

SHERWOOD CITY COUNCIL

June 22, 2015

7:00 P.M.

1. Prayer
2. Pledge of Allegiance
3. Roll Call
4. Approval of minutes of the regular meeting on May 26, 2015, and the special called meeting on June 5, 2015, as transcribed.
5. May 2015 financials
6. Committees and/or Commissions:
 - Advertising & Promotion Commission:** Alderman Brooks, Chairman
 - Civil Service Commission:** Herb Moore, Chairman
 - Parks & Recreation Committee:** Alderman Harmon, Chairman
 - Personnel Committee:** Alderman Sanders, Chairman
 - Planning Commission:** Lucien Gillham, Chairman
 - (a) An ordinance rezoning the property at 4500 Rixey Road from C-3 General Commercial to C-4 Highway Commercial; amending the zoning map; declaring an emergency; and for other purposes (Mayor Young)
 - (b) An ordinance rezoning the property at 1503 East Kiehl Avenue from C-1 Neighborhood Commercial to C-3 General Commercial; amending the zoning map; declaring an emergency; and for other purposes (Mayor Young)
 - Senior Citizen Committee:** Jean Harrison, Chairman
 - Sewer Committee:** Amy Sanders, Chairman
 - Street Committee:** Alderman Lilly, Chairman
 - (a) An ordinance providing for the appropriation of \$54,184 from the Street Fund budget; declaring an emergency (Alderman Lilly)
7. An ordinance authorizing business to be conducted between the City of Sherwood and an elected officials spouse concerning driveway repairs at 702, 704, and 706 Wildwood; declaring an emergency; and for other purposes (Mayor Young)
8. An ordinance to provide that the City of Sherwood shall join the Pulaski County Energy Improvement District and for other purposes (Mayor Young)

9. An ordinance authorizing business to be conducted between the City of Sherwood and a municipal employee concerning the removal of a dead tree on Miller Road; declaring an emergency; and for other purposes (Mayor Young)
10. A resolution expressing the willingness of the City of Sherwood to utilize State-Aid Street monies for the Sherwood Overlay project (Mayor Young)
11. A resolution appointing A.C. Ketzscher to the Sherwood Public Facilities Board/Public Building Authority (Mayor Young)
12. An ordinance implementing the guidelines for construction of commercial buildings in the City of Sherwood, Arkansas, as pertaining to the proper materials that may be used for the outside finish of the building known as the façade; declaring an emergency; and for other purposes (Aldermen McMinn and Keplinger)
13. Old Business
14. New Business
15. Announcement(s)
 - Sherwood 4th of July 2015 Celebration, Sherwood Forest, 6:00 – 9:00 p.m.
 - Sherwood Young Professionals 2nd Annual Sherwoof Dog Day, Saturday, July 11, 2015, 12:00 – 2:00 p.m. at the Sherwood Animal Shelter
 - Sherwood Mayor's Youth Council will host Movies in the Park on July 24 (Back to the Future), and August 21, 2015 (Blind Side)
 - Month of July "There's a Cat For That" \$5.00 adoption special
16. Adjourn

ORDINANCE NO _____

AN ORDINANCE REZONING THE PROPERTY AT 4500 RIXEY ROAD FROM C-3 GENERAL COMMERCIAL TO C-4 HIGHWAY COMMERCIAL; AMENDING THE ZONING MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SHERWOOD, ARKANSAS, THAT:

SECTION 1: The property located at 4500 Rixey Road and shown on the attached Exhibit A to this ordinance is rezoned from C-3 to C-4.

SECTION 2: The Zoning Map is amended accordingly.

SECTION 3: Any parts of conflicting ordinances are repealed.

SECTION 4: If any part of this ordinance is declared void, it shall not affect the remaining parts.

SECTION 5: This ordinance is necessary for the orderly development of Sherwood

ADOPTED this ____ day of **June 2015**.

