

July 27, 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, July 27, 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 Assistant City Attorney Paula Jones were also present.

The invocation was given by Alderwoman White, followed by the pledge of allegiance to the flag which was led by Alderwoman Ross.

On the motion of Alderman Witcher and seconded by Alderman Gaines, and by consent of all members present, the minutes of a regular council meeting held on Monday, July 13, 2009, were approved, accepted and filed as prepared by the City Clerk (8/0).

Mayor Hays said a delegation of young people and their chaperones arrived this afternoon from our Sister City, Uiwang City South Korea. The group will be in North Little Rock for the next ten days.

On the motion of Alderwoman Robinson and seconded by Alderwoman White, and by consent of all members present, communication #1 was accepted and filed (8/0).

1. Marvin Castleberry - Petition Requesting Speed Hump on West "M" Avenue (2 or 3 humps) (5 signatures).

On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, communication # 2 was read by title only, accepted and filed (8/0).

2. Ken Sullivan (filed July 15 and July 20, 2009) Lakewood Recreational District #4  
Application for Restricted Parking District (a hearing will be held at 7:05 p.m., Monday, August 24, 2009, in the City Council Chambers in City Hall).

Alderman Hight said legislation is needed to amend (specifically the Parking District) pertaining to motor homes to allow parking for 72 hours instead of 48 hours. Mayor Hays recommended another communication be filed. Alderman Hight will contact Mr. Sullivan regarding changing the hours. A new communication will be filed for the next council meeting. Ms. Whitbey advised a hearing has been scheduled for August 24, 2009, at 7:00 p.m. Alderwoman Ross asked if the time could be changed when the item comes before the council for a hearing. Mrs. Jones said the change will need to be in writing.

On the motion of Alderman Gaines and seconded by Alderman Baggett, and by consent of all members present, communication #3 was read by title only, accepted and filed (8/0).

3. Bill Yates - letter from Bonnie Brents, Secretary Neighbors United for Levy re: request Memorial Soldier be placed on MacArthur Drive.

On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, communication #4 was read, accepted and filed (8/0).

4. Matthew Richard - Communication to Mayor Hays and City Council re: clarification of the rules for public comment during City Council meetings (specifically pertaining to comment at the end of meeting).

Mayor Hays said he would leave it up to the City Clerk as to if she wanted to set up a way for people to contact her before the meeting to sign up to speak. It is disruptive for people to be going back and forth during the meeting. Alderwoman Ross said if something comes up during a meeting, people may decide they want to speak on a topic. Mayor Hays said people who want to speak will be allowed that opportunity, but need to sign up before the meeting is convened. Alderman Taylor said a procedure is necessary to keep the meeting moving in an orderly and timely fashion. Mayor Hays reminded everyone they can sign in until the meeting is convened.

Mayor Hays announced citizen public comment regarding numbered agenda items. A public hearing was scheduled for O-09-48 - amending the NLRMC to add a section making harassment of cyclists a misdemeanor offense. Without objection, the legislation was then called.

O-09-48

AN ORDINANCE AMENDING THE NORTH LITTLE ROCK MUNICIPAL CODE TO ADD A SECTION MAKING HARASSMENT OF ~~CYCLISTS~~ PERSONS TRAVELING ACROSS CITY RIGHTS-OF-WAY A MISDEMEANOR OFFENSE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time July 13, 2009, was called and read a second time this date. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the legislation was amended as follows:: *see amendment provided this date* (8/0). Mayor Hays said the purpose of this legislation is to educate people on what their rights are on the roadway. The amendment removed the 30 days incarceration. Alderwoman Ross asked about people riding horses and if they were included in this ordinance. She asked if bicyclists are required to use bike lanes if they are available. Alderman Hight said they are not. Mayor Hays said cyclists may choose to use the roadway instead of the bike lane due to all of the driveways, sidewalks, etc. A public hearing was convened at 7:42 p.m. Dr. Kathleen Rea is a bicyclist. She rides for fun and fitness, however in the past it was her sole transportation. She has lived in cities which were more educated and friendly towards bike riders. She said education of both motorists and cyclists is important. Mr. Joe Reynolds rides his bicycle in his neighborhood. He hasn't had any problems, but he did see three bike riders ride through a red light on MacArthur Drive. He asked if people can ride bicycles on the sidewalk, since you cannot drive a car on the sidewalk. He said there appear to be issues to be worked out. Alderman Hight said he had a complaint about someone using an electric wheelchair on the sidewalk and on the roadway. Sidewalks are traditionally for pedestrians. Mr. Tom Ezell said the council passed an ordinance allowing equal access to the road. He mentioned several methods of transportation. Mr. Ezell said education is the key and central part. He is a member of BACA. Mr. Ezell said horses and riders are not defined as vehicles, but they would be considered traffic and be benefitted by this ordinance. Regarding bike lanes, cyclists have the option of riding in a bike lane or on the street. The only cities in Arkansas which require bicyclists to ride in bike lanes are Little Rock and Fayetteville. Bike lanes are supposed to make people feel safe, however, the additional lanes (in traffic) can have hazards. Alderwoman Ross asked why bike lanes are being added if they are not safe. Mr. Ezell said drivers need to be more

