

May 11, 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, May 11, 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, MAURICE TAYLOR, LINDA ROBINSON, CARY GAINES, SAM BAGGETT, and MURRY WITCHER (6/0), a quorum was declared. Alderwoman BETH WHITE was out sick and Alderman CHARLIE HIGHT was out of town. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderman Taylor, followed by the pledge of allegiance to the flag which was led by Alderwoman Ross.

On the motion of Alderman Witcher and seconded by Alderman Gaines, and by consent of all members present, the minutes of a regular council meeting held on Monday, April 27, 2009, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, communications #1, 2, 3, 4 (a), (b), (d), (e), (f), (g), 5, 7, 8, 9, 10, 11 (a), (b), and (c), were accepted and filed (6/0).

1. Sharon Tedford, Mayor's Office memorandum re: *Small Farm Winery - Retail - NEW* for Dodge Store Saving, 2910 East Broadway by Greg Degarmo.
2. Bill Yeates, letter dated April 27, 2009 to Mayor Hays and American Patriots from Nick Bacon, Member Congressional Medal of Honor Society re: support erecting a statue of an American Soldier in battle dress at 5501 MacArthur Drive.
3. Mike Wilson, Vice President of Government Affairs, Comcast Cable re: Convenience Fee increase from \$4.00 to \$5.00 (per transaction) effective June 1, 2009.
- 4 (a). Bill Yeates - petitions to North Little Rock Veterans Memorial Advisory Committee recommending approval of 5501 MacArthur Drive for a Memorial (bronze statue of a soldier saluting) (427 signatures).
- 4 (b). Bill Yeates - letter dated April 17, 2009 to North Little Rock Veterans Memorial Advisory Committee from Rose Weiss, Department President American Legion Auxiliary (AR) re: requesting "Saluting Soldiers" Memorial erected at 5501 MacArthur Drive.
- 4 (d). Bill Yeates - letter dated April 14, 2009 to North Little Rock Veterans Memorial Advisory Committee from William Asproth, Exalted Ruler North Little Rock (Elks) Lodge Number 1004 re: requesting "Saluting Soldiers" Memorial erected at 5501 MacArthur Drive.
- 4 (e). Bill Yeates - letter dated July 24, 2008 from Colonel Larry W. Curtis re: Arkansas National Guard has no objections to the proposed monument to be built at 5501 MacArthur Drive.
- 4 (f). Bill Yeates - letter dated April 21, 2009 from Amboy Neighborhood Association re: request "Saluting Soldiers" Memorial erected at 5501 MacArthur Drive.
- 4 (g). Bill Yeates - letter dated April 27, 2009 from Nick Bacon (*see communication #2*).
5. Alderwoman Beth White for Toni Daschke, Petition requesting Speed Hump on Glenmere

between Topf and Fairway (20 yes signatures and 1 no).

7. Gregory Morris, Senior Director of Benefits and Risk Management, Lance, Inc., letter to Mayor Hays re: Worker Adjustment and Retraining Notification Act of 1988, advising Brent and Sam's facility located at 30 Collins Industrial Place will close between July 6 and July 20, 2009.
8. Sharon Tedford, Mayor's Office memorandum re: *Retail Beer Off Premises - Replacement from Joyce Babb*, for Best Superstop *fka* Joyce's Superstop, 4414 East Broadway, by Inderjit Singh.
9. Christopher P. Noun, International Advisor Hatti Harris Good Spirits Club International, re: annual National Thank You Day for Elected Officials in the U.S.
10. Bob Rhoads, Parks and Receptions Director memorandum to Mayor Hays re: Notice of Public Hearing for Parks and Recreation needs (May 18, 2009 at 5:15 p.m. at the North Little Rock Community Center, 2700 Willow Street, North Little Rock).
- 11 (a). Bill Yeates - letter dated April 28, 2009 from Amboy Crime Watch Group re: request "Saluting Soldiers" Memorial erected at 5501 MacArthur Drive.
- 11 (b). Bill Yeates - letter dated May 7, 2009 from Robert Delk, Post Commander VFW Post 11474 re: request "Saluting Soldiers" Memorial erected at 5501 MacArthur Drive.
- 11 (c). Bill Yeates - letter dated May 7, 2009 from Janice Delk, Auxiliary President VFW Post 11474 re: "Saluting Soldiers" Memorial erected at 5501 MacArthur Drive.

