

June 11, 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, June 11, 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: MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT, and MURRY WITCHER (6/0), a quorum was declared. Aldermen DEBI ROSS and BETH WHITE were absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

Mayor Hays advised Alderwoman White's father was still recovering from a serious fall and several recent surgeries. She is with the family. Alderwoman Ross was sick.

The invocation was given by Mayor Hays, followed by the pledge of allegiance to the flag which was also led by Mayor Hays.

On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the minutes of a regular council meeting held on Tuesday, May 29, 2012, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the blanket motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, communications #1, 2, 3, 4, and 5, were not read, accepted and filed (6/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Beer and Wine – New for Larry's Pizza*, 5933 John F. Kennedy Boulevard, by Tina Hilton.
2. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Change of Manager from Kerri Binsted*, for Murphy Oil USA #7466, 13201 Crystal Hill Road, by Jacinda R. Ashley.
3. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Replacement from Nirali H. Patel*, for Pioneer Express, 300 Lake Lane by Asif A. Mawani.
4. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Transfer of Location from 5500 MacArthur and On Premises Wine – NEW*, for M&M Social Club, 5200 Crystal Hill Road, by Mittie J. McGuire.
5. Glinda Craigmyle, Mayor's Office memorandum re: *Private Club, Restaurant Wine & Retail Beer on Premises – Change of Manager from Justin Hamlett*, for Fox and Hound English Pub and Grille, 2800 Lakewood Village Drive, by Jean-Louis Mouton.

On the motion of Alderman Baxter and seconded by Alderman Taylor, communication #6 was read, accepted and filed (6/0).

6. Alderwoman Beth White, via email, re: out of town with family following father's accident. Thank you to everyone for the calls and emails of support.

A presentation on the agenda regarding the Boot Camp Campaign will be presented at the next council meeting.

Without objection, O-12-46 was called.

O-12-46 (ORDINANCE NO. 8451 – MAYOR HAYS)

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 read one time May 14, 2012, was read a second time, May 29, 2012, was read a third and final time. Mayor Hays said a couple of council members had concerns with regard to stand alone structures of this nature (ice house) and referenced one on Camp Robinson. Mr. Looper, the applicant, has operated the previously mentioned business on Camp Robinson Road for 25 years. This business would include bagged ice/ice vending and a shaved ice/snow cone business. Alderwoman Robinson preferred that the ice portion be attached to the building. She expressed concerns about maintenance and upkeep of the property. Mr. Looper said he has taken good care of his location on Camp Robinson, where his business has a good reputation. Snow cone sells would be seasonal. Alderwoman Robinson said the yellow color is bright and she would prefer a brown or similar color. Mr. Looper said yellow is his trademark color. A motion to adopt was made by Alderman Taylor and seconded by Alderman Baxter. On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the ordinance was amended as follows: *New Subsections: Section 2: g) THE ICE VENDING MACHINE IS AUTHORIZED AS AN ACCESSORY USE THAT IS RELATED TO ANOTHER PRINCIPAL USE ON THE SUBJECT PROPERTY AS DESCRIBED IN SECTION 1. h) THE ICE VENDING MACHINE SHALL BE PHYSICALLY ATTACHED TO THE STRUCTURE HOUSING THE PRINCIPAL USE ON THE SUBJECT PROPERTY AS GENERALLY DEPICTED IN THE DIAGRAM ATTACHED AS EXHIBIT "D", and i) THE APPLICANT SHALL COMPLY WITH LANDSCAPING REQUIREMENTS FOUND IN ARTICLE 15 OF THE ZONING ORDINANCE (6/0).* A motion to adopt as amended was made by Alderman Taylor and seconded by Alderman Foutch. Alderman Hight looked at an ice house on Brockington which has two large refrigeration units on the top that are visible. He wants to make sure that ice houses in North Little Rock don't look like those outside the city. He referenced Discount Tire in Ward 4 and said the building resembles a house which the neighbors love. He asked if Mr. Looper had considered painting the addition to match the original structure. Mr. Looper said the brick underpinning will be similar. The building will be sheet metal. An awning will serve two purposes, the color is his trademark color, and it covers the roof-top cooling units. Alderman Hight asked if he had considered painting the (sheet) metal to match the brick. Mr. Looper referenced the yellow safety bollards. Alderman Hight made a motion and offered an amendment to paint the building a color that matches or blends with the existing brick

