

October 27, 2008  
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, October 27, 2008, 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, LINDA ROBINSON, CARY GAINES, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER (6/0). City Clerk Diane Whitbey, City Attorney C. Jason Carter and Assistant City Attorney Bill Brown were also present. Mayor Hays advised that Alderman NEIL BRYANT would be late as he was at the hospital with his family welcoming the arrival of his first granddaughter.

The invocation was given by Alderman Parker, followed by the pledge of allegiance to the flag which was led by Alderman Gaines.

Alderman OLEN THOMAS entered the council chambers.

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, October 13, 2008, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, communication #1 was read by title only, accepted and filed (7/0).

1. Lynn P. Malbrough, Division Head, Environmental Division of the Arkansas State Highway and Transportation Department letter to Mayor Hays re: Job # R60101, Highway 67 – I-40 West, Pulaski County, notification of approval of ROD (Record of Decision).  
Mayor Hays advised this is related to the direction of the Northbelt (Freeway).

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #2 was read by title only, accepted and filed (7/0).

2. C. Jason Carter, City Attorney letter to City Council members re: Collection of Centerpoint Energy Bills.  
Mayor Hays complemented Mr. Carter on communicating with Centerpoint Energy regarding this matter.

Mayor Hays advised an agreement had been reached in a lawsuit between the City of North Little Rock and the City of Sherwood. Without objection, O-08-80 was called.

O-08-80 (ORDINANCE NO. 8113 - MAYOR HAYS)  
AN ORDINANCE APPROVING SETTLEMENT IN THE CASE OF NORTH LITTLE ROCK VS. SHERWOOD AND FIRST ELECTRIC COOPERATIVE; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A FRANCHISE AGREEMENT WITH THE CITY OF SHERWOOD; AND FOR OTHER PURPOSES, was read. 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 (7/0). 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 (7/0). The ordinance was read a third and final time. Mayor Hays briefly reviewed the history of the lawsuit and the decision regarding the same. Mr. Carter said the city has been involved in litigation with the City of Sherwood for some time. Accepting the settlement agreement would dismiss the case and North Little Rock would continue to operate under the status quo. Mr. Jim Julian, Attorney at Law represented the city in this matter. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows:: *add Exhibits A (Franchised Territory), B (City of Sherwood Ordinance No. 1603), C (City of Sherwood Ordinance No. 1633), and D (City of Sherwood Ordinance No. 1733)* (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0). Mayor Hays said the City of Sherwood's council meeting is tonight and they will address this legislation as well.

Mayor Hays announced the Special Call scheduled for 7:05 p.m., October 27, 2008.

October 23, 2008

Honorable Members of the City Council:

Re: Special Council Meeting

Dear Members of the City Council:

This is to advise that we have called a special Council meeting for the North Little Rock City Council for 7:05 p.m. on October 27, 2008, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF NORTH LITTLE ROCK TO PARTICIPATE IN A NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD FOR NORTH LITTLE ROCK RESIDENTS; AND FOR OTHER PURPOSES.

Sponsored by: Mayor Patrick H. Hays, Alderwoman Linda Robinson and Alderman Neil Bryant

Respectfully submitted,

/s/ Patrick H. Hays

MAYOR PATRICK H. HAYS

The law requires that you be notified of the time, place and subject matter of any specially called Council meeting. This notice does not require any special written formalities or waivers on your behalf, unless you are notified within a 24-hour period prior to the special meeting.

It is requested that each of you sign the cover letter simply to indicate that you have been informed of the nature and time of the meeting. However, please be aware that your signatures is not required of less than 24 hours remains before the designated time for the meeting and you have not previously received notice.

This will evidence that I have received this notice of a special Council meeting for 7:05 p.m., Monday, October 27, 2008, at City Hall, Council Chambers, North Little Rock, and waive time of notice.

/s/ Neil Bryant  
NEIL BRYANT

/s/ Cary Gaines  
CARY GAINES

/s/ Debi Ross  
DEBI ROSS

/s/ John Parker  
JOHN PARKER

/s/ Linda Robinson  
LINDA ROBINSON

/s/ Charlie Hight  
CHARLIE HIGHT

/s/ Olen Thomas  
OLEN THOMAS

/s/ Murry Witcher  
MURRY WITCHER

SPECIAL CALL #1 (RESOLUTION NO. 7334 - MAYOR HAYS, ALDERWOMAN ROBINSON AND ALDERMAN BRYANT)

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF NORTH LITTLE ROCK TO PARTICIPATE IN A NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD FOR NORTH LITTLE ROCK RESIDENTS; AND FOR OTHER PURPOSES, was read. Mayor Hays acknowledged Alderwoman Robinson who brought this opportunity to his attention. Alderwoman Robinson said this is a discount program offered by the National League of Cities (NLC). The program provides a discount prescription card (20% discount). She and Alderman Bryant agreed this would be a great program for our residents. She said most North Little Rock drug stores are participants. (Alderman Bryant arrived at 7:18 p.m). Alderman Bryant gave a brief update on his new granddaughter. Regarding this legislation, he has researched it online. Alderman Hight said there is no cost association with participating. North Little Rock will be the first city in Arkansas to participate and the second in the United States. On the motion of Alderman Bryant and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

Mayor Hays invited Mr. Jon Swanson with MEMS to come forward. Mr. Swanson provided MEMS Annual Report to the City Council. He reviewed response times, various charts and 2007 call outcomes. Medicare's fee schedule and allowable base rates, and annual funding loss was also discussed. It is now necessary to request a subsidy from certain areas (which do not include North Little Rock). The MEMS service area includes northern Faulkner County to southern Grant County. Mr. Swanson also reviewed a "dashboard" which illustrates which area hospitals can accept what type of patients at a specific time (i.e. critical, psychiatric, etc.), which went into effect May 1, 2008.

Mayor Hays announced citizen public comment on numbered agenda items. Mr. Charles Squall spoke regarding R-08-162, condemning property located at 901 North "D" Street. Mr. Squall said the property used to be a store. He has been sick but is trying to work on the property. Mr. Tom Wadley, Director of Code Enforcement said Ms. Felicia McHenry has worked on this case. She was not present, because Mr. Squall had indicated he was going to tear down the structure. Mr. Wadley recommended condemning the property. Ms. Hilda Cochran spoke regarding R-08-121, condemning property located at 906 West 43<sup>rd</sup> Street. Ms. Cochran said she has sold the property to Mr. Juan Bustanmante. Mr. Wadley said the owner has a contract with Mr. Bustanmante. After the resolution was read (see below), a bond requirement was discussed. Ms. Cochran said the Release of Lien is in the mail. Mr. Carter recommended adopting the legislation. Alderwoman Ross asked about future code violations on this property.

### **UNFINISHED BUSINESS**

R-08-121 (RESOLUTION NO. 7335 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 906 WEST 43<sup>RD</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 during public comment (see above). On the motion of Alderman Witcher and seconded by Alderman Gaines, and by consent of all members present, the resolution was unanimously adopted ). (*owner: Hilda G. Cochran*)

R-08-137 (RESOLUTION NO. 7336 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LICENSE AGREEMENT WITH KENTUCKY DATA LINK, INC.; AND FOR OTHER PURPOSES, was called. Mayor Hays said this will make pole attachments more uniform. A motion to adopt was made by Alderman Bryant and seconded by Alderman Hight. Alderwoman Ross asked about the attachments and if there would be signage. Mr. Carter said there would be a small marker on the poles. The resolution was read. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-08-70

AN ORDINANCE AMENDING SECTION 12.24.B OF ORDINANCE NO. 7697 (THE ZONING ORDINANCE) REGARDING DUMPSTER ENCLOSURES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read three times September 22, 2008, was called and held at the request of the sponsor, Alderman Bryant.

