

## SHERWOOD CITY COUNCIL

September 22, 2014

7:00 P.M.

1. Prayer
2. Pledge of Allegiance
3. Roll Call
4. Approval of minutes of the regular meeting on August 25, 2014, as transcribed.
5. Sherwood Police Department Award Presentation
6. Committees and/or Commissions:
  - Advertising & Promotion Commission:** Alderman Brooks, Chairman
  - Civil Service Commission:** Herb Moore, Chairman
  - Parks & Recreation Committee:** Alderman Harmon, Chairman
  - (a) An ordinance amending Ordinance 1081 and Ordinance 1522 to include a prohibition against electronic cigarettes; and for other purposes (Alderman Harmon)
  - Personnel Committee:** Alderman Butler, Chairman
  - Planning Commission:** Lucien Gillham, Chairman
  - Senior Citizen Committee:** Jean Harrison, Chairman
  - Sewer Committee:** Amy Sanders, Chairman
  - (a) An ordinance authorizing the City of Sherwood to enter a contract with Utility Service Partners Private Label, Inc., (USP) d/b/a Service Line Warranties of America, to authorize USP to create a solicitation letter, and to offer Sherwood residents an external sewer line repair or replacement program; and for other purposes (Alderman Lilly) **Read 2 times July/August 2014 meeting**
  - Street Committee:** Alderman Lilly, Chairman
7. A resolution adopting the hazard mitigation plan for Sherwood, Arkansas (Mayor Hillman)
8. A resolution approving internet sales through auction of city personal property. (Mayor Hillman)
9. An ordinance authorizing business to be conducted between the City of Sherwood and an elected officials spouse concerning the repair project at the Sherwood Police and Courts Complex; declaring an emergency; and for other purposes (Mayor Hillman)

10. An ordinance repealing a portion of Ordinance 188 regarding annual fees assessed from hotels and restaurants; and for other purposes (Mayor Hillman)

11. Old Business

- Economic Development Report

12. New Business

13. Announcement(s)

- Sherwood Fest, September 27, 2014, 9:00 a.m. - dark. Sherwood Forest, 1111 West Maryland Avenue
- Sherwood Chamber Pancake Breakfast, 8:00 a.m. Saturday, September 27, 2014, at Sherwood Forest, 1111 W. Maryland Avenue. Tickets \$6 adults, \$3 children 6-10, FREE children 5 and under
- Drug Take Back, September 27, 2014, 10:00 a.m. – 2:00 p.m., Sherwood Police Department on Kiehl Avenue, St. Vincent North on Wildwood, Wal-Mart Neighborhood Market on Hwy 107, Gravel Ridge Police Substation on Hwy 107
- Sherwood Police Department National Night Out, Tuesday, October 7, 2014, at Sherwood Forest, 1111 W. Maryland Avenue, 5:30 p.m.
- Keep Sherwood Beautiful Shred-A-Thon, Saturday, October 18, 2014,
- Animal Shelter October events: Halloween Pet Photo Contest and Five Dollar Felines- all cat & kitten adoptions \$5.

14. Adjourn

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE 1081 AND ORDINANCE 1522 TO INCLUDE A PROHIBITION AGAINST ELECTRONIC CIGARETTES; AND FOR OTHER PURPOSES**

**WHEREAS**, Ordinance 1081 established a prohibition of the use of tobacco products in City buildings, and Ordinance 1522 extended that prohibition of the use of tobacco products to include the Kevin McReynolds Sports Complex, the Bill Harmon Sports Complex and the Bob Love Soccer Complex, and

**WHEREAS**, new technology has developed a product commonly referred to as “Electronic Cigarettes” that is not tobacco based. These products utilize a heating element that converts liquids to a vapor that is inhaled and,

**WHEREAS**, current research indicates that the vapors produced by the “Electronic Cigarettes” produce carcinogens that may cause harm to both the user and those persons exposed to secondhand vapors, and

**WHEREAS**, Arkansas Act 1099 of 2013 banned the use of nicotine products, including “electronic cigarettes”, on all school property.

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

**Section 1.** The prohibitions set forth in Ordinance 1081 and Ordinance 1522 were deemed reasonable in promoting the health and well being of the citizens of Sherwood.

**Section 2.** The prohibitions stated in Ordinance 1081 and 1522 shall be amended to include a prohibition from the use of Electronic Cigarettes in the buildings and properties as enumerated in those Ordinances.

