

January 12, 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, January 12, 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). City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderman Gaines, followed by the pledge of allegiance to the flag which was led by Alderman Baggett.

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, December 22, 2008, a Special Call meeting held on Monday, December 22, 2008, and a Special Call meeting held on Wednesday, December 31, 2008 were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communications #1, 2, 3 and 4 were accepted and filed (8/0).

1. Patricia Atterberry, Petition requesting speed hump on Rogers Street (*filed with City Clerk December 29, 2008*) (15 signatures).
2. Robert Sission, Finance Director, memorandum re: copy of North Little Rock Electric Department Audit Report for year ended December 31, 2007.
3. Sharon Tedford, Mayor's Office, memorandum re: *Restaurant Wine and Retail Beer on Premises - NEW* for New Asia, 11701 Maumelle Boulevard, by Zi Pang Zhang.
4. Robert Sisson, Finance Director, memorandum re: copy of North Little Rock Utilities Accounting Department Audit for year ended December 31, 2007.

Mayor Hays announced Citizen Public Comment regarding numbered agenda items. Without objection, R-09-05 was read. Mayor Hays asked Mr. Robert Voyles, Planning Director to provide information regarding this matter. Mr. Voyles said the property description is from an 1870 deed. Mr. Voyles reviewed a map of the area. Regarding 710 Olive, the property is on two lots. The rear 30 feet of the property is referenced as Lot E on a replat. Mr. Voyles recommended granting the apparent property line back to the owners. Mrs. Pamela McQuaid and Mrs. Bettie Jagiello-Haney-Werczynski requested and additional 30 days to research the matter. Mayor Hays then held R-09-05 (and R-09-06) and advised the legislation would be called February 9, 2009, for a vote. Mr. James Ard spoke regarding O-09-03 and asked for a definition regarding "sun-up to sun-down and if the legislation would apply to snow cone trucks. Mr. Carter said reference tables published by the United States Naval Observatory (regarding sunrise and sunset) would be used (see Exhibit "A"). Several scenarios were mentioned.

UNFINISHED BUSINESS

None. *New council, new agenda.*

NEW BUSINESS

R-09-01 (RESOLUTION NO. 7384 - MAYOR HAYS)

A RESOLUTION APPROPRIATING \$52,496.40 FOR PAYMENT OF EXPENSES IN CONNECTION WITH THE NOVEMBER 4, 2008 GENERAL ELECTION AND NOVEMBER 25, 2008 RUN-OFF ELECTION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Gaines, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-02 (RESOLUTION NO. 7385 - MAYOR HAYS)

A RESOLUTION EXPRESSING AN INTENT TO CONSTRUCT A NEW SUBSTATION; AUTHORIZING EMPLOYMENT OF AN ENGINEERING FIRM FOR THE PROJECT; CONFIRMING THE EMPLOYEMENT OF AN UNDERWRITER AND BOND COUNSEL FOR THE PROJECT; AUTHORIZING ACQUISITION OF PROPERTY AND EASEMENTS; APPROVING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING REIMBURSEMENT FROM BOND PROCEEDS; APPROPRIATING FUNDS (\$300,000.00 - Electric O & M Fund - for costs of planning phase) IN SUPPORT OF THE PROJECT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Gaines. Mayor Hays said a lot of development has and continues to occur in the eastern part of the city. He said several options were considered regarding providing electricity to our customers and the cost of the same. Remote transfer and peak power usage were also considered. Alderman Witcher asked if the Faulkner Lake Substation had been considered. Mr. Mike Russ, North Little Rock Electric Department General Manager said they had, but the location would not allow picking up load from further out the interstate. Mr. Russ provided examples of usage and used the City Services Buildings as an example. Mr. Carter referred to an amendment recommended by the Bond Counsel and explained the same. On the motion of Alderwoman Ross and seconded by Alderman Gaines, and by consent of all members present, the resolution was amended as follows:: *substitute resolution provided this date* (8/0). On the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-09-03 (RESOLUTION NO. 7386 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF PUBLIC FACILITIES AND THE EXTENSION AND ASSIGNMENT OF SERVICES IN ORDER TO SECURE AND DEVELOP INDUSTRY WITHING THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Gaines. Mayor Hays said this legislation includes incentives from discussions with Caterpillar. The M37 Economic Development Rider Rate provides a discount on electric demand charge and would expire at the end of five years. Alderwoman Ross asked when the business would be operational. Mayor Hays explained “green tags” which are issued from a renewable source (i.e. Murray Hydro Electric). The city receives .50 cents per green tag on an existing contract. Companies purchase green tags to offset their carbon footprint. Mayor Hays asked Waste Water Director Gary Mills to come forward. Mr. Mills discussed the

interceptor costs, location, etc. Mayor Hays said the substation and interceptor are needed. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0)

