

April 23, 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 meeting scheduled for Monday, April 23, 2012, was called to order at 7:02 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 Hays was out of town. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderwoman Robinson, followed by the pledge of allegiance to the flag which was led by Alderman Taylor.

On the motion of Alderman Witcher and seconded by Alderman Foutch, and by consent of all members present, the minutes of a regular council meeting held on Monday, April 9, 2012, were approved, accepted and filed as prepared by the City Clerk (8/0).

Acting Mayor Hight asked everyone to keep the family of former North Little Rock Mayor William F. "Casey" Laman in their prayers. Mayor Laman died last week at the age of 98.

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

2. Mayor Hays, letter to Diane Whitbey and City Council members re: Mayor Hays out of town, April 23, 2012, Alderman Charlie Hight will preside over City Council meeting.

On the blanket motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, communications #1, and 3, were not read, accepted and filed (8/0).

1. Mr. Jerry Yanker (via email) letter to Mayor Hays and City Council members re: need for Fire Protection in his area of the city (Willow Beach).
3. Mr. Jim Julian, Attorney at Law, Chisenhall, Nestrud and Julian, P.A. letter to Mayor Hays re: Argenta City Club.

Acting Mayor Hight announced his granddaughter Hadley Caitlyn Hight was born last Friday night. Hadley weighed 6 pounds and 7 ounces and was 19 inches long.

Acting Mayor Hight asked City Treasurer Mary Ruth Morgan to come forward. Mrs. Morgan then read a proclamation proclaiming the week of April 29 – May 5, 2012, as Municipal Clerks Week in North Little Rock. Mrs. Morgan then presented the proclamation to City Clerk Whitbey.

Acting Mayor Hight announced citizen public comment on agenda legislation. Mr. Robert Fureigh spoke regarding R-12-71 (Argenta City Club Lease). He had the following questions regarding all non-profit organizations which lease city owned-property in North Little Rock. 1. How many city-owned properties are leased to non-profit organizations? 2. Where are the properties? 3. Who are leasing the properties? 4. Are by-laws on record with the city? 5. Is membership a matter of public record? 6. Does the city maintain any of the properties? 7. Are annual reports made to the city? 8. Are there properties available to other non-profit organizations? 9. Is there a protocol regarding properties that may be available? 10. Are meetings private or privileged? 11. Does the city contribute funds to any of these non-profits? 12. Are the non-profits considered taxpayer supported? Mr. Fureigh suggested the council appoint a committee to review all properties currently leased to non-profit organizations and adopt standard procedures which would apply to all future non-profit leases of city-owned properties. He suggested extending the Argenta City Club's lease for a period of time to allow a review of other leases. Ms. Joann Keel spoke regarding R-12-60 (Condemnation 322 Short Street). She moved to Monticello due to her health. Before that, she lived in North Little Rock for over 50 years. She lived at 322 Short Street for 40 years. She experienced problems due to ash from an incinerator in the neighborhood. The ash was burning the screens off of her windows. Koppers caused contamination to the air and water. Now her home is being condemned. She can't live there due to the contaminants. She has tried to sell the property and had a real estate agent look at the property. She advised Code Enforcement of a pending offer on the property. Code requested something in writing indicating their intent to purchase the property. Mr. James Ard spoke regarding R-12-66 (Condemnation 2009 Magnolia Street). The property used to belong to his aunt and cousin who were in the process of selling the property when they received a registered letter from the city. The letter did not have the right amount of postage so the Cabot post office paid the difference. Code should not have made the recipient responsible for paying postage due. He has talked to other people who have received letters with postage due. He contacted the city's mailroom and was advised they do not stamp the mail. Acting Mayor Hight advised Mr. Ard to submit the letter to the City Attorney to look into the matter. Mr. Carter advised his office receives a variety of claims against the city. He said the claim needed to be submitted in writing at which time it would be investigated and a recommendation made.

