

November 9, 2009  
Seven o'clock P.M.  
North Little Rock City Hall Council Chambers  
300 Main Street  
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, November 9, 2009, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, SAM BAGGETT, and CHARLIE HIGHT (6/0), a quorum was declared. Aldermen CARY GAINES and MURRY WITCHER were absent. City Clerk Diane Whitbey and City Attorney, C. Jason Carter were also present.

The invocation was given by Alderman Baggett, followed by the pledge of allegiance to the flag which also was led by Alderman Baggett.

On the motion of Alderman Hight, and seconded by Alderman Taylor, and by consent of all members present, the minutes of a regular council meeting held on Monday, October 26, 2009, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, communication #1 was read, accepted and filed (6/0).

1. Presley Melton, (via email to Mayor Hays and City Council Members) re: light from signs and request continued protection of property by prohibiting electronic signs in or near any property zoned residential.

On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, communication #2, was read by title only, accepted and filed (6/0).

2. Doug Waldron, Petition requesting Speed Hump on Desoto Circle (on the curve) (*13 signatures*).

On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, communication #3 was read by title only, accepted and filed (6/0).

3. Dan Flowers, Director of Highways and Transportation letter to Mayor Hays re: Minute Orders relating to Railroad Crossing located at Crystal Hill Road.

On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present communication #4 was read by title only, accepted and filed (6/0).

4. Glinda Craigmyle memorandum re: *Restaurant Mixed Drink - Change of Manager from Jason Fallis* for Cregeen's Irish Pub, 301 Main Street, by James B. Williams.

On the motion of Alderwoman Ross and seconded by Alderwoman Robinson and by consent of all members present communication #5 was read, accepted and filed (6/0).

5. Charlie Knott via email, memorandum to North Little Rock City Council members from

Charlie Knott, Jo Melton, Judy McDowall and Wanda Smith, Officers of the Northeast Lakewood Associated Neighborhoods re: request withdrawal of O-09-81 from further consideration.

Mayor Hays asked Alderman Baggett to introduce his guest, Major Phillip Wise with the Salvation Army. Major Wise said their North Little Rock location is at 1505 West 18<sup>th</sup> Street. He briefly reviewed the programs and services they offer which include a Food Pantry, Bell Ringing at Christmas Kettles, Youth Activities, Music Programs, etc. Major Wise said donations and volunteers are needed. Volunteer bell ringers can include church groups, civic clubs, families, coworkers and more. Mayor Hays said volunteers are very important. Alderman Baggett said he and Alderman Gaines will each volunteer 6 hours to be bell ringers. He then challenged all of the elected officials to do the same. The dates for bell ringing volunteers are November 13, 2009 through December 24, 2009. For more information, people can call 501-758-7297.

Mayor Hays advised Representatives Barry Hyde, Richard Carroll and Jim Nichols were present and called R-09-165, without objection.

R-09-165 (RESOLUTION NO. 7539 - MAYOR HAYS)

A RESOLUTION DESIGNATING CERTAIN ALLOCATIONS OF STATE GENERAL IMPROVEMENT FUNDS RECEIVED BY THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight, and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (6/0). Each Representative spoke briefly regarding the allocations and the Arkansas State Legislature.

Mayor Hays asked if anyone had signed up to speak on numbered agenda items. Mr. James Ard signed up to speak regarding R-09-141, but declined since the legislation would be held. The remainder of the speakers spoke regarding O-09-81. Alderman Taylor advised O-09-81 will be scheduled for a public hearing at the next City Council meeting. Mr. Scott Miller said council public hearings are not the right approach. The council set up a process which includes a committee which has been meeting regarding electronic signs. Mr. Miller requested the item be withdrawn. Mr. Charlie Knott referred to communication #5 which was previously read. Mrs. Jo Melton said this issue has been discussed. She asked the council to consider withdrawing this piece of legislation. Mr. Doug McDowall owns Neighborhood Wine and Spirits. He has a pole sign at his business. He is concerned with the brightness, scrolling, flashing and other visual pollution caused by electronic signs. Mr. McDowall said there are several signs which are not in compliance with the current time allowed. Ms. Faye Kirkwood said this is about safety. Signs changing at 5 second intervals are not safe. She asked if there were any records on accidents caused by electronic signs. Mr. Patrick Stair distributed copies of an email he sent to council members including data related to multi-tasking, etc. He said this is not anti-business but pro-safety. Mr. Stair encouraged the council to vote against the proposed legislation. Mr. Ard said 5 seconds is acceptable. We need to recruit and promote businesses in the city. Business owners should be allowed to say what they want via electronic changeable copy signs. There being no one else wishing to be heard, citizen public comment was closed.

