June 22, 2015
Six 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, June 22, 2015, was called to order at 6:00 p.m. by the honorable Mayor Joe A. Smith.

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). City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The prayer was led by Alderman Witcher and the pledge of allegiance 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 from the North Little Rock City Council meeting and Special Call meeting held on Monday, June 8, 2015, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present communications #1, and 3 were accepted and filed (8/0).

1. Metroplan memorandum to City Clerk re: annual Unified Planning Work Program (UPWP) document, available for viewing in Clerk's Office.
3. North Little Rock Police Chief Mike Davis letter to Mayor Smith re: Application for 2015 Edward Byrne Justice Assistance Grant (*Note: held public hearing this date*).

On the motion of Alderwoman Ross and seconded by Alderman Foutch, and by consent of all members present, communication #2 was read by title only, accepted and filed (8/0).

2. Karen Scott, Finance Director, letter from EGP, PPLC re: North Little Rock Electric Department Audit for year ended December 31, 2014.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communication #4 was read, accepted and filed (8/0).

4. Mayor Smith letter to City Council members re: announcement of retirement of Parks and Recreation Director Bob Rhoads in 2016 and intent to appoint Terry Hartwick as successor.

Mr. Hartwick and his wife Gina were present. Mayor Smith said he and Mr. Hartwick have worked together for many years and he is excited to have him join the city team. Mr. Hartwick thanked the Mayor and Council members for the opportunity. He said Mr. Bob Rhoads, Parks and Recreation Director has done a great job. He looks forward to working with everyone in the city.

Mayor Smith announced a Special Call scheduled for this date.

June 18, 2015 (via email)

Honorable Members of the North Little Rock City Council

The purpose of this e-mail is to advise you that Mayor Smith has called a special meeting of the North Little Rock City Council at 6:00 p.m. on Monday, June 22, 2015, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

> **O-15-54 – AN ORDINANCE AMENDING CHAPTER 6 (FLOODS – A FLOOD DAMAGE PREVENTION PROGRAM) OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO ADD SECTION 3 UNDER ARTICLE THREE ON COMPLIANCE, GREATER RESTRICTIONS AND LIABILITY DISCLAIMER; DECLARING AN EMERGENCY. Sponsor: Mayor Joe A. Smith**

Pursuant to Sec. 2-48(2) of the North Little Rock Municipal Code, you are entitled to 72 hours' *electronic* notice of this meeting. Please acknowledge receipt of this e-mail as soon as possible by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

C. Jason Carter
City Attorney

Special Call O-15-54 (ORDINANCE NO. 8748 – MAYOR SMITH)
AN ORDINANCE AMENDING CHAPTER 6 (FLOODS – A FLOOD DAMAGE PREVENTION PROGRAM) OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO ADD SECTION 3 UNDER ARTICLE THREE ON COMPLIANCE, GREATER RESTRICTIONS AND LIABILITY DISCLAIMER; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mr. Chris Wilbourn, Traffic Services Director advised this is in addition to legislation recently adopted by the city council. This section was inadvertently left out. On the motion of Alderman Witcher and seconded by Alderman Foutch, and by consent of all members present, the readings were suspended (8/0). On the motion of Alderman Witcher and seconded by Alderman Hight, 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).

Mayor Smith convened a scheduled public hearing re: O-15-38 – an ordinance Establishing the Northshore Lane Multi-Purpose Municipal Improvement District No. 36. Mr. John Hardin, Attorney at Law represents Gene Pfeifer, Limited Partnership, property owner in the Northshore Business Park. The petition for an improvement district proposes one of two alternative roads on Northshore Lane. Mr. Hardin referenced attachments to the petition. The council will determine if requirements have

been met. Mr. Pfeifer said he represents 30 businesses and institutional citizens of North Little Rock. Most came here because of North Little Rock's reputation of being friendly to newcomers and supportive of existing businesses. Many now deal with daily (traffic) congestion and existing traffic patterns. Mr. Pfeifer represents the balance of the existing sites in the business park that will add to the city's tax base and employment numbers. He also represents himself. Mr. Pfeifer said Northshore Business Park has been said to be unwilling to build the road or build in time to match construction of an apartment project. He said the business park would be a minority member of the district. Mr. Pfeifer said this is an enabling mechanism to use to build this road. Mr. Matt Chandler said the Chandler's do not support to formation of a special improvement district. The Lindsey Group was not present at this meeting, but did give Mr. Chandler authorization to advise that they also oppose this request. There being no one else wishing to be heard, Mayor Smith adjourned the public hearing.