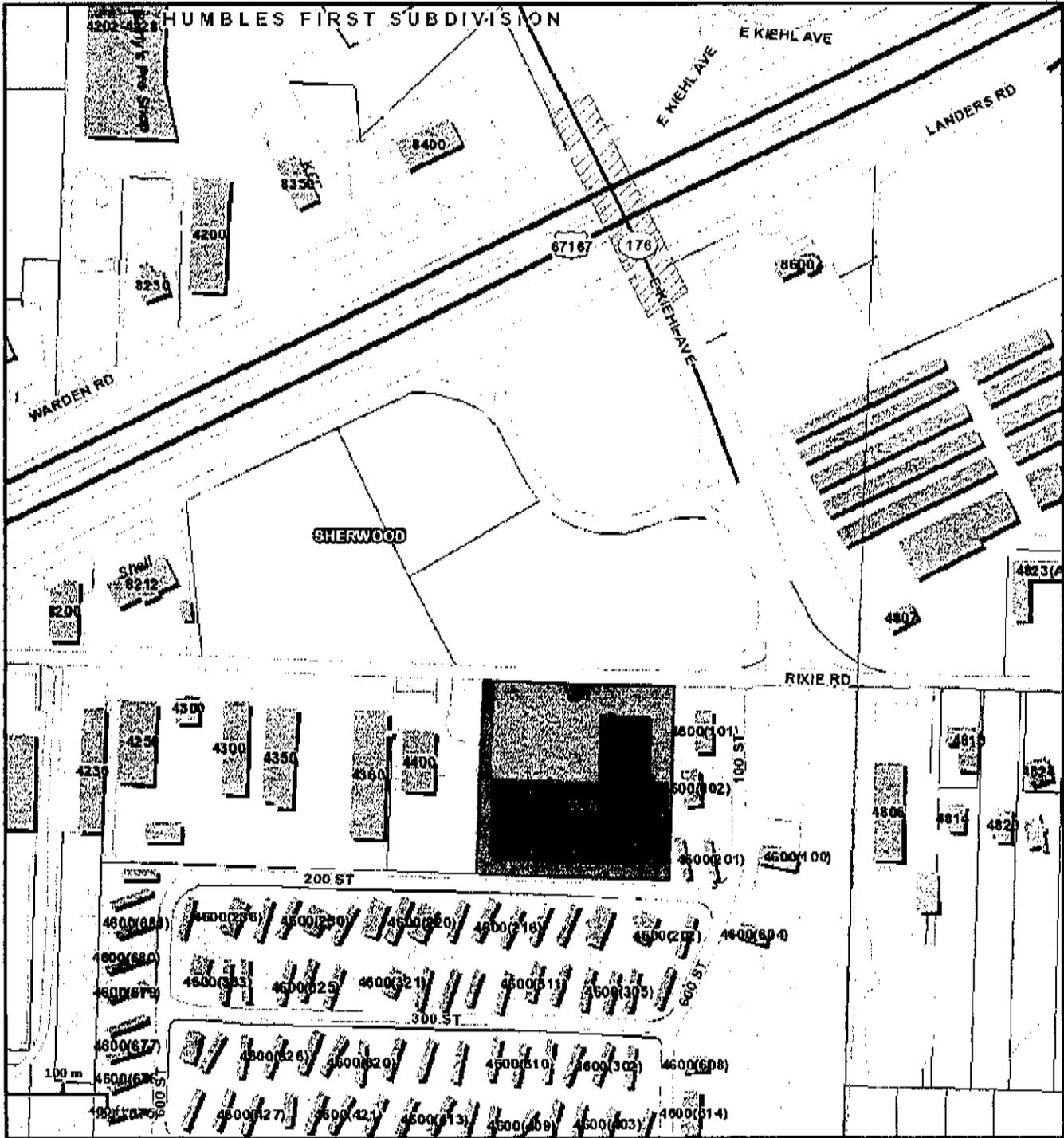
Virginia R. Young, Mayor

ATTEST:

Angela Nicholson, City Clerk

APPROVED AS TO FORM:

Stephen Cobb, City Attorney



4500 Rixey Road



All data provided by PAGis or a PAGis member agency is compiled from various sources for the sole use and benefit of PAGis and the public agencies it serves. Any use of the data by anyone other than PAGis is at the sole risk of the user; and by acceptance of this data, the user does hereby hold PAGis harmless and without liability from any claims, costs, or damages.

Printed: Jun 10, 2015

ORDINANCE NO _____

AN ORDINANCE REZONING THE PROPERTY AT 1503 EAST KIEHL AVENUE FROM C-1 NEIGHBORHOOD COMMERCIAL TO C-3 GENERAL COMMERCIAL; AMENDING THE ZONING MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SHERWOOD, ARKANSAS, THAT:

SECTION 1: The property located at 1503 East Kiehl Avenue and shown on the attached Exhibit A to this ordinance is rezoned from C-1 to C-3.

SECTION 2: The Zoning Map is amended accordingly.

SECTION 3: Any parts of conflicting ordinances are repealed.

SECTION 4: If any part of this ordinance is declared void, it shall not affect the remaining parts.

SECTION 5: This ordinance is necessary for the orderly development of Sherwood

ADOPTED this ___ day of **June 2015**.

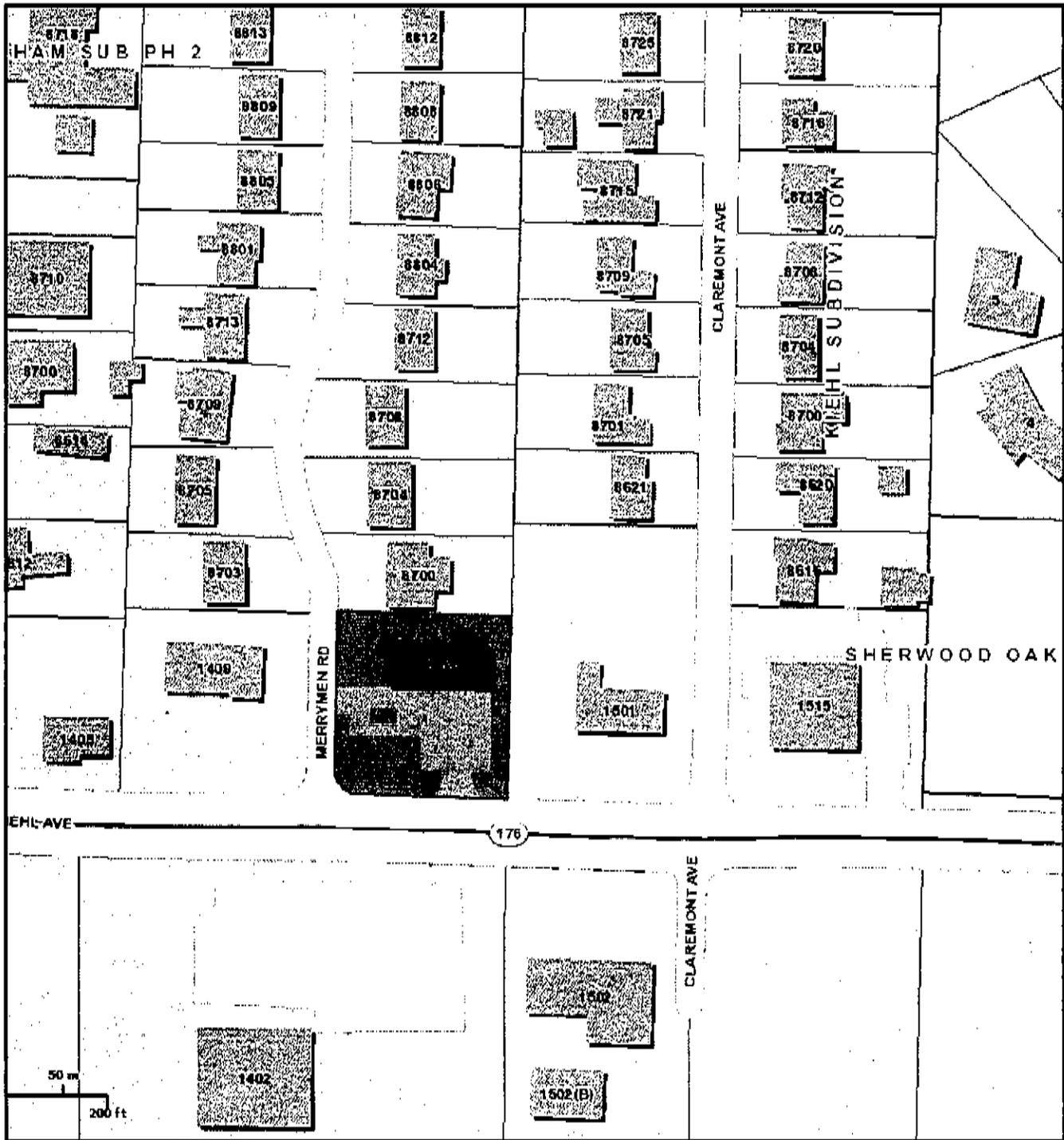
Virginia R. Young, Mayor

ATTEST:

Angela Nicholson, City Clerk

APPROVED AS TO FORM:

Stephen Cobb, City Attorney



1503 East Kiehl Ave.



All data provided by PAGis or a PAGis member agency is compiled from various sources for the sole use and benefit of PAGis and the public agencies it serves. Any use of the data by anyone other than PAGis is at the sole risk of the user; and by acceptance of this data, the user does hereby hold PAGis harmless and without liability from any claims, costs, or damages.



Printed: Jun 10, 2015

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE APPROPRIATION OF \$54,184 FROM THE STREET FUND BUDGET; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Sherwood has received bids for the Silver Creek Drive Sidewalk Project with a low bid amount of \$167,050,

WHEREAS, the City of Sherwood received a grant in the amount of \$32,866 for the Silver Creek Drive Sidewalk Project,

WHEREAS, the bid exceeded the budgeted amount, and there are surplus funds in the Street Fund Account to complete the project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERWOOD, ARKANSAS, THAT:

Section 1. This ordinance shall appropriate an additional \$54,184 from the Street Fund Budget to allow the City to complete the Silver Creek Sidewalk Project.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Now, therefore, an emergency is hereby declared to exist; and this ordinance, being necessary for the orderly development, shall take effect and be in force immediately upon its passage and approval.

ADOPTED on this ____ day of **June 2015**.

Virginia R. Young, Mayor

ATTEST:

Angela Nicholson, City Clerk

APPROVED AS TO FORM:

Stephen Cobb, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING BUSINESS TO BE CONDUCTED BETWEEN THE CITY OF SHERWOOD AND AN ELECTED OFFICIALS SPOUSE CONCERNING DRIVEWAY REPAIRS AT 702, 704, AND 706 WILDWOOD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, Bids for driveway repairs for 702, 704, and 706 Wildwood were solicited and from which Cinergi submitted the lowest bid, and

WHEREAS, a contract with Cinergi will result in a contract with a business in which an Alderman's spouse holds an executive, managerial or controlling interest, and

WHEREAS, An interpretation of Municipal ethics and current Arkansas law requires the approval of the Governing body of the Municipality to approve the contract for each specific project involving an alderman, city official, municipal employee or spouse of any alderman, city official, or municipal employee.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF SHERWOOD ARKANSAS

Section 1. The City Council acknowledges that the lowest bidder for this repair project was Cinergi, and acknowledges that a contract with Cinergi results in business relationship between the City and the spouse of a City alderman.

Section 2. The City Council hereby approves and authorizes the contract for repairs between the City of Sherwood and Cinergi.

Section 3. Due to the immediate need for driveway repairs, an Emergency is hereby declared. The Ordinance shall be in effect immediately upon passage.

ADOPTED on this ____ day of **June 2015**.

Virginia R. Young, Mayor

ATTEST:

Angela Nicholson, City Clerk

APPROVED AS TO FORM:

Stephen Cobb, City Attorney

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE THAT THE CITY OF SHERWOOD SHALL JOIN THE PULASKI COUNTY ENERGY IMPROVEMENT DISTRICT AND FOR OTHER PURPOSES

WHEREAS, pursuant to the authority granted by Act 1074 of 2013 (codified at Ark. Code Ann. §8-15-101 et seq.), Pulaski County created a Property Assessed Clean Energy (PACE) district known as the Pulaski County Energy Improvement District by Pulaski County Ordinance 15-OR-16; and

WHEREAS, the City of Sherwood desires to become a member of the Pulaski County Energy Improvement District pursuant to Ark. Code Ann. §8-15-106 and to be represented on the board of directors of said district; and

WHEREAS, the Pulaski County Energy Improvement District is an independent legal and financial authority, with the authority to issue bonds; and

WHEREAS, the Pulaski County Energy Improvement District is authorized to permit the creation and implementation of, among other things, a Property Assessed Clean Energy (PACE) Program under which a real property owner may finance an energy efficiency improvement, a renewable energy project, or a water conservation improvement for their property on a voluntary basis, with loan repayment tied to collection of real property taxes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERWOOD, ARKANSAS:

Article 1: The City of Sherwood hereby joins the Pulaski County Energy Improvement District.

Article 2: The Mayor of the City of Sherwood shall serve, or otherwise designate a representative to serve during the Mayor's term, on the board of directors of the Pulaski County Energy Improvement District.

Article 3: The City of Sherwood agrees to permit any seats on the board of directors of the Pulaski County Energy Improvement District not filled by the County Judge, or his designee, or any Mayor of a city within Pulaski County, or that Mayor's designee, to be filled, by the appointment of the County Judge and confirmation by the Quorum Court of Pulaski County. Appointment by the County Judge will follow consultation of all members of the Board of Directors and consideration of candidates' background, experience, and expertise in the following areas

- Municipal finance, banking, and/or commercial lending;
- Real estate development and commercial construction;
- Legal Services;
- Architecture and/or professional engineering;

- The advanced energy industry, including energy efficiency or “green building” contracting and consultation; and
- Connections to or relations with local utility companies, lending or bonding institutions and relevant trade and economic development groups and associations.

Article 4: EMERGENCY CLAUSE: The General Assembly has found and determined that the programs authorized by Act 1074 of 2013 will create jobs, thus stimulating the economy; generate significant economic development through the investment of the proceeds of loans in local communities; protect participating citizens from the financial impact of the rising cost of electricity produced from nonrenewable fuels; increase the value of real property for participating citizens; improve air quality and conserve natural resources, including water; attract manufacturing facilities and related jobs to the state; and promote energy independence and security for the state and the nation. It is hereby found that this ordinance is immediately necessary to support the public peace, safety, and welfare of the citizens of Pulaski County and the City of Sherwood; therefore, it is hereby declared that an emergency exists and that this ordinance shall be in full force and effect immediately upon approval.

Article 5: Severability. In the event that any portion of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of this ordinance.

Article 6: Repealer. All ordinances and resolutions, and parts thereof, which are in conflict with any provision of this ordinance, are hereby repealed to the extent of such conflict.

ADOPTED on this ___ day of **June 2015**.

Virginia R. Young, Mayor

ATTEST:

Angela Nicholson, City Clerk

APPROVED AS TO FORM:

Stephen Cobb, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING BUSINESS TO BE CONDUCTED BETWEEN THE CITY OF SHERWOOD AND A MUNICIPAL EMPLOYEE CONCERNING THE REMOVAL OF A DEAD TREE ON MILLER ROAD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, Bids for the removal of a dead tree on Miller Road were solicited and from which Bedwell Tree Service submitted the lowest bid, and

WHEREAS, a contract with Bedwell Tree Service will result in a contract with a business in which a Municipal Employee holds an executive, managerial or controlling interest, and

WHEREAS, An interpretation of Municipal ethics and current Arkansas law requires the approval of the Governing body of the Municipality to approve the contract for each specific project involving an alderman, city official, municipal employee or spouse of any alderman, city official, or municipal employee.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF SHERWOOD ARKANSAS

Section 1. The City Council acknowledges that the lowest bidder for this project was Bedwell Tree Service, and acknowledges that a contract with Bedwell Tree Service results in business relationship between the City and a municipal employee.

Section 2. The City Council hereby approves and authorizes the contract for the tree removal between the City of Sherwood and Bedwell Tree Service.

Section 3. Due to the immediate need for the tree removal, an Emergency is hereby declared. The Ordinance shall be in effect immediately upon passage.

ADOPTED on this ___ day of **June 2015**.

Virginia R. Young, Mayor

ATTEST:

Angela Nicholson, City Clerk

APPROVED AS TO FORM:

Stephen Cobb, City Attorney

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF SHERWOOD TO UTILIZE STATE-AID STREET MONIES FOR SHERWOOD OVERLAY PROJECT:

WHEREAS, THE City of Sherwood understands that State Aid Street Program funds are available for certain city projects at the following federal participating ratios:

	<u>Work Phase</u>	<u>State Aid</u>	<u>City %</u>
Reconstruction/Resurfacing	Preliminary Engineering	100%	0%
Construction of City Projects	Right-of-Way	0%	100%
	Utilities	0%	100%
	Construction	90%	10%
	Construction Engineering	100%	0%
City projects programmed but not let to contract	All Phases	0%	100%

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERWOOD, ARKANSAS, THAT:

SECTION 1: The City will participate in accordance with its designated responsibilities in this project.

SECTION 2: The Mayor or his designee is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this city project.

SECTION 3: The City agrees upon completion of the project to assume the maintenance of the right-of-way by City Forces and/or others including utilities and individuals in accordance with the prevailing Arkansas State Highway and Transportation Department regulations.

SECTION 3: The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

ADOPTED on this ___ day of **June 2015**.

Virginia R. Young, Mayor

ATTEST:

Angela Nicholson, City Clerk

APPROVED AS TO FROM:

Stephen Cobb, City Attorney

RESOLUTION NO. _____

A RESOLUTION APPOINTING A.C. KETZSCHER TO THE SHERWOOD PUBLIC FACILITIES BOARD/PUBLIC BUILDING AUTHORITY

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SHERWOOD, ARKANSAS, THAT:

The following person is appointed to serve on the Sherwood Public Facilities Board/Public Building Authority for the term as set forth:

A.C. Ketzsch

Term to expire: 9/30/2016

ADOPTED on this ____ day of **June 2015**.

Virginia R. Young, Mayor

ATTEST:

Angela Nicholson, City Clerk

APPROVED AS TO FORM:

Stephen Cobb, City Attorney

ORDINANCE #

AN ORDINANCE IMPLEMENTING THE GUIDELINES FOR CONSTRUCTION OF COMMERCIAL BUILDINGS IN THE CITY OF SHERWOOD ARKANSAS AS PERTAINING TO THE PROPER MATERIALS THAT MAY BE USED FOR THE OUTSIDE FINISH OF THE BUILDING KNOWN AS THE FAÇADE: DECLARING AN EMERGENCY: AND FOR OTHER PURPOSES;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERWOOD, ARKANSAS THAT:

Section 1: It shall be necessary from this time forth, before being issued a building permit that no metal building may be built in a C-1, C-2, or C-3 zoned area. This includes any commercial building built along Highway 107, Kiehl Avenue, Brockington Road, Oakdale Road, Maryland Avenue, Warden Road, Landers Road or any highway that is considered a main thoroughfare with-in the city limits of the City of Sherwood.