**ADOPTED** on this \_\_\_\_ day of **September 2014**.

\_\_\_\_\_  
Virginia R. Hillman, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen Cobb, City Attorney

## ORDINANCE NO. 1081

AN ORDINANCE PROHIBITING SMOKING IN SHERWOOD CITY BUILDINGS, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, medical proof has shown the use of tobacco products can cause adverse health consequences, both to those who actively use these products and also to those who passively come in contact with tobacco products; and

WHEREAS, the City of Sherwood wishes to promote the health of its citizens and employees by restricting the use of tobacco products on its premises and by its employees.

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

SECTION 1: Smoking in Sherwood City buildings is hereby prohibited.

SECTION 2: If any person is convicted of violating any part of this ordinance than that person, shall be deemed guilty of a violation and be fined not less than \$5.00 nor more than \$25.00 and each offense shall be deemed a separate offense.

SECTION 3: Definitions:

(a) The term "Sherwood City Buildings" shall be defined as those structures solely owned by the City of Sherwood and occupied by Sherwood city employees.

(b) The term "smoking" shall mean a lighted cigar, cigarette, pipe or other lit tobacco product. This term shall also include and prohibit the use of any tobacco product, be it chewed, dipped, or in any way placed in direct contact with the mouth.

SECTION 4: It is hereby found and determined that the use of tobacco products is detrimental to the health of the citizens and employees of the City of Sherwood. Therefore, an emergency is

hereby declared to exist and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

PASSED THIS 28th DAY OF DECEMBER, 1992.

BRENT CHAMBERS, INTERIM MAYOR

ATTEST:

BOBBIE CHAPMAN, CITY CLERK

Sponsors: Becki Vassar, Clara Henry, Bob Love, Mike Berg, Owain Hughes, Keith Rankin

## Ordinance # 1522

**AN ORDINANCE DECLARING THE KEVIN MCREYNOLDS SPORTS COMPLEX, THE BILL HARMON SPORTS COMPLEX, AND THE BOB LOVE SOCCER COMPLEX TO BE TOBACCO FREE ENVIRONMENTS, AS AMENDED.**

**WHEREAS**, the Kevin McReynolds Baseball Complex, the Bill Harmon Sports Complex, and the Bob Love Soccer Complex were conceived and built for the purpose of providing a suitable environment for sports for the citizens and youth of Sherwood, Arkansas; and

**WHEREAS**, it is the philosophy of the City Council for the city of Sherwood that a healthy environment is vital for the development of children; and

**WHEREAS**, the use of tobacco products is deemed to be an unhealthful activity and inappropriate in the presence of children and not in keeping with a positive sports attitude.

**NOW BE IT ORDAINED BY THE CITY COUNCIL BY THE CITY OF SHERWOOD, ARKANSAS.**

**SECTION ONE** That the Kevin McReynolds Baseball Complex, the Bill Harmon Softball Complex, and the Bill Love Soccer Complex are henceforth to be tobacco free environments. The use of any tobacco products is prohibited henceforth within the confines of the enumerated three (3) locations. This prohibition shall include all types of tobacco products and shall not be limited solely to those which are ignited for use. The use of tobacco products is allowed in vehicles in the parking lot with disposal to be contained in the vehicle.

**SECTION TWO** A violation of the Ordinance shall result in a twenty five dollar (\$25.00) fine and any repeated offense shall be deemed a separate offense punishable by additional fines.

**SECTION THREE** Any ordinances or parts of ordinances in conflict with this Ordinance shall be rendered void to the extent of the conflict.

**SECTION FOUR** Any part of this Ordinance found to be unconstitutional shall be declared void, all parts not deemed to be unconstitutional shall remain in full force and effect.

**SECTION FIVE** It being determined that the promotion of health and welfare of the citizens of Sherwood is a vital and important role of city government and emergency is hereby declared. This Ordinance shall be in full force and effect from and after its passage.

**ADOPTED THIS THE 26th DAY OF March, 2001.**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY OF SHERWOOD TO ENTER A CONTRACT WITH UTILITY SERVICE PARTNERS PRIVATE LABEL, INC. (USP), d/b/a SERVICE LINE WARRANTIES OF AMERICA, TO AUTHORIZE USP TO CREATE A SOLICITATION LETTER, AND TO OFFER SHERWOOD RESIDENTS AN EXTERNAL SEWER LINE REPAIR OR REPLACEMENT PROGRAM, AND FOR OTHER PURPOSES.**

WHEREAS the City of Sherwood, Arkansas, operates a sewer system within the City of Sherwood; and

WHEREAS many residents of Sherwood, Arkansas, have sewer lines on their property connecting their home to the City collection system; and

WHEREAS residents are responsible for upkeep and repair of lines connecting residences to the City collection system; and

WHEREAS Utility Service Partners Private Label, Inc. (USP), d/b/a Service Line Warranties of America offers a program to service, repair, or replace broken underground lines for residents who purchase the coverage; and

WHEREAS USP will create a citizen solicitation letter at no cost to the City, if the City will authorize entry of a contract between USP and the City, which authorizes the use of City artwork and related addresses with City of Sherwood approval of a Solicitation letter;

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

Section 1. The Mayor is authorized to enter a contract with Utility Service Partners Private Label, Inc. (USP), d/b/a Service Line Warranties of America authorizing the creation of a citizen solicitation letter, using City artwork, addresses, and other necessary information indicating City approval of the warranty program.

