

January 26, 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 26, 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 Hight, followed by the pledge of allegiance to the flag which was led by Alderman Witcher.

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, January 12, 2009, were approved, accepted and filed as prepared by the City Clerk (8/0).

Communications 1 - 6 were addressed individually.

On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, communication #3 was accepted and filed (8/0).

3. Sharon Tedford, Mayor's Office - memorandum re: *application for Private Club, Restaurant Wine and Retail Beer on Premises - Change of Manager from Meghan A. Gilbert to Justin Lee Hamlett, for Fox and Hound English Pub and Grille, 2800 Lakewood Village Drive, by Justin Lee Hamlett.*

On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, communication #5 was read, accepted and filed (8/0).

5. Chief Danny Bradley, North Little Rock Police Department letter to Mayor Hays re: 2008 Faulkner County Detention Center Utilization Report.

Mr. Bob Sisson, Finance Director said funds for incarceration in Faulkner County (2009) were included in the 2009 Budget. Mr. Sisson also advised North Little Rock City Sales Tax collection during the past four months has been below what was collected during the previous period. County taxes remained the same. Mayor Hays discussed the U. S. President's Economic Stimulus proposal.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #6 was read, accepted and filed (8/0).

6. Jody Carreiro, A.S.A., E.A. Actuary - Osborn, Carreiro and Associates, Inc., e-mail to Mr. Bob Sisson, Finance Director re: North Little Rock Non-Uniform Retirement Board; recommendation to restate its Plan Document.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #1 was read, accepted and filed (8/0).

1. Mayor Hays letter to City Council members re: The Ridge at North Little Rock Phase II, The Villas at Country Club, Valley Estates at Country Club Phase I, and Valley Estates at Country Club Phase II, intent to send letters to the Arkansas Department Finance Authority.

Mr. Keith Richardson develops affordable housing in seven states. He has worked on projects in North Little Rock and still owns them. Mr. Richardson said there is a deadline on applying for this tax credit program. He briefly reviewed his plans. A senior housing development is proposed on Counts Massie.

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

2. Mayor Hays letter to City Council members re: Briley Ridge Apartments, intent to send a letter to the Arkansas Department Finance Authority.

Mr. James McDonald will develop affordable housing similar to Mr. Richardson's request above. He has affordable housing developments in eight states.

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

4. Mayor Hays letter to City Council re: appointment of North Little Rock (Assistant) Fire Chief Bob Mauldin as Fire Chief effective February 1, 2009 (annual salary \$89,703.33).

Mayor Hays advised Chief Joe McCall would retire from the city this Friday. Chief Mauldin has been with the city for 37 years and is currently the Assistant Chief.

Mayor Hays announced the Special Call scheduled for 7:05 p.m., January 26, 2009.

January 25, 2009

Honorable Members of the City Council:

Re: Special Council Meeting

Dear Members of the City Council:

This is to advise that we have called a special Council meeting of the North Little Rock City Council for 7:05 p.m. on January 26, 2009, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED ON THE WEST SIDE OF COUNTS MASSIE ROAD, APPROXIMATELY 500 FEET NORTH OF FRENCHMEN LOOP ROAD, IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM THE PRESENT I-2 TO R-4 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

Sponsored by: Mayor Patrick H. Hays  
Alderman Cary Gaines

Respectfully submitted,  
/s/ Patrick H. Hays  
MAYOR PATRICK H. HAYS

*Notification of this special call was sent via email, Sunday, January 25, 2009, by City Attorney, C. Jason Carter.*

Special Call 1) (ORDINANCE NO. 8141 - MAYOR HAYS, ALDERMEN GAINES AND BAGGETT)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED ON THE WEST SIDE OF COUNTS MASSIE ROAD, APPROXIMATELY 500 FEET NORTH OF FRENCHMEN LOOP ROAD, IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM THE PRESENT I-2 TO R-4 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor Hays said the proposal for the area is multi-family. At the request of Alderman Gaines, Alderman Baggett was added as a cosponsor. On the motion of Alderman Gaines and seconded by Alderman Baggett, 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 Gaines 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 (8/0). The ordinance was read a third and final time. On the motion of Alderwoman Ross and seconded by Alderman Gaines, and by consent of all members present, the ordinance was amended as follows: *include map provided this date* (8/0). A motion to adopt as amended was made by Alderman Witcher and seconded by Alderman Gaines. Alderwoman Ross asked about the need for a special call on this item. Mr. Richardson advised he learned the item was not on the City Council agenda last Friday. Proper zoning has to be in place when the letter is sent to the Arkansas Department Finance Authority (see communication #1 above). On the previous motion, and by consent of all members present, 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).

Mayor Hays encouraged everyone to head home if possible due to the current winter weather conditions.

