

February 22, 2010  
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, February 22, 2010, 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, LINDA ROBINSON, SAM BAGGETT, JIMMY PHILLIPS, CHARLIE HIGHT, and MURRY WITCHER (7/0), a quorum was declared. Alderman MAURICE TAYLOR was absent. City Clerk Diane Whitbey and City Attorney, C. Jason Carter were also present.

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

On the motion of Alderman Witcher, and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, February 15, 2010, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, communications #1, 2, 3, 4, 5, and 6, were accepted and filed (7/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: application for *Retail Beer Off Premises - NEW* for Goodi LLC, 6116 Crystal Hill Road, by Sulaiman Hudda.
2. Glinda Craigmyle, Mayor's Office memorandum re: application for *Retail Beer Off Premises & Small Farm Winery - Retail - NEW* for Argenta Market, by Joseph Randolph Hardin.
3. Glinda Craigmyle, Mayor's Office memorandum re: application for *Retail Beer Off Premises - NEW* for Super Stop Arena, 623 North Cypress, by Rajwinder Kaur.
4. Jimmy Phillips, letter to Mayor Hays re: resignation from Board of Adjustment and Appeals effective March 1, 2010.
5. Bill Brown, Assistant City Attorney, letter from Stephen Hester, Williams and Anderson PLC re: Summertree/Valleyview Apartments (see R-10-26).
6. Graham Rich, Chief Executive Officer, Central Arkansas Water, letter to Mayor Mark Stodola, City of Little Rock, and Mayor Patrick Henry Hays, North Little Rock re: Proposed Issuance of Revenue Bonds in 2010.

Mayor Hays advised this letter represents notification that Central Arkansas Water intends to issue Revenue Bonds this calendar year.

Mayor Hays invited Ms. Jan Scholl to come forward and introduce Mr. Hunter Foster with the North Little Rock Mayor's Youth Council. Hunter was the winner of an essay contest titled *The Power of One*. Hunter introduced his parents, and his sister Madison. He then read his essay, *The Power of One - How Teens Can Make A Difference*. Mayor Hays thanked Hunter and for sharing his essay with the public.

Mayor Hays said the annual North Little Rock Police and Fire Awards Ceremony was held last week. He extended appreciation to all of the men and women who represent the City of North Little Rock. Videos of Police Officers and Firefighters were then shown. Listed below are the award recipients:

*Fire* - Firefighter of the Year - Lieutenant Heath Hoops, Chief's Award - Captain James Hooks, Emergency Medical Firefighter of the Year - Firefighter Mark Mahan, Fire Officer of the Year - Captain Rick Albers, Fire Service Educator of the Year - Captain Gerald Tucker, Apprenticeship Firefighter of the Year - Firefighter Jason Bryant, Emergency Services Dispatcher of the Year - Terry Todd. *Police* - Chief's Award - John Desizlets, Medal of Valor - Mark Wiggins, Sgt. James Bailey, Micah Sexson, and Jen King, Merit Award - Mike McClanahan, Achievement Award - Matt Grace and Keith Phifer, Leadership Award - Lt. Jay Kovach. *STAR Team (Special Tactics Advanced Response)* - Clayton Goodard, Corey Burns, Marlon Doucet, Ken Eikendear, George Hrenchir, Stan Neal, Jeff Tabor, Greg Thompson, Gary Waters and Jim Mullenax.

Mayor Hays introduced a 20 minute video featuring Chef Jaime Oliver from Essex, England. Over the past seven years, Mr. Oliver has worked to use information to educate people regarding the power of food. America is one the most unhealthy countries in the world. Statistics of bad health are clear. Most are due to diet-related disease. People need to make changes in their lives and their diet. A great place to start is in the schools. Education is key. Most food kids eat today is fast food, which is highly processed. Children aren't eating enough fresh food. (*The entire presentation can be seen at [ted.com](http://ted.com)*). Mayor Hays thanked Alderwoman White who brought Mr. Oliver's presentation to our attention.

Mayor Hays asked that O-10-09 be called.