Section 2. The Mayor is authorized to approve the solicitation letter and help USP obtain necessary information regarding addresses of eligible residents.

Section 3. Implementation of the program will be at no cost to the City of Sherwood, Arkansas.

**ADOPTED** on this \_\_\_\_ day of **July 2014**.

\_\_\_\_\_  
Virginia R. Hillman, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

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Stephen Cobb, City Attorney

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ADOPTING THE HAZARD MITIGATION PLAN FOR SHERWOOD, ARKANSAS**

WHEREAS, certain areas of Pulaski County, Arkansas are subject to periodic flooding and other natural and man-caused hazards with the potential to cause damages to peoples' properties within the area; and

WHEREAS, Pulaski County, Arkansas desires to prepare and mitigate for such circumstances; and

WHEREAS, under the Disaster Mitigation Act of 2000, the United States Federal Emergency Management Agency (FEMA) required that local jurisdictions have in place a FEMA- approved Hazard Mitigation Action Plan as a condition of receipt of certain future Federal mitigation funding after November 1, 2004; and

WHEREAS, to assist cities and counties in meeting this requirement, the County, with the assistance of CSA International, Inc., has initiated development of a county wide, multi-jurisdiction Hazard Mitigation Plan the county and all jurisdictions in the county, specifically the cities and school districts;

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

That the City of Sherwood, hereby adopts those portions of the Plan relating to and protecting its jurisdictional area against all hazards, from 2012-2017; and

Appoints the City Engineer and the City Emergency Management Environment Compliance Specialist to assure that the Hazard Mitigation Plan be reviewed at least annually and that any needed adjustment to the Hazard Mitigation Plan be developed and presented to the governing board for consideration; and agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

**ADOPTED** on this \_\_\_\_ day of **September 2014**.

\_\_\_\_\_  
Virginia R. Hillman, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen Cobb, City Attorney

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING INTERNET SALES THROUGH AUCTION OF CITY PERSONAL PROPERTY**

**WHEREAS**, Arkansas Code Sec. 14-54-302 authorizes Cities to sell both real and personal property, and

**WHEREAS**, Placing items for sale via internet auction results in a more efficient and timely method for the sale of items, and

**WHEREAS**, The internet service GovDeals provides a means to auction items to millions of potential buyers

**Now, Therefore be it Resolved by the Sherwood City Council;**

**Section 1.** The City Council approves the utilization of GovDeals to facilitate the sale of personal property owned by the City.

**Section 2.** The Mayor and City Clerk are hereby authorized to contract with GovDeals for the implementation of internet auction sales of City owned personal property.

**ADOPTED** on this \_\_\_ day of **September 2014**.

\_\_\_\_\_  
Virginia R. Hillman, 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 THE REPAIR PROJECT AT THE SHERWOOD POLICE AND COURTS COMPLEX; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, Bids for a repair project at the Sherwood Police and Courts Complex 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.

**Sec. 3** Due to the advanced deterioration necessitating this project and the immediate need for repairs, an Emergency is hereby declared. The Ordinance shall be in effect immediately upon passage.

**ADOPTED** on this \_\_\_\_ day of **September 2014**.

\_\_\_\_\_  
Virginia R. Hillman, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen Cobb, City Attorney

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPEALING A PORTION OF ORDINANCE 188 REGARDING ANNUAL FEES ASSESSED FROM HOTELS AND RESTAURANTS, AND FOR OTHER PURPOSES**

**BE IT ORDAINED BY THE CITY COUNCIL OF SHERWOOD, ARKANSAS;**

**Section 1.** Ordinance 188, (Section 1) established an annual fee on hotels based upon numbers of rooms and upon restaurants based upon seating capacity.

**Section 2.** Section 1 of Ordinance 188 is repealed with respect to the establishment of the annual fees.

**Section 3.** All remaining portions of Ordinance 188 shall remain in full force and effect.

**ADOPTED** on this \_\_\_\_\_ day of **September 2014**.

\_\_\_\_\_  
Virginia R. Hillman, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen Cobb, City Attorney

COPY

ORDINANCE NO. 188

AN ORDINANCE ENTITLED: "AN ORDINANCE AMENDING ORDINANCES NO. 123 AND 173 TO PROVIDE AN ADDITIONAL TAX ON HOTELS AND RESTAURANTS DISPENSING ALCOHOLIC BEVERAGES AND CLARIFYING THE TAX LEVIED ON PRIVATE CLUBS DISPENSING BEVERAGES OR HOLDING A PERMIT FROM THE ALCOHOLIC BEVERAGE CONTROL BOARD."