Mayor Smith convened a public hearing re: North Little Rock Police Department's Application for a 2015 Edward Byrne Justice Assistance Grant. There being no one present wishing to be heard, the public hearing was adjourned.

Mayor Smith announced citizen comment on legislation. Mr. James Ard spoke regarding R-15-91. He said he wasn't sure what the legislation was regarding, however, he understood the city was opposed to the incorporation of the Town of Little Italy. He doesn't think the City of North Little Rock should stop this. There being no one else wishing to be heard, unfinished business was called.

UNFINISHED BUSINESS

O-15-38

AN ORDINANCE ESTABLISHING THE NORTHSHORE LANE MULTI-PURPOSE IMPROVEMENT DISTRICT NO. 36 OF THE CITY OF NORTH LITLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith. (*Note: a scheduled public hearing was held this date*). (*petitioned by Eugene Pfeifer, III and Matt Chandler*)

CONSENT AGENDA

On the motion of Alderman Witcher and seconded by Alderman Taylor, and all members present having voted "aye", consent items R-15-84, R-15-85, R-15-86, R-15-87 and R-15-88 were adopted (8/0).

R-15-84 (RESOLUTION NO. 8811 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT FROM THE CITY OF NORTH LITTLE ROCK TO MAGELLAN PIPELINE COMPANY, L.P TO ALLOW CONSTRUCTION OF A GASOLINE PIPELINE UNDER A PORTION OF TEXOMA AVENUE; AND FOR OTHER PURPOSES, was adopted (8/0). (*$4,860.00*)

R-15-85 (RESOLUTION NO. 8812 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT FROM THE CITY OF NORTH LITTLE ROCK TO MAGELLAN PIPELINE COMPANY, L.P. TO ALLOW CONSTRUCTION OF A GASOLINE PIPELINE UNDER A PORTION OF TEXOMA AVENUE; AND FOR OTHER PURPOSES, was adopted (8/0). (*$6,750.00*)

R-15-86 (RESOLUTION NO. 8813 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT FROM THE CITY OF NORTH LITTLE ROCK TO MAGELLAN PIPELINE COMPANY, L.P. TO ALLOW CONSTRUCTION OF A GASOLINE PIPELINE UNDER A PORTION OF LYNCH DRIVE; AND FOR OTHER PURPOSES, was adopted (8/0). (*7,830.00*)

R-15-87 (RESOLUTION NO. 8814 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE EXTENTION AND ADDENDUM WITH THE ARKANSAS BOATHOUSE CLUB; AND FOR OTHER PURPOSES, was adopted (8/0).

R-15-88 (RESOLUTION NO. 8815 – MAYOR SMITH)
A RESOLUTION AUTHORIZING AND RATIFYING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF NORTH LITTLE ROCK, CONWAY, FAYETTEVILLE, FORT SMITH, BENTONVILLE, JACKSONVILLE AND WEST MEMPHIS FOR FAIR HOUSING ASSESSMENTS; AND FOR OTHER PURPOSES, was adopted (8/0).

NEW BUSINESS

R-15-89 (RESOLUTION NO. 8816 – MAYOR SMITH)
A RESOLUTION AMENDING THE 2015 BUDGET (RESOLUTION 8711) FOR THE CITY OF NORTH LITTLE ROCK TO PROVIDE FUNDING FOR CERTAIN CAPITAL IMPROVEMENTS AND OTHER SERVICES FOR THE NORTH LITTLE ROCK AIRPORT FACILITIES; 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). (*City's Match $50,000.00 – 10% of total costs*). Mayor Smith commended Mr. Clay Rogers, Airport Director for his work on applying for and getting the grant valued at half a million dollars. Mr. Rogers said this Saturday, June 27, 2015, is the date for the North Little Rock Airshow. Times are 10:00 a.m. until 2:00 p.m. Gates will open at 9:00 a.m. There will be vintage airplanes, aerobatics, a car show and food trucks. The public is invited to attend.

