

December 28, 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, December 28, 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, CHARLIE HIGHT, and MURRY WITCHER (7/0), a quorum was declared. 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, December 14, 2009, were approved, accepted and filed as prepared by the City Clerk (7/0).

Mayor Hays thanked Alderwoman Ross for chairing the last council meeting while he attended a conference on global warming. He was on a committee with the Mayor of New York City, New York and others who discussed the effects of climate change on all communities. He attended the Amboy Neighborhood Christmas party and said he was pleased to see them coming together for the betterment of their neighborhood. Mayor Hays said the city suffered a great loss when Salvation Army Major Phillip Wise was killed on Christmas Eve. Major Wise did a lot for the city and the Baring Cross neighborhood. A \$10,000.00 reward is being offered to locate the killer. Anyone who would like to donate to the reward fund or a fund which has been set up for the family, they can contact the North Little Rock Chamber of Commerce or Centennial Bank for details. Pastor Rod Loy, First Assembly of God Church will host a memorial service tomorrow (December 29, 2009) at 2:00 p.m. Mayor Hays said if anyone knows anything about this crime, they should contact the North Little Rock Police Department. Mayor Hays expressed condolences and commended Major Cindy Wise for her courage and faith during this time. Major Wise is survived by his wife, and three children.

On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, communications #1, was accepted and filed (7/0).

1. Glinda Craigmyle, Mayor's Office - memorandum re: *Restaurant Mixed Drink - New for Casa*

Mexicana Restaurant, 13120 Crystal Hill Road, Suite A, by Gerardo Almazan.

Mayor Hays asked Mr. William C. "Dub" Toombs and his family members to come forward. Mayor Hays recently met Mr. Toombs when a B-17 aircraft was on display at the North Little Rock Airport (October 23, 2009). Mr. Toombs flew in a B-17 during World War II. After Mr. Toombs introduced his family members he said he is 85 years old. He grew up in the Baring Cross neighborhood. In 1944, he was sent overseas where he served with a lot of brave men.

Many did not return from the war. Mayor Hays then read a proclamation to Mr. Toombs and thanked him for his service and many accomplishments.

Mr. Bob Sisson, Finance Director presented a brief review of the proposed 2010 Budget for the City of North Little Rock. Sales tax collections are down over \$2 million. Next years budget is based on revenue from the current year. The proposed budget does not include raises, however step and grade increases are included. All of our revenue sources are flat or down. A federal grant will fund hiring nine police officers. The electric budget includes a five percent residential discount and a three percent commercial discount. A bond issue will be required to purchase new equipment. Mayor Hays then convened a public hearing regarding O-09-87, an ordinance adopting a Budget for the 2010 Fiscal year for the City of North Little Rock. Mr. James Ard spoke regarding the moratorium on Electronic Changeable Copy Signs. Mr. David Haney spoke in support of O-09-93, allowing a Special Use for a photography studio and retail skate shop. Mr. Haney is the applicant. Mr. Robert Fureigh spoke regarding O-09-87 and asked about line item #6602 and #6601. Mr. Sisson said 6602 is rent revenue from the R.V. Park. Item 6601 is a catch all for miscellaneous revenue. An example would be a small one-time-only grant. Mr. Patrick Stair spoke regarding the Electronic Sign Moratorium and encouraged the council to take their time in making a decision. Mayor Hays said an electric rate increase several years ago (due to an increase in natural gas prices) has effected the city for the past three years. Public Safety will continue to be a priority and takes up over 60% of the budget. City Department Heads worked hard to trim their budgets for 2010. Mayor Hays said police and fire budgets increased due to a mandated LOPFI contribution of \$900,000.00. The health and well-being of our employees is important. Sixteen percent of the electric department's customers are in Sherwood. In 2015, a bond issue for the North Little Rock Hydro Electric Plant will be paid off. A new line item was set up for Urban Investment. North Little Rock has been successful in receiving funds through the American Recovery Reinvestment Act. We continue to support our youth and the arts through the Arts Center, Thea Foundation, and Boys and Girls Club. An additional \$100,000.00 is being allocated towards the Maritime Museum for operations and maintenance. The budget is a working document and is subject to change. Alderwoman Robinson asked about the grant for hiring police officers. Mr. Sisson said it is for a period of three years, after which time, the city will have to pick up funding. Police Chief Danny Bradley said 203 officers are authorized. Only 193 have been funded in the past two years. Currently, nine positions have been filled. Mr. Sisson said sales tax collection in August was 15% below collections for the previous year. This budget includes an (electric) substation at Galloway at approximately \$9 million. Alderwoman Ross asked Chief Bradley for clarification on the number of officers. The end result would mean a reduction in (3) funded positions. Mr. Mike Russ, North Little Rock Electric Department General Manager said an "up-front" payment will need to be made to Plum Point on the front-end of their operations which are scheduled for August or September. Alderwoman Ross said ward drainage funds have been reduced by \$25,000.00 (per ward). Sidewalk funding was also mentioned. This year (2009) the program was increased. Mayor Hays then opened public comment. Mr. Scott Miller said the process may be flawed or inconsistent with the way the council handles other matters. Committees have been set up for various reasons to acquire input from the public. Little Rock has had neighborhood meetings regarding their budget. The budget is the most important financial document to come before the council. The voices of people in the communities need to be heard and the council should work with citizens as partners. He encouraged the council to create a budget review committee and

