

August 23, 2021

REGULAR MEETING 1

The City Council of the City of Sherwood met for a regular meeting on August 23, 2021, 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, Williams and Broderick. Council Member Sander absent.

Council Member Tim McMinn 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 approve the minutes of the regular meeting on July 26, 2021, as transcribed. The roll call vote was unanimous.

Mayor Young opened discussion for the July 2021 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 1, 2021, at 3:00 p.m. at the Bill Harmon Recreation Center. Council Member Brooks announced that Sherwood Fest will be Saturday, September 25, 2021, at the Sherwood Sports Complex, 511 Bear Paw Road from 10:00 a.m. to 6:00 p.m.

Resolution No. 11-2021, entitled, "A resolution appointing Josh Woodard to serve on the Sherwood Advertising and Promotion Commission" was read. Council Member Brooks, seconded by Council Member Heye-Townsell, made a motion to adopt the resolution. The roll call vote was 7 ayes. Council Member Sanders absent.

Council Member Harmon, Chairman of the Parks and Recreation Committee, stated the committee did not meet. The next meeting will be September 13, 2021, at 6:00 p.m. at the Bill Harmon Recreation Center.

Resolution No. 12-2021, entitled, "A resolution appointing James Griffin to serve on the Sherwood Human Resources Committee" was read. Council Member Brooks, seconded by Council Member Williams, made a motion to adopt the resolution. The roll call vote was 7 ayes. Council Member Sanders absent.

A proposed ordinance entitled, "*An ordinance amending the official Zoning Districts map and for other purposes (Woodlands of Sherwood)*" was read for the second time. Robert Middleton, Chairman of the Sherwood Planning Commission, stated that the developer has shown a level of commitment and has made the revisions requested by the council at the July 2021 council meeting. Council Member Williams inquired if the ordinance needed to be read as amended. City Attorney Steve Cobb stated that a motion would need to be made accepting the amendments. Mr. Middleton refreshed the council of the changes made on Exhibit A. Council Member Williams stated the Property Owners Association (POA) will need to clarify that the alleyways are not considered city streets. David Watkins, PLA of the Crow Group, Inc. was present as a representative for the owner. Mr. Watkins stated that a POA would be formed. Council Member Heye-Townsell inquired if the city was placing a different standard on the Planning Unit Development (PUD) regarding the wording under Mixed Use Building that reads "*The condominiums shall not be sold, maintained, rented, or owned by a leasing company, management company, or similar business.*" Council Member Harmon stated that he believes the wording implies these condos would be restricted from a management company owning the condos. The Bill of Assurance (BOA) would state that the condo cannot be held by a property management company, and the provisions would be enforced by the POA. Mr. Middleton stated the developer is offering these PUD rules. The BOA will have provisions and the Sherwood Planning Commission would only make sure the BOA would follow the zoning code required. Council Member Broderick had the following concerns: Is the BOA legally enforceable, and what if the POA decided they want to change the rules? Mr. Cobb stated that it is legally binding by the POA and changes to the BOA are procedural. Council Member Harmon stated the BOA can be amended by a majority of the property owners, but the BOA has to agree with the

