

September 10, 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, September 10, 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, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (7/0), a quorum was declared. Assistant City Clerk Linda Marshall and City Attorney C. Jason Carter were also present. Mayor Hays advised Alderwoman LINDA ROBINSON had surgery and was doing well.

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 and Special Call meeting held on Monday, August 27, 2012, were approved, accepted and filed as prepared by the City Clerk (7/0).

Mayor Hays invited any candidates in the upcoming election to come forward and comment. Ms. Jane Ginn is a candidate for Alderman, Ward 4. Her family has lived in North Little Rock for many years. She is not a professional politician. She is a professional Purchasing Agent and Account Manager by trade. Her priorities would be public safety and updating fire equipment. These items should be included in the budget without additional taxes. Streets need to be repaired and prioritized. Alderman Bruce Foutch is a candidate for reelection as Alderman, Ward 3. He has been in the position for 1 ½ half years. He thanked the Firefighters for their endorsement. He said since 2006-2007 he is the seventh alderman in Ward 3. Continuity is needed. Mr. Darryl Montgomery is also a candidate for Alderman in Ward 3. He has served on the North Little Rock School Board since 2006. Juvenile crime prevention and juvenile services are a focus. More recreational opportunities are needed. Public safety (Police and Fire) are important and those employees need raises. Mr. Mark Clinton is a candidate for Mayor. He also supports police and fire and an additional Fire Station in Rose City. Property rights need to be maintained. He does not support a sales tax increase. He is a Conservative Independent candidate. His symbol is a balanced scale, favoring neither rich people or poor people, black, white, Hispanic or Asian. Commercial development is uneven in North Little Rock. People need to be encouraged to step up and be an entrepreneur. The next mayor needs to make a personal effort at financial integrity. Mr. Clinton is a consultant. He works with businesses that pay taxes. He hopes to apply some of the lessons he has learned to city government. Mr. Steve Waldon is running for Pulaski County Justice of the Peace, District 15, which includes Lakewood, Overbrook and Indian

Hills. He supports public safety, education and after school activities. Communication between constituents and the JP's is important. He has been a resident of North Little Rock for 36 years.

A blanket motion was made by Alderman Taylor and seconded by Alderwoman Ross to accept and file communications #1 – 7.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communication #1 was read by title only, accepted and filed (7/0).

1. Naaman Moorehouse – Petition request speed hump (Lakeview Road and Crestview), *14 signatures for.*

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

2. Bob Sisson, Finance Director / Chair Energy Risk Management Committee – memorandum to Diane Whitbey, City Clerk re: Energy Cost Recovery Rider (ECR) adjustment factor.

On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, communication #3 was read by title only, accepted and filed (7/0).

3. Bob Sisson, Finance Director to Mayor Hays, City Council Members, City Clerk Diane Whitbey and City Treasurer Mary Ruth Morgan – North Little Rock Electric Department Financial Statements with Independent Auditors' Report December 31, 2011, 2010 and 2009.

On the motion of Alderman Taylor and seconded by Alderman Foutch, and by consent of all members present, communication #4 was read by title only, accepted and filed (7/0).

4. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer Off Premises and Small Farm Wine – Retail – NEW*, for Handi Pantry Food, 124 Eureka Garden Road, by Saed Qatoum.

On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, communication #5 was read, accepted and filed (7/0)

5. (Mr. Smith is a candidate for North Little Rock Mayor).

On the motion of Alderman Witcher and seconded by Alderman Baxter, and by consent of all members present, communication #6 was read, accepted and filed (7/0).

6. Bennie Nicolo email to City Officials re: Response to Rabid Bat Attack September 3, 2012, and thanking North Little Rock Animal Control and Arkansas State Health Department employees.

Mayor Hays asked Mrs. Marshall to introduce Deputy City Clerk and Collector Daven McCoy. Mayor Hays said Mr. McCoy has a pleasant greeting for everyone entering City Hall.

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

7. Alderman Linda Robinson, via email re: Medical Leave September 7, 2012 through November 4, 2012.

On the motion of Alderman Foutch and seconded by Alderman Witcher, and by consent of all members present, communication #8 was read by title only, accepted and filed (7/0).

8. City Attorney C. Jason Carter letter to Mayor Hays re: use of property located at the Northwest corner of McCain Boulevard and North Locust by the Salvation Army.

Mayor Hays said the Salvation Army has been in contact with the City Planning Department regarding relocating their operation from Baring Cross to this location. Churches are allowed in Residential Zones. However, the nature of the Salvation Army has similar activities but others that differ from that of a traditional church. The Salvation Army does a lot of good work in the community. Mayor Hays will send a letter to the Salvation Army requesting their intent in writing. Mr. Carter referenced federal law and said that the city must treat religious organizations the same as secular organizations. A Special Use Permit may be required for the proposed location. Alderman Hight met with Mrs. Margaret Powell, Community Relations Director and a Major from the Salvation Army at the proposed site. Church activities and family services would be offered, including a food pantry. They also discussed relocating the services in Jacksonville to this location. He spoke with a neighbor in the area who had concerns regarding the effect on the neighborhood.

Mayor Hays said letters were sent to all North Little Rock Candidates regarding placing campaign signs in city right-of-way. Any signs that are picked up will be taken to Code Enforcement and can be retrieved there.

Mayor Hays announced Citizen Public Comment on Agenda items. Mr. Clinton spoke regarding R-12-158. He discussed the legitimate role of government. Evaluation of property paid for by taxpayers and under control of the city should be done. Any property not needed for the operation of the city should be offered for sale through auction or bidding. Other alternatives exist such as use by non-profits, food pantries, etc. There being no one else who signed in to speak, public comment ended.

UNFINISHED BUSINESS

None.

NEW BUSINESS

R-12-156 (RESOLUTION NO. 8141 – MAYOR HAYS)

A RESOLUTION APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES BY 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 Alderman Hight and seconded by Alderman Baxter. 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 by consent of all members present, the resolution was adopted (7/0).

R-12-157 (RESOLUTION NO. 8142 – MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED AT 1223 WEST 7TH 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 Taylor. Mr. Carter advised the third Whereas needed to be amended to reflect 7th Street, not 8th. On the motion of Alderman Hight and seconded by Alderman Taylor, the resolution was amended as follows: *substitute copy provided this date (7/0)*. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted as amended (7/0).

R-12-158 (RESOLUTION NO. 8143 – MAYOR HAYS)

A RESOLUTION ESTABLISHING THE NORTH LITTLE ROCK PUBLIC LAND REDEVELOPMENT TASK FORCE; AND FOR OTHER PURPOSES, was read. A motion to adopt

was made by Alderwoman Ross and seconded by Alderman Taylor. Mayor Hays said there has been a desire to have two (2) appointments per Ward instead of one (1). Also, two (2) council members have expressed an interest in servicing on the task force. Alderman Foutch said someone from the Chamber of Commerce or business community could be considered. On the motion of Alderman Witcher and seconded by Alderman Taylor, the resolution was amended as follows: *Section 2 strike through seven (7) and insert THIRTEEN (13) and Section 2(a) strike through Four (4), and insert EIGHT (8)...TWO (2) PER WARD, and Section 2(c) strike through One (1) and insert TWO (2) strike through second sentence and insert ALDERMAN STEVE BAXTER AND ALDERMAN CHARLIE HIGHT SHALL SERVE AS REPRESENTATIVES OF THE CITY COUNCIL (7/0)*.

Alderwoman Ross said there could be too many members. She suggested 11 and made a motion to remove Section 2(d) Mayor's Appointment, which after brief discussion was withdrawn. Alderman Witcher suggested the mayor appoint someone with an Economic or business background. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, with the exception of Alderwoman Ross and Alderman Baxter who voted no, the resolution was again amended as follows: *Section 2(d) strike through One (1) and insert TWO (2) (5/2)*. Mayor Hays said the council can define that one of the mayor's two appointments be from the business community. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was again amended as follows: *end of Section 3: NO MEMBER OF THE LAND TASK FORCE SHALL SERVE AS AN APPOINTED OR ELECTED OFFICIAL OF THE CITY EXCEPT FOR REPRESENTATIVES OF THE CITY COUNCIL AND PARKS AND RECREATION COMMISSION (7/0)*. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was amended as follows: *end of Section 2(d) add ONE (1) SHALL BE A MEMBER OF THE BUSINESS COMMUNITY (7/0)*. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted as previously amended (7/0).

R-12-159 (RESOLUTION NO. 8144 – MAYOR HAYS)

A RESOLUTION APPROPRIATING \$865,000.00 FOR THE CITY OF NORTH LITTLE ROCK'S 20% MATCHING SHARE OF COSTS FOR RIGHT-OF-WAY ACQUISITIONS AND UTILITY ADJUSTMENTS IN THE McCAIN BOULEVARD RAIL GRADE SEPARATION PROJECT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and

seconded by Alderman Taylor. Mayor Hays said this project has been expedited requiring this action. Alderman Foutch asked if the money was coming out of the Special Appropriations Line Item. Mr. Bob Sisson, Finance Director said it was and referenced city and county sales tax collections which are up. Four hundred thousand dollars (\$400,000.00) was included in the 2012 Budget. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). Mayor Hays said the city had until the end of the month to act on this portion. Construction costs will be needed by this time next year.

O-12-78 (ORDINANCE NO. 8473 – ALDERMAN BAXTER)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A DAYCARE CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 10910 MAUMELLE BOULEVARD 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 (7/0). 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 (7/0). The ordinance was read a third and final time. A motion to adopt was made by Alderman Baxter and seconded by Alderman Foutch. Alderman Hight asked how many students will be at the Daycare. The applicant said it will depend on the Arkansas Department of Human Services and the North Little Rock Fire Marshal's Office. Alderman Taylor said if it is not a Daycare, then why is it being called a Daycare. Alderman Baxter said there needs to be a revision in the allowed businesses. Alderwoman Ross asked about the hours of operation. The applicant said they will be open from 6:30 a.m. until 6:00 p.m., Monday through Friday. On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the ordinance was amended as follows: *insert new Section 2: (g) HOURS OF OPERATION SHALL BE FROM 6:30 A.M. UNTIL 6:00 P.M. (7/0).* 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 as amended (7/0). Emergency clause adopted (7/0). (*applicant: Michael Johnson*)

O-12-79 (ORDINANCE NO. 8474 – ALDERMEN WITCHER AND HIGHT)

AN ORDINANCE APPROVING VARIANCES FOR A MONUMENT SIGN ON CERTAIN REAL PROPERTY LOCATED AT 4415 EAST McCAIN BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; 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 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 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 Walid Ismael, Homail, Inc.*)

O-12-80 (ORDINANCE NO. 8475 – ALDERMEN ROBINSON AND TAYLOR)

AN ORDINANCE VACATING AND ABANDONING A PLATTED AND UNDEVELOPED PORTION OF NORTH WALNUT STREET LOCATED BETWEEN S. A. JONES DRIVE AND EAST 10TH STREET, ONE BLOCK WEST OF NORTH HICKORY STREET, IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was

read. On the motion of Alderman Taylor and seconded by Alderman Foutch, and by consent of all members present, all of the readings were suspended and the ordinance was placed on its third and final reading (7/0). Alderman Baxter asked if this was an example of property the city has but has no use for. Alderman Witcher said streets dedicated for public use can be vacated and abandoned and returned to adjacent property owners. Mr. Carter said when an alley is abandoned by the city it is terminating the city's claim for use. Alderwoman Ross asked if the church planned to expand over the easement. A motion to adopt was made by Alderman Taylor and seconded by Alderman Witcher, and the roll having been called, and all members present, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*requested by Emanuel Brooks, III on behalf of Eight Street Missionary Baptist Church*)

PUBLIC COMMENT

Alderwoman Ross announced the Parkhill Neighborhood Association will meet at 6:00 p.m. on Tuesday, September 11, 2012 and hold a Mayoral Candidate Forum. Alderwoman White said a new Crime Watch Group has been created and will meet at the Police Annex Building. Mr. Baxter said the U. S. Chamber of Commerce Outreach Program will host a workshop Thursday from 10:00 a.m. until 3:00 p.m. Alderman Hight said the Indian Hills Neighborhood meeting will hold a meeting tomorrow night and will also feature Candidates. This Saturday is the first Bike and Hike for ALS. Mayor Hays said the National League of Cities is hosting a meeting in North Little Rock this week. Council members were invited to attend.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the meeting was adjourned at 8:35 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, September 24, 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