

April 13, 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, April 13, 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 Witcher, followed by the pledge of allegiance to the flag which was led by Alderman Hight.

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 23, 2009, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, communications #2, 3, 4, 6, 7, 8, 9, 10, 13 and 14 were accepted and filed (8/0).

2. Sharon Tedford, Mayor's Office memorandum re: application for Private Club - Change of Manager from Anthony Butler, for Aydelotte's, 5524 John F. Kennedy Boulevard, by Jesse Zakrzewski.
3. Sharon Tedford, Mayor's Office memorandum re: application for Retail Beer on Premises – NEW for River Rail Rentals, 200 South Olive by Carl Fike.
4. Sharon Tedford, Mayor's Office memorandum re: application for Restaurant Mixed Drink – NEW for Nest Lounge (*fka*) Nest Lounge, 3805 MacArthur Drive, by Gerome Jefferson.
6. Sharon Tedford, Mayor's Office memorandum re: *Large Attendance Facility - Change of Manager from William Valentine, Jr.* For Dickey-Stephens Park, 400 West Boardway by Pete Laven.
7. Sharon Tedford, Mayor's Office memorandum re: *Retail Beer On Premises - NEW* for Mulligans Golf Range (*fka*) Lakewood Golf School, 1901 North Hills Boulevard by Rayn Meyer.
8. Angel Young - Petitions requesting Speed Hump in the 1200 block of West 8<sup>th</sup> Street (41 signatures).
9. Alderman Witcher - email from Judy McDowall re: request opposition to inappropriate change in monument sign height and amendment re: Electronic Sign Messages.
10. Alderman Witcher - email from Charles Knott re: opposed to O-09-20 and proposed amendment to Ordinance No. 7697, both pertaining to signs.
13. Sharon Tedford, Mayor's Office memorandum re: *Retail Beer Off Premises - Replacement from Courtney Jones for Maumelle On The Go (fka) Flash Market #31, 8701 Maumelle Boulevard* by Sham Agarwal.
14. Sharon Tedford, Mayor's Office memorandum re: *Retail Beer Off Premises - Replacement*

*from Clarence Timberman for Shell Super Stop #1058 (fka) A & J Shell, 5919 Crystal Hill Road by Majid Kameli.*

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

1. Alderman Witcher - Final Report "A Critical, Comprehensive Review of Two Studies Recently Released by the Outdoor Advertising Association of America.

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

5. Alderman Taylor - email from Lynn Welsh to City Council members and Mayor Hays re: Watkins Car Wash, East Broadway, requesting denial of request to sell cars on the property.

On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, communication # 11 was read by title only, accepted and filed (8/0).

11. Robert Voyles, Planning Director memorandum from Shawn Spencer, Planning staff re: Article from April 2009 Planning Magazine on Digital Signs.

On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, communication #12 was read, accepted and filed (8/0).

12. Ida Emerson, President Glenview Neighborhood Association (via fax) re: Watkins Detail and Car Lot - requesting council deny application.

Mayor Hays read a proclamation proclaiming April 17, 2009 as William Shakespeare Day in the city. He invited Mr. Don Chambers to come forward and introduce his guests who were William Elizabeth Shakespeare, Lady MacBeth and Katerina. A humorous skit was provided inviting everyone to attend the Arkansas Shakespearean Theater and an event on April 17<sup>th</sup> at the *Starving Artist Café*.

Mayor Hays said the Arkansas Travelers had a day game today and lots of youngsters from around the area attended.

Mayor Hays asked Mr. Rick Ezell, Director Office of Emergency Services to come forward. Mr. Ezell said a week is set aside every year to honor public service dispatchers. Mr. Ezell introduced Ms. Dena R-cell Crow (Dispatcher of the Year) and Mr. Bud Gray, 911 Operations Manager. Mayor Hays then read a proclamation proclaiming the week of April 12 - 18, 2009 as National Public Safety Telecommunications Week and thanked Mr. Ezell and his colleagues for their good work.

