

December 22, 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, December 22, 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: NEIL BRYANT, DEBI ROSS, LINDA ROBINSON, OLEN THOMAS, CARY GAINES, JOHN PARKER, CHARLIE HIGHT, and MURRY WITCHER (8/0). City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderman Thomas, followed by the pledge of allegiance to the flag which was led by Alderwoman Robinson.

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, December 8, 2008, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Gaines and seconded by Alderwoman Ross, and by consent of all members present, communications #1, 2, 3, 4, and 5 were accepted and filed (8/0).

1. Officer M. Brooks, Petition requesting Speed Hump on Velvet Ridge (59 signatures).
2. Sharon Tedford, Mayor's Office memorandum re: application for *Restaurant Wine and Retail Beer on Premises - NEW* for Cafe La Pace LLC (fka) Fat Boy's Cafe, 318 Main Street by Sam Kassees.
3. John Gaudin, President Argenta Downtown Council letter to Mayor Hays and City Council members re: Gateways to Argenta the Heart of North Little Rock, indicating support and allocation of funds.
4. John Gaudin, President Argenta Downtown Council letter to Mayor Hays and City Council members re: Pike Avenue Roundabout Landscaping, indicating support and recommendations.
5. Mayor Hays letter to City Council Members re: North Park Village Apartments and Ridgecrest Apartments.

Mayor Hays invited Mrs. Sue Corker to come forward and present a plaque to Alderman Olen Thomas on behalf of the North Little Rock Landlords Association. She commended him for his assistance to landlords during his time as a city council member. The association also made Alderman Thomas an honorary member of the association.

Mayor Hays then presented plaques to Alderman Bryant, Alderman Parker and Alderman Thomas for their service on the City Council. He commended and thanked each of them. Alderman Parker said it has been an honor and a privilege to serve the residents of the city and Ward 3. Alderman Thomas reflected on his past service to the community and his 28 years as a city council member. Alderman Thomas introduced several of his sons who were present. His wife Karin arrived later in the meeting and was also acknowledged.

Mayor Hays announced the Special Call scheduled for 7:05 p.m., December 22, 2008.

December 19, 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 of the North Little Rock City Council for 7:05 p.m. on December 22, 2008, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) (AN ORDINANCE) AMENDING THE MASTER STREET PLAN (ORDINANCE NO. 7932) TO DOWNGRADE CLASSIFICATION OF A PROPOSED MINOR ARTERIAL FROM THE MORGAN REST AREA ON I-40 TO COUNTS MASSIE TO A COLLECTOR ROAD INSTEAD; DEFERRING DONATION OF RIGHT-OF-WAY AND CONSTRUCTION OF STREET; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.
Sponsored by: Mayor Patrick H. Hays

Respectfully submitted,
/s/ Patrick H. Hays
MAYOR PATRICK H. HAYS

The law required 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 signature is not required unless a period of less than 24 hours remain 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, December 22, 2008, at City Hall, Council Chambers, North Little Rock, and waive time of notice.

/s/ Neil Bryant
NEIL BRYANT
/s/ Debi Ross
DEBI ROSS
/s/ Olen Thomas
OLEN THOMAS

/s/ Cary Gaines
CARY GAINES
/s/ John Parker
JOHN PARKER
/s/ Murry Witcher
MURRY WITCHER

/s/ Linda Robinson
LINDA ROBINSON

/s/ Charlie Hight
CHARLIE HIGHT

SPECIAL CALL #1 (ORDINANCE NO. 8127 - MAYOR HAYS)