O-10-09 (ORDINANCE NO. 8237 - MAYOR HAYS)

AN ORDINANCE ESTABLISHING HERITAGE PARK CIRCLE URBAN SERVICE DISTRICT NO. 1 OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN

EMERGENCY; AND FOR OTHER PURPOSES, was read 2 times on February 15, 2010, was read a third and final time this date. A public hearing was reconvened this date. Mr. Bob Hardin said a specific provision would be included regarding the amount of \$250.00 per household, per year. Mrs. Peggy Hines and her husband Doyle have lived at 11 Heritage Park Circle for 32 years. They are opposed to the area becoming an Urban Service District. They voluntarily paid dues to the Heritage Park Property Owner's Association headed by Mr. Al Ostedgaard for many years. In 2001, they received a letter requesting \$1,250.00 per home to upgrade the entrances to Heritage Park Circle. This was a costly and unnecessary upgrade. She said they did not pay dues for several years after that. In December, 2009, she received a letter regarding a meeting at which time an attorney was introduced who would represent the area. At the same time, they learned assessments would be included on their monthly water bills. She referred to a law regarding this matter. Mr. and Mrs. Hines requested that their property be removed from the proposed district. Mr. James Ard said this could be a concern to Ward 3 residents, too. Participation should be voluntary. Mrs. Patsy Pack and her husband Odus have lived at 30 Heritage Park Circle for 20 years. They pay their fee every year, which is \$250.00. She is on the Administrative Board. Alderwoman Ross asked if this was a new fee. It is not. Mr. Ostedgaard

is not able to continue collecting the fees, etc. Mr. Carter said the annual assessment, once set by the city council, cannot be raised without consent (petition) of the people who live in the district and council approval. Mr. Hardin advised these districts have no regulatory rights. Mayor Hays asked if any of the properties could be excluded. Mr. Hines asked how the fee would be paid. There being no one else wishing to be heard, the public hearing was adjourned at 8:06 p.m. Alderwoman Robinson said the \$250.00 per year would be divided by 12 months. She expressed concern if a homeowner doesn't pay the fee attached to their water bill, that their water would be cut off. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman White. Alderwoman Ross said some residents are concerned that only 25% of the homeowners have to agree to this. Alderman Baggett made a motion to table the discussion which died for lack of a second. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderwoman Robinson, who voted no, the ordinance was adopted (6/1). Emergency clause adopted (7/0).

Mayor Hays announced a public hearing regarding O-10-10 - Revoking the Conditional Use for property located at 1222 East Broadway, Revoking the Business License of the Business Owner/Operator at said location; Terminating Electrical Services to the Business Location. There being no one present wishing to be heard, the public hearing was adjourned this date.

O-10-10

AN ORDINANCE REVOKING THE CONDITIONAL USE FOR PROPERTY LOCATED AT 1222 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK; REVOKING THE BUSINESS LICENSE OF THE BUSINESS OWNER/OPERATOR AT SAID LOCATION; TERMINATING ELECTRICAL SERVICES TO THE BUSINESS LOCATION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time February 15, 2010, and was held by sponsor, Alderwoman Robinson. A public hearing scheduled for this date was announced and adjourned (*see above*). (*applicant was: Les Saville*)

### **UNFINISHED BUSINESS**

R-10-10 (RESOLUTION NO. 7594 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 910 EAST 13<sup>TH</sup> STREET 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 Ross. Code Enforcement Director Tom Wadley recommended amending 30 days to 60 days On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows: *strike through all references to thirty (30) days, and insert SIXTY (60) days (7/0)*. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned (7/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted as amended (7/0). (*owner: Full Faith Church, Robert Wells*)

R-10-11 (RESOLUTION NO. 7595 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER

STRUCTURES LOCATED AT 1900 PIKE AVENUE 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 Witcher and seconded by Alderman Hight. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned (7/0). On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0). (*owner: Smith Dent Howard Children's Trust*)

O-10-01

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE ZONING ORDINANCE) TO RESTRICT THE PLACEMENT OF NEW ELECTRONIC CHANGEABLE COPY SIGNS TO CERTAIN DISTRICTS WITHIN THE CITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times on January 11, 2010, was called and held by sponsor, Alderman Witcher.

O-10-09 (*see above*)

O-10-10 (*see above*)

### **NEW BUSINESS**

R-10-25 (RESOLUTION NO. 7596 - MAYOR HAYS)

A RESOLUTION APPOINTING DEANNA JONES TO THE POSITION PREVIOUSLY HELD BY DEAN EDWARDS ON THE NORTH LITTLE ROCK TREE BOARD; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Baggett. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows:: *attach Personal Information Sheet* (7/0). On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted as amended (7/0).