aware of cyclists. He said mandatory use of bike lanes is a bad law. Over one-third of people cannot drive (i.e. children, senior citizens). Alderwoman Ross said a committee of bicyclists and pedestrians would be a good way for people to discuss their different needs. Alderman Hight said there is a Trails Committee which has worked on designing trails for both cyclists and pedestrians. The committee is working on connecting all city subdivisions by trails. The city has 111 miles of designated bike routes in the city. However, only a fraction is a designated paved bike lane. Mr. Ezell said a "Bike Rodeo" will be held this Saturday in the parking lot of the Electric Department. Mr. Ezell said bike paths and bike lanes are not the same thing. Mr. Jim Ard said cyclists shouldn't ride three abreast. There being no one else wishing to be heard, the public hearing was adjourned at 8:09 p.m. The legislation was then held by the sponsor, Mayor Hays.

Mr. Jack Finnegan, co-chairman of the Baring Cross Neighborhood Association spoke against O-09-52. Mr. Finnegan said River Road cannot support a lot of traffic. Residents in the area do not want the increased traffic apartments would create. They do support development in the area, but not this one. Mayor Hays said he had concerns regarding the roadway layout and recommended a public hearing for August 10, 2009, at 7:05 p.m. Alderman Taylor has talked with the applicant. He has concerns regarding the area as well. Alderwoman Robinson asked if the developer could meet with members of the community and provide illustrations and discussion regarding their plans. Without objection, O-09-52 was read.

O-09-52

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED ON RIVER ROAD, WEST OF DIVISION AND SOUTH OF 7<sup>TH</sup> STREET, IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) TO R-4 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ~~ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY~~; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion was made by Alderman Taylor and seconded by Alderwoman Robinson and the item was then before the council. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the ordinance was amended as follows:: *see amendment provided this date* (8/0). The legislation was then held by the sponsor, Alderman Taylor and a public hearing was scheduled for 7:05 p.m., Monday, August 10, 2009. Alderwoman Ross asked about the TIF previously adopted for this property. The city attorney will have to answer the question. (*applicant: David Jones, Marlar Engineering Greg Joslin*)

Mrs. Sue Corker shares a property line with the property on River Road. She said single family homes would be great. The proposal that went to the Planning Department was for 250 apartments (8 separate buildings). The units would be three stories high. People won't want to build homes next to an apartment complex. Mrs. Corker owns apartments and knows the issues and burdens regarding the same. Home ownership brings continuity to an area. If apartments are not properly maintained they will deteriorate. Mr. Scott Miller met with one of the developers recently. The area is in a TIF District. TIF money would still be available to the city to use for improvements in the area. Mr. Kirk Rodgers is a GIS Analyst and Instructor at UALR. Apartments in this area will skew the number of homeowners versus renters and affect monies

the city receives from the American Recovery and Revitalization Act. He will put together information to show comparisons for this area. His property also abuts the property. Mr. Bobby Taylor said apartments will increase traffic and suggested building them in areas that may be annexed. Mr. Patrick Stair uses the River Trail downtown. He said the initial design for the property was a marvelous design which would have contributed to the area. This proposal is for a lot of apartments in a small area. This would limit potential growth in the area. Alderman Taylor asked Mr. Rodgers to consider statistics for low-end and high-end developments. Several people signed up to speak but did not choose to. Alderman Hight said he has concerns about traffic on River Road and the River Trail. Mr. Robert Voyles, Planning Director said the applicant has provided an illustration of their proposal. Alderwoman Ross asked if they can get the information before the next meeting. There will be a public hearing at the next council meeting regarding O-09-52.

