

June 8, 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, June 8, 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, CARY GAINES, SAM BAGGETT, CHARLIE HIGHT and MURRY WITCHER (8/0), a quorum was declared. 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 was led by Alderman Gaines.

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 Tuesday, May 26, 2009, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderwoman Robinson and seconded by Alderman Witcher, and by consent of all members present, communications #1, 2, 3, 4, 5, 7, 8, 9, and 10, were accepted and filed (8/0).

1. Sharon Tedford, Mayor's Office memorandum re: application for Retail Beer On Premises - NEW - for Moe's Southwest Grill, 5834 North Hills Boulevard, by Melanie Hoggard.
2. Sharon Tedford, Mayor's Office memorandum re: application for Retail Beer Off Premises - Replacement from Tae Son, for Super Stop 66 *fka* Superstop 66, 5421 MacArthur Drive, by Kyong Son.
3. Sharon Tedford, Mayor's Office memorandum re: application for Retail Beer Off Premises - Replacement from Iris St. Clair for K Z Fuel, LLC *fka* Snappy Mart, 418 East Broadway by Shama Khimani.
4. Sharon Tedford, Mayor's Office memorandum re: application for Retail Beer Off Premises and Small Farm Winery - Retail Replacement from Joseph Bearden, for City Market #2074 *fka* Harvest Foods, 4109 East Broadway, by Christopher Desalvo.
5. Sharon Tedford, Mayor's Office memorandum re: application for Retail Liquor and Retail Beer - Replacement from Wanda Hauenstein for Firewater/Discount Liquor *fka* Firewater, 700 Main Street, by Jatinder Singh.
7. Bill Yeates - letter from Veterans of Foreign Wars of the United States, Commander - Post 9095, Little Rock, Arkansas, Robert McCollum re: request "Saluting Soldiers" Memorial at 5501 MacArthur Drive.
8. Bill Yeates - letter from Veterans of Foreign Wars of the United States, Quartermaster - Post 10442, Edward A. Pettitt re: request "Saluting Soldiers" Memorial at 5501 MacArthur Drive.
9. Bill Yeates - letter from Veterans of Foreign Wars of the United States, Jan Crow, President Unit #1, ACA (ALA), et al re: request "Saluting Soldiers" Memorial at 5501 MacArthur Drive.
10. Sharon Tedford, Mayor's Office memorandum re: application for Retail Liquor and Retail

Beer Off Premises - Replacement for Kulbir Singh, Warehouse Liquor Market, 3320 East Broadway, by Inderjit Singh.

On the motion of Alderman Gaines and seconded by Alderman Baggett, and by consent of all members present, communication #6 was read, accepted and filed (8/0).

6. Bill Yeates - letter from Veterans of Foreign Wars of the United States, Arkansas Commander (*signature not legible*) re: request "Saluting Soldiers" Memorial at 5501 MacArthur Drive.

Mayor Hays announced a Special Call.

June 4, 2009

Honorable Members of the North Little Rock City Council:

The purpose of this email is to advise you that Mayor Hays has called a special meeting of the North Little Rock City Council for 7:05 p.m. on June 8, 2009, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN PROPERTY LOCATED AT 3124 PIKE AVENUE FOR SIDEWALK IMPROVEMENTS ON PIKE AVENUE; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES.

Sponsored by: Mayor Patrick H. Hays

Pursuant to Section 2-48(2) of the North Little Rock Municipal Code, you are entitled to 72 hours *electronic* notice of this meeting. Please acknowledge receipt of this email before noon on Friday, June 5, 2009, by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

Respectfully submitted,
/s/ C. Jason Carter
C. Jason Carter
City Attorney

Notification of this special call was sent via email by City Attorney, C. Jason Carter, Thursday, June 4, 2009, at 1:08 p.m.

Special Call 1) (RESOLUTION NO. 7475 - MAYOR HAYS)

A Resolution AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN PROPERTY LOCATED AT 3124 PIKE AVENUE FOR SIDEWALK IMPROVEMENTS TO PIKE AVENUE; APPROPRIATING FUNDS (\$50,000.00 - ~~General Fund~~ SALES TAX CAPITAL IMPROVEMENT FUND); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was amended as follows:: *Section 3: strike ~~General Fund~~, and insert SALES TAX CAPITAL IMPROVEMENT FUND* (8/0). On the motion of Alderman Witcher and seconded

