

November 28, 2011  
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 28, 2011, 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, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (6/0), a quorum was declared. Alderwoman BETH WHITE was out of town and Alderwoman LINDA ROBINSON was sick. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

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

On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the minutes of a regular council meeting held on Monday, November 14, 2011, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, communications #1, 2, 3, and 5, were not read, accepted and filed (6/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *On Premises Wine & Retail Beer – NEW* for The Joint in Little Rock, 301 Main Street #102, North Little Rock, by Victoria A. Farrell.
2. Arkansas Water Ski Club letter *to whom it may concern* re: Canadian Geese Population (reduction of).
3. John Barton, via email to Mayor Hays et al, re: Goose Problem (nuisance).
5. Randy Naylor, via email re: Keep North Little Rock Beautiful KNLRB litter survey, December 3, 2011.

On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, communication #4 was read, accepted and filed (6/0).

4. Alderwoman White, via email to Mayor Hays and Clerk Whitbey re: out of town attending Building a Healthier Future Conference in Washington, DC and requesting legislation re: proposed cut to hillside below Skyline Drive be held until the next council meeting.

Mayor Hays advised he has visited with residents and church members regarding the proposed Park Hill hillside cut legislation. People will have the opportunity to speak on the same through the last meeting of the year. With that said, the last meeting of the year is scheduled for Monday, December 26, 2011, which is a city holiday. City offices will be closed for Christmas. Without objection and as

has been past practice, the meeting was rescheduled for the following date, Tuesday, December 27, 2011, at 7:00 p.m.

*Without objection, O-11-82 was called.*

O-11-82

AN ORDINANCE APPROVING A HILLSIDE CUT FOR DEVELOPMENT OF A PARKING LOT ON PROPERTY LOCATED ON CALVARY ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and following public comments on the same (see below), held by the sponsor, Mayor Hays. (*applicant: Thomas Engineering Company*)

Mr. Charles Singleton is an attorney representing the First Pentecostal Church and Reverend Joel Holmes. The church has entered into a conditional agreement to purchase 16 acres (west of the church property and adjacent to the interstate). In July of this year, the church and property owners agreed on a settlement to a suit filed in Pulaski County Court. The agreement included a setback and privacy fencing. Mr. John Pownall, Thomas Engineering reviewed a report from Grubbs, Hoskyn, Barton & Wyatt, Inc., Consulting Engineers regarding slope stability considerations for a proposed west parking lot expansion for the First Pentecostal Church. Mayor Hays asked Mr. Pownall to work with North Little Rock City Engineer to provide information and onsite inspections. Mr. Pownall said drilling at the site will be necessary to evaluate and test the area. Alderman Hight asked about the western and northern boundaries to the property. Six areas (25 feet wide) will be tested. Mr. Singleton said testing will be below the 96 foot setback. Alderman Taylor asked if a parking lot could be built without cutting into the hillside. Mr. Pownall said it is possible, but normally a level area is used. Alderwoman Ross asked about terracing. Mr. Singleton said he represents North Point Mall. When the cut was made there in the 60's there wasn't a requirement for retaining walls so this is not a good comparison. Reverend Joel Holmes said they have a growing church and need more parking. He said he was thankful that we have rules and that they want to do the right thing. Alderwoman Ross said some people are concerned about a future high-rise or senior center. Pastor Holmes said nothing of that kind has been discussed. They have an opportunity to purchase this property and could use it for overflow parking. Mr. Bob "Cotton" McBride lives on Skyline Drive. He read from a letter he delivered to Reverend Holmes. In summary, the residents in the area do not oppose the building of a parking lot. They do oppose a hillside cut, which experts have not been able to assure them that no damage would occur to their homes stability and property values. Options include a tiered arrangement; reconfiguring the parking lot to take advantage of flattened slopes on the southern portion of the tract; and/or reduction of the number of parking spaces. Mr. Jeff Watson is a new resident of the city. They purchased a home on Skyline Drive in 2008. In 2009, the home was remodeled. He and his wife moved into the home with his parents. He said they could have lived anywhere, but chose to move to North Little Rock, specifically, Park Hill. They made a significant investment in their home. He is concerned about the effect of a hillside cut on his property and asked the council to oppose it. Ms. Susan Gunter met with Mr. Singleton and Mr. Carter at which time an

