

January 23, 2012
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, January 23, 2012, 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, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (7/0), a quorum was declared. Alderman STEVE BAXTER was absent due to illness. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderwoman White, followed by the pledge of allegiance to the flag which was led by Alderwoman Ross.

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, January 9, 2012, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, communications #1, 3, 4, and 5, were not read, accepted and filed (7/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Change of Manager from Ronald Taylor*, for Red Lobster, 3707 McCain Boulevard, by Edward J. Morbach.
3. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager from Stuart Bennett* for Old Chicago, 5305 Warden Road, by Gerald J. Parent.
4. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Change of Manager from Robert Degler* for Doublebee's #112, 2623 N. Main, by Mahbubur Rahman.
5. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – NEW* for Hi-Life Market, 4404 East Broadway, by Young Ki Kim.

On the motion of Alderman Taylor and seconded by Alderwoman White, and by consent of all members present, communication #2 was read by title only, accepted and filed (7/0).

2. Mayor Hays letter to City Council members re: RichSmith Development, LLC Park Ridge at North Little Rock (application for funding to Arkansas Department of Finance Authority ADFA Tax Credit Program).

Mayor Hays advised this was approved a year ago. Funding sources ran out before the project could begin. This is essentially the same request. Alderwoman Ross said only 12 units are at market rate. Until a need for the below market rate units is provided she is opposed to such requests.

Mayor Hays asked Ms. Sherry Bruno, North Little Rock Sertoma Club President and Ms. Summer Toyne, North Little Rock Advertising and Promotion to come forward for the presentation of trophies to the 2011 North Little Rock Christmas Parade winners. The following awards were presented:

Mayor's Cup--Sherwood Rotary Club	Chairman's Choice--North Little Rock Lions Club
Best Church Float—1 st Presbyterian Church	Best Beauty Entry—Miss Diamond Lakes
Best Club Entry—Elks Lodge NLR 1004	Scout Awards—Cub Scout Pack 87
Best Miscellaneous Award—USS Razorback	Best Decorated Commercial/Business Vehicle—Lewis Towing
Best Horse/Riding Entry—Tri County Riders	Best Dance/Performing Group—NLR Catholic Academy Cheerleaders
Best Fire Truck—East Pulaski Co Fire Department	Best Marching Group—NLRHS Junior ROTC
Sertoma President's Award—Neighbors United for Levy	

Mayor Hays asked Mr. Luke King to come forward. Mr. King is a volunteer for Our Kids, Our Community, Our Future Campaign Committee, a group of volunteers whose mission is to educate the community on the need for a school millage increase. Mr. King was born and raised in North Little Rock and lives in Lakewood with his wife and children. He has a vested interest in the community and our schools. A \$265 million facilities plan includes a proposed millage increase of 7.4 mils that would pay for a portion of the expenses. The plan includes improvements necessary to convert each site into a world class facility. The strategies and improvements identified in the plan are aimed at accomplishing the following: one Pre-Kindergarten (Pre-K) Center, nine Elementary Schools, one 6-8 grade Middle School Campus and one 9 – 12 grade High School Campus. New construction would include: Elementary--Amboy, Boone Park, Meadow Park and Lakewood; Secondary—North Little Rock Middle (formerly East Campus; all 6th-8th graders). Renovations: Elementary – Crestwood, Glenview, Seventh Street, Indian Hills, Ridgeroad Charter becomes Ridgeroad Elementary and a dedicated Pre-K Center – Pike View becomes district wide Pre-K center/Early Childhood Center. Mr. King then reviewed the condition and age of North Little Rock's facilities. Primary funding would be from district savings along with state funds. NLR4OURKIDS.com is the website with more information about the campaign. Alderwoman Ross mentioned several upcoming neighborhood meetings where this information could be shared. Early voting begins February 6, 2012. The 7.4 millage increase would average \$150.00 per year based on a home value of \$100,000.00 or a monthly millage increase of \$12.34. Mayor Hays acknowledged Mr. Ken Kirspel, North Little Rock School District Superintendent and School Board members who were also present.

Mayor Hays announced citizen public comment on numbered legislation. Ms. Nedra (Dumas) Wood spoke against O-11-82. She has lived in North Little Rock since 1942. Park Hill is her neighborhood and where she grew up. She recalled riding in a horse-drawn wagon. The location of their horse barn is now the Pentecostal Church property. She is not alone in her objection. Real estate values, especially along Skyline Drive are up. They need the trees. She referenced an area where trees were cut that is visible from the interstate. There being no one else who signed in to speak, Mayor Hays called for unfinished business.

