

March 8, 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 8, 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, MAURICE TAYLOR, LINDA ROBINSON, SAM BAGGETT, CHARLIE HIGHT, and MURRY WITCHER (7/0), a quorum was declared. Alderman JIMMY PHILLIPS was absent due to illness. City Clerk Diane Whitbey and City Attorney, C. Jason Carter 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 Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, February 22, 2010, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Alderwoman Robinson and seconded by Alderwoman White, and by consent of all members present, communication #1 was read, accepted and filed (7/0).

1. Alderman Taylor, email from Mrs. Wanda Dillard and Louis Dillard re: car lot at 1222 E. Broadway.

On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, communication #2 was read by title only, accepted and filed (7/0).

2. Mayor Hays letter to Pastor Ray Floyd, Walnut Grove Ministries Church, 1000 "T" Street, re: appreciation for SBA Disaster Assistance Center for residents effected by severe storms and flooding December 23-24, 2009.

Mayor Hays reminded everyone one that April 1, 2010, is Census Day and the importance of being counted. Mayor Hays invited Mrs. Margaret Powell, Community Relations Director to come forward and provide an update on the 2010 Census. Mrs. Powell said the U. S. Census Office in Little Rock has been complimentary of North Little Rock's Complete Count Committee which is made up of a diverse group of residents. Last week was Census Awareness Week. Mrs. Powell encouraged everyone who resides in North Little Rock to complete a pledge form and turn it in to be entered into a drawing for a Flat Screen TV. The Census is currently hiring people to work part-time on this project. Anyone interested can call 1-866-861-2010.

Mayor Hays announced a Special Call scheduled for March 8, 2010, at 7:05 p.m.

March 5, 2010 (via email)

Subject: Special Call Meeting for 7:05 p.m. on March 8, 2010

Honorable Members of the North Little Rock City Council:

The purpose of this e-mail 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 March 8, 2010, 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 ON THE WEST SIDE OF HIGHWAY 391, SOUTH OF HIGHWAY 70, IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES.

Sponsors: Mayor Patrick Henry 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 Saturday, March 6, 2010, by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

Respectfully submitted,
C. Jason Carter
City Attorney

Special Call #1 (RESOLUTION NO. 7603 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN PROPERTY LOCATED ON THE WEST SIDE OF HIGHWAY 391, SOUTH OF HIGHWAY 70, IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS (\$150,000.00 - Electric O&M Fund); AND FOR OTHER PURPOSES, was read. Mr. Bob Reynolds, North Little Rock Electric Department was present to answer questions about this acquisition (to construct an Electric Substation to provide service to the eastern side of the city). On the motion of Alderwoman Ross and seconded by Alderman Baggett, and by consent of all members present, the resolution was adopted (7/0). Mayor Hays briefly discussed upcoming Electric bills which may be prorated to reflect a reduction in rates.

Mayor Hays announced citizen public comment on numbered agenda items. Mr. Jeff Baskin (Laman Library Director), Chairman Arkansas Arts Foundation spoke in support of R-10-38 which is a matching grant request. Mr. Baskin said art includes music, theater, literary and visual art. Mr. Baskin invited everyone to the first

Smithsonian exhibit held in North Little Rock which is on display at the William F. Laman Library from 11:00 a.m. until 7:00 p.m. daily. It is a photographic exhibit of the Grand Canyon. Mr. Brad Williams (Argenta CDC) is Vice Chairman of the Arkansas Arts Foundation. He agreed with Mr. Baskin's comments. Arts are being used to revitalize neighborhoods focused on historic

preservation and more. Mr. Williams said our art cluster includes the Thea Foundation, Downtown Art Walk, Community Theater, and several Art Studios. Mr. John Gaudin, President of the Argenta Downtown Council Board and a member of the Arkansas Arts Foundation Board also spoke in favor of the resolution. This is an opportunity to support art clusters in North Little Rock. Mr. Don Chambers, General Manager Argenta Downtown Council spoke in support of R-10-37. Mr. Chambers said he has received a lot of correspondence regarding the downtown streetscape and how nice it looks. The large planters and hanging baskets add a lot to the appearance of the downtown area. Mr. Gaudin also spoke in support of R-10-37. Mrs. Donna Hardcastle is the Executive Director of the Argenta Downtown Council which has been nominated to receive the State Department of Tourism's Bootstrap Award. Mr. Gaudin reviewed some of the activities going on downtown. Mr. Pete Laven, Arkansas Travelers Baseball Team spoke in support of R-10-37. The efforts to improve the downtown and business area of the city have been great and the Downtown Council has worked very hard. Mr. Laven also announced opening day at Dickey-Stephens Park will be April 15, 2010. Mr. Scott Miller owns the Baker House on Main Street and is a member of the Board of the Argenta Downtown Council. North Little Rock does a wonderful job partnering with different groups around the city. He urged the council to support this legislation and encouraged other areas to partner with the city. Mr. Michael Marion, General Manager Verizon Arena spoke in support of the downtown council and their efforts. He thanked the city, Mayor Hays and the City Council for their past support. A part of their marketing strategy includes the whole city, not just the arena location.

Mayor Hays said candidates for public office are welcome to speak during the council meeting. Mr. Steve Walden is a candidate for Pulaski County Circuit Clerk. He has lived in North Little Rock since 1976. He asked for support and advised his website is waldenforarkansas.com.

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 by sponsor, Alderman Witcher. Mr. Carter advised three of the wards have meet. Thus far, there is discussion about creating four Electronic Changeable Copy Sign Districts. The next meeting will be scheduled after the March 22, 2010, City Council meeting.

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 this date and held by sponsor, Alderman Taylor. (*applicant was: Les Saville*)

NEW BUSINESS

R-10-33 (RESOLUTION NO. 7604 - MAYOR HAYS)

A RESOLUTION APPOINTING DENISE HANSON TO THE POSITION PREVIOUSLY HELD BY MARY JO HETHERWICK O THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; 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 adopted (7/0). Mayor Hays recognized Mrs. Hanson and her husband who were present and thanked her for her service to the city.

R-10-34 (RESOLUTION NO. 7605 - MAYOR HAYS)

A RESOLUTION APPOINTING DR. MICHAEL D. GROUNDS TO THE POSITION PREVIOUSLY HELD BY KEN HAMMONDS ON THE LAKEWOOD RECREATIONAL IMPROVEMENT DISTRICT NO. 4; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present the resolution was adopted (7/0).

R-10-35 (RESOLUTION NO. 7606 - MAYOR HAYS)

A RESOLUTION AMENDING RESOLUTION NO. 7571 WHICH AUTHORIZED THE SALE OF PROPERTY LOCATED AT 3124 PIKE AVENUE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. Mr. Carter advised this legislation is to substitute the name of the buyer and reference to regulatory dedications. On the previous motion and all members present having voted in the affirmative, the resolution was adopted (7/0).

R-10-36 (RESOLUTION NO. 7607 - MAYOR HAYS)

A RESOLUTION AMENDING RESOLUTION NO. 7590 TO CORRECT THE LEGAL DESCRIPTION OF PROPERTY LOCATED AT 2301 EAST BROADWAY; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Mr. Carter advised this legislation corrects the legal description contained in Resolution No. 7590. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

R-10-37 (RESOLUTION NO. 7608 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ENHANCED SERVICE AGREEMENT WITH THE ARGENTA DOWNTOWN COUNCIL; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Witcher. Mayor Hays shared concerns regarding reduced sales tax collections. On the motion of Alderman Witcher and seconded by Alderman Hight, the legislation was amended as follows:: *Section 1: strike through ~~from the General Fund.~~, and insert AS*

FOLLOWS: *subsection (A) \$25,000.00 FROM THE MAYOR'S ADMINISTRATION BUDGET (to be determined by the Finance Director), AND subsection (B) \$50,000.00 FROM THE GENERAL FUND (7/0).* A motion to adopt as amended was made by Alderman Witcher and seconded by Alderman Taylor. Alderwoman Ross asked if the agreement/map needed to be attached. Mayor Hays recommended the following amendment to the Enhanced Community Services Agreement as follows: *Item 2. Term. strike through the second sentence and substitute THAT THIS AGREEMENT SHALL BE RENEWED UPON THE 2011 BUDGET OF THE CITY BEING ADOPTED PROVIDING FUNDING HEREOF.* Ms. Whitbey advised the exhibits were not attached to the legislation when the electronic agenda was sent out. Mr. Carter advised he has standard language used in contracts such as this. Alderman Witcher withdrew his previous motion to adopt as amended and Alderman Hight withdrew his second. Alderwoman Robinson made a motion to amend as stated above, which was seconded by Alderman Hight. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present the legislation was amended as follows: *NEW Section 2: THE CITY ATTORNEY SHALL AMEND THIS AGREEMENT TO PROVIDE SUCH LANGUAGE AS IS REASONABLY NECESSARY TO AVOID LIABILITY BASED UPON CONTINUATION OF THE CONTRACT WITHOUT PROPERLY APPROPRIATED FUNDS; and, renumber old Section 2: to NEW SECTION 3: (7/0).* A motion to adopt as amended was made by Alderman Witcher and seconded by Alderman Taylor. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was amended as follows: *attach Exhibit A (including map) (7/0).* On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted as amended (7/0).

R-10-38 (RESOLUTION NO. 7609 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN APPLICATION FOR GRANT FUNDING FROM THE NATIONAL ENDOWMENT FOR THE ARTS; APPROPRIATING MATCHING FUNDS (not to exceed \$250,000.00 - General Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Mayor Hays said 50% matching funds could be misleading. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the resolution was amended as follows: *Section 2: strike through 50% and replace with ONE FOR ONE, and strike through General Fund and insert DESIGNATED TO BE APPROVED UPON AWARDING OF SAID GRANT AS FOLLOWS: (1) \$200,000.00 FROM THE URBAN INVESTMENT CAPITAL FUND; and, (2) UP TO \$50,000.00 FROM THE ARTS AND CULTURAL EDUCATION FUND (7/0).* A motion to amend to cap the request to \$200,000.00 was made by Alderwoman White. The motion died for lack of a second. A motion to adopt as amended was made by Alderman Taylor and seconded by Alderman Witcher. Alderman Baggett said he gets a lot of questions regarding expenditures downtown. Mr. Gaudin said money spent downtown brings more people into the city who shop which provides money in taxes for the city as a whole. Alderwoman Robinson said there are children at risk throughout the city. Research has shown that youth involved in the arts are less likely to be involved with illicit activities. Downtown belongs to everyone. On the previous motion, and by consent of all members present, the resolution was adopted as amended (7/0).

R-10-39 (RESOLUTION NO. 7610 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTY LOCATED IN THE 100 BLOCK OF SOUTH CEDAR STREET IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS (\$78,100.00

- 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. Mayor Hays reviewed prior discussions regarding the Clinton Presidential Library, the Junction Bridge, and development on the northern end of the bridge. A concern included a structure being built on property in the area and blocking the view. An offer is pending on another parcel in the area. Mayor Hays then proposed the following amendment:: *add to Section 3: THAT IT IS THE INTENT OF THE COUNCIL THAT THIS EXPENDITURE BE A PORTION OF FUNDS TO BE BORROWED IN THE AMOUNT OF \$750,000.00, TO SUPPORT THE RECONSTRUCTION OF THE ROCK ISLAND BRIDGE INCLUDING THE NORTH LANDING TO CONNECT THE SAME TO RIVERFRONT DRIVE IN NORTH LITTLE ROCK.* Alderman Hight made a motion to amend as previously stated which was seconded by Alderman Taylor. Mayor Hays would recommend to the foundation that the city would contribute a total of \$750,000.00, and that the amount would be reduced by the cost of acquisition of the property. Alderwoman Ross asked for clarification regarding the amendment of \$750,000.00. Alderman Baggett said he didn't have a problem with purchasing property because it is an investment and can be sold for a profit. The city council has authorized borrowing up to \$7 million to be used for various items including \$2 million for Parks and Recreation. After discussion, Mayor Hays withdrew his proposed amendment and asked Mr. Carter to provide language for an amendment as follows:: *insert new SECTION 4: THE CITY COUNCIL INTENDS TO REIMBURSE THE FUNDS EXPENDED IN THIS RESOLUTION FROM A LARGER FINANCING MECHANISM TO BE ESTABLISHED IN THE NEAR FUTURE AS PREVIOUSLY EXPRESSED BY THE CITY COUNCIL., and new SECTION 5: THE EXPENDITURES IDENTIFIED WITHIN THIS RESOLUTION ARE CONSIDERED A PORTION OF THE CITY'S TACIT AGREEMENT TO SUPPORT DEVELOPMENT OF THE ROCK ISLAND BRIDGE IN THE AMOUNT OF \$750,000.00, and existing Section 4 will be renumbered to SECTION 6.* On the motion of Alderman Hight and seconded by Alderwoman Ross, and all members present having voted in the affirmative, with the exception of Alderwoman Ross and Alderman Baggett who voted no, the resolution was amended as stated by Mr. Carter (5/2). On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, with the exception of Alderwoman Ross who vote no, the resolution was adopted as amended (6/1).