Mayor Hays acknowledged communications #2, 4 (a), (b), (d), (e), (f), (g), 11 (a), (b), and (c), all pertaining to erecting a "Saluting Soldiers" Memorial at 5501 MacArthur Drive.

Communication 4 (a) included petitions with 427 signatures regarding the memorial location.

On the motion of Alderman Gaines and seconded by Alderman Baggett, and by consent of all members present, communication #4 (c) was read, accepted and filed (6/0).

- 4 (c). Bill Yeates - letter dated April 10, 2009 to North Little Rock Veterans Memorial Advisory Committee from Dwight Earnest, Commander, The American Legion Department of AR re: requesting "Saluting Soldiers" Memorial erected at 5501 MacArthur Drive.

On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, page 2 of communication #6 was read, accepted and filed (6/0).

6. Fire Chief Robert W. Mauldin, letter regarding actions of Fire Station #2 C-Crew at a commercial fire at 309 Philips.

Mayor Hays referred to communication #10 scheduling a public hearing May 18, 2009, at 5:15 p.m. at the main Community Center.

Mayor Hays invited Mr. Hank Godwin, Ozark Mission Project (OMP) to come forward. The OMP is a Christ led mission opportunity offering a diverse cultural experience that equips youth to make a global difference. Their mission is to transform lives through worship, fellowship and hands-on mission. The OMP has served Arkansans for 23 years and is a 501c3 non-profit agency of the Arkansas Conference of the United Methodist Church. Last year 300 neighbors served 335 projects with 623 campers (in 12 camps) and 99 camp volunteers. In two years, residents in the Baring Cross, Rose City, Levy, Dixie, East 2<sup>nd</sup> Street, and Shorter College areas had improvements totaling over 4,500 hours of labor. The group built 59 wheel chair ramps and painted 84 houses. In Arkansas, there will be 12 camps this year in 29 counties for a period of 4

weeks. Lakewood United Methodist Church will host 65 campers and 10 adult volunteers who will arrive June 7<sup>th</sup> for a week of work, fellowship and worship.

Mayor Hays asked if anyone had signed up to speak on any agenda item. Mr. James Ard said cable rates are being increased. If the cable company wouldn't send out so many mailers they could save some money. Mr. Ard spoke regarding electronic signs. He said each sign should be considered on a case-by-case basis. Mr. Patrick Stair said he is concerned about the section in O-09-20 and O-09-42 which contain sections regarding electronic signs. Mr. Robert Fureigh had concerns regarding O-09-20. Mayor Hays said amendments will be proposed to O-09-20.

Mayor Hays announced and convened a public hearing regarding O-09-20 and asked if anyone else wanted to speak and asked that the legislation be read. There being no one else wishing to be heard, the public hearing was adjourned.

### **UNFINISHED BUSINESS**

**O-09-20 (ORDINANCE NO. 8175 - MAYOR HAYS)**

**AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,**

the ordinance was read two times on March 23, 2009, and was read a third and final time April 13, 2009, and was read again this date. Mayor Hays reconvened a public hearing (see above). A motion to adopt on third and final reading was made by Alderman Witcher and seconded by Alderman Baggett. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, with the exception of Aldermen Gaines and Baggett, who voted no, and the Mayor having voted yes, the legislation was amended as follows: *delete Subsections U Section 14.19—Changeable Copy (Signs) and W Section 14.19.2—Changeable Copy (Signs) and under Section 1 and in the document attached as Exhibit A (5/2)*. On the motion of Alderwoman Robinson and seconded by Alderman Witcher, and by consent of all members present, the ordinance was again amended as follows: *replace all language within Subsection E under Section 1 and in the document attached as Exhibit A with the following E.* AMENDING MONUMENT SIGN HEIGHT FROM 10' TO 6' IN ARTICLE 11. 11.8.D.2 East Broadway Sign Overlay District, *All permitted ground mounted signs shall have a maximum height limit of ~~10' 6'~~ 6'*; and, 11.9.D.2 Camp Robinson Sign Overlay District, *All permitted ground mounted signs shall have a maximum height limit of ~~10' 6'~~ 6'*; and, 11.10.D.2 John F. Kennedy Boulevard (JFK) Sign Overlay District, *All permitted ground mounted signs shall have a maximum height limit of ~~10' 6'~~ (6/0)*. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the ordinance was again amended as follows: *delete Subsection M under Section 1 and in the document attached as Exhibit A (6/0)*. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (6/0). The emergency clause was not called at the request of the sponsor, Mayor Hays, therefore, there is no emergency clause on this legislation.

### **NEW BUSINESS**

**R-09-78 (RESOLUTION NO. 7461 - MAYOR HAYS)**

**A RESOLUTION APPOINTING DOROTHY ROMES TO THE POSITION PREVIOUSLY HELD BY JAMES ROBERTS ON THE NORTH LITTLE ROCK SENIOR CITIZENS**

COMMISSION; 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 adopted (6/0).

R-09-79 (RESOLUTION NO. 7462 - MAYOR HAYS)

A RESOLUTION REAPPOINTING JUDITH KRILE TO THE LIBRARY COMMISSION; 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 adopted (6/0).

R-09-80 (RESOLUTION NO. 7463 - MAYOR HAYS)

A RESOLUTION REAPPOINTING SHIRLEY LINDSEY TO THE LIBRARY 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 adopted (6/0).

R-09-81 (RESOLUTION No. 7464 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A RELEASE OF LIEN ON CERTAIN PROPERTY LOCATED AT 1524 MARION STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. Alderwoman Ross said the city has invested a lot of time and money in the process of condemnation and demolition and removal of the condemned structures at this location. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows: *strike through and insert language as follows - Section 2: That the release of lien on the herein described property will be contingent upon ONLY AFTER transfer of title to Argenta CDC AND PAYMENT OF THE LIEN IN FULL IN THE AMOUNT OF \$1,400.00, THE LIEN ON THE HEREIN DESCRIBED PROPERTY SHALL BE RELEASED AND RESOLUTION NO. 7262 (CONDEMNING THE SUBJECT PROPERTY) SHALL BE REPEALED; and the current Section 3 shall be renumbered as SECTION 4 and a new Section 3 shall be added which shall read as follows:: SECTION 3: THAT ANY AND ALL FUNDS RECEIVED IN SATISFACTION OF THE LIEN DESCRIBED HEREIN ARE APPROPRIATED FOR THE REMOVAL OF NUISANCE STRUCTURES IN THE CITY OF NORTH LITTLE ROCK* (6/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the resolution was adopted as amended (6/0). Mayor Hays said the city is willing to negotiate with Argenta CDC.

R-09-82 (RESOLUTION NO. 7465 - MAYOR HAYS)

A RESOLUTION APPROVING PARTICIPATION BY THE CITY OF NORTH LITTLE ROCK UNDER THE U.S. DEPARTMENT OF ENERGY'S PROGRAM FOR ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS (EECBG); AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE APPLICATION THEREFOR; AND FOR OTHER PURPOSES, was read. Mayor Hays advised Mr. Mike Russ, General Manager North Little Rock Electric Department and Ms. Terry Kissinger have been working on this program. Mr. Russ provided a presentation recommending uses for these funds. The city's allocation would be

\$599,200.00. A time line began March 23, 2009, and will end June 25, 2009. The purpose of EECBG is to reduce fossil fuel emissions in an environmentally sustainable manner, reduce total energy use for eligible entities (North Little Rock) and improve energy efficiency. Mr. Russ reviewed a list of principles and key metrics. North Little Rock's project list included LED street lighting, residential rebates, commercial rebates, neighborhood outreach and municipal building efficient lighting. Seed money would fund studies and smart meters, and CNG Study. Mr. Russ said refunds will be on a first-come, first-serve basis. Ms. Kissinger discussed HVAC contractors, verification, etc. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted (6/0).

R-09-83 (RESOLUTION NO. 7466 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDMENT TO THE PULASKI AREA GEOGRAPHIC INFORMATION SYSTEM (Pagis) INTERLOCAL AGREEMENT; AND FOR OTHER PURPOSES, was read. Mayor Hays said all this does is add the City of Jacksonville. On the motion of Alderman Taylor and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (6/0).

R-09-84 (RESOLUTION NO. 7467 - MAYOR HAYS)

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF NORTH LITTLE ROCK TO UTILIZE FEDERAL AID FUNDS FOR THE DEVELOPMENT AND IMPROVEMENT OF HIGHLAND TRAIL; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gaines and seconded by Alderwoman Robinson. Mayor Hays briefly reviewed the proposal and other developments in the area. On the previous motion and by consent of all members present, the resolution was adopted (6/0).

R-09-85 (RESOLUTION NO. 7468 - ALDERWOMEN ROSS AND WHITE)

A RESOLUTION APPROPRIATING \$3,200 FROM DARK HOLLOW IMPACT FEES FOR DRAINAGE IMPROVEMENTS IN FRONT OF NORTH LITTLE ROCK HIGH SCHOOL EAST CAMPUS ON LAKEVIEW ROAD; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the resolution was adopted (6/0).

O-09-40 (ORDINANCE NO. 8176 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING AN EXTENSION OF THE CURRENT SIDEWALK CONSTRUCTION CONTRACT TO ALLOW CINERGI CONSTRUCTION COMPANY TO IMPLEMENT THE 2009 SIDEWALK PROGRAM; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

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 (6/0). 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 (6/0). The ordinance was read a third and final time. Mr. Tom Brooks with Cinergi Construction Company was present. Mr. Mike Smith, City Engineer said he spoke with staff from the City of Little Rock, Sherwood, Jacksonville and Pulaski County regarding their current sidewalk bids. This proposal is less than any he could find.

Alderwoman Robinson said Willow Beach residents want sidewalks. Alderman Gaines said he

called around about concrete prices. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and the roll having been called and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

O-09-41 (ORDINANCE NO. 8177 - ALDERWOMAN ROSS)

AN ORDINANCE VACATING AND ABANDONING AN ALLEY LOCATED EAST OF THE INTERSECTION OF PERCY MACHIN AND PIKE AVENUE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (6/0). 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 (6/0). The ordinance was read a third and final time. Alderwoman Ross said this alley runs behind the old US Pizza and Spectators location. On the motion of Alderwoman Ross and seconded by Alderman Baggett, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

O-09-42

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE ZONING ORDINANCE) REGARDING ELECTRONIC CHANGEABLE COPY SIGNS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES (from 15 seconds to 5 seconds), was called and

withdrawn by sponsor, Alderman Gaines.

**PUBLIC COMMENTS**-----

Mayor Hays advised the next City Council meeting will be held on Tuesday May 26, 2009, due to the upcoming Memorial Day holiday. Alderwoman Ross said the Lakewood Neighborhood Group will meet on May 21, 2009, at 7:00 p.m. and that members of the Veteran's Advisory Council will be there. Alderman Witcher said the (Veteran's) Memorial Committee will make a presentation at the Indian Hills Neighborhood meeting tomorrow night at 6:30 p.m. Mr. Bobby Taylor said he's going to let other people speak about problems in their neighborhood. Mr. Bill Yeates asked if he could yield his time to Mr. Fureigh. Mr. Yeates asked Alderman Witcher which committee was attending the Indian Hills Neighborhood meeting.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the meeting adjourned at 8:46 p.m. (6/0), until the next regularly scheduled meeting to be held on (Tuesday) May 26, 2009, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK