

October 25, 2004

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on October 25, at 7:00 p.m. in the Council Chambers. Those present were Aldermen Henry, Vassar, Rankin, Butler, Fender, Sulcer, Davis, and Stedman. Mayor Bill Harmon, City Attorney Steve Cobb, and City Clerk Virginia Hillman.

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 27, 2004, as transcribed. Alderman Sulcer seconded the motion and the roll call was unanimous to approve the minutes.

Alderman Sulcer announced that the Enchanted Forest would open December 1st with a reception beginning at 5:00 p.m. with the lighting at 6:00 p.m.

Alderman Rankin announced that basketball registration is still continuing at the Bill Harmon Recreation Center.

Alderman Vassar announced that the Personnel Commission met. The next meeting will be at 1:30 p.m. Wednesday, November 3rd.

An ordinance entitled “AN ORDINANCE REZONING THE PROPERTY AT 9400 HIGHWAY 107 FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL; AMENDING THE ZONING MAP AND FOR OTHER PURPOSES” was read for the second time. Steve Deere addressed the Council regarding the proposed zoning. He has an offer pending on the property, contingent upon the rezoning. Mr. Deere has met with some of the surrounding property owners and requests an additional 30 days to continue with the mediation. Alderman Fender requested that all surrounding property owner’s be notified regarding the meetings. Lawrence Baxter, #8 Cardinal Lane addressed the council. His property adjoins the subject property. He expressed concerns regarding the type of drainage pipe being used at the property. The pipe appears not to be acceptable drainage pipe. Mayor Harmon announced to the Council that the engineering department has already been notified of the drainage. Apparently the pipe is old manhole pipe, which has been placed there. Steve Deere commented that the pictures being presented to the Council were not the subject property. Michael Clayton, City Engineer, stated that the photographed property was not related to the subject property. It appears to be substandard drainage improvements and the engineering department has rejected the pipe. Mr. Phillips addressed the Council regarding the serious drainage project on Maryland Avenue. He believes that the runoff on Maryland Avenue is affected by everything North of Maryland Avenue, including the subject property. During the past heavy rains, portions of Maryland Avenue experienced flooding for the first time. Mayor Harmon stated that the City Engineering department would begin work on the drainage problem facing the area. He does not believe that one small portion of property is responsible for the drainage problems being experienced in the area. Linda Garvin, 385 East Maryland stated that all construction in the area affected their drainage and her neighbors were experiencing severe drainage problems. Alderman Stedman requested that Mr. Deere present the Council with a drawing for the proposed development of the property. He is concerned that the property will be zoned for one type of business and later be used for something entirely different. Mr. Deere stated that he was buying the property for investment purposes. He is also negotiating with Mr. Tarkington for the adjoining property and then would replat the property into one. Alderman Stedman stated that he would not vote for the rezoning if the use of the property was not known. Alderman Vassar questioned Mr. Deere about the level of zoning. He stated that he is requesting a C-3. Alderman Vassar stated that the Council was concerned about the needs and wants of the area residents. Dale McGhee, 213 East Maryland stated that the zoning should not come all the way back to his property. His property adjoins the subject property. Mr. McGhee stated that Mr. Deere did not have the interest of the neighborhood at best if he wants to purchase the property for investment purposes. Mr. Deer stated an area resident, Mr. Walla, felt that the zoning should only be 300’ deep for C-3 and the remainder C-1. Mr. Deer suggests that a deep buffer, a minimum of 30’ with a brick wall within the 300’ to have one access on Maryland. He stated that it would not be safe to turn south onto Highway 107 from the subject property. Mr. Deere stated that

there might be future problems with property having split zoning. If the property is split zoned, there will have to be two egresses and ingresses from Maryland or the property might be land locked. Alderman Vassar stated that she believes that the details can be worked out within the next 30 days with the neighborhood. Mr. McGhee does not think it is in the best interest of the neighborhood to zone 400' plus down Maryland Avenue.

Ordinance entitled "AN ORDINANCE REZONING THE PROPERTY AT 7523 WARDEN ROAD, ALSO DESCRIBED AS LOT 1, BOWLING WORLD ADDITION II, FROM C-3 COMMERCIAL TO C-4 COMMERCIAL; AMENDING THE ZONING AND LAND USE MAP AND FOR OTHER PURPOSES" was read for the first time. Alderman Davis announced that he had spoke with the owner of Dr. Hill Dentist Clinic and Kohl's department store. Both requested that the property not be zoned C-4, which allows for outside storage. Mr. Phil Petrus addressed the Council regarding rezoning the property. His plan is to place a rental car agency and new car dealership there. He stated that he has been a new car dealer for 12 years and that his addition will compliment the area. Mayor Harmon asked that Mr. Petrus meet with the area neighbors and bring the request back to the Council next month. Mr. Petrus agreed to meeting with the area neighbors.