R-10-26

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 5110 VELVET RIDGE 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 Alderman Witcher. Mayor Hays convened a public hearing. Mr. Stephen Hester, Williams Anderson Law Firm, represents the property owner. Ms. Mary Freeman, Property Manager was also present. Mr. Hester asked the council to hold the legislation for 60 days due to a dispute with their insurance company. The legislation was then held until Monday, April 26, 2010. The legislation was then held by the sponsor, Mayor Hays. (*owner: Velvet Ridge Ltd. Partnership*)

R-10-27 (RESOLUTION NO. 7597 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1116 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 (7/0). (*owner: Ameriland USA, LLC*)

R-10-28 (RESOLUTION NO. 7598 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1914 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 Alderwoman Robinson and seconded by Alderwoman White. 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 (7/0). (*owners: Columbus Anderson and Dorothy Anderson*)

R-10-29 (RESOLUTION NO. 7599 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2313 RAILROAD AVENUE 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 Alderwoman Ross. 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 (7/0). (*owners: Winnie Murray and B. H. Murray, both deceased*)

R-10-30 (RESOLUTION NO. 7600 - MAYOR HAYS)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE FEDERAL AID FUNDS FOR IMPLEMENTATION OF THE FAULKNER LAKE ROAD IMPROVEMENTS PROJECT; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-10-31 (RESOLUTION NO. 7601 - ALDERMAN TAYLOR)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT REAL PROPERTY AND STRUCTURES LOCATED AT 1120 W. SHORT 17<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK FROM THE COMMISSIONER OF STATE LANDS; AND

FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the resolution was adopted (7/0).

R-10-32 (RESOLUTION NO. 7602 - ALDERMAN TAYLOR)

A RESOLUTION EXPRESSING APPRECIATION TO THE BANK OF AMERICA FOR RELEASING LIENS AGAINST REAL PROPERTY AND STRUCTURES LOCATED AT 1120 W. SHORT 17<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the resolution was adopted (7/0).

O-10-14 (ORDINANCE NO. 8238 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR COMPREHENSIVE LOSS AND BUSINESS INTERRUPTION INSURANCE FOR THE MURRAY HYDROELECTRIC PLANT; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT PROPOSAL WITH REGIONS INSURANCE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher 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 (7/0). On the motion of Alderman Witcher 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 (7/0). The ordinance was read a third and final time. The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-10-15 (ORDINANCE NO. 8239 - ALDERMAN ROSS)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A DAYCARE CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1819 MAIN 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 (7/0). The ordinance was read a second time. A motion to suspend the rules and place the ordinance on its third and final reading was made by Alderwoman Ross and seconded by Alderwoman White. Alderwoman Robinson asked about adding an additional line in legislation if the applicant doesn't follow through with all requirements. Mr. Carter said the law requires a hearing to revoke a permit and referenced O-10-10 (revoking a conditional use) as an example. Alderwoman Ross said the Planning Department said the plan for this daycare business was probably the best they'd seen. On the previous motion, and all members present having voted in the affirmative, the rules were suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: Alicia Doyle*)

**PUBLIC COMMENTS-----**

Alderman Witcher said the sign committee will meet tomorrow at 7:00 p.m. in the council

chambers. Alderman Phillips thanked Tim Marvin for the installation of a street sign. Mayor Hays said the Census is underway. The count is very important. Each person represents approximately \$10,000.00 to their communities. Alderman Baggett said there is a park in the 5500 block (on the west side) of Camp Robinson Road. A petition for a speed hump was previously submitted regarding the area. It was denied. Mr. Carter said the petitioners need to reapply. Mr. Jason McCraw said he was involved in a vehicle accident where his friend died in a flooded drainage ditch. He said a guard rail needs to be installed. Mr. McCraw said there was a recent fire at an apartment complex where an elderly resident suffered from smoke inhalation. Ms. Jeannie Burlsworth is Chair of Secure Arkansas. She is concerned about ICLEI (International Council for Local Environmental Initiatives). She referred to UN Agenda 21 and defined the meaning of sustainable development. She said most citizens do not understand this. Smart growth projects are designed to abolish private property. This undermines individual rights and political boundaries. Mr. Kenneth Wallis spoke regarding R-10-01, Implementation of the Intergrated Resource Plan. He referenced the lack of global warming and climate change. The City of North Little Rock does not need to spend money on man-made climate change. He said a resolution to stop this should be passed by the council. Mr. Mark Fitzpatrick also spoke about climate change. This country has plenty of oil. Our state is \$250 million in debt. Legislators need to cut back on wasteful spending. He is a volunteer with the Arkansas TEA Party and they are going to bring government spending to the attention of the public. Alderman Baggett said Mr. Powell who was in the apartment fire mentioned earlier is out of the hospital and doing well. Alderman Baggett thanked MEMS and others who helped him at the scene. He also thanked City Engineer Mike Smith for his help with a project.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 8:50 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, March 8, 2010, 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