

September 24, 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 24, 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, and CHARLIE HIGHT (6/0), a quorum was declared. City Clerk Diane Whitbey and Assistant City Attorney Daniel McFadden were also present. Alderwoman LINDA ROBINSON was out on medical leave. Alderman MURRY WITCHER was sick.

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 Hight and seconded by Alderman Taylor and by consent of all members present, the minutes of a regular council meeting held on Monday, September 10, 2012, were approved, accepted and filed as prepared by the City Clerk (6/0).

A blanket motion was made by Alderwoman Ross and seconded by Alderman Foutch, and by consent of all members present, communications #1, 3, 5, 6, 7, and 8 were not read, but were accepted and filed (6/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: application for *Retail Beer off Premises – Change of Manager from O K Johnson*, for OK Food Mart, 5524 Fairfax Road, by Enover Carson.
3. Sharon Pachosa, via U. S. Mail, Petition requesting Speed Hump on Hillside Drive (*19 signatures for*).
5. Personal Information Sheet from Thomas R. Pownall.
6. Amanda Bonner, Finance Department – Utilities Accounting Department Financial Statements December 31, 2011 and 2010.
7. Memorandum from Bob Rhoads, CPRP, Director of Parks and Recreation letter re: Appointment of Mrs. Vicki Stephens as Parks and Recreation Commission Member to Public Land Development Task Force.
8. Mayor Hays letter to City Council re: appointment of Ms. Kathleen Rea and Mr. Roger Marlin to the Public Land Development Task Force.

On the motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, communication #2 was read, accepted and filed (6/0).

2. Rhea C. Roberts, Quapaw Quarter Association, letter to Cary Tyson, re: honoring Park Hill Neighborhood Association with an Award of Merit on October 10, 2012, at 5:30 p.m. at The Joint, 301 Main Street, North Little Rock.

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

4. Personal Information Sheet (and Biography) from David Holsted.

Alderman Hight advised Mr. Pownall (see communication #5) may have a conflict of interest and asked if he could be a non-voting member of the Public Land Development Task Force. Mayor Hays said there was not a non-voting member in the legislation that created the task force. Alderman Hight will visit with Mr. Pownall regarding the same. Each council member then named their appointments:

Ward 1: Joel Buckner and Debbie Strobel

Ward 2: John Crow and Evelyn Creal

Ward 3: Kevin Newsom and Connie Phillips

Ward 4: David Holsted and Thomas R. Pownall

Mayor Hays: Kathleen Rea and Roger Marlin

Parks and Recreation Commission: Vicki Stephens

Council Members: Aldermen Steve Baxter and Charlie Hight

Everyone was directed to send personal information sheets to the City Clerk's Office for distribution to City Council members.

Alderwoman White announced the birth of her third grandson Isaac David in Russellville earlier today.

Mayor Hays invited candidates in the upcoming election to come forward and comment. Mr. John Hout is a Candidate for Pulaski / Perry County Juvenile Court Judge. He has been a Prosecuting Attorney for the last 18 years. He has prosecuted people in child abuse cases and is a Certified Law Enforcement Instructor. He reviewed the duties of Juvenile Court Judge. People need rehabilitation instead of incarceration. Pulaski County Justice of the Peace District 15 Shane Stacks is a candidate for reelection. The Quorum Court is the Legislative Branch of County Government. Pulaski County has an annual budget of \$60 million. The county jail has added 240 additional beds. J.P. Stacks believes in responsibility in government. He named some of the neighborhoods in North Little Rock that he represents which included Park Hill, Lakewood, Indian Hills, Tanglewood, etc. Alderman Charlie Hight is a candidate for reelection in Ward 4. He thanked everyone for their support. He said with a new mayor coming an experienced council will be important. Mr. Darryl Montgomery is a candidate for Ward 3 Alderman. Together we can move the city forward. He said he will work on the city's infrastructure; streets, drainage and sidewalks. Juvenile crime prevention is more than locking people up, youth need to be engaged in meaningful activities. Mr. Montgomery is a School Board member. Expelling students won't solve problems. Mayor Hays thanked all of the candidates for running for office.

Mayor Hays advised Alderwoman Robinson is recuperating from recent surgery and wished her a speedy recovery. Alderman Witcher is not feeling well either.

Mayor Hays referenced a communication that was accepted and filed at the last council meeting regarding Handi Pantry. Ms. Whitbey advised Communication #4 (September 10, 2012) was a letter regarding an application for Retail Beer Off Premises and Small Farm Wine – Retail – New for Handi Pantry, 124 Eureka Garden Road, by Saed Qatoum.

Mayor Hays asked Mrs. Bernadette Rhodes to come forward and introduce Mr. Andrew Carty who will be with the city for one year through a grant provided by AmeriCorps. Mr. Carty is an AmeriCorp Service Member and a 2012 graduate of Hendrix. He has been working with Fit2Live's Community Garden Initiative. The city's cost will be \$5,000.00. He said he is looking forward to the opportunity to work with North Little Rock residents and staff in the future and learn about the community.

Regarding Handi Pantry (see above), Alderman Taylor said the grocery store has been in the same location for over 40 years and has never sold alcohol. The location is within a block of an elementary school and church. This is a quiet neighborhood and residents don't think alcohol sells is a good idea. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, a Voice Vote was taken opposing the application for Retail Beer Off Premises and Small Farm Wine – Retail – NEW for Pandi Pantry, 124 Eureka Garden Road, by Saed Qatoum (6/0). Mayor Hays will send a letter to the Arkansas Beverage Control Board stating the council's opposition. Police Chief Danny Bradley has sent a letter opposing the same.

Mayor Hays advised contractors are working on a drainage project in the downtown area. It was determined that it would be safer and quicker if 7th Street was closed for 60 to 90 days. This will create an inconvenience for some commuters. Alternate routes were reviewed by staff. This closure will go into effect Monday (October 1, 2012). Mayor Hays advised the city has received a grant to connect Emerald Park and the Fort Roots Trails. This project will require the closing of the Highland Trail for 60 to 90 days. Safety of both trail users and workers must be considered. Heavy equipment will be used in the area. Signage is being placed so trail users don't have to double-back. This will be a great addition to the city's trail system. Over the years, (tree) roots have damaged areas of the trail which also need repair. This will require sections of the trail to be closed during those repairs.

Mayor Hays acknowledged Dr. Kathleen Rea who was present and thanked her for serving on the Public Land Task Force.

Mayor Hays announced Citizen Public Comment on Agenda items. Ms. Karen Alford spoke against O-12-83. Her 86 year old mother lives with her. Her neighbor is in her 80's. The neighborhood is fairly quiet with some foot traffic from the Willow House. The proposed day care location is across the street from her. She also said a level two sex offender resides on their street. Sergeant Major Val Rideout, USMC Retired has been before the council on the same issue. He is opposed to a day care

center at this location. He wants the neighborhood to remain quiet and peaceful. Ms. Diane Trent Bakman lives on the same street. She is opposed to the day care and asked the council to deny it. Ms. Bakman gave Ms. Whitbey a letter from Jacquelyn Dixon who lives on West 25th Street and is opposed to a day care center at this location. The street is comprised mostly of seniors and retirees. Ms. Alma Calhoun owns the property. Her daughter is trying to open the day care. The oldest child at the day care would be five. She said children in the day care will not disturb the neighbors. The center would be a controlled environment. They do not want to disturb anyone in the neighborhood. The hours of operation (5:00 a.m. to 7:00 p.m.) were suggested by Planning staff. She has parents on a waiting list for the day care. They have a lot of support, including from Mrs. Sykes and the Assistant Superintendent of the North Little Rock School District. Alderman Taylor asked how many children the facility has been approved to care for. Ms. Calhoun said 12-15. She said the Department of Human Services would allow 6 children per adult. They would have no more than 12.

Without objection, O-12-83 was read.

