

**September 26, 2022**

**REGULAR MEETING 1**

The City Council of the City of Sherwood met for a regular meeting on September 26, 2022, at 6:00 p.m. in the Council Chambers. Those present were Mayor Virginia R. Young, City Attorney Steve Cobb, City Clerk Angela Nicholson, Council Members Brooks, Harmon, Lilly, Heye-Townsell, Sanders, Williams, Broderick, and McMinn.

Senior Citizen Director Robert Campbell led in prayer, and the Pledge of Allegiance was given to the flag.

Council Member Brooks, seconded by Council Member Heye-Townsell, made a motion to approve the minutes of the regular meeting on August 22, 2022, as transcribed. The roll call vote was unanimous.

Mayor Young opened discussion for the August 2022 financials. No comments were made.

Sherwood Police Chief Jeff Hagar presented Officer Jim Calhoun with a 30-year service award. Chief Hagar also announced that Captain Kel Nicholson would be retiring on September 30, 2022, after thirty-six years of service to the Sherwood Police Department. Council Member Williams recognized Officer Calhoun's family that were in attendance.

Council Member Brooks, Chairman of the Advertising and Promotion Commission, stated the commission did meet. The next meeting will be Wednesday, October 5, 2022, at 3:00 p.m. at the Bill Harmon Recreation Center.

Council Member Harmon, Chairman of the Parks and Recreation Committee, stated the committee did meet. The next meeting will be Monday, October 10, 2022, at 6:00 p.m. at the Bill Harmon Recreation Center.

**Ordinance No. 2419, entitled, "An ordinance amending the Official Zoning Districts Map and for other purposes (1000 Trammel Rd)"** was read for the second time. Sherwood Planning Commission Chairman Rob Middleton was available for questions. Council Member Broderick inquired if there was anything specific in mind for the rezoning of this property, and would a PUD be a better fit since there is housing around. Council Member Williams stated she believed Council Member Broderick was looking at the wrong side of Trammel. Mr. Middleton stated the property was on the north side of Trammel. Council Member Broderick stated there are two (2) red rezoning signs when you pull out of Trammel Estates. Council Member Williams stated the property is the dirt road area and is only swamp and woods. Mayor Young stated this property used to be the racetrack. Council Member Broderick asked if this is where the red signs are. Mr. Middleton stated the signs are for another rezoning request. The property in question butts up to the industrial property on the north side. It does not have any houses next to it except a couple of houses on the south side of the property. Council Member Broderick asked how the property is accessed. Mr. Middleton stated there is not direct access to Trammel Road. The current property owner, Metropolitan Realty, who owns both properties to be considered for rezoning, would have to grant an easement. Mayor Young asked if anyone was present to speak against the rezoning. No one came forward. Council Member Brooks, seconded by Council Member Williams, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 7 ayes. Council Member Broderick voted no. The ordinance was read for the third and final time. Council Member Brooks, seconded by Council Member Lilly, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Council Member Broderick no.

**September 26, 2022**

**REGULAR MEETING 2**

**Resolution No. 27-2022, entitled, "A resolution amending the Comprehensive Plan for Sherwood (north side of Trammel)"** was read. Sherwood Planning Commission Chairman Rob Middleton stated that this parcel on Trammel Road is mostly in the floodplain or floodway area. The Planning Commission wanted to show that the land use map is showing this to be a conservation area and there is a clear indication there would be difficulty developing the property. Council Member Williams, seconded by Council Member Lilly, made a motion to adopt the resolution. The roll call vote was unanimous.

**Ordinance No. 2420, entitled, "An ordinance amending the Official Zoning Districts Map and for other purposes (1100 Trammel Rd)"** was read for the second time. Council Member Heye-Townsell asked Sherwood Planning Commission Chairman Rob Middleton to give examples of what can go in a C-3 zoning. Mr. Middleton stated almost everything that goes along Kiehl and a lot of what can go on Highway 107. Council Member Williams stated nothing with outside storage. Council Member Lilly, seconded by Council Member 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 and final reading. Council Member Brooks, seconded by Council Member Sanders, made a motion to adopt the ordinance. The roll call vote was unanimous.