UNFINISHED BUSINESS

O-12-26 (ORDINANCE NO. 8433 – ALDERMAN WITCHER)

AN ORDINANCE PROHIBITING LOGOS, COLORS (OTHER THAN BLACK AND WHITE) OR ANY TYPE OF DECORATIVE/DESIGNER CURB SIGNS OR MARKINGS FOR STREET NUMBERS IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time March 26, 2012, was read a

second April 9, 2012, was read a third and final time this date. Alderman Witcher advised he recently learned of someone painting numbers and logos on curbs in the city for a fee. After discussion with Mr. Carter and others it was determined that someone could have something painted on the curb that might be offensive to someone else. During discussions, he learned some neighborhoods might want their own trademark (or logo). You cannot legislate taste or etiquette. Alderwoman Ross supports this

legislation. Alderman Baxter said there are people who do inappropriate things and provided an example of someone retaliating against a neighbor due to the (team) logo they might have on the curb. Alderman Hight said there are approximately five dozen of these logo's in his neighborhood. The man who was painting the logos did it to earn extra money. He has since moved out of state. Alderman Hight does not see it as an issue. If this ordinance is adopted, do the property owner's have to remove the logos and if so, how? Mr. Carter said a date certain could be set. Alderman Hight said the city has enough laws without adding this one. Alderwoman Ross said this would prohibit all logos. Alderwoman White reminded everyone of how displaying house numbers is to emergency services. Alderman Witcher reminded everyone that curbs are public property and that any numbering should be for police and fire. Ms. Whitbey reminded members that all businesses (including curb painters) have to have a license and that the man who was painting the logo's did not. Alderwoman Ross said there is existing legislation which requires the street number be visibly posted on every home in the city. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Hight, who voted no, the ordinance was adopted (7/1). Emergency clause unanimously adopted (8/0).

NEW BUSINESS

R-12-54 (RESOLUTION NO. 8040 – MAYOR HAYS)

A RESOLUTION REAPPOINTING EDWARD NELSON TO THE NORTH LITTLE ROCK WASTE WATER TREATMENT COMMITTEE; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0). Acting Mayor Hight thanked Mr. Nelson who was present for his continued service to the city.

R-12-55 (RESOLUTION NO. 8041 – ALDERMEN BAXTER AND FOUTCH)

A RESOLUTION APPOINTING ~~MELISSA~~ MELINDA STANDLEY TO THE POSITION PREVIOUSLY HELD BY PATRICIA BREWER ON THE NORTH LITTLE ROCK CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. On the motion of Alderman Baxter and seconded by Alderman Taylor, and by consent of all members present, the resolution was amended as follows: *strike through Melissa and insert MELINDA* (8/0). On the motion of Alderman Baxter and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted as amended (8/0). Acting Mayor Hight acknowledged Mrs. Standley who was present and thanked her for her service.

R-12-56 (RESOLUTION NO. 8042 – 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 1004 CREST STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Witcher. Acting Mayor Hight 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 unanimously adopted (8/0).
(owners: *Richard L. and Jan J. Smith - \$3,324.13*)

R-12-57 (RESOLUTION NO. 8043 – 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 1501 WEST 20TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Baxter. Acting Mayor Hight 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 unanimously adopted (8/0). (owner: *Brian Patrick Johnston - \$5,326.90*)

R-12-58 (RESOLUTION NO. 8044 – 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 1315 WEST 18TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Acting Mayor Hight 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 unanimously adopted (8/0). (owners: *Joann Green and Michael Winn - \$6,388.20*)

R-12-59 (RESOLUTION NO. 8045 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1320 WEST 13TH 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 Witcher and seconded by Alderman Baxter. Acting Mayor Hight 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 unanimously adopted (8/0). (owner: *Jack H. Griffin*)

R-12-60 (RESOLUTION NO. 8046 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 332 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 Alderman Witcher and seconded by

Alderman Taylor. Acting Mayor Hight convened a public hearing. Mrs. Keel resumed her comments regarding this property. She said the city is responsible for the contamination to her property since they knew about it. The State Health Department also knew. Koppers was not regulated. Mrs. Keel asked why she can't list the house with a realtor. Mr. Tom Wadley, Director of Code Enforcement advised he spoke with a representative from the real estate company who asked if the property were listed, would it stop the condemnation process. He said it would not. Mrs. Keel said she cannot afford to rehabilitate the property. Alderwoman Ross asked how long the home has been vacant. Mrs. Keel said she became ill in 2009. Mr. Wadley said utilities have been off since December, 2008. 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 unanimously adopted (8/0).
(owners: William L. Keel, Sr. and Joann Keel)