O-12-83

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A DAY CARE CENTER IN A C-1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 501 WEST 25TH 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 Alderman Taylor, and the roll having been called, and the following members having voted yes: Taylor, Baxter, Foutch and Hight, and the following members having voted no: Ross and White, the motion to suspend the rules and place the ordinance on its second reading failed (4/2). The item will remain on the agenda. (*applicant: NaQuecia Calhoun Shorty*)

Citizen public comment continued. Mr. Tom Singleton spoke regarding R-12-162. They live next door to the property scheduled to be condemned. This house has been a problem for 2 ½ years. It is infested with rats.

Without objection, R-12-162 was read.

R-12-162 (RESOLUTION NO. 8145 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 323 WEST “F” STREET IN THE CITY OF NORTH LITTLE ROCK TO

CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor 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 by consent of all members present, the resolution was adopted (6/0). (*owner: Chase Home Finance LLC c/o Bonita Ridgeway*) Alderwoman Ross advised the owner had 30 days to appeal the council’s decision.

UNFINISHED BUSINESS

None.

NEW BUSINESS

R-12-160 (RESOLUTION NO. 8146 – 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 NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and by consent of all members present, the resolution was adopted (6/0).

R-12-161 (RESOLUTION NO. 8147 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1322 POPLAR STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor 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 (6/0). (*owners: Randy Bogard / George Bates, III*)

R-12-162 *called earlier in meeting.*

R-12-163 (RESOLUTION NO. 8148 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 11 BAKER CIRCLE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor 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 (6/0). (*owner: Nationstar Mortgage LLC c/o James E. Soule*)

R-12-164 (RESOLUTION NO. 8149 – MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED AT 818 PARKER (to Andrew D. Calaway and Erin M. Calaway for \$94,000.00) IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Ross. Mayor Hays advised this was an NSP property. Alderman Foutch asked if the money would go back to the city. Ms. Joan Bohannon,

Community Development Director advised NSP1 Funds go back to ADFA and NSP2 Funds go back to the city. This property was funded with NSP1 Funds. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (6/0).

R-12-165 (RESOLUTION NO. 8150 – MAYOR HAYS)

A RESOLUTION APPROVING THE 2013 ANNUAL ACTION PLAN FOR THE CITY OF NORTH LITTLE ROCK, INCLUDING THE 39TH YEAR (2013) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM PROJECTS AND BUDGETS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and by consent of all members present, the resolution was adopted (6/0).

R-12-166 (RESOLUTION NO. 8151 – ALDERMEN TAYLOR AND ROBINSON)

A RESOLUTION AMENDING THE 2012 ANNUAL ACTION PLAN OF THE CITY OF NORTH LITTLE ROCK IN REGARD TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAMS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor 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 by consent of all members present, the resolution was adopted (6/0).

R-12-167

A RESOLUTION ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY LOCATED AT 4820 HAYWOOD IN THE CITY OF NORTH LITTLE ROCK FROM THE ESTATE OF JOE DAN CAMPBELL, SR., DECEASED; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. Alderwoman Ross asked about Title Insurance or a Title Policy and referenced liens etc. Mayor Hays said a check for clear title would be done in the future and asked Mr. Robert Voyles, Planning Director to work with the City Attorney in this regard. The legislation was then held by the sponsor.

R-12-168 (RESOLUTION NO. 8152 – MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF AMR CONSTRUCTION, LLC FOR THE CONSTRUCTION OF A NEW FISHING PIER ON THE ARKANSAS RIVER AT BURNS PARK; APPROPRIATING FUNDS (City's Share - \$45,000.00 from 2010 Parks and Recreation Short Term Financing and \$50,000.00 from the 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. Mayor Hays said the Game and Fish Commission provided an estimate and costs for two projects. The City Engineer's staff advised the estimate was based on lake construction, not river construction which resulted in the cost being underestimated. This grant is a 60/40 match. This would be a big addition to Burns Park. Mr. Chris Wilbourn, City Engineer advised since this is on the river, loads must be considered, along with soil conditions. This will be a cantilever pier which goes off the

bank about 30 feet and 15 feet wide. The ramp will be ADA compliant. On the previous motion, and by consent of all members present, the resolution was adopted (6/0).

