION OF THE PLAT OF MILLERS CROSSROADS COMMERCIAL SUBDIVISION" was read. Alderman Harmon, seconded by Alderman Fender, made a motion to adopt the resolution. The roll call vote was 6 ayes. Alderman Brooks and Alderman Sulcer abstained.

A resolution entitled, **"A RESOLUTION CREATING THE MILITARY LIAISON COMMITTEE AND APPOINTING A CHAIRMAN OF THE COMMITTEE"** was read. Mayor Hillman stated that Alderman Davis approached her and stated he would like to be Chairman of this committee, and the Mayor stated there should be a term limit set on the members. Alderman Brooks, seconded by Alderman Harmon, made a motion to amend section 3 of the resolution to set the term of the chairman to four years beginning July 26, 2010. The other four committee members will have staggered terms at one (1), two (2), three (3), and (4) year terms. The roll call vote was unanimous. **Resolution No. 15-2010, entitled, "A RESOLUTION CREATING THE MILITARY LIAISON COMMITTEE AND APPOINTING A CHAIRMAN OF THE COMMITTEE"** was read for the first time as amended. Alderman Vassar, seconded by Alderman Brooks, made a motion to adopt the resolution as amended. The roll call vote was unanimous.

A resolution entitled, **"A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23R-016-00-008-00, COMMONLY KNOWN AS 5939 ROUND TOP TO CONSTITUTE A PUBLIC NUISANCE"** was read. Mike Goshen, owner of the property, asked the council to allow him more time. Mr. Goshen stated that he is waiting on word from the fire department on whether the property can be released due to possible arson. Alderman Harmon, seconded by Alderman Brooks, made a motion to table the resolution for 30 days. The roll call vote was unanimous.

Resolution No. 16-2010, entitled, "A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #22S-021-31-003-00, COMMONLY KNOWN AS 7922 JACKSONVILLE CATO ROAD LOT D OF THE GRAVEL RIDGE TRAILER PARK TO CONSTITUTE A PUBLIC NUISANCE" was read. Alderman Sulcer asked Scott Kelley, Code Enforcement Officer, if the owner could not move the structure would the city pay to have the structure moved. Mr. Kelley stated yes. Alderman Sulcer stated that since 2002 the city has not collected \$93,818.00 from property owners that the city has mowed grass or removed structures. Mayor Hillman stated the largest amount for condemnation was settled for a lesser dollar amount by previous administration and over the last eight years this is a small amount of money to have to spend to keep the city clean. Alderman Harmon stated that during the time that Sherwood was trying to annex Gravel Ridge several of the residents asked if Gravel Ridge was annexed into Sherwood would the city help get the property cleaned up. Alderman Fender stated he asked the

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city attorney if the city had statutory authority to add interest on the property.. Alderman Harmon stated that laws have changed and the city can put a lien on the property, which runs for ten (10) years. Alderman Vassar stated there should be an annual letter notifying the property owners that their property needs to be maintained or they will be sited to court. Alderman Davis, seconded by Alderman Brooks, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 17-2010, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #22S-021-31-003-00, COMMONLY KNOWN AS 7922 JACKSONVILLE CATO ROAD LOT G OF THE GRAVEL RIDGE TRAILER PARK TO CONSTITUTE A PUBLIC NUISANCE” was read. Alderman Brooks, seconded by Alderman Sulcer, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 18-2010, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #22S-021-31-003-00, COMMONLY KNOWN AS 7922 JACKSONVILLE CATO ROAD LOT I OF THE GRAVEL RIDGE TRAILER PARK TO CONSTITUTE A PUBLIC NUISANCE” was read. Alderman Lilly, seconded by Alderman Brooks, made a motion to adopt the resolution. The roll call vote was unanimous.

Alderman Brooks, seconded by Alderman Fender, made a motion to suspend the rules and place on the agenda the resolution below. The roll call vote was unanimous.

Resolution No. 19-2010, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #22S-021-31-003-00, COMMONLY KNOWN AS 7922 JACKSONVILLE CATO ROAD LOT J OF THE GRAVEL RIDGE TRAILER PARK TO CONSTITUTE A PUBLIC NUISANCE” was read. Alderman Harmon verified with Code Enforcement Officer Scott Kelley, if the owner was notified that all four structures would be condemned even though this resolution was not on the agenda. Mr. Kelley stated yes, the owner received and signed for all four. Alderman Harmon, seconded by Alderman Brooks, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 20-2010, entitled, “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23R-016-00-010-00, COMMONLY KNOWN AS 5600 CAPLE LANE TO CONSTITUTE A PUBLIC NUISANCE” was read. Scott Kelly Code Enforcement Officer, stated the mobile home had been removed but a small structure was left that needs to be removed. Alderman Brooks, seconded by Alderman Davis, made a motion to adopt of the resolution. The roll call vote was unanimous.

An ordinance entitled, **“AN ORDINANCE REQUIRING PREMISES TO BE KEPT FREE FROM WEEDS, RANK GRASS, GARBAGE, RUBBISH AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES; REQUIRING PROPERTY OWNERS TO ELIMINATE, FILL UP OR REMOVE STAGNANT POOLS OF WATER OR ANY OTHER UNSANITARY THING, PLACE OR CONDITION WHICH MIGHT BECOME A BREEDING PLACE FOR MOSQUITOES, FLIES AND GERMS HARMFUL TO THE HEALTH OF THE COMMUNITY; PRESCRIBING A PROCEDURE TO BE FOLLOWED IN SUCH CASES”** was read. Alderman Vassar stated she would like the ordinance to only be read one time. Alderman Fender asked if the intent was to combine this ordinance with other ordinances that are similar. Alderman Vassar stated yes. Scott Kelley, Code Enforcement Officer, stated that the city will be dealing with in-town and out of town property owners and in Section 5 of the ordinance it needs to include procedures from city ordinances 1394 and 1682.

Ordinance No. 1872, entitled, “AN ORDINANCE APPROVING AN ADDITIONAL FRANCHISE PAYMENT FROM THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES”

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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. Alderman Davis, seconded by Alderman McMinn, 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. The emergency clause passed with a unanimous roll call vote.

Alderman Sulcer asked if the schedule for Brockington Road is still set for September 1, 2011. Ellen Norvell, City Engineer, stated the Arkansas Highway Department did the bids and because it took them a couple of months to award the bid, the highway department allowed the contractor extra time, moving the completion date to November 1, 2011.

Mayor Hillman stated that a six-month exploratory committee has been created to review and revamp the sign ordinance. The members for the committee are Council Member Alderman Charlie Harmon, Staff Representative Andy Wilson, Board of Adjustment Albert Harris, Chamber Representative President Steve Perry, Resident Representative Dave Phillips.

Jim Steadman, of 2956 Marble Cove, addressed the council over drainage concerns at his residence. Mr. Steadman asked that the city clean the vegetation and debris from property behind his house that was deeded over to the city of Sherwood by the developer of Cypress Properties. Mr. Steadman stated that when it rains heavy his property floods and he believes it is due to the debris and vegetation from the storm drain south of his property. Mr. Steadman stated that during the winter months when there is no vegetation there is not a problem with flooding. Mayor Hillman stated that she and City Engineer Ellen Norvell would be in contact with him to assist him with his problem.

Mayor Hillman made the following announcements:

- Sherwood Police Department Annual National Night Out, August 3, 2010, 6:30-9:00 p.m. at Sherwood Forest
- Prescription Drug Take Back Day, August 14, 2010, 8 am – 6 pm; drop off sites are St. Vincent's North – 2215 Wildwood; Sherwood Police Department – 2201 East Kiehl Avenue; Gravel Ridge 1st Baptist Church – 14323 Highway 107, and Jack Evans Senior Citizen Center – 2301 Thornhill Drive

Alderman Brooks made a motion to adjourn at 7:57 p.m.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor