

**August 27, 2012**

**REGULAR MEETING 1**

The City Council of the City of Sherwood met for a regular meeting on August 27, 2012, at 7:00 p.m. in the Council Chambers. Those present were Mayor Virginia R. Hillman, City Attorney Steve Cobb, City Clerk Angela Nicholson, Aldermen Fender, Brooks, Harmon, Lilly, McMinn, Butler, Heye, and Keplinger.

Alex Workman, Pastor of First United Methodist Church of Sherwood, led in prayer, and the Pledge of Allegiance was given to the flag.

Alderman Brooks, seconded by Alderman Butler, made a motion, to approve the minutes of the regular meeting on July 23, 2012, and the special called meeting on July 31, 2012, as transcribed. The roll call vote was unanimous.

City Attorney Steve Cobb briefed the council on the reading requirements for ordinances. Mr. Cobb stated that the council could make a motion to suspend the rule for the reading requirement, this would require that the ordinance be read only one time. Mr. Cobb advised the council that if they wished to do so, they could suspend the reading at the beginning of the meeting for all or one of the ordinances. Alderman Harmon said he preferred to do so for each ordinance.

Alderman Harmon, seconded by Alderman Brooks, made a motion to suspend the rules to place on the agenda the resolution authorizing the mayor to negotiate a contract for utility services. Alderman Fender stated that he was told it was a mistake the item was not placed on the agenda, but he feels an item of this importance should have been placed on the agenda. Alderman Harmon stated that he feels the public hearing was more than sufficient notice. The roll call vote was 5 ayes. Aldermen Fender, Butler, and Heye no. The item failed to make the agenda for lack of votes.

Alderman Brooks, Chairman of the Advertising & Promotion Commission, stated the commission met and discussed the 4<sup>th</sup> of July event and Sherwood Fest event. The next meeting will be as scheduled.

Alderman Harmon, Chairman of the Parks and Recreation Committee, stated the committee met and the minutes were in the council packets. Discussion was over the various grant projects. The next meeting will be as scheduled.

Alderman Butler, Chairman of the Personnel Committee, stated the committee did not meet. The next meeting, if scheduled, will be September 6, 2012.

Alderman Brooks, seconded by Alderman Keplinger, made a motion to suspend the reading rule for Item #7 on the agenda. The roll call vote was unanimous.

**Ordinance No. 1942, entitled, "AN ORDINANCE REZONING 8224 HIGHWAY 107, PULASKI COUNTY, SHERWOOD, ARKANSAS, FROM R-1 SINGLE FAMILY RESIDENTIAL TO C3 COMMERCIAL; AMENDING THE ZONING MAP; AND FOR OTHER PURPOSES"** was read. Alderman McMinn, seconded by Alderman Harmon, made a motion to adopt the ordinance. The roll call vote was unanimous.

Don Hindman, Director of the Senior Citizen Center, stated the Senior Citizen Committee did not meet. The committee will meet in September. Mr. Hindman told the council and mayor that the Senior Citizen's Department has a defibrillator that was purchased with a grant that paid half of the cost.

Alderman Lilly, Chairman of the Street Committee, stated the committee did not meet. Alderman Lilly stated there is work on the streets such as Laramie. The committee will meet the second Thursday in September.

**Resolution No. 14-2012, entitled, "A RESOLUTION OF THE CITY COUNCIL OF SHERWOOD, ARKANSAS, CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK**

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REGULAR MEETING 2

**PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003)**” was read. Alderman Heye, seconded by Alderman Keplinger, made motion to adopt the resolution. The roll call vote was unanimous.

A resolution entitled, “*A resolution approving the amended consent administrative order and authorizing the mayor and city clerk to sign the amended order and authorizing the mayor and city clerk to expend the funds for compliance activities required by the amended order*” was read. Alderman Harmon, seconded by Heye, made a motion to amend the resolution to read at the end of Section 2. “*this resolution does not waive statute §14-58-303 Section (b)(1)(A) or corresponding Sherwood Ordinance 1690*” The roll call vote was unanimous to amend the resolution. Alderman McMinn asked why this was not an ordinance. City Attorney Steve Cobb stated that the city already consented to the order by ordinance. Alderman Harmon stated ADEQ is asking for a statement of the council’s intent to abide by the order. **Resolution No. 15-2012, entitled, “A RESOLUTION APPROVING THE AMENDED CONSENT ADMINISTRATIVE ORDER AND AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN THE AMENDED ORDER AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXPEND THE FUNDS FOR COMPLIANCE ACTIVITIES REQUIRED BY THE AMENDED ORDER”** was read as amended. Alderman Harmon, seconded by Alderman Heye, made a motion to adopt the resolution as amended. The roll call vote was unanimous.

Alderman McMinn, seconded by Alderman Butler, made a motion to suspend the rule for the reading requirement for Item #10 on the agenda. The roll call vote was Aldermen McMinn and Butler aye. Aldermen Fender, Brooks, Harmon, Lilly, Heye, and Keplinger no.

