

August 22, 2022

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on August 22, 2022, at 6:00 p.m. in the Council Chambers. Those present were Mayor Virginia R. Young, City Attorney Steve Cobb, City Clerk Angela Nicholson, Council Members Brooks, Harmon, Lilly, McMinn, Heye-Townsell, Sanders, Williams, and Broderick.

Council Member Charlie Harmon led in prayer, and the Pledge of Allegiance was given to the flag.

Council Member Brooks, seconded by Council Member Heye-Townsell, made a motion to adopt the minutes of the regular meeting on July 25, 2022, as transcribed. The roll call vote was unanimous.

Mayor Young opened discussion for the July 2022 financials. No comments were made.

Council Member Brooks, Chairman of the Advertising and Promotion Commission, stated the commission did meet. The next meeting will be September 7, 2022, at 3:00 p.m. at the Bill Harmon Recreation Center.

Council Member Harmon, Chairman of the Parks and Recreation Committee, stated the committee did not meet. Council Member Harmon announced the 2022 Helicopter Ball Drop will be September 5, 2022, at the Greens at North Hills. Proceeds will go to the Guardian of the Greens. Council Member Brooks inquired about the park projects. Council Member Harmon stated an update will be forwarded to the council members.

Council Member Williams, Chairman of the Human Resources Committee, stated the committee met virtually via Zoom.

Resolution No. 20-2022, entitled, "A resolution amending the Comprehensive Plan for Sherwood (Trammel Rd)" was read. Council Member Brooks, seconded by Council Member Williams, made a motion to adopt the resolution. The roll call vote was Council Members Brooks, Lilly, Heye-Townsell, Sanders, Williams, and McMinn aye. Council Members Harmon and Broderick voted no.

A proposed ordinance entitled, *"An ordinance amending the Official Zoning Districts Map and for other purposes (1000 Trammel Rd)"* was read one time. Sherwood Planning Commission Chairman Robert Middleton stated this undeveloped property backs up to the Rausch Coleman homes. Council Member Broderick stated she was concerned that the Comprehensive Plan is amending before the rezoning. Mr. Middleton stated that if the plan is not updated regularly the plan becomes outdated. The Sherwood Planning Commission is working to keep the plan and regulations consistent. Council Member Heye-Townsell inquired if the zoning request should be approved first and then the Comprehensive Plan amended. Council Member Harmon stated that would allow for more notice to the residents. Mr. Middleton stated that notice is published for Public Hearings by staff. Shelby Schmittou, City Planner, stated that there was only one phone call in opposition of the rezoning. The current residents were happy to see the property rezoned industrial instead of more rooftops. Council Member Broderick asked if this property is going to be rezoned C-3 or C-4 that it be read one time today.

Council Member Broderick, seconded by Council Member Lilly, made a motion to table proposed resolution entitled, *"A resolution amending the Comprehensive Plan for Sherwood (north side of Trammel)." The roll call vote was unanimous.*

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A proposed ordinance entitled, *"An ordinance amending the Official Zoning Districts Map and for other purposes (1100 Trammel Rd)"* was read one time.

Resolution No. 21-2022, entitled, "A resolution amending the Comprehensive Plan for Sherwood (Johnson Road)" was read. Council Member Williams, seconded by Council Member Brooks, made a motion to adopt the resolution. The roll call vote was unanimous.

Ordinance No. 2417, entitled, "An ordinance amending the Official Zoning Districts Map and for other purposes (10100 Johnson Dr)" was read. Council Member Heye-Townsell, seconded by Council Member Brooks, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was unanimous. The ordinance was read for the second time. Council Member Heye-Townsell, seconded by Council Member Brooks, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was unanimous. The ordinance was read for the third time. Council Member Brooks, seconded by Council Member Heye-Townsell, made a motion to adopt the ordinance. The roll call vote was unanimous.

Council Member Lilly, Chairman of the Street Committee, stated the committee did not meet.

Council Member Brooks, seconded by Council Member Sanders, made a motion to return the proposed ordinance entitled, *"An ordinance determining that a public nuisance exists because of the noise created by loud construction and maintenance related activities during untimely hours in or adjacent to residential zones within the City of Sherwood, regulating the hours loud construction and maintenance related activities are allowed in and adjacent to residential zones within the city; and establishing penalties for the violation thereof; declaring an emergency; and for other purposes"* back to staff. The roll call vote was unanimous.

