

November 10, 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, November 10, 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, OLEN THOMAS, CARY GAINES, JOHN PARKER, and MURRY WITCHER (6/0). Aldermen NEIL BRYANT and CHARLIE HIGHT were out of town. Assistant City Clerk Linda Marshall, Deputy City Clerk Mattie Robbins, and City Attorney C. Jason Carter were also present.

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

On the motion of Alderman Witcher and seconded by Alderman Parker, and by consent of all members present, the minutes of a regular council meeting held on Monday, October 27, 2008, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, communications #1, 2, 4, 5, 6, and 7 were accepted and filed (6/0).

1. Margaret Powell, letter from Carol Glenrich, Cleaver, MO re: Rally at the Rock and thank you.
2. Senate Majority Leader District 34 Tracy Steele letter(s) re: South Central Area Family Motor Coach Association (RV) Rally in North Little Rock, commending Mr. Steve Owen, Bob Major and Terry Hartwick for their leadership and the success of the event.
4. Frank Pagano, Mitigation Division Director US Department of Homeleand Security FEMA Region 6, letter to Mayor Hays re: Acknowledgment of Progress Report - North Little Rock Levee and Flood wall.
5. Marolyn Rinne, President Cotton Country Travelers, Lubbock Texas area letter to Mayor Hays re: thank you and positive impression of the City of North Littel Rock during RV Rally.
6. Joan and Jim Wimberly letter to Mayor Hays re: RV Rally and special thanks to North Little Rock Police and Fire Departments.
7. Sharon Tedford, Mayor's Office memorandum re: *Retail Liquor and Retail Beer Off Premises - Transfer of Location* from 4909 MacArthur Drive to 11100 Highway 165 for Keystone Liquor by Susan Paulton.

On the motion of Alderman Witcher and seconded by Alderman Parker, and by consent of all members present, Communication 3 was read by title only and accepted and filed.

3. George Wheatley, Waste Management letter to Mayor Hays re: Agreement between Waste Management of AR, Inc., and the City of North Little Rock and allowed increase from \$2.02 to \$2.12 effective October 1, 2008.

Mayor Hays stated that legislation will be presented at the next meeting showing the effective date as December 1, 2008 since this communication was received after the shown effective date.

Wayne Rathbun of Waste Management stated this amount will be in effect until September 3, 2010.

On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, communication #8 was read, accepted and filed (6/0).

8. Mayor Hays' letter re: appointing Mike Russ as General Manager of North Little Rock Electric Department effective November 1, 2008; annual salary will be \$95,364.44

Mayor Hays asked Janet Troutman Ward, Pulaski County Assessor to come forward and read a proclamation proclaiming November 10, 2008, as Janet Troutman Ward Day in North Little Rock. Mrs. Ward was recognized as one of four individuals who were nationally selected for their support of the Arkansas National Guard. Mrs. Ward thanked Mayor Hays, city council members and the citizens of North Little Rock.

Mayor Hays convened a public hearing regarding O-08-82, an ordinance adopting a parking regulations chapter as part of the North Little Rock Municipal Code; repealing certain code sections. Alderwoman Robinson said people in her ward have a problem with this and that each area should be looked at differently. Alderman Witcher said there will be problems regarding parking at rental units. There being no one else wishing to be heard, the public hearing was recessed until Monday, November 24, 2008, at 7:05 p.m.

Mayor Hays asked if anyone was present to speak during Agenda Item Citizen Comment. LeMoyné Jones spoke against O-08-82. Parking should be enforced city wide and not in just selected areas. Aldermen should have working e-mails at all times.

Mayor Hays acknowledged Aldermen-Elect Maurice Taylor from Ward 2 and Beth White for Ward 1. Also present was Mr. Richard Carroll, State Representative-Elect District 39. There will be a run-off election for Ward 3, between candidates Alderman Parker and Mr. Sam Baggett, November 25, 2008. Everyone in Ward 3 was encouraged to vote.

UNFINISHED BUSINESS

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.

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 on October 27, 2008. Public hearings were scheduled for the next three city council meetings (Monday, November 10, 2008, Monday, November 24, 2008, and Monday, December 8, 2008 at 7:05 p.m.). A public hearing was held this date (see above) and recessed until Monday, November 24, 2008.

NEW BUSINESS

R-08-167 (RESOLUTION NO. 7345 - MAYOR HAYS)

A RESOLUTION APPOINTING DEBORAH J. COLLINS, WILLARD HELMICK AND JOHN S. HEFFERNAN TO THE NORTH LITTLE ROCK VETERANS MEMORIAL ADVISORY COMMITTEE; AND FOR OTHER PURPOSES, was read. City Attorney Carter stated said these individuals were recommended by the Army and Air National Guard. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was amended as follows:: *attach Personal Information Sheet (6/0)*. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted as amended (6/0). Mayor Hays stated that Zach Warren from the Warren family was interested in serving on the committee. Mrs. Wendy Taylor from the Taylor family said neither she or a member of her family would be able to serve on the committee but would like to be made aware of the dates and times of the meetings. Mayor Hays also spoke with Adjutant General Bill Wofford with the Arkansas Army National Guard regarding if any other North Little Rock soldiers had lost their lives (to be included on the memorial) and mentioned Donovan Briley.

R-08-168 (RESOLUTION NO. 7346 - MAYOR HAYS)

A RESOLUTION CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF CLEAN SMILE, INC. TO PARTICIPATE IN THE TAX BACK PROGRAM AS AUTHORIZED BY ARK. CODE ANN § 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. On the motion of Alderman Witcher and seconded by Alderman Parker, and by consent of all members present, the resolution was amended as follows:: *new address is 1920 North Main Street, Suite 217 (6/0)*. On the motion of Alderwoman Robinson and seconded by Alderman Parker, and by consent of all members present, the resolution was adopted (6/0).

