

October 22, 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, October 22, 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. City Clerk Diane Whitbey and Assistant City Attorney Tijuana Byrd were also present. Alderwoman LINDA ROBINSON was out on medical leave.

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

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, October 8, 2012, were approved, accepted and filed as prepared by the City Clerk (7/0).

A blanket motion was made by Alderman Witcher and seconded by Alderman Baxter, and by consent of all members present, communications #1 and 2, were not read, but accepted and filed (7/0).

1. Amy Smith, Assistant Purchasing Director – 2012 City Auction List (as of 10/15/12).
2. Amy Smith, Assistant Purchasing Director – addition to 2012 City Auction List (as of 10/11/12).

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

3. Ferrell – Associated Plumbers via email to Alderman Taylor re: Service Line Warranty Program (Waste Water and Water) and support of the same.

Mayor Hays advised he approved a letter that went out to residents earlier this year using his signature which outlined the program. A second modified letter went out a few weeks ago. Mayor Hays said he authorized the use of his signature the first time, but was not aware of the second letter. A second letter went out using his signature and City Hall's street address as the return address. Mayor Hays advised he sent a letter requesting his signature not be used without prior authorization and will contact the company by telephone regarding the same.

Mayor Hays invited candidates in the upcoming election to come forward and speak. Mr. Joe Smith is a candidate for North Little Rock Mayor. He has managerial experience in city government. He asked everyone for their support and advised early voting started today. Mayor Hays said the council meeting was not going out on the Comcast channel. However, it is going out over U-Verse. Ms. Patti

James is a candidate for Pulaski/Perry County Juvenile Court Judge. Children who come to juvenile court need to be treated in a way that directs them towards rehabilitation instead of incarceration. Mr. Steve Walden is a candidate for Pulaski County Justice of the Peace District 15. He has been a North Little Rock resident for 36 years. Economic development and water conservation are both important issues. Public safety and the Pulaski County Jail are also important. Alderman Bruce Foutch is a candidate for reelection in Ward 3. He was elected in a Special Election to the position a year and a half ago. During that time he has been on every street in the ward and visited with many residents. A lot of issues were pending and more are coming. Alderman Charlie Hight is a candidate for reelection in Ward 4. He has served in his position for 12 years and enjoyed the opportunity. He said experience matters and encouraged everyone to vote. District 15 Justice of the Peace Shane Stacks is a candidate for reelection. His area includes Park Hill, Lakewood, Indian Hills, Tanglewood, Summers Avenue area and some of Precinct 19. He stands for physical responsibility and limited accountable government. Our drinking supply is protected by local, state and federal regulations, including a county ordinance. In the interest of personal freedom and property rights, he opposed the current plan for the Watershed area. The main threat to the area is unpaved roads which the current plan does not address. He is a steward of the taxpayers money. Ms. Jane Ginn is a candidate for Ward 4 Alderman. She has been in the neighborhoods and met many residents. She wants the town to be safe and beautiful. She wants to change and improve the area. The number one need is public safety. The fire department should have updated equipment and police officers should have updated vehicles. The salaries should be comparable to those paid by the City of Little Rock. Some streets in the ward are in dire need of maintenance. If streets aren't repaired, people will have to spend more money on vehicle repairs. She suggested the council be a part of the budget process so they can review expenses line-by-line. She was a Professional Purchasing Agent and can use her expertise to help the city control cost. Alderwoman Beth White, Ward 1 is unopposed. She advised unopposed Municipal Candidates will not appear on the ballot. This is pursuant to §7-5-207 which was passed by the State Legislature several sessions ago and applied to elections two years ago. She will continue to serve Ward 1 and the city and is grateful for this opportunity. During the past four (4) years she has met a lot of people and served in the area of health. She helped acquire a grant for the city in the amount of \$1.5 million. Health is more than just food and life traits. Public safety, communication, environment, financial responsibility and economic development and opportunities for healthy choices all go together to make the city a healthy place.

Mayor Hays announced citizen comment on legislation. Ms. Artis Boykin spoke against O-12-87. She asked that residents who live in close proximity to the location stand to show their opposition to the same. They are concerned about long-term health effects, devaluation of property values, close proximity to a relay station and lack of communication with the community. Grass had not been cut from September 25 to October 18, 2012, and grew to over three (3) feet during that time. Opossums, squirrels and rats have all been seen coming out of the tall grass. These animals are causing health hazards to the residents. Ms. Boykin referenced two cellular towers which have been camouflaged to blend into the surroundings in other parts of the city. This tower would be located in an open field and visible to everyone. The residents want a voice in this decision and asked the council to vote against

the erection of a 195-foot microwave tower. Ms. Rose Eskridge has lived in North Little Rock 64 years and is employed by the North Little Rock School District. She is opposed to the microwave tower in her neighborhood. There are a lot of children in the area. A tower in the area could be a safety issue. She asked that council members deny the application.

