

March 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, March 22, 2010, was called to order at 7:00 p.m. by the honorable acting Mayor MURRY WITCHER. The roll having been called, and the following Aldermen answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, SAM BAGGETT, JIMMY PHILLIPS, 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 Taylor who also asked for a moment of silence in memory of the four North Little Rock High School Seniors who died over the weekend, followed by the pledge of allegiance to the flag which was led by Alderwoman Robinson.

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, March 8, 2010, were approved, accepted and filed as prepared by the City Clerk (8/0).

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

4. Mayor Patrick Henry Hays letter to City Clerk Diane Whitbey and City Council members re: out of the country March 22 - 26, 2010, attending the UN_HABITAT 5 World Urban Forum. Alderman Witcher will preside over the City Council.

On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, communications #1, 2, 3, 5, and 6, were accepted and filed (8/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Private Club & Retail Beer On Premises - Change of Manager from Ronald Cross* for Levy Memorial VFW Post 11474, 4400 Lynn Lane, by Tommy Lawson.
2. Invitation from North Little Rock Friends of Animals to City Council members re: open house, April 24, 2010, from 2:00 p.m. until 4:00 p.m. to view new addition to Spay or Neuter Clinic.
3. Glinda Craigmyle, Mayor's Office memorandum re: *application for Small Farm Winery - Retail - NEW* for E-Z Mart #356, 3600 MacArthur Drive, by Hiram Richard King, Sr.
5. Robert Fureigh via email request to remove R-10-43 from council agenda.
6. Alderman Murry Witcher, via fax, Indian Hills Community Club 2009 Financial Report.

Acting Mayor Witcher invited Waste Water Director Gary Mills to come forward. Mr. Mills advised UALR has requested a Town Hall meeting for March 29, 2010, at Laman Library at 7:00 p.m. to discuss consideration of merging North Little Rock Waste Water Utility and Sherwood Waste Water Utility.

Acting Mayor Witcher asked Alderwoman Robinson to join him at the podium and invited Mr. Milton Graham and Mr. James Springer with the Arkansas Department of Human Services to come forward. He then read a proclamation proclaiming the month of April as Child Abuse Prevention Month. The number to report child abuse or neglect is 1-800-482-5964.

Acting Mayor Witcher invited Mr. Larry Crane to come forward. Mr. Crane is a candidate for Pulaski County Circuit/County Clerk. He is an attorney and currently works for the State of Arkansas. Mr. Crane reviewed his qualifications and his connections to North Little Rock. He was a founding member of the Little Rock Boathouse Club which is housed in North Little Rock.

Acting Mayor Witcher announced citizen public comment on numbered agenda items. Mr. Stuart Vess, Attorney at Law, Mr. Les Saville and Mr. Chidi Ukegbu spoke regarding O-10-10, 1222 East Broadway. Mr. Vess represents Mr. Saville. Mr. Vess travels past Mr. Ukegbu's business daily. His client has spent \$12,000.00 on improvements. The property has been a used car lot for 30 years. East Broadway is still under construction. He asked the council not to jeopardize his client's income. Mr. Saville owns the property and visits it weekly. He spoke well of his client Mr. Ukegbu and his business. Mr. Ukegbu apologized if the council had been misled. Scales Auto Sales was going to close when he opened at his current location next door. He has a lease on the property next to 1222 East Broadway (1220 East Broadway). Ms. Dorothy Ukegbu spoke on behalf of her son. He has invested a lot of money to bring the property up to code. Mr. Ukegbu said the Scales Auto Sales property was in bad shape, but he has been working on it. Alderwoman Robinson said the intent is not to put Mr. Ukegbu out of business. When he appeared before the council in 2009, he said he would move his business to 1222 and close the other lot. As recently as last week, Alderwoman Robinson observed inoperable vehicles on the property. He should have told the council he had a contract that would not be up until August, 2010. Mr. Saville said Mr. Ukegbu didn't know he would not be able to get out of the contract next door. Alderman Taylor said the lot is a mess. The pictures presented tonight were taken March 17, 2010. He took pictures of a car with flat tires and a truck with the hood up yesterday. Mr. Ukegbu said the tires that are flat are on after-market chrome wheels. Alderwoman Ross said she thought Mr. Ukegbu owned the lot when he was here in September. She said there are inoperable vehicles on the lot next door. Mr. Robert Voyles, Planning Director said all of Broadway is zoned C-4. Cars are not worked on at this location. Alderman Taylor said the lot is in violation of State law because it does not have a sign. Mr. Ukegbu thought the existing sign was going to be grand-fathered in. Alderman Hight asked if the lot had been inspected by the Planning Department. Mr. Tom Wadley, Code Enforcement Director said no citations have been issued. Inoperable vehicles would be a violation. Citations have been issued at his other locations. Alderwoman Robinson and Alderman Taylor are working to clean up these lots. Mr. Ukegbu has another business where he works on vehicles with a capacity of 400 - 500 vehicles. Without objection, the legislation was then called.

