

February 9, 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, February 9, 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). Assistant City Clerk Linda Marshall and City Attorney C. Jason Carter were also present.

The invocation was given by Mayor Hays, followed by the pledge of allegiance to the flag which was also led by Mayor Hays.

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 and a Special Call meeting, held on Monday, January 26, 2009, were approved, accepted and filed as prepared by the City Clerk (8/0).

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

1. Jimmy Ard letter "to whom it may concern" re: noise ordinance violation February 1, 2009, on Farmere Circle.
2. Sharon Tedford, Mayor's Office memorandum re: *Replacement Restaurant Mixed Drink and Sunday Beverage* from Christina M. Gray to Booker T. Magee for Honey Hut 2 (fka) The Honey Hut, 3723 MacArthur Drive, by Booker T. Magee.

Mayor Hays invited retired Fire Chief Joe McCall to come forward. Mayor Hays said Chief McCall's leadership as Fire Chief was a great asset to the city. He extended well wishes from the council and the residents of North Little Rock. Chief McCall said he appreciated the opportunity to serve North Little Rock. Being a firefighter is the best job in the world. A video presentation was shown honoring Chief McCall for his service and contributions to the city, not only as Fire Chief, but also as a family member and a friend.

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

UNFINISHED BUSINESS

R-09-05 (RESOLUTION NO. 7390 - MAYOR HAYS)

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. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-06 (RESOLUTION NO. 7391 - MAYOR HAYS)

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 read. On the motion of Alderman Witcher and seconded by Alderman Baggett, 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 called and held by the sponsor, Alderman Gaines.

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 January 12, 2009, was called and held by the sponsor, Mayor Hays.

NEW BUSINESS

R-09-10 (RESOLUTION NO. 7392 - MAYOR HAYS)

A RESOLUTION APPOINTING ALDERMAN CARY GAINES AS CHAIRMAN OF THE NORTH LITTLE ROCK VETERANS MEMORIAL ADVISORY COMMITTEE; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, with the exception of Alderman Gaines who passed, the resolution was adopted (7/1).

R-09-11 (RESOLUTION NO. 7393 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH JAMES LEE WITT ASSOCIATES, A PART OF GLOBAL OPTIONS, INC., FOR LOBBYIST AND CONSULTING SERVICES; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Baggett. Mayor Hays said requests for proposals were issued last year. Mr. Witt's firm was the only one to respond that was qualified. The firm reviewed and modified an application for the North Little Rock Electric Department with regarding a request to FEMA. Mayor Hays said Mr. Witt was the Director of FEMA under former President Bill Clinton. His knowledge and contacts will be invaluable to the city. Mayor Hays said other funding options are available including home funding for CDBG. Alderwoman Robinson asked what other cities were participating and if a report could be provided to the council at the end of the first year. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows: *add to the last paragraph of Appendix C: “, NOT TO EXCEED \$2,000.00 PER YEAR WITHOUT CLIENT'S WRITTEN APPROVAL.”, add paragraph to Appendix B: “THAT EACH QUARTER THIS AGREEMENT IS EFFECTIVE, CONSULTANT WILL PREPARE AND SUBMIT A REPORT THAT IS SUITABLE FOR PUBLIC DISSEMINATION AND GENERALLY DESCRIBES THE*

SERVICES PROVIDED DURING THE PREVIOUS QUARTER.” (8/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-09-12 (RESOLUTION NO. 7394 - MAYOR HAYS)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS TO UTILIZE FEDERAL AID MONIES FOR INSTALLATION OF A TRAFFIC SIGNAL AT HIGHWAY 100 AND VESTAL COURT; AND FOR OTHER PURPOSES, was read. Mr. Carter advised the council had voted on this matter in 2008. 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-09-13 (RESOLUTION NO. 7395 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT WITH ARKANSAS DEVELOPMENT FINANCE AUTHORITY FOR AN EXTENSION OF THE BICYCLE AND PEDESTRIAN TRAIL IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. Mayor Hays said Mr. Gene Pfeifer has donated land to the city for use as trails (bike, pedestrian and equestrian). On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-09-14 (RESOLUTION NO. 7396 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT WITH ARKANSAS SURGICAL HOSPITAL FOR AN EXTENSION OF THE BICYCLE AND PEDESTRIAN TRAIL IN THE CITY OF NORTH LITTLE ROCK; 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 unanimously adopted (8/0).

R-09-15 (RESOLUTION NO. 7397 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL A VACANT LOT GENERALLY LOCATED EAST OF I-40 AND SOUTH OF THE INTERSECTION OF JERICHO ROAD AND VERONICA AVENUE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Baggett and seconded by Alderwoman Robinson. Mr. Robert Voyles, Planning Director said a small subdivision was developed in the area. A portion was provided to the city for use as a park. The offer appears to be reasonable. The property is in Pulaski County. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, with the exception of **Alderman Gaines who had to leave the meeting**, the resolution amended as follows: *substitute copy provided this date correcting spelling of Mr. Lindsey's name* (7/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted as amended (7/0). (*Donne Lindsey*)

R-09-16 (RESOLUTION NO. 7398 - ALDERMAN TAYLOR)

A RESOLUTION SUPPORTING ARKANSAS LEGISLATION TO ESTABLISH AN INVESTMENT TAX CREDIT FOR REHABILITATION AND DEVELOPMENT OF CENTRAL BUSINESS IMPROVEMENT DISTRICTS; AND FOR OTHER PURPOSES, was read. Alderwoman Ross asked if this could be applied in Parkhill. Mr. Carter spoke regarding the legislation which allows setting up Central Business Improvement Districts with the purpose of preserving downtown areas. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

O-09-09 (ORDINANCE NO. 8147 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR REFURBISHMENT OF THE SHAFT DRIVEN PUMP ON UNIT 2 AT THE MURRAY HYDRO PLANT; APPROPRIATING FUNDS (\$488,844.00 - *Electric Department O & M 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 (7/0). On the motion of Alderman Hight 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 (7/0). The ordinance was read a third and final time. Mayor Hays said there was a leak in the hydraulic system which resulted in a gear box being damaged due to lack of lubrication. Insurance claims have been filed (the city has a \$250,000.00 deductible). On the motion of Alderman Hight 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).

O-09-10 (ORDINANCE NO. 8148 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR A BACKUP GENERATOR FOR THE NORTH LITTLE ROCK 911 CENTER; APPROPRIATING FUNDS (\$31,895.00 - *General Fund*); 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 (7/0). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, 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. Mr. Rick Ezell, Emergency Services Director for the City of North Little Rock said the existing generator was about 25 years old and has had extensive repairs. We are entering severe weather season in Arkansas. It is important for the 911 Center to be operating at all times. On the motion of Alderman Hight and seconded by Alderwoman Ross, 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).

O-09-11

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE ZONING ORDINANCE) REGARDING ELECTRONIC CHANGEABLE COPY SIGNS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of sponsor, Alderman Baggett. A public hearing was scheduled for Monday, February 23, 2009, at

7:05 p.m. Mayor Hays said this would amend the existing ordinance pertaining to electronic changeable signs from 15 seconds to 5 seconds rotation time.

O-09-12

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A SELF-SERVE ICE MACHINE IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3621 CAMP ROBINSON ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of sponsor, Alderman Baggett. The applicant Mr. Bill Looper was present. Mr. Looper said this would be a self-service ice machine. The structure would be 6' by 12' wide. He would pave the area and provide landscaping. Mayor Hays said there is a Shaved Ice business at the location. Alderwoman Robinson asked if this matter had been before the council previously. Alderman Hight said it was a different location. Mr. Looper said that was someone else. (*applicant: Bill Looper*)

PUBLIC COMMENTS-----

Alderman Hight asked if the ramifications of the dumpster ordinance could be discussed at the next council meeting. Mayor Hays said he met with Mr. Bill Brown, Assistant City Attorney and department heads regarding the ordinance which Alderman Gaines sponsored last year. Roughly 125 businesses in the city are in compliance. Mayor Hays has asked Mr. Brown to prepare legislation to present to the council regarding a moratorium until July 1, 2009. The Planning Department will undertake identifying areas which are not in compliance in the city. The city has approximately 600 commercial customers. The current rate structure is under review. Alderwoman Robinson said it isn't fair to businesses which have already brought their sites up to compliance. Mayor Hays said the overall impact to the business community should have been considered. Alderwoman Ross said exceptions were discussed when the legislation was considered. Alderman Hight said there are over 200 dumpster locations which are not in compliance as of this date. Mr. Tom Wadley, Director of Code Enforcement said the average cost to enclose a dumpster appears to be \$1,800.00. Mayor Hays said a minimal plan is being discussed. Mr. Bobby Taylor said people make mistakes. Mr. Taylor asked if Mayor Hays had worked on his request from the last meeting. Mr. Shawn Archer advised the Lakewood Neighborhood Group will be meeting at the Lakewood United Methodist Church the third Thursday of each month. Mr. Jimmy Ard thanked Alderman Gaines for not voting for himself on previous legislation. He said Galaxy Furniture has shirts for sale next door to City Hall. Mr. Ard asked if Mayor Hays had gotten his message regarding playing an audio tape during the meeting. Mayor Hays said it would not be permitted. Mr. Ard asked why the city doesn't have to comply with the dumpster ordinance. Mr. Ard called in a noise complaint on Sunday. He was told he would need a DP meter before he could call in complaints. Mayor Hays said he was not aware of such a requirement. A police officer would need either a sworn citizen complaint or witness the loud noise before issuing a citation. Mr. Ard said a dispatcher told him that he needed a DP meter so he bought one.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the meeting adjourned at 8:23 p.m. (7/0), until the next regularly scheduled meeting to be held on February

23, 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