building, which was seconded by Alderwoman Robinson. Alderman Taylor asked if the awning could be addressed too. The awning could be blue and the ice yellow. Alderman Baxter asked if the council could dictate colors of businesses and provided an example. Mr. Carter said the city does not delve into the color of logos, etc. The discussion is related to blending in the permanent structure. Alderman Baxter provided an example of a movie rental box (Red Box). Alderman Hight said a neighborhood with a Bill of Assurance can dictate to a property owner certain guidelines regarding construction (of fences, pools, driveways, brick walls, etc.). Mr. Carter said those are private and contractual. Alderwoman Robinson supports business in the city, but wants them to look nice. On the previous motion, and by consent of all members present, with the exception of Aldermen Baxter and Foutch who voted no, and the Mayor having voted yes, the ordinance was again amended as follows:
Subsection 2: j) THAT THE ICE VENDING MACHINE SHALL BE PAINTED A SIMILAR AND COMPLIMENTARY COLOR TO THE PRIMARY STRUCTURE (5/2). On the motion of Alderman Hight and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (6/0). The emergency clause was also adopted (6/0). (*applicant: Bill Looper*)

Without objection, R-12-92 was called.

R-12-92 (RESOLUTION NO. 8072 – MAYOR HAYS)

A RESOLUTION CONFIRMING THE AGGREGATE PRINCIPAL AMOUNT, MATURITY AND INTEREST RATE SCHEDULES, AND REDEMPTION FEATURES OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS ELECTRIC SYSTEM REVENUE BONDS AUTHORIZED BY ORDINANCE NO. 8443; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Mr. Jack Truemper, Stephens, Inc., reviewed the process and time frame regarding the bonds. On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the resolution was amended as follows: *substitute resolution, etc. provided this date (6/0).* On the motion of Alderman Witcher and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted (6/0).

Mayor Hays announced a Special Call scheduled for this date.

June 9, 2012 (via email)

Subject: Special Call for Monday June 11, 2012

Honorable Members of the North Little Rock City Council:

The purpose of this e-mail is to advise you that Mayor Hays has called a special meeting of the North Little Rock City Council at 7:05 p.m. on Monday, June 11, 2012, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) R-12-95 – A RESOLUTION APPROVING THE SELECTION AND HIRING OF A CONSULTANT BY THE METROPLAN SELECTION COMMITTEE FOR STRUCTURAL ANALYSIS OF THE BROADWAY BRIDGE TO BE USED AS PASSAGE FOR PEDESTRIANS AND BICYCLES OVER THE ARKANSAS RIVER; APPROPRIATING THE CITY’S FIFTY PERCENT (50%) PRORATA SHARE OF THE PHASE I COSTS; AND FOR OTHER PURPOSES. Sponsor: Mayor Hays.

Also attached is an amendment to R-12-92 (re: NLR Electric System Revenue Bonds) to add Section 8 authorizing execution of an insurance agreement and attaching a copy of the same as Exhibit “C”.

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.

Respectfully,
C. Jason Carter,
City Attorney

SPECIAL CALL R-12-95 (RESOLUTION NO. 8073 – MAYOR HAYS)

A RESOLUTION APPROVING THE SELECTION AND HIRING OF A CONSULTANT BY THE METROPLAN SELECTION COMMITTEE FOR STRUCTUAL ANALYSIS OF THE BROADWAY BRIDGE TO BE USED AS PASSAGE FOR PEDESTRIANS AND BICYCLES OVER THE ARKANSAS RIVER; APPROPRIATING THE CITY’S FIFTY PERCENT (50%) PRORATA SHARE OF THE PHASE I COSTS; AND FOR OTHER PURPOSES, was read. A motion to adopt

was made by Alderman Witcher and seconded by Alderman Taylor. Metroplan advised the fee will be a total of \$60,000.00 and would be split with the City of Little Rock. On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present the resolution was amended as follows: *insert \$30,000.00 in the blank in Section 2 (6/0)*. Mayor Hays referenced the Arkansas Highway and Transportation Departments plan to demolish the Broadway Bridge and replace it in place with a new bridge. There has been discussion with regard to building a new bridge at Chester Street. The process could take 18 months or longer. The closure of the bridge would result in all traffic going over either the Main Street Bridge or the Interstate Bridge. If a sales tax is passed in November the Interstate 30 Bridge would be on the list for renovations, including additional lanes, which could take 6 to 10 years. All of this could result in severe restrictions between Little Rock and North Little Rock. The North Little Rock Chamber of Commerce has expressed concern with regard to the Economic Impact on the area (transit, congestion and business). One consultant estimated the impact of closing the bridge for that amount of time could be \$40 million. There are several options if the city partners with the City of Little Rock. North Little Rock City Engineer Mike Smith is representing the city on the Metroplan Selection Committee. Alderman Foutch asked when the last structural analysis was made on the (Broadway) bridge. Mr. Smith said structurally, the bridge is not in bad shape. Mayor Hays referenced the Highway Department’s analysis which included a

