

The City Council of the City of Sherwood met for a regular meeting on Wednesday June 28, 2023, at 6:00 p.m. in the Council Chambers. Those present were Mayor Mary Jo Heye-Townsell, City Clerk Charlotte Watson, Council Members Brooks, Harmon, Williams, Broderick, and Wade. City attorney Steve Cobb and Council Members Thomas, Lilly, and Sanders were absent.

Pastor J.C. Thomas led the prayer, and the Pledge of Allegiance was given to the flag.

Council Member Brooks, seconded by Council Member Harmon, made a motion to approve the minutes of the regular meeting on May 22, 2023, as transcribed. The motion passed with a roll call vote of Council Member Broderick, Harmon, Wade, Brooks, and Williams a yes. Council Members Sanders, Thomas and Lilly absent.

Mayor Heye-Townsell opened discussion for the May 2023 City of Sherwood financials. No comments were made.

Council Member Brooks, Chairman of the Advertising & Promotion Commission, noted that the next event would be the 4<sup>th</sup> of July celebration at the Greens at North Hills on July 3, 2023. Heather Jenkins, Public Information Officer, gave an update on the 4<sup>th</sup> of July festivities. The A&P Commission does not have a regular scheduled meeting in the month of July. The next regular meeting will be on August 2, 2023.

Council Member Harmon, Chairman of the Parks and Recreation Committee, gave an update. The Parks and Recreation Committee met on June 12<sup>th</sup>. The highlights of the meeting were a new volleyball program starting in August. A new partnership with Jermaine Layton for developing young athletes. This program includes small group coaching, skills development, strength and conditioning training, and tutoring. Memberships at the Bill Harmon Recreation Center have increased since the beginning of the year. A committee has been formed to help advise the baseball and softball sports complex and how they will interact with Sylvan Hills Athletic Club and the City. The pickleball and tennis courts at Henson Park will be open to the public by the end of the month.

The Indianhead pickleball courts have been delayed due to a mistake by the contractor. Blake Calloway, Parks and Recreation Director, is working with the contractor to find a resolution.

A proposed ordinance **entitled "An ordinance amending the official zoning districts map and for other purposes" (2428 Wildwood Ave)** was read for the second time. James Walden stated that putting this on the second reading is the appropriate action. The applicant has asked that the application be tabled pending any action on the sign ordinance.

A proposed ordinance entitled **"An ordinance amending ordinance 810 with the adoption of a uniform speed limit for local streets pursuant to the Sherwood Master Street Plan, and for other purposes"** was read for the second time. Council Member Brooks requested that this ordinance only be read for the second time. Council Member Williams asked if there had been any public comment regarding this proposed ordinance. Mayor Heye-Townsell responded that no public comment had been received.

A proposed resolution entitled **"A resolution amending resolution 28-2022 with respect to the selected trial areas for traffic calming"** was read. Council Member Williams stated that when the original sites were designated by the council, Seminole Trail was included. As the equipment was obtained to do the study for Seminole Trail, they noted that Seminole Trail did not meet the criteria for having a high volume for a high speed problem. The committee's opinion was that since Seminole Trail did not meet the criteria for a speed hump that the money would be better spent elsewhere. Council Member Brooks, seconded by Council Member Harmon, made a motion to adopt the resolution. The roll call vote was Council Members Broderick, Harmon, Wade, Brooks,

and Williams a yes. Council Members Sanders, Thomas, and Lilly absent. The resolution is adopted.

A proposed ordinance entitled, "**An ordinance amending the Sherwood property maintenance code as established by ordinance 1878, and for other purposes**" was read for the second time. Council Member Broderick noted that the ordinance should read in section 2 "adjacent residential and public property." She also noted that originally the council had wanted to include all invasive plant species from the University of Arkansas website but some Sherwood residents felt this was too broad. The council agreed that section 1 should be amended to "weeds/invasive plant species, such as bamboo." One public comment asked if a property could be grandfathered in if the property had been purchased with bamboo already on it. Council Member Broderick noted that it would be difficult to do this because it would defeat the purpose of the ordinance to protect the homeowner whose property was damaged by the bamboo. Mayor Heye-Townsell expressed concern on enforcing this ordinance. It would be reasonable to not allow planting of bamboo in the city limits but how do you prove who planted the bamboo if it is on both sides of a fence. Mayor Heye-Townsell wanted to make sure that any ordinance that is on the books can be enforced. Council Member Williams noted that sometimes neighbors can end up taking each other to small claims court over this type of issue. Council Member Wade asked if any other cities had an ordinance similar to this one. Mayor Heye-Townsell stated that there were not any cities with similar ordinances. Council Member Broderick stated that she spoke with City Attorney, Steve Cobb about the enforcement of this type of ordinance. There would be a process for the homeowner to remedy the situation but if it was not remedied then there would be a penalty. Mayor Heye-Townsell stated that the enforcement problem comes in when proving where the bamboo started. Council Member Brooks noted that it should be obvious where the bamboo started based on where most of the bamboo is. The council decided to leave the ordinance at the second reading.

