

February 11, 2013
Six-thirty 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, February 11, 2013, was called to order at 6:30 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), a quorum was declared. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

The invocation was given by North Little Rock Police Chaplin John Barber, followed by the pledge of allegiance to the flag which was also led by Chaplin Barber.

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 scheduled for Monday, January 28, 2013, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, communications #1, 2 and 3, were not read, but accepted and filed (8/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Private Club & Retail Beer on Premises – Transfer of location from 3605 MacArthur Drive and Change of Trade Name from Club Caliente* for the Boars Den fka Club Caliente, 3723 MacArthur Drive, by Michael S. Evatt.
2. Bob Sisson, Finance Director memorandum to City Clerk Diane Whitbey re: Energy Risk Management (ECR) Adjustment Factor for bills rendered February, 2013, amount of ECR .90¢ /kwh or \$.0090/kwh.
3. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – NEW* for 786 Food Mart, 300 Lake Lane, by Sulaiman S. Hudda.

On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, communication #4 was read by title only (first two paragraphs), accepted and filed (8/0).

4. Bob Rhoads, Parks and Recreation Director, letter to Mayor Smith re: controlled burn in Burns Park.

At the request of Alderman Baxter, the letter and Fact Sheet will be posted on the city website.

On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, communication #5 was read, accepted and filed (8/0).

5. Stephanie Loggins – via email re: Ranchettes at Deer Meadows deannexation.

UNFINISHED BUSINESS

O-13-12

AN ORDINANCE ESTABLISHING PROCEDURES TO BE FOLLOWED IN THE ABSENCE OF THE MAYOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times January 28, 2013, was called and held at the request of the sponsor, Mayor Smith.

CONSENT AGENDA

Mayor Smith pulled R-13-23 from the consent agenda. A motion was made by Alderman Witcher and seconded by Alderman Ross, to approve Consent items R-13-17, R-13-18, R-13-19, R-13-20, R-13-21, R-13-22, and R-13-24. The chair called for ayes and nays (0), the motion carried.

R-13-17 (RESOLUTION NO. 8254 – MAYOR SMITH)

A RESOLUTION REAPPOINTING NORMAN CLIFTON TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES.

R-13-18 (RESOLUTION NO. 8255 – MAYOR SMITH)

A RESOLUTION REAPPOINTING DON CHAMBERS TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES.

R-13-19 (RESOLUTION NO. 8256 – MAYOR SMITH)

A RESOLUTION REAPPOINTING PHILLIP DAVIS TO THE NORTH LITTLE ROCK HOUSING AND BUILDING BOARD OF ADJUSTMENT AND APPEALS (AKA) SIGN BOARD; AND FOR OTHER PURPOSES.

R-13-20 (RESOLUTION NO. 8257 – MAYOR SMITH)

A RESOLUTION REAPPOINTING KEN DAVENPORT TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES.

R-13-21 (RESOLUTION NO. 8258 – MAYOR SMITH)

A RESOLUTION REAPPOINTING THOMAS MARR TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES.

R-13-22 (RESOLUTION NO. 8259 – MAYOR SMITH)

A RESOLUTION REAPPOINTING DEBRA ROBERTS TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES.

R-13-24 (RESOLUTION NO. 8260 – ALDERMAN WHITE)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK TO UTILIZE FEDERAL AID FUNDS FOR SAFE ROUTES TO SCHOOLS PROGRAM; AND FOR OTHER PURPOSES.

NEW BUSINESS

This item was moved from the Consent Agenda to main agenda - R-13-23

A RESOLUTION APPROPRIATING \$500,000.00 FROM THE GENERAL FUND FOR THE STREET OVERLAY PROGRAM; AND FOR OTHER PURPOSES, was read. At the request of Mayor Smith, all eight council members were added as cosponsors to the legislation. Mayor Smith advised Finance Director Bob Sisson had reviewed the city reserve fund and department spending. Money would be allocated from the reserve fund which currently has approximately \$8 million. Alderwoman Ross asked if the money should be consolidated into one large project instead of multiple small ones. Alderwoman Robinson agreed. Mayor Smith said the City Engineer is conducting a city-wide survey (regarding city streets). He asked council members to survey neighborhood associations, too. A list would be compiled and narrowed down. Mayor Smith said the State Highway Department has anticipated the city will receive approximately \$1 million as a result of a ½ cent sales tax adopted last year (for a period of 10 years). Mayor Smith said in 2014 he would propose putting 80% into an overlay program fund and the remaining 20% into a reserve fund. Recommendations can be made at the next council meeting. Alderman Hight asked if the ½ cent tax had to be used for highways. Mr. Robert Voyles, Planning Director said State Aid Money has to be used on streets included in the Master Street Plan. The council can designate which streets are in the Master Street Plan. Alderman Baxter said he and Alderman Foutch have asked their constituents for input regarding overlay projects in their Ward. Alderwoman Ross said the average cost to overlay one block is \$8,000.00 for two-lanes or \$16,000.00 for four-lanes. At this rate, their Ward would be able to overlay up to 15 blocks. Consolidating the funds for one major project could benefit residents city-wide. Alderman Witcher referenced funds available through grants from what he referred to as the “Municipal Mayor’s Fund”. The legislation was then held.

Ms. Whitbey advised items R-13-25, R-13-26, and R-13-27 needed to be called at (or after) 7:00 p.m. due to previous written notification (by Code Enforcement) regarding public hearings.

R-13-28

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE STATE AID STREET MONIES FOR CITY STREET PROJECTS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Mayor Smith advised \$20 million is available through the fund Alderman Witcher mentioned earlier. North Little Rock will apply for funds. Mayor Smith has asked Little Rock Mayor Mark Stodola and Conway Mayor Tab Townsell, who are both on the committee to consider providing the funds per capita instead of through grant applications. He then referenced a sheet which included 20 possible Street Improvement Projects. The legislation was then held.

O-13-17 (**ORDINANCE NO. 8509 – MAYOR SMITH**)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE TO PROVIDE SHORT-TERM FINANCING UNDER AMENDMENT NO. 78 TO THE ARKANSAS

CONSTITUTION FOR CAPITAL IMPROVEMENTS AND THE ACQUISITION OF TANGIBLE PERSONAL PROPERTY; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson 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 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. Alderman Witcher asked if anyone had checked with Federal Surplus to see if they had a double-wide Trailer referenced in Exhibit "A". Mr. Bob Major, Director North Little Rock Advertising and Promotion (aka North Little Rock Visitors Bureau) said they have checked on several occasions, however, nothing will be available in the near future. On the motion of Alderman Hight and seconded by Alderman Foutch, and by 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).

O-13-18

AN ORDINANCE AMENDING ORDINANCE NO. 7946 (REGULATIONS TO CONTROL DEVELOPMENT AND SUBDIVISION OF LAND), CHAPTERS 18 AND 46 OF THE NORTH LITTLE ROCK MUNICIPAL CODE (NLRMC), AND ORDINANCE NO. 7697 (THE ZONING ORDINANCE) REGARDING HILLSIDE CUT REGULATIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to suspend the rules was made by Alderman Witcher and seconded by Alderwoman Robinson. Alderwoman Ross advised the legislation would be held and requested a public hearing for the next council meeting, Monday, February 25, 2013. Mr. Chris Wilbourn, City Engineer advised the proposed regulations were developed as a result of meetings of an informal committee. Alderwoman Ross then mentioned several items included in the legislation. If the Planning Commission turns down a request, it could be appealed to the City Council. The legislation was then held by the sponsor, Alderwoman Ross.

Mayor Smith advised a Settlement Conference in the case of Henry L. Jones, Jr. and the City of North Little Rock will be held Thursday, February 14, 2013. Council members have been notified and will be transported to the Courthouse in a van. The media was advised at this time as well. Mayor Smith asked City Engineer Mike Smith to come forward. Mr. Smith spoke regarding R-13-23. In the past, a block could be over-layed for about \$5,000.00 (or 100 blocks for \$500,000.00). The price has increased which will result in about 80 blocks for \$500,000.00 (or 20 blocks per ward). East McCain will likely be a finalist in the process. An overlay program is needed. Over the last several years, the city has only maintained streets. Alderwoman Ross asked if the road would be milled first. Mr. Smith said the Street Department will typically go in and mill the edge to match the gutter and repair pot holes. Mr. Smith said the criteria to evaluate a street includes: the amount of traffic, degradation of the street, and the shape of the pavement. Alderwoman White asked about inlets. Mr. Smith said if the

street is over-layed multiple times, it eliminates the grade and effects drainage. Main Street is an example of a street that has been over-layed multiple times and has grade issues.

R-13-25 (RESOLUTION NO. 8261 – MAYOR SMITH)

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 4620 PIKE AVENUE 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 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). (*owners: Melany L. and Michael J. Hayes – amount \$4,598.08*)

R-13-26 (RESOLUTION NO. 8262 – MAYOR SMITH)

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 1620 WEST 16TH 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 Baxter. 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: Gregg T. Greer – amount \$4,078.08*)

R-13-27 (RESOLUTION NO. 8263 – MAYOR SMITH)

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 1007 NORTH “E” STREET IN 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 Alderman Taylor. 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: Frank Butler (deceased) c/o Lois Thomas Butler – amount \$3,052.80*).

PUBLIC COMMENT

Alderman Hight said some residents on North Hills Boulevard are not in the 9-1-1 system. Mr. Rick Ezell, Director Office of Emergency Services said he needed the address so he can check with the City Planning Department regarding the same. Alderwoman Robinson said she has received calls from concerned constituents with regarding the Equal Employment Opportunity (EEO) which has been moved to Human Resources. She has talked with Ms. Betty Anderson, Human Resources Director who advised she would be handling (EEO) matters. Alderwoman Robinson said she had questions

regarding the Department of Justice Consent Decree which the city has been under since 1983, and was amended in 1986. One of the defendants was from the Glenview Community. People in her area are concerned about Civil Rights. She asked what the city would need to do and how much it would cost to be removed from the Consent Decree. Mr. Fleming was not able to answer the question regarding cost. The original Decree entered in 1983 indicates that anytime after five (5) years, the city may notify the United States of its intent to apply to the court for disillusionment from the Decree. Mayor Smith said the city has been working on this for the past year. Ms. Anderson said the city has been working with Attorney Carolyn Witherspoon who will handle this for the city. Alderwoman White said a Free Health Fair will be held this Saturday, February 16, 2013, at First Assembly of God Church at 4501 Burrow. Mayor Smith advised City Offices will be closed Monday, February 18, 2013, in observance of George Washington's Birthday and Daisy Bates Day. Garbage routes will run one-day delayed all week.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 7:11 p.m. (8/0), until the next regularly scheduled meeting scheduled for Monday, February 25, 2013, at six thirty 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