limitations set by the city. Council Member Broderick: What happens if these condos are built and not sold? Mr. Cobb stated the city has to accept the conditions of the rules of this development, and if the development does not go as planned the developer will have to submit another application. Council Member Broderick: Was the land C-4 before the current owner purchased that property? Is there any commitment on how much of the property is commercial? Mr. Watkins stated the bottom floor of the first building is set aside as commercial as well as a number of units in the second building. Council Member Broderick did not hear from any citizens in favor of the rezoning. Mr. Middleton stated the chief complaint at the public hearing was access. Mark Weber, a Sherwood citizen and business owner addressed the council and stated he was not in favor of the ordinance. Mr. Weber does not believe people will spend money to purchase a condo that has no view. Mr. Weber read an excerpt from the webpage of MJH Development that stated Mr. Harper's goal was to build low-income property for those who can not afford high prices due to the economy. Sam Lantrip, a resident of Sherwood, addressed the council and stated that he is against the rezoning ordinance. The property has been C-4 for many years and should remain C-4. Mr. Lantrip was also concerned who would enforce the completion of the property. David Hill, a Sherwood citizen and business owner, addressed the council, stating he was against the rezoning. Mr. Hill stated that there would be loss of commercial property, there is not any frontage on the property and people would not spend money to purchase the condos. The whole purpose of this development is low-income, low-housing, and an internet search on MJH Development does not show any prior experience of this type of development. Council Member Heye-Townsell inquired about the experience the developer has. Mr. Watkins stated the company has done housing developments out of state, and he is not aware of any developments in Arkansas. Mr. Watkins stated that Mr. Harper has partners in this development who are not part of this agreement and he is unsure who they are. Council Member McMinn inquired if the buildings are to be sold as they are built, and what happens to the property if some units are built and not sold. Mr. Middleton stated that once the final development plans are approved the developer has six months to start construction and construction completed in two years. Council Member Williams stated that anyone that develops property is required to start in six months and complete construction in two years. The city is only required to make sure the development is done according to the plans approved by the city. Mr. Middleton stated that typically if there is development under the zoning required and it does not sell, it remains there until someone wants to finish the development. Council Member Harmon stated the lenders have control of the property if the development is not sold to anyone. Council Member Harmon stated he is concerned with the primary focus of the development regarding building low-income property. Council Member Heye-Townsell stated that this property isn't zoned properly. Council Member Heye-Townsell stated she is also concerned about experience. Council Member Lilly questioned the willingness of people to spend money to purchase these condos since they will not have a great view, and the access is not easy. Council Member Heye-Townsell stated that if the city is going to have more condensed housing it is better to have them on the outer areas of the city instead of inside residential areas. Council Member Brooks stated she was not in favor of this type of development, but was in favor of an R-4 zoning. Council Member Williams stated that the developer has met all the requirements of the Planning Commission, and discussion on experience and/or things on the website is not the purview of the council. Mr. Cobb stated that in order for the rezoning request to come before the council the developer has to meet certain criteria, however, this does not necessarily compel the council to approve the development. No further discussion, Council Member Heye-Townsell, seconded by Council Member Williams, made a motion to accept the changes to Exhibit A. The roll call vote was unanimous. This was not a vote to adopt the ordinance.

Robert Campbell, Director of the Senior Citizen Center, stated the Senior Citizen Committee did not meet. The attendance for the monthly luncheon was good.

Council Member Lilly, Chairman of the Street Committee, stated the committee did meet. There was discussion on speeding and placement of speed bumps. Council Member Lilly asked the council to ponder ideas on how to deter speeding.

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City Attorney Steve Cobb asked the council to table the proposed resolution entitled, "*A resolution adopting a policy of ethics for the City of Sherwood, Arkansas.*" Council Member Lilly, seconded by Council Member Heye-Townsell, made a motion to table the resolution. The roll call vote was 7 ayes. Council Member Sanders absent.

Ordinance No. 2380, entitled, "An ordinance authorizing business to be conducted between the City of Sherwood and a Municipal Council Member spouse concerning Parks and Recreation projects; declaring an emergency; and for other purposes" was read. Council Member Williams, seconded by Council Member Harmon, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was 6 ayes. Council Member Brooks abstained. Council Member Sanders absent. The ordinance was read for the second time. Council Member Harmon, seconded by Council Member McMinn, made a motion to suspend the rules and place the ordinance on the third and final reading. The roll call vote was 6 ayes. Council Member Brooks abstained. Council Member Sanders absent. The ordinance was read for the third time. Council Member McMinn, seconded by Council Member Heye-Townsell, made a motion to adopt the ordinance. The roll call vote was 6 ayes. Council Member Brooks abstained. Council Member Sanders absent. The emergency clause passed with a roll call vote of 6 ayes. Council Member Brooks abstained. Council Member Sanders absent

Ordinance No. 2381, entitled, "An ordinance amending Ordinance 1690 regarding purchases allowed without competitive bidding; and for other purposes" was read. Council Member Harmon, 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 7 ayes. Council Member Sanders absent. The ordinance was read for the second time. Council Member Brooks, 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 Sanders absent. The ordinance was read for the third time. Council Member Brooks, seconded by Council Member Williams, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Council Member Sanders absent.