UNFINISHED BUSINESS

O-12-87

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A 195-FOOT MICROWAVE TOWER WITHIN 1200 FEET OF ANOTHER COMMUNICATION TOWER IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 912 NORTH PINE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time October 8, 2012, was read a second time this date. Alderman Taylor advised he is waiting for an opinion from the City Attorney's Office regarding this type of Special Use. The applicant, Mr. Kevin Harris is no longer with the company making the request. Alderman Taylor is working with the new representative to set up a meeting with residents. As a realtor, his duty is to protect private property rights. As a council member he has to look out for his constituents. He is not in favor of this application. Mayor Hays advised the legislation will be called for a vote at the next meeting. There being no motion to suspend the rules, the legislation will remain on the agenda.
(applicant: Kevin Harris)

NEW BUSINESS

R-12-187 (RESOLUTION NO. 8172 – MAYOR HAYS)

A RESOLUTION APPOINTING JON BEAVERS TO THE POSITION PREVIOUSLY HELD BY DOYALENE WASSON ON 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). Mayor Hays acknowledged Mr. Beavers who was present and thanked him for his service. Mrs. Suzanne Jackson (History Commission) and her husband Johnny Jackson were also present.

R-12-188 (RESOLUTION NO. 8173 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2507 PARKER STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross 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). (owners: Roy and Karen Skinner)

R-12-189 (RESOLUTION NO. 8174 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 308 SHORT 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 Alderwoman Ross and seconded by Alderman Taylor. Mayor Hays convened a public hearing. Ms. Shirley Simpson said there hasn't been utility service to the house in years. People have lived there but didn't pay rent or pay utilities. The house is messed up and police have been called to the location several times. The windows and doors have been broken. The owner doesn't want to rehabilitate the house. It needs to be torn down. There being no one else 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). (*owner: Choice Equity Investment*)

R-12-190 (RESOLUTION NO. 8175 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 719 HYACINTH 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 Baxter 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). (*owner: Alline Thompson*)

R-12-191 (RESOLUTION NO. 8176 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1103 WEST 23RD 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 Witcher 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). (*owner: Phillip V. Persson*)

R-12-192 (RESOLUTION NO. 8177 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 903 WEST 45TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PRPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER

PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Foutch. 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). (*owner: Bettie M. Nash*)

R-12-193 (RESOLUTION NO. 8178 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2118 MOSS 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 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 (7/0). (*owner: Coleman Vines and Associates*)

R-12-194 (RESOLUTION NO. 8179 – 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 322 SHORT STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES,

was read. A motion to adopt was made by Alderman Witcher 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 (7/0). (*amount - \$7,960.69*)

R-12-195 (RESOLUTION NO. 8180 – MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO SUPPLEMENTAL AGREEMENT NO. 1 WITH MARLAR ENGINEERING CO., INC. TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE McCAIN BOULEVARD IMPROVEMENTS PROJECT FROM FORRESTER ROAD TO HIGHWAY 161, INCLUDING A GRADE SEPARATION AT McCAIN BOULEVARD THE UNION PACIFIC RAILROAD BRIDGE; AND FOR OTHER PURPOSES,

was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Ross. Alderman Foutch referenced the use of 2010 Short Term Financing and this being a new project. Mayor Hays said this was generated by an expedited schedule. This grade separation crossing is important to the city. Mr. Mike Smith, City Engineer said the Arkansas State Highway Department is in the process of acquiring right-of-way and relocating utilities in the area. The city's local share (20%) is \$214,334.11. Alderwoman Ross said the city is mostly land-locked. This will open the opportunity of growth for the city. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

R-12-196 (RESOLUTION NO. 8181 – MAYOR HAYS)

A RESOLUTON EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE FEDERAL AID RECREATIONAL TRAILS FUNDS FOR THE OTT PARK PROJECT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by

Alderman Witcher and seconded by Alderman Taylor. Alderman Foutch asked about the 20% Local Match on this project and if it would be in the form of in-kind work. Mr. Robert Voyles, Planning Director advised the city has some funds toward the development of property. Mayor Hays said this legislation is to clarify a phrase in the previous legislation. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

R-12-197 (RESOLUTION NO. 8182 – 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 Alderman Witcher 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).

O-12-91 (ORDINANCE NO. 8483 – MAYOR HAYS)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A SHEET METAL BUSINESS AND SINGLE FAMILY HOME ON THE SAME PROPERTY IN AN R-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF WALKERS CORNER AND OLD HIGHWAY 30; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor Hays said this property is in the county. On the motion of Alderwoman Ross 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 Alderwoman Ross 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. Mr. Voyles said the applicant wants to live and operate their family business at the same location. 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 adopted (7/0). Emergency clause adopted (7/0). (*applicant: Virginia Davis*)

O-12-92 (ORDINANCE NO. 8484 – ALDERMAN TAYLOR)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 8615 HIGHWAY 70 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM I-3 TO I-1 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; 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 the readings were suspended and the ordinance was placed on its third reading (7/0). The ordinance was read a third and final time. 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, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: Norman Clifton*)

PUBLIC COMMENT

Alderwoman Ross said "Halloween on the Hill" will be October 31, 2012, from 3:00 p.m. until 6:00 p.m. in Park Hill from "A" Street to "H" Street. On November 11, 2012, at 2:00 p.m., a Veteran's Day Ceremony will be held in Laman Plaza. A five-star brass Army Band will perform. Alderwoman White announced a "Walkability Workshop" in Park Hill (JFK area), November 15, 2012. The city is also accepting applications for Fall Community Garden Grants. The deadline is November 15, 2012. Arkansas has the opportunity for winter crops. On October 23, 2012, at 6:30 p.m., "East Night Out" will be held at the North Little Rock High School Freshman Campus Auditorium. Alderman Taylor said the NAACP 24th Annual Speech Competition will be held Saturday, November 3, 2012, at 11:00 a.m. at the Sherman Park Recreation Center. Alderman Witcher referenced Constitutional Amendment No. 1, which is on the ballot for the upcoming General Election. The amendment would provide more money for state highways, county roads, city streets, bridges, and other surface transportation by raising the state's sales tax by 0.5 percent to 6.5 percent for 10 years. The tax wouldn't apply to groceries. This could mean \$1.1 million per year for the 10 year period for the City of North Little Rock. Several projects in central Arkansas include widening Highway 70 to four-lanes between I-30 and Hot Springs, completing Highway 64 to Beebe, adding six-lanes from Little Rock to Conway (which is currently under construction), and adding six-lanes from Jacksonville to Cabot. Alderwoman Ross announced "Fear on Fourth Street", October 26-30th from 7:00 p.m. until 11:00 p.m. and October 31, 2012, from 7:00 p.m. until the last person leaves. The location this year is 204 East 4th Street. This is the Police Athletic League's (PAL) yearly fundraiser. The Haunted House has been held at the old Memorial Hospital and the old Checkmate Club in the past. Mr. C. Jason Carter City Attorney advised the Sherwood City Council met this date and presented a resolution regarding continued Electric service provided by the City of North Little Rock. That resolution was amended to include Entergy and First Electric in negotiations. Mr. Kevin Kelley had an application for a Special Use on the previous council agenda regarding his property at 705 West 37th. The City Attorney's Office advised him he did not need to attend the council meeting as he was in the process of working out a rehab agreement with them. Mr. Kelley spent over \$700.00 in fees to ask the Planning Commission and City Council for consideration. The structure has been there for approximately 70 years and started as a cricket farm, then a cabinet shop, upholstery shop, etc. He has had the building for sale and was unaware that he had to have a business license to continue its previous use. He wants to use it for Commercial Storage and rehabilitate the structure. He asked for someone (council member) to support this item being returned to the agenda. Mayor Hays will visit with Mr. Carter regarding this item. Mr. Kelley said he has meet with Mr. Bill Brown, City Attorney's Office, the Fire Chief, Code Enforcement and Building Inspector regarding this matter. Mr. James Ard said Mr. (Jeff) Baskin at (Laman) Library told him (and others) that they have to hold campaign signs and cannot put them beside their chairs. He said he was told there was a city ordinance regarding the same. Mr. Ard said the Election Commission representative told them what they could and couldn't do. He wants to see the city ordinance that says he has to physically hold a (campaign) sign. There are signs on the other

side of the road in the right-of-way. He's been doing this for 15 years and was never told he couldn't put the sign on the ground by his chair. Ms. Whitbey spoke with Mr. Baskin this afternoon regarding the same. The city clerk's office did not locate a city ordinance requiring a person to physically touch a sign. Mr. Baskin advised the Library allows candidates and supporters to hold their signs or sit with them. However, if the sign is left unattended, it will be removed. Mayor Hays said this is subject to interpretation. Political signs or advertisements cannot be placed on public property. Candidates and supporters are also not allowed to campaign within a certain distance of a polling site.

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 8:01 p.m. (7/0), until the next regularly scheduled meeting (which was rescheduled due to Veteran's Day Holiday) to be held on Tuesday, November 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