AN ORDINANCE AMENDING THE MASTER STREET PLAN (ORDINANCE NO. 7932 TO DOWNGRADE CLASSIFICATION OF A PROPOSED MINOR ARTERIAL FROM THE MORGAN REST AREA ON I-40 TO COUNTS MASSIE TO A COLLECTOR ROAD INSTEAD; DEFERRING DONATION OF RIGHT-OF-WAY CONSTRUCTION OF STREET; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor Hays

asked Mr. John Burkhalter to come forward. Mr. Bob Holloway is the applicant for this downgrade. He reviewed the reasons for the request. Alderman Bryant asked about mining in the area. On the motion of Alderman Hight 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). Mayor Hays asked if anyone wanted to speak regarding this item. On the motion of Alderman Hight 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). Alderman Witcher recalled a four lane proposal. The ordinance was read a third and final time. Alderwoman Ross asked if this needed to be voted on tonight. Mr. Holloway said they needed to proceed. Alderman Bryant referenced the North Hills Boulevard arterial. On the motion of Alderman Witcher and seconded by Alderman Hight, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Bryant and Alderwoman Ross who voted no, the ordinance was adopted (6/2). Emergency clause unanimously adopted (8/0).

Mayor Hays reconvened 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. The legislation was then called.

O-08-82 (ORDINANCE NO. 8128 - ALDERWOMAN ROSS, ALDERMEN GAINES AND HIGHT)

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, read a second time November 10, 2008, and read a third and final time, Monday, November 24, 2008. The legislation was read. A public hearing was reconvened this date (see above). A motion to adopt was made by Alderman Hight and seconded by Alderwoman Ross. Alderman Hight reviewed possible amendments and provided examples of how a property owners association could utilize the ordinance. The adopting of this amendment would provide an alternate procedure for organizations having legal authority over an area (such as, property owner associations or improvement districts) to apply for a restricted parking district. The alternate procedure does not require the circulation of petitions. Alderman Gaines asked about overlapping associations. Alderman Hight compared this to past legislation to propose smoking in restaurants. These amendments would give the residents the opportunity to decide what's best for their neighborhood. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, with the exception of Aldermen Thomas and Gaines, who voted no, the ordinance was amended as follows:: *see amendment 1: provided this date* (6/2). The adoption of this amendment would extend the rule prohibiting

Large Recreational Vehicles from being parked in a manner that encroaches on streets to all recreational vehicles as defined by the parking ordinance. On the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, with the exception of Aldermen Thomas and Gaines, who voted no, the ordinance was again amended as follows:: *see amendment 2: provided this date (6/2)*. On the motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, with the exception of Alderman Gaines who voted no, the ordinance was amended as follows:: *2.1.10 (B) Recreational Vehicles, change 48 hours to 72 HOURS (7/1)*. Alderman Hight reviewed the proposed ordinance as amended. Neighborhoods can now seek council approval to ban parking vehicles in front and/or side yards in neighborhoods represented by improvement or property owners districts. RV's will also be restricted. Mrs. Celeste Archer said vehicles parked on lawns affect property values in the area. She offered her time to assist neighborhoods in finding funding to help construct driveways in their area. She thanked Alderman Hight for bringing this legislation. Shawn Archer also referenced decreased property values and said research had concluded the same. Mr. James Ard asked about visiting family members during the holiday season. Sometimes people park in their yard to prevent blocking the street. Mr. Ard asked if there was an ordinance restricting the amount of concrete surface area. Alderwoman Ross asked about enforcement. On the motion of Alderman Hight and seconded by Alderwoman Ross, and the roll having been called, and all members present having voted in the affirmative, with the exception of Aldermen Thomas and Gaines, who voted no, the ordinance was adopted as amended (6/2). On the emergency clause, all members present voted in the affirmative, with the exception of Alderman Gaines, who voted no (7/1).

Mayor Hays referenced O-08-95. At the request of the sponsor, Alderman Parker, the legislation was withdrawn and will be refiled for the January 12, 2009, council meeting. Mayor Hays will be the sponsor.

Mayor Hays then directed the council to new business (*see NEW BUSINESS below*).

UNFINISHED BUSINESS

O-08-82 (*see above*).

O-08-88 (*see end of meeting*).

O-08-95

AN ORDINANCE VACATING AND ABANDONING AN ALLEY IN BLOCK 4 OF THE UNION HEIGHTS ADDITION TO THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read 2 times December 8, 2008, was withdrawn by the sponsor, Alderman Parker (*see above*). The legislation will be refiled. Mayor Hays will sponsor it.

NEW BUSINESS

R-08-200 (RESOLUTION NO. 7979 - MAYOR HAYS)

A RESOLUTION APPOINTING JOHN PARKER TO THE POSITION PREVIOUSLY HELD BY SAM BAGGETT ON THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and

seconded by Alderwoman Robinson. Mayor Hays opened public comment on this item. Alderman-elect Sam Baggett has had several calls regarding this appointment. Mr. Baggett has talked with Mayor Hays and said he's not a council member yet. Mr. Bill Yeates spoke regarding the appointment. He said the voters voted for Mr. Baggett to serve on the city council, not Mr. Parker. He asked the council to reject this appointment. Ms. Carri Frederick said the public should be made aware of when there are openings on commissions (and boards). A lot of people are qualified to serve. She did not agree with Alderman Parker's appointment. Mr. Paul Myrick said the residents of Ward 3 spoke when they voted against Mr. Parker. A fresh approach is deserved. He asked the council to vote against this appointment. Mr. Ard also spoke against the appointment. Mayor Hays commended Alderman Parker for his service on the council. Mayor Hays spoke with Mr. Baggett regarding this appointment. At that time, he did not express an objection. Alderman Gaines asked if someone could be appointed when the current commission member has not resigned. Alderman Gaines referenced previous vacancies on other commissions. Mr. Carter said there are some prohibitions pertaining to dual service. Alderman Hight asked Mr. Baggett if he intended to resign. Mr. Baggett said he does not plan to resign until after he is sworn in as a council member, January 1, 2009. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, with the exception of Alderman Gaines, who voted no, the resolution was amended as follows:: *Section 2: strike passage and approval and insert JANUARY 2, 2009 (7/1)*. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, with the exception of Alderwoman Ross who abstained, and Alderman Gaines, who voted no, the resolution was adopted as amended (6/2).

R-08-201 (RESOLUTION NO. 7380 - MAYOR HAYS)

A RESOLUTION APPOINTING EDDIE ARMSTRONG TO THE POSITION PREVIOUSLY HELD BY MAURICE TAYLOR ON THE NORTH LITTLE ROCK PLANNING

COMMISSION; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows:: *attach Personal Information Sheet (8/0)*. Alderman Witcher made a motion to amend Section 2 to make the effective date January 2, 2009. Alderman-elect Maurice Taylor resigned from the Planning Commission this date. He said Mr. Eddie Armstrong is one of the finest young men he's known. Alderman Witcher withdrew his motion. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-08-202 (RESOLUTION NO. 7381 - MAYOR HAYS)

A RESOLUTION APPOINTING ANDY HIGHT TO THE POSITION PREVIOUSLY HELD BY ANTHEL MARLIN ON THE PLANNING COMMISSION BOARD OF ADJUSTMENT & APPEALS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by

Alderman Hight and seconded by Alderwoman Robinson. Mr. Ard commented implying he was against the appointment. On the previous motion and by consent of all members present, having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-08-203 (RESOLUTION NO. 7382 - MAYOR HAYS)

A RESOLUTION APPOINTING JIMMY PHILLIPS TO THE POSITION PREVIOUSLY HELD BY JOHN PARKER ON THE PLANNING COMMISSION BOARD OF

ADJUSTMENT & APPEALS; AND FOR OTHER PURPOSES, was read. A motion to adopt 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, the resolution was amended as follows: *attach Personal Information Sheet (8/0)*. A motion to adopt as amended was made by Alderman Witcher and seconded by Alderman Hight. Mr. Ard spoke against this appointment. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

Mayor Hays acknowledged those recently appointed and thanked them for their continued service to our community. Mayor Hays then recessed the meeting.

The meeting was reconvened at 8:45 p.m.

