

December 27, 2010

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on December 27, 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

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

Alderman Vassar, seconded by Alderman Sulcer, made a motion, to approve the minutes of the regular meeting on November 22, 2010, as transcribed. The roll call vote was unanimous.

Mayor Hillman presented Alderman Vassar, Alderman Sulcer, and Alderman Davis, plaques for their years of service to the City of Sherwood and its citizens.

Alderman Sulcer, Chairman of the Advertising and Promotion Commission stated the commission met to prepare the 2011 budget. The Christmas parade had over 100 entries and it was sponsored by the Advertising and Promotion Commission. The trail of lights has brought in more donations this year and there have been several positive comments made.

Mayor Hillman announced that Chief Kel Nicholson has requested to step down as Chief of Police to the position of Captain and Captain Jim Bedwell will be promoted to Chief of Police effective January 1, 2011. Captain Jim Bedwell, on behalf of the Sherwood Police Department, presented Chief Nicholson with a Chief's Achievement medal. Chief Nicholson thanked the Mayor, City Council and fellow co-workers for their support of him and stated that he looked forward to continue providing service to the citizens and the City of Sherwood as Captain for the Sherwood Police Department.

Alderman Harmon, Chairman of the Parks and Recreation Committee, stated the committee did not meet and their next meeting will be on January 10, 2011, at 5:00 p.m. at the Bill Harmon Recreation Center

Alderman Vassar, Chairman of the Personnel Committee, stated the committee met and discussion was on employee changes and the time clocks.

Mayor Hillman announced that Brian Galloway will be appointed as the new Public Works Director beginning January 1, 2011.

Ordinance No. 1884, entitled, "AN ORDINANCE REZONING PROPERTY ON HIGHWAY 107 AND OAKDALE FROM R-1 TO C-3; AMENDING ORDINANCE 729 AS AMENDED; AND FOR OTHER PURPOSES" was read. LeeAnn Reed who has property near the property requesting rezoning addressed the council about flooding issues on the property and not receiving notification for rezoning. Steve Deere addressed the council and stated that the permit Ms. Reed is referring to is a preliminary permit Daryl Oz, with Marlar Engineering addressed the council and stated that a hydraulic model was performed and the base flood elevation would not change. This was accepted by the Corp of Engineer and FEMA. A "No Rise Certificate" has been issued. Alderman Brooks asked if Ms. Reed is in the vicinity that is required to be notified by letter for rezoning. Ellen Norvell, City Engineer, stated that the requirement for notification is 300' from the property being rezoned. Ms. Reed's property did not fall into this footage. Ms. Norvell did state the engineering department places rezoning signs to allow notification for those who do not receive notification by mail. 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 7 ayes. Alderman Brooks abstained. The ordinance was read for the second time. Alderman Sulcer, 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 7 ayes. Alderman Brooks abstained. The ordinance was read for the third time. Alderman Davis, seconded by Alderman Harmon, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Alderman Brooks

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abstained. The emergency clause passed with a roll call vote of 7 ayes. Alderman Brooks abstained.

Alderman Harmon, seconded by Alderman McMinn, made a motion to table the appeal of the PRD Rezoning of Lot 4, Bowling World II Addition. The roll call vote was unanimous. Thomas Bartotle, addressed the council and stated he and several other business owners surrounding the area in question felt it was unfair to them that this appeal was tabled. Mr. Bartotle stated that he and several other business owners have attended several meetings concerning this request and they are not in favor of the rezoning being granted.

Mayor Hillman announced that Don Hindman, Director of the Senior Citizen Center, has been appointed by Governor Beebe as President on the Governor's Advisory Council on Aging for two years.

Alderman Davis, Chairman of the Street Committee, stated the committee met and the minutes are in the packet.

Alderman Harmon, seconded by Alderman Davis, made a motion to table item number 7, *An ordinance amending Ordinance No. 1014, regarding the City contribution to retired elected officials' health care premiums and for other purposes.* The roll call vote was 5 ayes. Alderman Vassar abstained. Aldermen Fender and Sulcer no.

Resolution No. 28-2010, entitled, "A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A GRANT APPLICATION TO THE STATE OF ARKANSAS ON BEHALF OF THE CITY OF SHERWOOD AND TO EXPEND SUCH GRANT FUNDS FOR THE PURPOSES OF CONSTRUCTING A DAY CARE/AFTER SCHOOL CARE CENTER AT THE SYLVAN HILLS ELEMENTARY SCHOOL" was read. Alderman Brooks, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 29-2010, entitled, "A RESOLUTION AUTHORIZING THE MAYOR TO DESIGNATE CENTRAL ARKANSAS PLANNING AND DEVELOPMENT DISTRICT AS THE PROJECT ADMINISTRATOR FOR AN ARKANSAS COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM (ACEDP) GRANT FOR THE PURPOSE OF CONSTRUCTING A DAY CARE/AFTER SCHOOL CARE BUILDING AT THE SYLVAN HILLS ELEMENTARY SCHOOL, SUBJECT TO ARKANSAS ECONOMIC DEVELOPMENT COMMISSION APPROVAL, AND ENTER INTO A CONTRACT FOR ACEDP ADMINISTRATIVE SERVICES WITH SUCH AGENCY FOR PROJECT ADMINISTRATIVE SERVICES" was read. Alderman Sulcer, seconded by Alderman McMinn, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 30-2010, entitled, "A RESOLUTION DECLARING THAT THE POLICY OF THE CITY OF SHERWOOD IS TO ADHERE TO AND COMPLY WITH ALL LAWS PROHIBITING DISCRIMINATORY POLICIES AND PRACTICES BASED ON COLOR, RACE, CREED, OR NATIONAL ORIGIN IN RELATION TO BOTH THE PRIVATE AND PUBLIC USE OF HOUSING AND PROPERTY OWNERSHIP" was read. Alderman McMinn, seconded by Alderman Sulcer, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 31-2010, entitled, "A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF SHERWOOD TO SUBMIT A GRANT APPLICATION TO THE STATE OF ARKANSAS, ON BEHALF OF THE CITY OF SHERWOOD AND TO EXPEND SUCH GRANT FUNDS FOR THE PURPOSES OF PROVIDING INFRASTRUCTURE FOR A LOCAL INDUSTRY BASED ON JOB CREATION" was read. Alderman Harmon, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 32-2010, entitled, “A RESOLUTION AUTHORIZING THE MAYOR TO DESIGNATE CENTRAL ARKANSAS PLANNING AND DEVELOPMENT DISTRICT AS THE PROJECT ADMINISTRATOR FOR THE ARKANSAS COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM GRANT FOR THE PURPOSE OF PROVIDING INFRASTRUCTURE TO A LOCAL INDUSTRY (ABC FINANCIAL) BASED ON JOB CREATION” was read. Alderman Davis, seconded by Alderman Sulcer, made a motion to adopt the resolution. The roll call vote was unanimous.