A proposed resolution entitled "**A resolution expressing the willingness of the City of Sherwood Arkansas, to accept a donation of land; authorizing the mayor to accept the conveyance and take all needed steps to complete the transfer**" was read. Mayor Heye-Townsell noted that this was a piece of property adjacent to Henson Park that the city had already been using and the owner wanted to donate the land so they could at least get a tax write off. Council Member Brooks, seconded by Council Member Williams, made a motion to adopt the resolution. The resolution was adopted with a roll call vote of 5 ayes. Council Members Sanders, Thomas, and Lilly were absent.

A proposed resolution entitled "**A resolution approving a franchise agreement between the city of Sherwood, Arkansas and Hyper Fiber of Arkansas, LLC**" was read. Mark Ivie, VP of Operation for Hyper Fiber spoke about the company. He stated they were a new company and were formed to build fiber optic networks in this area. He stated that the management team was not new to this business and had started fiber optic companies previously. Their goal is to bring high speed internet to areas that do not currently have it. They understand that boring can be a nuisance and they prefer to use utility poles for the infrastructure but sometimes this is not possible. They will make every effort to return the property to like it was before. Prior to any construction they send out a mailer to residents telling them about the company as well as construction practices. They try to make sure people understand what is happening. Council Member Harmon noted that in Section 3 letter B there was no contractual obligation of Hyper to the homeowners. He would like to see an addition to this section to protect homeowners. Council Member Williams asked what areas of the city Hyper Fiber is looking to service. Paul Harris, Hyper Fiber Construction Manager, stated that one area they are looking at is Oakbrooke and Medley Court. Council Member Broderick asked how long it would take for them to put back the grass/yard once they are finished digging and the work is complete. Mr. Harris stated that usually by the next day, the sod has been replaced. He stated that he is one of the managers in the field and he makes sure that any problems are dealt with immediately. Council Member Williams

noted that they receive questions from residents about why another utility company is digging up their yard. Mr. Ivie stated that their goal is to only dig in areas where there is not currently any fiber optic service. Council Member Williams expressed concern about Section 7 of the contract concerning the length of the contract. Council Member Harmon, seconded by Council Member Wade, made a motion to amend the resolution to read "The attached Franchise Agreement, as amended, incorporated herein by reference is hereby approved." The amendment was adopted with a roll call vote of five a yes. Council Members Sanders, Thomas and Lilly were absent. The proposed resolution entitled "**A resolution approving a franchise agreement between the city of Sherwood, Arkansas and Hyper Fiber of Arkansas, LLC**" as amended was read. Council Member Harmon, seconded by Council Member Broderick, made a motion to adopt the resolution as amended. The resolution was adopted with a roll call vote of 5 ayes. Council Members Sanders, Thomas, and Lilly were absent.

A proposed resolution entitled "**A resolution requesting the Sherwood Planning Commission consider amendments to the existing zoning code with respect to gasoline service stations**" was read. Shelby Schmittou, city planner, stated that this resolution came after numerous discussions with staff and calls from concerned residents. There are currently two applications for service stations at the corner of Kellogg and Highway 107 and Brockington and Highway 107. This resolution would allow the council time to allow the planning commission and planning staff to review and make recommendations to allow for service stations to be by conditional use in C-3 and permitted by right in C-4. Mayor Heye-Townsell stated that the city had received inquiries about gas stations being built. This resolution would allow a pause for the city to prevent oversaturation. Council Member Harmon, seconded by Council Member Brooks, made a motion to adopt the resolution. The resolution was adopted with a roll call vote of 5 a yes. Council Members Sanders, Thomas, and Lilly were absent.

#### Old Business

- There was no old business

#### New Business

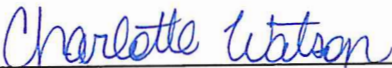
- Mayor Heye-Townsell presented the Sherwood Neighborhood Speed Cushion/Traffic Calming Policy. She asked that the council review the policy and bring any questions or comments to the next council meeting.

#### Announcements

- The June edition of Talk of the Town is available now on the city website.
- Food truck and fireworks will be held on Monday, July 3 at The Greens at North Hills beginning at 6pm.
- Sherwood city offices will be closed on Tuesday, July 4, 2023 to celebrate the Independence Day Holiday.

Council Member Brooks, seconded by Council Member Harmon, made a motion to adjourn at 7:13 p.m.

#### ATTEST:

  
Charlotte Watson, City Clerk

  
Mary-Jo Heye-Townsell, Mayor