Council Member Lilly, Chairman of the Street Committee, stated the committee did meet. Council Member Lilly stated there was discussion on the updates of the road improvements. Council Member Heye-Townsell inquired if there was any conclusion regarding the discussion with the disappointment in the outsourcing with Garver in terms of moving forward with Garver. Council Member Lilly stated that the city is already in contract with Garver. When the contract is up for renewal there would be further discussion. Council Member Lilly stated that at this time Garver has not met the expectations of the Street Committee and what was approved by the council has not been fulfilled and to his knowledge Garver has not been paid.

Council Member Brooks asked Council Member Lilly who is responsible for the minutes of the Sherwood Wastewater Treatment Committee. Council Member Lilly stated Larry Carpenter's assistant. Council Member Brooks stated that she read the minutes and there were misspelled street names in the minutes. Council Member Brooks also stated she read there was discussion on power issues at the sewer plant, and was inquiring if this was an ongoing problem, and if loss of power was common among the other utilities. Council Member Lilly stated it was not common. The Wastewater Department has a process in place when power is lost at any of the wastewater stations. Council Member Heye-Townsell stated this situation is different because where the property is in relation to how the pump station sits. This area has above ground utilities. When the electricity is out, the resident is unable to flush their toilets, and if the power is off long enough sewage begins to back up into their home. Council Member Heye-Townsell stated that this facility would be a common place for a generator. Council Member Lilly stated that when the well reaches a certain level an alarm will be triggered notifying personnel immediately. Mayor Young stated that the wastewater manager is currently reviewing this issue.

A proposed ordinance entitled, *"An ordinance adopting Electronic Banking, Electronic Commerce, and other Electronic Transfer of Funds Best Practices under Ark. Code Ann. 14-59-105"* was read. Council Member Lilly stated that his concern with the proposed ordinance was the wording of "if possible" in sections of the ordinance. Council Member Lilly stated he would like to remove the "if

possible" wording. Council Member Williams recommended the ordinance be read one time.

A proposed resolution entitled, "*A resolution authorizing the expenditure of \$75,000 for purposes of speed humps in the city of Sherwood*" was read. Council Member Lilly stated the purpose of this resolution was to initiate a trial basis installation of speed calming devices to slow down speeding in the city. Council Member Lilly stated this is a compromise so that a trial run would allow the city to see if this technology would accomplish what the city wants in regard to reducing speeding without costing a lot of money. Council Member Williams inquired since there was not a bid for engineering services how would the engineering firm be selected. Council Member Lilly stated that the intent is to use a proven engineering firm. The engineering of the devices would cost approximately \$4,000 per street for the engineering work, and approximately \$2,000 - \$3,000 for the devices. Council Member Heye-Townsell stated that speed cushions would be best because they allowed for fire trucks to go over them without having to slow down, and they are prefabricated and would not require engineering. Council Member Heye-Townsell stated depending on the width of the street, it may require two devices. Council Member Lilly stated the engineering would determine where to place the devices. Council Member Heye-Townsell asked that an amendment to the resolution be made to include speed tables and speed cushions. As the resolution currently reads, it only allows for speed humps. Council Member Williams stated for the record, Council Member Lilly is not concerned with the terminology of the device but concerned with the effectiveness of the device used. Council Member Harmon, seconded by Council Member Williams, made a motion to amend the resolution to read, "or similar technology." The roll call vote was unanimous. **Resolution No. 28-2022, entitled "A resolution authorizing the expenditure of \$75,000 for purposes of speed humps, or similar technology, in the City of Sherwood"** was read after amended. Council Member Broderick asked Council Member Lilly to explain the traffic count data. Council Member Lilly stated that information is for the next item on the agenda, but that it is data collected on the speed from the traffic measuring devices. Council Member Williams was confirming the expenditure was up to \$75,000. Council Member Lilly confirmed. Council Member Brooks, seconded by Council Member Williams, made a motion to adopt the resolution. The roll call vote was unanimous.

**Resolution No. 29-2022, entitled, "A resolution authorizing the expenditure of \$15,000 for the purchase of traffic measuring devices from Jamar Technologies, Inc."** was read. Council Member Lilly asked that the spelling of Jamar be corrected in the resolution. Council Member Heye-Townsell inquired as to the number of devices needed. Council Member Lilly stated the intent was to have a device deployable for each ward. Jamar Technologies recommends the devices be deployed for one week at a time. Council Member Lilly stated that having four devices would allow a device to always be working without waiting for them to be charged. Council Member Williams, seconded by Council Member Brooks, made a motion to adopt the resolution with the correct spelling of Jamar Technologies. The roll call vote was unanimous.

**Resolution No. 30-2022, entitled, "A resolution approving the retirement pay commencement for the retiring City Clerk; and for other purposes"** was read. Council Member Harmon stated that Arkansas Code Annotated §24-12-121 outlines what provisions are allowed for a retiring city clerk. Council Member Harmon stated this statute allows for approval from a governing body that if a city clerk has not been in that position for twenty (20) years, but has serviced in another position, such as deputy city clerk, that time

served as deputy city clerk can be applied towards the twenty (20) years. Council Member Harmon stated pursuant to Section (c)(1) of the Statute, four (4) years and eight (8) months of time served as deputy city clerk can be applied towards the accrual of the required vesting period of twenty (20) years. Council Member Harmon stated this statute also has a provision that on January 1, of each year, the city clerk, after receiving retirement for a period of twelve (12) months shall receive a cost-of-living (COLA) increase up to 3%. Council Member Brooks inquired if this would also affect the two (2) current retired city clerks. Council Member Harmon stated that it may, but that further research is needed. Mayor Young stated that legislation was passed enabling this on all elected officials if approved by the legislative body. Council Member Williams stated regarding the COLA on the current retired city clerks, the COLA is not retroactive before 2015. Council Member Williams stated that the COLA could not be more than what is given to the employees. Council Member Williams also wanted to clarify that the statute requires that the city clerk be retired twelve (12) months before the COLA could be applied. Council Member Brooks inquired if this was also available for the mayor and city attorney. Mayor Young stated that there was some legislation that had been passed that does allow this for mayor and city attorney. Council Member Harmon, seconded by Council Member Sanders, made a motion to adopt the resolution. The roll call vote was unanimous.

**Resolution No. 31-2022, entitled, "A resolution re-appointing Bob Franks, A.C. Ketzsch, and David Phillips to serve on the Sherwood Public Facilities Board"** was read. Council Member Brooks, seconded by Council Member Lilly, made a motion to adopt the resolution. The roll call vote was unanimous.

**Resolution No. 32-2022, entitled, "A resolution appointing Mark Evans to serve on the Sherwood Civil Service Commission"** was read. Council Member Heye-Townsell, seconded by Council Member Harmon, made a motion to adopt the resolution. The roll call vote was unanimous.

**Ordinance No. 2421, entitled, "An ordinance amending Ordinance 778 with respect to the monthly expenses paid to the City Clerk, and for other purposes"** was read. Council Member Williams stated that since the position of City Clerk and Finance Director has been split and the city clerk duties will be like that of the council members, the expense ordinance needed to be reduced. Council Member Brooks stated she would like an ordinance that would include all elected official's expense allowance. Council Member Harmon, seconded by Council Member 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. Council Member Brooks, seconded by Council Member Sanders, 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. Council Member Williams, seconded by Council Member Brooks, made a motion to adopt the ordinance. The roll call vote was unanimous.

Under old business Council Member Brooks asked that the plexi-glass dividers be removed.

Under new business Council Member Williams volunteered to witness the District Court document destruction on Friday, September 30, 2022, at 8:00 a.m.

**September 26, 2022**

**REGULAR MEETING 5**

Mayor Young made the following announcements:

- Sherwood Police Department National Night Out, Tuesday, October 4, 2022, 5-8 p.m. at Sherwood Forest, 1111 W. Maryland Avenue
- Keep Sherwood Beautiful Shred-A-Thon, Saturday, October 8, 2022, 9 a.m. – noon (limit 5 boxes per person: no magazines, newspapers, or ads)
- Animal Shelter – Free adoption events to prevent euthanasia October 3<sup>rd</sup>-7<sup>th</sup>, 24<sup>th</sup>-28<sup>th</sup>, and free microchip with all adoptions October 10<sup>th</sup> – 24<sup>th</sup>
- City Hallow, Saturday, October 29, 2022, Sherwood City Pond, 2199 E. Kiehl Avenue, Sherwood

No further business, Council Member Brooks, seconded by Council Member Heye-Townsell, made a motion to adjourn at 6:59 p.m.

**ATTEST:**

  
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Angela Nicholson, City Clerk

  
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Virginia B. Young, Mayor