

February 13, 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, February 13, 2012, was called to order at 7:00 p.m. by the honorable acting Mayor CHARLIE HIGHT. The roll having been called, and the following Aldermen answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (8/0), a quorum was declared. Mayor PATRICK HENRY HAYS was absent due to a scheduling conflict. 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 led by Alderwoman Robinson.

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, January 23, 2012, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Witcher and seconded by Alderman Baxter, and by consent of all members present, communication #3 was read, accepted and filed (8/0).

3. Mayor Hays letter to City Clerk Whitbey and City Council members re: scheduling conflict February 13, 2012. Alderman Charlie Hight to preside over City Council meeting.

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

1. Deanna Montgomery letter to Mayor Hays and City Council Members re: additional signature pages for petition opposing O-11-82, Approving a Hillside Cut for Development of a Parking Lot on property on Calvary Road and shaded map regarding the same.

On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, communication #2, was not read, accepted and filed (8/0).

2. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager from Jill McDonald* for Carino's Italian Kitchen, 4221 Warden Road, by Kenneth M. Stephens.

Acting Mayor Hight asked State Representative Barry Hyde to come forward. Representative Hyde commended the city's leadership, and Fire and Police Departments. He then presented a check

(\$10,000.00) to North Little Rock Fire Chief Bob Mauldin to be used to acquire safety and rescue equipment.

Acting Mayor Hight asked Mrs. Margaret Powell, Community Relations Director to come forward. Mrs. Powell introduced members of our Sister City Winter Education Program members from Uiwang City, South Korea. EunSook Yoon is here on a one (1) year internship as our Sister City Employee. Her city is covering her expenses. Our nine (9) Sister City Youth Delegates introduced themselves and thanked council members for the opportunity to be here for 30 days. Members of the host families were present and several spoke of their experience with the program. Acting Mayor Hight commended Mrs. Powell for her hard work and efforts related to this program.

Acting Mayor Hight invited Mr. John Roberts, Director Regional Recycling District to come forward. Mr. Roberts advised delivery of the new 65 gallon recycling bins will begin February 27, 2012, through March 24, 2012. Containers will be delivered in the following order: City of Little Rock, City of North Little Rock, then City of Sherwood. Informational materials are being compiled for distribution to residents. Mr. Roberts referenced a map which illustrated collection areas in the city. Service dates will remain the same (i.e. Monday's recycling pickup will still be on Monday – and biweekly instead of weekly). Mr. David Steinmetz advised recycling pickup in the new containers will begin April 9, 2012, and pickup will go from weekly to bi-weekly. The existing bins will not be used after the new program begins. Residents can keep their current recycling containers, recycle them (by putting them in the new container) or donate them to the North Little Rock High School East Campus. Alderwoman Ross said Code Enforcement has been pro-active and has printed stickers which will be attached to the new containers providing some information.

Acting Mayor Hight convened a public hearing regarding O-12-06, an ordinance amending Ordinance No. 7697 to add Section 12.27 (*Alternative Energy Systems*) and related definitions to Section 2.2. There being no one present wishing to be heard, the public hearing was adjourned.

Acting Mayor Hight announced citizen public comment on numbered legislation. No one spoke.

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 read again. The legislation was then held. *Note: this item will be removed from the agenda (on the agenda for the sixth consecutive time) and refiled by the City Attorney at the request of the sponsor. (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 three times on January 23, 2012, was called and withdrawn by the sponsor, Alderman Taylor. *Note: the applicant was unable to attend due to road conditions.* (applicant: Wanda Brainard)

O-12-06 (ORDINANCE NO. 8412 – ALDERWOMEN ROSS AND WHITE)

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 January 23, 2012. *Note: a public hearing was held this date.* The ordinance was read a second time. On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, the rules were 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).

NEW BUSINESS

R-12-11 (RESOLUTION NO. 7995 – MAYOR HAYS)

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF OLIVER W. DILLINGHAM TO THE NORTH LITTLE ROCK HOUSING AUTHORITY BOARD OF COMMISSIONERS; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Foutch, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-12-12 (RESOLUTION NO. 7996 – MAYOR HAYS)

A RESOLUTION REAPPOINTING GARY DEAN TO THE NORTH LITTLE ROCK, ARKANSAS HEALTH FACILITIES BOARD (BAPTIST HEALTH); 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 resolution was unanimously adopted (8/0).

