

September 26, 2005

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on September 26, 2005, at 7:00 p.m. in the Council Chambers. Those present were Mayor Bill Harmon, City Attorney Steve Cobb, City Clerk Virginia Hillman, Aldermen Vassar, Rankin, Fender, Davis, Sulcer, Stedman, Henry, and Brooks.

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

A motion was made by Alderman Vassar to approve the minutes of the regular meeting on August 22, 2005, as transcribed. Alderman Rankin seconded the motion and the roll call was unanimous to approve the minutes.

Mayor Harmon presented Mike Rose, a citizen of Sherwood, with a proclamation declaring October 2nd – 8th as Mental Illness Awareness Week.

Alderman Sulcer announced that the Advertising and Promotion Commission is working to prepare for upcoming events. The next scheduled meeting will be Wednesday, October 5th at 3:00 p.m.

Mayor Harmon asked for a motion to suspend the rules and add a resolution to the agenda. A motion was made by Alderman Sulcer, seconded by Alderman Rankin to suspend the rules and place the resolution on the agenda. The roll call was unanimous to place the following resolution on the agenda. **Resolution No. 11-2005 entitled “A RESOLUTION APPOINTING WAYNE SMITH TO THE PLANNING COMMISSION AND BOARD OF ADJUSTMENTS”** was read. Alderman Sulcer seconded by Alderman Vassar, made a motion to adopt the resolution. The resolution was adopted by a unanimous roll call vote. Mayor Harmon announced that Wayne would replace Cecil Robertson who resigned due to health problems.

A proposed ordinance entitled, ***“AN ORDINANCE REZONING THE PROPERTY AT 3340 HOLLOWMORE FROM R-1 RESIDENTIAL TO R-3 MULTI-FAMILY; AMENDING THE ZONING MAP AND FOR OTHER PURPOSES”*** was read. Linda Koubek and Mary Nash, owners and developers of the subject property addressed the Council. Ms. Nash stated that they were proposing to improve the property with condominiums, replacing the existing mobile homes. Alderman Stedman questioned whether the units would be for sale or rental. Ms. Nash stated for sale only. Alderman Vassar questioned the length of time they had owned the property. Ms. Nash stated two to three years. Alderman Vassar stated that the property looked awful and the neighboring residents had complained about the lack of the property being maintained. Ms. Nash stated that they had not been living down here and therefore had not taken care of the property as well as it should have been. A maintenance person had been paid but had not performed the maintenance. He has since been replaced. Alderman Sulcer questioned whether or not there had been problems with the existing property that would require the police department being dispatched. Ms. Nash stated that there had been no problems. Alderman Vassar expressed concerns that the property currently was not being kept and that the new structures would be the same, especially since the owners do not live in the area. Ms. Nash commented that they live in Southwest Little Rock. She stated that they were seldom here. Johnny Smith addressed the council. He lives directly across from the subject property and the increased traffic would be a danger to the area children. Randy Billingsley addressed the council regarding the proposed construction. He stated that leaves have been on the property for three years without being removed and the grass had also only been mowed twice this year. Code violations received have totally been ignored. The subject property, as well as surrounding properties are all R-1. Paul Billingsley also addressed the council. He stated that several of the mobile homes to the north were moved in illegally without appropriate zoning. He stated that the fire and police has had to respond numerous times due to Meth labs. Shaun Billingsley approached the council. She stated that the previous owners were not honest when they addressed the council about no problems in the area. She has called the police several times regarding fights and violence in the mobile home parks. Karen Riley addressed the council. She stated that the infrastructure was not there to accommodate the new construction. Mike Rose also addressed the council and requested that they approve the

request of the current property owners. A motion was made by Alderman Vassar, seconded by Alderman Sulcer, to deny the rezoning. The roll call vote was unanimous to deny the rezoning.