Mr. Jim Toliver spoke regarding O-09-47. He is against the ordinance unless there is a grandfather clause. Auto repair/body shop is a hard business and is based on working on vehicles as they come in. Mr. Taylor said he had to clean up cars behind his shop. He would like to see that continue citywide. Mr. John Toliver operates a muffler shop on Pike Avenue. There are exotic automobiles which might take several months to get parts in. His brother (Jim) has no alternative on where he can store vehicles he is working on. His dad started the body shop in 1942. He is asking for some consideration. Mr. Ard said Mr. Toliver has been around a long time and should be allowed to work on cars. Keeping vehicles for parts should not be allowed.

Mr. Ard thanked the council for allowing the public to speak on agenda items. Mr. Ard spoke regarding R-09-123. He said people should be allowed to get permits for their electronic signs. They use them to promote their business. Mr. Stair agreed with Mr. Ard regarding being allowed to speak on agenda items as well. Mr. Stair said extending the moratorium on electronic signs should pass to allow time for more discussion.

### **UNFINISHED BUSINESS**

R-09-118

A RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL TEMPORARY SPEED HUMPS FOR ALLOCATION TO EACH WARD IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS; (\$33,000.00 - Street Department Fund); AND FOR OTHER PURPOSES, was called and held by the sponsor, Alderman Baggett.

O-09-47 (ORDINANCE NO. 8184 - ALDERWOMAN ROBINSON)

AN ORDINANCE AMENDING CHAPTER 8 (NUISANCE ABATEMENT AND PROPERTY MAINTENANCE) OF THE NORTH LITTLE ROCK MUNICIPAL CODE AND ORDINANCE NO. 7697 (THE ZONING ORDINANCE) REGARDING INOPERABLE OR WRECKED VEHICLES; AND FOR OTHER PURPOSES, was read three times on July 13, 2009, and a public hearing was held, the legislation was called this date. Alderwoman Robinson said this legislation is not to put anyone out of business. There is a body shop in Ward 2 where the owner has had inoperable vehicles in front of his shop for two years. There are restrictions on residential properties. She didn't think a "nuisance" could be grand-fathered. The ordinance was read a third and final time. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. Alderwoman Ross said Mr. Toliver's body shop is located in Ward

3. Alderman Gaines said Mr. Toliver is the only business in Ward 3 to be affected by this ordinance. Alderwoman Robinson said body shops in Rose City and along East Broadway will also be affected. Alderwoman Ross said Section 12.24 C. allows for a variance to be requested through the Planning Commission. On the previous motion, and the roll having been called, and all members present, having voted in the affirmative, with the exception of Alderman Hight, who voted no, the ordinance was adopted (7/1). (*No emergency clause - effective date will be 90 days after passage*).

O-09-48 *see public comments (page 1)*

### **NEW BUSINESS**

**R-09-120 (RESOLUTION NO. 7503 - MAYOR HAYS)**

**A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2105 MOSS 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 all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (*owner: Eola Melancon*)

**R-09-121 (RESOLUTION NO. 7504 - MAYOR HAYS)**

**A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1012 NORTH I 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 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 unanimously adopted (8/0). (*owner: Walnut Grove Baptist Church Trustee Board*)

**R-09-122 (RESOLUTION NO. 7505 - MAYOR HAYS)**

**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 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

**R-09-123 (RESOLUTION NO. 7506 - MAYOR HAYS)**

**A RESOLUTION EXTENDING THE MORATORIUM ON ISSUANCE OF PERMITS FOR ELECTRONIC CHANGEABLE COPY SIGNS THROUGH SEPTEMBER 30, 2009; AND**

FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and all members having voted in the affirmative, with the exception of Aldermen Gaines, Baggett, and Hight, who voted no, the resolution was adopted (5/3). Alderman Witcher asked if the council could schedule a work session to discuss issues related to the moratorium. Mayor Hays asked Alderman Witcher to work with Mr. Voyles and Ms. Whitbey on scheduling a meeting (and notifying the press). Alderman Witcher said he will email council members and request a list of their concerns.