Mayor Hays advised proposed legislation numbers O-08-96, 97 and 98 will be held until Wednesday, December 31, 2008, at 5:00 p.m. at which time a Special Council meeting will be convened. Tax Increment Financing Districts were adopted by the State Legislature six years ago. The city has six districts. Mayor Hays reviewed several elements of the proposal. Alderwoman Robinson visited with council members from Atlanta recently. A TIF was used to revitalize a neighborhood and increased property values. TIF's have been vital for redevelopment in Kansas City, too. Alderwoman Robinson said in September 2007, the President of the School Board indicated the district is looking for revenue. She has been contacted by residents from Stone Links who were concerned because their children attend schools outside the city. She said there are businesses in the city whose taxes are going to the Pulaski County School District instead of North Little Rock. She spoke with a lady who lives in Cypress Crossing whose child is attending school at Mills and a child down the street is attending Fuller. The benefit of a TIF may not be today, but will be seen in the long run. She is in favor of these TIF's. Alderwoman Ross asked if a dollar amount has been determined. Mayor Hays said the City of North Little Rock funds eight School Resource Officers at a cost of about \$50,000.00 each and is equivalent to approximately \$400,000.00 a year. The city provided \$500,000.00 for turf at the high school for the track. The city also allocated funds for the concession and break room facility at the east end of the high school. The City of North Little Rock also provides funding for the North Little Rock Television, too. Mayor Hays said he is proud of our school system and students. Funds are not diverted from personal property. A second hotel downtown has been proposed. Meeting and convention space is needed. Funds could go towards construction of a parking deck, which is also needed. Mr. Carter has been researching TIF's. He provided a spread sheet which included calculations pertaining to current TIF District 1 (Enclave), District 4 (Argenta), District 5 (Maple), and then a combined district. He said these three pieces of legislation are before the council. One is the Rye Building property where a hotel is being considered. He said the Project Plan is important. It includes the parking deck, street scape, hotel, and convention facilities. He said the project improvements need to be considered. Funds would come from the schools, the city and county. Values of District 1, 4 and 5, and what their combined value would be were reviewed. Mr. Carter said assessed values are always 20 percent of the appraised value. The base year is 2008. Anticipated value and

assessments were based on 2011. Items excluded from TIF are *Library - 3.0, Police and fire pension funds - 2.0, Hospital - 0.6, Debt Service for NLRSD - 9.3 and Uniform Millage (NLRSD) - 25.0*, which totals 39.9 mills. Items included in TIF are *Pulaski County - 5.0, City of NLR - 5.0, County/City Road Tax - 2.9, NLRSD (O&M) 6.6*, which totals 19.5 mills. Alderwoman Ross asked if they could get a chart with the figures broken down. After further discussion among members regarding various figures, Mayor Hays opened the hearing to members of the public. Mr. James Smith is an Attorney for the North Little Rock School District. He provided some of the concerns of the district. Mr. Trent Cox is past president of the North Little Rock School Board. Mr. Cox read a resolution on the TIF proposal. The school board strongly opposes the merger or expansion of TIF Districts in the Downtown Area. He said they do not feel they had adequate notice or information on the proposal. He said the public should be allowed time for due diligence and allow public debate and discovery. The resolution also requested the council dismantle the four TIFs established in September of 2007. Mr. Cox said the board does not believe these proposed TIF's meet the requirement of "blight." The School District did not oppose the Lower Baring Cross TIF as it met the requirements of a blighted area. The district has old buildings and they've done a good job of keeping them up. Mr. Cox referenced problems related to redistricting. The district appreciates the support of the city and hope it will continue. Alderman Bryant asked when was the last time the school district put together a plan for a millage increase. Mr. Cox said the district has operated on the same budget for years. Alderman Bryant said the district has done a good job keeping teachers and programs. Chris Ladner said a redevelopment of downtown areas is taking place on a national level. North Little Rock has a mix of commercial and residential areas which are all connected. Brad Williams is Executive Director of the Argenta Community Development Corporation. Argenta CDC has participated in the redevelopment of the downtown area. He is for stronger and more vibrant communities. Affordable housing is needed. Tom Roy is the CFO for the Riverfront Wyndam Hotel. Mr. Roy distributed a list of Project Plan concerns (parking, site acquisition cost, estimated project cost, hotel occupancy) and reviewed the same. He discussed occupancy rates in area hotels. The list also included the following concerns related to bonds (TIF bond concerns, revenue bond concerns, available millage, and shortages). Mr. Roy said if the city would have offered them assistance in 2001, they would have gone forward with an expansion at their site which would have included a tower and additional rooms. Greg Hopkins is an attorney and represents the Wyndam Hotel and Frank Fletcher family. He commended the city council on how they conduct their business. He encouraged the council to consider bond issues which might be illegal. Mr. Hopkins said the proposed parking deck would need almost 500 parking spots. The Project plan has 300. If there is not enough parking, cars will end up parking at the Wyndam or US Bank taking up their spots. Mr. Hopkins said a TIF takes a dedicated tax stream away from the schools, the county and the city. TIF's were designed to address blighted areas. He asked if the locations included in the proposed legislation were in blighted areas. Mr. Sam Hilburn said there are legal arguments which are very technical regarding this matter. He said money shouldn't be taken away from the school district. He asked for time to look at the plan. Mr. Ard asked the council to consider what they are doing. Mr. Scott Miller said TIF's are complex. He encouraged communication. The school district will loose money. However, the question should be how much money will be come into the city in the future. Mr. Miller supports the TIF proposal. Mr. Ken Kirspel is superintendent of the North Little Rock School District. The district did not oppose the Lower Baring Cross Project. He said 1995 was the last millage increase. The district supported the one percent sales tax for the ballpark. Mr. Greg

Nabholz lives in the Argenta area of the city. He is CEO for Nabholz Properties. Cities all over the US are rediscovering their core areas. He talked about the growth and development of downtown Conway, Arkansas. This has attracted new businesses to the city, included Hewlett Packard. Mr. Nabholz said a parking deck will help the area and said surface parking would not be the best use of property in the downtown area. He is in favor of the TIF's. Mr. Paul Leopoulos recently located the Thea Foundation in downtown North Little Rock. The Thea Foundation provides scholarships. The proposed development will be an asset to the area. This is about people and our future. Mr. John Gaudin is the developer of the proposed project. He discussed development of the downtown area and a need for additional parking and why a parking deck is essential. Another hotel is needed in the North Little Rock downtown area. Walkable communities are desired. Mr. Don Chambers said this is a unique project. The hotel project will increase the number of visitors downtown. There being no one else wishing to be heard, the public hearing was recessed at 10:42 p.m. until December 31, 2008, at 5:00 p.m.

Mayor Hays then recessed the meeting briefly. The meeting was reconvened at 10:48 p.m.

R-08-204 (RESOLUTION NO. 7383 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A RIGHT-OF-WAY EASEMENT FROM THE CITY OF NORTH LITTLE ROCK TO ENTERGY ARKANSAS, INC.; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Thomas and seconded by Alderwoman Robinson. On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, with the exception of Aldermen Gaines and Witcher who were not present in the council chambers, the resolution was amended as follows: *First Whereas, add INC., and Section 1: under the following description - Thence S 60E 23' 43" E for 34.32 feet and insert 34.24 FEET (6/0)*. On the motion of Alderman Hight and seconded by Alderman Thomas, and by consent of all members present, with the exception of Alderman Gaines who passed and Alderman Witcher who abstained, the resolution was adopted as amended (6/2).

O-08-96

AN ORDINANCE MODIFYING THE BOUNDARIES OF REDEVELOPMENT DISTRICT #5 (MAPLE REDEVELOPMENT DISTRICT") OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS RELATING THERETO, was read. On the motion of Alderman Hight and seconded by Alderman Thomas, and by consent of all members present, with the exception of Alderman Gaines who voted no, the rules were suspended and the ordinance was placed on its second reading (7/1). The ordinance was read a second time and then held by the sponsor, Mayor Hays. On the motion of Alderman Thomas and seconded by Alderman Gaines, and by consent of all members present, the ordinance was amended as follows: *attach Exhibit "A"* (8/0).

O-08-97

AN ORDINANCE COMBINING CERTAIN REDEVELOPMENT DISTRICTS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS AS THE COMBINED DOWNTOWN REDEVELOPMENT DISTRICT NO. 8 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ESTABLISHING A SPECIAL FUND FOR THE REVENUE AND EXPENDITURES GENERATED ON ACCOUNT OF SUCH COMBINED

REDEVELOPMENT DISTRICT; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS RELATING THERETO, was read. On the motion of

Alderman Hight and seconded by Alderman Thomas, and by consent of all member present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time and then held by the sponsor, Mayor Hays. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows:: *attach Exhibit "A"* (8/0).