Ordinance No. 1642 entitled "AN ORDINANCE REZONING THE PROPERTY LOCATED AS A TRACT OF LAND LYING IN THE SE ¼ SW ¼ SECTION 33, TOWNSHIP 3 NORTH, RANGE 11 WEST, FROM R-3 MULTI-FAMILY TO CSC COMMUNITY SHOPPING CENTER; AMENDING THE ZONING AND LAND USE MAP; AND FOR OTHER PURPOSES" was read for the first time. Patick Devitt addressed the council. He stated that his plan is to create a commercial shopping center. The primary purpose will be to house an optometrist clinic for his wife. Residents from the audience stated that they approved provided that it was done responsibly. A motion was made by Alderman Rankin, seconded by Alderman Stedman, to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes, Alderman Sulcer abstained. 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 7 ayes, Alderman Sulcer abstained. The ordinance was read for the third time. A motion was made by Alderman Davis, seconded by Alderman Stedman, to adopt the ordinance. The roll call vote was 7 ayes, Alderman Sulcer abstained, to adopt the ordinance.

Doris Anderson addressed the Council regarding the Preliminary Development Plan for ChapelRidge Apartments (ERC) on Brockington Road. Alderman Vassar asked if the multi-story portion of the apartments had been moved to the center. Mrs. Anderson stated that the three story units would be located only in the central portion of the complex and not on the perimeter of Sherwood North residents. Handicap accessible units will also be available. Management will also live on the premises. An apartment has been offered as a courtesy to a Sherwood Police Officer. Mrs. Anderson stated that the Sherwood Quality Growth Council had met with the ERC property representatives earlier today. She stated that ERC properties agreed to a solid brick fence that would go the entire length of the perimeter to the Sherwood North Residents. The remainder of the fencing would be brick and iron, similar to that of the Links Apartments. She expressed appreciation to ERC for spending the time speaking with the neighbors regarding their concerns. ERC is proposing almost twice of the amount of landscaping required by the City. The project will be a Ten million dollar investment. Burt Larkin from ERC properties presented a site plan and pictures of the development to the Council. The information also included additional ERC properties in Arkansas. Mr. Larkin stated that there would be a fitness center, business center, and a club house/office, and swimming pool. Mr. Larkin stated that he appreciated Mrs. Anderson's help and also Alderman Davis for walking through ERC apartments in North Little Rock last week. Mike Anderson also reminded the Council that there is still a traffic problem on Brockington, which must be addressed. A motion was made by Alderman Vassar, seconded by Alderman Davis, to approve the preliminary plans of ERC. The roll call vote was unanimous to approve the preliminary plans for the ChapelRidge Apartments (ERC) on Brockington Road.

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REGULAR MEETING 3

Alderman Fender announced that the traffic signal at Highway 107 had experienced problems due to a couple of loops being severed. A camera will be installed to take the place of the loops. Cameras are replacing loops due to computerized technology. A permit has also been applied for to install a traffic signal at Highway 107 and Bear Paw Drive.

Bids were received for the 2004 overlay project and Wildwood improvements from. Due to the bids being received after the last Street Commission meeting, it is requested that the Council approve the low bids. A motion was made by Alderman Rankin, seconded by Alderman Henry, to suspend the rules and introduce a resolution to accept the bid from E. C. Rowlett for \$358,493.32 for the 2004 overlay project and the bid from Cinergi for \$140,000 for the Wildwood street improvements from Sherwood Avenue to Beverly Drive.

Resolution No. 20-2004 entitled “A RESOLUTION ACCEPTING BIDS FOR THE 2004 ASPHALT OVERLAY PROJECT AND WILDWOOD STREET IMPROVEMENTS FROM SHERWOOD AVENUE TO BEVERLY DRIVE” was read. A motion was made by Alderman Sulcer, seconded by Alderman Henry, to adopt the resolution. The resolution was adopted by a unanimous roll call vote.

Ordinance No. 1643 “AN ORDINANCE ADOPTING FOR THE CITY OF SHERWOOD, ARKANSAS, THE 2002, AND SUBSEQUENT EDITIONS, OF THE ARKANSAS FIRE PREVENTION CODE, COMPRISED OF VOLUME 1- FIRE, VOLUME 2- BUILDING, AND VOLUME 3- RESIDENTIAL, AS AMENDED, REPEALING CONFLICTING ORDINANCE” was read for the second time. A motion was made by 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 Sulcer, seconded by Alderman Butler, to adopt the ordinance. The roll call vote was unanimous to adopt the ordinance.

Ordinance No. 1644 “AN ORDINANCE ADOPTING FOR THE CITY OF THE SHERWOOD, ARKANSAS, THE 2002, AND SUBSEQUENT EDITIONS, OF THE NFPA NATIONAL ELECTRIC CODE, AS AMENDED, APPEALING CONFLICTING ORDINANCES” was read for the second time. A motion was made by Alderman Davis, 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 Vassar, seconded by Alderman Sulcer, to adopt the ordinance. The roll call vote was unanimous to adopt the ordinance.