ask for input from the public before the budget is considered for passage. Ms. Lois Williams lives at 1603 Sycamore. She has drainage issues and has called the city on previous occasions. She has called the city and been told there isn't money available to fix the drainage problem. She said she is not eligible for aid because she did not evacuate. Her home floods every time it rains. The last time, she had 18 inches of water in the first level. There being no one else wishing to be heard, the public hearing regarding O-09-87 was adjourned at 8:04 p.m.

O-09-87 (ORDINANCE NO. 8220 - MAYOR HAYS)

AN ORDINANCE ADOPTING A BUDGET FOR THE 2010 FISCAL YEAR FOR THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time December 14, 2009. A public hearing was held this date (see above). The ordinance was read a second time. On the motion of Alderman Hight and seconded by Alderman Witcher, 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 third and final time. Mayor Hays said the North Little Rock City Council provides opportunities for public input prior to unfinished business and at the end of each meeting during general public comment. The majority of the city budget is for personnel and public safety. Discretionary funds are limited. Alderwoman Ross said there are items that will be disbursed at one time. Alderwoman Ross said all department were asked to cut their budgets by 5%. The budget doesn't include raises. However, the budget for the Maritime Museum has a proposed 100% increase. Alderwoman Ross then made a motion to amend the budget to reduce the Maritime Museum allocation to \$100,000.00. The motion died for lack of a second. Alderwoman Ross said the timing on the aid to the City of Sherwood may not be at the right time. The city is borrowing money to balance the budget. The \$470,000.00 will end up costing North Little Rock a total of \$593,000.00. Mayor Hays said the first payment to Sherwood would not be made until July. Alderwoman Ross asked if other utilities are allowed to give money to other municipalities. Mayor Hays said it would be an equitable allocation of money being paid in. Alderwoman Ross made a motion to amend the budget to remove \$470,000.00 allocation to the City of Sherwood. The motion died for lack of a second. On the motion of Alderman Hight and seconded by Alderman Witcher, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderwoman Ross, who vote no, the ordinance was adopted (6/1). Emergency clause adopted (7/0).

UNFINISHED BUSINESS

O-09-83

AN ORDINANCE ACCEPTING THE ANNEXATION OF LANDS COMMONLY DESCRIBED AS LANDS TO BE TITLED THE "DEER MEADOWS ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING DEER MEADOWS ANNEXATION A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time November 23, 2009, was called and held by the sponsor, Alderman Taylor.

NEW BUSINESS

R-09-187 (RESOLUTION NO. 7569 - 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. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Alderwoman Robinson and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (7/0).

R-09-188 (RESOLUTION NO. 7570 - MAYOR HAYS)

A RESOLUTION APPOINTING ALDERMAN DEBI ROSS AS CHAIRMAN OF THE NORTH LITTLE ROCK VETERANS MEMORIAL ADVISORY COMMITTEE; 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 adopted (7/0).