R-12-61 (RESOLUTION NO. 8047 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1508 CHANDLER 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 Witcher and seconded by Alderwoman Ross. Acting Mayor Hight 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 unanimously adopted (8/0). (owner: Bessie S. Sharp)

R-12-62 (RESOLUTION NO. 8048 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 509 and 511 WEST 16TH 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. Acting Mayor Hight 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 unanimously adopted (8/0). (owner: Leo Gilliam)

R-12-63 (RESOLUTION NO. 8049 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1319 WEST 11TH 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 Robinson and seconded by Alderman Taylor. Acting Mayor Hight 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 unanimously adopted (8/0). (*owners: Neill Reed and Tonya Pate*)

R-12-64 (RESOLUTION NO. 8050 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1413 ½ WEST 16TH 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. Acting Mayor Hight 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 unanimously adopted (8/0). (*owner: Deleana M. Hammond*)

R-12-65 (RESOLUTION NO. 8051 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2023 AUGUSTA 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 White. Acting Mayor Hight 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 unanimously adopted (8/0). (*owner: Myrtle Henry*)

R-12-66 (RESOLUTION NO. 8052 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2009 MAGNOLIA 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 Alderwoman Robinson. Acting Mayor Hight convened a public hearing. Mr. Ard advised the property was sold and said the new owner may not have received proper notice. Mr. Wadley advised Ms. Felicia McHenry, Code Enforcement Officer spoke with Mr. Brandon White (by telephone) on March 5, 2012, who advised he had purchased the property and would need additional time to rehab or demolish the structure due to a lack of funds. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (*owner: Brandon White*)

R-12-67 (RESOLUTION NO. 8053 – MAYOR HAYS)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT (*in the amount of \$807,500.00*) AWARDED TO THE CITY OF NORTH LITTLE ROCK THROUGH THE

ARKANSAS COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM FOR IMPROVEMENTS AT THE FIVE MILE CREEK WASTE WATER TREATMENT PLANT; RATIFYING GRANT AGREEMENT WITH ARKANSAS ECONOMIC DEVELOPMENT COMMISSION; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Alderman Witcher asked what the matching amount would be. Mr. Marc Wilkins, Waste Water Department Director advised it is about \$2 million. This is a large project. This grant covers the first phase of construction. Alderman Foutch asked if additional staff would be required. Mr. Wilkins said no. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-12-68 (RESOLUTION NO. 8054- MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH CMS CONSULTING, INC. TO PROVIDE ADMINISTRATIVE SERVICES FOR THE FIVE MILE CREEK WASTE WATER TREATMENT PLANT IMPROVEMENTS AEDC IKE2 DISASTER PROJECT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Alderman Foutch asked if CMS Consulting was a temporary hire. Mr. Wilkins advised yes. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-12-69 (RESOLUTION NO. 8055 – MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR ELECTRIC CUSTOMER ASSISTANCE WITH CENTRAL ARKANSAS DEVELOPMENT COUNCIL (CADC); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Alderwoman Ross asked Ms. Jill Ponder, North Little Rock Electric Department to explain the program. Ms. Ponder said it provides assistance to low income North Little Rock Electric Department Customers (up to \$700.00). Last year, only 54 of the 382 approved applicants were homeowners. Alderman Foutch asked about the funding to CADC. Ms. Ponder said this program has been in effect since 2007. CADC administers the entire program and has very strict guidelines. Alderwoman Robinson said the city saves money by outsourcing the program to CADC. An additional city employee, benefits, etc. is not required. Ms. Ponder said state funding is also available. Alderman Foutch said the city writes off over half a million dollars each year in uncollectable (electric utility) debt and asked how many of these applicants end up in that category. 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-12-70 (RESOLUTION NO. 8056 – MAYOR HAYS)

A RESOLUTION APPROVING AND RATIFYING ADJUSTMENTS TO THE 2012 ANNUAL ACTION PLAN TO DECREASE PROJECT FUNDING AMOUNTS IN ACCORDANCE WITH THE REDUCTION IN THE 2012 CDBG AND HOME FUNDING TO THE CITY OF NORTH

LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderwoman Ross. Alderman Baxter asked if the amount would be reduced next year. Alderman Witcher advised he serves on a committee for the National League of Cities and this is something they are addressing. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-12-71 (RESOLUTION NO. 8057 – ALDERMAN TAYLOR)

A RESOLUTION APPROVING A LEASE BETWEEN THE CITY OF NORTH LITTLE ROCK, ARKANSAS AND THE ARGENTA CITY CLUB, INC. (304 Pershing Avenue); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Alderman Baxter referenced a conversation he had with Mr. Carter regarding lease agreements between the city and other non-profit organizations. Mr. Carter said the city has a number of lease agreements (about 30). The city does not have a standardized agreement. Agreements mature over time. Alderman Baxter referenced changes in the previous lease and this one. The requirement of an annual report is a step in the right direction. Mr. Carter referenced some of the other leases the city has. In many cases, the non-profit leasing the property has provided significant improvements and upgrades. Alderwoman Robinson said requirements in this agreement will apply to future lease agreements as they come up for renewal. Alderman Taylor said some of these organizations vary in what they do, where and how. Alderwoman Ross asked what the city provides. Mr. Carter said the only thing the city does is insure the structure. Alderman Hight said the circumstances will be different for each site and referenced Dickey-Stephens Park. Alderman Baxter said he is not aware of what the Woman's Club does or what benefit it provides to the city. Alderwoman Ross said the Woman's Club was involved in restoring the Mural on the Flood Wall. Ms. Whitbey and Alderwoman Ross are members of the club. Ms. Whitbey said the club provides funds to various senior housing locations in the city (Bowker House, Heritage House, Willow House and Campus Towers) and the Hays Center. Scholarships are also provided (to North Little Rock High School Students). On the previous motion, and by consent of all members present, with the exception of Aldermen Hight and Witcher, who passed due to a conflict of interest, the resolution was adopted (6/2).

R-12-72 (RESOLUTION NO. 8058 – ALDERMAN WHITE)

A RESOLUTION IMPLEMENTING GUIDELINES FOR HEALTHY FOOD OPTIONS AT CITY-OWNED FACILITIES OR CITY-SPONSORED MEETINGS AND EVENTS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Mr. Rod Himon, Community Development Office of Sustainability said these guidelines will help the city provide healthier options for our employees. Mrs. Bernadette Rhodes, Fit 2 Live Coordinator read a statement from Stephanie Allsburg, Registered Dietician and Certified Diabetes Educator at Baptist Health. She has received requests from city employees for healthy food options at work. Additionally, employees with high blood pressure or diabetes have requested healthy snacks to help them manage their symptoms. Healthy food options will provide employees with healthy options. Alderman Hight said he appreciates the efforts of Alderman White, Mrs. Rhodes and Mr. Himon. Alderman Foutch asked who provides vending machines at city buildings. Mr. Himon said it is

Heritage Vending. Alderman Foutch had concerns regarding the agreement and asked what options the vendor has if this becomes a money losing proposition. Mrs. Rhodes said grant funding is available to offset some of the risks. Alderman Hight works for a small company with one vending machine. The customers dictate what goes into the machine. Alderman White said the placement of foods in machines makes a difference in the customer's selection. Alderwoman Robinson said this is reasonable for city-owned facilities, but not at private facilities (businesses). Alderman Baxter asked about options at the ballpark concession stands in Burns Park. He asked if the city was sponsoring or supporting Riverfest. If the city is supporting an event, whoever is hosting the event would be encouraged to follow these guidelines. Alderman Witcher made a motion to amend which was seconded by Alderwoman White. Alderman Foutch asked about item 4. Mr. Himon said grant funds are available to purchase a refrigerator or microwave is needed to support employees in bringing healthy lunches and snacks to work. Alderman Witcher said his grandson would rather have an apple than fries. After further discussion among council members, Alderman Witcher called for the question. On the previous motion, and by consent of all members present, the resolution as amended as follows:: *substitute Exhibit "A"* provided this date (8/0). On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, with the exception of Alderman Foutch, who voted no, the resolution was adopted as amended (7/1).