agreement was reached in a lawsuit that was filed. She said this ordinance exceeds the jurisdiction of the council. Mr. Tom Papageorge is a registered professional engineer licensed to practice in the state. He lives behind the church. He referenced a previous problem during excavation by the church when they dug in 25 to 30 feet, seven days a week. They exceeded the green space. Now they have a lot of highway noise. The water table has dropped and he has had trees die. Mr. Mike Phillips is a contractor. When he built his home on Skyline Drive, he encountered rock which he described as two slabs going up the hillside. He said they most likely extend deep into the earth. His concern is if the rock is cut, resulting vibrations will cause their walls to crack. He can feel vibrations when semi trucks pass on the interstate. Mr. Raymond Shilling suggested the church build a parking deck behind their two buildings. Mr. Cary Tyson, Chairman Park Hill Neighborhood Association said they are opposed to the hillside cut. If the cut is made, it will make it hard for property owners to sell their homes. America doesn't have a parking problem, we have a walking problem.

Mayor Hays recessed the meeting at 7:57 p.m.

The meeting was reconvened at 8:02 p.m.

Mayor Hays asked Parks and Recreation Director Bob Rhoads to come forward.

*Without objection, O-11-81 was called.*

O-11-81 (ORDINANCE NO. 8391 – MAYOR HAYS)

AN ORDINANCE AUTHORIZING THE DISCHARGE OF FIREARMS IN BURNS PARK FOR THE LIMITED PURPOSE OF POPULATION REDUCTION OF CANADA GEESE; 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 (6/0). 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 (6/0). The ordinance was read a third and final time. Mr. Rhoads said this has been an ongoing issue for the past two years. They have been researching options used in other cities. The city has a 1,600 acre park. About 200 geese are also impacting activities at Crestview Park, Full Counsel Trail, Cooks Landing, and North Shore River Landing/River Park. Mr. Rhoads said Ms. Kate Finefield is our Park Ranger. She is also a Biologist. Ms. Finefield said Canada Geese are traditionally a migratory species, however, a large number are now considered resident geese. This is due in part to our climate, abundance of shelter, and food (much of which is provided by residents). Ms. Finefield advised there is an ordinance prohibiting feeding animals in the park. These geese live in the park, breed and die there. They fly back and forth between North Little Rock and Little Rock. The geese are attracted to the Burns Park Soccer Complex and golf course because of the wide open natural viewing area. The park does not have a lot of natural predators. Another issue is they defecate a lot. One goose can defecate upwards of 92 times a day, creating about a pound of liquid feces. The feces can carry multiple bacteria/diseases which are

contagious to humans and other animals. Ms. Finefield presented several photos illustrating the number of geese. Recently seeded soccer fields have been affected by the geese eating the seeds and defecating, which can contribute to the decline in turf health. Regarding the hunt, bow hunting tends to maim the bird but not kill it. None lethal methods have been tried, including pyrotechnics and coyote cutouts. This is a highly controlled hunt with an application process, orientation and permits. Hunters will be divided into small groups. Illustrations of the hunt areas and sections were shown. Alderwoman Ross asked about access to the park from the river. Alderman Foutch asked about future steps to keep the population down. Ms. Finefield said Parks and Recreation will be applying for a permit through the U. S. Fish and Wildlife Service which will allow them to locate and oil eggs which prevents eggs from hatching. The goose will continue to incubate the eggs and not lay another clutch which will help with reductions. Another part of the permit would allow for an unlimited highly controlled hunt. Mayor Hays said this legislation is for one hunt. Alderman Hight asked which other cities have had controlled hunts. In Arkansas, North Little Rock is the only one. North Little Rock has an unusual situation in that we have a large park within the city limits. At least half of the geese collected will be given to "Hunters Feeding the Hungry" which will process the meat and then donate it to local food pantries. The limit for geese is two per day. The first goose will be donated to HFTH. The hunter has the option of keeping the second one. Alderman Hight asked if there were any other options. Ms. Finefield said there is a program where ganders are caught and sterilized (neutered). The process can be stressful and harmful to the gander. Dogs would require caretakers and being on site daily. Mr. Rhoads said for this to be successful, people have to stop feeding the animals. The water quality in Victory Lake is deteriorating too. Ms. Finefield reiterated the biological hazard associated with the resident geese population. Mayor Hays asked if the Ranger is authorized to issue citations. North Little Rock Animal Control currently is. He encouraged people to report (feeding) violations. Alderman Baxter said only shotguns will be used with a #3 steel shot, which limits the trajectory of the shot. He asked if this is successful, would there be a preference to any groups (i.e. Veteran's, disabled or youth). Ms. Finefield said the geese lay eggs which will hatch in late Spring. The maximum number of permits would be approximately 130 – 140. They do not want to harvest more than 130 – 150 geese as that would be overkill. The minimum age to participate is 18. Mr. Kevin Kerr is a hunter and sportsman. In the U. S. hunters harvest an average of 17 million geese and ducks. He said he would only shoot a goose in flight. These are federally migratory waterfowl. Ms. Judy Zorn loves the geese and said killing them would be cruel and inhumane. Her back yard backs up to the observation point and she has lived there since 1962. She said the geese could be caged and relocated. Ms. Desiree Bender is a former State Director for the Humane Society of the United States. This hunt is a quick fix. However, more geese will move in. An effective plan needs to be put in place. Mr. Ronnie Ritter is with Hunters Feeding the Hungry. They work primarily with deer hunters. Last year, approximately 70,000 pounds of wild game was donated to local food banks. The geese would be put to good use feeding a lot of needy families. Ms. Jean Hall said Little Rock allows people to have chickens in the city. If the kill is for health reasons, then how can the meat be safe for food pantries. She loves the park. Mr. Mike (inaudible) (*did not sign in*) said people should think with their conscious and heart. He doesn't want to see the geese get hurt. Mr. John Barton is a cyclist. He has seen the geese population increase over the years. Their feces is a problem and a balance needs to be

maintained. Mr. Scott White (*did not sign in*) is opposed to the hunt. Neutering is not impossible. North Little Rock should be a city of distinction. Sometimes nature is inconvenient. The legislation was read again. A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. Mayor Hays said there is concern regarding this issue. The parks department has worked hard to find a resolution to the geese population in the parks. People have to be put first and the integrity of this community preserved. Alderman Hight made a motion to limit the number of geese taken to 135, which died for lack of a second. On the previous motion of Alderman Taylor and seconded by Alderman Foutch, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Hight, who voted no, the ordinance was adopted (5/1). On the emergency clause, all members present voted in the affirmative, with the exception of Alderman Hight who voted no, and Mayor Hays having voted yes, the emergency clause was adopted (6/1).

Mayor Hays announced a Special Call scheduled for this date.

November 23, 2011

Subject: Special Call Meeting for Monday, November 28, 2011, at 7:05 p.m.

Honorable Members of the North Little Rock City Council:

The purpose of this email is to advise you that Mayor Hays has called a special meeting of the North Little Rock City Council at 7:05 p.m., Monday, November 28, 2011, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) **R-11-198 – A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO INCUR SHORT-TERM FINANCING OBLIGATIONS FOR NECESSARY CAPITAL IMPROVEMENTS TO THE MURRAY HYDROELECTRIC PLANT, THE ELECTRIC DISTRIBUTION SYSTEM, AND ELECTRIC DEPARTMENT FACILITIES; AND TO ACQUIRE EQUIPMENT FOR THE ELECTRIC DEPARTMENT HAVING A USEFUL LIFE OR MORE THAN ONE (1) YEAR; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO. Sponsor – Mayor Hays.**
  
- 2) **O-11-90 – AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR REPLACEMENT OF THE MECHANICAL SEALING SYSTEMS ON UNITS 1 AND 2 OF THE MURRAY HYDROELECTRIC PLANT; APPROPRIATING FUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES. Sponsor – Mayor Hays.**

Pursuant to Sec. 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 e-mail 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

R-11-198 (RESOLUTION NO. 7967 – MAYOR HAYS)

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO INCUR SHORT-TERM FINANCING OBLIGATIONS FOR NECESSARY CAPITAL IMPROVEMENTS TO THE MURRAY HYDROELECTRIC PLANT, THE ELECTRIC DISTRIBUTION SYSTEM, AND ELECTRIC DEPARTMENT FACILITIES; AND TO ACQUIRE EQUIPMENT FOR THE ELECTRIC DEPARTMENT HAVING A USEFUL LIFE OR/ MORE THAN ONE (1) YEAR; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO, was

read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Mr. Mike Russ, General Manager, North Little Rock Electric Department discussed the history of the 24 year old units at the Murray Hydroelectric Plant. When they were designed there was a movement regarding a mechanical sealing process. As long as asbestos could be used in the composition of the seals, it worked fairly well. In our situation with the Arkansas River we would get about 2 to 2 ½ years wear out of a set of seals. Since the EPA made it illegal to use asbestos, there has been an ongoing battle with finding a permanent compound material that would work. The usefulness of the seals has reduced to 6 to 8 months. Replacing seals results in outage and missed opportunity of production. The total cost of a seal failure is around \$400,000.00 per unit. Mr. Russ introduced Jessica Stephens, Mechanical Engineer working on the Hydroelectric Plant. Jackie Halsey is the supervisor at the Hydroelectric Plant. They checked with other hydro plants along the Arkansas River to see if they were having seal issues. They do not because they are using the older technology. Mechanical seals seem to work well in a clear water environment. The Arkansas River has a murky environment due to the amount of silt. High water was an issue earlier in the year. Low water was a problem during the summer months. This financing would fund other projects as well. Alderman Foutch said the promissory note is for \$7.5 million. He asked about the remaining \$4.5 million. Electric Department vehicles are on a regular replacement schedule. The bucket trucks would normally be in the annual budget. Mr. Russ said they need to replace a small bucket truck. The other piece of equipment is a rear easement bucket truck that will fit through a 36 inch gate. Due to under production this year, the funds were not in the budget. Alderman Foutch asked if capital improvement expenses were at the new location or their current location. Mr. Russ explained about security including cameras and phone system requirements. Alderman Foutch asked about capital improvements to the electric distribution system. Mr. Russ said a new Galloway Substation is under construction. A dedicated circuit will run from the substation to Caterpillar. Money was dedicated for the construction of the substation itself. There being no other questions, and on the previous motion, and all members present having voted in the affirmative, the resolution was adopted (6/0).

O-11-90 (ORDINANCE NO. 8392 – MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR REPLACEMENT OF THE MECHANICAL SEALING SYSTEMS ON UNITS 1 AND 2 OF THE MURRAY

HYDROELECTRIC PLANT; APPROPRIATING FUNDS (\$3,000,000.00 – 2012 Short Term Financing); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher 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 Witcher and seconded by Alderman Foutch, 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 roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

**UNFINISHED BUSINESS**

O-11-73 (ORDINANCE NO. 8393 – MAYOR HAYS)

AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEE POLICY AND PROCEDURE MANUAL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was

read one time on October 24, 2011, was read a second time on November 14, 2011, was read a third and final time. Alderwoman Ross asked for a summary of the changes. Ms. Valencia Hardy, Acting Human Resources (HR) Director advised Exhibit “A” is to allow departments to submit policies and procedures for their department and changes were reflected in the exhibit. Alderman Foutch asked how soon an employee who has been counseled can submit a grievance. Ms. Hardy said this applied to the administrative action. Alderman Foutch said it is feasible that a grievance could be received before the paperwork reaches HR. Mr. Carter said the purpose of the amendment is to provide a time frame for department heads to submit paperwork. The next change pertains to PC’s (personal computers) and Smart Phones. On page 5-016-6 under footnotes, “*the*” at the beginning of line three needs to be stricken. Exhibit “D” is the Employee Social Media Policy. Alderman Baxter provided a scenario and asked where it would fall under the policy (i.e. an employee of the city, identified as a city employee is on duty at the time of posting on social media). Department directors will determine who has access to social media while at work. Mr. Carter said adjustments will be needed as technology changes. Ms. Hardy said Exhibit “G” adds *sagging* garments and requires that all tattoos be covered. Previously, small tattoos could be visible. Alderman Foutch asked if current employees would be grand-fathered in and who may have tattoos on their face, hands, wrists, etc. Ms. Hardy said she was not aware of any employees with tattoos on their face but all tattoos would have to be covered. Ms. Whitbey visited with an employee earlier this date who had her ring finger tattooed in lieu of a ring. Alderwoman Ross said people tattoo their eyebrows, eyeliner and lips. Ms. Hardy said the policy could be reviewed on a case by case basis. Mayor Hays said if someone tattoos a ring on their hand, that should not require them to wear gloves. Alderman Baxter said young people express themselves differently, and have many talents. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the Exhibit “G” was amended as follows: *reverse changes regarding tattoos and correct typo in footnote of exhibit “C” by removing “the”* (6/0). On the motion of Alderman Baxter and seconded by Alderman Foutch, and 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).

## **NEW BUSINESS**

*Without objection, R-11-195 was called.*

R-11-195 (RESOLUTION NO. 7968 – MAYOR HAYS)

A RESOLUTION AUTHORIZING RENEWAL FOR 2012 HEALTH BENEFITS COVERAGE FOR CITY EMPLOYEES THRU STEPHENS INSURANCE, LLC WITH QUALCHOICE AS THE MAJOR MEDICAL PROVIDER; AND FOR OTHER PURPOSES, was read. Mayor Hays asked Mr. Bobbie Whitfield to provide a summary. In 2008, 2009, 2010, and 2011, increases totaled 11.6%. Therefore an increase to provide coverage is required. During a 12 month period (through August 2011), the city had 57 claims that totaled in excess of \$2 million. Prescriptions totaled \$1.919 million. Expected revenue under the current proposal (with a \$500.00 deductible) for 2012 is \$6.3 million. Using an employee count of 853, and the number of claims mentioned above, the balance per employee is less than approximately \$3,000.00. QualChoice has agreed to a 5 point reduction. To keep the same benefits a deductible increase is required. Mayor Hays said R-11-196 provides relief to employee deductibles. Employees will not receive salary increases at this point. Approximately one-half of the employees don't meet the current \$200.00 deductible, which means the other half are impacting the cost overall. After reviewing employee salaries it seemed fair to extend relief to all employees instead of those making \$50,000.00 or less (*see R-11-196*). Dependant coverage was also excluded. Mayor Hays will propose the removal of the \$50,000.00 salary amount and exclusion of dependants from the benefit included in R-11-196. The cost estimate (to the city) is \$135,000.00. The city's experience is higher than other groups. Mr. Joe Smith, Director of Commerce and Government Affairs (Purchasing) said our per (total) member claims are about \$167.00 a month. The average for QualChoice (to other groups) was \$70.00 per month, per employee. North Little Rock's costs are triple the average. Alderwoman Ross asked about the savings to the Core Plan. Mr. Smith said \$30,000.00. The Enhanced Plan includes an increase to the employee. Mr. Whitfield said Preventive Care will now be covered (i.e. annual exam and/or immunizations). Mayor Hays said the city spends about \$350,000.00 for an Employee Wellness Clinic where employees can go at no cost. If they receive a referral then there would be a cost. Dependents can also go, but there is a cost. The city is very active in preventative care. North Little Rock is the only city in the state that funds a local Health Department. A focus will be made to encourage employees and residents to utilize the North Little Rock Health Department for flu shots, etc. Surrounding cities and the county have had a \$500.00 deductible. Alderman Hight asked if there were any discussions regarding 90 days supplies on generic drugs in an effort to encourage the use of generic. Mr. Whitfield said the 3-month supply was designed for mail order prescriptions. Alderman Hight asked if there would be any advantage to establishing medical savings accounts. Mr. Sisson said there is something similar under the Cafeteria Plan available to employees. Alderman Hight asked if the \$150.00 financial assistance (per employee) would be taxable (income). Ms. Billie Ann Askew said the \$150.00 reference is to employer funds. Alderwoman Ross asked who will administer the assistance. Mr. Whitfield said it will be through



