

October 24, 2005

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on October 24, 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 September 26, 2005, as transcribed. Alderman Sulcer seconded the motion and the roll call was unanimous to approve the minutes.

Mayor Harmon presented Cecil Robertson a plaque for his service on the Sherwood Planning Commission. Owain Hughes was presented a plaque for his service in several capacities within the City including the office of Alderman. Both men were applauded for their dedicated service.

Alderman Sulcer announced that the November Advertising and Promotion meeting will be on November 9th. Sherwood Fest was a success. Also, work on the Trail of Lights continues. She also thanked the Parks and Recreation Department for their help this year already in beginning to set up the Christmas lights for the trail.

Mayor Harmon introduced Brice Green and Tyler Jacobs of the Sherwood Youth Council.

Alderman Rankin announced that the City of Sherwood is in contract negotiations with the University of Arkansas for ladies softball to be held on Wednesday, April 19, 2006.

Mayor Harmon asked if there were any objections to changing the order of business on the agenda by moving the following item of business to the front. There were no objections.

The property located at 3010 East Kiehl Avenue (Lots 5-R and 6-R, North Hills Manor #2) was presented at the October Sherwood Planning Commission meeting for consideration of rezoning. Proper notifications to surrounding property owners were not sent out prior to the Planning Commission meeting. The owner of the property, BLOKS, has requested that the item be sent back to the Planning Commission for reconsideration of zoning. A motion was made by Alderman Davis, seconded by Alderman Vassar, to send the item back to the Planning Commission. The roll call vote was unanimous to send the item back to the Planning Commission.

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 for the second time. Michael Clayton, City Engineer, stated that this would allow for ornamental or architectural fencing in front yards up to three and one-half feet. It is not intended to be a barrier but only for ornamental purposes. He also stated that the Planning Commission would establish front and rear fence lines at the time of plat approval. A motion was made by Alderman Rankin, seconded by Alderman Henry to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 5 ayes and 3 nays. The ordinance was read for the third time. A motion was made by Alderman Rankin, seconded by Alderman Stedman, to adopt the ordinance. Alderman Vassar voiced concerns regarding the height of the fence. Dwight Patterson, City Planner, stated that the three and one-half feet was typical but it was up to the Council to set the height. Mike Anderson, a Sherwood resident, asked the Council to postpone the adoption of the ordinance. Alderman Rankin withdrew his motion and Alderman Stedman withdrew his motion to adopt the ordinance.

Resolution No. 15-2005 entitled “A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-023-01-114-00, COMMONLY KNOWN AS 211 GREENWOOD, TO CONSTITUTE A PUBLIC NUISANCE” was read. Alderman Sulcer asked if work is in progress on the structure. Michael Clayton stated that some

rehabilitative work has been done on the structure but no plan to bring the structure to code has been submitted to the City. Alderman Sulcer also asked how much of the expenses have been recaptured for other condemnations. Steve Cobb stated about \$30,000 and more liens have been filed. Scott Kelly, Sherwood Code Enforcement Officer, stated that numerous violations have been issued on the subject property, including a new roof without a permit. The tenant at the time of the roof allowed Scott Kelly into the structure. Matt Carmen, owner of the property addressed the Council. He stated that the previous tenant tore the house up. He stated that the photos viewed by the Council were the result of tenant destruction. Alderman Sulcer asked if other structures owned by him in Sherwood were also a result of tenant destruction. Alderman Vassar stated that many of the deficiencies looked to be a result of neglect rather than tenant destruction. Michael Clayton stated that the house had been red tagged. However, people were already living there. Matt Carmen stated than many repairs have been made. Mr. Carmen was notified by the Council that he has thirty days from today's date to present a rehab plan and repair the structure. Alderman Brooks seconded by Alderman Vassar, made a motion to adopt the resolution. The resolution was adopted by a unanimous roll call vote.

Resolution No. 16-2005 entitled "A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-023-003-23-001-89, COMMONLY KNOWN AS 4600 RIXEY ROAD, LOT #509, TO CONSTITUTE A PUBLIC NUISANCE" was read. Nancy Frazier, Park Manager addressed the Council. She stated that the owner's of the property have not responded back to a certified letter she sent. The letter was returned unclaimed. Earlier this summer an odor was reported coming from the structure. It was found to be an old freezer. Alderman Sulcer seconded by Alderman Vassar, made a motion to adopt the resolution. The resolution was adopted by a unanimous roll call vote.