### **NEW BUSINESS**

R-08-159 (RESOLUTION NO. 7337 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 137 COLLEGE PARK CIRCLE 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 Bryant 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: Doloris Brewer*)

R-08-160 (RESOLUTION NO. 7338 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 3115 GRIBBLE 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 Hight and seconded by Alderman Gaines. 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: Lee Roy Yancey*)

R-08-161 (RESOLUTION NO. 7339 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 206 ½ NORTH HAZEL 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 Alderman Hight. 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: Mary Wright*)

R-08-162 (RESOLUTION NO. 7340 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 901 NORTH "D" CIRCLE 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 Hight and seconded by Alderman Bryant. Mayor Hays convened a public hearing. Mr. Squalls spoke during citizen comment regarding this item. There being no additional discussion, the public hearing was adjourned. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). Mr. Brown will be at Code Enforcement this Thursday at 8:00 a.m. and meet with the owner. This is a commercial structure. (*owner: Charles Squall*)

R-08-163 (RESOLUTION NO. 7341 MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1123 EAST 15TH 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 Hight 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: Lois Mae Gray*)

R-08-164 (RESOLUTION NO. 7342 - MAYOR HAYS)

A RESOLUTION APPROPRIATING \$11,550.00 FROM ACT 833 FUNDS FOR REPLACEMENT OF REPLACEMENT WINDOWS IN THE CENTRAL FIRE STATION ON MAPLE STREET; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Fire Chief Joe McCall said Act 833 Funds are Insurance Turnback funds that can only be used for upgrades for fire services. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-08-165 (RESOLUTION NO. 7343 - MAYOR HAYS, ALDERWOMAN ROSS AND ALDERMAN BRYANT)

A RESOLUTION APPROPRIATING \$12,000.00 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. Alderman Bryant was added as a sponsor. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Bryant. Mayor Hays said this project would include building a sidewalk in the area which would create a safe pathway for students. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-08-166 (RESOLUTION NO. 7344 - MAYOR HAYS)

A RESOLUTION SUPPORTING INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF HIGHWAY 100 AND VESTAL COURT IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Bryant and seconded by Alderwoman Ross. Mayor Hays advised he received a letter from the Arkansas State Highway and Transportation Department estimating costs of the project and Federal, State and Local funding options. Mr. Tim Marvin, Traffic Services Director said basic requirements include following the federal aid system. Alderwoman Robinson said they would like to see something similar in the area of Harvest Food on East Broadway. Alderwoman Ross asked about funding from Metroplan. Mr. Marvin said funds are not available for specific projects such as this one, they are assigned to projects benefitting the area as a whole. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

O-08-81 (ORDINANCE NO. 8114 - MAYOR HAYS)

AN ORDINANCE REPEALING ORDINANCE NO. 8110; WAIVING FORMAL BIDDING REQUIREMENTS FOR THE PURPOSES OF A PART (PC Outer Housing) FOR THE HYDRO PLANT (\$94,873.90 - Electric O & M Fund) ; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Bryant, 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. Ordinance No. 8110 needs to be repealed because the wrong part was ordered previously. On the motion of Alderman Witcher 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 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-08-82

AN ORDINANCE ADOPTING A PARKING REGULATIONS CHAPTER AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING CERTAIN CODE SECTIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time.

Alderman Hight asked to call public hearings at the next three city council meetings (Monday, November 10, 2008, Monday, November 24, 2008, and Monday, December 8, 2008 at 7:05 p.m. each date. Mr. Carter reviewed a summary which was attached to the legislation. Alderman Hight asked if there was a section regarding small wheeled vehicles such as boat trailers, horse trailers, etc. Alderwoman Robinson said different areas of the city need to be looked at differently. The legislation was then held by sponsor Alderman Hight.