R-09-04 (RESOLUTION NO. 7387 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE EXTENSION OF WASTEWATER UTILITY SERVICES TO CERTAIN PROPERTY AS DESCRIBED HEREIN AND GENERALLY KNOWN AS HILLARD ROAD DEVELOPMENT; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Gaines and seconded by Alderwoman Robinson. Mr. Mills said this would provide service outside the city limits. The sewer lines will be constructed by the developer. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-05

A RESOLUTION APPROVING A REVISED PLAT OF LOTS A, B, C, D AND E OF BLOCK 42, TOWN OF ARGENTA; RESOLVING A BOUNDARY DISPUTE; AND FOR OTHER PURPOSES, was read and held by the sponsor, Mayor Hays (*see comments on page 1*).

R-09-06

A RESOLUTION AUTHORIZING THE RECONVEYANCE OF 701 N. MAGNOLIA STREET IN THE CITY OF NORTH LITTLE ROCK TO THE PREVIOUS OWNER; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Hays (*see R-09-05*).

O-09-01 (ORDINANCE NO. 8139 - MAYOR HAYS)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE TO PROVIDE SHORT-TERM FINANCING UNDER AMENDMENT NO. 78 TO THE ARKANSAS CONSTITUTION FOR THE ACQUISITION OF TANGIBLE PERSONAL PROPERTY (*4 International/Heil 25 Cubic Yard Refuse Collection Trucks and 5 International/Petersen Knuckleboom Trucks with 30 cubic foot beds*); PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE (*not to exceed \$1,300,000*); AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mr. Sisson advised the original seller backed out. This legislation includes a better interest rate. 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 Hight 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. On the motion of Alderwoman Ross and seconded by Alderman Baggett, and by consent of all members present the ordinance was amended as follows:: *substitute copy provided this date, Section 2* (8/0). On the motion of Alderman Gaines 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-09-02

AN ORDINANCE VACATING AND ABANDONING AN ALLEY IN BLOCK 4 OF THE UNION HEIGHTS ADDITION TO THE CITY OF NORTH LITTLE ROCK (alley runs north/south on a block bounded by West 25th Street, Division Street, West 24th Street and Franklin Street); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held by the sponsor, Mayor Hays.

O-09-03 (ORDINANCE NO. 8140 - ALDERMEN ROSS AND ROBINSON)

AN ORDINANCE RESTRICTING THE HOURS OF BUSINESS FOR PEDDLERS (daylight); AMENDING NORTH LITTLE ROCK MUNICIPAL CODE SECTION 74-3; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded 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. Alderwoman Ross said residents are concerned with people coming to their homes at night. The Naval Observatory time is included to provide an enforceable ordinance. Alderwoman Robinson said she has had concerns regarding peddlers in her area, too. A lot of elderly people are taken advantage of. Alderwoman Ross distributed a proposed amendment which included changing the duration of the permit (60 days) for the purpose of discussion. Alderman Hight said a specific time period should be considered. Mr. Carter said enforcement needs to be considered with regard to the legal definition of when sunset is. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. After further discussion, Alderman Hight made a motion to amend the legislation setting the hours between 8:00 a.m. and 6:00 p.m. (year-round). The motion died for lack of a second. On the previous motion to adopt, 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-09-04

AN ORDINANCE ESTABLISHING A GRANT PROGRAM FOR NEIGHBORHOOD BEAUTIFICATION FROM WARD DRAINAGE FUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held by sponsor, Alderwoman Robinson.

PUBLIC COMMENTS-----

Alderwoman Robinson said the Planning Department sent out letters to dumpster companies. She said several dumpsters have not been enclosed and asked who is going to enforce the violation. Mr. Voyles said Code Enforcement will check the sites and issues citations. Alderwoman Robinson said this isn't fair to those who have complied with the requirement. Alderman Gaines asked which board a person would have to go to for a waiver. Mr. Carter said the rule for the Board of Adjustment can be changed by the council. Mr. Bobby Taylor continues to have a problem in his neighborhood. He has provided evidence and said a ticket should be issued. Mr. James Ard congratulated the new council members. He instructed them on using their microphones. He said tickets should be given to those violating the dumpster ordinance. Ms. Sharon Cunningham advised she applied for funds to help with her utility

payments at the State Fair Grounds. After discussing the process, she said she was concerned by the way the funds were dispersed. Mayor Hays asked Mr. Sisson to visit with her and see what he can find out about this matter.

There being no further business to come before the Council, and on the motion of Alderman Gaines and seconded by Alderwoman Ross, and by consent of all members present, the meeting adjourned at 8:19 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, January 26, 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