

April 12, 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, April 12, 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, 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 Baggett, followed by the pledge of allegiance to the flag which was led by Alderman Phillips.

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, March 22, 2010, and a Special Call meeting held on Monday, March 29, 2010, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, communications #1, 3, 4, 5, 6, and 7 were accepted and filed (8/0).

1. Mayor Hays letter to City Council members re: The Villas at Country Club Phase II, The Villas at North Little Rock Phase II, and the Peaks at North Little Rock Phases I and II (see attached letters).
3. Mayor Hays letter to City Council re: Placid Hills Senior Living Apartments (see attached letter).
4. Renee Robison, Group Travel Manager, Arkansas Department of Parks & Tourism letter to Karen Trevino, North Little Rock Visitors Bureau re: hospitality of staff at the Arkansas Inland Maritime Museum.
5. C. Jason Carter, City Attorney letter to Mayor Hays and City Council re: complaint from ACLU of Arkansas pertaining to sectarian references.
6. Glinda Craigmyle, Mayor's Office memorandum re: *application for Restaurant Mixed Drink - NEW* for Jose's Mexican Grill, 11100 Highway 165, by Norman Gallegos.
7. Bob Sisson, Finance Director memorandum to City Council members, City Clerk Whitbey and City Attorney Carter re: breakdown of expenditures contemplated by Bond Issues.

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

2. Rodney Larsen, Executive Director Central Arkansas Planning & Development District, Inc., letter to Mayor Hays re: approval of grant application for General Improvement Funds for \$30,000.00.

Mayor Hays referenced communication #5 pertaining to an objection to prayer during the council

meeting. Mr. Carter reviewed the content of his letter to city council members and his recommendation.

Mayor Hays invited Mr. Rick Ezell, Director of Emergency Services to come forward. He then read a proclamation regarding National Public Safety Telecommunications Week and presented it to Mr. Ezell and Ms. Terri Todd, 2009 Public Safety Employee of the Year.

Mayor Hays invited Mr. Bob Rhoads, Parks and Recreation Director and Mr. Bert Turner to come forward. He then acknowledged Mr. Turner's as a recent Recipient of the Outstanding Volunteer Service Award during the Henry Awards Banquet at the Arkansas Governor's Conference on Tourism held in Eureka Springs in March 2010. Mr. Turner volunteers with the Parks and Recreation Department.

Mayor Hays invited Mrs. Marilyn Hall, North Little Rock Animal Control to come forward. Mrs. Hall announced the North Shore Animal League America is on its 9<sup>th</sup> Annual Tour For Life. North Little Rock is again the smallest city they will visit and the only stop the tour will make in Arkansas. The date is Tuesday, April 20, 2010, from 11:00 a.m. until 5:00 p.m. Everyone is invited to come out to meet and thank Claire and Warren Dauenhauer. The first 50 sterilized pets brought to the event will receive a free microchip and rabies shot (one per family). Mrs. Hall announced an Open House at the Shelter Saturday, April 24, 2010, from 2:00 p.m. to 4:00 p.m. Everyone is invited to come see their new addition.

Mayor Hays announced a Special Call scheduled for this date.

April 9, 2010 (via email)

Subject: Special Call Meeting for 7:05 p.m. on April 12, 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 Monday, April 12, 2010, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) A RESOLUTION ACKNOWLEDGING THE IMPORTANCE OF EARTH DAY; SUPPORTING COMMUNITY ACTIVITIES AND EVENTS; RECOGNIZING OUR RESPONSIBILITY TO PRESERVE AND PROTECT THE ENVIRONMENT; AND FOR OTHER PURPOSES.