R-12-169 (RESOLUTION NO. 8153 – MAYOR HAYS)

A RESOLUTION APPROPRIATING \$9,586.47 FROM ACT 833 FUNDS FOR THE PURCHASE OF FIRE HOSE SECTIONS AND ADAPTERS AND REPAIRS TO HEADSETS FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Foutch, and by consent of all members present, the resolution was adopted (6/0).

O-12-81 (ORDINANCE NO. 8476 – MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT TO ENTER INTO AN AGREEMENT WITH N. HARRIS COMPUTER CORPORATION FOR THE PURCHASE OF SOFTWARE, INCLUDING CONSULATION, INSTALLATION, AND MANAGEMENT OF AN ADVANCED METERING SYSTEM; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor 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 (6/0). 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 (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).

O-12-82 (ORDINANCE NO. 8477 – MAYOR HAYS)

AN ORDINANCE WAIVING COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT TO ENTER INTO AN AGREEMENT WITH ITM GROUP, INC. FOR THE INSTALLATION AND SETUP OF METER SENSE SERVER HARDWARE AND OPERATING SYSTEMS AND PROVIDING HOSTING SERVICES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor 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 (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 roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

O-12-83

Called earlier in meeting.

O-12-84 (ORDINANCE NO. 8478 – ALDERMAN BAXTER)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT THE CORNER OF CRYSTAL HILL ROAD AND CRYSTAL BAY DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM PLANNED USE DEVELOPMENT (PUD) TO R-5, TO ALLOW SINGLE FAMILY RESIDENTIAL BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baxter 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 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: Mike Marlar*)

O-12-85 (ORDINANCE NO. 8479 – ALDERMAN ROSS)

AN ORDINANCE EXTENDING (to December 6, 2012) THE MORATORIUM ON MAJOR HILLSIDE CUTS 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 Foutch, and by consent of all members present, all readings were suspended (6/0). Alderwoman Ross said a lot of progress has been made, however, a little more time was needed. On the motion of Alderwoman Ross 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).

PUBLIC COMMENT

Alderwoman Ross said Saturday, September 29, 2012, is Dark Hollow Days. A parade will begin at 10:00 a.m. at the intersection of Curtis Sykes and 13th Street, down to Pine and end at Joshua Park. Alderwoman White said Bark in the Park will be Saturday at the Burns Park Dog Park from 11:00 a.m. until 2:00 p.m. On October 4, 2012, and Employee Health and Wellness Fair will be from 10:00 a.m. until 2:00 p.m. at the North Little Rock Community Center. Alderman Baxter said the North Little Rock Police Department will hold a Prescription Drug Take Back day from 9:00 a.m. until 2:00 p.m. at 2400 Willow Street. Mr. Harold Ford, Sanitation Director said on October 3rd and 4th, the Pulaski County Solid Waste Management District is hosting an Electronic Recycling Event at Verizon Arena from 8:00 a.m. until 3:00 p.m. Alderman Foutch said the Great River Cleanup Event will be October 6, 2012, beginning at 8:30 a.m. Mayor Hays said the Big Dam Bridge 100 Bike Event is this weekend. Alderwoman Ross said National Night Out will be Tuesday, October 2, 2012. Events are planned around the city. October 9, 2012, will be Fire Fest at the Kroger parking lot (McCain and North Hills) beginning at 5:00 p.m. Everyone is invited to attend this family oriented event. Mayor Hays advised the City of Sherwood had postponed their decision on their Electric Franchise. Mr. Mike Russ, General Manager, North Little Rock Electric said the city will continue to work with them. Mr. C. Jason Carter, City Attorney said there was a lot of discussion, but there was no disfavor of North Little Rock. Mr. Lemoyne Jones has been in the electrical field since the age of 17. He has been keeping up

with Smart Meters and described the reason for them and how they work. People need to learn how to manage their electric usage. Mr. James Ard spoke about snow cone trucks. They are running after dark which is dangerous to small children. Something needs to be done to prohibit them after dark. Mr. Ard said some candidates are putting signs on commercial property without permission. The annual Race for the Cure will be October 20, 2012.

There being no further business to come before the Council, and on the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 8:30 p.m. (6/0), until the next regularly scheduled meeting to be held on Monday, October 8, 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