UNFINISHED BUSINESS

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 on November 28, 2011, was read a second time December 12, 2011, was read a third and final time December 27, 2011, was called and held by the sponsor, Mayor Hays. (*applicant: Thomas Engineering Company*)

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 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 (7/0). On the motion of Alderman Taylor 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 (7/0). The ordinance was read a third and final time. Alderwoman Robinson asked if this location had a rezoning request for a car lot. Mr. Robert Voyles, Planning Director advised Auto Detailing was dropped from the previous request. The location is on a small lot with a small building. The applicant just wants to sell cars. Alderwoman Robinson said the building needs to be fixed. Alderwoman Ross asked if Code had any complaints regarding the location. Mr. Tom Wadley, Director of Code Enforcement will have to check. Alderman Taylor asked about ADA (Americans with Disabilities Act) requirements in the restroom. Mr. Voyles said the building is small and an ADA restroom is required. Alderman Taylor asked if the building referenced was the yellow one or the green one. Mrs. Brainard said they do not own the yellow building. Alderman Taylor asked about the yellow building and Mr. Voyles advised the applicant doesn't own it. Alderwoman Robinson said there is a yellow building on the front of the lot with the zoning notice attached to it. The applicant's son advised it is reversed. The green building is in the front. Due to this information the legislation was then held by the sponsor Alderman Taylor (*for consideration only*) to determine which building they are looking at. (*applicant: Wanda Brainard*)

NEW BUSINESS

R-12-07 (RESOLUTION NO. 7991 – 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 1408 WEST 41ST STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderwoman Ross. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

R-12-08 (RESOLUTION NO. 7992 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1309 NORTH WILLOW STREET 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 Alderman Taylor and seconded by Alderwoman White. Mayor Hays convened a public hearing. The owner, Ms. Brenda Cox advised the house is in bad shape. She cannot afford to have it torn down. She uses the house for storage. Mayor Hays said the house is in a residential neighborhood. Mr. Carter advised her of the rules regarding abatement. There being no one else wishing to be heard, Mayor Hays adjourned the public hearing. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0). (*owner: Brenda Cox*)

R-12-09 (RESOLUTION NO. 7993 – MAYOR HAYS)

A RESOLUTION REAPPOINTING SUZANNE CLEMENTS JACKSON TO THE NORTH LITTLE ROCK HISTORY COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was adopted (7/0).

R-12-10 (RESOLUTION NO. 7994 – MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH THE ARKANSAS MUNICIPAL LEAGUE FOR FACILITIES TO PROVIDE CONTINUATION OF SERVICES DURING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. Alderwoman Ross asked about 40 parking spaces and internet connections. Mayor Hays said this is in the event of a disaster that would render the Municipal League's site unusable. Mayor Hays said vehicles would be parked where needed. However, if a disaster effects the league site, it would most likely effect city offices, too. Alderman Witcher said the library has wireless internet. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

O-12-05 (ORDINANCE NO. 8408 – MAYOR HAYS)

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS AND NUMBERS OF EMPLOYEES FOR EACH DEPARTMENT OF THE CITY GOVERNMENT OF NORTH LITTLE ROCK FOR THE YEAR 2012 (also known as the Quota Ordinance); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor 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 (7/0). On the motion of Alderman Witcher 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 (7/0). The ordinance was read a third and final 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:: *page 1 - Section 1: strike through ~~three (3)~~ and*

insert ONE (1); on page 9 – under Special Projects, change Dept._040 to DEPT._041, and under Concessions change Dept._041 to DEPT._040 (7/0). Alderman Foutch asked about CPPW Grant Project Manager and CPPW Fit 2 Live Program Assistant grant funding. Mr. Bob Sisson, Finance Director said the grants will run another year. Mayor Hays said the positions don't go away, but the lack of funding would not allow for employees. On the motion of Alderman Hight and seconded by Alderman Foutch, and the roll having been called, and all members present, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0).

O-12-06

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE ZONING ORDINANCE) TO ADD SECTION 12.27 (ALTERNATIVE ENERGY SYSTEMS) AND ADD RELATED DEFINITIONS TO SECTION 2.2; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held by the sponsors, Alderwoman Ross and White, and a public hearing was scheduled for February 13, 2012, at 7:05 p.m.

O-12-07

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW CAR SALES AND AUTO DETAILING IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2500 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. The sponsor (*for consideration only*) Alderman Taylor asked Mr. Voyles to come forward with regard to this request. Ms. Whitbey advised the applicant sent notices to neighboring properties regarding a public hearing to be held this date. Alderman Taylor said the applicant has a car lot and repair business at this location. The business license lapsed, which resulted in the applicant having to get a current zoning certificate and go through the planning process. Mr. Voyles said the applicant has had a car lot at this location for a long time and owns three-quarters of the block. The applicant failed to send out notices for the Planning Commission hearing and failed to appear before the same on the scheduled date. Code Enforcement became involved because of the lapse of a business license. Mr. Voyles said the area is asphalted and fenced. The applicant Ms. Dokes advised she has had a car sales business at that location for over 10 years. Alderman Hight asked what kind of building is on the property. Ms. Dokes said there are three: a small office building, a larger office building and a building with bays. Ms. Dokes said her license had lapsed because she had someone who was supposed to take care of it and did not. She has a current license for real estate sales under Jynleco Enterprises at this location. She said it covers all of this. Alderwoman Robinson said the back half of the property is not completely screened from the neighbors. She referenced a wrecked vehicle and vehicles that need work on the property. Ms. Dokes was issued citations by Code Enforcement and has been to court on the same. She has appealed the court ruling. Mayor Hays asked Ms. Dokes why she failed to appear at the Planning Commission meeting. Ms. Dokes said she had a death in her family and tried to reschedule. Mr. Wadley said a citation was issued for operating without a business license and inoperable vehicle(s). Ms. Dokes said the reason the cars do not have tires is because people are coming over the fence and taking them. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public

hearing was adjourned. Alderman Taylor recommended referring the request back to the Planning Commission. Alderman Taylor asked about the fence on Second Street. Ms. Dokes said a tree fell on it and it is the city's responsibility. A motion to refer the legislation back to Planning was made by Alderman Taylor and seconded by Alderman Foutch. On the motion, the following members voted yes: Taylor, Robinson, Hight and Witcher, and the following members voted no: Ross, White, and Foutch, and the mayor having voted yes, the request was referred back to the Planning Commission (5/3). Mr. Carter advised if the applicant does not have lawful authority to operate at that location, she will be in violation each day the business is open. Alderman Taylor asked why she was cited for not having a business license if she has one. Ms. Whitbey advised the current license is for a separate business at this location. Ms. Dokes said it covers all of her incorporated businesses at the location. (*applicant: Jocelyn Dokes*)

O-12-08 (ORDINANCE NO. 8409 – ALDERMAN TAYLOR)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A TIRE SHOP IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2023 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 Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Taylor 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 (7/0). The ordinance was read a third and final time. Alderman Hight asked what the hours of operation would be. Mr. Voyles did not know and the applicant was not present. Alderman Taylor said there are no residences in the area. The property is located in a commercial area. Alderwoman White asked what they do with old tires. Mr. Voyles said they are picked up and recycled. On the motion of Alderman Taylor and seconded by Alderwoman Ross, 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 (6/1). Emergency clause adopted (7/0). (*applicant: Robert Killgore*)

O-12-09 (ORDINANCE NO. 8410 – ALDERMAN ROSS)

AN ORDINANCE CHANGING THE NAME OF SPRINGHILL PLAZA COURT TO VALI COURT IN THE CITY OF NORTH LITTLE ROCK; 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 (7/0). 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 (7/0). The ordinance was read a third and final time. Alderwoman Ross advised Springhill Plaza Court is not connected to Springhill Drive. The petitioner, Mr. Maken owns all of the business on this road. The current name is confusing to some drivers. Vali is Mr. Maken's grandmother's name. Alderwoman Ross wanted to be sure the History Commission had this information. On the motion of Alderwoman Ross and seconded by Alderman Hight, and the roll

having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*requested by Kal Maken*) Alderwoman Ross asked when the street signs would be changed. Mayor Hays asked Mr. Voyles to have Mr. Tim Marvin, Traffic Services Director work on this.

O-12-10 (ORDINANCE NO. 8411 – ALDERMEN ROSS AND WHITE)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW AN EVENT CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1418 MAIN 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 Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). 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 (7/0). The ordinance was read a third and final time. Alderwoman White asked if the Special Use was transferable. It is not. She then asked about hours of operation. Mr. Bennie O’Neil said he has no objection to set hours. Alderwoman Ross referenced an event further down the street where there were a lot of concerns. Alderman Taylor asked what kind of events would be held. Mr. O’Neil said speech competitions, spelling bees, writing contests, family reunions, etc. They will not sell alcohol at events. On the motion of Alderman Witcher and seconded by Alderwoman White, and by consent of all members present, the ordinance was amended as follows: *insert* SECTION 2: f: HOURS OF OPERATION 6:00 A.M. UNTIL 12 MIDNIGHT (7/0). On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0). (*applicant: Bennie O’Neil*)

PUBLIC COMMENT

Mayor Hays acknowledged former Pulaski County Sheriff Carroll Gravett who was present and thanked him for his service.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 8:30 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, February 13, 2012, 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