Mayor Hays asked Ms. Terry Kessinger, Energy Services Supervisor, North Little Rock Electric Department to come forward. She is helping coordinate a variety of projects to help the city become more sustainable energy wise. The city held a poster contest for local 5<sup>th</sup> Graders. The topic was "Reducing Our Carbon Footprint". There was one winner from each school. The overall winner was Miss Lannie Necessary.

April 8, 2009 (email date)

Honorable Members of the North Little Rock City Council:

The purpose of this email 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 April 13, 2009, 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.

Sponsored by: Mayor Patrick H. Hays

- 2) A RESOLUTION DECLARING A MORATORIUM ON ISSUANCE OF PERMITS FOR ELECTRONIC CHANGEABLE COPY SIGNS THROUGH DECEMBER 31, 2010; AND FOR OTHER PURPOSES.

Sponsored by: Mayor Patrick H. Hays, Aldermen Debi Ross and Murry Witcher

Pursuant to Sec. 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 before noon on Friday, April 10, 2009, by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

Also, I want you to be aware that significant amendments are being prepared for agenda items O-09-20 (Generally Amending the Zoning Ordinance) and O-09-28 (Repealing Dumpster Screening Regulations). A public hearing has been requested on O-09-28 by the sponsors (Gaines and Baggett) as well as by Alderman Hight, the sponsor of the amendments. Thus, the agenda will be amended to reflect the public hearing.

Respectfully submitted,  
C. Jason Carter  
City Attorney

*Via email, the city clerk received confirmations from: Witcher, White, Robinson, Hight, Baggett, Ross, Taylor, and Gaines.*

Special Call 1) (RESOLUTION NO. 7441 - MAYOR HAYS)

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. 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). Mr. Mike Russ, General Manager, North Little Rock Electric Department described the Green Committee which is made up of 20 members and divided into Action Teams. He introduced members of the committee

who were present. Ms. Kessinger said Earth Day activities will take place in Riverfront Park April 25, 2009, and invited everyone to attend.

Mayor Hays convened a public hearing at 7:32 p.m. regarding O-09-28, (*pursuant to request included in Special Call announcement*), amending Ordinance No. 7697 (the Zoning Ordinance) by repealing Ordinance Nos. 8039 and 8117 regarding dumpsters and dumpster enclosures. Mayor Hays reviewed the history of the dumpster ordinance referenced herein, compliance issues, concerns and expenses to business owners. Alderman Hight said his dumpster Task Force has been meeting. He said he is looking at what will make the most people happy and had three amendments reflecting the same. His amendments would “Grandfather” all dumpsters which were behind the front building line and in place before January 14, 2008. After January 14, 2008, businesses would have to comply with the new rules. Alderman Hight referenced requirements for dumpsters which are in front of the front building line located along major arterial streets (John F. Kennedy, McCain, etc. Alderwoman Robinson asked if a “grandfathered” dumpster would be allowed if the property is sold. Alderman Gaines advised he and Alderman Baggett have an amendment. Without objection, O-09-28 was read. At 7:46 p.m. members of the audience began speaking on the proposal. Mr. Dennis Toland owns apartments. He thanked Aldermen Hight, Gaines and Baggett for their work on this. He said the old ordinance should be considered. Screening won’t work at his business. He has seven dumpsters and it will be expense to enclose all of them. Many businesses are just getting by economically. Everyone who has a dumpster needs to “police” their own. Mr. Toland said he had a fence installed, but people would sling trash over the side and junk it up. Mr. Doug McDowall owns Neighborhood Wine and Spirits located on Camp Robinson Road. His business generates a lot of cardboard boxes. They have two dumpsters. When this issue was before the Planning Commission a few years ago. He was one of a few business owners who attended those meetings. He said he cannot see a residential property or the road from his site. He was told he didn’t have anything to worry about. He agrees with grand-fathering existing businesses which keep their dumpster sites tidy. The gates at the enclosures inconvenience the dumpster companies, too, as the drivers have to get out of their truck, open the gate, dump the dumpster, then get out of the truck and close the gate. Mr. Rickie Bauer is with Crow Burlingame. Fencing around his dumpster would create an area where other people could throw their waste into his dumpster. Creating an enclosure will cost a lot of money. He is considering buying trash cans and having the city pick up his trash. His dumpster is located in the alley behind his building. Mr. Wayne Rathbun, Director of Business Development for Waste Management said they have been a partner with North Little Rock’s business community. Over 300 million pounds of recyclable materials have been diverted from landfills through cooperation with the city. Mr. Rathbun said it seems his business has been attacked. He has lost six customers within the past 12 months in North Little Rock. The city cannot legislate “taste”. He recommended following the 2004 dumpster ordinance; amend it to have stricter restrictions. Mr. Sonny Spann, Spann’s Carpet enclosed his dumpster and now regrets it. He spent over \$2,900.00 to build a 9' x 9' enclosure. He keeps the area clean. Mr. Tony Runions said there is no access to the back of their business, The Gettin’ Place on MacArthur Drive. The expense will be on-going including maintenance of the screening and security, which adds to the economic hardship. Mr. Carter said existing dumpsters would be considered non-conforming uses as the use of the dumpster would be ongoing. Mr. Rob Callahan’s business is located on a main thoroughfare. He cannot put a dumpster behind his building. There is no support for this legislation. The only logical option is

