

April 27, 2015

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on April 27, 2015, at 7:00 p.m. in the Council Chambers. Those present were Mayor Virginia R. Young, City Attorney Steve Cobb, City Clerk Angela Nicholson, Aldermen Brooks, Harmon, Lilly, McMinn, Heye, Keplinger, Sanders and Williams.

Nick Smith, Pastor of Greater Faith Church, led in prayer, and the Pledge of Allegiance was given to the flag.

Alderman Brooks, seconded by Alderman Lilly, made a motion, to approve the minutes of the regular meeting on March 23, 2015, as transcribed. The roll call vote was unanimous.

Discussion was open for March 2015 financials. No comments were made.

Darrell Brown, Chairman of the Sherwood History and Heritage Committee, on behalf of the committee presented to Chief David Teague and Sherwood Fire Department the first Ailene Duran Sherwood Heritage Award for restoring the city's original fire truck from 1951.

Mayor Young, Aldermen Brooks and Williams presented the Sherwood Elementary School Odyssey of the Mind team with certificates. The team has won at the state level and will go to World at Michigan State University.

Alderman Brooks, Chairman of the Advertising and Promotion Commission, stated the commission did meet. The next meeting will be Wednesday, May 6, 2015, at 3:00 p.m. at the Bill Harmon Recreation Center.

Alderman Harmon, Chairman of the Parks and Recreation Committee, stated the committee met. There are a number of projects going on such as the grandstand, farmers market, building at the Greens and the Splash Zone. The next meeting will be on Monday, May 11, 2015, at 5:00 p.m. at the Bill Harmon Recreation Center.

Alderman Sanders, Chairman of the Personnel Committee, stated the committee did not meet. The next meeting will be May 7, 2015, at 4:30 p.m. at the Bill Harmon Recreation Center.

Ordinance No. 2059, entitled, "AN ORDINANCE REZONING THE PROPERTY AT 409 MANSON ROAD FROM C-3 COMMERCIAL TO C-4 COMMERCIAL WITH A CONDITIONAL USE TO ALLOW FOR LIGHT MANUFACTURING; AMENDING THE ZONING AND LAND USE MAP; AND FOR OTHER PURPOSES" was read. Alderman Brooks, seconded by Alderman Keplinger 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. Alderman Harmon, seconded by Alderman 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 time. Alderman Keplinger, seconded by Alderman McMinn, made a motion to adopt the ordinance. The roll call vote was unanimous.

A proposed ordinance entitled, "*An ordinance rezoning the property at Lot 1 Foxcroft II Addition from R-1 single-family residential to R-2 Multi-Family residential; amending the zoning map; declaring an emergency; and for other purposes*" was read. Tuan Phan and Patricia Davis, residents that live beside the property addressed the council opposing this development due to flooding issues. Mike Marlar, Engineer for the development was available for questions. The ordinance was read one time.

Alderman Lilly, Chairman of the Street Committee, stated the committee did meet. The meeting focused on the overlay project.

Ordinance No. 2060, entitled, "AN ORDINANCE PROVIDING FOR THE APPROPRIATION OF \$350,000 FROM THE STREET FUND BUDGET;

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DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES” was read. Alderman Harmon, seconded by Alderman Keplinger, 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. Alderman McMinn, seconded by Alderman 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 time. Alderman Heye, seconded by Alderman Harmon, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Ordinance No. 2061, entitled, “AN ORDINANCE DECLARING IT A VIOLATION TO EMIT, PERMIT OR CONDONE LOUD AND RAUCOUS SOUNDS OR NOISES, REPEALING ORDINANCES 1255 AND 1349; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES” was read for the second time. Alderman Heye, seconded by Alderman Harmon, 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. Alderman Harmon, seconded by Alderman Keplinger, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Resolution No. 9-2015, entitled, “A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF SHERWOOD, ARKANSAS, TO UTILIZE FEDERAL-AID RECREATIONAL TRAIL FUNDS” was read. Alderman Brooks, seconded by Alderman Keplinger made a motion to adopt the resolution. The roll call vote was unanimous.

A proposed ordinance entitled, *“An ordinance providing for the establishment of a Flood Damage Prevention Program for the City of Sherwood, Arkansas; and for other purposes”* was read. Alderman McMinn, seconded by Alderman Williams, made a motion to amend the code to change the wording in Section D (3), Section E (1), and Section F (1)(2), from “Board of Zoning Adjustment” to “City Council”. The roll call vote was unanimous. Ellen Norvell, City Engineer, stated this ordinance could be read one time, but needs to be passed by the July 6, 2015, deadline. Discussion took place and the council decided to only read the ordinance one time.

A proposed ordinance entitled, *“An ordinance amending Ordinance 1079; allowing certain signs in residential zones; declaring an emergency; and for other purposes”* was read one time. Discussion took place.

Resolution No. 10-2015, entitled, “A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SHERWOOD, ARKANSAS, TO APPROVE THE SELECTION OF AN ARCHITECTURAL FIRM TO SERVE AS THE ARCHITECT TO THE CITY IN CONNECTION WITH THE ISSUANCE OF APPROXIMATELY \$6,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF LIBRARY CAPITAL IMPROVEMENT BONDS; AND PRESCRIBING OTHER MATTERS RELATING THERETO” was read. Alderman Harmon, seconded by Alderman Brooks, made a motion to adopt the resolution. The roll call vote was unanimous. Bill Gray, CEO with Taggart Architects, was available for any questions from the council.

Resolution No. 11-2015, entitled, “A RESOLUTION OF THE SHERWOOD CITY COUNCIL EXPRESSING SUPPORT FOR THE PASSAGE OF A 5.6 MILLAGE INCREASE FOR THE PULASKI COUNTY SPECIAL SCHOOL DISTRICT” was read. Alderman Williams stated that the passage of this millage will help in the process of Sherwood obtaining its own school district and asked the council for a unanimous vote for this resolution. Alderman McMinn, seconded by Alderman Brooks, made a motion to adopt the resolution. The roll call vote was unanimous.

Ordinance No. 2062, entitled, “AN ORDINANCE AMENDING THE 2014 GENERAL FUND BUDGET ORDINANCE NO. 2012, THE 2014 STREET FUND BUDGET ORDINANCE NO. 2013, THE 2014 WASTEWATER BUDGET

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ORDINANCE NO. 2014, AND THE 2014 WASTEWATER SALES TAX ORDINANCE NO. 2015; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES” was read. Alderman McMinn, seconded by Alderman 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. Alderman Brooks, seconded by Alderman Lilly, 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. Alderman Lilly, seconded by Alderman McMinn, made a motion to adopt the ordinance. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

Under Old Business:

Barry Sellers, Director of Economic Development, updated the council on the progress of the economic development in Sherwood.

Steve Cobb, City Attorney, addressed the council and informed them of the result of the audit obtained by a consulting firm on the franchise remittance from Comcast. Comcast's offered to pay a portion of what is due the city and change the franchise fee rate from 4% to 5%. The council agreed that Comcast should pay all the money due to the city for franchise fees.

Under New Business:

Mayor Young stated that she has been informed that there is concern over the façade used on the Whit Davis Lumber building. Ellen Norvell, City Engineer, stated that staff believes this façade meets the intent of Ordinance No. 957. Alderman Heye objected stating the building did not meet the intent of Ordinance No. 957, that the building does not have stucco siding. Mike Berg, a commercial realtor, addressed the council and stated the façade on the Whit Davis building will cause property values to go down. Terry Toney, President of Whit Davis Lumber, stated that the product that is on the building is stucco and that approval had already been obtained from the planning department. Mayor Young stated that there are other buildings in Sherwood that have the same façade applied, such as O'Reilly Automotive and the new North Hills Shopping Center. Discussion took place on the definition and intent of Ordinance No. 957. Alderman Harmon made a motion, seconded by Alderman Heye, to have the city attorney research if the planning commission has the authority to supersede the ordinance and if the council could make changes after the approval for the permit has already been given for the building. The roll call vote was unanimous.

Mayor Young made the following announcements:

- The May city council meeting will be on Tuesday, May 26, 2015, at 7:00 p.m. due to the 4th Monday is a city holiday
- April is Heartworm Prevention Awareness Month
- Sherwood Animal Shelter May events: Kittenzilla Adoption Event, 50% off adoption fee for all cats/kittens; Be Kind to Animals Week: May 1-10; National Dog Bite Prevention Week: May 18-24; Microchip Your Pet Awareness Month
- Sherwood's Shred A-Thon, May 2, 2015, 9:00 a.m. – 1:00 p.m. at Wal-Mart Neighborhood Market
- Mayor's Prayer Breakfast, May 5, 2015, buffet begins at 6:45 a.m. Tickets \$10 per person at Sherwood Forest, 1111 W. Maryland
- Sherwood Mayor's Youth Council will host Movies in the Park on May 22, (Dark Knight Rises), June 26, (Little Rascals), July 24, (Back to the Future), and August 21, (Blind Side)

Luis Garces, addressed the council reference to being denied to speak under old business at the city council meeting in reference to his concerns of his property in the Hidden Lake Estate subdivision. Mr. Garces stated he requested the inspection letter and has not received it.

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Alderman Keplinger, made a motion to adjourn at 9:02 p.m.

ATTEST:

Angela Nicholson, City Clerk

Virginia R. Young, Mayor