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

Section One: That from and after the adoption of this Ordinance the provisions of Ordinance 123 or 173 shall not apply to Hotels and Restaurants as defined by Act No 132 of the Acts of Arkansas for the year 1969 in so far as the tax levied on Hotels and Restaurants is concerned, but instead they shall pay to the City of Sherwood, within forty-eight hours of the receipt of a permit from the Alcoholic Beverages Control Board the following amounts:

Hotel, having fewer than 100 rooms	\$ 500.00
Hotel, having 100 or more rooms	1,000.00
Restaurant, having a seating capacity of less than 100 persons	500.00
Restaurant, having a seating capacity of 100 or more persons	1,000.00

Section Two: That the definitions set forth in Act 132 of the Acts of Arkansas for the year 1969 apply to this Ordinance.

Section Three: That the fee set out in Section one hereof are for a period of one year from One July of one year, commencing One July 1969 through 30 June of the next year and for any permits which might be issued between 1 January and 1 July of any year the amount set out in Section One hereof shall be reduced one-half.

Section Four: In addition to the permit fee set forth in Section One hereof, there is also levied against each permittee a supplemental tax of ten percentum upon the gross proceeds or gross receipts thereof which shall be due and payable to the City within twenty-four hours of the time the tax due under Section 8 of Act 132 of the Acts of Arkansas for the year 1969 is payable to the State of Arkansas. With its remittance to the city of Sherwood the permittee shall also submit a certified copy of the tax report to the State of Arkansas required by Section 8 of Act 132 of 1969.

Section Five: The provisions of Section Four hereof shall apply to Private Clubs issued permits under the provisions of Section 10 of Act 132 of 1969, except the amount of the tax

payable

shall be five per centum and it shall be levied as set forth in Section 10 (b) of Act 132 of 1969.

Section Six: Upon failure to pay the receipts tax set forth in sections Four and Five hereof within twenty-four hours of when said tax is due, the City shall, as a precedent to continue to do business, require that an indemnity bond, secured by some corporate surety company approved by the City Council of the City of Sherwood in an amount at least double the total amount due for the two months, not necessarily consecutive, during the past twelve months that the sales, or charges for services in the case of private clubs, were the highest.

Section Seven: In addition to the bond required by Section Six hereof, if said tax is not paid when due, there shall be levied a penalty of 25% and both penalty and tax shall bear interest at the rate of 10% per annum if not paid within thirty days of due date.

Section Eight: Ordinance No. 123 set forth the tax to be paid by Private Clubs holding permits from the Alcoholic Beverage Control Commission as one-half of that charged by the State and it is not the intent of this Ordinance to repeal that part of Ordinance 173 which pertains to Clubs but to clarify the collection and payment of the gross proceeds tax provided for under Section 10 of Act 132 of 1969.

Section Nine: Only Ordinances, and parts of Ordinances, in direct conflict herewith are hereby repealed. It is the intention of this Ordinance to be supplemental to Ordinances No. 123 and 173 and not to repeal either unless in direct conflict.

Section Ten: The prohibitions set forth in Section 14 of Act 132 are adopted into herein and prohibited by any person, firm or corporation operating in the city limits of the City of Sherwood.

Section Eleven: In addition to other penalties herein provided any person, firm or corporation violating any part of this ordinance shall, upon conviction in the Mayor's Court of the City of Sherwood be fined in any sum of not more than \$1,000.00 and imprisoned for not more than six months, and each violation, shall constitute a separate offense.

Section Twelve: Tender of the Tax levied herein shall constitute an acknowledgement that the law enforcement officials and tax officials of the City of Sherwood may enter the premises at any time without requirement of warrant or other legal process as set forth in Section 6 of Act 132.

Section Thirteen: Whereas Act 132 of 1969 is now in effect in the City of Sherwood and it is necessary to provide for the policing of establishments licensed under said act as well as to raise funds to provide for such policing, this ordinance is necessary for the immediate preservation of the public peace, health and safety, and an emergency is declared to exist and it shall be in full force effect from and after its passage.

Adopted this 26th day of May, 1969.

B. E. Henson, Mayor

ATTEST:

Marion Fray, Recorder

**\* NOTICE \***

**As of January 1, 2000, the City Clerk's Office began renewing all Privilege Licenses on January 1<sup>st</sup> of each year.**