

June 14, 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 14, 2010, 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, 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 Assistant City Attorney, Tjuana Byrd were also present.

The invocation was given by Alderman Taylor, 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, May 24, 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 Taylor, and by consent of all members present, communications # 2, 3, and 4, were accepted and filed (8/0).

2. John R. Larrison, North Little Rock Property Owner's Multipurpose Improvement District No. 28 (Maple Street Townhomes Project) Assessment Roll.
3. Steve Bentley, Acosta Sales, Riverfest Rock N Stroll Chair 2010 letter to Mayor Hays advising event was a huge success with approximately 600 runners and thanking North Little Rock Police Captain Mike Davis and Patrolman John Alston, along with Alderman Charlie Hight.
4. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Liquor & Retail Beer – Replacement from Susan Paulton* for Willow Beach Wine and Spirits, 11100 Highway 165, by Robert M. Arrinton.

On the motion of Alderwoman Ross, and seconded by Alderwoman Robinson, and by consent of all members present, communication # 1 was read, accepted and filed (8/0).

1. Monty M. Whatley, General Superintendent, Union Pacific Railroad letter to Mayor Hays re: letter concerning excess vegetation along unused rail lines parallel to Camp Robinson Road.

On the motion of Alderwoman Ross, and seconded by Alderwoman Robinson, and by consent of all members present, communication #5 was read, accepted and filed (8/0).

5. Jim Mills, email to Mayor Hays re: North Little Rock Health Department Appointment System considering appointments for General Clinic Operations beginning September 1, 2010.

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).

6. Bob Rhoads, Parks and Recreation Director memorandum re: Public Hearing Monday, June 21, 2010, at 5:15 p.m. at the Community Center, 2700 Willow Street.

Mayor Hays announced a Special Call scheduled for this date.

June 10, 2010 (via email)

Subject: Special Call Meeting for 7:05 p.m. on June 14, 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 14, 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 PURCHASE CERTAIN REAL PROPERTY LOCATED AT CURTIS SYKES DRIVE AND NORTH OLIVE STREET IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS; 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. 7649 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTIES LOCATED AT CURTIS SYKES DRIVE AND NORTH OLIVE STREET IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS (\$32,750.00 + closing costs - Special Projects Fund), was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Mayor Hays discussed a previous proposal to Central Arkansas Transit (CATA) to consider purchasing eight (8) Compressed Natural Gas (CNG) buses. He has been communicating with two major drilling suppliers: Chesapeak Energy and Southwestern Energy. Chesapeak and Southwestern have committed to \$100,000.00 each towards a CNG fueling station in North Little Rock. The city's portion would be \$100,000.00 which includes the cost of the property. Mayor Hays said fire trucks at the Little Rock Airport are already using CNG. This legislation will approve the purchase of property from four different owners. Mayor Hays went on to discuss compressors, storage and other components. On the previous motion, and all members present having voted in the affirmative,

the resolution was unanimously adopted (8/0). Mayor Hays said there may be a CNG station in Fort Smith, which is not available to the public. This station would be available for public use.

Mayor Hays announced citizen public comment on agenda items. Mr. Robert Fureigh spoke regarding R-10-82, extending the sidewalk construction contract. He said other (bids) should be taken instead of extending the existing contract. Mr. (Tom) Brooks does good work. Ms. Carolyn Cooley spoke regarding R-10-82. Her concern is that Cinergi Construction continues to receive sidewalk projects. She asked if other contractors were being considered or are they being discriminated against. Minorities should be allowed the opportunity to bid on these projects. Mr. James Ard also spoke regarding R-10-82. He said Cinergi has done a good job in the city and supported the legislation.

### **UNFINISHED BUSINESS**

R-10-70

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 and held at the request of its sponsor Mayor Hays. (*owner: Rosetta Hart - see Resolution No. 7583*)

### **NEW BUSINESS**

R-10-73 (RESOLUTION NO. 7650 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 113 PARKDALE STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. 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 having voted in the affirmative, the resolution was unanimously adopted (8/0). (*owner: Maryland Enterprises*)

R-10-74 (RESOLUTION NO. 7651 - 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 125 WEST EMILY 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 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: Deutsche Bank National Trust Company - amount \$3,681.27*).

R-10-75 (RESOLUTION NO. 7652 - MAYOR HAYS)

A RESOLUTION REAPPOINTING JACKIE ALEXANDER TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members

present, the resolution was unanimously adopted (8/0). Mayor Hays thanked Ms. Alexander who was present for her continued service to the city.