**UNFINISHED BUSINESS**

R-09-141

A RESOLUTION DISCLAIMING THE TRANSFER OF CERTAIN PROPERTY LOCATED ON WEST MILITARY DRIVE; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Hays.

**NEW BUSINESS**

R-09-156 (RESOLUTION NO. 7540 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 125 WEST EMILY IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (6/0). (*owner: Deutsche Bank National Trust Company*)

R-09-157 (RESOLUTION NO. 7541 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1022 EAST 2<sup>ND</sup> STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderwoman Robinson. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (6/0). (*owner: Reva Perry, Deceased c/o Nandre Ervin*)

R-09-158 (RESOLUTION NO. 7542 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 307 SHORT IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (6/0). (*owner: Charles Calmes - \$2,927.75*)

R-00-159 (RESOLUTION NO. 7543 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 2207 ½ POPLAR STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderwoman Robinson. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was

adopted (6/0). (*owner: Sylvester West - \$2,811.22*)

R-09-160

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 321 NORTH CLARK IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was called. Mr. Carter said the city has received a check and requested the legislation be held until the check is processed. The sponsor, Mayor Hays then held the legislation. (*owner: Annie Smith and Addie McCain - \$3,890.87*)

R-09-161 (RESOLUTION NO. 7544 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 1102 EAST WASHINGTON IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (6/0). (*owner: George and Barbara Royce - \$4,173.88*)

R-09-162 (RESOLUTION NO. 7545 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 601 WEST 25<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (6/0). (*owner: Wilbert Hobbs - \$1,939.69*)

R-09-163 (RESOLUTION NO. 7546 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 318 SHORT STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (6/0). (*owner: Larry Davis - \$2,211.66*)

R-09-164 (RESOLUTION NO. 7547 - MAYOR HAYS)

A RESOLUTION APPOINTING JOSEPH SAVOY TO THE POSITION PREVIOUSLY HELD BY MYRA RUNYON ON THE SENIOR CITIZENS COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted (6/0). Mayor Hays thanked Mr. Savoy for his service to the city and advised the North Little Rock Patrick Henry

Hays Senior Center has the highest daily attendance of any such center in the country.

R-09-165 (*See page 1, called out of order.*)

R-09-166 (RESOLUTION NO. 7548 - ALDERMEN GAINES AND BAGGETT)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT THE DONATION OF CERTAIN PROPERTY FROM MARTY LINN AND AMY HOWARD; AND FOR OTHER PURPOSES, was read. Mr. Robert Voyles, Planning Director said the owners are donating these two lots and requested that they be used for residential use. Alderwoman Ross asked if soil samples, etc. are taken when the city considers receiving property. On the motion of Alderman Taylor and seconded by Alderwoman White, and by consent of all members present, the resolution was adopted (6/0).

R-09-167 (RESOLUTION NO. 7549 - ALDERWOMEN ROSS AND WHITE)

A RESOLUTION ACCEPTING THE LOW BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH LAMBERT CONSTRUCTION COMPANY, INC. FOR SIDEWALK IMPROVEMENTS TO PERCY MACHIN STREET FROM PERSHING BOULEVARD AT 33<sup>RD</sup> STREET, 2008 CDBG-R FUNDS AND THE 34<sup>TH</sup> YEAR (2008) AND 35<sup>TH</sup> YEAR (2009) CDBG PROGRAMS IN THE AMOUNT OF \$196,594.00; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, the resolution was adopted (6/0).

O-09-75

AN ORDINANCE AMENDING ORDINANCE NO. 7973 WHICH FIXED RATES FOR SERVICES FURNISHED BY THE SEWER SYSTEM OF NORTH LITTLE ROCK, ARKANSAS; PRESCRIBING OTHER MATTERS PERTAINING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held by the sponsor, Mayor Hays. A public hearing was scheduled for November 23, 2009, at 7:05 p.m.