Ordinance No. 1645 “AN ORDINANCE REQUIRING ALL BUILDING TRADE CONTRACTORS OR BUILDERS PERFORMING WORK IN THE CITY OF SHERWOOD TO FURNISH A SURETY BOND IN THE AMOUNT TEN THOUSAND DOLLARS (\$10,000)” was read for the first time. 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 Vassar, 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 Sulcer, seconded by Alderman Davis, to adopt the ordinance. The roll call vote was unanimous to adopt the ordinance.

Ordinance No. 1646 “AN ORDINANCE SUSPENDING THE BIDDING REQUIREMENTS OF ARKANSAS CODE SECTION 14-58-303 FINDING SAID REQUIREMENTS NOT TO BE FEASIBLE OR PRACTICAL, APPROPRIATING FUNDS FROM THE GENERAL FUND TO THE POLICE DEPARTMENT FOR THE PURCHASE OF EQUIPMENT, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES” was read for the first time. Mayor Harmon announced that the police department desires to purchase a particular type of stun gun (Tasar) for which there

is only one vendor. Chief Nicholson explained that studies indicate that the guns do not affect pacemakers; only the central nervous system, causing a constriction of the muscles. A motion was made by Alderman Vassar, seconded by Alderman Rankin, to suspend the rules and place the ordinance on the second reading. The ordinance was read for the second time. A motion was made by Alderman Sulcer, 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 Sulcer, seconded by Alderman Davis, to adopt the ordinance. The roll call vote was unanimous to adopt the ordinance.

Ordinance No. 1647 “AN ORDINANCE SUSPENDING THE BIDDING REQUIREMENTS OF ARKANSAS CODE SECTION 14-58-303 FINDING SAID REQUIREMENTS NOT TO BE FEASIBLE OR PRACTICAL, APPROPRIATING FUNDS FROM THE GENERAL FUND TO THE PUBLIC WORKS DEPARTMENT FOR THE PURCHASE OF EQUIPMENT, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES” was read for the first time. A motion was made by Alderman Vassar, seconded by Alderman Fender, 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 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 Sulcer, seconded by Alderman Davis, to adopt the ordinance. The roll call vote was unanimous to adopt the ordinance. A motion was made by Alderman Vassar, seconded by Alderman Davis, to suspend the rules and add an emergency clause. The roll call vote was unanimous to add the emergency clause

Resolution No. 21-2004 entitled “A RESOLUTION FINDING THE STRUCTURE LOCATED UPON PARCEL #23S-003-00-001-12, COMMONLY KNOWN AS 707 CHERRIE AVENUE, A HOUSE TRAILER LOCATED IN EDGEWOOD MOBILE HOME PARK, LOCATED IN SHERWOOD, ARKANSAS, TO CONSTITUTE A PUBLIC NUISANCE” was read. A motion was made by Alderman Vassar, seconded by Alderman Sulcer, to adopt the resolution. The resolution was adopted by a unanimous roll call vote.

Resolution No. 22-2004 entitled “A RESOLUTION FINDING THE STRUCTURE AT LOT 81, BLOCK O, NORTH HILLS MANOR #2 ADDITION, COMMONLY KNOWN AS 6002 N. WOODVIEW, LOCATED IN SHERWOOD, ARKANSAS, TO CONSTITUTE A PUBLIC NUISANCE” was read. Alderman Vassar questioned if repairs were being made on the structure and noted that the appearance from the outside looked good. City Engineer, Michael Clayton commented that a meth lab had been in operation. A motion was made by Alderman Vassar, seconded by Alderman Sulcer, to adopt the resolution. The resolution was adopted by a unanimous roll call vote.

Alderman Vassar announced that the Arkansas Democrat newspaper had recognized Michael Shrewsbury, Director of Animal Services, for being selected to receive National Recognition with the Distressed Animal Organization in Los Angeles, California. He will travel to California to accept the award next weekend. Alderman Fender announced that there was also a great presentation on Channel 4 prior to the Council Meeting.

Alderman Rankin asked for clarification regarding the drainage pipe on Cardinal Lane not being accepted. Mayor Harmon announced that the City would have to get out there, find out where the water is supposed to go and get it there.

Mike Anderson, a Sherwood resident, spoke regarding the initiative to establish a municipal fire department in Sherwood. Tuesday is the election and he encouraged everyone to vote against the proposed action. He believes that we have adequate fire protection and the establishment of a municipal fire department would result in higher taxes for the residents of Sherwood.

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REGULAR MEETING 5

Robert Walla addressed the council. He stated that some of the City sanitation workers received \$8 or \$9 per hour with benefits and our firefighters did not. He stated that he appreciated our firefighters.

Steve Cobb announced that the Sherwood Chamber of Commerce would once again sponsor an election watch at Sherwood Forest beginning at 7:30 p.m. on November 2nd.

Julann Carney asked the Council to please continuing passing resolutions to clean up Sherwood and to make it a year around project and not just an election year project.

Mayor Harmon announced the Halloween Carnival on Saturday, October 30th @ Sherwood Forest from 6:30 p.m. – 8:30 p.m.

A motion was made by Alderman Sulcer, seconded by Alderman Davis, to adjourn.

ATTEST:

Virginia Hillman
City Clerk

Bill Harmon
Mayor