R-10-76 (RESOLUTION NO. 7653 - MAYOR HAYS)

A RESOLUTION AUTHORIZING ACCEPTANCE OF A SETTLEMENT OFFER FROM PULASKI CHOICE LLC (\$68.00) AND RELEASING LIENS FILED WITH THE PULASKI TAX COLLECTOR ON CERTAIN PROPERTY LOCATED AT 1111 NORTH I STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. After discussion regarding the amount of the settlement, and on the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-10-77 (RESOLUTION NO. 7654 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT REAL PROPERTY LOCATED AT 2209 ½ (aka 2209 AND 2203) POPLAR STREET IN THE CITY OF NORTH LITTLE ROCK FROM BANK OF AMERICA ON BEHALF OF SEQUOIA FUNDING TRUST; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-10-78 (RESOLUTION NO. 7655 - MAYOR HAYS)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE FEDERAL AID FUNDS FOR IMPLEMENTATION OF THE MAIN STREET VIADUCT IMPROVEMENT PROJECT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Phillips, and by consent of all members present the resolution was unanimously adopted (8/0).

R-10-79 (RESOLUTION NO. 7656 - MAYOR HAYS)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE FEDERAL AID FUNDS FOR IMPLEMENTATION OF THE McCAIN OVERPASS PROJECT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-10-80 (RESOLUTION NO. 7657 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTY LOCATED ON RIVERFRONT DRIVE IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS (\$320,868.22 + *closing costs from 2010 Short Term Financing*); 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 resolution was unanimously adopted (8/0). Mayor Hays advised this purchase had been previously approved by the city council.

R-10-81 (RESOLUTION NO. 7658 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF H. W. TUCKER CO., INC. FOR REPLACEMENT OF THE PEDESTRIAN BRIDGE ON WEST 38<sup>TH</sup> STREET;

AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT; APPROPRIATING FUNDS (City's portion \$16,813.37 - Street Fund); AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Phillips, and by consent of all members present, the resolution was unanimously adopted (8/0). (This bridge was washed out by a flood in October 2009)

R-10-82 (RESOLUTION NO. 7659 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE EXTENSION OF THE CURRENT SIDEWALK CONSTRUCTION CONTRACT TO ALLOW CINERGI CONSTRUCTION CO. TO IMPLEMENT THE 2010 SIDEWALK PROGRAM; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Phillips. Mr. Mike Smith, City Engineer said prices are the same as 2006. The contractor done good work in the past and he recommended extending the contract. Alderman Taylor said bidding makes the process more transparent. Alderman Hight said the quality of work needs to be considered and Cinergi has done a great job in Ward 4. He has gone beyond requirements in some cases. After discussion, Mayor Hays suggested splitting the contract. Alderwoman Ross said a lot of projects are put out for bid. After further discussion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-10-83 (RESOLUTION NO. 7660 - MAYOR HAYS, ALDERMEN ROBINSON AND TAYLOR)

A RESOLUTION AUTHORIZING THE EXTENSION OF WASTEWATER UTILITY SERVICES TO CERTAIN PROPERTY AS DESCRIBED HEREIN AND GENERALLY KNOWN AS EUREKA GARDENS SEWER IMPROVEMENT DISTRICT; 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 resolution was unanimously adopted (8/0).

R-10-84 (RESOLUTION NO. 7661 - MAYOR HAYS, ALDERMEN ROSS, WHITE, ROBINSON, TAYLOR, BAGGETT, PHILLIPS, HIGHT AND WITCHER)

A RESOLUTION SUPPORTING AN AMENDMENT TO ARK. CODE ANN. § 27-19-103 REGARDING STERILIZATION OF IMPOUNDED DOGS AND CATS; URGING ADOPTION THEREOF BY THE ARKANSAS LEGISLATURE; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-10-85 (RESOLUTION NO. 7662 - ALDERMEN ROSS AND WHITE)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH MARLAR ENGINEERING CO., INC. TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN AND OBSERVATION PHASES OF THE CHANDLER STREET DRAINAGE AND STREET IMPROVEMENT PROJECT FROM 16<sup>TH</sup> STREET TO 18<sup>TH</sup> STREET, 36<sup>TH</sup> YEAR (2010) CDBG PROGRAM, IN THE LUMP SUM NOT TO EXCEED \$35,370.00; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-10-86 (RESOLUTION NO. 7663 - ALDERMEN HIGHT, BAGGETT, AND PHILLIPS) A RESOLUTION SUPPORTING PASSAGE OF A PROPOSED PULASKI COUNTY ORDINANCE PROHIBITING THE PRESENCE OF LIVESTOCK AND WILD/EXOTIC ANIMALS ON BRIDGES DESIGNED FOR PEDESTRIAN AND CYCLING TRAFFIC; AND FOR OTHER PURPOSES, was read. Aldermen Baggett and Phillips were added as cosponsors. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Hight. Alderwoman Ross asked if there were bridges in the city for horses to use as she did not want them excluded. Alderman Hight said this legislation supports proposed legislation by Pulaski County regarding bridges they control. Examples of bridges under Pulaski County control are the Two Rivers Bike and Pedestrian Bridge, Big Dam Bridge, Junction Bridge and Clinton Library Bridge. Those are the only four (4) that provide access across the river. This legislation shows support of the city for the proposed county ordinance. Alderman Hight said safety is a concern if livestock and horses are on the bridges with bikers and pedestrians. Alderman Hight said the only other bridge along the river trail would be the Hooper Bridge. He said there is an agreement with equestrians to clean up after their horses if they use the bathroom on the bridge. Mr. Rhodes agreed that Hooper Crossing is shared and mentioned a couple of other bridges. People are asked to yield to horses in these areas. Alderwoman Ross said people are not picking up dog waste on the bridge. Alderman Hight said Pulaski County Judge Buddy Villines is considering banning all animals from pedestrian and biking bridges if owners do not start cleaning up after them. Mayor Hays supports this legislation. People can be crushed or kicked by horses or they can spook. After further discussion, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-10-43 (ORDINANCE NO. 8266 - MAYOR HAYS) AN ORDINANCE EMPOWERING CENTRAL ARKANSAS WATER TO DISCONTINUE SERVICES FOR NON-PAYMENT OF SERVICE FEES TO URBAN SERVICE DISTRICTS 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 Alderwoman Robinson, 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). The ordinance was read a third and final time. Alderman Hight said there was only one Urban Water District (Heritage Park) at this time. On the motion of Alderman Hight and seconded by Alderman Witcher, 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).