Ordinance No. 1678 entitled, **“AN ORDINANCE REZONING THE PROPERTY AT 712 EAST KIEHL AVENUE (LOT 1, JAMES M. GREEN, SR. SUBDIVISION) FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL AND A CONDITIONAL USE IN C-3 COMMERCIAL ZONE AS DESCRIBED IN EXHIBIT B; AMENDING THE ZONING MAP AND THE LAND USE MAP; AND FOR OTHER PURPOSES”** was read for the first time. Wayne Smith was available to address the Council regarding any questions. He stated that the plans were to place a cell tower at the back of the property. The distance off of Kiehl avenue would be 600'. A variance has already been approved by the board of adjustments. Alderman Vassar stated that she would like to see the towers masked in the future where they would not be as obvious. A motion was made by Alderman Vassar, seconded by Alderman Rankin, 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. A motion was made by Alderman Sulcer, seconded by Alderman Rankin 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. A motion was made by Alderman Brooks, seconded by Alderman Davis, to adopt the ordinance. The roll call vote was unanimous to adopt the ordinance.

A proposed ordinance entitled, **“AN ORDINANCE AMENDING ORDINANCE NO. 729, SECTION 10.4.1 GOVERNING RESIDENTIAL FENCES AND SECTION 16 GOVERNING DEFINITIONS OF A FENCE; AND FOR OTHER PURPOSES”** was read one time. Alderman Vassar requested that the ordinance be read one time to allow for more research and discussion before passage of the ordinance.

Ordinance No. 1679 entitled, **“AN ORDINANCE AMENDING ORDINANCE NO. 729 SCHEDULE OF USES GOVERNING MANUFACTURING TO INCLUDE A CONDITIONAL USE IN A C-4 COMMERCIAL ZONE IF THE CRITERIA IS MET”** was read for the first time. Alderman Vassar stated that an airline-manufacturing firm seeks to use the property for light industrial use. A motion was made by Alderman Stedman, seconded by Alderman Sulcer, 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. A motion was made by Alderman Sulcer, seconded by Alderman Brooks 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. A motion was made by Alderman Rankin, seconded by Alderman Davis, to adopt the ordinance. The roll call vote was unanimous to adopt the ordinance.

Ordinance No. 1680 entitled, **“AN ORDINANCE AMENDING ORDINANCE NO. 729 SCHEDULE OF USES GOVERNING DOG GROOMING TO INCLUDE CSC, C-2, AND C-3 COMMERCIAL ZONES; AND FOR OTHER PURPOSES”** was read for the first time. Discussion determined that the zoning was for dog grooming only and there would be no boarding of animals or animals allowed to be maintained outdoors. A motion was made by Alderman Vassar, seconded by Alderman Rankin, 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. A motion was made by Alderman Sulcer, seconded by Alderman Rankin 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. A motion was made by Alderman Brooks, seconded by Alderman Henry, to adopt the ordinance. The roll call vote was unanimous to adopt the ordinance.

The Planned Unit Development (PUD) for Lots 5A and 5B, Block 20, Sylvan Hills Addition, 7601 Highway 107, was presented for approval. A motion was made by Alderman Stedman, seconded by Alderman Sulcer, to approve the PUD development. The roll call vote was unanimous to approve the PUD development.

Ordinance No. 1681 entitled, **“AN ORDINANCE AMENDING ORDINANCE NO. 1531 ESTABLISHING ADMINISTRATIVE FEES APPLICABLE FOR THE CONDEMNATION OF HOUSES, BUILDINGS, AND STRUCTURES IN THE CITY OF SHERWOOD”** was read for the first time. A motion was made by Alderman Sulcer, seconded by Alderman Davis, 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. A motion was made by Alderman Vassar, seconded by Alderman Rankin 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. A motion was made by Alderman Brooks, seconded by Alderman Sulcer, to adopt the ordinance. The roll call vote was unanimous to adopt the ordinance.

Ordinance No. 1682 entitled, **“AN ORDINANCE AMENDING ARTICLE 1 OF THE PROPERTY MAINTENANCE CODE AND NUISANCE ORDINANCE NO. 1394”** was read for the first time. Alderman Vassar made a motion to amend Section **PM-104.9** to read “the department head rather than the code officials.” Alderman Vassar made a motion, seconded by Alderman Stedman to approve the motion. The ordinance was read for the first time, as amended. A motion was made by Alderman Vassar, seconded by Alderman Henry, 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, as amended. A motion was made by Alderman Sulcer, seconded by Alderman Davis 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, as amended. A motion was made by Alderman Rankin, seconded by Alderman Sulcer, to adopt the ordinance, as amended. The roll call vote was unanimous to adopt the ordinance, as amended.