by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

Mayor Hays asked if anyone had signed up to speak during Citizen Public Comment on numbered agenda items. Mr. Robert Fureigh provided a written statement and spoke regarding the same pertaining to R-09-99. Mr. Fureigh advised it is inappropriate, if not illegal to use drainage funds for anything except drainage improvements, or possible sidewalk construction. He also said it was inappropriate to use funds for Capital Improvements which exceeded \$20,000.00 without getting competitive bids. Mr. Fureigh suggested rewording the legislation and suggested the city attorney assist the Indian Hills Community Club (IHCC) with forming an Indian Hills Property Owners Association to provide a permanent funding source to restore the viability of the IHCC's recreational facilities and to provide a safe, attractive, recreational respite for all citizens of North Little Rock. Ms. Judy Russell spoke regarding O-09-43, and the portion of the proposed ordinance regarding keeping chickens in the city. She said the City of Little Rock only requires that a coop be located 25 feet from the nearest residence and asked the council to consider amending the distance from the proposed 75 feet. Ms. Karla Wilson is President of the Indian Hills Community Club spoke regarding R-09-99. She said Mr. Fureigh's comments do not reflect the belief of the club. Ms. Wilson also commended Alderman Witcher for bringing this matter to the city council as repairs are needed to the facility. Ms. Celeste Archer spoke regarding O-09-43. She asked the council to disallow chickens and their coops within the residential city limits. In a written statement and verbally, she provided information from the Centers for Disease Control (CDC) on Histoplasmosis. Ms. Archer moved to the city last year. Her home had a dormant (chicken) coop in the backyard. During the process of cleaning up the mess she had months of breathing difficulties and a debilitating cough.

Mayor Hays convened a public hearing re: O-09-43, an ordinance adopting a Chapter on Animal Control as part of the North Little Rock Municipal Code; repealing certain code Sections. (See comments under Citizen Public Comment re: O-09-43 above). Without objection, the legislation was then read.

UNFINISHED BUSINESS

O-09-43 (ORDINANCE NO. 8180 - ALDERMEN ROSS, WHITE, TAYLOR, ROBINSON, GAINES, BAGGETT, HIGHT, AND WITCHER)

AN ORDINANCE ADOPTING A CHAPTER ON ANIMAL CONTROL AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING CERTAIN CODE SECTIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times

Tuesday, May 26, 2009, and a public hearing was scheduled for this date (see above). Mr. Billy Grace, Animal Control Director briefly discussed the proposed ordinance. The ordinance was read a third and final time. Alderwoman Ross said downtown lots are small and if the distance to allow chicken coops is 75 feet that would disallow any chickens in the Argenta area.

Alderman Hight asked the average depth of residential lots in the city. Mr. Robert Voyles, Planning Director said the average depth (of a backyard) would be approximately 25 feet.

Alderwoman Robinson made a motion to adopt the legislation which was seconded by Alderman Witcher. After review and discussion regarding an amendment (see below), and on the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows: *see proposed amendment provided this date*

regarding Section 5.2.6 Control of vicious dogs. (A) (1) (b) insert WEARING A MUZZLE, AND; and, renumber subsequent sections; and, Section 5.3.1 Banning of pit bull breeds of dogs. (D) Grandfathering - strike through ~~The owner of a pit bull dog will have 30 days after passage of this section to register the animal with North Little Rock Animal Control (NLRAC);~~ and insert DOGS THAT WERE PROPERLY GRANDFATHERED UNDER ORDINANCE NO. 7673 SHALL NOT BE SUBJECT TO THE PROVISIONS OF SUB-SECTION 5.3.1(A) BUT SHALL MEET THE REQUIREMENTS OF THE REMAINDER OF SECTION 5.3.1. (8/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

NEW BUSINESS

R-09-92 (RESOLUTION NO. 7476 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 307 SHORT 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 by consent of all members present, the resolution was unanimously adopted (8/0). (owner: Charles Calmes)

R-09-93 (RESOLUTION NO. 7477 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2207 ½ POPLAR 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 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 by consent of all members present, the resolution was unanimously adopted (8/0). (owner: Sylvester West)

R-09-94 (RESOLUTION NO. 7478 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 321 NORTH CLARK 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 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 by consent of all members present, the resolution was unanimously adopted (8/0). (owner: Annie Smith and Addie McCain)

R-09-95

A RESOLUTION APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES AS A RESULT OF GRASS CUTTING EXPENSES AND ABATEMENT OF OTHER NUISANCES BY THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was called and held at the request of the city attorney. A public hearing will be held on June 22, 2009. The legislation was then held at the request of the sponsor, Mayor Hays.

