

November 23, 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, November 23, 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, MAURICE TAYLOR, LINDA ROBINSON, SAM BAGGETT, CHARLIE HIGHT, and MURRY WITCHER (6/0), a quorum was declared. Aldermen BETH WHITE and CARY GAINES were absent. City Clerk Diane Whitbey and City Attorney, C. Jason Carter were also present.

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

On the motion of Alderman Hight, and seconded by Alderman Taylor, and by consent of all members present, the minutes of a regular council meeting held on Monday, November 9, 2009, were approved, accepted and filed as prepared by the City Clerk (6/0).

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

1. Glinda Craigmyle, Mayor's Office memorandum re: application for *Retail Beer Off Premises and Small Farm Winery - Retail - Change of Manager* for Wal-Mart Supercenter #1105, 4450 East McCain Boulevard by Rose Green.
2. Mike Smith, City Engineer letter to Mayor Hays and City Council members re: Pike Avenue Round-About Construction Contract: AHTD Job # 061250, low bid Redstone Construction Company. City's 20% match will come from Special Projects Fund.
4. Glinda Craigmyle, Mayor's Office memorandum re: application for *Private Club - NEW* for Las Palmas of Park Hill, Inc., 3824 John F. Kennedy Boulevard by Jaime Atilano.
5. Glinda Craigmyle, Mayor's Office memorandum re: application for *Retail Beer Off Premises - NEW* for J.C. Mart, 3523 East Broadway, by John Chun.
6. Glinda Craigmyle, Mayor's Office memorandum re: application for *Retail Beer On Premises - NEW* for Billar El Rincon, 3405 Pike Avenue, by Adriana Munoz.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #3 was read, accepted and filed (6/0).

3. Chris Golembe, Regional Director Well's Fargo/Wachovia Corporate Security letter to Mayor Hays and North Little Rock Police Chief Danny Bradley re: Central Arkansas City Fest and commending the Police Department for their expertise and professionalism during the event.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, a letter from Alderman Gaines was added as communication #7, read, accepted and filed (6/0).

7. Alderman Gaines, letter to Mayor Hays and City Council Members re: resignation as Alderman for Ward 3 effective November 20, 2009.

Mayor Hays acknowledged Maumelle Mayor Mike Watson who was present. Mayor Watson said the City of Maumelle has an interest in O-09-80 since the property is adjacent to their city boundary. Alderman Baggett, one of the sponsors of the legislation advised it will be held at the request of the applicant.

Mayor Hays advised several people had signed in to speak regarding O-09-81. Alderman Hight advised that Alderman Gaines was a sponsor and is no longer on the council. After discussion with the other sponsors, Alderman Hight said the proposed ordinance will be withdrawn.

Mayor Hays announced a Special Call scheduled for this date.

November 19, 2009 (via email)

Subject: Special Call Meeting for 7:05 p.m. on November 23, 2009

Honorable Members of the North Little Rock City Council:

The purpose of this e-mail is to advise you that Mayor Hays has called a special meeting of the North Little Rock City Council for 7:05 p.m., on Monday, November 23, 2009, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

1. A RESOLUTION APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES AS A RESULT OF GRASS CUTTING EXPENSES AND ABATEMENT OF OTHER NUISANCES IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.

Sponsor: Mayor Hays (Public Hearing set for this Resolution on November 23rd.)

2. A RESOLUTION RENEWING THE AGREEMENT WITH AT&T ARKANSAS TO OFFER IP-ENABLED VIDEO SERVICES IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES.

Sponsor: Mayor Hays

Pursuant to Section 2-48(2) of the North Little Rock Municipal Code, you are entitled to 72 hours' *electronic* notice of this meeting. **This email is being sent within 72 hours.** I ask that you waive this requirement to avoid re-scheduling of the special meeting. Please acknowledge receipt of this email before noon on Friday, November 20, 2009, by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

Respectfully submitted,
C. Jason Carter
City Attorney

Special Call 1) (RESOLUTION NO. 7550 - MAYOR HAYS)

A RESOLUTION APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES 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. A motion to adopt was made by Alderman Hight 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 adopted (6/0).

Special Call 2)

A RESOLUTION RENEWING THE AGREEMENT WITH AT&T ARKANSAS TO OFFER IP-ENABLED VIDEO SERVICES IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read and held by the sponsor, Mayor Hays. The resolution will be added to the regular city council agenda for Monday, December 13, 2009 (*Call # R-09-170*).

Mayor Hays asked if North Little Rock Police Captain Mike Davis was present. Captain Davis was not able to attend, but wanted to remind everyone the Polar Bear is coming up. A press conference will be held on December 11, 2009, followed by the “Plunge” on December 12, 2009.

Mayor Hays invited Mr. Willie Jones to come forward. Mr. Jones is with the Central Arkansas Planning and Development District. This year, North Little Rock utilized and employed several youth through the American Recovery Act. Mr. Jones then presented Mayor Hays with a plaque expressing appreciation on behalf of Central Arkansas Workforce Development.

Mayor Hays invited Sergeant Major Deborah Collins to come forward. Sgt. Major Collins provided an update to the City Council pertaining to the North Little Rock Veteran’s Memorial Committee. Mrs. Collins is the Vice Chairman of the committee and asked other committee members present to stand and be recognized. She then reviewed the purpose and mission of the committee, committee actions, proposals and a list of the final four proposed locations which included 5501 MacArthur Drive, Laman (Library) Plaza, Riverfront Park and Burns Park (on the corner at the Visitors Center). An additional proposal was submitted on November 17, 2009. A proposal submitted by Mr. Mike Ross was for a Veteran’s Memorial Building versus a Memorial Structure to provide a center for all North Little Rock Veterans where they and their family members can receive aid, be connected to resources and host memorial, social and patriotic events. Mr. Ross’ second proposal was that a Salute to Veterans be authorized, supported and funded at 5501 MacArthur Drive. The next meeting of the committee will be Tuesday, November 24, 2009, at 1:00 p.m. at the North Little Rock Recreation Center to discuss the “short list” included in the presentation. With the resignation of Alderman Gaines from the council, the Veterans Memorial Committee is without a chair. Alderman Witcher thanked the committee members for their work on this matter. Alderwoman Ross said she would be interested in serving as the council’s representative and chair of the committee. Mayor Hays asked Mr. Carter to prepare legislation for the next council meeting.

Mayor Hays invited Mr. Gene Whitley to come forward. Mr. Whitley advised Pulaski Tech has

a new baseball program for 2010 and asked the city for its support and to help promote the program. Mayor Hays thanked Mr. Whitley for his efforts and said to keep him informed. The team will be known as the "Diamonds".

Mayor Hays said a lot of effort was put forth by city staff and residents in an application through the League of American Bicyclists. North Little Rock is one of only 125 communities to obtain an award of Bronze or higher. This morning a group of cyclists rode from City Hall and the downtown area to the Riverfront River Station and along the river trail to the Big Dam Bridge for a total of 34 miles. Alderman Hight is a bicycling advocate. He asked that everyone present stand and be recognized who assisted him with the application. Mr. Andy Clarke, Executive Director of the League of American Bicyclists addressed the council regarding the league which is a 130 year old organization. Their mission is to promote cycling and the benefits of the same through education and advocacy. Mayor Hays invited Mr. Gene Pfiefer to come forward. Mr. Pfiefer donated land along the trail for use by cyclists and equestrians. He is excited to see all of the developments and families enjoying recreation in the area. Mayor Hays said North Little Rock has been selected by the State Department of Health to participate in an overall comprehensive two-year health program. Ms. Diana Allen is with the National Parks Service Rivers and Trails Conservation Assistance Program. Ms. Allen said she is looking forward to working with the city toward achieving the Platinum Award. Alderman Hight recently attended a National League of Cities Conference where he attended a seminar which dealt with alternative forms of transportation. The interest in bicycling and becoming a bicycle friendly community was great.

Mayor Hays recessed the meeting briefly. The meeting was then reconvened.

Mayor Hays announced a public hearing regarding O-09-75, amending Ordinance No. 7973 which fixed rates for services furnished by the Sewer System of North Little Rock. Mr. Mark Halter, Attorney for North Little Rock Waste Water briefly reviewed the ordinance. The area included is the Rixey Road Improvement District. The initial user fees were calculated based on anticipated tie-ons of over 300 customer connections. The actual number since construction has been 167, therefore user fees must be increased. Mayor Hays then convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned.

Without objection, O-09-75 was read.

O-09-75 (ORDINANCE NO. 8214 - MAYOR HAYS)

AN ORDINANCE AMENDING ORDINANCE NO. 7973 WHICH FIXED RATES FOR SERVICES FURNISHED BY THE SEWER SYSTEM OF NORTH LITTLE ROCK,

ARKANSAS; PRESCRIBING OTHER MATTERS PERTAINING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time November 9, 2009,

was read a second time this date. A public hearing was held this date. The ordinance was read a second time. 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

third and final reading (6/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

Mayor Hays announced a public hearing regarding O-09-81, amending Ordinance No. 7697 (“The Zoning Ordinance”) to decrease the Electronic Frequency Interval for Changeable Copy Signs.

Without objection, O-09-81 was read.

O-09-81

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”) TO DECREASE THE ELECTRONIC FREQUENCY INTERVAL FOR CHANGEABLE COPY SIGNS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time November 9, 2009, was read a second time this date. The legislation was then withdrawn by sponsor, Alderman Hight. Mayor Hays asked if anyone had signed up to speak. There being no one, the public hearing which was convened above was adjourned.

Mayor Hays asked if anyone had signed up to speak on numbered agenda items. Mr. Dwight Lambert, President of the Ranchettes at Deer Meadows Homeowners Association spoke on behalf of his neighbors. He spoke on behalf of his neighbors and requested that O-09-83 be tabled to allow them time to look at a business being established next door. Mr. Lambert said he addressed a Subdivision meeting (Planning) and spoke briefly regarding the land being deleted out of the Ranchettes as of February 8, 2005. He said they (the residents) were not notified of the proposal near their subdivision. Mr. Lambert said he received notice of this meeting on November 17, 2009. There is no immediate need for this action. Homes in their area range from \$275,000 to \$530,000.00. Without objection, O-09-83 was read one time and held. (*See below*). Alderman Hight asked how the area of 6.91 acres was decided. Mr. Rubben Johnson spoke regarding O-09-83. He would have liked notification of this matter before the date of the meeting. Mayor Hays said he will visit with Mr. Robert Voyles, Planning Director.

O-09-83

AN ORDINANCE ACCEPTING THE ANNEXATION OF LANDS COMMONLY DESCRIBED AS LANDS TO BE TITLED THE “DEER MEADOWS ANNEXATION” TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING DEER MEADOWS ANNEXATION A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held.

UNFINISHED BUSINESS

R-09-141

A RESOLUTION DISCLAIMING THE TRANSFER OF CERTAIN PROPERTY LOCATED ON WEST MILITARY DRIVE; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Hays. The item having been on the agenda for six consecutive meetings will be removed from the agenda this date.

R-09-160

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL

PROPERTY LOCATED AT 321 NORTH CLARK IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was called. Mayor Hays held the legislation at the request of Mr. Tom Wadley, Director of Code Enforcement. (*owner: Annie Smith and Addie McCain - \$3,890.87*)

O-09-80

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW FIFTY (50) SHORT TERM RENTALS AT AN APARTMENT COMPLEX IN AN R-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 12025 PAUL EELLS DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read three times on November 9, 2009. The ordinance was held at the request of sponsor, Alderman Baggett. (*applicant: The Links at the Rock*)

NEW BUSINESS

R-09-168 (RESOLUTION NO. 7551 - MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 1226 WEST 11TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson 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 adopted (6/0).

R-09-169 (RESOLUTION NO. 7552 - MAYOR HAYS)

A RESOLUTION APPROPRIATING \$4,023,03 FROM ACT 833 FUNDS FOR THE PURCHASE OF THREE (3) COMPUTERS, MONITORS AND SOFTWARE FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; 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 adopted (6/0).