QualChoice. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted (6/0).

*Without objection, R-11-196 was called.*

R-11-196 (RESOLUTION NO. 7969 – MAYOR HAYS)

A RESOLUTION APPROVING FINANCIAL ASSISTNACE TO EMPLOYEES EARNING \$50,000.00 PER YEAR OR LESS TO OFFSET INCREASED HEALTHCARE DEDUCTIBLES; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was amended as follows:: *substitute copy provided this date* (6/0). On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted as amended (6/0).

R-11-191 (RESOLUTION NO. 7970 – MAYOR HAYS)

A RESOLUTION APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS AS A RESULT OF GRASS CUTTING EXPENSES AND ABATEMENT OF OTHER NUISANCES; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the resolution was amended as follows:: *remove 33N1510009800, 900 W. 45<sup>th</sup>, US Bank from Exhibit “A”* (6/0). Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Alderman Taylor and seconded by Alderman Foutch, and by consent of all members present, the resolution was adopted as amended (6/0).

R-11-192 (RESOLUTION NO. 7971 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 6109 WHITBY 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 NUSIANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight 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 adopted (6/0).

R-11-193 (RESOLUTION NO. 7972 – MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH ARKANSAS BOATHOUSE CLUB; 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). Mayor Hays commended the club for their work with the Boys Club, the Visually Impaired and others.

R-11-194

A RESOLUTION ENDORSING THE GENERAL CONCEPT AND PLAN FOR A LODGE IN BURNS PARK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Mr. Rhoads said a public hearing needs to be held. During Parks and Recreation public input sessions, it was determined there was a desire for a Lodge in the park (reference 2006 Master Plan for Burns Park). A proposal has been made to the Parks and Recreation Commission. Alderwoman Ross said the city is not getting into the Lodging business. A private developer would build and operate the lodge. The city would lease the land to them. Alderman Foutch asked if an impact study had been done to see how this would affect other restaurants and hotels in the city. Alderman Baxter requested an electronic copy of the Master Plan. Alderman Witcher recalled that the plan called for redeveloping the entrance to Burns Park. The legislation was then held by the sponsor, Mayor Hays and a public hearing was scheduled for 7:05 p.m., Monday, December 12, 2011. Mayor Hays reminded the public that everyone needs to sign in with the City Clerk before the meeting is convened if they wish to speak on items, including scheduled public hearings.

*Alderman Taylor asked to hold O-11-89 and let the applicant know so she would not have to stay until the end of the meeting.*

*R-11-195 and R-11-196 were called earlier in the meeting.*

R-11-197

A RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT AND 10<sup>TH</sup> STREET WAREHOUSE ASSOCIATES FOR PROPERTY LOCATED AT 10<sup>TH</sup> AND OLIVE STREETS IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was withdrawn by the sponsor, Mayor Hays.