A proposed ordinance entitled, “*An ordinance regulating the parking of vehicles on city streets creating obstructions and hazardous conditions; repealing Ordinance 89 and for other purposes*” was read one (1) time. Chuck Yarborough, a resident on Johnson Drive in Miller’s Crossing addressed the council and stated the ordinance had some good and bad points. Mr. Yarborough stated he was concerned the ordinance was considered an emergency. Mr. Yarborough stated the concern should be for the children’s safety. Mr. Mack Hinson, a resident of Johnson Drive, addressed the council and stated that he felt the ordinance should be read at three (3) consecutive council meeting to give the citizens and their attorney’s time to look at the ordinance. Mr. Yarborough stated he felt it was also a violation of his constitutional rights and felt this ordinance was directed at Miller’s Crossing residents. Kenneth Patterson, a resident at 9500 Johnson Drive, addressed the council and stated there were already laws about parking on the streets. Mr. Patterson stated he felt like the ordinance was aimed at the residents on Johnson Street. Lucian Gillham, a resident on Pennwood Drive, addressed the council and stated that if they didn’t have cars parked on his street the cars would be driving 50 mph. Wayne Smith, of 713 Club Road, addressed the council and stated that this ordinance needed to be in place. Mr. Smith spoke of an incident on Seminole Trail involving the same issue with a resident parking on the street obstructing the view for vehicles. Mr. Smith stated that due to the improper parking on the street an accident did occur on Seminole. Mr. Smith stated this problem involves the entire City of Sherwood.

City Attorney Steve Cobb advised the council that the next item on the agenda regarding the annexations, if passed, would be on the November ballot. Mr. Cobb advised that the deadline to get the annexation on the ballot is Tuesday, August 28, 2012.

Alderman Heye asked the city attorney if annexation could be placed on the ballot by petition. Mr. Cobb stated there were several ways to have annexations placed on the ballot.

Alderman Harmon, seconded by Alderman Brooks, made a motion to suspend the reading rule on Item #11 on the agenda. The roll call vote was unanimous.

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REGULAR MEETING 3

Alderman Harmon, seconded by Alderman Brooks, made a motion to separate the annexation ordinance into six (6) different annexation ordinances. The roll call vote was unanimous.

**Ordinance No. 1943, entitled, “AN ORDINANCE SUBMITTING TO THE VOTERS OF SHERWOOD, ARKANSAS, AND VOTERS OF THE NORTH GAP CREEK AREA AS DESCRIBED HEREIN THE QUESTION OF ANNEXATION TO THE CITY OF SHERWOOD, ARKANSAS, AND CERTAIN CONTIGUOUS TERRITORIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES”** was read. Alderman Harmon, seconded by Alderman Heye, made a motion to amend the ordinance to remove all reference to fire service. The roll call vote was unanimous. Alderman Brooks, seconded by Alderman Heye, made a motion to adopt the ordinance as amended. The roll call vote was unanimous.

A proposed ordinance entitled, *“An ordinance submitting to the voters of Sherwood, Arkansas, and voters of the Loop Road area as described herein the question of annexation to the City of Sherwood, Arkansas, and certain contiguous territories; declaring an emergency; and for other purposes”* was read. Alderman Harmon, seconded by Alderman Heye, made a motion to amend the ordinance to remove all reference to fire service. The roll call vote was unanimous. The ordinance was read again as amended. Stella Williams, 622 Loop Road and also has property on Wayside, addressed the council stating that she did not want to be annexed. Ms. Williams stated that the residents of Loop Road were unaware that the annexation was being proposed and the residents of Loop Road did not receive any notice. Ms. Williams was asked by Mr. Ronald Reagan of Oakdale Road to speak on his behalf. Ms. Williams shared Mr. Reagan’s notes that if he wanted to live in Sherwood he would buy in Sherwood. Dottie Arrow, 510 Loop Road, asked the council who brought up the annexation. Ms. Arrow said there were just a couple of people on Loop Road that want to be annexed into Sherwood. Ms. Arrow said the petitions that have gone around shows that most residents of Loop Road did not want to be annexed. Al Sandman, 5151 Loop, addressed the council and stated the residents had not received notice on the annexation. Mr. Sandman was concerned with how much land the residents would lose with the annexation due to development. (Note: At approximately 7:45 p.m. the council went into recess due to a citizen needing medical assistance). Mayor Hillman announced that there was a citizen that required emergency assistance and the council took a brief recess and asked for a motion to resume. At 8:04 p.m. Alderman Brooks, seconded by Alderman Heye, made a motion to resume the council meeting. The roll call vote was unanimous. Elaine Bailey asked if the fire protection on Loop Road would continue. Alderman Harmon stated there would be no changes to the area’s fire protection. The ordinance was read as amended. Alderman Keplinger made a motion. The ordinance failed for lack of a second.