Mayor Hays asked if anyone had signed up to speak during Agenda Item Citizen Comment. No one had.

Mayor Hays said legislation was adopted creating a Military Memorial Committee. Alderman Neil Bryant was named Chairman of the committee. Alderman Hight previously nominated Alderman Gaines to serve as chairman. A motion (for a voice vote) to appoint Alderman Gaines as chairman of the committee was made by Alderman Hight and seconded by Alderman Baggett. Alderman Witcher said formal legislation may be needed. After discussion, and on the previous motion, all members present having voted in the affirmative, the voice vote was unanimous (8/0).

## UNFINISHED BUSINESS

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 called and again held by the sponsor, Mayor Hays.

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.

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 25<sup>th</sup> Street, Division Street, West 24<sup>th</sup> Street and Franklin Street*); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time January 12, 2009, was called and held by the sponsor, Mayor Hays.

O-09-04 (ORDINANCE NO. 8142 -ALDERWOMAN ROBINSON AND ALDERMAN TAYLOR)

AN ORDINANCE ESTABLISHING A GRANT PROGRAM FOR NEIGHBORHOOD BEAUTIFICATION FROM WARD DRAINAGE FUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time January 12, 2009, and held. The ordinance was read a second time. A motion to suspend the rules was made by Alderwoman Robinson and seconded by Alderman Taylor. Alderman Witcher said he was concerned about this legislation, the source of funds and their use. He asked if pole banners would be considered Capital Improvement. Mayor Hays said there are stipulations in the legislation regarding the grants. Mayor Hays referenced Section 1 and the subsections. Mr. Carter reviewed the process. Alderman Witcher said projects in Park Hill cost more than \$1,000.00. Alderwoman Robinson said Finance and the council members from that ward would look at the requests. These are mini-grants. Alderman Witcher said funds are available from other areas for the purpose of beautification. Alderman Hight said he and Alderman Witcher have spent all of their Ward 4 Drainage funds. In Ward 4, they have a Property Owners Association, Improvement District and Community Club which are already doing beautification projects. He said he doesn't think this legislation is needed. On the previous motion, and by consent of all members present, the rules were 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 had several questions. On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, with the exception of Aldermen Hight and Witcher who voted no, the ordinance was amended as follows: *Section 1 (e) No recipient may receive more than \$1000.00 per calendar year (6/2)*. Alderwoman Ross made a motion to amend Section 1: (f) to include Neighborhood Groups. Mr. Carter said state and federal law will be followed. A discussion followed regarding 501(c)3 Non-Profit Organizations. Mayor Hays said funds will not be dispersed unless the provisions of the ordinance are met. Alderwoman White said the City Beautiful Commission requires "sweat equity" hours, this proposal does not. On the motion of Alderman Gaines, and seconded by Alderwoman Ross, and the roll having been called, and all members present having voted in the

affirmative, with the exception of Aldermen Hight and Witcher who voted no, the ordinance was adopted as amended (6/2). On the emergency clause, all members present voted in the affirmative, with the exception of Aldermen Hight and Witcher who voted no, the emergency clause was adopted (6/2).

### **NEW BUSINESS**

**R-09-07 (RESOLUTION NO. 7388 - MAYOR HAYS, ALDERWOMAN ROBINSON AND ALDERMAN TAYLOR)**

**A RESOLUTION APPOINTING JACKIE ALEXANDER TO THE UNEXPIRED TERM OF ROBERT JORDAN ON THE NORTH LITTLE ROCK PLANNING COMMISSION; 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 resolution was unanimously adopted (8/0). Mayor Hays acknowledged Ms. Alexander who was present and thanked her for her upcoming service on the commission.

**R-09-08 (RESOLUTION NO. 7389 - MAYOR HAYS)**

**A RESOLUTION CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF CATERPILLAR, INC. TO PARTICIPATE IN THE TAX BACK PROGRAM AS AUTHORIZED BY SECTION 15-5-2706(D) OF THE CONSOLIDATED INCENTIVE ACT OF 2003,** was read. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

**R-09-09**

**A RESOLUTION DIRECTING THE NORTH LITTLE ROCK PUBLIC WORKS DEPARTMENT TO PREPARE PLANS AND SPECIFICATIONS FOR THE 2009 SIDEWALK AND DRAINAGE PROGRAM AND ADVERTISE FOR BIDS; AND FOR OTHER PURPOSES,** was read. A motion to adopt was made by Alderman Gaines and seconded by Alderman Baggett. Mayor Hays said the city's current contract was bid in 2006 and extended for subsequent years at the same (2006) pricing. Alderman Gaines said he and Alderman Baggett are working with Arkansas Highway and Transportation Department Commissioner former State Senator Cliff Hoofman on a project in Ward 3. Mr. Carter said this legislation includes both sidewalk and drainage. Mayor Hays asked if the two should be separate. Mr. Mike Smith, City Engineer reviewed previous sidewalk programs and the bid amount for each. Mr. Smith checked with the City of Little Rock today. Their current price is \$4.00 (North Little Rock is paying \$3.50 per square foot of 4" thick concrete). The legislation was then held to allow time to review it.