to repeal the ordinance. The city should enforce the 2004 ordinance. Mr. John Tolliver and his son own Discount Muffler and Discount Auto Repair. Grand-fathering businesses makes sense. Richard Beard does not have a dumpster. He spoke of the “law of unintended consequences”. Mr. Robbie Sherman is the property manager at Arrington Apartments said they have several dumpsters. They have more problems with the enclosed dumpsters than those without enclosures. Mr. Terry Hartwick, North Little Rock Chamber of Commerce President said they are pro-small business. Chamber members are opposed to the dumpster ordinance. Mr. Hartwick asked those present who were against the dumpster ordinance to stand (30+). Ms. Becky Scott said the city hasn’t complied with the ordinance by enclosing their dumpsters. She asked what the cost would be to the city, which would end up costing the taxpayers. Woody Arrow, Arrow Plumbing said the business community is clearly against this ordinance and it should be repealed. He encouraged the council to do the right thing. When he worked in Little Rock, there was a similar ordinance. He had problems due to other people dumping their trash in the enclosure. People need to clean up their property without being told by a city council. There being no other members of the public wishing to speak, Mayor Hays adjourned the public hearing at 8:20 p.m. The legislation having been read earlier is now before the council.

O-09-28 (ORDINANCE NO. 8159 - ALDERMEN GAINES AND BAGGETT)  
AN ORDINANCE AMENDING ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”)  
BY REPEALING ORDINANCE NOS. 8039 AND 8117 REGARDING DUMPSTERS AND  
DUMPSTER ENCLOSURES; DECLARING AN EMERGENCY; AND FOR OTHER  
PURPOSES, was read. A motion to suspend the rules was made by Alderman Gaines and

seconded by Alderman Baggett. Alderman Baggett said repealing the ordinance is the right thing to do. Alderman Gaines said there are very few people city-wide who have complied. A mistake was made and repealing the ordinance will correct it. Alderman Hight asked if the legislation should be adopted before it is amended. He drove around the city today and saw a lot of dumpster which had been screened and the dumpster was sitting outside of the screen. He saw others with the doors open. He saw few that were in front of the building line. His amendments could satisfy the majority of people here. Alderman Hight made a motion to amend the ordinance by *amending the title, the fourth recital clause and Section 1:* (see amendments attached to Special Call notification April 8, 2009. The motion died for lack of a second. Alderwoman Robinson said if this legislation is adopted, then businesses need to comply with the 2004 ordinance. Alderwoman Ross said the 2004 ordinance could be reviewed. Mayor Hays thanked everyone for coming and sharing concerns. On the previous motion (to suspend the rules), 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 Gaines, and by consent of all members present, with the exception of Alderman Hight who passed, the rules were again suspended and the ordinance was placed on its third and final reading (7/1). The roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Hight who passed, the ordinance was adopted (7/1). On the emergency clause, all members present voted yes, with the exception of Alderman Hight, who passed, the emergency clause was adopted (7/1).

Mayor Hays recessed the meeting at 8:38 p.m. The meeting was reconvened at 8:42 p.m.

