

May 26, 2009
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Tuesday, May 26, 2009, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, SAM BAGGETT, CHARLIE HIGHT and MURRY WITCHER (7/0), a quorum was declared. Alderman CARY GAINES was not present. Assistant City Clerk Linda Marshall and Assistant City Attorney Paula Jones were also present.

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

Alderman Gaines entered the council chambers at 7:03 p.m.

On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the minutes of a regular council meeting held on Monday, May 11, 2009, were approved, accepted and filed as prepared by the City Clerk (8/0).

Mayor Hays invited members of the North Little Rock High School Girls Softball Team and their coaches to come forward and recognized them as the 2009 State Champions. He then presented each player with a proclamation recognizing their accomplishments and proclaiming May 9, 2009, as their day. The coaches commended the team members as well and thanked Mayor Hays for having them at the council meeting.

A blanket motion was made by Alderman Gaines and seconded by Alderman Witcher to accept and file communications #1 - 7.

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

1. Doc Holladay, Pulaski County Sheriff, letter to North Little Rock Veterans Memorial Advisory Committee re: support Amboy neighborhood Association request for Veterans Memorial at 5501 MacArthur.

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

2. Alderman Gaines, (*Communication #2 from May 11 meeting*), letter from Amboy Neighborhood Association to members of the North Little Rock Veterans Memorial Advisory Committee requesting "Saluting Soldiers" Memorial erected at 5501 MacArthur Drive.

On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, communication #3 was read by title only, accepted and filed (8/0).

3. Robert Voyles, Planning Director memorandum re: Pike Avenue Roundabout public hearing re: Management of Traffic During Construction - June 10, 2009, 4:00 p.m. - City Hall Council Chambers.

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

4. Joy Stevens, President, North Little Rock Friends of Animals letter to Mayor Hays and City Council members re: support of proposed revisions to animal control ordinances.

Without objection, O-09-43 was called.

O-09-43

AN ORDINANCE ADOPTING A CHAPTER ON ANIMAL CONTROL AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING CERTAIN CODE SECTIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gaines 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). Mr. Billy Grace, Director of North Little Rock Animal Control briefly discussed the proposed ordinance which included changes regarding nuisances and fees. Alderman Hight asked about adoption procedures. Mr. Grace said every animal adopted has to be spayed or neutered. Alderman Hight asked if North Little Rock had a screening process. Alderman Witcher asked about "trolley" systems. Alderwoman Ross asked to be added as a sponsor. She then asked who would enforce this ordinance and after-hours violations. Alderwoman White asked about chickens and related diseases. The ordinance was then read a second time and held. A public hearing was scheduled for Monday, June 8, 2009, at 7:05 p.m.

On the motion of Alderman Taylor and seconded by Alderman Gaines, and by consent of all members present, communication #5 was read by title only, accepted and filed (8/0).

5. Bill Yeates, letter to Veterans Memorial Advisory Committee requesting "Saluting Soldiers" erected at 5501 MacArthur Drive (54 signatures).

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

6. C. Jason Carter, City Attorney email re: Assistant City Attorney Paula Jones will attend May 26, 2009, City Council meeting and request that proposed Animal Control Ordinance be read one time and scheduled for a public hearing on Monday, June 8, 2009, at 7:05 p.m.

On the motion of Alderman Witcher and seconded by Alderman Baggett, and by consent of all members present, communication #7 was read by title only, accepted and filed (8/0).

7. Robert Sisson, Finance Director letter to Mayor Hays, City Clerk Whitbey and City Council members re: attached comparison of City and County Sales Tax collections per month over the last several years and advising collections are below 2005 level.

Mayor Hays asked Mr. Sisson to come forward. Sales tax collection is down considerably compared to this time last year. Mayor Hays said funds collected for electricity are down as well due to a cooler than normal Spring. Also, the high rainfall has effected the flow of the Arkansas River thus effecting production at the Hydroelectric Plant. Alderman Hight asked about the Streamline Sales Tax and if that was effecting collections. Alderman Baggett asked about

hotel/motel revenues. The loss of the Wal-Mart store in Levy and the opening of a Wal-Mart Supercenter in Sherwood have effected sales at the North Little Rock store on McCain Boulevard. Mayor Hays said money could be borrowed for Capital Improvements only. The city has applied for Federal Grants which would provide funding for 20 entry level police officers for a period of three (3) years.