O-09-76 (*See end of new business*)

O-09-77 (ORDINANCE NO. 8209 - ALDERWOMAN ROSS)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A DAYCARE CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 910 WEST 25<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present the rules were suspended and the ordinance was placed on its second reading (6/0). On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present the rules were again suspended and the ordinance was placed on its third and final reading (6/0). The roll having been

called, and all members present having voted in the affirmative, the ordinance was adopted (6/0).  
Emergency clause adopted (6/0). (*applicant: Beverly Hall*)

O-09-78 (ORDINANCE NO. 8210 - ALDERMEN GAINES AND BAGGETT)

AN ORDINANCE ACCEPTING THE DEDICATION OF NORTH SHORE COURT IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baggett, and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (6/0). On the motion of Alderman Baggett, and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (6/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

O-09-79 (ORDINANCE NO. 8211 - ALDERMAN GAINES AND BAGGETT)

AN ORDINANCE ACCEPTING THE DEDICATION OF COMMERCE COVE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baggett, and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (6/0). On the motion of Alderman Baggett, and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (6/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

O-09-80

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW FIFTY (50) SHORT TERM RENTALS AT AN APARTMENT COMPLEX IN AN R-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 12025 PAUL EELLS DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight, and seconded by Alderman Baggett, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (6/0). On the motion of Alderman Hight and seconded by Alderman Baggett, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (6/0). The ordinance was read a third and final time. Alderwoman Ross asked if the apartments will be spread out throughout the complex. Mr. Hugh Jarratt provided an illustration of the site and briefly reviewed short term unit locations. He said rentals will most likely be to executives and people serving in the military. Background checks will be performed on each applicant through Southwest Credit. Felons or those convicted of sexual offenses would be flagged and prevented. Police Chief Danny Bradley said it is common for apartment complexes to run background and credit checks. Alderwoman Robinson said this is a high-dollar apartment complex. She asked if this would open the way for all apartment complexes in the city to provide short term rentals and said she is concerned. Mr. Voyles said this is not being done elsewhere in the city. The short term apartments would be subject to the hotel/motel tax. Mr. Jarratt said the majority of rentals will be monthly. These units are confined within the perimeter of the property. Alderwoman Robinson said guidelines will be needed if more of these type requests come up. Sponsor Alderman Baggett requested the legislation be held. Without objection the illustration provided by Mr. Jarratt will be attached as Exhibit "C". (*applicant: The Links at the Rock*)

O-09-81

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”) TO DECREASE THE ELECTRONIC FREQUENCY INTERVAL FOR CHANGEABLE COPY SIGNS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of sponsor, Alderman Hight. A public hearing will be held, Monday, November 23, 2009, at 7:05 p.m.

O-09-82 (ORDINANCE NO. 8212 - ALDERWOMAN ROSS)

AN ORDINANCE AMENDING ORDINANCE NO. 8128 (“THE PARKING ORDINANCE”) DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (6/0). On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (6/0). The ordinance was read a third and final time. Alderwoman Ross advised said trailers came up after the passage of Ordinance No. 8128. Mr. Carter, said the intent is to establish standard rules to apply to a variety of trailers. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

O-09-76 (ORDINANCE NO. 8213 - MAYOR HAYS)

AN ORDINANCE DEFINING “NERC/FERC COMPLIANCE SERVICES” FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT TO BE PROFESSIONAL SERVICES UNDER ARKANSAS LAW; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (6/0). The ordinance was then read a second time and held until the end of the agenda. The item was recalled. Mr. Carter said the adoption of this ordinance would determine procedures and declare the method upon which those services would be acquired. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the rules were suspended and the ordinance was placed on its third and final reading (6/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

**PUBLIC COMMENTS-----**

Mrs. Jo Melton spoke again regarding electronic changeable copy signs. This is an important issue to her and she reiterated her opposition to the signs and a reduction in the time change from 15 seconds to 5 seconds. Mrs. Faye Kirkwood also spoke regarding sign overlays and said she is seeking information. She hasn't received anything pursuant to her email requests. She would like a reply from someone as the status of her request.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the meeting

was adjourned at 8:22 p.m. (6/0), until the next regularly scheduled meeting to be held on Monday, November 23, 2009, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK