

June 28, 2010  
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, June 28, 2010, was called to order at 7:03 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, SAM BAGGETT, JIMMY PHILLIPS, CHARLIE HIGHT and MURRY WITCHER (8/0), a quorum was declared. City Clerk Diane Whitbey and City Attorney, C. Jason Carter were also present.

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

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 and a Special Call meeting held on Monday, June 14, 2010, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderwoman Robinson and seconded by Alderman Baggett, and by consent of all members present, communications # 1, 2, 3, 6, 8, 9, and 10, were accepted and filed (8/0).

1. Tim Marvin, Traffic Services Director re: 2010 Speed Hump Study Report and recommendations.
2. Memorandum to Rick Ezell, Office of Emergency Services; North Little Rock Police Chief Danny Bradley; North Little Rock Fire Chief Robert Mauldin; North Little Rock Planning Director Robert Voyles re: Petition to Rename Atkinson Street in the City of North (see memorandum dated 5-3-10 from Wade Dunlap, Planning Department re: Petition to rename Atkinson Street to Mt. Olive Boulevard (or Street).
3. Mayor Hays letter to State Senator Tracy Steele re: increase in price of tickets at Riverfest.
6. Presley and J Melton, email to Mayor Hays and City Council members re: Electronic Changeable Copy Signs.
8. Mike Wilson, VP of Government Affairs, Comcast Cable, letter to Mayor Hays re: beginning August 4, 2010, Comcast customers will need a digital cable box, digital adapter, or CableCard for each television set on which they wish to continue viewing channels (other than Limited Basic Service channels 3-5; 7-20; 22 and 98). Customers can call 877-634-4434, on-line or visit a Comcast service center.
9. Pine Bluff Mayor Carl A. Redus, Jr., Pine Bluff Mayor letter to Mayor Hays re: thank you to city and North Little Rock Firefighters who staffed Pine Bluff stations to allow Pine Bluff Fire and Emergency Services employees to say "good-bye" to a friend and fellow firefighter, Lt. David Curlin who died from injuries sustained in the line of duty on January 3, 2010.
10. Pine Bluff Fire Chief Dannie C. Smith, letter to North Little Rock Fire Chief Robert Mauldin re: express appreciation to North Little Rock Fire Department for allowing Pine Bluff firefighters to say "good-bye" to their friend and brother Fire Lt. David Curlin.

On the motion of Alderman Witcher, and seconded by Alderman Phillips, and by consent of all members present, communication #4 was read, accepted and filed (8/0).

4. Tom Brooks, Cinergi Contractors memorandum re: Sidewalk Contract and North Little Rock Times article.

On the motion of Alderwoman White, and seconded by Alderman Hight, and by consent of all members present, communication #5 was called, accepted and filed (8/0).

5. Alderwoman White email re: High Accident Location Summary January 1, 2008 to December 31, 2008.

Mr. Presley Melton spoke regarding the report and highlighted the fact that five of the highest accident locations in the city are all located on McCain Boulevard. These five locations have approximately 153,326 vehicles per day. Mr. Melton said these are already dangerous intersections. The addition of Electronic Changeable Copy Signs would only make them worse.

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

7. Charlie Knott, President Northeast Lakewood Association of Neighborhoods email to Mayor Hays re: Electronic Changeable Copy Signs – McCain Overlay District.

On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, communication #11 was read by title only, accepted and filed (8/0).

11. Robert Fureigh email to Mayor Hays re: request council to reconsider R-10-82, (2010 Sidewalk Contract).

Mayor Hays invited North Little Rock City Treasurer Mary Ruth Morgan to come forward. Mrs. Morgan said the city has always been important to her. She uses every opportunity to speak about the city. During the recent Arkansas Municipal League Conference, Alderman Murry Witcher was sworn in as President, which is quite an honor. Mrs. Morgan then read a portion of a letter she and Mayor Hays wrote to nominate North Little Rock City Clerk and Collector as 2010 Arkansas City Clerk of the Year. Mrs. Morgan then asked Ms. Whitbey to come forward and presented her with a plaque from the Arkansas City Clerks, Records, and Treasurer's Association recognizing her professionalism and dedication to municipal government. Ms. Whitbey thanked Mrs. Morgan, Mayor Hays, the City Council and her fellow employees. Mrs. Morgan said Mayor Hays was in her class at North Little Rock High School in the 7<sup>th</sup> Grade and the 9<sup>th</sup> Grade. He was interested in government then and now he is our Mayor and she thanked him, too.

Mayor Hays invited Mr. John Alexander, North Little Rock Animal Control and Police Chief Bradley to come forward. Recently, a young man from the Summit Church on Crystal Hill Boulevard walked away and became lost in the woods on a hot day. Within 30 minutes, police officers, firefighters, street department employees and others spread out to search for the young man who is visually impaired. Mr. Alexander located the young man (who had been lost for a couple of hours) and returned him safely to his parents at the church. Chief Bradley said the area is near the Arkansas River and Interstate. It was a great task to cover the area. Our employees did a great job in responding to the call for assistance. Chief Bradley then read a Certificate of Recognition and presented it to Mr. Alexander. Mayor Hays then presented a plaque on behalf of the City Council thanking John for his assistance not only in this instance but for what he does on a daily basis helping the animals at the North Little Rock shelter. Mr. Alexander said he was in the right place at the right time.

Mayor Hays asked Mr. Mike Russ, North Little Rock Electric Department General Manager to come forward and provide an update on the Murray Hyrdo Electric Plant. Mayor Hays said the plant is not generating energy due to one unit being down for a seal to be replaced and the other unit was damaged last week. Insurance adjusters are in town reviewing the situation. The city has a \$250,000.00 deductible. Mr. Russ said replacing the seal is part of normal maintenance. Bearings will have to be replaced on the other unit before it can go back online (in about three weeks). The unit which is down for maintenance should be back on line in six days (or by this weekend). A special call may be necessary to ratify this matter in a timely manner.

Mayor Hays announced a Special Call scheduled for this date.

June 25, 2010 (via email)

Subject: Special Call Meeting for 7:05 p.m. on June 28, 2010

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, June 28, 2010, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) **A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN INTERLOCAL AGREEMENT WITH PULASKI COUNTY, ARKANSAS FOR THE RENOVATION OR REPLACEMENT OF THE MAIN STREET VIADUCT LOCATED 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. Please acknowledge receipt of this email as soon as possible 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. 7664 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN INTERLOCAL AGREEMENT WITH PULASKI COUNTY, ARKANSAS FOR THE RENOVATION OR REPLACEMENT OF THE MAIN STREET VIADUCT LOCATED IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Mayor Hays said Pulaski County Judge Buddy Villines has worked for both incorporated and unincorporated areas. The viaduct needs to be replaced. Fifteen members of the Pulaski County Quorum Court voted to work with the city 50/50 with a cap of one million dollars. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

Mayor Hays announced citizen public comment on agenda items. Mrs. Doretta Allen, 41 Desoto Circle spoke regarding communication #1 pertaining to a request for speed hump(s) on Desoto Circle. She provided pictures of the area. A traffic accident damaged a house. A light pole in the area has been hit, too. There are a lot of children in the neighborhood. Anytime there is an event at the North Little Rock East Campus Auditorium, people cut through the neighborhood. She asked that a speed hump(s) in this area be reconsidered. She thanked police, fire, sanitation and animal control for their hard work. Mrs. Allen said a speed hump in front of her house and one in the curve would be helpful. Mr. Doug Waldron lives at 39 Desoto Circle. He reiterated what Mrs. Allen said. He said in the five years he has lived there several accidents have ended up in his yard. There would have to be a hump before the curve to slow down traffic. Heather Rainbolt lives at 58 Desoto Circle, which is across the street from Mr. Waldron. She said there are many accidents in the neighborhood where drivers hit the utility poles and drive off. There are a lot of people going to and from schools in the area. Pastor Victor Moore spoke regarding communication #2, and requested the council's support in renaming Atkinson Street to Mt. Olive. Mt. Olive Baptist Church has been in the neighborhood since 1927. The church was organized in 1874 when Ulysses S. Grant was President. Alderwoman Ross said she checked with the North Little Rock History Commission and found that Atkinson Street was named after a prominent family that did a lot of work in Rose City area. Mrs. Sandra Taylor Smith, contacted the granddaughter who indicated they didn't care if the name was changed. Ms. Cookie Higgins signed up to speak regarding O-10-47. Without objection, the ordinance was called.