Mayor Hays has attended seminars regarding the use of Compressed Natural Gas (CNG) as a alternative fuel. Winrock International is assisting the city with grant writing regarding the use of CNG. Mayor Hays has been encouraging Central Arkansas Transit to consider the alternative. He has visited with people from CenterPoint Energy, too. Fuel savings for eight (8) buses could be \$100,000.00 a year. There is only one fueling station in Arkansas. North Little Rock has a head-start on looking into alternate fuels, etc. Alderwoman Ross asked the difference in price on buses. Mayor Hays said it would be approximately \$60,000 - \$70,000.00 per bus. Alderman Baggett asked what the price difference would be between CNG and Diesel.

UNFINISHED BUSINESS

None.

NEW BUSINESS

R-09-86 (RESOLUTION NO. 7469 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1102 EAST WASHINGTON AVENUE 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 Witcher and seconded by Alderwoman Robinson. 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). (*owners: George and Barbara Royce*).

R-09-87 (RESOLUTION NO. 7470 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A SHARE AGREEMENT WITH THE STATE OF ARKANSAS FOR 2009-2010 SALARIES OF THE NORTH LITTLE ROCK DISTRICT COURT JUDGES; APPROPRIATING FUNDS (~~\$121,816.00~~ *General Fund*); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Gaines. Mayor Hays recommended an amendment. On the motion of Alderman Witcher and seconded by Alderman Gaines, and by consent of all members present, the resolution was amended as follows:: *remove Section 2 and renumber Section 3* (8/0). A motion to adopt as amended was made by Alderman Hight and seconded by Alderwoman Robinson. District Court Judge Jim Hamilton briefly reviewed the agreement. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted as amended (8/0).

R-09-88 (RESOLUTION NO. 7471 - MAYOR HAYS)

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF NORTH LITTLE ROCK TO UTILIZE FEDERAL AID RECREATIONAL FUNDS FOR THE DEVELOPMENT OF

AND IMPROVEMENT TO MULTI USE TRAILS IN BURNS PARK AN OFF-ROAD VEHICLES PARK; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Hight and seconded by Alderwoman Robinson. After discussion, and on the previous motion, all members present voted yes, with the exception of Alderwoman Ross who passed, Alderwoman White and Alderman Gaines who voted no, the resolution was adopted (5/3). Alderwoman Ross advised the council had not voted on the proposed amendment. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the previous vote was expunged (8/0). On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows:: *substitute copy provided this date striking to reroute and renovate the natural surface multi use trails in Burns Park and insert DEVELOPMENT OF AN OFF-ROAD VEHICLES PARK, and strike Improvement to multi use trails in Burns Park, and insert AN OFF-ROAD VEHICLES PARK and strike \$48,800.00 and insert \$400,000, and strike from \$4,800 in City labor and \$8,000 in volunteer labor (see Exhibit "A" attached hereto)* (8/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, with the exception of Alderwoman Ross who passed, and Alderwoman White and Alderman Gaines who voted no, the resolution was adopted as amended (5/3).

R-09-89 (RESOLUTION NO. 7472 - MAYOR HAYS)

A RESOLUTION MAKING A SUBSTANTIAL AMENDMENT TO THE CITY OF NORTH LITTLE ROCK'S 2008 ANNUAL ACTION PLAN IN REGARD TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Witcher and seconded by Alderman Gaines. Ms. Mary Beth Bowman, Director of Community Development reviewed the Action Plan (*see Exhibit "A" attached spreadsheet*). On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

Alderman Witcher asked the status of the Wood Street Project. Ms. Bowman said it is underway.

R-09-90 (RESOLUTION NO. 7473 - MAYOR HAYS)

A RESOLUTION APPROVING SETTLEMENT IN THE CONDEMNATION CASES OF NORTH LITTLE ROCK VERSUS PAMELA McQUAID; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows:: *Section 2: strike General Fund and insert SPECIAL PROJECT FUND / BARING CROSS IMPROVEMENT* (8/0). On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted as amended (8/0).

