

November 28, 2016

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on November 28, 2016, 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.

Robert Campbell, Director of Sherwood Senior Citizen Center, led in prayer, and Boy Scout Troup 259, led in the Pledge of Allegiance to the flag. Members of Troop 259 present at the council meeting were Carson Jefford, Collin Trice, James Whitedge, Logan Tilton, Joshua Hicks, and Aiden Young, and Scout Leader Wade Turner. The boy scouts were working on the Citizenship in the Community.

Alderman Brooks, seconded by Alderman McMinn, made a motion, to approve the minutes of the regular meeting on October 24, 2016, as transcribed. The roll call vote was unanimous.

Mayor Young opened discussion for the October 2016, financials. No comments were made.

Chief James Bedwell presented Captain Kel Nicholson with an award for 30 years of service with the Sherwood Police Department.

Alderman Brooks, Chairman of the Advertising and Promotion Commission, stated the commission did meet. The Trail of Lights has opened and the new route starts on Bear Paw Drive. There will not be a December 2016 meeting. The next meeting will be January 4, 2016, at 3:00 p.m. at the Bill Harmon Recreation Center.

Alderman Harmon, Chairman of the Parks and Recreation Committee, stated the committee did not meet.

Alderman Sanders, Chairman of the Personnel Committee, stated the committee did not meet. There will be a meeting December 1, 2016, at 5:00 p.m. at the Bill Harmon Recreation Center.

A proposed ordinance entitled, *“An ordinance fixing rates for services furnished by the sewer system of the City of Sherwood, Arkansas; and prescribing other matters pertaining thereto”* was read one time.

Alderman Lilly, Chairman of the Street Committee, stated the committee did meet. The leaf pickup has begun and will continue until the end of January 2017.

Alderman Harmon, seconded by Alderman Heye, made a motion to replace an ordinance that was on the October 2016 agenda entitled, *“An ordinance reserving to the Sherwood City Council the authority to review, amend, and/or approve all employee job descriptions and subsequent changes thereto”* with an amended ordinance. The roll call vote was unanimous. A proposed ordinance entitled, *“An ordinance reserving to the Sherwood City Council the authority to approve all new employee job descriptions; declaring an emergency; and for other purposes”* was read one time.

A proposed ordinance entitled, *“A modernized ordinance providing for animal care and control within the City of Sherwood, repealing outdated ordinances, combining into one ordinance all laws pertaining to the care and keeping of animals within the corporate limits of the City of Sherwood, establishing updated penalties for the violation thereof; and for other purposes”* was read one time.

Alderman Harmon, seconded by Alderman Brooks, made a motion to waive the reading requirement for the following ordinance. The roll call vote was unanimous.

**Ordinance No. 2123, entitled, “AN ORDINANCE BY THE SHERWOOD CITY COUNCIL COMMITTING TO SUFFICIENT AND ADEQUATE FUNDING FOR THE RED RIVER STREET AND DRAINAGE REPAIR PROJECT; DECLARING**

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**AN EMERGENCY; AND FOR OTHER PURPOSES”** was read. Alderman Harmon, seconded by Alderman Lilly, 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:

Discussion took place in reference to the agreement with Sewer Line Warranties. Alderman Keplinger, seconded by Alderman McMinn, made a motion to give notice to Sewer Line Services Warranty of cancellation to agreement. The roll call vote was unanimous.

Mayor Young announced that before further discussion under old business there are several people that would like to address the council.

Alderman McMinn stated that at the last city council meeting that a number of people were clapping their hands and hollering. Alderman McMinn stated that according to the rules and procedures adopted by the city council that persons in attendance should adhere to these rules. Alderman McMinn read Section 6 of Ordinance No. 1976 that reads *“Meeting Decorum (a) Citizens and other visitors attending City Council meetings shall observe the same rules of propriety; decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room at the request of the Chair and that person shall be barred from further attendance before the City Council during that session of the City Council. If the Mayor or presiding officer fails to act, any member of the City Council may move to require enforcement of the rules and an affirmative vote or majority of City Council shall require the mayor or Chair to act. (b) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Mayor/Chair who will direct the removal of the offenders from the room.”* Alderman McMinn stated that this is to the benefit of all in the room to conduct ourselves in a professional manner.