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, was read a second time March 8, 2010, was read a third and final time. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. Mr. Carter advised the council to consider possible (legal) actions regarding revoking the license. The roll having been called, and the following members having voted yes: Taylor and Robinson; and the following members having voted no: Ross, White, Baggett, Phillips, Hight and Witcher, the previous motion to adopt failed (2/6). (*applicant was: Les Saville*)

Mr. Stephen Giles, Attorney at Law represents the Arkansas Human Development Corporation regarding O-10-19, allowing a day care (Early Head Start Center) at 8000 Industry Drive. This project will bring a lot of revenue into the city (jobs, etc.). The only objection he was aware of was that a day care might affect sales of existing lots. Ms. Kim Qualls is the area Director for the Early Head Start Program with the Arkansas Human Development Corporation. She had photos of the site and their current facility in Hot Springs. She also had 200 signatures in support of this request. The only indication that the facility is a day care would be the logo and a small playground in the back. Alderwoman Ross looked at the list of allowed uses in an I-2 zone, which ranged from a library to a dairy. Ms. Qualls said there will be security cameras at the location. Mr. James Felton is a professional Geologist. His findings were no adverse environmental conditions at the facility or on the property. Mr. Rico Harris is the architect on the project. This is the most professional and classy day care he has been involved with. Without objection, the legislation was called.

O-10-19 (ORDINANCE NO. 8241 - ALDERMEN TAYLOR AND ROBINSON)
AN ORDINANCE ALLOWING A SPECIAL USE FOR A DAY CARE CENTER IN AN I-2
ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 8000 INDUSTRY DRIVE 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 Alderman Taylor 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 (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). (*applicant: Rico Harris*)

Mr. Robert Fureigh spoke regarding R-10-43. He sent an email to each of the council members regarding his opposition to this legislation. Mr. Fureigh is the founder of the Indian Hills Neighborhood Association and a former board member of the Indian Hills Community Club. The club swimming pool needs help from the city. Other subdivisions in the city receive funds from other avenues. Indian Hills does not have a property owners association which is part of the problem. A property owners association would provide a permanent funding source. Drainage funds should be used for drainage and sidewalks. Last year, a one-time allocation of \$25,000.00 was made for the pool. Ms. Karla Wilson is president of the Indian Hills Community Club. The pool is in great shape because of assistance from the city. The group is looking at possible revenue sources including a neighborhood association or urban district. Without objection, the legislation was called.

R-10-43 (RESOLUTION NO. 7613 - ALDERMAN WITCHER)

A RESOLUTION APPROPRIATING \$25,000.00 FROM WARD 4 DRAINAGE FUNDS FOR MAINTENANCE OF AND PUBLIC PROGRAMS AT THE INDIAN HILLS COMMUNITY CLUB POOL; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Hight. A substituted copy of the resolution was provided this date removing Alderman Hight as a cosponsor. Alderwoman Ross said the other three wards in the city have community centers. Ward 4 does not. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

Mr. James Ard spoke regarding O-10-17. He thanked the council for providing a reduced electric rate. Mr. Ard also spoke regarding O-10-22. A hot dog stand on Main Street is a nice thing to have.

UNFINISHED BUSINESS

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, is being held until Monday, April 26, 2010. A public hearing was held on, February 22, 2010. (*owner: Velvet Ridge Ltd. Partnership*)

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. Acting Mayor Witcher asked Mr. Carter to refile the legislation for the next council meeting. Ward 3 council members still need to meet with Mr. Carter to discuss districts in their area.

Acting Mayor Witcher said a special council meeting will be held on Monday, March 29, 2010, regarding an electric issue. Alderwoman Ross asked if the meeting could be at 6:00 p.m. so council members can attend the Town Hall meeting scheduled for Monday, March 29, 2010, at 7:00 p.m.

O-10-10 (*see above*).

NEW BUSINESS

R-10-42 (RESOLUTION NO. 7614 - MAYOR HAYS)

A RESOLUTION TO APPROVE THE CITY OF NORTH LITTLE ROCK'S SECTION 3 PLAN REQUIRED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN REGARD TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AND FOR OTHER

PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Acting Mayor Witcher convened a public hearing. Ms. Mary Beth Bowman, Community Development Director advised this plan covers all to the requirements of the Department of Housing and Urban Development. 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-10-43 (*see above*).