O-10-47 (ORDINANCE NO. 8269 - ALDERWOMAN ROSS AND WHITE)

AN ORDINANCE ALLOWING A SPECIAL USE FOR AN ALTERNATIVE SCHOOL IN AN R-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 200 WEST 20<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Taylor and seconded by Alderwoman Ross, 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. Mayor Hays said this property is located in Ward 1 and was formerly St. Patrick's School which is closed. The Baring Cross School is seeking to relocate. North Little Rock Funeral Home's parking lot is across the street. They have no objection to this application. Alderwoman Ross asked if this Special Use could be transferred. Mr. Carter said it stays with this applicant only. Alderwoman Ross asked about the possibility of a privacy fence. Mr. Randy Frasier, Attorney at Law said it is a possibility. However, a privacy fence can be a hindrance to the safety of the youth than an open fence. Mr. Carter said any requirements should be added at this time. Mayor Hays said any activity considered offensive would most likely be addressed under laws. Alderwoman Robinson asked how this school differs from public alternative schools. Ms. Higgins is a Chief Clinical Officer with the Centers for Youth and Families. This is a specialty school for youth between the ages of kindergarten through senior high who are provided services for behavioral, clinical, health intervention, school services from Special Education teachers. Students are referred by local school districts. A child might receive individual or group therapy. These youth may have Attention Deficit Disorder, Depression or an Anxiety Disorder. Alderwoman Robinson asked if the school would accept youth who have committed sexual offenses. Ms. Higgins said they do not. Mr. Mark Halter is a member of St. Patrick's Parish (landlord). This property has served as a school for over 100 years. Alderwoman Ross asked about students leaving the school. Ms. Higgins said the staff ratio is 10 children to 3 staff members which is a highly staffed treatment. Alderman Taylor asked how many children have left the Baring Cross location. Alderwoman Robinson has received a complaints about children cursing and about a child urinating in public. Mayor Hays said that would be public indecency and offense conduct will not be permitted. There being no further discussion and on the motion of Alderwoman Ross and seconded by Alderwoman White, 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: Randy Frasier)

### **UNFINISHED BUSINESS**

**R-10-70 (RESOLUTION NO. 7665 - MAYOR HAYS)**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT TO REHABILITATE PROPERTY LOCATED AT 5410 FAIRFAX STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES**, was called. Mr. Carter said Code Enforcement and Assistant City Attorney Bill Brown have met with the owner, Ms. Hart, who has agreed to a cash escrow the amount of \$1,750.00. The legislation was then 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 Taylor, and by consent of all members present, the resolution was amended as follows: *second Whereas strike through a surety bond in the amount of \$10,000.00 and insert AN ESCROW IN THE AMOUNT OF \$1,750.00; and Section 2: strike through a \$10,000.00 surety bond in favor of and has been tendered insert AN ESCROW OF \$1,750.00 SHALL BE TENDERED TO* (8/0). On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0). (owner: Rosetta Hart - see Resolution No. 7583)

## **NEW BUSINESS**

**R-10-87 (RESOLUTION NO.7666 - 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 Alderwoman Robinson and seconded by Alderman Taylor. On the motion of Alderman Witcher and seconded by Alderman Baggett, and by consent of all members present, the resolution was amended as follows: *substitute Exhibit "A" provided this date (8/0)*. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

**R-10-88 (RESOLUTION NO. 7667 - 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 1116 EAST 2<sup>ND</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES,** was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (*owner: Ameriland USA, LLC - \$2,584.37*)

**R-10-89 (RESOLUTION NO. 7668 - 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 2313 RAILROAD AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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: Winnie Murray and B. H. Murray, both deceased - \$2,263.65*)

**R-10-90 (RESOLUTION NO. 7669 - MAYOR HAYS)**

**A RESOLUTION APPROVING APPLICATION BY THE CITY OF NORTH LITTLE ROCK FOR FUNDS UNDER THE CENTRAL ARKANSAS PLANNING AND DEVELOPMENT DISTRICT, INC. GENERAL IMPROVEMENT FUND GRANT FOR LIGHTING AT TWO ADDITIONAL FIELDS AT THE BURNS PARK SOCCER COMPLEX; AND FOR OTHER PURPOSES,** was read. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