Steve Deere addressed the council stating that there are several concerns regarding Ordinance No. 2122. (Entitled *“An ordinance streamlining the Engineering, Permits & Planning Department into a Engineering Department and creating a Planning, Permitting, & Inspection Department”*). Mr. Deere stated that he is not for replacing department heads with the planner. Mr. Deere stated the city could benefit at some point in time in having a City Planner. Mr. Deere stated that he asked the aldermen several questions regarding planning issues in the city and could not get an answer. Mr. Deere stated that he has been given reasons why the city needs a City Planner, and all the reasons are for plans that have already been made but have not been done. Mr. Deere stated that it would cost the city money to incorporate a new planning department. That there would be costs associated with equipment and software that a city engineer would need to accomplish the goals of engineering design. Mr. Deere stated that the city could hire firms to put together a comprehensive plan for the city at the cost of one year salary for a planner. Mr. Deere asked that the council hold off on passing the ordinance until a comprehensive plan could be established. Mr. Deere is not against the city planner, but he is against what comes along with having another department.

Terry Paff of Metropolitan Realty and Development addressed the council and stated that the primary developers of the City of Sherwood deserve to be involved in the process that the city council is going through of splitting up the engineering department. Mr. Paff stated that the city could benefit by exchanging ideas and information with the developers before making the decision to split the engineering department up and creating a job description for a new city planner. Mr. Paff stated he has been pleased with working with the Permits, Planning and Engineering Department. Mr. Paff stated that Ellen (Norvell) does an excellent job, and has nothing but good things to say about her. Mr. Paff stated that he has heard rumors that there is more to the creation of a city planner. He has heard that some are displeased with Ellen’s work or service, but he would be disappointed if the city council splits up the engineering department and then finds a way to defund the

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engineering department to get rid of Ellen. Mr. Paff stated that if it was the council's intent to get rid of Ellen that would be shameful and the council should reconsider their intent.

Wayne Smith of James Greene Realty and a Sherwood citizen addressed the council and stated that he has a good working relationship with the engineering department. Mr. Smith stated he agreed with Mr. Deere and Mr. Paff regarding the splitting up of the engineering department. Mr. Smith stated that the city does not need to bring in another department head and spend more money that the city needs to work with what it has. Mr. Smith stated he is not against a city planner, but everyone needs to work together.

Leslie Durbin addressed the council and stated she personally does not believe the department needs to be split up. As a citizen she has asked questions from the planning department and believed the city already had a city planner. Ms. Durbin also addressed the council in reference to agenda item number 8, a proposed ordinance entitled, "*An ordinance reserving to the Sherwood City Council the authority to approve all new employee job descriptions; declaring an emergency; and for other purposes.*" Ms. Durbin stated the city already has a Human Resources Department, the ordinance is not an emergency and she felt that the city council did this so the council could pass the ordinance without citizen's knowledge. Ms. Durbin asked the council to let the department heads do the job they were hired to do and not micro-manage. Ms. Durbin believes this ordinance could risk the city a lawsuit and asked each of the council members to listen to the citizens and vote no for this ordinance.

Angela Spears addressed the council and stated she had questions for Alderman Heye with concerns in reference to item number 8 on the agenda. City Attorney Steve Cobb informed Ms. Spears that back and forth banter between aldermen and citizens one on one was not allowed, but that she could address the council as a whole. Ms. Spears stated at the last council meeting it was stated that there was a state law that gave the city council authority to hire/fire and to dictate job descriptions. Ms. Spears was unable to find this law. Ms. Spears asked how many members of the council have worked for the Sherwood Police Department, Public Works Department, Animal Control, Code Enforcement or Parks and Recreation. Ms. Spears stated that if the council has not done the job they do not know the job and who on the council has the time to write job descriptions. Ms. Spears stated that the department heads know their talents and know which employees have the talent to do their job and keep their job. Ms. Spears inquired as to why the ordinance has an emergency clause.

Christi Marret addressed the council in reference to item number 8 and asked the council to vote no to that ordinance. Ms. Marret stated the budget includes a Human Resources Department, a department that minimizes the risks to the city funds. If the council micro-manages personnel this increases the risks for lawsuits. Ms. Marret stated that the ordinance gives potential gain to those wanting to file a lawsuit. Ms. Marret asked the council to keep the process with personnel as is. Ms. Marret stated the council is elected by the people to serve the people and be their voice. Ms. Marret has not heard anyone state they were for the ordinance. Ms. Marret demands a "no" vote on this ordinance as a voice for the citizens. Ms. Marret called for a silent vote of those who oppose this ordinance needs to be passed.

