

March 23, 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, March 23, 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), a quorum was declared. 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 Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, March 9, 2009, were approved, accepted and filed as prepared by the City Clerk (8/0).

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

1. Mayor Hays and Sherwood Mayor Virginia Hillman letter to Dr. Joel Anderson, Chancellor University of Arkansas at Little Rock re: Potential Consolidation of North Little Rock Waste Water Utility and Sherwood Waste Water Utility.
3. Ms. Louella Harris (via U S Mail) Petitions requesting a Speed Hump on Bradburn Road (73 signatures).
4. Sharon Tedford, Mayor's Office memorandum re: *Retail Beer Off Premises Change of Manager* from Jeffrey Smith for Murphy Oil USA #7466, 13201 Crystal Hill Road by Anthony R. Webb.
5. Sharon Tedford, Mayor's Office memorandum re: *Private Club Change of Manager* from Robert Engelberger for B.P.O. Elks Lodge #1004, 123 East Broadway by Jeffrey Gash.
6. Robert Sisson, Finance Director memorandum to Mayor Hays, City Council, City Clerk Whitbey and City Treasurer Mary Ruth Morgan re: December 31, 2007 Audit of the City of North Little Rock.

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. Nathan W. Brandes (via email) letter to Mayor Hays and City Council members re: O-09-11, amending Ordinance No. 7697 regarding Electronic Changeable Copy Signs, stating concerns and opposition to the same.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #7 was read, accepted and filed (8/0). Mr. Carter will send a copy to the North Little Rock Advertising and Promotion Commission.

7. C. Jason Carter, City Attorney letter to City Council re: Act 294 of 2009, amending the law

regarding the sale of alcoholic beverages on Sunday, under the act, any person who holds a permit that allows the on-premises consumption of alcoholic beverages is now authorized to operate on Sunday between the hours of 10:00 a.m. and 12 midnight. Mayor Hays asked Mr. Carter to prepare legislation reflecting the same.

Mayor Hays invited Ms. Marilyn Hall, North Little Rock Animal Control and North Little Rock Friends of Animals to come forward and provide information regarding the North Shore Animal League of America's upcoming Tour for Life 2009 and visit to North Little Rock. On Wednesday, April 8, 2009, North Shore Animal League of America will be at the Lakewood Village Shopping Center from 11:00 a.m. until 5:00 p.m. North Little Rock is once again the smallest city on their stop. All animals adopted on that day will receive a free microchip and rabies shot. The first 50 people who bring a sterilized animal to the event will be given a free microchip and rabies shot. There will be drawings and giveaways throughout the day. Everyone was encouraged to attend. Other groups participating include the Jacksonville Animal Shelter, Maumelle Animal Shelter, Greyhound Rescue, Great Dane Rescue, Ali's Alley Cats and Central Arkansas SPCA. Mayor Hays commended North Little Rock Animal Control and Friends of Animals for all of their hard work.

Mayor Hays asked Alderman Hight to discuss a recent meeting regarding the dumpster enclosure ordinance. A lot of progress was made regarding the issues related to this. Alderman Hight said the existing ordinance may need to be amended instead of repealed. He said the most common comment was that dumpsters are "ugly".

Mayor Hays asked if anyone had signed up to speak during Agenda Item Public Comment. Mr. George Ivory spoke on behalf of his clients regarding R-09-45 - property located at 4015 Glenmere. Mr. Bill Brown, Assistant City Attorney has been working with Mr. Ivory and his clients. The legislation will resolve litigation existing in the matter. Without objection, the legislation was read.

R-09-45 (RESOLUTION NO. 7427 - MAYOR HAYS
A RESOLUTION APPROVING SETTLEMENT IN THE CASE OF THE ESTATE OF NORA
RUTH HERRICK, ET AL. V. CITY OF NORTH LITTLE ROCK; AUTHORIZING THE
MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT TO REHABILITATE
PROPERTY LOCATED AT 4015 GLENMERE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. Alderwoman Ross asked if the owners were present and if they were aware of the six (6) month time frame; and, that they must maintain the lawn while they are working on the property. They said they were. Alderwoman White said Mr. Brown has put a lot of time into this matter and commended him for the same. On the previous motion, and all members present having voted in the affirmative, with the exception of Alderwoman White who voted "present", the resolution was adopted (7/1).

Mr. James Ard spoke regarding O-09-11. Electronic signs are expensive and important to business owners. He supports the change from 15 second intervals to 5. Mr. Patrick Stair spoke against the ordinance. He said the signs are distracting to drivers due to the visual nature of them, which is to attract attention. The current 15 second interval is bad enough, five (5)

seconds would make it worse. He read information related to accidents caused by lack of driver attention. Without objection, the legislation was read.