O-12-35 (ORDINANCE NO. 8434 – MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR REPLACEMENT OF AIR CONDITIONING UNITS AT THE BURNS PARK HOSPITALITY HOUSE; DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Witcher 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 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). (*\$5,000.00 – insurable deductible – Sales Tax Capital Improvement Fund*)

O-12-36 (ORDINANCE NO. 8435 – ALDERMAN BAXTER)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 9200 COMMERCE COVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-3 TO I-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OR 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 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 (8/0). 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 (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). (*applicant: Eugene Terry*)

O-12-37 (ORDINANCE NO. 8436 – ALDERMEN ROSS AND WHITE)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 4000 CAMP ROBINSON ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM C-1 TO C-3, TO ALLOW EXPANSION OF AN AUTOZONE BUSINESS, BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Ross and seconded by Alderman Taylor, 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. Alderwoman Ross introduced the applicant who advised they are expanding to gain more storage. On the motion of Alderman Taylor 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: Jacob Shy*)

O-12-38

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 700 DIXIE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM I-2 TO I-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 Alderman Taylor 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 (8/0). 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 (8/0). The ordinance was read a third and final time. Mr. Cliff McKinney, Attorney at Law with Quattlebaum, Grooms, and Mr. Matt Bell, Commercial Metals Company (CMC Recycling) spoke regarding the request. The applicant is a Fortune 500 Company. Alderwoman Robinson said the request is for a Recycling Plant. She asked if old cars would be recycled (crushed). Mr. Bell said all kinds of metals would be recycled (aluminum cans, cars, refrigerators, etc.). It will not be a salvage/storage yard. Whatever they buy will be resold within days. Noise from the machinery would be similar to road crew noise (backhoe, etc.). They primarily purchase from retail and/or industrial manufacturing (over 60 percent) and have 36 locations across the United States. Alderman Taylor asked about the impact on traffic in the area. Alderwoman Robinson said another recycling location has trucks lined up causing issues. She also had concern with the noise created when cars are recycled. Mr. Bell said they would purchase and ship approximately 10 to 15 truck loads per day. Recycling materials will be done in various areas based on the material, some inside and some outside. This location would work well due to its proximity to the railroad. Alderman Witcher asked about fluids remaining in vehicles. Mr. Bell said they verify that fluids have

been removed. Alderman Hight asked where materials would be stored. Mr. Bell said some would be inside and some would be outside. Processed materials would be stored outside for no more than a few days. Alderman Baxter asked about the hours of operation, which would be 8:00 a.m. until 4:00 p.m. Alderwoman Ross asked about run-off. Mr. Bell said they have permits from the Arkansas Department of Environmental Quality (ADEQ). Alderwoman Ross referred to legislation from the 1952 prohibiting junk and salvage yards in the city. Mr. Bell reiterated their business is not a salvage or junk yard. They are a metal recycler and do not sell to the public. They provide a needed service to the community. Mr. Carter referenced the Zoning Ordinance Table of Uses which indicates that junk and salvage yards are not allowed in the city (except for those that were “grandfathered” in). Scrap metal storage and sales is permitted in an I-3 zone. The council should consider if this location is appropriate for an I-3 classification. The facility has been there a number of years. Alderman Taylor said other businesses in the area include a Transition Center and Tyson Chicken Processing Plant. A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch, and the roll having been called, and all members present having voted no, the motion to adopt failed (0/8). (*applicant: Cliff McKinney*)

O-12-39 (ORDINANCE NO. 8437 – ALDERMEN BAXTER AND FOUTCH)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A CLINICAL LAB AND OFFICES IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 9780 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 (8/0). 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 (8/0). The ordinance was read a third and final time. Alderman Foutch was added as a cosponsor. 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: Keith Richardson*)

O-12-40 (ORDINANCE NO. 8438 – ALDERMAN BAXTER)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW GENERAL OFFICES IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 9209 MAUMELLE BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

On the motion of Alderman Taylor and seconded by Alderman Witcher, and by consent of all members present, all readings were suspended (8/0). A motion to adopt was made by Alderman Baxter and seconded by Alderman Witcher. Alderwoman Ross asked if the classification in this area should be changed to a Commercial Classification. Mr. Voyles said Maumelle Boulevard was originally classified as Industrial. 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: Reggie Wright*)