Mayor Young read the letter addressed to the City Clerk in reference to her veto of Ordinance No. 2122. The letter read "*During the regularly scheduled October 2016, City Council meeting, Ordinance 2122, on the agenda entitled, "An ordinance Streamlining the Engineering, Permits, and Planning Department into an Engineering Department and creating a Planning, Inspection Department" was presented and passed by the members of the City Council. Arkansas Statute 14-43-504 (sup. 2009) provides as follows regarding the mayor's veto power: (1) A mayor may veto, within five (5) days, Sundays excepted, after the action of the city council thereon, any ordinance, resolution, or order adopted or made by the council, or any part thereof, which in his or her judgment is contrary to public interest. I believe the above referenced ordinance is contrary to the best interest of the public and therefore submit this notice as a veto of the above*

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*referenced ordinance*”, signed Virginia R. Young, Mayor. Alderman McMinn read a letter submitted to the city council members that read *“Ladies and Gentlemen: We the undersigned would like to voice our support for the attached draft ordinance. This ordinance would be a very great beginning for our city in 2017. Without this ordinance we do not have a Harps Food, pharmacy and gas service. Without this ordinance we came close to having a multi-million dollar library in a residential area, non-visual. The Sherwood Chamber is hiring an economic development person. This person certainly needs the direction of a city planner. We have so much land to develop. A good planner will have the time and training to make us proud”* signed by Billy Morden (sp), Byron McKimmey, Brooks McRae, Linda Saville, Leslie Saville, Mike Eberle and Tom Crow. Alderman Sanders stated that he spoke with Byron McKimmey and during the conversation Alderman Sanders believed that Mr. McKimmey had information that was not true. Alderman Sanders stated Mr. McKimmey believed that there were council members against having a city planner, in which Alderman Sanders explained to Mr. McKimmey that all the council members were for a city planner, but not for splitting up the engineering department. Alderman Heye, seconded by Alderman Lilly, made a motion to override the Mayor’s veto on Ordinance 2122. The roll call vote was 6 ayes. Aldermen Sanders and Williams voted no.

City Attorney Steve Cobb stated that the council failed to vote on the amendment of Ordinance No. 2122 that was made at the October 2016 council meeting. The wording of “should” was amended to “shall”. Alderman Harmon, seconded by Alderman Heye, made a motion to amend the wording to “shall”. The roll call vote was unanimous.

Under new business:

Alderman Heye asked Mayor Young if there was an update on the status on the hiring of an Economic Developer. Mayor Young stated that there is currently a prospect for the job.

Alderman Brooks asked Mayor Young for an update on the library. Mayor Young stated that they are waiting on bids and will notify the council of the groundbreaking.

Mayor Young made the following announcements:

- Reminder December 2016 council meeting is on December 19, 2016
- Trail of Lights November 28-December 30, 2016
- Sherwood Christmas parade December 3, 2016, at 2:00 p.m.
- Sherwood Youth Center Santa Party at the Duran Youth Center, December 9, 2016, at 6:00 p.m.
- Breakfast with Santa, December 10, 2016, from 8:00-10:00 a.m. Sherwood Forest
- Sherwood Animal Shelter: “Home for the Holidays” adoption event December 1-17, 2016, ½ price adoptions; December 19-22, 2016, free adoption; All month of December “Holiday Spirit Sponsorship Program” – pay for a homeless animal’s adoption fee; “Fill the Bowl” – donate pet food and cat litter to help needy pet owners during the holiday season

Alderman Brooks stated that the makeup date for the parade is Sunday, December 4, 2016, at 2:00 p.m. The parade committee will be meeting on November 29, 2016, at 2:00 p.m. and will confirm the time for cutoff if there is rain on Saturday.

No further business, Alderman Keplinger, seconded by Alderman Brooks, made a motion to adjourn at 7:45 p.m.

ATTEST:

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Angela Nicholson, City Clerk

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Virginia R. Young, Mayor