R-09-124 (RESOLUTION NO. 7507 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTY LOCATED AT 814 MAPLE STREET IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS (\$23,000.00 - Electric Department O&M 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-09-125 (RESOLUTION NO. 7508 - MAYOR HAYS)

A RESOLUTION APPROVING A RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN (RARAP) UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderwoman Ross. Ms. Mary Beth Bowman, Community Development Director advised the city receives public funds from the Department of Housing and Urban Development, which is why the RARAP plan is required. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

O-09-51 (ORDINANCE NO. 8185 - ALDERMAN TAYLOR)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A LIQUOR STORE IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 11100 HIGHWAY 165 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Robinson, 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 (8/0). The ordinance was read a third and final time. On the motion of Alderman Hight and seconded by Alderman Gaines, and 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). (*applicant: David Jones, Marlar Engineering*)

O-09-52 *see page 2.*

O-09-53 (ORDINANCE NO. 8186 - ALDERMAN TAYLOR)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 3113 EAST WASHINGTON AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM

R-4 AND C-4 TO I-1 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Robinson 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 ordinance was read a third and final time. Alderwoman Robinson asked about the I-1 Classification. Mr. Voyles said the building was used as a warehouse, but was not zoned properly. Zoning in the area is light industrial. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and 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). (*applicant: David Jones, Marlar Engineering*)

#### **PUBLIC COMMENTS-----**

Several council members announced **National Night Out** (NNO) events in their wards for *Tuesday, August 4, 2009 and Wednesday, August 5, 2009. (See list below).*

#### **Tuesday Ward 1:**

**Lakewood Neighborhood Group, Lakewood Property Owners Association, Lakewood Methodist Church and the North Little Rock Athletic Club** - NNO event in the parking lot of Lakewood Methodist Church from 6 to 8 p.m.

**Park Hill Neighborhood Association** - NNO event 3427 North Magnolia from 6 p.m. to 7:30 p.m.

**Friends** - NNO event 15<sup>th</sup> and Chandler Streets from 6 p.m. to 10 p.m.

#### **Ward 2:**

**Young Community Advocates of Baring Cross** - NNO event at Vestal Park ballfield from 6:30 p.m. to 8:30 p.m.

**North Little Rock Citizens Police Academy (NLRCOP Alumni)** - NNO event at Police Substation, 201 East Broadway from 6 p.m. to 8 p.m.

**Meadow Park Neighborhood Association** - Bethany Baptist Church at the corner of Eureka Garden Road and Bethany Road from 6 p.m. to 8 p.m.

**Glenview Neighborhood Association** - Glenview Boulevard from 6 p.m. to 9 p.m.

#### **Ward 3:**

**Amboy Neighborhood Association and Amboy Crime Watch** - Amboy Methodist Church on Military Drive from 6:30 p.m. to 8 p.m.

#### **Ward 4:**

**Northeast Lakewood Associated Neighborhoods** - 4533 Purnell Drive from 7 p.m. to 9 p.m.

**Wednesday, August 5, 2009 - Ward 2: Melrose Community Outreach** - Melrose Park 6 p.m. to 10 p.m.

Mayor Hays said the Levy Community had a large event for many years and Alderman Baggett worked hard for his group. The list will be posted on the city website.

Alderwoman Ross asked about a Stimulus update. Mayor Hays said something will be available at the next meeting. Also, there need to be signs posted indicating when people enter our city limits. Mr. Taylor said kids are taking over the streets. He observed a large group (15 - 30) walking in the street and interfering with traffic. A week ago at Atkins and Prothro they had the

street completely blocked. When he went around them they started cussing and beating on his truck. Wednesday they did the same thing to a woman in Prothro. The police are working on it. He has seen kids throw rocks at cars further down the street at Rogers and Prothro. Mr. Ard said Mr. Yeates wants to salute soldiers and the city wants a monument. He suggested the city give \$30,000.00 and Mr. Yeates raise money and place a monument on one of the four corners going into Camp Robinson.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Gaines, and by consent of all members present, the meeting adjourned at 9:24 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, August 10, 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