

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

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, June 22, 2009, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderwoman Robinson and seconded by Alderman Baggett, and by consent of all members present, communications #1, 4, 5, 6, and 7, were accepted and filed (8/0).

1. Graham W. Rich, Chief Executive Officer, Central Arkansas Water, letter to Mayor Hays and City Council members re: reappointment of Jay Hartman (Little Rock Representative) to the Board of Commissioners, Central Arkansas Water.
4. Sharon Tedford, Mayor's Office, memorandum re: application for *Off Premises Caterer – NEW* for Alltel Arena, One Alltel Arena Way, by Michael Marion.
5. Mike Russ, General Manager, North Little Rock Electric Department, letter to City Council re: Borrowing for Working Capital.
6. Marc E. Wilkins, PE, Assistance Director, North Little Rock Waste Water Utility to Mayor Hays and City Council re: Revolving Loan Fund Projects; RLF No. 00594-CWRLF-L.
7. Sharon Tedford, Mayor's Office, memorandum re: *Restaurant Mixed Drink - Change of Manager from Mark A. Roster* for Applebee's Neighborhood Grill & Bar of Little Rock, 4333 Warden road, by Corey Robert Irwin.

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

2. Mike Bates, Chief Air Division, Arkansas Department of Environmental Quality, letter to Michael Drake, Project Manager, City of North Little Rock, re: City's application (Reduce Emissions from Diesels (Go RED!) Program), North Little Rock will receive \$100,000.00 to retrofit 35 vehicles.

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

3. Angela Miller, via U.S. Mail, Petition requesting Speed Hump (location not included) (*19 signatures for, 1 against - all petitioners live on Shamrock*).

Mr. Tim Marvin, Traffic Services Director will contact Ms. Miller regarding the location of the request, which is assumed to be Shamrock since all petitioners live on Shamrock.

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

8. Bob Sisson, Finance Director, memorandum to Mayor Hays, City Clerk Whitbey and City Council members re: Sales Tax Comparison to 2005 and concerns regarding the same.

On the motion of Alderman Hight and seconded by Alderman Gaines, and by consent of all members present, communication #9 was read by title only, accepted and filed (8/0).

9. Cliff Hoofman, Arkansas State Highway Commission Commissioner, letter to Mayor Hays re: installation of “rumble strips” on the shoulders of several sections of state highway.

A motion to accept and file communication #10 was made by Alderman Hight and seconded by Alderman Gaines. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communication #10 was read by title only, accepted and filed, and a voice vote was recorded to authorize the extension of the permit (October 15, 2009) (8/0).

10. Donna Hardcastle, Verizon Arena Board Chairman memorandum to Mayor Hays and City Council members re: request extension of permit for a LED based replacement marquee.

Mayor Hays advised several (North Little Rock) city employees were present to receive the Jack R. Rhodes, Distinguished Service Award which is awarded annually by the Arkansas Municipal League to employees of cities and towns who have served their communities for 25 years. This award is in recognition of appreciation for their long-term devotion to their work, their municipalities and the League. The following employees received awards: Mike Allen, Electric Department; John Anderson, Street Department; Cynthia Boone, Customer Service UAD; William Eason, Street Department; Vickey Woodward, Electric Department; Jerri Page, Police Department; Earnest “Scottie” Rummel, Street Department; and Judy West, Chief Clerk District Court. Mayor Hays presented a plaque bearing the name of each to those employees who were present and thanked them for their continued service to the citizens of the City of North Little Rock.

Mr. Mark Hammond, Public Health Preparedness Coordinator for the Arkansas Department of Health provided information regarding the city’s Preparedness Planning for a Pandemic Situation and Mass Dispensing of Medication. Mr. Hammond discussed the various scenarios and the concept of mass dispensing. Points of dispensing and public health’s response were also discussed including the role the city would need to take in the event of a Pandemic situation. A form was included for review. Mr. Hammond discussed symptoms of the “swine” flu. The typical flu season begins around February. Vaccinations are given beginning in October. Prevention includes washing your hands frequently. If you cannot wash your hands, carry hand sanitizer. If a person is sick, they should stay home so as not to contaminate others. Currently, the Health Department has enough vaccine for approximately 42% of the population.

Mayor Hays announced Citizen Public Comment on numbered agenda items and advised four people had signed up. Mr. Jim Toliver spoke on the public hearing re: O-09-47, an ordinance

amending NLRMC Chapter 8 (Nuisance Abatement and Property Maintenance) of the NLRMC and Ordinance No. 7697 (the Zoning Ordinance) re: Inoperable or Wrecked Vehicles. He owns Toliver Body Shop. He doesn't have room to put vehicles behind his shop. During Urban Renewal, his current site was recommended. He doesn't want to relocate and asked to be "grand-fathered" in at the present location. Mr. Bobby Taylor said on East Broadway and Boyer, there is a location where the owner parks "junk vehicles". He said the view of on-coming traffic is obstructed. People park on Boyer creating a traffic hazard. There are "no parking" signs in the area. He asked if the current signs could be enforced. Mr. Jim Ard said Mr. Toliver's request to be "grand-fathered" should be considered. He has been in business for a long time. Mr. Jason Abels is an attorney representing Mr. Dennis Chudy regarding condemnation of 1226 West 11th Street. Mr. Chudy's attorney was out of town. Mr. Abels requested an extension on the public hearing.

UNFINISHED BUSINESS

O-09-47

AN ORDINANCE AMENDING CHAPTER 8 (NUISANCE ABATEMENT AND PROPERTY MAINTENANCE) OF THE NORTH LITTLE ROCK MUNICIPAL CODE AND ORDINANCE NO. 7697 (THE ZONING ORDINANCE) REGARDING INOPERABLE OR WRECKED VEHICLES; 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. Alderwoman Ross asked Mr. Carter to define "wrecked". After additional discussion, Alderwoman Robinson said this request was made by residents of the city. A public hearing was held this date (see public hearings), and the legislation was then held by the sponsor, Alderwoman Robinson.

NEW BUSINESS

R-09-106 (RESOLUTION NO. 7490 - MAYOR HAYS)

A RESOLUTION APPOINTING SYLVESTER L. SMITH, III, TO THE POSITION PREVIOUSLY HELD BY JIM GLOVER ON THE NORTH LITTLE ROCK WASTE WATER TREATMENT COMMITTEE; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Hays acknowledged Mr. Smith who was present and thanked him for his service to the city.

R-09-107 (RESOLUTION NO. 7491 - MAYOR HAYS)

A RESOLUTION REAPPOINTING CLARK McGLOTHIN TO THE WASTE WATER TREATMENT COMMITTEE; 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). Mayor Hays thanked Mr. McGlothlin for his continued service.

R-09-108 (RESOLUTION NO. 7492 - MAYOR HAYS)

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF JAY HARTMAN TO THE BOARD OF COMMISSIONERS OF CENTRAL ARKANSAS WATER; 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. Mayor Hays said this is a City of Little Rock appointment and this legislation is just confirming that appointment.

R-09-109 (RESOLUTION NO. 7493 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 518 ½ WATER 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 Taylor and seconded by Alderman Hight. Mayor Hays convened a public hearing this date. 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: Emma Henderson*)

R-09-110 (RESOLUTION NO. 7494 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 808 NORTH "H" 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 Gaines and seconded by Alderwoman Robinson. Mayor Hays convened a public hearing this date. 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: Myrtle Henry*)

R-09-111 (RESOLUTION NO. 7495 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1226 WEST 11TH 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. Mayor Hays referred to Mr. Jason Ables comments regarding the owner Mr. Dennis Chudy (see public comments above). Mayor Hays asked Mr. Tom Wadley, Director of Code Enforcement if department staff had been in contact with the owner, Mr. Dennis Chudy. Mr. Wadley advised a citation was issued in 2004. Code Enforcement has communicated with Mr. Chudy several times in the past. Mr. Bill Brown, Assistant City Attorney discussed contact and citations issued to Mr. Chudy. This has been an ongoing issue for four to five years. Alderwoman Ross said taxes haven't been paid on the property since 2006. The property is in poor condition. She referred to a list of violations dating back to 2004. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Dennis Chudy*) Mayor Hays said Mr. Chudy does have the option of posting a \$5,000.00 bond.

Mr. Carter said there will be a meeting at Code Enforcement Thursday morning regarding the properties condemned during this meeting.

R-09-112 (RESOLUTION NO. 7496 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 805 NORTH "I" 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 Taylor 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). (owner: Wallace Smith)

R-09-113 (RESOLUTION NO. 7497 - MAYOR HAYS)

A RESOLUTION SUPPORTING THE CITY OF CHICAGO'S BID TO HOST THE 2016 OLYMPIC AND PARALYMPIC GAMES; 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).

R-09-114 (RESOLUTION NO. 7498 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ACCESS AGREEMENT WITH OLIN CORPORATION TO SET MONITORING WELLS IN ALLEYS ALONG 2ND STREET; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-115 (RESOLUTION NO. 7499 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTY LOCATED SOUTH OF THE 2000 BLOCK OF RIVER ROAD; APPROPRIATING FUNDS; (\$16,050.00 - Sales Tax Capital Improvement Fund); AND FOR OTHER PURPOSES, was read. Mr. Robert Voyles, Planning Director advised the price is based on an appraisal of the property which is on the river and contiguous to River Road. On the motion of Alderman Baggett and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-116 (RESOLUTION NO. 7500 - ALDERWOMAN ROSS)

A RESOLUTION APPROPRIATING \$31,000.00 FROM THE GENERAL FUND FOR THE CODE ENFORCEMENT DEPARTMENT DEMOLITION AND DEBRIS REMOVAL PROGRAM; AND FOR OTHER PURPOSES, was read. These funds will be applied towards properties currently condemned. On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-117 (RESOLUTION NO. 7501 - ALDERMAN TAYLOR)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN INFORMAL INTERLOCAL AGREEMENT TO APPLY FOR HUD NEIGHBORHOOD STABILIZATION PROGRAM (NSP2) FUNDS; AND FOR OTHER PURPOSES, was read. A

motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Alderman Taylor briefly reviewed the purpose of the legislation. On the motion of Alderman Witcher and seconded by Alderman Taylor, the resolution was amended as follows: *substitute copy provided this date (8/0)*. Ms. Mary Beth Bowman, Director of Community Development said there are a number of changes since the City of Little Rock will not be participating. The name would be the North Little Rock Consortium to Save the Communities; and, the Census Tract would be 0030 (Baring Cross and Holt areas). The agreement will be with the Argenta CDC, Habitat for Humanity and the Housing Authority. Mayor Hays said this is an informal agreement and changes can be made by the city attorney. Mr. Carter said all references to "CALCI", the "City of Little Rock", "Little Rock Housing Authority" and "Black Community Builders" will be removed from the legislation. On the motion Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-09-118

A RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL TEMPORARY SPEED HUMPS FOR ALLOCATION TO EACH WARD IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS; (\$33,000.00 - Street Department Fund); AND FOR OTHER PURPOSES, was read. Alderman Hight would rather use the funds for street repairs.

Alderman Baggett said speed humps will help in Ward 3 and save money, too. After discussion regarding installation, the legislation was held by the sponsor, Alderman Baggett.

R-09-119 (RESOLUTION NO. 7502 - ALDERMAN HIGHT)

A RESOLUTION DIRECTING THE DEPARTMENT OF COMMUNITY PLANNING TO REVIEW AND REVISE THE CITY'S BICYCLE PLAN ANNUALLY; AND FOR OTHER PURPOSES, was read. Alderman Hight said he is working with Mr. Voyles on an application to name North Little Rock as a Bicycling community. In order to do this, the city needs to have annual reviews of the bike plan. 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).

O-09-48

AN ORDINANCE AMENDING THE NORTH LITTLE ROCK MUNICIPAL CODE TO ADD A SECTION MAKING HARASSMENT OF CYCLISTS A MISDEMEANOR OFFENSE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time.

Alderwoman Ross contacted officials in Columbia, Missouri. That city adopted a similar legislation which has caused problems and jealousy between bike riders and pedestrians. She encouraged creating a bicycling/pedestrian commission to work together. Alderman Hight said common courtesy should be used whether the person is riding a bike or walking. Mayor Hays said education is important. Bicycles are characterized as a vehicle and cyclists should follow the rules of the roadway. The rules for pedestrians are different. Alderwoman Ross said harassment is the same and is wrong whether a person is walking, riding a bicycle, in a

wheelchair, or riding a horse. Mr. Carter said throwing something at a cyclist could be considered assault, honking a horn and causing a person to wreck could be considered disorderly conduct. Mayor Hays encountered a bicyclist who was traveling on the wrong side of the roadway, thus creating a dangerous situation for him and oncoming traffic. Alderman Hight said this legislation doesn't deal specifically with a motorist harassing cyclists. A person could be sitting on their front porch and harass a cyclist. Mayor Hays said a recent incident on River Road involved a group of three cyclists who were riding three abreast on a double yellow line. They should have lined up single file to allow room for automobiles to pass. Mayor Hays said a recent incident in Little Rock resulted in a cyclist being killed. Alderwoman Ross asked how tickets would be issued to cyclists. Mayor Hays said a police officer would have to observe a violation or a citizen would have to issue an affidavit with the City Attorney citing a violation. Mayor Hays scheduled a public hearing for 7:05 p.m. on Monday, July 27, 2009, at 7:05 p.m. The legislation was then held by the sponsor, Mayor Hays.

Mayor Hays advised the rules regarding public comment required a public comment card be turned into the city clerk prior to the council meeting convening at 7:00 p.m. (*Note: 2 public comment cards were given to the City Clerk after the meeting convened: 8:19 p.m. by Matthew Richard; and, 8:48 p.m. by Sylvester Smith*). He said he would visit with both after the meeting.

O-09-49 (ORDINANCE NO. 8182 - MAYOR HAYS)

AN ORDINANCE AMENDING SECTION 30-1 OF THE NORTH LITTLE ROCK MUNICIPAL CODE IN REGARD TO THE FINE ASSESSED TO DEFRAY COSTS OF INCARCERATING PRISONERS; 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 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). Mayor Hays said Representative Barry Hyde was instrumental in working on this amendment in the Arkansas Legislature.

O-09-50 (ORDINANCE NO. 8183 - MAYOR HAYS)

AN ORDINANCE AMENDING SECTION 1-8 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO INCREASE MAXIMUM FINES; 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 Witcher and seconded by Alderman Gaines, 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).

PUBLIC COMMENTS-----

Alderwoman Ross asked if there was an update regarding Stimulus Funds and if it would be posted on the North Little Rock website. Mr. Joe Reynolds said his grandson, Cody Bradwall

was wondering if the city could build another skateboard park in another area of the city. The one by the river is always congested. Mayor Hays said there is always a possibility. Mr. Ben Allen Studdard said a police officer threatened him. He served in the military and said this is no way to treat people. Mr. Studdard said his belongings were taken and wants the police department to return them. He is a member of several organizations including the NAACP.

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 9:00 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, July 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