O-10-44 (ORDINANCE NO. 8267 - ALDERMEN ROSS AND WHITE) AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 1317 ORANGE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-3 TO I-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; WAIVING CERTAIN BUFFER REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross 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 (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: Wayne Pavan*)

O-10-45 (ORDINANCE NO. 8268 - ALDERMEN PHILLIPS AND BAGGETT)  
AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 11530  
CRYSTAL BAY CIRCLE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-  
5 TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW ZERO LOT LINE HOUSING,  
BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR  
OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Baggett, 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 Baggett 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 ordinance was read a third and final time. Alderman Taylor asked if the zero lot line was the only thing allowed. Mr Robert Voyles, Planning Director said the buildings have been built and the property is now going to be divided into lots for sale. On the motion of Alderman Taylor and seconded by Alderman Phillips, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted. Emergency clause unanimously adopted (8/0). (*applicant: Whit Kimbrow*)

**PUBLIC COMMENTS-----**

Alderwoman Ross announced the annual Battle of the Badges (Red Cross) Blood Drive Friday, June 25, 2010, from 7:00 a.m. until 6:00 p.m. This Saturday, June 19, 2010, from 9:00 a.m. until 2:00 p.m. Arkansas Enterprises for the Developmentally Disabled will have its annual 2010 Poker Run. The entry fee is \$40.00 which includes lunch for two (2), a poker hand and t-shirt. The event begins at Dickey Stephens Park. Alderwoman Robinson clarified a comment she had made earlier with regard to sidewalks. She had been approached by someone who said they could do a better job, not a cheaper job. She has had enquiries about Riverfest. People are wanting to know why most of the entertainment was on the Little Rock side. Mayor Hays said the city would not receive any funds from vendors on the Little Rock side of the river. Mr. Joe Smith, Purchasing Director said the city did receive \$30,000.00 from Riverfest this year. The impact in Central Arkansas includes hotels, shopping, etc. Mayor Hays will be looking at the pro's and con's of our participation. Mrs. Elizabeth Elizandro, Advertising and Promotion Department, and Dan Scott, Neighborhood Services represent the city on the Riverfest Committee. Ms. Whitbey advised she had talked to Mr. Scott due to several calls she had received regarding Riverfest. Mr. Scott said that stages with big headline acts can create a safety issue with large crowds and with the expansion at the Clinton Library, it is feasible to keep all activities on one side of the Arkansas River. Alderwoman White said North Little Rock is working with the National League of Cities in regard to the epidemic of childhood obesity in our nation. Mayor Hays commended Alderwoman White on her work. Alderman Baggett just learned he will be a grandfather for the fifth time. Mr. Robert Fureigh asked to see who all bid on the Sidewalk Contract in 2006. Mr. Johnny Montgomery lives in Ward 2. They have a lot of snakes in his neighborhood. Alderman Taylor is aware of this and looking into it. Mr. Ard said

the City of Little Rock provides someone to do sign language and asked if North Little Rock could do that for their home viewers. Alderman Witcher said the sound system in the council chambers has hearing aid devices which can be used during the meeting. Mr. Ard said Mr. Brooks told him concrete costs \$15.00 per yard more now than it did in 2006. Tomorrow will be the anniversary of Arkansas' statehood. He said everyone should remember those who died in recent flooding. Mr. Ralph Baggett is having problems with Code Enforcement regarding his house on Schaer Street. He said there is a big hole in the street in front of his house that needs to be fixed.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Witcher, and by consent of all members present, the meeting was adjourned at 8:36 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, June 28, 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