#### **PUBLIC COMMENTS-----**

Mayor Hays said efforts have been made to fill the committee for the Veteran's Memorial Advisory Council. Mr. Carter has been visiting with officers at Camp Robinson. Alderman Bryant has a list of representatives, too. Legislation will be presented at the next council meeting. Mayor Hays has visited with family members who are interested in serving as well. Alderwoman Ross said Wednesday, October 29<sup>th</sup>, from 10:00 a.m. until noon, Charley Baxter and others from the Hays Center will have a Senior Day on the Big Dam Bridge where folks will be transported onto the bridge and back. This is limited to the first 50 senior citizens who sign up. Mayor Hays said if more than 50 seniors sign up, another date will be scheduled. The bridge will be closed during a 2 hour period. The City Auction will be this Thursday at 10:00 a.m. at the Public Works Compound. The Park Hill Neighborhood Association will meet tomorrow night at Trinity Lutheran Church. Alderwoman Robinson asked about a notice from the Arkansas Municipal League regarding Identity Theft Prevention. Mr. Bob Sisson, Finance Director said the deadline has been extended for six months and North Little Rock is working on it. Alderman Hight wished former Mayor and North Little Rock Chamber Director Terry Hartwick will be celebrating a birthday tomorrow. Alderman Gaines said the Levy Lions Club is hosting a pancake breakfast fundraiser this Saturday. The annual Brother Paul Fish Fry is this Friday night at Alltel Arena. All proceeds benefit the Friendly Chapel Church of the Nazarene's soup kitchen. Free flu shots will be given this Thursday at the Health Department. Mayor Hays said early voting continues. The general election is November 4. The North Little Rock Woman's Club Fall Follies will be Saturday, November 8, 2008, at the Patrick Henry Hays Senior Citizens Center. Tickets are \$25.00. The 9<sup>th</sup> Annual Community Walk for Unity will be Sunday, November 9, 2008. City Offices will be closed, Tuesday, November 11, 2008, in observance of Veteran's Day. Garbage, trash and recycling routes will all run one-day delayed. The North Little Rock Animal Shelter is still collecting signatures on a petition for a specialty Spay or Neuter License Plate Decal. The deadline to turn in petitions is November 1<sup>st</sup>. North Little Rock Friends of Animals will host a Chili Supper fund raiser Friday, November 7 at the Park Hill Christian Church located at 4400 John F. Kennedy Boulevard. All proceeds benefit the spay and neuter program. Beth White is a candidate for Alderman, Ward 1. While campaigning over the weekend, her grandchild lost his shoes. The shoes were located and returned to her.

Melinda Gilbert is a candidate for Circuit / Juvenile Court Judge. She said there are several places to vote early including the Pulaski County Administration Building. Mayor Hays reminded folks they can vote at any early voting location in the county, not just the one in their community. Mary Ann Conley has had drainage problems on her street. She said repairs have been promised. She is supporting Bubba Lloyd and Steve Baxter in the upcoming election. Bill Yeates spoke regarding the memorial and said he thought the committee would have been selected by this meeting. He has worked on this project for over a year. The city has the deed to his property. He asked that a decision be made soon. Reverend Lamont Dotson is a candidate for Alderman in Ward 2. He thanked council members and citizens in North Little Rock for their encouragement and support. He had a grandson born today, too, 9 pounds and 10 ounces. He encouraged everyone to vote on November 4, 2008. Bobby Taylor asked about the ordinance pertaining to trash cans left out on the street and if it was going to be enforced. Mayor Hays asked Mr. Wadley to look into Mr. Taylor's complaint. He said people are putting their leaves and sticks in the street. He has worked hard to get drainage in Rose City and doesn't want to see the drains stopped up with leaves. He asked about a notice going out on utility bills. Mayor Hays said people are encouraged to be aware of the leaf vacuum schedule. Mr. Taylor also asked about enforcing the ordinance pertaining to dumpsters. Mr. Carter said ordinances are enforced. Sue Corker said half of the money collected from ticket sales for the North Little Rock Woman's Club Fall Follies goes directly to programs at the center. Mrs. Corker said every third grade student in the North Little Rock School District received free dictionaries. Mayor Hays was there and autographed them. Mr. James Ard said he supports the city moving forward. A lot of things have been promised. This is an important election. Mr. Ard said he is concerned garbage rates will be imposed in the future. Right now residents do not pay for sanitation and trash pickup. He encouraged everyone to vote.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the meeting adjourned at 8:45 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, November 10, 2008, 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