Resolution No. 22-2022, entitled, "A resolution finding the structure located on Parcel #23S0120015300, commonly known as 615 Hemphill Road, also known as Grandview S1, Lot 1 Block 12, Pulaski County, Arkansas, to constitute a public nuisance" was read. Code Enforcement Supervisor Sheila Reynolds addressed the council and gave a report on the condition of the property. Mayor Young asked if there was anyone in attendance to speak on behalf of the property. There was not. Council Member Heye-Townsell, seconded by Council Member Brooks, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 23-2022, entitled, "A resolution authorizing the city attorney to initiate eminent domain proceedings against properties located in the City of Sherwood, Arkansas, in connection with the Country Club Road Street Improvements; appropriating funds; and for other purposes" was read. City Engineer Richard Penn introduced Donna Roche of OR Colan. Ms. Colan addressed the council virtually via Zoom and explained the process OR Colan takes in obtaining right of way acquisitions. Council Member Broderick asked if there was another option the city could consider, saving the city money. This service was expensive compared to what the residents received. The area was disrupted, and resident's vehicles were damaged. Ms. Roche stated another option would be for the city to use personnel to perform the work. Ms. Roche further stated that OR Colan has many years' experience. The inconvenience caused by a construction project is

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not compensable by law. It is a necessary burden on the public but necessary for progress. The compensation is for real estate only. Council Member Heye-Townsell stated she received a picture of a resident's property that had heavy culverts placed in their yard. Over time this will cause damage to the property. Council Member Heye-Townsell stated that she believes that when the residents signed off on the construction easement, they did not realize the extent of the time and damage that would occur during this construction. Council Member Heye-Townsell asked Ms. Roche to explain to the council why the seeking is seeking eminent domain. Ms. Roche explained OR Colan works to resolve issues the city may have in acquiring right of ways. That eminent domain is in place to prevent someone from stalling construction. Council Member Williams, seconded by Council Member Harmon, made a motion to adopt the resolution. The roll call vote was unanimous.

A proposed resolution entitled, "*A resolution approving payment of an invoice from North Little Rock Wastewater Utility, and for other purposes*" was read. City Engineer Richard Penn explained the costs associated with this project. The city will pay approximately one million dollars. Council Member Harmon, seconded by Council Member Williams, made a motion to amend the resolution to pay the invoices out of the general fund reserves. The roll call vote was unanimous. **Resolution No. 24-2022, entitled, "A resolution approving payment of an invoice from North Little Rock Wastewater Utility, and for other purposes"** was read as amended. Council Member Lilly, seconded by Council Member Williams, made a motion to adopt the resolution. The roll call vote was unanimous.

Resolution No. 25-2022, entitled, "A resolution awarding a contract for construction of Coolhurst sidewalks, authorizing the mayor to execute all agreements necessary; and for other purposes" was read. City Engineer Richard Penn explained to the council why this sidewalk construction has taken so long. The grant was awarded in 2020 and when COVID hit it caused several delays in the process. The city, per ARDOT, needed to obtain temporary construction easements. OR Colan did the work obtaining these and the amount payable to the property owner was calculated by square footage of the area needed. Council Member Harmon, seconded by Council Member Williams, made a motion to adopt the resolution. The roll call vote was 7 ayes. Council Member Brooks abstained.

Ordinance No. 2418, entitled, "An ordinance authorizing business to be conducted between the City of Sherwood, Arkansas, and an elected official's spouse's company concerning servicing of sidewalk construction equipment; declaring an emergency; and for other purposes" was read. Council Member Harmon, seconded by Council Member Lilly, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes. Council Member Brooks abstained. The ordinance was read for the second time. Council Member Lilly, seconded by Council Member Harmon, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 7 ayes. Council Member Brooks abstained. The ordinance was read for the third time. Council Member Harmon, seconded by Council Member Lilly, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Council Member Brooks abstained. The emergency clause passed with a roll call vote of 7 ayes. Council Member Brooks abstained.