Resolution No. 12-2005 entitled **“A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23R-016-00-031-00 TO CONSTITUTE A PUBLIC NUISANCE”** was read. Alderman Vassar seconded by Alderman Sulcer, made a motion to adopt the resolution. The resolution was adopted by a unanimous roll call vote. Price McMillan addressed the Council in favor of adopting the resolution.

Resolution No. 13-2005 entitled **“A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23R-016-00-049-00, COMMONLY KNOWN AS 5908 TAMMY LANE, TO CONSTITUTE A PUBLIC NUISANCE”** was read. Alderman Sulcer seconded by Alderman Rankin, made a motion to adopt the resolution. The resolution was adopted by a unanimous roll call vote.

Alderman Fender stated that the Street Commission did not meet.

Ordinance No. 1683 entitled, **“AN ORDINANCE SCHEDULING THE ELECTION OF THE MATTER REFERRED TO THE CITIZENS IN ORDINANCE NO. 1677”** was read for the first time. The State of Arkansas has scheduled an election for December 13, 2005. The passage of this ordinance will allow the City to coincide the subject of increasing alderman terms from two to four years and staggering each alderman term within each ward. Alderman Stedman stated that he agreed with the four years terms but had earlier voted against the special election. A motion was made by Alderman Vassar, seconded by Alderman Rankin, 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. A motion was made by Alderman Sulcer, seconded by Alderman Davis 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. A motion was made by Alderman Rankin, seconded by Alderman Brooks, to adopt the ordinance. The roll call vote was unanimous to adopt the ordinance. The roll call vote was unanimous to adopt the emergency clause.

Resolution No. 14-2005 entitled **“A RESOLUTION OF THE CITY COUNCIL OF SHERWOOD, ARKANSAS CERTIFYING LOCAL GOVERNMENTAL ENDORSEMENT OF BUSINESSES TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706 (d) OF THE**

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CONSOLIDATED INCENTIVE ACT OF 2003)” was read. Mayor Harmon announced that the FTD business locating in the Heritage building, will be permitted to be refunded sales tax charged for the remodeling of facilities. The measure is used to bring jobs to Arkansas. Alderman Stedman, seconded by Alderman Brooks, made a motion to adopt the resolution. The resolution was adopted by a unanimous roll call vote.

Alderman Sulcer announced to the Council that copies of Ordinance No. 76 had been provided to all Council members. There are several areas in the City where privacy fences have been erected on right-of-ways with no access to mow the grass. Alderman Sulcer proposes changing the ordinance. Alderman Harmon recommended the revision of the Ordinance.

Mayor Harmon introduced Lance Green and Brice Green. They delivered cookies to the Council members. The Sherwood Youth Council will have a booth at the upcoming Air Show on October 8th and 9th. This will be the 50th anniversary celebration.

Mayor Harmon announced Sherwood Fest on October 15th from 8:00 a.m. to 5:00 p.m. at Sherwood Forest and the upcoming Halloween Carnival on October 31st from 6:30 p.m. to 8:30 p.m. at Sherwood Forest.

Resident Jeannie Williams and daughter Penny addressed the Council regarding Lantrip Road traffic due to the school zone. Penny’s daughter was hit by a car last week while crossing Lantrip to get to Woodview Drive. Mayor Harmon stated that police will be at Lantrip and Hollywood, morning and evening, effective immediately. Also, additional school signage will be placed alerting school zone.

Residents of 113 and 118 Shady Oak addressed the council regarding continual drainage problems. ERC is in the process of constructing apartments on the adjoining property. Due to Hurricane Katrina, excessive rain, along with silt, has exceeded the limitations of current drainage pipe. Mayor Harmon stated that the City would work toward solving the problem. Additional signage was also requested along the same area on Brockington Road to slow down drivers. Mayor Harmon stated that warning signage would be placed.

Alderman Vassar made a motion to adjourn, seconded by Alderman Brooks.

ATTEST:

Virginia Hillman
City Clerk

Bill Harmon
Mayor