R-09-189 (RESOLUTION NO. 7571 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR THE SALE OF PROPERTY LOCATED AT 3124 PIKE AVENUE; TO ACCEPT THE DONATION OF PROPERTY FOR A SIDEWALK RIGHT-OF-WAY; TO WAIVE THE RIGHT TO REQUIRE REGULATORY DEDICATIONS; 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 resolution was adopted (7/0).

R-09-190 (RESOLUTION NO. 7572 - ALDERMAN TAYLOR)

A RESOLUTION REQUESTING THE TRANSFER OF REAL PROPERTY AND STRUCTURES LOCATED AT 1120 W. SHORT 17TH STREET IN THE CITY OF NORTH LITTLE ROCK FROM THE COMMISSIONER OF STATE LANDS TO THE CITY OF NORTH LITTLE ROCK; 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-09-191 (RESOLUTION NO. 7573 - ALDERWOMAN ROSS)

A RESOLUTION DISCLAIMING THE TRANSFER OF CERTAIN PROPERTY LOCATED ON WEST MILITARY DRIVE; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE DOCUMENTS NECESSARY TO CLARIFY TITLE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Alderwoman Ross advised Mr. Bill Yeates requested this legislation to reassign his property. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-09-192

A RESOLUTION DIRECTING THE NORTH LITTLE ROCK DEPARTMENT OF COMMUNITY PLANNING TO REJECT APPLICATION OF PERMITS FOR ELECTRONIC CHANGEABLE COPY SIGNS THROUGH JANUARY 31, 2010; AND FOR OTHER PURPOSES, was called and held until after O-09-91 was addressed. *Note:* the legislation was recalled following the passage of O-09-91 and withdrawn (see below).

O-09-90 (ORDINANCE NO. 8221 - MAYOR HAYS)

AN ORDINANCE DEFINING "ALTERNATIVE FUEL CONSULTANT" 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 Alderwoman Robinson, 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 Alderwoman Robinson 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 (7/0). The ordinance was read a third and final time. Mayor Hays said \$35,000.00 (from Stimulus Funds) would fund a CNG Study. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0).

O-09-91 (ORDINANCE NO. 8222 - ALDERMEN WITCHER, ROSS, ROBINSON AND TAYLOR)

AN ORDINANCE DECLARING THAT ORDINANCE NO. 8219 (*extending a Moratorium on Electronic Changeable Copy Signs*) SHALL BECOME EFFECTIVE DECEMBER 28, 2009; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. At the request of sponsor, Alderman Witcher, Alderwomen Ross and Robinson and Alderman Taylor were added as cosponsors. Alderman Hight asked Mr. Carter if an ordinance failed, didn't you have to wait a year before it could be refiled. Mr. Carter said that applies to applications for rezoning. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, with the exception of Alderman Baggett, who voted no, the rules were suspended and the ordinance was placed on its second reading (6/1). On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, with the exception of Alderman Baggett, who voted no, the rules were again suspended and the ordinance was placed on its third and final reading (6/1). The ordinance was read a third and final time. Alderman Hight said he would vote for the legislation if it were amended to include a sundown clause to not extend the moratorium past January 31, 2010. The extensions prolong the issue. Alderman Baggett agreed with Alderman Hight. Mayor Hays said he would support this legislation and does not think a rush in judgment is necessary. Aldermen Taylor and Robinson agreed. Alderman Witcher has requested recommendations or criteria regarding this matter and indicated he will file legislation for the January 11, 2010, council meeting. A motion to adopt on the third and final reading was made by Alderman Witcher and seconded by Alderwoman Robinson. Alderman Baggett said businesses in Ward 3 are having a hard time and many are closing. North Little Rock needs to be pro-business and do everything possible to help them succeed. Changeable Copy signs are a good tool for them to advertise. Alderwoman White said two signs were installed during the moratorium. Both have had problems. All areas of the city are facing financial challenges. Poorly managed signs will not attract businesses. Alderman Baggett reminded the council that several business owners have spoken before the council and said their signs have increased their business by as much as 30%. 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, with the exception of Alderman Hight, who voted no, the ordinance was adopted (6/1). (Mayor Hays voted yes, also). On the emergency clause, all

members present voted in the affirmative, with the exception of Alderman Hight, who voted no, the emergency clause was adopted (6/1).

