

August 24, 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, August 24, 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 Baggett, followed by the pledge of allegiance to the flag which was led by Alderman Gaines.

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, August 10, 2009, were approved, accepted and filed as prepared by the City Clerk (8/0).

Mayor Hays invited Senator Tracy Steele and State Representative Richard Carroll to come forward. Alderwoman Robinson and Alderman Taylor presented them plaques from the Arkansas Municipal League commending them for their service to the city. Senator Steele thanked the Mayor and Council for this award. He said he has chosen to serve on City and Town committees at the Legislature so he would be able to better serve the citizens of North Little Rock and the State of Arkansas. Representative Carroll said he appreciated the award and thanked the council for their tireless work for the community.

On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, communications #1, 2, 4, 5, and 6 were accepted and filed (8/0).

1. Curtis D. Briggs, (via email to Alderman Hight) re: Bicycle Laws and recommend enforcing traffic laws equally on bicyclists.
2. John Vinson, (via email to Alderman Hight) re: proposed Ordinance regarding Harassment of Cyclists and requiring cyclists to follow the same traffic laws as motorized vehicles.
4. Andy F. Aldridge - to members of the City Council re: Site for Veterans Memorial and objection to City contributing money to build on property at My Friend's Place Bar and Grill.  
*Note: at the request of Alderwoman Robinson, Communication #4 was read after being accepted and filed under a blanket motion.*
5. Sharon Tedford, Mayor's Office - memorandum re: application for *Restaurant Mixed Drink - NEW* for Hilton Garden Inn, 4100 Glover Lane by Darshan Patel.
6. Sharon Tedford, Mayor's Office - memorandum re: application for *Restaurant Mixed Drink - NEW* for Old Chicago, 4305 Warden Road by Stuart Bennett.

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

3. Bill Yeates - letter from Alan D. Tetkoskie, Sec/Treasurer IAFF Local #5 re: Endorsement for

location of the new Soldier's Memorial at 5501 MacArthur Drive.

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

7. Joe Smith, Director of Commerce and Government Affairs memorandum to Mayor Hays re: RV Park.

Mayor Hays discussed various events coming to the area during the next year. Funds are available in the Riverfront Development - Capital Improvement Fund. By accepting and filing this communication, the council provided consent to authorize the city to proceed with improvements in the area.

Mayor Hays announced citizen public comment regarding numbered agenda items. A public hearing was scheduled for O-09-48 - amending the NLRMC to add a section making harassment of ~~cyclists~~ *persons traveling across city rights-of-way* a misdemeanor offence. Mayor Hays asked Ms. Whitbey to read Section 1: (a), (b), (c), and (d). Mayor Hays advised current state laws prohibit harassment and therefore would apply to anyone harassing persons traveling across city rights-of-way. By filing this legislation, the public has been made more aware of issues concerning cyclists, pedestrians and all others. Mayor Hays then withdrew the legislation. Scott Miller said education is the main issue. He would like to see the city post bicycle safety information on it's website, NLRTV, and use other ways to educate the public. There being no one else wishing to be heard, Mayor Hays introduced a public hearing regarding Lakewood Recreational District #4 Application for a Restricted Parking District - O-09-60. Alderwoman Ross said this is a result of recent legislation creating a process to request a parking district within the city. Ken Sullivan works for Lakewood Property Owners Association and Lakewood Recreational Improvement District #4. He spoke on behalf of the board and said this an opportunity to make decisions which will improve property values in their area. Nate Brandes briefly reviewed restrictions regarding parking in front and side yards. Certain options could create a financial hardship for some residents. Mr. Brandes asked for clarification regarding parking large RV's (motor homes, trucks, pontoon boats, etc). There being no one else wishing to be heard, Mayor Hays introduced a public hearing regarding Electronic Changeable Copy Signs - O-09-57. Alderman Witcher said this has been a topic of discussion for some time. Communities around the country are being challenged with regard to laws pertaining to Electronic Changeable Copy Signs. The proposed moratorium would allow additional time to review the matter. Mayor Hays then convened a public hearing at 7:45 p.m. Mike Coulson, President Coulson Oil Company provided photos of two locations with electronic signs (one in Little Rock, the other in Morrilton) which illustrate the price of gasoline at the location. He has 15 service stations in North Little Rock. The electronic signs at the locations illustrated in the photo's do not change, scroll or flash. These signs replace old ones where the station attendant would use a long pole and plastic suction cups to change the numbers and advertise the price of fuel. Mr. Coulson provides fuel to approximately 230 stations within the state. Mr. Jerry Hodge owns Signs First in North Little Rock. He is not in favor of extending the moratorium. The Planning Department does a great job in following the current ordinances. Mr. Hodge passed out copies of a letter from Kenneth Peskin, Manager, State Local Government Affairs, International Sign Association which indicated that prohibiting new electronic changeable copy signs will hurt local businesses which rely on "on-premises" signage for advertising. Mr. Richard Beard is a resident and business owner in the city. Electronic signs are not cost effective for him, however,

more restrictions are too much. Charlie Knott is President of the Northeast Lakewood Associated of Neighborhoods. He said his comments represent his personal opinion. He supports this legislation. Electronic signs can be a hazard and have an adverse effect on the appearance of neighborhoods. Alderman Gaines asked Mr. Knott if he would be opposed if signs were limited to main arteries in the city. Mr. Knott said an all-out-ban would be best for residential areas. The council would have to come up with a way to properly regulate such signs. Mike Fritz, President Little Ceasar's of Arkansas has 17 stores in central Arkansas and approximately 350 employees. He said existing ordinances address the signs. Their desire is to attract customers. Electronic sign technology costs thousands of dollars. He said if the sign is too bright, then the business owner should reduce the brightness. Two years is too long for the moratorium. This technology is in use around the world. Alderwoman White asked what he meant by "attracting without distracting." Mr. Fritz said businesses can attract customers without being distracting or offensive. Little Ceasar's has a store in Conway (which has a total ban on such signs). Jo Melton said electronic signs can be changed remotely. She had information from 12 states where electronic signs have either been banned or have strict restrictions regarding the same. Scott Miller is a small business owner. He is in favor of the moratorium with exceptions. This isn't new technology. If he were considering electronic signage, he would expect a decision sooner than two years. Patrick Stair supports the moratorium. He is concerned about safety issues caused by the distraction of changeable signs. Robert Fureigh said advertising has become invasive. Existing codes are inadequate. He supports Coulson Oil and Signs First. However, the existing city code needs to be amended to address those signs which are invasive. He provided a few examples. Dan Chapman, Chapman Service Company has been in business in North Little Rock for 15 years. He is shopping for a digital sign. He said it isn't fair for the city to tell him he cannot buy one. There being no one else wishing to be heard, the public hearing was adjourned at 8:14 p.m. Mayor Hays convened a public hearing at 8:15 p.m. regarding O-09-59, the acceptable level of light output from electronic signs. Donnie Copeland, Pastor at Apostolic Church in North Little Rock said 77,000 vehicles pass their location each day. They need a way to advertise their after school programs, divorce counseling, etc. Other churches on Highway 167 have electronic signs. The State Highway Department is increasing their use of digital moveable signs. North Little Rock is a pro-business community. Jason Offutt, President ACE Sign Company said the city needs to help business owners. Mr. Fureigh said this proposal is better than a previous one regarding measurements. There being no one else wishing to be heard, the public hearing was adjourned. Mayor Hays asked if anyone else had signed up to speak on any other agenda item. Presley Melton spoke regarding a change in the parking ordinance. The city has strict building codes including setbacks. An RV 45' long and 13' high parked in a driveway becomes an extension of the home. A person shouldn't be allowed to block the view of others in their neighborhood.

### **UNFINISHED BUSINESS**

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 called and held by sponsor, Alderman Baggett.

O-09-48

AN ORDINANCE AMENDING THE NORTH LITTLE ROCK MUNICIPAL CODE TO ADD A SECTION MAKING HARASSMENT OF ~~CYCLISTS~~ PERSONS TRAVELING ACROSS CITY RIGHTS-OF-WAY A MISDEMEANOR OFFENSE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time July 13, 2009, was called and read a second time July 27, 2009, and amended. A public hearing was reconvened and adjourned this date. The legislation was then read a third and final time and withdrawn by the sponsor, Mayor Hays.

### **NEW BUSINESS**

R-09-133 (RESOLUTION NO. 7516 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1905 EAST 2<sup>ND</sup> 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 Alderman Baggett. Mayor Hays convened a public hearing. Reverend Derick Easter said his church is interested in acquiring the property and asked the council to consider not condemning the property and extending the time to abate the nuisance from 30 days to 60 days. Mr. Tom Wadley, Code Enforcement Director said in the past 90 days have been allowed. Alderwoman Robinson asked how far the church is from this property. Reverend Easter said it is one house over. There being no one else wishing to be heard, the public hearing was adjourned. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, the resolution was amended as follows:: *Section 2: and Section 3: strike through references to ~~thirty (30) days~~ and insert NINETY (90) DAYS (8/0)*. On the motion of Alderman Witcher and seconded by Alderman Gaines, and by consent of all members present, the resolution was unanimously adopted as amended (8/0). (*owner: Keith Kimble*)

R-09-134 (RESOLUTION NO. 7517 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 224 EAST 16<sup>TH</sup> 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 Ross. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (*owner: Hugh M. Holloway*)

R-09-135 (RESOLUTION NO. 7518 - MAYOR HAYS)

A RESOLUTION APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY AS A RESULT OF GRASS CUTTING EXPENSES AND ABATEMENT OF OTHER NUISANCES IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0). Alderman Witcher asked

if a public hearing was needed. Having voted in the affirmative, Alderman Witcher made a motion to expunge the previous vote which was seconded by Alderman Hight, and by consent of all members present, the previous vote was expunged. A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. 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 by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-136 (RESOLUTION NO. 7519 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTY LOCATED AT 420 WEST 13<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS (\$20,000.00 - Sales Tax Capital Improvement Fund - owners Brenda Kay Cox and Linda Marie Gwin); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. Mayor Hays advised this property is located at the entrance to the Public Works compound. On the previous motion and by consent of all members present, the resolution was unanimously adopted (8/0).

R-09-137 (RESOLUTION NO. 7520 - MAYOR HAYS)

A RESOLUTION APPROPRIATING FUNDS (not to exceed \$60,000.00 from Sales Tax Capital Improvement Fund) FOR SITE PREPARATION FOR CONSTRUCTION OF FIRE STATION NO. 11 IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. This would allow hiring a construction manager and beginning site preparation. North Little Rock Fire Chief Bob Mauldin said the department is applying for a grant to hire firefighters for the location, which requires the site to be "shovel ready." Alderwoman Ross said she had heard concerns from residents in the Park Hill area about Station #5 being closed to provide firefighters to Station #11. Mayor Hays said it would not. Chief Mauldin will provide a copy of the design to Aldermen Taylor and Robinson. Alderman Witcher said this station will be in an industrial area. He said he had concerns about this being a metal building for public use. On the previous motion, and all members present, having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-09-138 (RESOLUTION NO. 7521 - MAYOR HAYS)

A RESOLUTION APPROVING PARTICIPATION BY THE CITY OF NORTH LITTLE ROCK UNDER THE ARKANSAS PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM FOR IMPROVEMENTS AT SHERMAN PARK; 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-09-139 (RESOLUTION NO. 7522 - ALDERWOMEN ROBINSON AND WHITE)

A RESOLUTION AUTHORIZING THE CITY OF NORTH LITTLE ROCK TO APPLY FOR FUNDS AVAILABLE THROUGH THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES' MINORITY HEALTH YOUTH EMPOWERMENT GRANT PROGRAM; AND FOR OTHER PURPOSES, was read. Alderwoman Robinson said they are hoping to get this grant which requires no matching funds. The program would serve youth at Glenview, Sherman

Park and North Heights Recreation Centers. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Alderwoman White said this is an exciting opportunity. She said Arkansas has the second highest number of obese children in the nation. The North Little Rock Parks and Recreation Department has a program in place to assist youth. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

O-09-56 (ORDINANCE NO. 8189 - MAYOR HAYS)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED NEAR AND AROUND 717 BRETT ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1, C-2, C-6, CONSERVATION AND GREENBELT WETLAND TO I-1, C-2, R-1 AND GREENBELT WETLAND CLASSIFICATIONS 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. On the motion of Alderman Gaines 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 Hight 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). (*applicant: Neal Morrison*)

O-09-57

AN ORDINANCE DECLARING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR ELECTRONIC CHANGEABLE COPY SIGNS IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time. A public hearing was held this date and will be again convened on Monday, September 14, 2009, at 7:05 p.m. The legislation was then held by sponsor, Alderman Witcher.