O-09-84 (ORDINANCE NO. 8215 - ALDERMEN HIGHT AND TAYLOR)

AN ORDINANCE APPROVING USE OF AN EXISTING POLE SIGN FOR CERTAIN REAL PROPERTY LOCATED AT 5532 JOHN F. KENNEDY BOULEVARD IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (6/0). The ordinance was read a second time. The applicant, Ms. Ott described the location where she would like to locate a sign. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the ordinance was amended as follows:: *Section 1: add after the “,” SO LONG AS THE HEIGHT OF THE SIGN IS REDUCED SUCH THAT IT DOES NOT EXCEED TEN FEET (10') IN HEIGHT* (6/0). On the motion of Alderman Taylor 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 as amended (6/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (6/0). Emergency clause adopted (6/0).

(applicant: Choice Real Estate Group, Inc., Gail Ott, President).

O-09-85 (ORDINANCE NO. 8216 - ALDERMEN GAINES AND BAGGETT)
AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CONTRACTOR'S
OFFICE, AUTO DETAIL SHOP, AND AUTO REPAIR IN A C-3 ZONE FOR CERTAIN
REAL PROPERTY LOCATED AT 1201 PARKWAY IN THE CITY OF NORTH LITTLE
ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baggett 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 (6/0). On the motion of Alderman Baggett 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 (6/0). The ordinance was read a third and final time. Alderwoman Ross asked the applicant if she was aware of the conditions included in Section 2. She indicated she was. The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

Mayor Hays then opened discussion regarding the vacancy created on the City Council by the resignation of Alderman Gaines. Options include the city council appointing someone to serve the remainder of the term, or schedule a Special Election. Mr. Carter then reviewed a recently enacted law (2009), Act 1480, Section 14-43-411-b-1. Pursuant to the act *“If the unexpired term of the alderman exceeds one (1) year, at the first regular meeting after the occurrence of the vacancy, the city council shall proceed to either elect by a majority vote of the remaining members elected to the council an alderman to serve for the unexpired term or call for a special election to be held in accordance with § 7-11-101 et seq.”* Mr. Carter asked the council to call a “voice vote” to either choose to appoint someone to complete the term or to call for a Special Election. The earliest date a Special Election could be held would be March 9, 2010. Due to the expense of a Special Election, Mr. Carter recommended soliciting applications and the city council electing a replacement alderman. On the motion of Alderman Witcher and seconded by Alderman Baggett, and by consent of all members present, a “voice vote” was taken to direct the City Attorney to prepare legislation to proceed with the council electing an alderman to fill the vacant seat in Ward 3. Applications will be submitted through the City Clerk’s Office.

PUBLIC COMMENTS-----

Alderman Witcher advised the Sign Group will meet Monday, November 30, 2009, at 6:00 p.m. Alderwoman Ross reminded everyone to rake their leaves properly. Those left in the street wash into the city’s storm drain system and clog it up. Mayor Hays said he will work with Mr. Wadley on notifying residents if they have leaves in the street to remove them from the street or bag them. The big Polar Bear Plunge is on December 12, 2009. Ms. Whitbey said the Christmas Parade is Sunday, December 6, 2009, at 2:00 p.m. Applications are still being taken. The theme is “A Kaleidoscope Christmas”. Also, the lights in Burns Park will be on display beginning November 30, 2009, through December 31, 2009 from 6 p.m. until 10 p.m. The cost to drive through the display is only \$5 per vehicle and \$10 for buses and vans. Mrs. Conley said a Veteran’s Memorial Building would benefit families in North Little Rock. She is a recent widow. Her husband was a veteran. She did not know what to do when the funeral home requested a DD14. If it weren’t for her friend, Patrick Lane, she would not have known what paperwork was needed or what to do to collect spousal support. The military is a family in itself.

A living memorial is what we need to help our veterans and to help their families. Mr. James Ard apologized to Mr. Steve Baxter. Mr. Ard thanked everyone on the Veteran's Memorial Committee for their work and their time. Mrs. Jo Melton said she is proud of North Little Rock's designation as a Bicycle Friendly Community. She is also proud that the sign committee will meet again. The extension across the Rock Island Bridge is next. North Little Rock's potential is great.

There being no further business to come before the Council, and on the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 9:05 p.m. (6/0), until the next regularly scheduled meeting to be held on Monday, December 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