Sponsor: Mayor 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. **This email is being sent within 72 hours.** I ask that you waive this requirement to avoid re-scheduling of the special meeting. Please acknowledge receipt of this email as soon as possible 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 I - #1 (RESOLUTION NO. 7618 - MAYOR HAYS)  
A RESOLUTION ACKNOWLEDGING THE IMPORTANCE OF EARTH DAY;  
SUPPORTING COMMUNITY ACTIVITIES AND EVENTS; RECOGNIZING OUR  
RESPONSIBILITY TO PRESERVE AND PROTECT THE ENVIRONMENT; AND FOR  
OTHER PURPOSES, was read in its entirety. On the motion of Alderman Witcher and seconded  
by Alderman Phillips, the resolution was unanimously adopted (8/0).

Mayor Hays invited Ms. Jill Ponders, Energy Services Coordinator, North Little Rock Electric Department to come forward. Ms. Ponders said the Electric Department recently held an Earth Day Poster Contest. Miss Lauren Walters, a fifth grade student in the North Little Rock School District won the contest with a poster featuring several energy saving ideas. Mayor Hays acknowledged her family members and art teacher who were all present. Miss Walters thanked everyone for the award.

Mayor Hays announced a second Special Call scheduled for this date.

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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 Monday, April 12, 2010, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) A RESOLUTION AUTHORIZING AND RATIFYING A CONSORTIUM AGREEMENT AMONG THE CITY OF NORTH LITTLE ROCK, ARGENTA COMMUNITY DEVELOPMENT CORPORATION, HOUSING AUTHORITY OF NORTH LITTLE ROCK AND HABITAT FOR HUMANITY OF PULASKI COUNTY FOR NEIGHBORHOOD STABILIZATION THROUGH THE USE OF NSP2 FUNDS GRANTED TO THE CITY OF NORTH LITTLE ROCK BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”); AND FOR OTHER PURPOSES.  
Sponsor: Mayor Hays
- 2) A RESOLUTION AUTHORIZING AND RATIFYING INDIVIDUAL CONSORTIUM FUNDING AGREEMENTS BETWEEN THE CITY OF NORTH LITTLE ROCK AND ARGENTA COMMUNITY DEVELOPMENT CORPORATION, HABITAT FOR HUMANITY OF PULASKI COUNTY,

ARKANSAS, AND NORTH LITTLE ROCK HOUSING AUTHORITY FOR NEIGHBORHOOD STABILIZATION PROGRAM 2 ("NSP2"); AND FOR OTHER PURPOSES.

Sponsor: Mayor 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 e-mail as soon as possible 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 II - #1) (RESOLUTION NO. 7619 - MAYOR HAYS)

A RESOLUTION AUTHORIZING AND RATIFYING A CONSORTIUM AGREEMENT AMONG THE CITY OF NORTH LITTLE ROCK, ARGENTA COMMUNITY DEVELOPMENT CORPORATION, HOUSING AUTHORITY OF NORTH LITTLE ROCK AND HABITAT FOR HUMANITY OF PULASKI COUNTY FOR NEIGHBORHOOD STABILIZATION THROUGH THE USE OF NSP2 FUNDS GRANTED TO THE CITY OF NORTH LITTLE ROCK BY THE U.S. DEPARTMENT OF HOUSING AND URBAN

DEVELOPMENT ("HUD"); AND FOR OTHER PURPOSES, was read. Mayor Hays asked Ms. Mary Beth Bowman, Community Development Director to come forward. She advised funding will provide for about 100 homes in the Baring Cross and Holt neighborhoods. Mayor Hays acknowledged Mr. Bill Plunkett with Habitat for Humanity and Mr. Brad Williams with Argenta Community Development Corporation who were present. Ms. Bowman said some houses will be renovated and some will have to be torn down. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

Special Call II - #2) (RESOLUTION NO. 7620 - MAYOR HAYS)

A RESOLUTION AUTHORIZING AND RATIFYING INDIVIDUAL CONSORTIUM FUNDING AGREEMENTS BETWEEN THE CITY OF NORTH LITTLE ROCK AND ARGENTA COMMUNITY DEVELOPMENT CORPORATION, HABITAT FOR HUMANITY OF PULASKI COUNTY, ARKANSAS, AND NORTH LITTLE ROCK HOUSING

AUTHORITY FOR NEIGHBORHOOD STABILIZATION PROGRAM 2 ("NSP2"); AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

Mayor Hays advised the State of the City for 2009 had been distributed to council members. It will be posted to the city website.