O-09-58

AN ORDINANCE AMENDING ORDINANCE NO. 8128 (THE PARKING ORDINANCE) (regarding large Recreational Vehicles); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read on time. A public hearing will be held Monday, September 14, 2009, at 7:05 p.m. Mr. Carter distributed and reviewed a chart including the current parking rules in the city. Mr. Carter said the Argenta Parking District is separate. Alderman Ross asked for a definition of "yard." Mr. Carter said the legal definition of the "front yard" is the distance from the front of the primary structure to the street. Therefore, if parking is allowed on a properly paved surface the vehicles can be parked there. Alderman Hight said people could park an RV on their driveway indefinitely, under the current rules. The legislation was then held at the request of sponsor, Alderman Hight.

O-09-59 (ORDINANCE NO. 8190 - ALDERMAN WITCHER)

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE ZONING ORDINANCE); ESTABLISHING THE ACCEPTABLE LEVEL OF LIGHT OUTPUT OF ELECTRONIC CHANGEABLE COPY SIGNS; ESTABLISHING THE METHOD OF MEASURING THE

LIGHT OUTPUT OF ELECTRONIC CHANGEABLE COPY SIGNS; 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 ordinance was placed on its second reading (8/0). On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Mr. Robert Voyles, Planning Director said he can measure the amount of light emitted by standing at a certain distance from the sign with a light meter. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and there being no further discussion, 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-09-60

AN ORDINANCE ESTABLISHING THE LAKEWOOD RESTRICTED PARKING DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held by the sponsor, Alderwoman Ross. A public hearing was held this date. A public hearing will be convened again on Monday, September 14, 2009, at 7:05 p.m.

O-09-61 (ORDINANCE NO. 8191 - ALDERMAN TAYLOR)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A DAY CARE CENTER IN AN R-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4509 ROGERS IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES was read. On the motion of Alderman Taylor 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). The ordinance was read a second time. Alderwoman Robinson asked about the hours of operation and the number of children at the facility. Ms. Lakeshia Stewart advised the hours will be 6:00 a.m. until 6:00 p.m. The number of children will be 15. 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 ordinance was read a third and final time. Alderwoman Ross asked if there had been any concerns from residents in the area. Alderman Taylor said he attended the Planning Commission meeting regarding the application and was satisfied. 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). (*applicant: Genesis Community Development*)

O-09-62 (ORDINANCE NO. 8192 - ALDERMAN TAYLOR)

AN ORDINANCE ACCEPTING STREETS AND DRAINAGE IMPROVEMENTS WITHIN PHASE 1 OF CYPRESS CROSSING ADDITION 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 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 having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

**PUBLIC COMMENTS**-----

Alderman Robinson said the Youth Master Plan Task Force recently met and provided their vision statement: *to learn, play, work and make positive life choices*. Ms. Whitbey said the electronic agenda/council package is available on the city's website. People can access the agenda, legislation, minutes, etc. Alderman Gaines asked if public hearings were scheduled on the moratorium, etc. Mayor Hays said folks can sign up to speak on any agenda item whether a public hearing is scheduled or not. Mr. Brandes said he and his wife rode their new bicycles on the River Trail between the Skate Park and the Big Dam Bridge. Everyone was very polite and courteous and it was a most enjoyable experience. There were a lot of people using the trail. Alderman Hight said he and Mr. Voyles attended a conference where discussion about making cities safe for children was a topic. Mr. Knott referenced parts (a) and (b) of the parking ordinance. Mr. Knott owns an RV which he keeps in storage. Mrs. Melton spoke again regarding signs. She said the state highway department does have restrictions regarding their signs, especially along scenic routes.

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the meeting adjourned at 9:19 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, September 14, 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