

May 13, 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 announced SPECIAL PRESENTATION(S) to the North Little Rock City Council scheduled for Monday, May 13, 2013, at 6:00 p.m. to order.

May 10, 2013 (via email)

Subject: Special Presentation to the North Little Rock City Council

Honorable Members of the North Little Rock City Council:

The purpose of this e-mail is to advise you the following presentations will be made in the City Council Chambers on May 13, 2013, at 6:00 p.m.:

1. North Little Rock Animal Control Presentation to State Representative Eddie Armstrong.
2. Reita Miller with Regional Recycling to present The Art of Recycling Sculpture Contest – Recycle My Heart Winner.
3. Randy Naylor with Keep North Little Rock Beautiful re: City Clean-Up.
4. Raygan Sylvester – Junior at North Little Rock High School – to present winners of Seat Belt Safety Art Contest.
5. CenterPoint Energy grant check presentation to North Little Rock Fire Department.
6. Margaret Powell re: Sister City Homestay Program.
7. Barbara Kumpe (American Heart Association) – present 2013 Trendsetter Award to NLR's Fit 2 Live Initiative (Bernadette Rhodes) by the Chronic Disease Coordinating Council.
8. Safe Boating Week Proclamation to Mike Strobel (Mayor).

All are invited to attend.

For the Mayor,  
City Attorney C. Jason Cater  
By: Matthew W. Fleming  
Deputy City Attorney

The regular meeting of the North Little Rock City Council scheduled for Monday, May 13, 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, and CHARLIE HIGHT (7/0),

a quorum was declared. Alderman MURRY WITCHER was out of town. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

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

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 held on Monday, April 22, 2013, were approved, accepted and filed as prepared by the City Clerk (7/0).

Mayor Smith advised *The Mark Twain* Paddlewheel Riverboat would arrive in North Little Rock tonight at approximately 7:30 p.m.

On the blanket motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, communications #2, 3, 4, 6, 7, 9, and 10 were accepted and filed (7/0).

2. Outdoor Storage Task Force communications
  1. Debbie Denton, Ward 1
  2. John Pflasterer, North Little Rock Fire Department
  - ~~3. Steve White, North Little Rock Planning Commission~~
  4. Officer Karl Sorrels, North Little Rock Police Department
  5. K. C. Lowery, Ward 3
  6. Joi Whitfield, North Little Rock Landlords Association
  7. Jeremy White, Mayor Smith
3. Mayor Joe A. Smith memorandum to City Council members re: High-Mast Lights at the I-30 / I-40 Intersection.
4. Bob Sisson, Finance Director, Chairman Energy Risk Management Committee memorandum to City Clerk Diane Whitbey re: ECR Adjustment Factor May 2013, .91¢/kwh or \$.0091/kwh.
6. Mayor Smith letter to USACE Memphis District, Office of Counsel and Bayou Meto Water Management District attention Gene Sullivan, Executive Director re: Electric Service to Bayou Meto Pump Station.
7. Dan Davis, General Manager, Southern Star Concrete, Inc. re: opposition to proposed Young Road relocation and widening and any future proposed Improvement District associated with the same.
9. Nancy O'Barr request council vote for reclassification of property at 7121 West Meadow Lane to allow Manufactured Home.
10. Scott E. Bennett, Director of Highways and Transportation, letter to Robert Voyles, Planning Director re: application for Trail Development Funding through Arkansas Recreational Trails Program. Levy Spur Trail Phase II approved to receive up to \$85,000.00 in Federal funding.

On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, communication #1 was read by title, accepted and filed (7/0).

1. Stephanie Loggins – (17) Affidavits Requesting Detachment of Land from the City of North Little Rock (*Ranchettes at Deer Meadows*).

On the motion of Alderwoman Ross and seconded by Alderman Foutch, and by consent of all members present, communication #5 was read (Streets to be Overlaid), accepted and filed (7/0).

5. Mayor Smith, memorandum to City Council members re: 2013 Street Overlay Program, Amended List of Streets.

On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, communication #8 was read, accepted and filed (7/0).

8. Notice of Public Hearing May 20, 2013, at 5:15 p.m. at North Little Rock Community Center, 2700 Willow Street to discuss Parks and Recreation needs.

Mayor Smith announced citizen comment on legislation. Ms. Michelle Crain spoke regarding O-13-34 and commended the council on the content of the legislation. She is the sales manager for a mobile vending company (Frosty Treat) and had concerns regarding the hours of operation. During the summer months when children are out of school, families are out past 8:00 p.m. She asked the council to extend the time by 20 minutes. She said during the summer it is bright out until 9:00 or 9:30 p.m. Mr. Dan Davis is the General Manager of Southern Star Concrete which has been at the same location in North Little Rock since 1984. The city annexed the location in 2010 even though they did not want to be in the city. He said the proposed street would cost his company about \$224,000.00 over a 24 year period, plus another \$800,000.00 to reconfigure their existing plant. They do not plan on relocating. Southern Star Concrete supports the city by doing business with other North Little Rock businesses. The company will spend \$1 million (this year) with Peterbilt and Caterpillar, both North Little Rock businesses. Mr. James Ard spoke regarding O-13-34 and O-13-43. He used to drive a snow cone truck. Children could be killed by trucks running after dark. A child could run out in front of a car in the dark trying to get to a truck. Mr. Ard suggested setting the deadline for snow cone trucks to stop running when the street lights come on at night. Police officers don't have time to enforce this. Mayor Smith said Public Comment on Legislation does not include Communications, however, he would allow Mr. John King to speak this time on Communication #1. Mr. King said there are no city services being provided to the residents, other than sanitation pick up. They are seeking detachment as a result of the same. This area was annexed by six votes. Not all property owners were aware of the proposed annexation. When the homes were annexed, the streets were not. The residents are paying taxes for all city services (police, fire, water, electric or gas). Mayor Smith advised the city is looking into this issue. He said he was advised deannexation would be under a State Law and require 100% of property owners sign a petition.

## **UNFINISHED BUSINESS**

O-13-34 (ORDINANCE NO. 8534 – ALDERWOMAN WHITE)

AN ORDINANCE AMENDING CHAPTER 74 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO ADD REGULATIONS FOR “MOBILE FROZEN TREAT VENDORS”; DECLARING AN

EMERGENCY; AND FOR OTHER PURPOSES, was read. Mr. Fleming briefly discussed the (substituted copy) proposed amendment provided this date. Mayor Smith said the amendment would apply to frozen treat vendors. Mobile food vendors are currently prohibited in North Little Rock. On the motion of Alderwoman White and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows:: *substitute copy provided this date and in title insert FROZEN TREAT (7/0)*. The ordinance was read a second time as amended. A motion to suspend the rules and place the ordinance on its third and final reading as amended was made by Alderwoman Robinson and seconded by Alderwoman White. Alderwoman Ross asked about the time the trucks would stop running daily. Alderwoman White said the decision regarding time was made based on the United States Naval Observatory Table. On the motion of Alderwoman White and seconded by Alderwoman Ross, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading as amended (7/0). The ordinance was read a third and final time. On the motion of Alderwoman Ross 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 (7/0). Emergency clause adopted (7/0).

O-13-43

AN ORDINANCE AMENDING SECTIONS 74-1 AND 74-37 OF THE NORTH LITTLE ROCK

MUNICIPAL CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time April 22, 2013 and held, was called and withdrawn by the sponsor, Alderwoman White.

## **CONSENT AGENDA**

On the motion of Alderwoman Robinson, and seconded by Alderwoman White, and by voice vote and all members present having voted aye, consent agenda items R-13-81, R-13-82, R-13-83, R-13-84, and R-13-85 were approved. R-13-86 was pulled for discussion.

R-13-81 (RESOLUTION NO. 8317 – MAYOR SMITH)

A RESOLUTION APPROVING THE SALE OF COMPUTERS (DESKTOP AND LAPTOP, INCLUDING SOFTWARE), AND PRINTERS OWNED BY THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES. (to Mayor Patrick Henry Hays - \$2,242.67)

R-13-82 (RESOLUTION NO. 8318 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED AT 711 PARKER STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES. (to: Joe N. Bryant, IV - \$94,000.00)

R-13-83 (RESOLUTION NO. 8319 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE FINDINGS AND RECOMMENDATIONS OF THE NORTH LITTLE ROCK PUBLIC LAND DEVELOPMENT TASK FORCE; EXPRESSING THE CITY’S APPRECIATION FOR THEIR OUTSTANDING SERVICE; AND FOR OTHER PURPOSES.