Special Call #2 (*call number will be R-09-70*)

A RESOLUTION DECLARING A MORATORIUM ON ISSUANCE OF PERMITS FOR ELECTRONIC CHANGEABLE COPY SIGNS THROUGH DECEMBER 31, 2010; AND FOR OTHER PURPOSES, was read. Mayor Hays scheduled a public hearing for Monday, April 27, 2009, at 7:05 p.m. He said intensity of some signs can be disruptive. The resolution will be added to the council agenda (as R-09-70). Alderwoman Ross said these signs can be placed anywhere in the city. Several cities have banned these type of signs. Alderman Baggett doesn't want these type signs in residential areas. Alderman Witcher showed a video clip of an electronic sign located in Jacksonville (Arkansas), which illustrated a rapid changing message. Alderwoman Ross said the price of these signs are coming down meaning more business owners may purchase them. Alderwoman White said the council needs to take its time making a decision. Several people were present to speak on this legislation. Mr. Presley Melton referenced communication #11 and visual clutter. He agreed with taking time to make a decision. Increasing the flashing rate allowed on electronic signs would be a step backward. Mr. Jason Offutt is with Ace Sign Company. LED signs have to be located in commercial areas. He names a couple of businesses which located in other cities because of sign restrictions. He did not see a need for a moratorium. Mr. Matt Chubboy is Territorial Manager for Watchfire Signs. He has been in this business for 35 years. LED signs have a proven track record. They increase walk-in business. Our society is technologically driven, which is why we respond to those signs. Mr. Steve Baxter said use of a cell phone is a distraction. The council cannot legislate "beauty" or taste. He recommended forming an Electronic Sign Task Force. Mr. Patrick Stair is opposed to both O-09-11 and O-09-20 and would support a complete ban of these signs. He mentioned safety concerns. Electronic signs are distracting. He referenced communication #1 and pending legal action at the United States Court of Appeals. Craig Crawford spoke on behalf of Bob Osborne who had to leave. North Little Rock already has sign restrictions. Prices will make these type signs cost prohibitive. Mr. Crawford said the Federal Government is conducting studies regarding LED signs, but has not concluded anything. A sign, like to ones at Sonic (5' x 8') would cost \$58,000.00. Jerry Hodge owns Signs First. Visibility is one of the most important issues facing small business owners. A two year moratorium is too long to resolve this matter. A lot of the technology and rules are in place. Mr. (Inaudible) Ferguson lives by the Old Mill. He said Park Hill Christian Church's sign was blown down recently. An LED sign will be recommended to the church. He mentioned other areas in the city. Charlie Knott is the new President of the Lakewood Northeast Neighborhood Association. He said a moratorium is a good decision on this issue which will give people an opportunity to offer input. Mr. Philip Flemister is with a sign company. He said LED signs increase walking traffic and impulse buys. Small business owners need all the help they can get. Studies have found that these signs are safe in traffic. He referenced signs in Las Vegas, Nevada. Mr. Robert Fureigh is an Engineer. He talked about the brightness of the signs and the ability to measure the same. Shawn Archer heads the Lakewood Neighborhood Group. The council needs to consider the ramifications of allowing these signs in residential areas. Mr. Hartwick agreed that LED signs should not be in residential neighborhoods. He said the length of time on the moratorium should be shortened. Alderwoman Ross asked if the West Campus could install and LED sign. Mr. Robert Voyles, Planning Director said he would have to check. Mayor Hays recessed the discussion at 9:32 p.m. until the public hearing at the next meeting. Alderwoman Ross will have amendments for the next meeting which will change LED to Electronic Signs. After further discussion among

council members, Special Call 2) was held and will be added to the regular agenda for the next council meeting.

Mayor Hays convened a public hearing regarding O-09-20, amending Ordinance No. 7697 (the Zoning Ordinance) at 9:32 p.m. and asked Mr. Voyles to summarize the proposed amendments (A-W) (*see Section 1 for details*). There being no one present wishing to be heard, the public hearing was adjourned at 9:35 p.m. Alderwoman Robinson is opposed to (M). Regarding (E) if monument signs should be 6' in the rest of the city.