O-08-98

AN ORDINANCE ADOPTING A PROJECT PLAN FOR THE COMBINED DOWNTOWN REDEVELOPMENT DISTRICT NO. 8 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS RELATING THERETO, was read. On the motion of Alderman Hight and seconded by

Alderman Witcher, 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. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows:: *attached Project Plan - Exhibit "A"* (8/0). The legislation was then held by the sponsor, Mayor Hays.

O-08-99 (ORDINANCE NO. 8129 - MAYOR HAYS)

AN ORDINANCE AMENDING 2008 BUDGET ORDINANCE NO. 8033; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman

Witcher 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). 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). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the ordinance was amended as follows:: *attached Exhibit "A"* (8/0). The ordinance was read a third and final time. A motion to adopt as amended was made by Alderman Witcher and seconded by Alderman Hight. Alderwoman Ross asked about the amendment. Mr. Bob Sisson, Finance Director said higher fuel and oil costs and housing North Little Rock prisoners in Faulkner County required an increase. Alderwoman Ross asked about the additional \$50,000.00 for the Arkansas Inland Maritime Museum (AIMM). Mayor Hays said the submarine was closed several months due to flooding. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

O-08-100 (ORDINANCE NO. 8130 - ALDERMAN WITCHER)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED SOUTH OF MINE ROAD, NORTH OF LOOP ROAD, AND WEST OF KELLOGG ACRES ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM THE PRESENT (UNZONED) TO C-3 BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Alderman Witcher asked Mr. Mike Marlar, Marlar Engineers,

to come forward. Mr. Marlar said this area is located on the west side of Kellogg Road north of the intersection with Highway 107. Property at the intersection is currently zoned commercial. Mr. Marlar pointed out the location of the proposed location of the North Belt Loop. This area is

conducive for commercial development including retail, a strip center, etc. Alderman Hight asked Mr. Robert Voyles if this was the same property which was before the Planning Commission in August. The council recently approved the annexation of this property as R-1. This application was denied by the Planning Commission. The developer owns 157 acres northwest of this property which is planned for residential development. Mr. Mike Kinard said he began looking at property in central Arkansas several years ago. He said they had to decide on leaving the property in Pulaski County, annexing it into the City of Sherwood, or the City of North Little Rock. The plans for the subdivisions were adopted by the Planning Commission. The best use for the 56 acres referenced in the legislation was commercial. Mr. Kinard submitted a letter from Keller Williams VIP Properties, Valencia, California regarding their interest in this matter. He spoke of a shopping center with a movie theater, groceries and additional services would provide an important amenity to the residential community and increase the local sales tax revenue. A lot of residential development is taking place in the area. Investors want to know what the zoning is in this area before making a commitment. Mr. Voyles said the annexed property has to have a zoning, hence the R-1 zoning. Mayor Hays said several people had signed up to speak regarding this legislation. Mr. Wayne Riffle spoke for the majority. He asked if a property could be rezoned this soon after being annexed. Mr. Riffle said the property is near Loop Road. However, very little of it is affected by the intersection mentioned previously. He asked the council to oppose this reclassification. Ms. Brooke Carter lives in the area. There are a lot of children in the area. A lot of elderly people also live there. Everyone is trying to establish their lives right now. They asked for consideration before a decision is made. Ms. Diane Garner reiterated the comments made previously. She discussed the proximity of the intersection and the accessibility of the property. A lot of the property is vertical. As a community, they do not want this development. Alderman Witcher asked if those present from the community present would stand. He asked who all would consider being annexed into the city. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, with the exception of Aldermen Bryant and Ross who voted no, the rules were suspended and the ordinance was placed on its second reading (6/2). On the motion of Alderman Witcher and seconded by Alderman Gaines, and by consent of all members present, with the exception of Aldermen Bryant, Ross and Hight who voted no, and the Mayor having voted yes, the rules were again suspended and the ordinance was placed on its third and final reading (6/3). The roll having been called, and all members present, having voted in the affirmative, with the exception of Aldermen Bryant, Ross, and Hight, the ordinance was adopted (5/3). On the emergency clause, all members present voted in the affirmative with the exception of Aldermen Bryant and Ross, who voted no, the emergency clause was adopted (6/2).
(applicant: Ben Eiler)