There being no one present who wished to speak during citizen public comment on numbered agenda items, Mayor Hays called for unfinished business.

## **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*)

## **NEW BUSINESS**

R-10-44 (RESOLUTION NO. 7621 - MAYOR HAYS)

A RESOLUTION REAPPOINTING DON BEAVERS TO THE CIVIL SERVICE COMMISSION; 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 unanimously adopted (8/0).

R-10-45 (RESOLUTION NO. 7622 - MAYOR HAYS)

A RESOLUTION REAPPOINTING REVEREND J. C. MEYERS TO THE LIBRARY COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Baggett, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-10-46 (RESOLUTION NO. 7623 - MAYOR HAYS)

A RESOLUTION REAPPOINTING PATTI JULIAN TO THE WASTE WATER TREATMENT COMMITTEE; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Baggett, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-10-47 (RESOLUTION NO. 7624 - MAYOR HAYS)

A RESOLUTION APPOINTING STEVE SPARR TO THE POSITION PREVIOUSLY HELD BY JIMMY PHILLIPS ON THE PLANNING COMMISSION BOARD OF ADJUSTMENT & APPEALS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Phillips, and by consent of all members present, the resolution was unanimously adopted and amended to attach the Personal Information Sheet (8/0). Mayor Hays acknowledged Mr. Sparr and thanked him for his service.

R-10-48 (RESOLUTION NO. 7625 - MAYOR HAYS)

A RESOLUTION REQUESTING A FEASIBILITY ANALYSIS OF THE NORTHERN EXTENSION OF THE RIVER RAIL LINE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman White. Mayor Hays said the first stage of the River Rail was 2.5 miles. An Interlocal Agreement was adopted between the City of Little Rock, North Little Rock and Pulaski County. The county pays one-third of the cost for add ons and operation. Eighty-percent of the cost is owed by the city where expansion or improvements take place. Metroplan allocated funds to study the feasibility of

extending service to the Little Rock Airport. The rail was extended to the Clinton Presidential Library in Little Rock. Mayor Hays said Union Pacific Railroad lines running across the city have to be considered and discussed possible routes including the Pershing overpass. A study is currently underway which will identify items within federal guidelines. Alderman Baggett asked what kind of revenue the city could see from an expansion. Alderman Hight said other options should be considered. He would like to see a western extension considered along with utilizing existing right-of-way and rails. A motion to amend was made by Alderman Hight and seconded by Alderman Witcher. The amendment would be the following: *in the title and Section 1: add the following phrase* AND A WESTERN EXTENSION OF THE RIVER RAIL LINE, and the roll having been called and the following member voted yes: Alderman Hight; and the following members voted no: Ross, White, Taylor, Robinson, Baggett, Phillips and Witcher, the motion to amend failed (1/7). On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-10-49 (RESOLUTION NO. 7626 - MAYOR HAYS)

A RESOLUTION REPEALING RESOLUTION NO. 7335 WHICH DECLARED 906 WEST 43<sup>RD</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO BE A PUBLIC NUISANCE AND CONDEMNED IT; AND FOR OTHER PURPOSES, was read. Mr. Tom

Wadley, Code Enforcement Director referred to photos of the house when it was condemned and photos of the house after Mr. Bustamante renovated it. 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). (*previous owner was Hilda G. Cochran / current owner is Juan Bustamante*).