O-10-17 (ORDINANCE NO. 8242 - MAYOR HAYS)

AN ORDINANCE ESTABLISHING NEW ELECTRIC RATES FOR CUSTOMERS OF THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Phillips, 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 Taylor, 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 Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows: *substitute copies of legislation and exhibits provided this day - to reflect that new rates will be effective with bills rendered on and after 4-1-10* (8/0). Acting Mayor Witcher briefly reviewed the provisions of the ordinance. Alderwoman Ross thanked Mr. Jake Sandlin, Democrat - Gazette reporter for catching the rate reduction dates. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

O-10-18 (ORDINANCE NO. 8243 - ALDERMEN TAYLOR AND ROBINSON)

AN ORDINANCE ACCEPTING THE DEDICATION OF FAULKNER CROSSING, PHASE TWO, IN THE CITY OF NORTH LITTLE ROCK AND RELATED DRAINAGE FACILITIES; DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (8/0). 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 (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).

O-10-19 (*see above*)

O-10-20 (ORDINANCE NO. 8244 - ALDERMAN TAYLOR)

AN ORDINANCE ALLOWING A SPECIAL USE FOR SALES, REPAIR AND INVENTORY OF PRESSURE WASHERS AND ACCESSORIES IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5000 E. BROADWAY IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A

motion to suspend all of the readings was made by Alderman Taylor and seconded by Alderwoman Ross. A motion to amend as follows was made by Alderwoman Ross and seconded by Alderwoman White:: *new item (g) NO OUTSIDE STORAGE OR REPAIRS*. The applicant, Mr. Tim Hartwick has been in business in North Little Rock for 30 years. He said some maintenance (or repairs) will be necessary outside. These pressure washers are gasoline operated and on trailers. Alderwoman Ross withdrew her previous motion to amend and submitted a new amendment:: *new item (g) NO OUTSIDE STORAGE*. Alderwoman Robinson said she doesn't have a problem with the equipment being stored outside. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the ordinance was then amended as follows:: *new Section 2 (g): NO OUTSIDE STORAGE OUTSIDE THE FENCED AREA (8/0)*. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, all readings were suspended on the ordinance as amended (8/0). On the motion of Alderman Taylor and seconded by Alderwoman Ross, 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). (*applicant: Tim Hartwick*)

O-10-21 (ORDINANCE NO. 8245 - ALDERMAN TAYLOR)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 611 ORANGE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R-3 TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW TWO ZERO LOT LINE HOMES, BY AMENDING ORDINANCE NO. 7697; 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 Alderman Taylor 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 (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). (*applicant: Lawrence Finn*)

O-10-22 (ORDINANCE NO. 8246 - ALDERMEN TAYLOR, ROBINSON, AND WHITE)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A HOT DOG STAND IN A C-6 ZONE ON CERTAIN REAL PROPERTY LOCATED AT 304 MAIN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, all readings were suspended (and the question was called) (8/0). The applicant, Mr. William Harris will also have fresh fruit on the cart. He will sell Nathan's hotdogs and invited the council members, the Mayor's staff and City Clerk's staff to come to the stand. His coney sauce (which originated in Michigan in 1913) will be unique. He may be open this week. On the same motion, 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: William Harris*)

O-10-23 (ORDINANCE NO. 8247 - ALDERMEN BAGGETT AND PHILLIPS)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 7000 COUNTS

MASSIE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-3 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. At the request of the sponsor, Alderman Baggett, Alderman Phillips was added as a cosponsor. On the motion of Alderman Baggett and seconded by Alderman Phillips, 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 Baggett and seconded by Alderman Phillips, 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. Mr. Voyles, advised a strip center will be going in at this location. 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: Eric Holloway*)

PUBLIC COMMENTS-----

Alderman Phillips thanked the North Little Rock Chamber of Commerce for the Smoke on the Water BBQ Cookoff held at the river. It brought a lot of people into the city. Acting Mayor Witcher announced the North Little Rock Woman's Club Annual Carousel Ball, Saturday, April 10, 2010, at the Patrick Henry Hays Senior Citizens Center. The North Little Rock Lion's Club Annual Fish and Chicken Dinner will be Friday, April 16, 2010, at the Burns Park Hospitality House. Ms. Whitbey has tickets for sale. The Census count is currently underway and everyone should have or will receive a form. It needs to be completed and returned as the Census count effects funding in our communities. Mr. James Ard attended Smoke on the River. He wanted to know if everyone can swim in the Indian Hills Pool and suggested using drainage funds at the Redwood Tunnel and Dixie Addition. Mr. Ard also thanked Alderwoman Ross for a sidewalk. Mr. Ard said there are campaign signs out and some are in the wrong place. Alderwoman Robinson said the police department is putting cameras in all patrol cars and asked all council members to support this. Mr. Fureigh asked how he could get a copy of the Indian Hills Community Club Financial Report. Ms. Whitbey gave him a copy of the report which was filed as communication #6. Mr. Fureigh asked if there was any recourse if the pool contractor breeches the contract. Mr. Fureigh lives on Pontiac Drive which has a lot of traffic. He said runners and walkers have to share the street with cars. He asked about sidewalks in the area. Acting Mayor Witcher said the area is under consideration.

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 9:07 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, April 12, 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