O-08-101 (ORDINANCE NO. 8131 - ALDERMEN WITCHER AND HIGHT)

AN ORDINANCE ALLOWING A SPECIAL USE FOR AN AUTOMOTIVE SERVICE AND TRANSMISSION CENTER IN AN EXISTING SERVICE BUILDING IN A C-1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5308 JFK BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Hight and seconded by Alderman Witcher, 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. At the request of Alderman Witcher, Alderman Hight was added as a co-sponsor. On the motion of Alderman Witcher and seconded by Alderman Hight, 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). (*applicant: Mike Marlar*)

O-08-102 (ORDINANCE NO. 8132 - ALDERMAN ROSS)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A DAY CARE CENTER IN AN R-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 924 EAST 14TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion Alderwoman Ross and seconded by Alderman Thomas, 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 Ross 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). (*applicant: Jacie Perrine*)

O-08-103 (ORDINANCE NO. 8133 - ALDERMEN GAINES AND PARKER)

AN ORDINANCE ADOPTING AN AMENDED LAND USE PLAN IN THE COUNTS MASSIE ROAD AND PAUL EELLS DRIVE AREA IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. At the request of the sponsor, Alderman Gaines, Alderman Parker was added as a co-sponsor. On the motion of Alderman Gaines and seconded by Alderman Thomas, 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 Parker 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).

O-08-104 (ORDINANCE NO. 8134 - ALDERMEN GAINES AND PARKER)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 8108 COUNTS MASSIE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM THE PRESENT C-4 TO R-4 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. At the request of the sponsor, Alderman Gaines, Alderman Parker was added as a co-sponsor. On the motion of Alderman Gaines and seconded by Alderman Thomas, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Gaines and seconded by Alderman Parker, 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: Bob Holloway*)

O-08-88 (ORDINANCE NO. 8135 - MAYOR HAYS)

AN ORDINANCE ADOPTING A BUDGET FOR THE 2009 FISCAL YEAR FOR THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER

PURPOSES, was read two times December 8, 2008, was read a third and final time. A motion to adopt was made by Alderman Hight and seconded by Alderman Thomas. A public hearing was convened this date. Mr. Scott Miller reviewed the budget today. He mentioned the money allocated for Code Enforcement, fuel, AIMM, Main Street Argenta, and Neighborhood Services. This budget does not include raises for police. Mr. Miller also noted carry over funds. Mayor Hays said those funds were set aside in Capital Improvement Funds. He suggested providing employees a one-time bonus. Alderwoman Ross asked about \$50,000.00 for AIMM. The Historic District Commission shows a reduction. Mr. Sisson said that was what was requested. Alderwoman Ross also asked about Arts and Education. Regarding funds for demolition, she asked if the amount should be amended to include what is anticipated for the year. Mr. Sisson said that item is amended throughout the year as needed. Mrs. Ross also asked about a position in Code Enforcement which was removed. She said council members do not sit in on budget meetings. North Little Rock should have a Budget Review Committee, the county has one. The council could be aware of what each department has requested. Mr. Sisson said he and Ms. Stephanie Thomas are available to answer questions. There being no one else wishing to be heard, and on the previous motion, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderwoman Ross who passed, the ordinance was adopted (7/1). On the emergency clause, all members present voted in the affirmative, with the exception of Alderwoman Ross who voted no and Alderman Gaines who passed, the emergency clause was adopted (6/2).

PUBLIC COMMENTS-----

None.

There being no further business to come before the Council, and on the motion of Alderman Thomas and seconded by Alderman Hight, and by consent of all members present, the meeting adjourned at 11:42 p.m. (8/0), until a Special Call Council meeting scheduled for Wednesday, December 31, 2008, at 5:00 p.m., and the next regularly scheduled meeting to be held on Monday, January 12, 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