*O-11-81 and O-11-82 were called earlier in the meeting.*

O-11-83

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CAR SALES LOT IN A C-5 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 701 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Alderman Taylor. (*applicant: Wanda Brainard*)

O-11-84 (ORDINANCE NO. 8394 – ALDERWOMAN ROBINSON)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 2001 EAST WASHINGTON AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R-4 TO PLANNED USE DEVELOPMENT (PUD), TO ALLOW RETAIL WITH A RESIDENCE, BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER

PURPOSES, was called. Mayor Hays asked about a large sign on the property. Alderwoman Robinson asked that the sign not be used. The ordinance was then read. On the motion of Alderman Taylor and seconded by Alderwoman Ross, 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 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 (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). (*applicant: Norman Clifton*)

O-11-85 (ORDINANCE NO. 8395 – ALDERMEN WITCHER AND HIGHT)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 4300 LANDERS ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM I-1 TO C-3, TO ALLOW A MEDICAL CLINIC, BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (6/0). 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 (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). (*applicant: Todd Rice*)

O-11-86 (ORDINANCE NO. 8396 – ALDERWOMAN WHITE AND ROSS)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CAR RENTAL BUSINESS IN A C-5 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4220 E. MCCAIN BOULEVARD 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 (6/0). On the motion of Alderwoman Ross and seconded by Alderman Taylor, 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 to be added as a cosponsor. Alderman Hight referenced a previous application by Sears. Mr. Robert Voyles, Planning Director said this is Enterprise Rent-A-Car and referred the attached illustration (Exhibit “B”). On the motion of Alderwoman Ross and seconded by Alderman Taylor, and 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). (*applicant: Marcus Kennedy*)

O-11-87 (ORDINANCE NO. 8397 – ALDERMEN BAXTER AND FOUTCH)

AN ORDINANCE GRANTING A CONDITIONA USE TO ALLOW A DAYCARE CENTER IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4416 MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baxter and seconded by Alderman Foutch, 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 Baxter and seconded by Alderman Foutch, 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 roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0). (*applicant: Carmel Boyd*)

O-11-88 (ORDINANCE NO. 8398 – ALDERMAN TAYLOR)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW CAR SALES IN A C-4 ZONE FOR PROPERTY LOCATED AT 1400 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Ross, 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 Taylor and seconded by Alderman Baxter, 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 if the applicant understood all of the conditions. On the motion of Alderman Taylor and seconded by Alderman Baxter, and 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). (*applicant: Erick Sanchez*)

O-11-89

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A TRANSITIONAL HOME IN AN R-3 ZONE FOR CERTAIN REAL; PROPERTY LOCATED AT 1418 WEST 20<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was held earlier in the meeting at the request of the sponsor, Alderman Taylor. (*applicant: Daphany Ragland*)

### **PUBLIC COMMENT**

Alderman Hight said he and Alderman Witcher have experience working together to resolve issues and encouraged everyone to work together to resolve the hillside cut issue in Park Hill. Alderman Baxter reminded everyone the NLRFD Local IAFF #35 is collecting donations of bicycles for needy children. Mayor Hays said the Christmas Parade will be Sunday, December 4, 2011, at 2:00 p.m. and thanked the North Little Rock Sertoma Club for their continued work in putting on the parade. Non-perishable food items will be collected during the parade for the Arkansas Rice Depot. Mayor Hays said there will be a public hearing at the next council meeting (December 12, 2011) on the 2012 Budget.

Alderman Witcher said the Christmas lights are on at Burns Park and encouraged everyone to go see them. His grandson Harper assisted him during the official lighting ceremony. Mark Warford, North Little Rock Fire Fighters Local #35 said they have partnered with the Salvation Army on the bike program. The deadline to make donations will be December 15.

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 10:42 p.m. (6/0), until the next regularly scheduled meeting to be held on Monday, December 12, 2011, 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