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Resolution No. 26-2022, entitled, "A resolution appropriating funds and authorizing the expenditure of funds as the City of Sherwood's contribution to construction costs of a new fire station for Pulaski County Fire Protection District #5" was read. Mayor Young stated that this is the first fire station that has been built from the ground up by a company that specifically builds fire stations. Mayor Young commended the fire department staff and board. Sherwood Fire Department Chief John Sawyer was available for questions from the council. Council Member Harmon stated he was concerned with the city paying over \$1.1 million for property the city would not own, and he believes the taxpayers would expect the city to receive title on property the city pays for. Chief Sawyer stated the matter of ownership is under discussion with the Fire District. The tax dollars are coming from residents that live in the city limits. Council Member Heye-Townsell stated that the location of this fire station would benefit all Sherwood residents. Council Member Williams stated that until the city has a municipal fire department, this fire department would still service 100% of Sherwood citizens. Council Member Harmon stated he is pro municipal fire department, but this is one tax entity dealing with another and in the end the city will most likely have to pay the other tax entity for the fire department assets. Chief Sawyer asked why the city would have to pay Fire District #5 if the residents of Sherwood paid for the fire department. Council Member Broderick stated the city contracts for a service and is the County going to ask the city to pay if the fire district becomes a municipal fire department. Council Member Brooks stated that the city contributed money to the fire district for an office building located on Lantrip, and that this situation is the same concept just with a different price tag. Council Member Heye-Townsell asked if there could be something in writing stating the Fire District owns 2/3 and the city owns 1/3. Council Member Harmon stated he does not know what the money is going to be used for. Council Member Williams stated she asked Chief Sawyer for invoices, and the invoices total approximately \$3.4 million dollars. Council Member Broderick asked what if another fire districts wants 1/3 of their fire department paid for. Mayor Young stated this discussion was not done before it was brought to council and in the future this type of discussion needs to be resolved before money is asked for. Council Member Lilly stated in his conversations with Chief Sawyer and Fire District #5 Chairman Tom Brooks, they had no issue signing the building over to the city. Council Member Williams asked if there was a time frame on the opening of the fire department. Chief Sawyer stated a ribbon cutting is scheduled for October 5, 2022, and if everything stays on track, there will be a final punch list on September 22, and the keys to the building will be turned over to the fire department on October 2, 2022. Council Member Brooks asked what the payment structure is on the loan. Chief Sawyer stated the fire department took out a loan and at the end of August 2022, the fire department will have paid 2/3 of the fire station. Council Member Lilly stated that the expectation would be that the city owned the property. City Attorney Steve Cobb stated the assessments the fire department receives is what has been pledged for the payment of the building. The city cannot take measure to jeopardize the financing structure. The city and fire department will need to make sure before the Fire District can promise anything that the Fire District has the authority to sign off on the property. Fire District #5 Chairman Tom Brooks addressed the council and stated that the fire department cannot open unless the city pays 1/3. Mr. Brooks further stated that the Fire District only cares about fighting fires and not about ownership of the building. Council Member Broderick inquired how much tax revenue the quarter cent sales tax has brought into the city versus the estimated amount projected. City Clerk Treasurer Angela Nicholson was looking up the information. Council Member Harmon made a motion to table the resolution. There was not a second to the motion. Council Member Williams, seconded by Council Member Brooks, made a motion to adopt the resolution. The roll call vote was 6 ayes. Council Members Harmon and Broderick no.

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Under New Business:

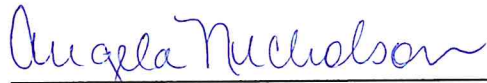
- Mary Poling, 10 Scouts Point, Sherwood, addressed the council regarding speeding in her neighborhood. Mayor Young asked Council Member Lilly to be in charge of a committee to research ways to slow down the speeders. Council Member Heye-Townsell volunteered to be on the committee. Mayor Young suggested that a resident from each ward be included on the committee

Mayor Young made the following announcements:

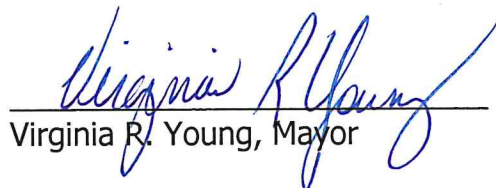
- William Beasley has been hired as the new Finance Director
- Sherwood Fest, Saturday, September 24, 2022
- Animal Shelter Events: annual "PuppaPawlooza" dog swim party September 10, 2022 – 10 a.m. – 1:00 p.m. Fairway Pool; Free adoption events throughout September

No further business, Council Member Brooks, seconded by Council Member Heye-Townsell, made a motion to adjourn at 7:43 p.m.

ATTEST:



Angela Nicholson, City Clerk



Virginia R. Young, Mayor