

May 22, 2006

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on May 22, 2006, 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 April 24, 2006, as transcribed. Alderman Sulcer seconded the motion and the roll call was unanimous to approve the minutes.

A motion was made by Alderman Vassar, seconded by Alderman Davis, to suspend the rules and place on the agenda a presentation to members of the Youth Council. The roll call vote was unanimous. Mayor Harmon announced three youth council members have qualified for a scholarship given each year by the City of Sherwood. Bryce Green, Caitlyn Berry, and Sarah Stephens each received the Mayor's Scholarship Award. Another member of the youth council, Will Hamm, an exchange student from Germany, was presented with a key to the City of Sherwood.

Alderman Sulcer advised the Advertising and Promotion Commission did not meet. They will have the scheduled June meeting on June 7, 2006.

Alderman Rankin announced that the Parks and Recreation did meet. A presentation was made of the events of the softball game between the Lady Razorbacks vs. Louisiana and Monroe.

**Ordinance No. 1703 entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 729, SCHEDULE OF USES, TO ALLOW A NURSING HOME IN A O-2 AND C-2 OFFICE ZONE, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES"** was read for the second time. A motion was made by Alderman Vassar, seconded by Alderman Rankin, to amend the ordinance to include C-2 in addition to the O-2. The roll call vote was unanimous. The ordinance was read for the first time as amended. A motion was made by Alderman Vassar, seconded by Alderman Sulcer, 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. A motion was made by Alderman Rankin, seconded by Alderman Sulcer, 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. A motion was made by Alderman Vassar, seconded by Alderman Davis, to adopt the ordinance as amended. The roll call vote was unanimous. The emergency clause passed by a unanimous roll call vote.

**Ordinance No. 1704, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 729, SECTION 8, PLANNED RESIDENTIAL DISTRICT, TO ALLOW ZERO LOT LINE HOMES (PATIO/GARDEN HOMES) AS A CONDITIONAL USE IN AN R-1 RESIDENTIAL ZONE; AND BY RIGHT IN AN R-2 OR R-3 RESIDENTIAL ZONE AND FOLLOW THE GUIDELINES AS SET FORTH IN A PLANNED RESIDENTIAL DISTRICT; ALSO AMENDING THE SCHEDULE OF USES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES"** was read for the second time. Scott Stephens, of 8206 Mark Avenue, stated that there was a lot of discussion on these patio/garden homes because one has been proposed for his neighborhood. The concern from the residents of this area is the density of the size of the of the patio/garden homes of 2500 square foot opposed to 1200 square foot. He stated the ordinance eliminates variances. If some developer were to come in and propose a 1200 square foot patio/garden home, it would only cover half of the lot that is allowed in the City of Sherwood. Mayor Harmon advised this is conditional zoning and the planning commission would have to approve the zoning of this property. Robert Walla of 8212 Mark Avenue stated his concern was that the placing of the houses closer together would cause a fire exposure of being 10 feet apart. The City should have an

ordinance making it mandatory to have home sprinkler systems put in these houses. Traci Mason, of 8214 Mark Avenue requested that the City physically check the area and look at the property. The proposal on this particular piece of land doesn't fit in with the landscape of the current neighborhood. Mike Anderson, of 2507 Bearskin, stated he attended the planning commission meeting during the discussion of this. He advised to get a planned residential area you have to go to the planning commission and council to get the R-1 area rezoned. If you don't build within a year it goes back to R-1 and you would have to re-zone it again to get patio/garden homes. Alderman Vassar stated she felt the neighborhood was confused to the fact that the City is trying to give them something they didn't want. She felt the council was trying to protect the neighborhood. This is a single-family dwelling, if this remains as multi-family C-2 and C-3, and someone comes and gets the planning commission to rezone the property to do this, then you have multi-family zoning in the middle of single-family residential neighborhood. Doris Anderson, of 2507 Bearskin, announced that one of these patio/garden homes has been proposed on Brockington Road between Miller's Crossing and ERC Chapel Ridge Apartments. This will be an upscale neighborhood with desirable property. There is a waiting list of people wanting to live there. The size is between 1800-2200 square feet homes. She feels they will serve a good purpose. Alderman Davis stated the lot size is important to some who want to move into a house and do just a little bit of yard work. Tom Epperson of 1101 W. Kiehl attended a planning commission meeting when they were discussing this issue. He stated that he recalls that the city planner suggested that certain areas should be designated for patio/garden homes. Mr. Epperson didn't feel that the City should mix different types of homes in the same area. His desire would be that the council pursue the designation of these homes in certain areas. Mayor Harmon advised this ordinance doesn't authorize a project anywhere in the City of Sherwood, it says someone can get conditional zoning, this means they have to go before the planning commission and council and get property zoned for this type of home. This ordinance allows this to take place if the planning commission and council approve it. A motion was made by Alderman Rankin, seconded by Alderman Davis, to place the ordinance on the third and final reading. The roll call vote was 7 ayes, 1 nay. The ordinance was read for the third time. A motion was made by Alderman Davis, seconded by Alderman Rankin, to adopt the ordinance. The roll call vote was 7 ayes, 1 nay. The emergency clause passed by 7 ayes, 1 nay.