R-10-40 (RESOLUTION NO. 7611 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH FINNEGAN & COMPANY, INC. FOR GRANT WRITING AND FUNDING SERVICES ON BEHALF OF THE CITY OF NORTH LITTLE ROCK;

APPROPRIATING FUNDS (\$30,000.00 - General Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Mr. Bob Sisson, Finance Director said this agreement is contingent on Finnegan & Company, Inc., acquiring at least \$30,000.00 in grants for the city. Alderwoman Ross said she had concerns regarding to some of the grants requested through Finnegan and asked the amount

of grants awarded based on their efforts. Mayor Hays said one of the grants acquired through Finnegan was in the amount of \$550,000.00 for the Electric Department. Alderwoman Ross asked if the city had to use Finnegan or if someone else could write grants for the city. Alderman Witcher said some grant funding is slower to come through than in years past. Mr. Finnegan mentioned some of the grants his company has applied for on behalf of the city. Alderman Witcher said the Arkansas Municipal League provides grant writing support services. Mr. Sisson said some department heads write their own grants. Alderman Taylor referenced an issue involving a grant presentation. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-10-41 (RESOLUTION NO. 7612 - MAYOR HAYS)

A RESOLUTION APPROPRIATING \$33,377.44 FROM ACT 833 FUNDS FOR THE PURCHASE OF MISCELLANEOUS EQUIPMENT AND MATERIALS FOR CONSTRUCTION OF A TRAINING BURN BUILDING FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was adopted (7/0).

O-10-16 (ORDINANCE NO. 8240 - ALDERWOMAN ROSS)

AN ORDINANCE AMENDING ORDINANCE NO. 8237 TO CLARIFY THE ANNUAL SERVICE CHARGE TO BE ASSESSED TO EACH HOUSEHOLD IN THE HERITAGE PARK CIRCLE URBAN SERVICE DISTRICT NO. 1 OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman 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 Ross and seconded by Alderman Robinson, 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 said the purpose of this ordinance was to clarify the annual fee per household in the amount of \$250.00. On the motion of Alderwoman Ross and seconded by Alderman Taylor, 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).

PUBLIC COMMENTS-----

Mayor Hays acknowledged five (5) young people attending the meeting. Miss Rachel Hood said they are students from UALR's Public Affairs Class and attending council meetings is part of their journalism requirement. Mr. Miller is a member of the North Little Rock School Board. He invited everyone to attend a meeting next Tuesday at 5:00 p.m. at which time they will be reviewing their Master Plan. The meeting will be held at the School District Office on Poplar Street. Mr. Miller also said the Girls Basketball Team will be in a playoff game at the Summit Arena in Hot Springs this Friday. Mr. James Ard said Mrs. Anita Rouse, City Courier's husband died unexpectedly over the weekend. Ron Rouse was a city employee in the Street Department. Mr. Ard thanked Mayor Hays for his donation to My Friends Place for the Soldiers monument. He has been through the Library exhibit and said everyone should go see it. Mr. Ard asked why code isn't doing anything about campaign signs that are already out. He also said there is some

graffiti that needs to be removed. Mr. Ard said Census jobs will pay between \$12.75 and \$16.00 per hour. Ms. Belinda Dougan lives in Ward 3 on Arthur Drive. She has ongoing drainage problems. A lot at the end of the street (Arthur Drive and Rock Street) is overgrown and the ditch needs to be cleaned out. There is standing water year round. Mayor Hays said he did look at the issue last fall. Alderman Baggett said the ditch runs through private property. Water that runs off into the street is green and slimy. Ms. Dougan said the stench during the summer is awful. Mr. Steve Baxter participated in the Little Rock Marathon Sunday. He thanked everyone in the city who had anything to do with the event. He ran 13.1 in an 1 hour and 56 minutes.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Baggett, and by consent of all members present, the meeting was adjourned at 9:30 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, March 22, 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