R-15-90 (RESOLUTION NO. 8817 – MAYOR SMITH)
A RESOLUTION RATIFYING THE CONTRACT WITH CINERGI CONTRACTORS FOR THE NORTH LITTLE ROCK SIDEWALK PROGRAM FOR 2012-2014; AUTHORIZING THE EXTENSION OF SAID CONTRACT THRU DECEMBER 31, 2015; AND FOR OTHER

PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. Alderwoman Ross asked when the city would issue RFP's (Request for Proposals) with regard to this. Mayor Smith said it would have to go out for bid if that is the council's desire. In the past, if the price has remained the same and the work was satisfactory, then the length of the contract was extended. Mr. Carter said the city is allowed by ordinance to extend a contract if the terms are advantageous to the city. Alderwoman Ross said there is no sidewalk program this year. Mayor Smith said there may not be any work this year. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-15-91 (RESOLUTION NO. 8818 – MAYOR SMITH)
A RESOLUTION OPPOSING THE INCORPORATION OF THE TOWN OF LITTLE ITALY IN PULASKI COUNTY, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Baxter. Mayor Smith said Central Arkansas Water Directors and Board members are concerned that the Incorporation of the town of Little Italy will take them out of the jurisdiction of the county (Pulaski) and the county's jurisdiction over the watershed. Mayor Smith said he loves the area and has no problem with the incorporation as long as the watershed is protected. A hearing will be held before our next scheduled council meeting. Central Arkansas Water and representatives for Little Italy have met. There may be a way to continue to protect the watershed if they incorporate. Mayor Smith proposed an amendment provided by Central Arkansas Water's attorney. On the motion of Alderman Taylor and seconded by Alderwoman White, and by consent of all members present, the resolution was amended as follows:: *Section 3: add* UNLESS AND UNTIL CENTRAL ARKANSAS WATER WITHDRAWS ITS OPPOSITION TO THE INCORPORATION OF LITTLE ITALY (8/0). On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-15-92 (RESOLUTION NO. 8819 – MAYOR SMITH)
A RESOLUTION APPROVING AND CERTIFYING AMOUNTS OF LIENS TO BE FILED WITH 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 Taylor and seconded by Alderwoman White. Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. Mr. Carter said this legislation follows a new form of resolution wherein Mr. Tom Wadley, Code Enforcement Director can administratively strike through anyone who has paid before filing it with the county. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

Alderman Hight said he has received a lot of calls regarding houses in foreclosure that sit and deteriorate. He asked if there was anything the city could do about this. Mr. Carter said until the

property violates the nuisance abatement ordinance there isn't anything that can be done. Properties are sometimes tied up in bankruptcy and under an automatic stay to prevent the city from assigning or attaching liens. The city has limited resources.

R-15-93 (RESOLUTION NO. 8820 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 300 PHILLIPS ROAD IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVDING 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 Alderman Foutch. Mayor Smith 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 unanimously adopted (8/0). (*owner: Synovus Bank Special Assets*)

R-15-94 (RESOLUTION NO. 8821 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 601 PROTHRO 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 Smith 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 unanimously adopted (8/0). (*owners: Walter and Dollie Faux*)

R-15-95 (RESOLUTION NO. 8822 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STURCTURES LOCATED AT 1012 EAST 2ND 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 Robinson. Mayor Smith 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 unanimously adopted (8/0). (*owner: Bessie Warren*)

R-15-96 (RESOLUTION NO. 8823 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 105 DAVIS 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 Robinson.

Mayor Smith 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 unanimously adopted (8/0). (*owners: Jan J. and Richard L. Smith*)

R-15-97 (RESOLUTION NO. 8824 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2222 EAST 2ND 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 Robinson. Mayor Smith 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 unanimously adopted (8/0). (*owner: Dorothy Carter*)

O-15-52 (ORDINANCE NO. 8749 – ALDERWOMAN WHITE)
AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 4604 JFK (*John F. Kennedy*) BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-2 TO C-3 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 Alderwoman White and seconded by Alderman Taylor, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mayor Smith asked about the reclassification. The applicant, Mr. John Pownall said current zoning is for a small, single structure lot. C-3 would allow a larger strip center. On the previous motion, 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: John Pownall*)

PUBLIC COMMENT

Mr. Lee Jeffrey is President of the Dixie CDC. (Members) were present to ask for a solution regarding their walking trail. It has been in the works for three years. Mr. Jeffrey asked if the trail could be completed and dedicated during Dixie Days, August 8. Mayor Smith asked Mr. Jeffrey to stay after the meeting to meet with him and the city engineer to find out the status. Mr. James Ard said he has turned in nine people for not having a (city) privilege license. No one will do anything. The city loses money when they don't pursue this. Businesses have unpermitted banners out too. No one will check on them. He said if he has to have a license, other people should too. There are people cutting yards all over the city with no license. He has turned in vehicle license plate numbers. The city either needs to enforce its ordinances or do away with them. He referenced an ordinance pertaining to tying horses. He said people are putting blacktop over rollup (street) gutters causing drainage problems. Mr. Ard said the city engineer told him they are all over town. Alderwoman Robinson said she has had

complaints about clothing drop off boxes at the Rose City Shopping Center. The name on the boxes is AMVETS. Clothes are piled around the container. People are rummaging through them. The clothing is out in the rain. She asked what the city could do about this. Mayor Smith said he was made aware of this and he and Chief of Staff Danny Bradley are working on it. Alderman Baxter said he ran into several chaperones and eight teenage boys who were in town for the Soccer Tournament at Burns Park. He said he introduced himself and they were very complimentary of our fields. He thanked all of the city employees who worked hard to get the fields ready after recent flooding. Mayor Smith said the city is planning an appreciation luncheon for city employees involved in the cleanup and will let the council know when it is so they can attend. Mayor Smith also commended Jason Rhodes, Parks Superintendent for all his efforts. Mr. (Bob) Rhoads, Parks and Recreation Director said it is estimated that people who are in town for the Soccer Tournament will have an economic impact of $5.7 million. Mr. Rhoads said the tournament will continue for three more days. One Arkansas team remains in the tournament. Alderman Hight asked the status of the river trail west of Burns Park. Mr. Rhoads said there are areas still under water. The river crested yesterday and is receding. There is some damage at Cooks Landing. Alderman Hight asked if something could be done about the islands at the intersection of North Hills and McCain and suggested paving over them. Alderwomen Ross and White said a plan was made. Alderman Baxter said Waste Management has had mechanical issues which have caused them to run behind. This is an issue citywide. Mayor Smith said there are issues in North Little Rock and Little Rock. Mechanical problems are expected, however, backup plans should be in place. Alderwoman Ross said the monthly reports that have been provided by Waste Management are incomplete. Ms. Whitbey said there are lot of permitted door to door solicitors in the city at this time. ARM Security submitted 23 a few weeks ago which were approved. Another 23 were submitted last Friday. Ms. Whitbey has obtained ordinances from surrounding cities and will work with Chief Bradley, Chief Davis and Mr. Wadley to come up with a proposed revision to current legislation. Mayor Smith asked Mr. Carter if the city could forbid door to door solicitation. Mr. Carter said it could not. The city can regulate business in the city, however, people have the right to walk the street. People can go door to door representing their church, etc. Mayor Smith then asked if commercial door to door solicitation could be prohibited. Alderwoman Ross asked about people who are hanging coupons on doors. Ms. Whitbey said the company providing the flyers/coupons is supposed to be licensed. Alderwoman White asked about no soliciting signs. Mr. Carter said if you own property, then you have the right to say how people can use your property. Alderwoman Ross said the city of Fayetteville has stickers issued by the city that residents can put on their door regarding no soliciting.

There being no further business to come before the Council, and on the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 6:51 p.m. (8/0), until the next regularly scheduled meeting which will be held on Monday, July 13, 2015, at six o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED:_____

MAYOR JOE A. SMITH

ATTEST:_____

DIANE WHITBEY, CITY CLERK