

February 25, 2013  
Six-thirty o'clock P.M.  
North Little Rock City Hall Council Chambers  
300 Main Street  
North Little Rock, Arkansas

Mayor JOE A. SMITH called a SPECIAL MEETING of the North Little Rock City Council scheduled for Monday, February 25, 2013, at 6:00 p.m. to order.

February 19, 2013 (via email)

Subject: Proposal for 2013 Overlay Program

Honorable Members of the North Little Rock City Council:

The purpose of this email 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, February 25, 2013, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) A PRESENTATION BY CHIEF CITY ENGINEER MIKE SMITH ON THE CITY'S 2013 ASPHALT RESURFACING PROGRAM.

A copy of Mr. Smith's summary of the overlay program, along with specifications for bid invitations, are attached hereto for your reference.

Pursuant to Section 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.

City Attorney C. Jason Carter  
By: Matthew W. Fleming  
Assistant City Attorney

The roll having been called, and the following members answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, and CHARLIE HIGHT (7/0), a quorum was declared. Alderman MURRY WITCHER was absent. Assistant City Clerk Linda Marshall and Assistant City Attorney Matt Fleming were also present.

Mayor Smith advised the Main Street Viaduct had damage, specifically, a joint is coming apart. Mr. Mike Smith, Chief City Engineer said repairs will be made over the weekend which will require closing one traffic lane in each direction. Other joints may need repair in the future. Mr. Smith

referenced the State Aid Program Funding and said the city needs to select a couple of projects to submit. Main Street is a priority. Mr. Smith said if the project was approved now, it could be two years before it would begin. Mayor Smith asked Mr. Smith to narrow the list down to three (3) road improvement projects. Mr. Smith then reviewed the upcoming overlay program. He referenced a map which illustrated the area where they began. Every street has to be driven and graded. Grading is based on three things: strata, distortion and roughness. He referenced the difference between different types of streets. Based on the current price, it appears 17 blocks can be over-layed per ward. Alderman Foutch asked about milling. Mayor Smith said the city will ask the low bidder how long the price will be in effect. Alderwoman Ross asked if state money would be used for large projects and if ward money would be divided equally among the wards. Alderman Hight asked the definition of a block. Mr. Smith said about 360 feet (residential street equals 23 feet of asphalt, 1 ½ inch base). You cannot mill all streets as the base could be exposed. Mayor Smith sent a letter to neighborhood groups for additional input. There being no further discussion, the public meeting was adjourned at 6:23 p.m.

The regular meeting of the North Little Rock City Council scheduled for Monday, February 25, 2013, was called to order at 6:31 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, and CHARLIE HIGHT (7/0), a quorum was declared. Alderman MURRY WITCHER was absent. Assistant City Clerk Linda Marshall and Assistant City Attorney Matt Fleming were also present.

The invocation was given by Mr. Tom White, followed by the pledge of allegiance to the flag which was led by Police Chief Danny Bradley.

On the motion of Alderman Hight and seconded by Alderman Foutch 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 (7/0).

On the blanket motion of Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, communication #1 was read, accepted and filed (7/0).

Alderman Hight asked members of the Mello Velo Cycling Club to join him at the podium. He thanked Charlie Hart and club members for their donation of a Bike Fixit Station that has been installed under the Main Street Bridge for use by bicyclists of all skill levels utilizing the River Trail. Funds to purchase the Bike Fixit Station were appropriated from the Marilyn Fulper Memorial Fund raised through entry fees and donations to the Wampoo Roadeo. Alderman Hight presented a road sign to the group which will be installed on the trail. Ms. Fulper's sister Becky said Marilyn was an avid biker and was killed while training for a marathon.

Mayor Smith invited Nathan Rutledge, Crews and Associates and Betsy Davies, First Security Bank to come forward. They then presented Mayor Smith with the 2012 Quality of Life Award in recognition of North Little Rock's work with the City of Little Rock for their joint efforts in regards to the Arkansas River Trail, a 14-mile hiking, walking and riding trail which spans both cities and connects 39 parks and six museums with seven communities and 44,000 residents representing 54,000 jobs who live within a half-mile of the trail.

Mayor Smith then introduced the North Little Rock Police and Fire Video which was shown last week during their annual Awards Ceremony. Following the video Mayor Smith thanked North Little Rock's Police and Fire Department employees for their service.

Mayor Smith convened a public hearing regarding O-13-18 – an Ordinance amending Ordinance No. 7946 (regulations to control development and subdivision of land), Chapters 18 and 46 of the NLRMC and Ordinance No. 7697 (the Zoning Ordinance) re: Hillside Cut Regulations. There being no one present wishing to be heard, the public hearing was adjourned.

### **UNFINISHED BUSINESS**

R-13-23

A RESOLUTION APPROPRIATING \$500,000.00 FROM THE GENERAL FUND FOR THE STREET OVERLAY PROGRAM; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith.

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 called and held by the sponsor, Mayor Smith.

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 withdrawn by the sponsor, Mayor Smith. The city is working with the Arkansas Municipal League to make changes to State Law.

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 one time February 11, 2013. A public hearing was held this date, the legislation was read a second time and held by the sponsor, Alderwoman Ross.

## CONSENT AGENDA

*No items.*

## NEW BUSINESS

R-13-29 (RESOLUTION NO. 8264 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION ON BEHALF OF THE CITY OF NORTH LITTLE ROCK TO OBTAIN GRANT FUNDS FROM THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT’S “SAFE ROUTES TO SCHOOL PROGRAM”; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted (7/0),

R-13-30 (RESOLUTION NO. 8265 – ALDERMEN ROBINSON, ROSS, WHITE, TAYLOR, BAXTER, FOUTCH, HIGHT AND WITCHER)

A RESOLUTION DIRECTING THE CITY ATTORNEY TO APPLY TO THE UNITED STATES DISTRICT COURT FOR DISSOLUTION OF THE CONSENT DECREE ENTERED APRIL 21, 1983; 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 (7/0). Without objection, all members were added as co-sponsors.

R-13-31 (RESOLUTION NO. 8266 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED AT 1023 PARKER STREET IN THE CITY OF NORTH LITTLE ROCK; 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 adopted (7/0). (*to Amber Pye - \$94,500.00*)

*Items R-13-32 through R-13-38 were held until 7:00 p.m. due to previous public hearing notification.*

O-13-19 (ORDINANCE NO. 8510 – MAYOR SMITH)

AN ORDINANCE AMENDING SECTION 20.12 OF ORDINANCE NO. 7697 (THE ZONING ORDINANCE) TO CLARIFY THE EXISTING NOTICE POLICY FOR THE PLANNING COMMISSION; DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Mr. Shawn Spencer, Planning Department advised this was adopted in 1992. When the new zoning ordinance was revised in 2005,

this was not included. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-13-20 (ORDINANCE NO. 8511 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR INSURANCE FOR THE MURRAY HYDROELECTRIC PLANT; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE HOLMES ORGANISATION, INC.; 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 (7/0). On the motion of Alderman Hight 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 (7/0). The ordinance was read a third and final time. Alderwoman Ross asked about Business Interruption. On the motion of Alderman Hight and seconded by Alderman Taylor, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). Mayor Smith has asked City Attorney C. Jason Carter, acting General Manager North Little Rock Electric Department to look at extending the term of future agreements.

O-13-21

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A SELF-SERVICE ICE VENDING UNIT IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4032 JOHN F. KENNEDY BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor (*for consideration only*) Mayor Smith. (*applicant: Clint Davis*)

O-13-22 (ORDINANCE NO. 8512 – ALDERMAN TAYLOR)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 4816 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-3 TO PLANNED USE DEVELOPMENT (PUD) TO ALLOW A LIQUOR STORE BY AMENDING ORDINANCE NO. 7697 OF 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 Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. A motion to suspend the rules and place the ordinance on its third and final reading was made by Alderman Taylor and seconded by Alderwoman Robinson. Alderwoman Robinson asked if this was the location of Stella's Liquor Store. Alderman Taylor advised it was. The owner decided to build a new building next to the old building. Alderwoman Ross asked why the zoning isn't C-4. Alderman Taylor said this proposed use is better for the ward. On the previous motion, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. On the motion of Alderman Taylor and

seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).  
(applicant: James Duncan)

O-13-23 (ORDINANCE NO. 8513 – ALDERMEN FOUTCH AND BAXTER)

AN ORDINANCE ALLOWING AND APPROVING VARIANCES FOR AN OFF-PREMISE, FREESTANDING POLE SIGN ON CERTAIN REAL PROPERTY LOCATED AT 10307 MAUMELLE BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of

Alderman Foutch 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 (7/0). On the motion of Alderman Foutch 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 (7/0). The ordinance was read a third and final time. 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 adopted (7/0). Emergency clause adopted (7/0). (applicant: Phil Dively)

R-13-32 (RESOLUTION NO. 8267 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 704 WEST 18<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by

Alderman Taylor. Mayor 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 adopted (7/0). (owner: JNYLECO, Inc. c/o Jocelyn Dokes)

R-13-33 (RESOLUTION NO. 8268 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2713 GRIBBLE STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Baxter and seconded by

Alderman Taylor. Mayor Hays convened a public hearing. Mr. Robert Jerrod, Sr. wants to tear down the structure, however he needs more time. Mr. Tom Wadley, Code Enforcement Director said the city's process will begin on the 30<sup>th</sup> day. Contracts would have to be made which would take a while. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows:: *change thirty 30 days to SIXTY 60 DAYS* (7/0). On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted as amended (7/0). (owners: Jessie and Lewis Ford)

R-13-34 (RESOLUTION NO. 8269 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 704 GRAHAM 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 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 adopted (7/0). (*owner: Cheteer Farrar*)

R-13-35 (RESOLUTION NO. 8270 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 4004 ROGERS 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. 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 adopted (7/0). (*owner: Robert J. and Barbara Hoyle*)

R-13-36 (RESOLUTION NO. 8271 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1304 EAST 16<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS TO ABATE SAID NUISANCES; 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 adopted (7/0). (*owner: Mary E. Smith*)

R-13-37 (RESOLUTION NO. 8272 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 6615 HWY 70 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. Mr. Mickey Stevens, Attorney at Law represents Convent Corporation. He advised people have broken into the property and stolen copper wiring, etc. Most of the issues are cosmetic and the owners want to rehab the property. However, they are concerned with a condemnation order and the limited

time to comply with the same. They are requesting a postponement and want to present a plan to the city. Mayor Smith said the owners have 30 days to negotiate with the city's attorneys. Alderwoman Ross asked if the owners have tried to do anything to the property before receiving the condemnation notice. Mr. Stevens said they cleaned up the property. Alderwoman Ross asked how long the property had been vacant. Mr. Stevens said it has been a while. There is some roof damage. Alderwoman Robinson asked what the owners want to put in at this location. Mr. Stevens referenced a settlement agreement. Alderwoman Robinson said Meadowpark Neighborhood Association members believe the building is a nuisance and wants it torn down. Mr. Stevens said the condemnation ordinance may not be constitutional. Mayor Smith said the council is a legislative body, not judicial. Alderwoman Ross asked if there was a fire in the building. Mr. Stevens did not know. Alderman Taylor asked how long the building had been vacant. Mr. Stevens did not know for sure. Mr. Stevens asked to submit a brief which he gave to the city attorney. Mayor Smith adjourned the public hearing. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*owner: Convent Corp, Drugstore Cowboys, Inc., Gentlemen's Club 70 c/o Craig Snyder*)

**R-13-38 (RESOLUTION NO. 8273 – 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 2119 MOSS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 adopted (7/0). (*amount - \$3,407.90*)

**PUBLIC COMMENT**

Alderman Hight said the next council meeting scheduled for Monday, March 11, 2013, will be held on Thursday, March 14, 2013. Mr. Fleming reminded council members that filing deadline will not change. Alderwoman Robinson reminded Mr. Bob Sisson, Finance Director to get back with her regarding information she requested. She also asked the status of the Leaf Vacuums. Mayor Smith said they are running on-call only until the end of the month. Alderman Baxter has been contacted by anglers who want to know if there has been any resolution regarding low water in Burns Park. Mayor Smith said an additional ramp is being considered in the area of the FOP Lodge and/or Skateboard Park. Alderman Baxter has had calls about the leaf vacs, too. Alderman Baxter said the Little Rock Marathon is this weekend and a lot of city employees will be working this weekend and he appreciated them in advance. Alderman Baxter will be running in the full marathon. Mayor Smith announced the North Little Rock Woman's Club Carousel Ball, Saturday, April 6, 2013. Mayor Smith advised Ms. Diane Whitbey, City Clerk was ill and wished her a speedy recovery. He thanked Mrs. Marshall and Mr. Daven McCoy for their work during the meeting. Alderwoman Ross said the North Little Rock Fire Department is participating in a city-wide shoe drive. Gently used shoes can be dropped off at any fire station between March 1 and March 18, 2013.



There being no further business to come before the Council, and on the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 7:31 p.m. (7/0), until the next regularly scheduled meeting scheduled for Monday, March 11, 2013, which was rescheduled to ***Thursday, March 14, 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