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 February 9, 2009, was read a second time on February 23, 2009, was read a third and final time this date, and held by the sponsor, Alderman Gaines.

Mr. Scott Miller thanked Mayor Hays for responding to his email, and spoke briefly regarding R-09-49. He supports the legislation with a proposed amendment. Without objection, the legislation was read.

R-09-49 (RESOLUTION NO. 7428 - MAYOR HAYS)

A RESOLUTION APPROVING THE TRANSFER OF THE PROPERTY, RIGHTS AND OBLIGATIONS RELATING TO LOT B, P&R PROPERTIES ADDITION TO ~~THE CITY OF NORTH LITTLE ROCK~~ ARGENTCO, LLC.; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS RELATING THERETO, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Mr. John Gaudin spoke briefly regarding the transfer. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was amended as follows: *in the title strike through THE CITY OF NORTH LITTLE ROCK and insert ARGENTCO, LLC, and Section 2: strike through waived and released effective and insert AMENDED TO BEGIN and IDENTIFIED IN SECTION 1. (8/0)*. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

UNFINISHED BUSINESS

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 read a second time this date. Mayor Hays looked at the area. Mr. Carter said one land owner adjacent to the alley is opposed to abandoning it. Mr. Carter expressed concerns over possible legal action from the land owner against the city and recommended getting his consent before proceeding. Mayor Hays said the alley doesn't appear to have been used for some time. Mr. Carter said if abandoned by the city, the property would revert to the owners in the area. Mayor Hays then withdrew the legislation and asked Mr. Carter to refile it after discussion regarding abandoning a portion of the alley.

NEW BUSINESS

R-09-46 (RESOLUTION NO. 7429 - MAYOR HAYS)

A RESOLUTION CONFIRMING THE APPOINTMENT OF BRETT RUSSELL TO THE NORTH LITTLE ROCK HOUSING AUTHORITY BOARD OF COMMISSIONERS; 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-09-47 (RESOLUTION NO. 7430 - MAYOR HAYS)

A RESOLUTION APPOINTING WILLIE ELIZANDRO TO THE UNEXPIRED TERM OF TINA WORRELL ON THE NORTH LITTLE ROCK VETERANS MEMORIAL ADVISORY COMMITTEE; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Gaines, and by consent of all members present, the resolution was adopted (8/0).

R-09-48 (RESOLUTION NO. 7431 - MAYOR HAYS, ALDERMEN ROBINSON AND TAYLOR)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH TAGGART, CURRENCE, GRAY ARCHITECTS, INC. FOR ARCHITECTURAL SERVICES ON A NEW FIRE STATION TO BE LOCATED ON PROPERTY AT BLAZE DRIVE AND SMITTY DRIVE IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS (\$134,200.00 - Sales Tax Improvement Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderwoman Ross. Without objection, Alderwoman Robinson and Alderman Taylor were added as cosponsors. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

Mayor Hays asked Mr. Michael Drake to come forward. Mr. Drake is the former Main Street Argent Director for North Little Rock. As Federal Stimulus Director for the city Mr. Drake attended a conference in Washington, D.C. regarding Stimulus funds, etc. Mr. Drake said Vice President Joe Biden encouraged all who attended the conference to successfully implement the program and funds. Mr. Drake and Todd Larson, Economic Development Director are working together on this project which will include applying for grants. Mayor Hays said this is a great opportunity for our city.

R-09-50 (RESOLUTION NO. 7432 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 601 WEST 25TH STREET 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, was read. A motion to adopt was made by Alderman Hight and seconded by Alderwoman Ross. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (*owner: Wilbert Hobbs*)

R-09-51 (RESOLUTION NO. 7433 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 323 N. PLUM STREET IN THE CITY OF NORTH LITTLE ROCK,

ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (\$3,024.41 - owner: *Marilyn Postell and Michael Parks*)

R-09-52 (RESOLUTION NO. 7434 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 1103 NORTH I STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderwoman Ross. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (\$2,091.93 - owner: *Christiana Bank and Trust Co., owner Trustee of the Security National Funding Trust*)

R-09-53 (RESOLUTION NO. 7435 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 808 NORTH F STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (\$2,395.00 - owner: *Alice Young c/o Melissa Bedford Guidry*)

R-09-54 (RESOLUTION NO. 7436 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 3115 GRIBBLE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (\$2,891.15 - owner: *Lee Roy Yancey c/o Lisa Hamilton*)