R-08-169 (RESOLUTION NO. 7347 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF L. W. MATTESON, INC, FOR DREDGING THE FOREBAY CHANNEL AT THE MURRAY HYDROELECTRIC PLANT; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO CONTRACT; AND FOR OTHER PURPOSES (\$3,309,641 - *Electric O & M fund and FEMA's Spring 2008 Flood Damage Fund*), was read. Mayor Hays said the Murray Hydro Electric Plant began generating electricity twenty (20) years ago. During the years, sand has been accumulating. This summer extra sand accumulated due to heavy rains. Applications have been made to FEMA to help with the dredging. Mr. Russ, General Manager North Little Rock Electric Department stated the city could recover some of the money (up to 75%) from FEMA. On the motion of Alderwoman Robinson and seconded by Alderman Parker, and by consent of all members present the resolution was adopted (6/0).

R-08-170 (RESOLUTION NO. 7348 - ALDERWOMAN ROSS AND ALDERMAN BRYANT)

A RESOLUTION SUPPORTING AN APPLICATION FOR PRESERVE AMERICA GRANT FUNDS TO ASSIST THE COMPLETION OF CAPITALIZING AND PROMOTING NORTH LITTLE ROCK'S HERITAGE; AND FOR OTHER PURPOSES, was read. A motion to adopt

was made by Alderwoman Ross and seconded by Alderman Witcher. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows: *Section 2: delete by the Park Hill Neighborhood Association* (6/0). Alderwoman Ross advised support began with the Park Hill group. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted as amended (6/0) (dw).

O-08-83 (ORDINANCE NO. 8115 - MAYOR HAYS)

AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES' POLICY AND PROCEDURE MANUAL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Thomas 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 (6/0). Mr. Bob Sisson, Finance Director, advised this will clarify overtime pay and military leave. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows: *page 2, Exhibit "B" strike 12:00 p.m. and insert "MIDNIGHT"* (6/0). On the motion of Alderman Witcher and seconded by Alderwoman Ross the rules were again suspended and the ordinance was placed on its third and final reading as amended (6/0). The roll having been called, and all members present having voting in the affirmative, the ordinance was adopted as amended (6/0). Emergency clause adopted (6/0).

O-08-84 (ORDINANCE NO. 8116 - ALDERMEN PARKER AND GAINES)

AN ORDINANCE ALLOWING A SPECIAL USE FOR MOBILE STORAGE CONTAINERS ANNUALLY FROM OCTOBER 1ST TO JANUARY 30TH IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 12001 MAUMELLE BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gaines and seconded by Alderman Parker, and by consent of all members present, with the exception of Alderman Witcher who voted no, and the Mayor having voted yes, the rules were suspended and the ordinance was placed on its second reading (6/1). The ordinance was read a second time. Alderman Witcher is opposed to the containers. On the motion of Alderwoman Ross and seconded by Alderman Gaines, and by consent of all members present, with the exception of Alderman Witcher, and the Mayor Having voted yes, the rules were again suspended and the ordinance was placed on its third and final reading (6/1). The ordinance was read a third and final time. On the motion of Alderwoman Ross and seconded by Alderman Gaines, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Witcher, who voted no, the ordinance was adopted (5/1). On the emergency clause, all members present voted in the affirmative, with the exception of Alderman Witcher who voted no, and Mayor Hays voted yes, emergency clause adopted (6/1).

PUBLIC COMMENTS-----

Alderman Gaines asked about a condemnation on 43rd Street. City Attorney Carter advised a meeting is scheduled at the Code Enforcement Office, Thursday at 8:00 a.m. The owner/client and his attorney can attend. Mr. James Ard asked Alderman Gaines if he has a working number in which citizens could contact him. Alderman Gaines gave his cell # (501)951-5003. Mr. Ard also said a person named Yielding was tearing up campaign signs election day. Mr. Bobby

Taylor said that on Thursday, around 7:20 a.m., he called Code Enforcement because someone threw about 25-30 pounds of dead chickens over a fence. He was told they didn't handle that type of call. Mr. Taylor wanted to know who in the city would. The problem with garbage cans in his area has been taken care of. Mayor Hays thanked everyone for their votes and the opportunity to continue to serve as Mayor. Mr. Bill Yeates said this was his third time to attend a city council meeting regarding the Veteran's Memorial and a committee has not been selected. He asked when it would be. Mayor Hays stated that we could not see the outcome of the election. Therefore, Alderman Bryant will not be the chairman as previously stated. The council is looking for qualified people. Mr. Steve Baxter thanked everyone for their vote and said it was a rewarding experience. Bruce Foutch thanked everyone for their support and votes. Mr. Bob Fleckenstine said employees who travel on city funds should make a short presentation to the council and the citizens of North Little Rock as to what went on and how it would make an impact on the city. Mr. Sam Baggett thanked everyone for their vote on election day and asked for their support and vote again on November 25, 2008. Mr. Richard Carroll thanked everyone for their vote and support. He is looking forward to serving them as their Representative for District 39.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Gaines, and by consent of all members present, the meeting adjourned at 8:08 p.m. (6/0), until the next regularly scheduled meeting to be held on Monday, November 24, 2008, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

Minutes prepared by Assistant City Clerk Linda Marshall.

APPROVED: MAYOR PATRICK HENRY HAYS
ATTEST: DIANE WHITBEY, CITY CLERK