**R-10-91 (RESOLUTION NO. 7670 - MAYOR HAYS AND ALDERWOMAN ROSS)**

**A RESOLUTION APPROPRIATING FUNDS (\$160,000.00 - 2010 Short Term Financing Funds) FOR CONSTRUCTION OF THE NORTH LITTLE ROCK VETERAN'S MEMORIAL**

AT WM. (WILLIAM) F. LAMAN PUBLIC LIBRARY; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Witcher. Mayor Hays said the granite needs to be ordered. The North Little Rock Chamber of Commerce has committed to raising \$50,000.00. The City has agreed to match up to \$100,000.00. Alderwoman Ross said the cost of the granite is \$116,000.00. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-10-92 (RESOLUTION NO. 7671 - ALDERMAN TAYLOR)

A RESOLUTION ACCEPTING THE DONATION OF CERTAIN PROPERTY LOCATED AT 3913 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CHARITABLE DONATION AGREEMENT WITH HPS PARTNERSHIP; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-10-46 (ORDINANCE NO. 8270 - ALDERWOMAN ROBINSON)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A DAY CARE CENTER IN A C-6 ZONE FOR PROPERTY LOCATED AT 600 NORTH OLIVE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, 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: Patti King*)

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

Alderwoman Ross said the Veteran's Memorial Committee is collecting names for the memorial. People can go to [lamanlibrary.org](http://lamanlibrary.org) to see the current list and/or submit names. Anyone who has ever lived in or currently lives in North Little Rock is eligible. Alderwoman Ross said signs attached to utility poles have become excessive. Code Enforcement is overwhelmed by the numbers. Alderwoman Ross cut down a sign at Locust and McCain for a yard sale in Sherwood. Signs are being placed over stop signs. It is illegal to attach signs to city property. Mayor Hays asked Mr. Carter to look into the fines, etc. regarding these signs. The tape is defacing property. Alderman Baggett has talked to Mary Beth Bowman, Community Development about CDBG funds for High Street. The White Oak area has a lot of flooding issues. Mr. Melton spoke again regarding Electronic Changeable Copy Signs on McCain Boulevard. The council approved a common sense resolution asking Pulaski County to prohibit horses from the Big Dam Bridge for the safety of pedestrians and cyclists. Common sense also says that signs with changing messages will lead to accidents. He asked that motorists and pedestrians who use McCain Boulevard be given the same consideration as the pedestrians and cyclists who use the bridge. Ms. Mary Ann Conley spoke regarding the monument at 5501 MacArthur Drive. There are a lot of veterans who have not been recognized for their sacrifices. The monument is not funded by the city, but by the people for the people. They need help. Every branch of the service, past, present and future veterans will be honored. Ms. Conley said people can call her at 501-366-

1078 day or night. Mr. Bobby Taylor asked what kind of plan the city has for fireworks. Police officers do a good job, but there aren't enough of them to cover the whole city. Mr. Taylor has been telling people to wet everything down. People need to be warned so they can protect their property. Mayor Hays said the current ordinance prohibiting fireworks in the city will be enforced. City offices are closed Monday, July 5, 2010, in observance of the Fourth of July. Garbage, trash and recycling routes will run one-day delayed all week. Alderman Baggett thanked Harold Ford and the Sanitation department for going above and beyond what's required. Mrs. Jo Melton brought a car seat with Dora the Explorer as an illustration of someone's child or grandchild. The East Campus, Lakewood Middle School, Crestwood Elementary are all in the vicinity of McCain Boulevard. She asked the council to consider where our values are. Mr. Robert Fureigh asked about the city's policy regarding contracts with convicted felons. He then asked if there was a policy. Mr. James Ard asked if there was a charge for the digital cable boxes Comcast customers will have to have by August 4, 2010. Mayor Hays referred to communication #8 regarding the change. Mr. Ard thanked the police department for their work.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the meeting was adjourned at 8:47 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, July 12, 2010, 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