R-12-13 (RESOLUTION NO. 7997 – MAYOR HAYS)

A RESOLUTION REAPPOINTING DENISE HANSON TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-12-14 (RESOLUTION NO. 7998 – MAYOR HAYS)

A RESOLUTION AUTHORIZING APPLICATION TO THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION UNDER THE IKE-2 GRANT PROGRAM FOR WASTEWATER TREATMENT IMPROVEMENTS AT THE FIVE MILE CREEK WASTEWATER TREATMENT

PLANT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mr. Marc Wilkins, Waste Water Director advised in 2008, Hurricane Ike passed through Arkansas causing a number of sanitary sewer overflows in the city. There was also erosion along Five Mile Creek. Waste Water applied for funding in 2009 but was unsuccessful. In 2010, more funds were made available at which time Waste Water resubmitted another request. This legislation and the following legislation are required to be submitted with the grant application. This project is for modifications to the Five Mile Creek Treatment Plant. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-12-15 (RESOLUTION NO. 7999 – MAYOR HAYS)

A RESOLUTION AFFIRMING THAT THE CITY OF NORTH LITTLE ROCK WILL PROHIBIT THE USE OF FEDERAL GRANT FUNDS TO SUPPORT LOBBYING ACTIVITIES ON ANY FEDERAL CDBG IKE-2 DISASTER GRANT PROJECT ADMINISTERED BY THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION; AND FOR OTHER PURPOSES, was read. Mr. Wilkins advised grant funds will not be used to lobby for additional funds. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-12-16 (RESOLUTION NO. 8000 – MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF KESSER INTERNATIONAL FOR A PRE-ENGINEERED METAL BUILDING FOR THE NORTH LITTLE ROCK ANIMAL SHELTER; APPROPRIATING FUNDS (\$35,000.00 - 2012 Budget and \$26,789.00 + taxes – Sales Tax Capital Improvement Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Mr. Billy Grace, Director of Animal Control advised the building is needed to provide shelter during summer and winter months. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

Mr. Grace announced North Little Rock Friends of Animals will host a Chili Supper Fundraiser Friday, February 17, 2012, from 5:00 p.m. until 8:00 p.m. at Park Hill Christian Church, 4400 John F. Kennedy Boulevard. Everyone is invited to attend. (*All proceeds go to North Little Rock Animal Shelter for adoption, rescue, spay and neuter programs*).

R-12-17 (RESOLUTION NO. 8001 – MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A REAL PROPERTY PURCHASE AND SALE AGREEMENT FOR STORMWATER DRAINAGE IMPROVEMENTS IN THE LOWER BARING CROSS AREA; APPROPRIATING FUNDS (\$65,000.00 – Drainage Improvements Fund for the Baring Cross Drainage Basin); AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-12-18 (RESOLUTION NO. 8002 – MAYOR HAYS AND ALDERWOMAN WHITE)
A RESOLUTION APPROVING EXPENDITURES TO BE REIMBURSED FROM THE
ARKANSAS COMMUNITIES PUTTING PREVENTION TO WORK GRANT; AND FOR OTHER
PURPOSES, was read. Without objection, Alderwoman White was added as a cosponsor. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Mr. Carter advised the city is required to advance funds, consistent with the “Communities Putting Prevention to Work” (“CPPW”) grant budget, to be reimbursed by the Arkansas Department of Health. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-12-19 (RESOLUTION NO. 8003 – ALDERMEN WITCHER, HIGHT, TAYLOR, ROBINSON,
BAXTER AND FOUTCH)
A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE ARKANSAS SPORTS HALL
OF FAME, INC. AND PROVIDING \$100,000 TOWARD THE COMPLETION OF A NEW
CONFERENCE CENTER IN NORTH LITTLE ROCK; APPROPRIATING FUNDS (\$100,000.00 –
Special Projects Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. On the motion of Alderman Witcher and seconded by Alderman Hight, the resolution was amended as follows:: *remove Alderman White as a sponsor* (8/0). A motion to adopt as amended way made by Alderman Hight and seconded by Alderwoman Robinson. Mr. Ray Tucker, Director Arkansas Sports Hall of Fame Museum advised the conference center will be the largest of its kind in North Little Rock. It will be adjacent to the museum. The cost will be \$2.2 million. Mr. Carter said the city would benefit from use of the facility. Mr. Tucker said when this project is complete, the Sports Hall of Fame will have invested \$6.5 million into the arena (a public facility). Capacity of the center will be 800. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted as amended (8/0).

R-12-20 (RESOLUTION NO. 8004 – MAYOR HAYS)
A RESOLUTION ACCEPTING THE LOW BID OF RUSSELL CHEVROLET FOR A 2012 ¾ TON
EXTENDED CAB PICKUP TRUCK FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT;
APPROPRIATING ACT 833 FUNDS (\$57,830.62); 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 unanimously adopted (8/0).

R-12-21 (RESOLUTION NO. 8005 – MAYOR HAYS)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL LOTS 13, 14,
AND 15, BLOCK 3, WILDBERGER’S SUBDIVISION (*East of Main Street and North of E 22nd*
Street) IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Foutch. Mr. Robert Voyles, Planning Director advised the property is located in the interior of a block and is only

accessible through an alley. The property is behind a car wash and frequently has trash and litter on it. The city has had to maintain it. If it is sold, the property owner would be responsible for keeping it clean and the grass cut. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-12-22 (RESOLUTION NO. 8006 – MAYOR HAYS)

A RESOLUTION ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY (located at 1302 Division Street) FROM HABITAT FOR HUMANITY OF PULASKI COUNTY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-12-11 (ORDINANCE NO. 8413 – ALDERMEN HIGHT AND WITCHER)

AN ORDINANCE ALLOWING AN OFF-PREMISE SIGN FOR CERTAIN REAL PROPERTY LOCATED AT 3925 McCAIN PARK DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderman Hight advised the sign is currently at the location and only one side is being used. Mr. Patel requested utilizing the other side. 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). (*applicant: Umesh Patel of D & D Super 8*)

O-12-12 (ORDINANCE NO. 8414 – ALDERMAN FOUTCH)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED ON THE NORTHWEST CORNER OF VIRGINIA DRIVE AND MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R-2 TO C-4, TO ALLOW RETAIL, BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Foutch and seconded by Alderman Baxter, 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 Foutch 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 (8/0). The ordinance was read a third and final time. Mr. Voyles advised the first 200 feet is zoned Commercial. The applicant is requesting the remainder be rezoned for financing purposes. Alderwoman White asked if concerns expressed by residents at the Planning Commission meeting were addressed. Alderman Baxter reviewed the minutes from the Planning Commission meeting and it appeared the concerns were addressed. Alderman Foutch said the concerns pertained to the next ordinance. 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 unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Thomas Pownall*)

O-12-13

AN ORDINANCE APPROVING A WAIVER REQUEST FOR CERTAIN PROPERTY LOCATED AT THE NORTHWEST CORNER OF VIRGINIA DRIVE AND MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. On the motion of Alderman Foutch and seconded by Alderman Baxter, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time and held by the sponsor. A public hearing was scheduled for Monday, February 27, 2012, at 7:05 p.m. Alderman Taylor asked about the screening requirement. Mr. Voyles said normal screening would be an eight (8) foot opaque privacy fence and trees. There are (Oak) trees on western portion of the property which are bare now due to the winter season. Alderman Foutch said he went door-to-door in the neighborhood. Only one resident wanted a fence. The rest were okay with the current trees. The legislation was then held by the sponsor. (*applicant: Thomas Pownall*)

PUBLIC COMMENT

Alderwoman Robinson and Alderman Taylor attended a meeting last month at Rose City Middle School. Facilitators from the Clinton School, parents, students and teachers attended. The discussion was about engaging the community and engaging youth. Safety, transportation and recreational needs were all discussed. Alderman Witcher advised the President of the United States, Barack Obama proposed his budget which would reduce various funding, including CDBG (Community Development Block Grant) funds. This would reduce North Little Rock's funding. He and Alderman Hight have discussed this issue and have decided to donate Ward 4's portion of the funds to the North Little Rock General Fund to be distributed among the other three wards. Alderman Baxter announced the Arkansas Prostate Cancer Foundation will host an Education and Screening Event at the Arkansas State Capitol on February 21, 2012, from 7:00 a.m. until 1:00 p.m. More men die in Arkansas from Prostate Cancer than Breast Cancer. Alderman Baxter reminded everyone to vote in the Special Election tomorrow. Acting Mayor Hight agreed. The election is for a proposed School Millage increase. Alderwoman Ross said there was a recent article in the Arkansas Democrat-Gazette regarding Paws in Prison. North Little Rock Animal Control sent eight (8) dogs to the program, including the Dalmatian featured in the article. This is a win-win program for the dogs, the inmates and the families who receive a trained pet. Alderman Foutch reminded Ward 3 residents to check their new Voter Registration cards regarding their precinct location. Ms. Whitbey advised Leaf Vacuums are running on call only through February 15, 2012 (Wednesday). Anyone with loose leaves to be vacuumed needs to call Public Works by tomorrow (February 14). Otherwise, leaves will have to be bagged. The Annual North Little Rock Police and Fire Awards Ceremony will be held Friday, February 24, 2012, at 3:00 p.m. at the First Assembly of God Church, 4501 Burrow Drive. Everyone is invited to attend.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 8:19 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, February 27, 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