R-09-192 was recalled and withdrawn by the sponsor, Alderman Witcher (see above).

O-09-92 (ORDINANCE NO. 8223 - ALDERMAN TAYLOR)

AN ORDINANCE VACATING AND ABANDONING PORTIONS OF A STREET RIGHT-OF-WAY ALONG VALENTINE ROAD ADJACENT TO MAVERICK TRUCKING PROPERTY IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mr. Shawn Spencer, Planning Department advised Maverick Trucking Company requested moving the right-of-way to the other side of the road. 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 (7/0). On the motion of Alderwoman Robinson and seconded by Alderman Taylor, 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 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-09-93 (ORDINANCE NO. 8224 - ALDERMAN TAYLOR)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A PHOTOGRAPHY STUDIO AND RETAIL SKATE SHOP IN AN I-3 ZONE FOR PROPERTY LOCATED AT 805 WEST 4TH STREET 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 (7/0). On the motion of Alderwoman Robinson and seconded by Alderman Taylor, 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. Alderwoman Ross asked Mr. Haney if he understood the conditions regarding outside storage. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and 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: Daniel Haney*)

O-09-94 (ORDINANCE NO. 8225 - ALDERMAN TAYLOR)

AN ORDINANCE ALLOWING A SPECIAL USE FOR THREE (3) RESIDENTIAL UNITS WITH ONE BEING A HOME/OFFICE COMBINATION IN AN R-2 ZONE FOR PROPERTY LOCATED AT 300 WEST 4TH STREET 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 (7/0). The ordinance was read a second time. Alderwoman Robinson asked if the applicant agreed to the conditions in Section 2: a - r. Mrs. McQuaid said she did. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, 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 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: Mrs. Pamela McQuaid*)

PUBLIC COMMENTS-----

Mayor Hays said the city experienced record rainfall last week causing flooding in Dixie, Dark Hollow, along North Hills Boulevard, in Crystal Hill, and other areas. Over 8 inches of rain fell in a short period of time, breaking the previous record high which was set in the 1800's. Mayor Hays said Patrick Lane, Street Department Director said there was nothing that could have been done to change the outcome of this event. Equipment did not malfunction. There was just too much water. Parts of Interstate 67/167 between North Little Rock and Jacksonville were underwater and closed. A flood in 1990 was due in part to malfunction in some of the flood gates along the river. The amount of rain this year has left the ground saturated. Mayor Hays and Mr. Rick Ezell, Emergency Services Director are looking into what relief is available through the State and/or Federal Government due to the flood damage. Several businesses along 13th Street were still trying to get rid of water earlier today. Alderwoman Ross said her street was flooded and barricaded. Longtime residents couldn't recall the lake ever flooding their street. Lower areas of Park Hill and Lakewood also flooded. It is important to keep trash and debris out of ditches and drains. Mayor Hays said the city will be proactive with regard to leaves being placed in the street. Alderman Baggett said there are a lot of pot holes in Ward 3 and encouraged residents to call him or the city to report the locations. Alderwoman Robinson asked if Stimulus Funds might be available to provide assistance in the Dixie Community. Alderwoman Ross reminded residents that it is illegal to discharge a firearm in the city limits. Fireworks are also illegal. Chief Bradley said there are still a few of the North Little Rock Police Department History Books available. D. J. Smith did the research on the project and interviewed retired officers. Alderman Baggett introduced his granddaughter Bailey Ann Garrison who was present. Her father is here from Alabama while he is attending flight school before being deployed. Mr. Bill Yeates thanked the council for returning his property so he can proceed with his project. He has submitted his name for consideration to be appointed Alderman in Ward 3. If he is appointed, he will donate his salary to the memorial at 5501 MacArthur Drive. Mr. Ard acknowledged Major Cindy Wise for her strength and faith. He also commended the Electric Department and Ron Osborne for their work while a substation was down recently. Mr. Ard said he's been attending council meetings for 11 years. He questioned being able to pass legislation and then bring back legislation to change it. Mrs. Williams spoke again about the drainage problem on Sycamore and asked the council to fix it.

There being no further business to come before the Council, and on the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the meeting was adjourned at 9:10 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, January 11, 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