Ordinance No. 1885, 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, 2011, AND ENDING DECEMBER 31, 2011; 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 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 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 for the third time. Alderman Davis, 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. 1886, 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, 2011, AND ENDING DECEMBER 31, 2011; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES” was read. 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 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 Harmon, 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. 1887, entitled, “AN ORDINANCE PROVIDING FOR THE ADOPTION OF A WASTEWATER FUND DEPARTMENT BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2011, AND ENDING DECEMBER 31, 2011; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES” was read. Alderman Lilly, 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 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.

An ordinance entitled, **“AN ORDINANCE PROVIDING FOR THE ADOPTION OF A WASTEWATER SALES TAX FUND BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2011, AND ENDING DECEMBER 31, 2011; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR; DECLARING AN EMERGENCY; AND FOR OTHER**

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PURPOSES” was read for the first time. Alderman Harmon, seconded by Alderman Brooks, made a motion to table the ordinance. It was decided to just read the ordinance one time. Alderman Harmon withdrew his motion, and Alderman Brooks withdrew her second.

Ordinance No. 1888, entitled, “AN ORDINANCE PROVIDING FOR THE ADOPTION OF A DRUG FUND DEPARTMENT BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2011, AND ENDING DECEMBER 31, 2011; 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 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 for the third time. Alderman Brooks, 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.

Ordinance No. 1889, entitled, “AN ORDINANCE PROVIDING FOR THE ADOPTION OF AN ADVERTISING AND PROMOTION COMMISSION BUDGET FOR THE CITY OF SHERWOOD, ARKANSAS, FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2011, AND ENDING DECEMBER 31, 2011; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES” was read. Alderman McMinn, 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 Sulcer, 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 Harmon, 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.

An ordinance entitled, **“AN ORDINANCE AMENDING THE 2010 GENERAL FUND BUDGET ORDINANCE NO. 1851, THE 2010 STREET FUND BUDGET ORDINANCE NO. 1852, THE 2010 WASTEWATER FUND BUDGET ORDINANCE NO. 1853, AND THE 2010 1% CITY SALES TAX FUND BUDGET ORDINANCE NO. 1861; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES”** was read. Alderman Sulcer asked if the insurance claims and FEMA reimbursement funds were used to replace what was lost/damaged. It was explained that the money was used to replace items that claims were filed on. The FEMA money was reimbursement from the tornado damage and flooding. Alderman Lilly inquired if on page 4 of the cleanup budget ordinance if it was referring to the 1% Sales Tax Wastewater fund. The answer is yes. After much discussion it was determined that the ordinance would be read one time and the Aldermen requested that Mr. Massey, the CPA, attend the next meeting to answer questions on the cleanup ordinance.

Resolution No. 33-2010, entitled, “A RESOLUTION FINDING A STRUCTURE LOCATED ON PARCEL #23S-024-00-019-00, COMMONLY KNOWN AS THE 8700 BLOCK OF THOMAS STREET, ALSO KNOWN AS 517 E. KIEHL AVENUE, TO CONSTITUTE A PUBLIC NUISANCE” was read. Alderman Vassar, seconded by Alderman Brooks, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 34-2010, entitled, “A RESOLUTION APPOINTING ALDERMEN AND ALDERMEN ELECT TO BOARDS, COMMISSIONS, AND COMMITTEES” was read. Alderman Sulcer, seconded by Alderman Davis, made a motion to adopt the resolution. The roll call vote was unanimous.

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Resolution No. 35-2010, entitled, “A RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE CITY OF SHERWOOD RETIREMENT BOARD REGARDING CITY CONTRIBUTIONS DURING 2011 TO THE CITY 457(b) RETIREMENT PLAN” was read. Alderman Harmon stated there is \$350,000 budgeted for retirement that needs to go toward the new plan and also catch up on the defined plan. Alderman Harmon made a recommendation that the city only match dollar for dollar up to 3%. Mayor Hillman stated she felt the city needed to do a contribution. Alderman Harmon stated the city needed to catch up the old plan. Alderman Brooks stated that for the first year the retirement board wants to show good faith effort and give the employees a contribution for 2011. Alderman Brooks, seconded by Alderman Sulcer, made a motion to adopt the resolution. The roll call vote was unanimous.

Mayor Hillman made the following announcement(s):

- The swearing in ceremony for elected officials, January 1, 2011, at 10:00 a.m. in the Council Chambers

Alderman Vassar, seconded by Alderman Sulcer, made a motion to adjourn at 8:11 p.m.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Hillman, Mayor