Section 2: This Ordinance shall not apply to any metal structure that exists with-in the city limits at this time.

Section 3: This Ordinance will not affect nor apply to existing buildings or any subsequent modification to same.

Section 4: Any Ordinances or parts of ordinances in conflict herewith are repealed.

Section 5: The Arkansas Fire Prevention Code, Ordinance 1643 adopted in 2002 and any subsequent amendments to Ordinance 1643 will not apply to this ordinance if adopted by the City Council.

Section 6: The Arkansas Fire Prevention Code adopted by the City Council and all the Amendments of the Code since will be the set standard for the safeguarding of life and property from fire and explosion hazards arising from the construction, construction materials used. The Arkansas Fire Prevention Code will not be the determining factor for the types of material to be used on the façade of any commercial building in the city of Sherwood.

Section 7: Definitions:

Façade-is defined as the outside finish of any commercial building.

Stucco-Is defined as a layered process that includes a vapor barrier, a mesh and lathe covered with a cement finish will be permitted.

Masonry-Is defined as the building of structures from individual units, usually lain in and bound together by mortar. The common materials of masonry construction are brick, stone, concrete block, glass block and tile, formed and poured concrete, natural stone, which will include a manufactured brick or stone veneer will be permitted.

Efis-Is defined as a Styrofoam covered finish with mesh, base coat, and finish will be permitted.

Section 8: No metal building finishes will be permitted as a façade under any circumstances in C-1, C-2, or C-3 zoned areas of the City of Sherwood Arkansas.

Section 9: Metal siding may not be used on a wood frame building as a façade under any circumstances in C-1, C-2, or C-3 zoned areas of the City of Sherwood Arkansas.

Section 10: Aggregate covered metal is not to be considered stucco and may not be used as a façade under any circumstance in C-1, C-2, or C-3 areas of the City of Sherwood Arkansas.

Section 11: Aluminum siding may not be used as a façade under any circumstances in C-1, C-2, or C-3 zoned areas in the City of Sherwood Arkansas.

Section 12: Unpainted, unstained and/or otherwise untreated precision concrete block shall not be visible on any part of any exterior façade.

Section 13: Wood may not be used as a façade finish. It must have one of the afore mentioned facades as a covering as described in section 7.

Section 14: All structures shall have a defined base and cap

Section 15: All structures should reflect and complement the prevailing materials and techniques of our city. They should express the methods and components of a traditional sustainable design that are defined in this Ordinance.

Section 16: Any Ordinances, Codes or parts of Ordinances or Codes in conflict with this ordinance are hereby repealed.

Section 17: If any part or parts of this Ordinance are declared void or unconstitutional for any reason, it shall not affect the remaining parts of this Ordinance.

Section 18: That this Ordinance is necessary for the proper administration of the City of Sherwood as they apply to the enforcement of said building codes and this Ordinance shall go into effect from and after its passage and approval.

**Stucco is defined as a layered process that includes a
Vapor barrier, mesh/lathe, cement/finish**

Brick is defined as that which is a full brick, half brick made of clay or concrete.

Manufactured Stone or Rock

**Either manufactured stone or natural stone which includes a manufactured brick
veneer**

**Efis is defined as a Styrofoam covered with
Mesh, base coat and finish**

**This ordinance will not permit any metal buildings in commercial areas zoned C-1, C-2,
or C-3**

**Aggregate covered metal is not to be considered stucco, however it may be considered sid-
ing.**

**Metal siding may not be used on a wood frame building under any circumstances as a fin-
ish in commercial areas.**