Resolution No. 17-2005 entitled "A RESOLUTION FINDING THE STRUCTURE LOCATED ON PARCEL #23S-003-23-001-67, COMMONLY KNOWN AS 4600 RIXEY ROAD. LOT #419, TO CONSTITUTE A PUBLIC NUISANCE" was read. Alderman Sulcer, seconded by Alderman Brooks, made a motion to adopt the resolution. The resolution was adopted by a unanimous roll call vote.

Ordinance No. 1684 entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 729, SECTION 10 SHERWOOD ZONING RULES AND REGULATIONS UNDER GENERAL PROVISIONS CONCERNING ACCESSORY BUILDINGS TOTAL FLOOR AREA FOR MULTIPLE ACCESSORY BUILDINGS AND LIMITING TWO ACCESSORY BUILDINGS PER LOT; AND FOR OTHER PURPOSES" was read for the first time. Alderman Sulcer asked for clarification of accessory buildings in regards to whether or not a covering for recreational vehicles constitute an accessory building. Michael Clayton stated that any covered structure would be considered an accessory building. Upon passage of the presented ordinance, the maximum number of accessory buildings will be two and cannot exceed a total of 25 percent of the lot size, without a variance. A motion was made by Alderman Vassar, seconded by Alderman Davis, to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes and 1 nay. The ordinance was read for the second time. A motion was made by Alderman Stedman, seconded by Alderman Rankin to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 7 ayes and 1 nay. The ordinance was read for the third time. A motion was made by Alderman Fender, seconded by Alderman Henry, to adopt the ordinance. The roll call vote was 7 ayes and 1 nay to adopt the ordinance.

Residents of Stonehill addressed the Council concerning a fence on Marble Cove and Maryland Avenue. Jeff Stewart addressed the Council regarding the fence being placed without a variance. Mr. Stewart reminded the Council of the Ordinance that states a fence should not be placed upon the property line but must be 25 feet from the property line. He stated that the area has only been mowed twice this year. He is concerned about the future maintenance of the fence and surrounding area. Not only is the fence in the

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wrong place but it is also untreated. Mr. Stewart presented photos of various fences throughout the City that have not been maintained. Doris Anderson also addressed the Council. She has been in contact with the developer and they have intentions of running the fence continuously for several thousand more feet. Mayor Harmon stated that the fence has the right to stay until the appeal process is exhausted, according to law. Jack Sims, resident of Maryland Avenue, addressed the Council. He stated that had the fence been in place when he purchased his property, he would not have made the purchase. He believes that the City has the authority to require the fence torn down since it was placed without a permit. Mayor Harmon stated that a permit was issued. A mistake was made with the issuance of the permit. Mr. Sims stated that the fence was erected before a variance was granted. Gary Stroud, resident of Maryland Avenue questioned why a variance is being requested after the fence is already in place. He also stated that City Code states that the pickets must be on the inside of the fence, which is not the case. Mayor Harmon restated that the fence couldn't be taken down until all appeals have been exhausted. Steve Cobb stated that the Mayor was correct. Mr. Stewart asked the occupancy of future homes be denied along the fence area as well as no future fencing being allowed. Denise Estep also addressed the Council. She has concerns of emergency vehicle access.

The following announcements were made:

- A Fish Fry/Bake sale for the Sherwood Mayor Council will be on November 17th from 5:00 p.m. to 7:00 p.m. Also, the Sherwood Youth Council will have a concession booth at the Halloween Carnival. All funds received from both projects will help send them to Washington, D.C.
- Crime watch meeting at Victory Baptist School – Tuesday, October 25th 6:30 for the Brockington Road area.
- A budget committee meeting will be on Tuesday, 12:00 noon on November 1st, 2199 East Kiehl Avenue.
- A tentative special called meeting will be on Wednesday, 12:00 noon on November 9th, to consider approval of the zoning of the property at 5426 Landers Road, contingent upon the recommendation of the Planning Commission on November 8th.

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

ATTEST:

Virginia Hillman
City Clerk

Bill Harmon
Mayor