R-09-96 (RESOLUTION NO. 7479 - MAYOR HAYS)

A RESOLUTION AMENDING THE 2009 ANNUAL ACTION PLAN TO INCREASE PROJECT FUNDING AMOUNTS IN ACCORDANCE WITH AN INCREASE IN 2009 CDBG AND HOME FUNDS TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-97 (RESOLUTION NO. 7480 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF LAMBERT CONSTRUCTION FOR IMPROVEMENTS TO AN ALLEY RUNNING NORTH AND SOUTH BETWEEN MAIN AND MAPLE STREETS, 4TH STREET AND 5TH STREET; APPROVING CRAFTON-TULL-SPARKS ENGINEERS AS CONSTRUCTION INSPECTORS; APPROPRIATING FUNDS (\$126,879.50 and \$5,000.00 from Special Projects Capital Improvements Fund); AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-98 (RESOLUTION NO. 7481 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH GAIN, INC., FOR PROPERTY LOCATED AT 504 WEST 51ST STREET, NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. Ms. Mary Beth Bowman, Director of Community Development advised the city acquired this property seven years ago. A non-profit agency occupied the property and worked with the homeless. Gain, Inc. (Greater Assistance to those In Need), is a non-profit agency which helps people with substance abuse disorders, and mental illness. Gain, Inc., provides temporary housing with an emphasis on arranging and supporting independent stable housing for their clients. Ms. Bowman said she has not received any complaints regarding this location. Mr. Eugene Meyer spoke briefly about Gain, Inc. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-99 (RESOLUTION NO. 7482 - ALDERMEN WITCHER AND HIGHT)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ACCESS AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND INDIAN HILLS COMMUNITY CLUB; APPROPRIATING FUNDS (\$25,000 - Ward 4 Drainage Funds); AND FOR OTHER PURPOSES, was read. At the request of sponsor, Alderman Witcher, Alderman Hight was added as a cosponsor. A motion to adopt was made by Alderman

Witcher and seconded by Alderman Hight. Alderman Hight said he and Alderman Witcher have looked for a location within Ward 4 for a neighborhood park. This allocation will make this a neighborhood park available for everyone in the city. Alderwoman Ross agreed that there are no parks or community centers in Ward 4. Alderman Gaines has received several calls regarding use of drainage funds. Mr. Carter said this use is consistent with previous allocations. City Beatification Grants also come out of Ward Drainage funds. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-100 (RESOLUTION NO. 7483 - ALDERMEN ROBINSON AND TAYLOR)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL ESTATE LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 161 AND BETHANY ROAD; APPROPRIATING FUNDS (\$50,000.00 - Ward 2 Drainage Funds); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Alderwoman Robinson said this area is very close. Children had to stand on a vacant lot in the area to wait for their school bus. Future plans are to widen this area of Highway 161 and East Bethany. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-09-46 (ORDINANCE NO. 8181 - MAYOR HAYS)

AN ORDINANCE ANNEXING A POCKET OF LAND LOCATED ALONG MAUMELLE BOULEVARD TO BE TITLED "RIVERPOINTE PLAZA POCKET ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING THE "RIVERPOINTE PLAZA POCKET ANNEXATION" A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor Hays advised the city just learned the area was in a pocket which was not in the city. The owner Keith Richardson had a concern regarding an electronic sign at the location. Other than that, he has no objection to the annexation. Extra-territorial zoning may already apply. On the motion of Alderman Taylor, 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 (8/0). On the motion of Alderman Witcher and seconded by Alderman Gaines, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

PUBLIC COMMENTS-----

Alderwoman Robinson said she is talking with City Attorney Carter regarding wrecked vehicles at business locations. They are a nuisance in her area and residents said if they are not allowed to have wrecked vehicles and vehicle parts on their property then why is it allowed at a business. She asked for input from the other council members. Alderwoman Ross advised Saturday, (June 13, 2009) at 11:30 a.m., the Park Hill Neighborhood Group will have a cleanup. Also Saturday is the United Coalition of Neighborhood Associations picnic at the river. Mr. Jack Finnegan said to be sure and bring your lawn chair. Alderman Hight said the annual Tour de Rock Bike ride is this Saturday beginning in Burns Park. There are rides for all levels of experience. He encouraged all bicycle riders to participate. Alderwoman White said this week, volunteers with the Ozark Project are working in the area. Mayor Hays said 200 acres is being looked at to be

used as a 4-wheeler area in Burns Park. Ms. Whitbey said the North Little Rock Fire Department is participating in the annual THV Summer Cereal Drive to benefit hungry Arkansans through the Arkansas Food Bank. For more information contact Peggy Borel at 501-340-5377. Alderman Baggett said the laptop computers will be a great tool in serving the residents of the community. Mayor Hays said they will help in our efforts to go green. Mr. Jim Ard said he was cited for working on vehicles in his yard.

There being no further business to come before the Council, and on the motion of Alderman Taylor and seconded by Alderman Hight, and by consent of all members present, the meeting adjourned at 8:35 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, June 22, 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