R-09-91 (RESOLUTION NO. 7474 - ALDERMEN TAYLOR, ROBINSON, ROSS AND WHITE)

A RESOLUTION ESTABLISHING A TASK FORCE FOR CREATION OF A YOUTH MASTER PLAN FOR THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER

PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by

Alderman Taylor. On the motion of Alderwoman Robinson and seconded by Alderman Baggett, and by consent of all members present, the resolution was amended as follows: *Section 1: (b) (vi) strike ~~One (1)~~ and insert TWO (2)* (8/0). Alderwoman Robinson said bringing together resources would help to identify services available. Alderman Taylor said this would open avenues for grant applications. Alderwomen Ross and White were added as co-sponsors. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

O-09-43 *see communication #4 above*. Public hearing scheduled for June 8, 2009, at 7:05 p.m.

O-09-44 (ORDINANCE NO. 8178 - ALDERMEN GAINES AND BAGGETT)
AN ORDINANCE ACCEPTING THE DEDICATION OF PAUL EELLS DRIVE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. At the request of the sponsor, Alderman Gaines, Alderman Baggett was added as a co-sponsor. On the motion of Alderman Gaines 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 Gaines, 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-09-45 (ORDINANCE NO. 8179 - ALDERMEN TAYLOR AND ROBINSON)
AN ORDINANCE ALLOWING A SPECIAL USE FOR AN OUTDOOR ARTS AND CRAFTS MARKET IN A C-6 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 510 MAIN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. At the request of sponsor Alderman Taylor, Alderwoman Robinson was added as a co-sponsor. 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). The ordinance was read a third and final time. On the motion of Alderman Taylor 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: Argenta Downtown Council*)

PUBLIC COMMENTS-----

Mayor Hays said several council members have contacted him regarding the opening of a Cupid's store in Ward 4. Cupid's is part of a chain. Mr. Robert Voyles, Planning Director visited a location in Little Rock. Mayor Hays said the business sells lingerie. The location on John F. Kennedy Boulevard is 2,000 square feet. Lingerie would take up 1,300 square feet. Another 700 square feet (a back room area) would be used to sell adult novelty items including videos, etc. Sexually Oriented Businesses (SOB) can only operate in an I-2 or I-3 area of the city, therefore, the 700 square foot area would not be allowed on JFK Boulevard. Mayor Hays has asked the City Attorney for an opinion regarding the SOB portion of the business. Mayor Hays asked Mr. Voyles to only issue a license for the retail portion of the business and not the back room area. Alderman Hight has been talking with Mr. Voyles and Assistant City Attorney

Jones regarding the same. He suggested a public hearing regarding this matter. Certain items would not be allowed is a C-1, C-2 or C-3 location. He is not in favor of this type of business as it relates to SOB's. Alderman Witcher agreed with Alderman Hight and does not think it should be in a family oriented area. Mayor Hays said there are several considerations. Alderwoman Ross provided examples of other instances where there is a business within a business. Alderman Baggett has constituents who are opposed to any SOB. Alderwoman Robinson has a constituent who has a bee hive in their yard and wants to know who to call. Mayor Hays said it is a property owner issue. A bee keeper can try to remove the hive and bees. Alderwoman Ross announced Saturday, June 6, 2009, at high noon, there will be a Kickball competition between the Police and Fire Departments at the PAL Center behind the North Heights Community Center. Everyone is invited. Alderman Taylor provided photos of tall grass in the Willow Beach area. Mayor Hays said high grass is a problem everywhere due to excessive rainfall. Alderwoman White commended street department employees for their cleanup of the Riverfront area following Riverfest. Alderwoman Ross said Sunday, May 31, 2009, from 2:00 p.m. - 4:00 p.m. the Master Gardeners will be giving tours at the Park Hill Water Department building. Alderman Baggett said the Levy Lions Club meets twice each month and invited everyone to join. The meetings are the 2nd and 4th Tuesday of every month at 11:30 a.m. at the Levy Baptist Church.

Mayor Hays asked if anyone had signed up to speak during public comment. No one had.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the meeting adjourned at 9:15 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, June 8, 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