R-09-55 (RESOLUTION NO. 7437 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 901 NORTH D STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (\$2,462.89 - owner: *Charles Squall*)

R-09-56 (RESOLUTION NO. 7438 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 3516 SYCAMORE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (*\$1,812.86 - owner: Katherine Keller Williams*)

R-09-57 (RESOLUTION NO. 7439 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 1716 CHANDLER STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (*\$5,098.16 - owner: David R. Edgcombe*)

R-09-58 (RESOLUTION NO. 7440 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BURKHALTER TECHNOLOGIES, INC. FOR DRAINAGE, STREET AND SIDEWALK IMPROVEMENTS, AUGUSTA STREET, PARKWAY TO 47TH STREET, 34TH YEAR (2008) AND 35TH YEAR (2009) CDBG PROGRAMS, IN THE AMOUNT OF \$145,962.46; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gaines and seconded by Alderman Baggett, and by consent of all members present the resolution was unanimously adopted (8/0).

O-09-20

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES was read. On the motion of Alderman Gaines and seconded by Alderman Taylor, and by consent of all members present, with the exception of Alderman Witcher, who voted no, the rules were suspended and the ordinance was placed on its second reading (7/1). Mr. Robert Voyles, Planning Director said the Planning Commission has been reviewing the zoning ordinance. He then discussed some of the proposed changes, deletions, and additions to the current zoning ordinance (see Exhibit "A" for details). Several council members had questions regarding specific sections of the proposal. Mr. Voyles talked about signs on East Broadway and requests for LED signs. Alderman Witcher said there is a national trend towards streaming billboard signs. After more discussion, a public hearing was scheduled for 7:05 p.m., Monday, April 13, 2009. The ordinance was read a second time. The legislation was held by the sponsor, Mayor Hays.

O-09-21 (ORDINANCE NO. 8157 - MAYOR HAYS)

AN ORDINANCE AMENDING SECTION 2-48 OF THE NORTH LITTLE ROCK MUNICIPAL CODE REGARDING CALLING OF SPECIAL MEETING OF CITY COUNCIL; DECLARING AN EMERGENCY; 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 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. Mr. Carter advised the change will allow for notification of special meetings by using several methods, including personal service, delivery by a police officer and/or service via the internet. Discussion followed regarding proof of service (i.e. signature or reply to an email) along with various scenarios for deliver and/or notification. On the motion of Alderman Witcher and seconded by Alderman Baggett, 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-09-22 (ORDINANCE NO. 8158 - ALDERMEN TAYLOR AND ROBINSON)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A FARMERS MARKET IN A C-6 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 512 NORTH MAIN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read and Alderwoman Robinson was

added as a cosponsor. On the motion of Alderwoman Robinson 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 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 invited the applicant, Mr. Foster to come forward and let everyone know about the farmers market and grocery store (which will be across the street). The market will continue to have certified Arkansas produce. The store will have a bakery, coffee shop and pasta machine. They will also make their own mozzarella cheese. The farmers market will open April 18 and be open on Tuesday and Saturdays. Alderman Witcher said he had the opportunity to visit a market in D.C. and said this is a great opportunity for our community. 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 unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Jody Foster*)

PUBLIC COMMENTS-----

Mr. Dan Scott, Director of Neighborhood Services advised their office will be relocating this week to the old Park Hill Water Department at 3427 Magnolia. The office will begin moving Wednesday and Thursday and should be open for business by Friday. The move will allow them to keep various materials used by neighborhood associations onsite. Mr. Drake will be moving to City Hall in the offices Neighborhood Services currently occupies. Mayor Hays and Alderman Witcher discussed the recent National League of Cities Conference in Washington, D. C. and opportunities available to cities and towns. Mayor Hays said Central Arkansas Transit Authority held a press conference today to announce expanded bus service, including Sunday service. Mr. Bobby Taylor spoke regarding code violations in Rose City. He said Code

Enforcement officers do not do their jobs and provided several instances. Mayor Hays said he addresses the issues Mr. Taylor brings before the council. He asked Mr. Taylor to document his complaints in writing. Mr. Ard said the bicycle trails are great, however, bicyclists on Military Road are not staying in the designated area. Mr. Carter said if a person brings in evidence (of a violation), which can be proved “beyond a reasonable doubt”, the City Attorney’s Office will pursue prosecution. Mr. Ard said the Frosty trucks continue to play loud music and no one is doing anything about it.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the meeting adjourned at 9:20 p.m. (8/0), until the next regularly scheduled meeting to be held on April 13, 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