**Ordinance No. 1705, entitled, "AN ORDINANCE ABANDONING AN EXISTING UTILITY EASEMENT FOR PART OF LOT 135, PHASE 3, MILLER'S CROSSING SUBDIVISION; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES"** was read for the first time. Questions were raised as to why this easement was being abandoned. City Engineer Michael Clayton stated the location was Oakbrooke Street in Millers Crossing and research was done to see if there were any utilities or any use of the easement for telephone, drainage, sewer, etc. A request has been made from the builder to place a particular house on this lot. There is an existing utility and drainage easement on the south side of this lot, and another 10 foot easement on top of it not being used and it is taking up the ability of the builder to build a bigger house on this lot. Determination was made there is no need for the utility easement. This particular lot only has 10 foot easement on one side of the lot. A motion was made by Alderman Rankin, 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 Alderman Vassar, seconded by Alderman Sulcer, 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 Davis, seconded by Alderman Rankin, to adopt the ordinance. The roll call vote was unanimous to adopt the ordinance. The emergency clause passed with a unanimous vote.

A motion was made by Alderman Vassar, seconded by Alderman Sulcer, to suspend the rules and place an ordinance on the agenda for the abandoning of utility easement for Shadow Oaks Drainage. The roll call vote was unanimous.

**Ordinance No. 1706, entitled, "AN ORDINANCE ABANDONING AN EXISTING UTILITY EASEMENT FOR PART OF LOT 16R BLOCK 2, SHADOW OAKS ADDITION AND FOR OTHER PURPOSES"** was read for the first time. Mayor Harmon stated this goes right through the middle of the old Delta Dental Building. Grandpas Catfish is trying to move in there, and the abstract company found this utility easement, which has to be abandoned before they can close on the real estate transaction. 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 Davis, to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed by a unanimous roll call vote.

Alderman Fender advised the Street Commission did meet. The traffic signal at Seminole Trail has been bid for \$89,000, the light should be up and running by Thanksgiving. There was some confusion with the location of the Arkansas Veteran's Cemetery with the Sherwood Forest Veteran's Memorial. Signs will be placed up to designate which one is which. Public Works Director Bill Miller advised the signs should be up in a week. A special thank you was given to Lieutenant Danny Kerr and Walter Barnhardt, they have been canvassing the City locating street lights that have been burned out, and also Walter Barnhardt has checked the stop signs and street signs. The ones taken or damaged have been replaced. Alderman Vassar asked about the meeting with the Highway Department that was mentioned in the Street minutes. A public hearing at the Assembly of God Church on Hwy 107 was held to discuss the four lane proposal for Hwy 107. Mayor Harmon stated that the project on Maryland has been divided into two segments. One segment is the flooding of the home of Jim Bennett. This will be corrected by drainage work. The other end of Maryland will be coordinated with the developer as they do their part of the work. Alderman Fender announced the Street Commission's high priority is Brockington Road and East Maryland. Mayor Harmon announced that Mike Marlar met with the Highway Department, which he felt was a very good meeting and feels that he has everything needed to get started in the next 30 to 60 days on Brockington Road. Alderman Vassar asked for an update on Stonehill Street. Attorney Steve Cobb reported that he and Attorney Steve Giles went out and viewed the property. They will be abstracting a claim to send to the developer advising the developer of their intent and the two attorneys would need to hear from them right away.

**Ordinance No. 1707, entitled, "AN ORDINANCE APPROPRIATING \$90,000 FROM THE GENERAL FUND TO PUBLIC WORKS DRAINAGE DEPARTMENT, AMENDING GENERAL FUND BUDGET ORDINANCE NO. 1688, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES"** was read for the first time. Mayor Harmon stated there were several small drainage projects, and some would come under the \$20,000 that can be done without bidding. The projects totaled more than the \$30,000 that was budgeted in drainage for the 2006 budget. 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 unanimous. The ordinance was read for the second time. 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 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. The emergency clause passed by a unanimous roll call vote.

Alderman Vassar stated Senior Fun Day for the Senior Citizens was a huge success.

Alderman Stedman announced the 4<sup>th</sup> of July celebration. This year, with the help of the Little Rock Air Base, the forty member concert military band will perform as well as the Air National Guard band and the Smokey Mountains. The Sherwood Veteran's Memorial

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is completed and the Rotary Club will make the dedication to the City of Sherwood on Memorial Day, May 29, 2006, at 2:00 p.m.

Tom Brooks stated that the Mayor, himself, and twenty other people have been on a committee the Pulaski County Jail Task Force appointed by Judge Buddy Villines. The next meeting will be in Sherwood on Wednesday, May 24, 2006, 7 p.m. at the Bill Harmon Recreation Center.

Alderman Brooks made a motion to adjourn.

ATTEST:

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Virginia R. Hillman, City Clerk

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Bill Harmon, Mayor