R-10-50 (RESOLUTION NO. 7627 - MAYOR HAYS)

A RESOLUTION CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF ARMA DESIGN TO PARTICIPATE IN THE TAX BACK PROGRAM AS AUTHORIZED BY SECTION 15-4-2706(D) OF THE CONSOLIDATED INCENTIVE ACT OF 2003; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. Alderwoman Ross asked if this was on construction only. Mr. Todd

Larson, Economic Development Director said construction and equipment. ARMA is a high-tech design company and will have about 50 employees. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-10-24 (ORDINANCE NO. 8248 - MAYOR HAYS)

AN ORDINANCE ALLOWING THE EXPANSION OF A NON-CONFORMING USE ON CERTAIN REAL PROPERTY LOCATED AT THE INTERSECTION OF RIVERFRONT DRIVE AND VINE 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 (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. Mayor Hays discussed the existing business, future development in the area and the need for this legislation. The ordinance

was read again, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-10-25 (ORDINANCE NO. 8249 - MAYOR HAYS)

AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES' POLICY AND PROCEDURE MANUAL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderwoman Ross, 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 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. Alderwoman Robinson asked if employees still had the ability to file a grievance. Ms. Betty Anderson Human Resources Director said this is included in the personnel policy. Ms. Anderson said if a pattern of absence is detected then the employee could be subject to discipline. Alderwoman Robinson wanted to be sure the policy is clear and consistent. Mr. Carter said the burden of proof falls on the city. The ordinance was read again, 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).

O-10-26 (ORDINANCE NO. 8250 - MAYOR HAYS)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE (*not to exceed \$5,000,000.00*) TO PROVIDE SHORT-TERM FINANCING UNDER AMENDMENT NO. 78 TO THE ARKANSAS CONSTITUTION FOR THE ACQUISITION OF TANGIBLE PERSONAL PROPERTY; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; 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 ordinance was read a third and final time. Mayor Hays referred to communication #7 (see communications on page 1) which included a breakdown of expenditures for vehicles and equipment for various departments. Mr. Sisson, Mr. Patrick Lane - Street Department, Mr. Bob Rhoads - Parks and Recreation, Fire Chief Bob Mauldin and Police Captain Mike Davis all came forward to answer questions. Alderman Witcher asked about a Pumper Truck in Rose City. Chief Mauldin said they are waiting to see if a grant is awarded for that station. Mayor Hays advised sales tax collections continue to be down from previous years. Alderman Baggett said there are a lot of potholes and some overlay work is needed in Ward 3. The ordinance was read again, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0).

O-10-27 (ORDINANCE NO. 8251 - MAYOR HAYS)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE (*not to exceed \$2,000,000.00*) TO PROVIDE SHORT-TERM FINANCING UNDER AMENDMENT NO. 78 TO THE ARKANSAS CONSTITUTION FOR THE ACQUISITION OF TANGIBLE

PERSONAL PROPERTY; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; 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 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 adopted (8/0).

**PUBLIC COMMENTS-----**

Mr. James Ard thanked an Electric Department employee who called him back and explained why the lights were out in a particular area. Mr. Ard reminded everyone the Census 2010 is underway and how important it is for everyone to complete and return the Census questionnaire. Mr. Bobby Taylor said ordinances are passed and it is the council's responsibility to enforce them. Mr. Jim Tolliver owns Tolliver Body Shop on Pike Avenue. He thanked Alderman Baggett for his prayer at the beginning of the meeting. Mr. Tolliver then asked the council for a "grandfather clause" for any body shop which has been in business for at least 60 years in the city. Mr. Carter asked that the following phrase be included on the council agenda in the future: "The City of North Little Rock welcomes people of diverse cultures and beliefs. Any religious viewpoint expressed during invocation, or at any other time during the meeting, reflects only the personal opinion of the speaker. It is not intended to proselytize, advance, or disparage and religious belief." Mayor Hays said the council is no longer using bottled water. This is an effort to decrease plastic bottles ending up in landfills. Alderman Baggett thanked Mr. Carter for his letter regarding an ACLU complaint. He also thanked the North Little Rock Woman's Club for a wonderful event Saturday night. Alderman Phillips reminded everyone the Travelers will be in town this Thursday night, which is the season opening night. He also thanked Fire and Police employees for working on a recent fire. Alderman Taylor said Code Enforcement is shorthanded.

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 8:50 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, April 26, 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