**O-09-05 (ORDINANCE NO. 8143 - MAYOR HAYS)**

**AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR ELECTRONIC TICKETING SOFTWARE AND HARDWARE FOR NORTH LITTLE ROCK DISTRICT COURT, 2<sup>ND</sup> DIVISION; APPROPRIATING FUNDS (\$45,498.76 - General Fund); DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Hight 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 ordinance was read a third and final time. North Little Rock District Court Traffic Judge Randy Morley said the courts coordinate with the police department on setting their docket based on citations issued. This will make the process more efficient. This would allow people to come in and pay the next day. There are not many entities that have the software and hardware which is compatible to what North Little Rock has. A single ticket is 5 copies, which makes the bottom copy hard to read. The electronic reader can read the magnetic stripe on the back of drivers licenses. On the motion of Alderman Witcher 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 (8/0). Emergency clause unanimously adopted (8/0).

O-09-06 (ORDINANCE NO. 8144 - ALDERMAN WITCHER)

AN ORDINANCE RESTATING AND AMENDING THE CURRENT CITY OF NORTH LITTLE ROCK, ARKANSAS PENSION PLAN ADOPTED BY ORDINANCE NO. 7589; DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Witcher 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 Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the ordinance was amended as follows: *attach Exhibit "A" provided this date* (8/0). On the motion of Alderman Witcher and seconded by Alderman Hight, 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).

O-09-07 (ORDINANCE NO. 8145 - ALDERWOMAN ROBINSON AND ALDERMAN TAYLOR)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A TRUCK SALES AND REPAIR BUSINESS IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3815 EAST BROADWAY 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 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: Norman Clifton*)

O-09-08 (ORDINANCE NO. 8146 - ALDERMEN BAGGETT AND GAINES)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A DANCE STUDIO IN AN I-1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 8608 RIVERWOOD ROAD DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baggett and seconded by Alderman Gaines, 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 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. Alderman Hight said the area is industrial and asked about the safety of the students. Mr. Robert Voyles, Planning Director said it is a mixed zone with light industrial. On the motion of Alderman Hight and seconded by Alderman Gaines, and the roll having been called, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Latisha Daniel*)

**PUBLIC COMMENTS-----**

Alderdwoman Robinson said Saturday, January 31, 2009, a Planning Session will be held. The first Monday night in February, Ward 2 Council members will meet with members of the Dixie Community to discuss revitalization of the area. Alderdwoman White thanked the city for the opportunity to attend the Arkansas Municipal League Convention and acquired a lot of useful information. Mayor Hays encouraged council members to participate with the Arkansas Municipal League and the National League of Cities. Alderman Hight said he also participated in the Municipal League Conference. Sessions were very beneficial. Alderman Hight said the council has an ex-officio member of the Central Arkansas Water Board. He volunteered to represent the city. Mayor Hays advised this week is Argenta Restaurant Week and encourage everyone to visit our local eateries. Mr. Carter said North Little Rock was ahead of other communities in calling our city council members "alderman" or "alderwoman". He said *Black's Law Dictionary* now includes those references. Chief Mauldin said a retirement celebration will be this Friday at 2:00 p.m. at the Hays Center. Everyone is invited. Mayor Hays reminded everyone that if they want to speak during the Public Comment section at the end of the meeting, they must fill out a card before public comment is announced. Mr. Scott Miller, Unified Neighborhood Coalition commended the council on the grant legislation passed early. He asked that groups not be excluded because they do not have a 501(c)3 status. Mr. Bobby Taylor said he continues to have problems with a neighbor who illegally hauls in trash and garbage for pick up by the city. He said no one in the city will help him. He has brought pictures and videos. Another neighbor dumps her charcoal and grease on city property. Mr. Bill Wagley said he received a letter from Planning regarding the dumpster enclosure ordinance. He has complied with the request and asked why other businesses weren't being required to do the same. Mr. Matthew Richard said the public comment cards should be left by the door for people to fill out. He commended Alderdwoman Ross for questioning the urgency for a special call held this date. He spoke against adopting emergency clauses on ordinances unless there is an actual emergency.

There being no further business to come before the Council, and on the motion of Alderdwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the meeting adjourned at 8:50 p.m. (8/0), until the next regularly scheduled meeting to be held on February 9, 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