Resolution No. 13-2021, entitled, "A resolution expressing the willingness of the City of Sherwood, Arkansas to utilize Federal-Aid Surface Transportation Block Grant (STBG) Program Funds; authorizing the mayor to execute all agreements necessary; and for other purposes" was read. Council Member Lilly, seconded by Council Member Heye-Townsell, made a motion to adopt the resolution. The roll call vote was 7 ayes. Council Member Sanders absent.

Ordinance No. 2382, entitled, "An ordinance for the design of improvements to Jacksonville-Cato Road, authorizing advertising for bids for construction, authorizing expenditure of funds, signing of contracts; declaring an emergency; and for other purposes" was read. Council Member Lilly, seconded by Council Member Harmon, made a motion to suspend the rules and place the ordinance on the second reading. The roll call vote was 7 ayes. Council Member Sanders absent. The ordinance was read for the second time. Council Member Brooks, seconded by Council Member McMinn, 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 Sanders absent. The ordinance was read for the third time. Council Member McMinn, seconded by Council Member Lilly, made a motion to adopt the ordinance. The roll call vote was 7 ayes. Council Member Sanders absent. The emergency clause passed with a roll call vote of 7 ayes. Council Member Sanders absent.

Ordinance No. 2383, entitled, "An ordinance approving the continuation of the retention of consultant services for Information Technology; and for other purposes" 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 7 ayes. Council Member Sanders absent. 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 7 ayes. Council Member Sanders absent. The

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ordinance was read for the third time. Council Member Brooks, seconded by Council Member McMinn, made motion to adopt the ordinance. The roll call vote was 7 ayes. Council Member Sanders absent.

Resolution No. 14-2021, entitled, "A resolution re-appointing Kyle Wade to serve on the Rock Region Metro Board and re-appointing Bob Franks to serve on the Sherwood Public Facilities Board/Public Building Authority" was read. Council Member Heye-Townsell, seconded by Council Member Williams, made a motion to adopt the resolution. The roll call vote was 7 ayes. Council Member Sanders absent.

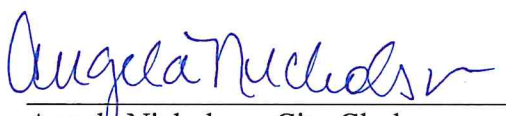
City Attorney Steve Cobb asked for a motion to table Item #14 a proposed resolution entitled, "*A resolution finding the structure located on Parcel #22S0010011200, commonly known as 107 Robin Lane, also known as PT E ½ NW SE SE BEG 300'N of SW COR E100' N91' W100' S191' to BEG 31 3N 11W, Pulaski County, Arkansas, to constitute a public nuisance*" and Item #15, a proposed resolution entitled, "*A resolution finding the structure located on Parcel #22S0010011300, commonly known as 111 Robin Lane, also known as E ½ NW SE SW MPDA BEG 200'N of SW COR E100' N100' W100' to POB, Pulaski County, Arkansas, to constitute a public nuisance.*" Council Member Brooks, seconded by Council Member Williams, made a motion to table Items #14 and #15. The roll call vote was 7 ayes. Council Member Sanders absent.

Resolution No. 15-2021, entitled, "A resolution finding the structure located on Parcel #23S0440307600, commonly known as 602 S. Fairway Avenue, also known as Lot 8, Block 316, Parkhill 3S Subdivision, Pulaski County, Arkansas, to constitute a public nuisance" was read. Council Member Heye-Townsell, seconded by Council Member Brooks, made a motion to adopt the resolution. The roll call vote was 7 ayes. Council Member Sanders absent.

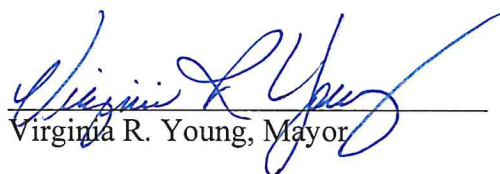
Mayor Young announced the Sherwood Pet Fair on Saturday, August 28, 2021.

No further business, Council Member Brooks, seconded by Council Member Heye-Townsell, made a motion to adjourn at 7:16 p.m.

ATTEST:



Angela Nicholson, City Clerk



Virginia R. Young, Mayor