Alderman Brooks, seconded by Alderman McMinn, made a motion to recall the Gap Creek area ordinance back. City Attorney Steve Cobb asked for a vote on the emergency clause. Alderman Brooks, seconded by Alderman Harmon, made a motion on the emergency clause. The emergency clause passed with a unanimous roll call vote.

Mayor Hillman clarified to the residents of Loop Road that the annexation would not be on the November ballot. The ordinance had failed. Mayor Hillman stated that even though the Loop area would not be annexed the city would make a commitment to work with Central Arkansas Water to try to get better water pressure for this area.

**Ordinance No. 1944, entitled, “AN ORDINANCE SUBMITTING TO THE VOTERS OF SHERWOOD, ARKANSAS, AND VOTERS OF THE WOODRIDGE SUBDIVISION AREA AS DESCRIBED HEREIN THE QUESTION OF ANNEXATION TO THE CITY OF SHERWOOD, ARKANSAS, AND CERTAIN CONTIGUOUS TERRITORIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES”** was read. Alderman Harmon, seconded by Alderman Heye, made a motion to amend the ordinance to remove all reference to fire service. The roll call vote was unanimous. The ordinance was read as amended. Alderman Brooks,

seconded by Alderman Harmon, made a motion to adopt the ordinance as amended. The roll call vote was unanimous. The emergency clause passed with a unanimous roll call vote.

**Ordinance No. 1945, entitled, "AN ORDINANCE SUBMITTING TO THE VOTERS OF SHERWOOD, ARKANSAS, AND VOTERS OF THE OAKDALE-MINE ROAD AREA AS DESCRIBED HEREIN THE QUESTION OF ANNEXATION TO THE CITY OF SHERWOOD, ARKANSAS, AND CERTAIN CONTIGUOUS TERRITORIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES"** was read. Alderman Harmon stated that this ordinance was the one addressed by Mr. Reagan's comments by Stella Williams. Rose Isa of Oakdale addressed the council stating that she did not want to live in Sherwood. Ms. Isa was also concerned that she felt only the residents that the annexation affected should have a vote, not all the other residents of the City. Tom Brooks, a citizen, spoke in favor of placing the ordinance on the ballot for the residents to vote. Mr. Brooks stated that residents adjacent to a city have an impact on the infrastructure of cities. Alderman McMinn asked Michael Clayton of Clayton Engineers where the city limits stopped running up the county line. Alderman Harmon asked Mr. Clayton if it were possible that in the future North Little Rock would try to annex this area. Mr. Clayton stated absolutely. Steve Deere addressed the council and stated he was not concerned if Oakdale-Mine were annexed into the city that he would develop either way. Alderman Harmon, seconded by Alderman Heye, made a motion to amend the ordinance to remove all reference to fire service. The roll call vote was unanimous. The ordinance was read as amended. Alderman Heye, seconded by Alderman Brooks, made a motion to adopt the ordinance. The roll call vote was Aldermen Fender, Brooks, Heye, and Keplinger aye. Aldermen Harmon, Lilly, McMinn, and Butler no. The vote being a tie, Mayor Hillman cast a vote of yes passing the ordinance. The emergency clause passed with a unanimous vote.

**Ordinance No. 1946, entitled, "AN ORDINANCE SUBMITTING TO THE VOTERS OF SHERWOOD, ARKANSAS, AND VOTERS OF THE CARR COVE AREA AS DESCRIBED HEREIN THE QUESTION OF ANNEXATION TO THE CITY OF SHERWOOD, ARKANSAS, AND CERTAIN CONTIGUOUS TERRITORIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES"** was read. Alderman Harmon, seconded by Alderman Heye, made a motion to amend the ordinance to remove all reference to fire service. The roll call vote was unanimous. The ordinance was read as amended. Alderman Brooks, seconded by Alderman Heye, made a motion to adopt the ordinance as amended. The roll call vote was unanimous. The emergency clause passed with a unanimous vote.

**Ordinance No. 1947, entitled, "AN ORDINANCE SUBMITTING TO THE VOTERS OF SHERWOOD, ARKANSAS, AND VOTERS OF THE CATO ELEMENTARY NORTHWOOD SCHOOL AREA AS DESCRIBED HEREIN THE QUESTION OF ANNEXATION TO THE CITY OF SHERWOOD, ARKANSAS, AND CERTAIN CONTIGUOUS TERRITORIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES"** was read. Alderman Harmon, seconded by Alderman Heye, made a motion to amend the ordinance to remove all reference to fire service. The roll call vote was unanimous. The ordinance was read as amended. Alderman Heye, 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.

Mayor Hillman made the following announcement(s):

- Sherwood Fest, Saturday, September 22, 2012, 9:00 a.m. to dark, at Sherwood Forest, 1111 West Maryland Avenue. There will also be a 5k run/walk beginning at 8:00 a.m. sponsored by Sherwood Rotary.

Alderman Heye made a motion to adjourn at 8:27 p.m.

**ATTEST:**

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Angela Nicholson, City Clerk

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Virginia R. Hillman, Mayor