Mayor Hays asked if anyone had signed up to speak on any other agenda item. Pastor Steven Tiner said North Little Rock is a progressive city. Other cities and towns look at North Little Rock as a progressive city. Electronic signs are innovative. We do not want to go backwards. Pastor Tiner said the encasement of signs could be regulated.

### **UNFINISHED BUSINESS**

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 February 9, 2009, February 23, 2009 and a third and final time March 23, 2009. A public hearing was held February 23, 2009. The ordinance was read again. A motion to adopt was made by Alderman Gaines and seconded by Alderman Baggett. A motion to amend was made by Alderman Gaines and seconded by Alderman Baggett to amend the time to 10 seconds, the following members voted yes: Gaines and Baggett, and the following members voted no: Ross, White, Taylor, Robinson, Hight and Witcher, the motion to amend failed (2/6). A motion to adopt was made by Alderman Gaines and seconded by Alderman Baggett. Alderman Witcher asked if this could be held. At the request of sponsor, Alderman Gaines, the legislation was held.

O-09-20

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES was read. The ordinance was read two times on March 23, 2009, was read a third and final time this date. A public hearing was held and adjourned this date (see above). The legislation was held by the sponsor, Mayor Hays.

### **NEW BUSINESS**

R-09-59 (RESOLUTION NO. 7442 - MAYOR HAYS)

A RESOLUTION APPOINTING TOBY BURKETT TO THE POSITION PREVIOUSLY HELD BY SYD CRYMES ON THE NORTH LITTLE ROCK AIRPORT COMMISSION; 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). Mayor Hays acknowledge Mr. Burkett who was present and thanked him for serving on the Airport Commission.

R-09-60 (RESOLUTION NO. 7443 - MAYOR HAYS)

A RESOLUTION APPOINTING VICKI LYNNETT COX TO THE POSITION PREVIOUSLY HELD BY GEORGE MOBBS ON THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gaines and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-61 (RESOLUTION NO. 7444 - MAYOR HAYS)

A RESOLUTION REAPPOINTING ERICA SUSKIE TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; 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-09-62 (RESOLUTION NO. 7445 - MAYOR HAYS)

A RESOLUTION REAPPOINTING TOM DAVIS TO THE PARKS AND RECREATION COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Ganes and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

Mayor Hays thanked Ms. Cox, Mrs. Suskie and Mr. Davis for their service and continued service to the city.

R-09-63 (RESOLUTION NO. 7446 - MAYOR HAYS)

A RESOLUTION REPEALING RESOLUTION NO. 7190 WHICH DECLARED 1522 SCHAEER IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO BE A PUBLIC NUISANCE AND CONDEMNED IT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-64 (RESOLUTION NO. 7447 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR TO PURSUE A MASTER PLAN FOR DOWNTOWN DEVELOPMENT IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS (\$85,000.00 - Sales Tax Capital Improvement Fund); AND FOR OTHER PURPOSES, was read. Mayor Hays said this will benefit not only Ward 2, but Ward 1 as well. Alderwoman White visited with Mr. John Gaudin and Mr. Brad Williams and said they presented a good plan. However, this is not a good time to spend \$85,000.00 due to declining tax revenue. Alderwoman Ross said the funding is coming from Sales Tax Capital Improvement Fund, and asked if funding would be available to other areas? Mayor Hays advised it would and briefly discussed other parts of the city. Mr. Williams said there is exponential value long-term. Alderman Baggett said he was opposed to this initially, but after learning how this can benefit other wards in the city, he supports it. Alderman Hight said North Little Rock is 100 years old. We have to start planning for the future of our city. On the motion of Alderman Witcher and seconded by Alderman Gaines, and by consent of all members present, with the exception of Alderwoman White, who voted no, the resolution was adopted (7/1).

R-09-65 (RESOLUTION NO. 7448 - MAYOR HAYS)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE FEDERAL AID FUNDS FOR IMPLEMENTATION OF THE HIGHWAY 100 / HIGHWAY 365 (PIKE AVENUE) ROUNDABOUT PROJECT; 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).

