

March 14, 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, March 11, 2013, was rescheduled to March 14, 2013, and 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. Assistant City Clerk Linda Marshall and Assistant City Attorney Matt Fleming were also present.

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

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 and Special meeting held on Monday, February 25, 2013, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, communications #1, 2, 3, 4, 5, and 6 were accepted and filed (8/0).

1. Mike Smith, City Engineer memorandum re: Proposed State Aid Projects (see R-13-28).
2. Jeannette Flemister, North Little Rock Woman's Club Treasurer – Annual Performance Report for 2012.
3. Bob Sisson, Finance Director, Chairman Energy Risk Management Committee – memorandum to City Clerk Diane Whitbey re: ECR Adjustment Factor for March 2013 – 1.11¢/kwh or \$.0111/kwh.
4. Glinda Craigmyle, Mayor's Office memorandum re: *application for Retail Beer off Premises – NEW* for Rockwater Marina, 1700 River Road, by James R. Jackson.
5. Glinda Craigmyle, Mayor's Office memorandum re: *application for Restaurant Mixed Drink – Change of Manager from John Arnold*, for Texas Roadhouse, 3601 Warden Road, by Chad C. Perry.
6. Glinda Craigmyle, Mayor's Office memorandum re: *application for Retail Beer off Premises – Change of Manager from Danette Harris* for Lucky Mart, 1504 Hwy 161, by Crystal McDaniel.

Mayor Smith announced a Special Call scheduled for this date.

March 11, 2013 (via email)

Subject: Special Call for Thursday, March 14, 2013

Honorable Members of the North Little Rock City Council:

The purpose of this e-mail is to advise you that Mayor Smith has called a special meeting of the North Little Rock City Council at 6:35 p.m. on Thursday, March 14, 2013, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) R-13-49 – A RESOLUTION CERTIFYING THE AMOUNT OF A CLEANUP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 903 WEST 45<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.  
Sponsor: Mayor Smith

Also attached for your review is an Amendment by Alderman Ross to O-13-18 (regarding hillside cut regulations).

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.

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

Mayor Smith said a Special Call was necessary on this item as notification of a public hearing had already been sent.

R-13-49 (RESOLUTION NO. 8274 – 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 903 WEST 45<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES. A motion to adopt was made by Alderman Taylor and seconded by Alderman Witcher. 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).

Mayor Smith announced a presentation from Ms. Anita Ward re: Riverboat Proposal. Ms. Ward is with the DAM Riverboat Company. She was the Senior Cruise Director and Operational Manager aboard the Arkansas Queen Riverboat. Also present was the principal owner, Glen Jones and former

Arkansas Queen Pilot (2006 and 2007) Captain Mark Lambert. Their intent is to bring in the Mark Twain Riverboat and Sandbar. Ms. Ward presented a Powerpoint Presentation regarding the same. The riverboat is a 130 passenger, U. S. Coast Guard licensed and inspected vessel and is currently in Cincinnati, Ohio. The vessel is an authentic Paddlewheel Riverboat, with two decks for dinner cruises. Ms. Ward referenced several photographs. The city owned war boat the Patriot would be used as a reservation and lounge area.

Without objection, the legislation was called.

R-13-48 (RESOLUTION NO. 8275 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH DAM RIVERBOAT CO., LLC, TO LEASE CERTAIN PORTIONS OF RIVERFRONT PARK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Foutch. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was amended as follows: *attached Exhibit “A” (labeled FINAL DRAFT)* (8/0). On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

Mayor Smith convened citizen public comment on agenda legislation. Ms. Stephanie Minyard thanked the city and staff for their efforts regarding Hillside Cuts. The legislation will help neighborhoods and make homeowners aware of issues that will affect them. Mr. Charles Deville spoke against O-13-26. Several residents from the area were present and against changing the zoning classification. A business has been operating without proper zoning for about six months. Residents are concerned about the effect on property values. There is little parking in front of the property and there were concerns about future sales and uses. Mr. Lance Keen said the zoning change would allow an office. Mr. Jerome Cater said there are no other businesses in the area. The property is adjacent to the high school. Mr. Cater said he moved to his current address from the country and the woods behind his back yard were a selling point. Now there is a parking lot.

Without objection, O-13-26 was called.

O-13-26

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 2500 LAKEVIEW ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-4 TO C-1 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.

Alderwoman Ross said the building was built as a Daycare Center and the property is zoned R-4. An apartment or four-plex, adult daycare, community center, etc could go in under current zoning. The

applicant, Mr. Scott Yielding said the Daycare was built in 1981. The current owners, John and Angelica Rogers purchased the property in 2005 as a Daycare Center. Six months ago, they had a need for the space. There are no bath facilities and three restrooms in the building. A chiropractor is currently interested in purchasing the site. Mr. Robert Voyles, Planning Director, said professional offices fall under a C-1 Classification. Residential uses of the property are based on square footage of the lot. The legislation was then held by the sponsor, Alderwoman Ross. A public hearing will be held March 25, 2013, at 6:30 p.m. (*applicant: Scott Yielding*)

### **UNFINISHED BUSINESS**

R-13-23 (RESOLUTION NO. 8276 – MAYOR SMITH, ALDERMEN ROSS, WHITE, TAYLOR, ROBINSON, BAXTER, FOUTCH, HIGHT, AND WITCHER)

A RESOLUTION APPROPRIATING \$500,000.00 FROM THE GENERAL FUND FOR THE STREET OVERLAY PROGRAM; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. Mayor Smith said bids were opened this date. The city will be able to overlay 27 block per ward instead of 17. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-13-28 (RESOLUTION NO. 8277 – MAYOR SMITH)

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. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0). Batesville Pike will be removed from the top five and Mr. Voyles will begin the process to include it on the Master Street Plan.

O-13-18 (ORDINANCE NO. 8514 – ALDERWOMAN ROSS)

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, and a second time February 25, 2013, was read a third and final time this date. Mr. Chris Wilbon, City Engineer said the proposed amendment adds Site Plan Reviews. Alderwoman Ross thanked Mr. Wilbon and residents from Skyline Drive for their involvement. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows: *substitute ordinance provided this date* (8/0). A motion to adopt as amended was made by Alderman Witcher and seconded by Alderwoman Ross. Alderman Taylor asked how this will affect the Planning process. Mr. Voyles said this will increase the application process. Notice will go out to residents in the area. Alderman Foutch asked if all steps were met, when would something of this nature be sent to the City Council. Alderwoman Ross said only a waiver or exception would be referred to the City Council. On

the previous motion, and by consent of all members present, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

O-13-21 (ORDINANCE NO. 8515 – MAYOR SMITH *for consideration only* and ALDERWOMEN WHITE AND ROSS)

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 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 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. Alderwomen White and Ross asked to be added as a cosponsors. On the motion of Alderwoman White and seconded by Alderwoman Ross, and by consent of all members present, the ordinance was amended as follows:: *Section 2: add q) THE APPLICANT WILL PROVIDE TRASH RECEPTICALS AND REGULAR TRASH PICK UP AT THE BUSINESS LOCATION* (8/0). On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, with the exception of Alderman Taylor, who voted no, the ordinance was again amended as follows:: *Section 2: delete l) and renumber remaining subsections* (7/1). On the motion of Alderman Witcher and seconded by Alderman Hight, and the roll having been called, and by consent of all members present, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Clint Davis*)

**CONSENT AGENDA**

On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, consent items R-13-39, R-13-40, R-13-41, R-13-42, R-13-43, and R-13-44 were unanimously adopted (8/0).

R-13-39 (RESOLUTION NO. 8278 – MAYOR SMITH)

A RESOLUTION REAPPOINTING TONY VESTAL TO THE CENTRAL ARKANSAS TRANSIT AUTHORITY BOARD; AND FOR OTHER PURPOSES.

R-13-40 (RESOLUTION NO. 8279 – MAYOR SMITH)

A RESOLUTION REAPPOINTING DR. CARY HEARD TO THE NORTH LITTLE ROCK, ARKANSAS HEALTH FACILITIES BOARD (BAPTIST HEALTH); AND FOR OTHER PURPOSES.

R-13-41 (RESOLUTION NO. 8280 – MAYOR SMITH)

A RESOLUTION APPROPRIATING \$35,200.00 FROM THE GENERAL FUND FOR THE CODE ENFORCEMENT DEPARTMENT DEMOLITION AND DEBRIS REMOVAL PROGRAM; AND FOR OTHER PURPOSES.

R-13-42 (RESOLUTION NO. 8281 – MAYOR SMITH)

A RESOLUTION CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF MIDWEST REFRIGERATED SERVICES TO PARTICIPATE IN THE TAX BACK PROGRAM AS AUTHORIZED BY SECTION 15-4-2706(D) OF THE CONSOLIDATED INCENTIVE ACT OF 2003; AND FOR OTHER PURPOSES.

R-13-43 (RESOLUTION NO. 8282 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL LOT 7, BLOCK 12, CLENDENNIN ADDITION TO THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES. (*southeast corner of Maple and 8<sup>th</sup> Street to Silver City LLC - \$37,125.00*)

R-13-44 (RESOLUTION NO. 8283 – MAYOR SMITH)

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; AND FOR OTHER PURPOSES. (*\$30,000.00 – General Fund*)

### **NEW BUSINESS**

R-13-45 (RESOLUTION NO. 8284 – 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 323 WEST “F” 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 Alderwoman White. 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 as unanimously adopted (8/0). (*amount - \$3,312.50*)

R-13-46 (RESOLUTION NO. 8285 – 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 11 BAKER CIRCLE 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. 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 as unanimously adopted (8/0). (*amount - \$3442.05*)

R-13-47 (RESOLUTION NO. 8286 – 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 4900 ROGERS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Baxter 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). (*amount - \$10,025.13*)

R-13-48 *called earlier in meeting.*

O-13-24

AN ORDINANCE AMENDING SECTION 5-012 OF THE NON-UNIFORMED EMPLOYEES POLICY AND PROCEDURE MANUAL REGARDING INCLEMENT WEATHER; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight 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 Alderman Hight 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. Alderman Foutch asked about compensation for essential personnel. Mayor Smith advised an Emergency Plan is being created which will result in the majority of personnel being essential. On the motion of Alderman Witcher and seconded by Alderwoman Ross and by consent of all members present, Exhibit “A” was amended as follows:: *insert in second paragraph 911/RESCUE SERVICES* (8/0).

O-13-25 (ORDINANCE NO. 8517 – ALDERWOMAN ROSS AND WHITE)

AN ORDINANCE VACATING AND ABANDONING CERTAIN STREET, ALLEY AND UTILITY EASEMENTS ON PROPERTY ASSOCIATED WITH THE NORTH LITTLE ROCK HIGH SCHOOL AT ~~21<sup>ST</sup>~~ 22<sup>ND</sup> AND MAIN STREETS IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross 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). The ordinance was read a second time. A motion to suspend the rules was made by Alderwoman Ross and seconded by Alderwoman Ross. Mayor Smith asked if the address should be 22<sup>nd</sup> Street instead of 21<sup>st</sup> Street and if that could be accepted as a typo. After discussion, and on the motion of Alderwoman White and seconded by Alderman Baxter, and by consent of all members present, the ordinance was amended as follows:: *change 21<sup>st</sup> to 22<sup>nd</sup>* (8/0). 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 (8/0). Alderwoman White was added as a sponsor. On the motion of Alderman Hight 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 as amended. Emergency clause unanimously adopted (8/0). *(requested by Robert M. Brown)*

O-13-26 *called earlier in meeting.*

**PUBLIC COMMENT**

Alderwoman Robinson had a question regarding Meadowpark School. Mr. Robert Brown said his firm was not working on that one. Alderman Foutch said there will be a Spaghetti Supper this Friday at the Levy Baptist Church benefiting the Amboy Food Bank.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 7:31 p.m. (8/0), until the next regularly scheduled meeting scheduled for Monday, March 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