O-12-41 (ORDINANCE NO. 8439 – ALDERMAN BAXTER)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AFTER SCHOOL CARE IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 9300 COUNTS MASSIE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Witcher, and by consent of all members present, all readings were suspended (8/0). On the motion of Alderman Baxter and seconded by Alderman Taylor, 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: Connie Raley*)

O-12-42

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AUTO SALES IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4108 MacARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PUPROSES, 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 (8/0). On the motion of Alderman Baxter and seconded by Alderman Taylor, 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. Alderwoman Robinson asked if the applicant was present and noted that only five vehicles are permitted at the lot at any one time. Alderman Baxter said the applicant was aware of this and noted there is no parking illustrated. Alderman Taylor said vehicles for sale would have to be stored on the city's right-of-way. Alderwoman Robinson said they cannot be stored in the right-of-way. Alderman Baxter sponsored the legislation for consideration only to give the applicant his due process. Mr. Carter referenced Section 2. b) pertaining to right-of-way. Mr. Voyles said applicants were contacted and notified of this meeting date and time. The legislation was then held by the sponsor, Alderman Baxter. At the request of the council, Mr. Voyles will invite the applicant to the next council meeting. (*applicant: Mike Clayton*)

O-12-43 (ORDINANCE NO. 8440 – ALDERMEN ROBINSON AND TAYLOR)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A MARINA IN A CONSERVATION/TND ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1500 RIVER ROAD 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 (8/0). On the motion of Alderwoman Robinson and seconded by Alderman Hight, 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. Ms. Lisa Ferrell spoke on behalf of the applicant, Jim Jackson. Alderman Taylor asked if the parking lot would be paved. Ms. Ferrell advised it will. Alderman Hight mentioned the bike trail (and pedestrians). Ms. Ferrell said they view the bike trail as a huge asset to the area. 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: Jim Jackson*)

O-12-44 (ORDINANCE NO. 8441 – ALDERMAN TAYLOR)

AN ORDINANCE AMENDING AN EXISTING PLANNED USE DEVELOPMENT (PUD) LOCATED AT 408 NORTH MAPLE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO ALLOW FOUR SINGLE FAMILY HOMES INSTEAD OF THREE DUPLEXES;

DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, all readings were suspended (8/0). 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 unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Brad Peterson*)

O-12-45

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A TIRE SHOP, CAR SALES AND TRUCK RENTALS IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4017 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Alderman Taylor. (*applicant: Jim Butler*)

O-12-46

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN ICE VENDING MACHINE STAND IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4607 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by Acting Mayor Hight for the sponsor Mayor Hays. (*applicant: Bill Looper*)

PUBLIC COMMENT

Alderman Witcher asked Mr. Voyles (and the Planning Commission) to review Ordinance 2163 and 3605 and make a recommendation to the city council regarding their review. Alderwoman White invited everyone to a Vegetable Gardening: 101 Workshop, Saturday, April 28, 2012, at the Argenta Vegetable Garden, located at 5th and Maple Street (behind the Baker House) from 1:00 p.m. – 3:00 p.m. People can stop by and pick up gardening information provided by the University of Arkansas Division of Agriculture and Pulaski County Cooperative Extension Service. Alderman Foutch reminded everyone this is North Little Rock's week for recycling pickup. He also reminded residents not to put household garbage in the recycling carts. They are for recyclable items only. Mr. Ard asked if he was supposed to write a letter to the city to be reimbursed 15 cents (Postage Due) on a condemnation notice. Mr. Carter said yes, a written request, including the nature of the complaint and the amount of the request. Mr. Ard asked if the city checks postage before mailing items. He said it would cost him money to hire an attorney to write a letter and it's only postage due and that wasn't

right. Alderman Hight said he would make sure Department Heads were advised to review with their employees the proper amount of postage. Mr. Ard asked Alderwoman Ross if she wanted to reimburse him. Alderwoman Ross offered to donate 15 cents on the city's behalf to Mr. Ard, which she gave him (15 pennies). Mr. Ard asked for a copy of the meeting to confirm the transaction. He then counted the pennies and advised he was given 1 too many which he returned. Mr. Ard said council members and relatives harass him. He came to this meeting to get 15 cents which he will return to the Post Office. Alderwoman Robinson said the city needs a Fire station on the east end of town.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the meeting was adjourned at 9:47 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, May 14, 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