demolition estimate of \$3 million. The expenditure proposed in this legislation is minimal when you consider alternatives and future transit. Alderman Hight said he gets a lot of questions about the condition of streets in neighborhoods in the city and asked what the \$30,000.00 could be used for if the legislation failed. Mayor Hays said the analysis will provide some predictability as to an annual budget (regarding the Broadway Bridge). Alderman Witcher made a motion to adopt as amended which was seconded by Alderman Taylor. Alderman Taylor related to both Alderman Hight and Alderman Foutch's comments. The Broadway Bridge directly affects Ward 2's residents. A viable option is needed. Funding would be appropriated from the Street Department Fund. Alderwoman Robinson had concerns regarding traffic and congestion. If the City of Little Rock does not commit to their share, North Little Rock will not proceed. Pulaski County will not participate. On the previous motion, and by consent of all members present, the resolution was adopted (6/0).

No one signed up for citizen public comment on agenda legislation other than the applicant on O-12-46 who spoke when the legislation was called (see above).

UNFINISHED BUSINESS

R-12-84 (RESOLUTION NO. 8074 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 4201 REDDING LANE 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 Robinson. 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: Alfred Turley and Dow Turley*)

R-12-85 (RESOLUTION NO. 8075 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 115 SOUTH LAUREL 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 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 all members present having voted in the affirmative, the resolution was adopted (6/0). (*owner: Annie L. Watson*)

R-12-86 (RESOLUTION NO. 8076 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1400 EAST WASHINGTON AVENUE 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 Baxter. Mayor Hays convened a public hearing. Alderman Taylor advised the owner Mr. Jones wants to enter into a rehab agreement. Mayor Hays adjourned the public hearing. On the previous motion, and by consent of all members present, the resolution was adopted (6/0).
(owner: William H. Jones, Jr.)

R-12-87 (RESOLUTION NO. 8077 – MAYOR HAYS)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1404 SYCAMORE 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. 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: Pamela Lois Martin McDaniel McQuaid).

O-12-52
AN ORDINANCE AMENDING ARTICLE NINETEEN (BOARDS) AND ADDING ARTICLE TWENTY-THREE (SMART CODE ZONING DISTRICT) TO ORDINANCE NO. 7697 (THE ZONING ORDINANCE); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read three times May 29, 2012, and amended. The item was held by sponsor, Mayor Hays.

NEW BUSINESS

R-12-90 (RESOLUTION NO. 8078 – MAYOR HAYS)
A RESOLUTION REAPPOINTING OTISTENE SMITH TO THE PARKS & RECREATION COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (6/0). Mayor Hays thanked Ms. Smith for her continued service to the city.

R-12-91 (RESOLUTION NO. 8079 – 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 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 by consent of all members present, the resolution was adopted (6/0).

R-12-92 (*called earlier in meeting*).

R-12-93 (RESOLUTION NO. 8080 – MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED AT 1214 WEST 8TH STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Foutch. Alderman Foutch asked where the money would go to the city. Ms. Joan Bohannon, Community Development Director advised the money will go back to Arkansas Development Finance Authority (ADFA) (revolving fund). On the previous motion, and by consent of all members present, the resolution was adopted (6/0).

R-12-94 (RESOLUTION NO. 8081 – MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH ARGENTA COMMUNITY DEVELOPMENT CORPORATION TO PROVIDE CONSULTING SERVICES REGARDING FEDERAL COMPLIANCE REQUIREMENTS UNDER THE NEIGHBORHOOD STABILIZATION GRANT PROGRAM; APPROPRIATING FUNDS (\$30,000 – General Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Alderman Foutch asked about these funds. Ms. Mary Beth Bowman, Argenta Community Development Corporation Director said 100 units are underway (some demolition, some construction). Sometimes it takes time to qualify potential home buyers due to credit score ratings, etc. Mayor Hays said the investment in the neighborhood is between \$7 million and \$8 million. Ms. Bowman said if a person doesn't qualify for the entire amount, a lien for the difference could be taken out on the property. If the homeowner stays in the home for 10 years, the amount of the lien is forgiven. However, if the house is sold before 10 years is up, the money would be returned to Argenta CDC. Homes are available in the Baring Cross and Holt areas. Some homes will be built on Washington Avenue and 2nd Street. Alderwoman Robinson said this will help revitalize this area. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (6/0).

PUBLIC COMMENT

There being no one wishing to speak during public comment and there being no further business to come before the Council, and on the motion of Alderman Taylor and seconded by Alderman Witcher, and by consent of all members present, the meeting was adjourned at 8:27 p.m. (6/0), until the next regularly scheduled meeting to be held on Monday, June 25, 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