R-09-66 (RESOLUTION NO. 7449 - MAYOR HAYS)

A RESOLUTION ADOPTING A SALARY SCHEDULE FOR NORTH LITTLE ROCK POLICE DEPARTMENT OFFICERS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. Mayor Hays said there is a lot of competition among cities. These are challenging times. The city will be applying for funding from the Department of Justice through COP Grants. Police Chief Danny Bradley said they are based on first year starting salary. This will effect some existing positions. Alderman Witcher asked if this grant will fund equipment. It will not. Mayor Hays said another grant being pursued will provide funding for equipment. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-09-67 (RESOLUTION NO. 7450 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE NORTH LITTLE ROCK POLICE DEPARTMENT TO DONATE CERTAIN USED EQUIPMENT TO THE JERICHO POLICE DEPARTMENT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. Chief Bradley said the equipment doesn't match what the city has now. The bullet proof vests are out of date and they are aware of this. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-09-68 (RESOLUTION NO. 7451 - ALDERWOMAN ROBINSON)

A RESOLUTION DECLARING APRIL TO BE "CHILD ABUSE PREVENTION MONTH" IN THE CITY OF NORTH LITTLE ROCK; 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).

R-09-69 (RESOLUTION NO. 7452 - ALDERWOMEN ROSS AND WHITE)

A RESOLUTION TRANSFERRING FUNDS AND ADJUSTING BUDGET AMOUNTS IN THE 2007 - 2008 CDBG PROGRAMS; APPROVING FINANCIAL MANAGEMENT PLAN; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows: *Exhibit "A" amend amount from \$87,204.24 to \$79,504.24* (8/0). On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

O-09-23 (ORDINANCE NO. 8160 - MAYOR HAYS)

AN ORDINANCE AMENDING NLRMC § 6-40 TO CONFORM WITH ACT 294 OF 2009 (Authorizing holders of on premises alcohol permit to operate on Sunday between the hours of 10:00 a.m. and 12:00 midnight); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

On the motion of Alderman Hight 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 Taylor 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. Alderman Witcher said cities should be allowed to make their own legislation. On the motion of Alderman Taylor 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-09-24 (ORDINANCE NO. 8161 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR UPGRADES TO GEAR MONITORING EQUIPMENT AT THE MURRAY HYDRO PLANT; APPROPRIATING FUNDS (\$67,200.00 + expenses - Electric O & M Fund); DECLARING AN EMERGENCY; 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 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 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-09-25 (ORDINANCE NO. 8162 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR EMERGENCY OVERFLOW ANSWERING SERVICE; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A UTILITY SERVICES AGREEMENT WITH TWENTY FIRST CENTURY COMMUNICATIONS, INC (estimated annual cost \$34,000.00); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

On the motion of Alderman Witcher 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 Taylor 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 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-09-26

AN ORDINANCE ESTABLISHING ZONING FOR REAL PROPERTY IN EXTRA-TERRITORIAL AREAS ADJACENT TO THE CITY OF NORTH LITTLE ROCK LOCATED SOUTHEAST NEAR SCOTT AND EAST NEAR THE I-40 AND I-440 INTERCHANGE; 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 scheduled a public hearing for 7:05 p.m. on Monday, April 27, 2009. The legislation was then held at the request of the sponsor, Mayor Hays. Alderwoman Robinson asked if this included Walker's Corner. Mr. Voyles said it goes to Walker's Corner but not into Lonoke County. This is not an annexation, but zoning for extra-territorial areas.

O-09-27 (ORDINANCE NO. 8163 - MAYOR HAYS)

AN ORDINANCE APPROVING USE OF AN EXISTING POLE SIGN FOR CERTAIN REAL PROPERTY LOCATED AT 3700 JOHN F. KENNEDY BOULEVARD IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. A motion to suspend the rules was made by Alderwoman Ross and seconded by Alderwoman White. Mayor Hays said this is a business at the old Paul's Restaurant in Park Hill. Residents of the neighborhood are not opposed. On the previous motion, 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 Ross and seconded by Alderwoman White, 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). Mayor Hays acknowledge Ms. Curtis who was present and said he has had one of her pies. (*applicant: Letti Curtis*)

A man (*no name provided*) spoke regarding O-09-26. He said he was concerned about zoning which was R-6. They requested R-2 and it was done. Mayor Hays invited him to be at the next meeting, too.

O-09-29 (ORDINANCE NO. 8164 - ALDERMEN TAYLOR, HIGHT AND ROBINSON)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 5401 HIGHWAY 165 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM CONSERVATION TO R-1 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. At the request of the sponsor, Alderman Taylor, Aldermen Hight and Robinson were added as cosponsors. On the motion of Alderman Hight 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 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. Alderman Witcher asked about the change from Conservation to R-1. Mr. Voyles said during the 1960's the anticipated flood plane was a larger area. Regarding berms in the area, it is a private levee district. It would cost the city a lot of money to take them over. On the motion of Alderman Hight and seconded by Alderwoman Robinson, 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: Mildred Turnbow*)

O-09-30 (ORDINANCE NO. 8165 - ALDERMEN GAINES AND BAGGETT)

AN ORDINANCE VACATING AND ABANDONING A NON-IMPROVED STREET LOCATED BETWEEN BLOCKS 1 AND 2 OF THE WESTLINE SUBDIVISION IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. At the request of sponsor 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 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).

O-09-31 (*for consideration only*)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN AUTO DETAILING AND AUTO SALES BUSINESS IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4314 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor Hays explained the reason for *consideration only* which allows the applicant a chance to be heard by the council. Mr. Watkins said he wants to expand and bring in some new business. He has cleaned up this area. He has sold cars at a different location on East Broadway. On the motion of Alderman Taylor and seconded by Alderman Gaines, and by consent of all members present, with the exception of Alderwoman Robinson who voted no, the rules were suspended and the ordinance was placed on its second reading (7/1). Mr. Tom Wadley, Director of Code Enforcement said there have been past problems with vehicles and overgrown grass. Alderwoman Robinson said residents of Rose City, Glenview and Meadowpark do not want anymore used car lots. Mr. Watkins said regarding the code violation for selling cars was a misunderstanding on his part. He said he has painted the building, flowers are planted. It looks nice. Alderman Taylor has known Mr. Watkins for a long time. He wanted him to have the opportunity to come before the council. Mr. Terry Eslick, Rose City Neighborhood Association said Mr. Watkins painted his awning instead of fixing it. Other things are still laying around the building. Alderman Taylor made a motion which was seconded by Alderman Gaines, to suspend the rules and place the ordinance on its third and final reading, the following members voted yes: Taylor, Gaines and Baggett, and the following members voted no: Ross, White, Robinson, Hight and Witcher, the motion failed (3/5). The legislation will remain on the agenda. (*applicant: Eric Watkins*)

O-09-32 (ORDINANCE NO. 8166 - ALDERWOMAN ROSS)

AN ORDINANCE SHORTENING THE DURATION OF A PEDDLER'S LICENSE (*from 12 months to 90 days*); AMENDING NLRMC § 74-48; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross 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 Ross 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. Alderman Baggett said his dad was a door to door salesman. Mayor Hays said times have changed a lot. Mr. Jerry Reagan, Internal Auditor said that as of this date, only one peddlers license has been issued for 2009. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, 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).

**PUBLIC COMMENTS-----**

Mr. Melton spoke again about signs and asked the council to place controls on electronic signs.

Mr. Eslick said some teenage girls in his neighborhood are loitering in the street. He needs help from the police department. Mr. Taylor talked to Tim Marvin about the northeast corner of Protho and Haywood. This is a dangerous situation and someone is going to get hurt.

Alderwoman White said the Literacy Action Program is looking for tutors. Anyone interested in more information can call her. Mr. Ferguson said he was behind Hobby Lobby today and that the rock slide has shifted again. He said electric poles in the area are high-density lines. He also noticed there were four dumpsters in front of the old Puff's location. Mayor Hays said Mr. Ferguson could get on an email list which provides daily updates. He asked how the Federal Cap on trade will effect the city.

There being no further business to come before the Council, and on the motion of Alderman Gaines and seconded by Alderman Baggett, and by consent of all members present, the meeting adjourned at 11:00 p.m. (8/0), until the next regularly scheduled meeting to be held on April 27, 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