R-13-84 (RESOLUTION NO. 8320 – MAYOR SMITH)

A RESOLUTION APPROPRIATING \$4,328.42 FROM ACT 833 FUNDS FOR SCBA PARTS FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; AND FOR OTHER PURPOSES.

R-13-85 (RESOLUTION NO. 8321 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE LOW BID OF METROPOLITAN FIRE EXTINGUISHER COMPANY, INC. FOR THE PURCHASE OF MOBILE AIR CART AND AIRPACKS FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; APPROPRIATING \$79,156.35 FROM ACT 833 FUNDS; AND FOR OTHER PURPOSES.

R-13-86 (RESOLUTION NO. 8322 –MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE AN EASEMENT OVER CERTAIN REAL PROPERTY (“UTILITY EASEMENT”) LOCATED SOUTH OF GALLOWAY ROAD IN PULASKI COUNTY, ARKANSAS; APROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read. City Attorney and Interim General Manager North Little Rock Electric Department C. Jason Carter advised there is another piece of legislation regarding L’Oreal service. Easement acquisition is needed to facilitate the service. On the motion of Alderwoman Robinson and seconded by Alderman Foutch, and by consent of all members present, the resolution was adopted (7/0). (*\$12,650.00 – General Fund*)

### **NEW BUSINESS**

R-13-87 (RESOLUTION NO. 8323 – MAYOR SMITH)

A RESOLUTION SUPPORTING THE PROPOSED VACATING AND ABANDONING OF CERTAIN RIGHT-OF-WAY ALONG NORTHERN BOUNDARY OF YOUNG ROAD IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. Mayor Smith said this would change the right-of-way along Young Road. If the right-of-way is changed (approximately 15 feet), one of the property owner’s has agreed to vote for an Improvement District. Alderman Hight said supporting this resolution does not mean the council supports an Improvement District. Mayor Smith said the vote for an Improvement District requires 51% support. The proposed road would be at no cost to the city. The Improvement District would put in a new road, curbs and gutters. Mr. Davis said his material haulers go in and out on Young Road. This proposal (including an Improvement District) would prohibit how haulers receive materials. Mr. Robert Voyles, Planning Director has not seen a design plan. When development began in the North Shores area it proceeded rapidly. Alderman Baxter referenced the change in direction of Warden and Landers Road which has had minimal effect on businesses in the area. Alderwoman Ross asked to see the road design. Mr. Voyles

said this resolution indicates the city is willing to accept the right-of-way. Mr. Gene Pfeifer is donating the right-of-way on the south side of the road. On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, with the exception of Alderwomen Ross and Robinson who voted no, the resolution was adopted (5/2).

R-13-88 (RESOLUTION NO. 8324 – MAYOR SMITH)

A RESOLUTION APPROPRIATING ADDITIONAL FUNDS FOR COMPLETION OF THE GALLOWAY SUBSTATION; 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).

R-13-89 (RESOLUTION NO. 8325 – MAYOR SMITH)

A RESOLUTION APPROPRIATING FUNDS FOR COMPLETION OF THE L'OREAL CIRCUIT AND ASSOCIATED SWITCHES; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the resolution was amended as follows: *correct amount in table – strike through \$50,000 and 333,720 and insert – 0 – and \$310,000* (7/0). On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted as amended (7/0).

R-13-90 (RESOLUITON NO. 8326 – ALDERWOMEN ROSS AND ROBINSON)

A RESOLUTION DIRECTING THAT AN INDEPENDENT REVIEW OF NORTH LITTLE ROCK'S COVERAGE FOR EMPLOYEE HEALTH INSURANCE BE CONDUCTED; AND FOR OTHER PURPOSES, was read. Alderwoman Ross said this legislation doesn't change existing insurance. In 2007, council members requested a review of employee insurance. (An independent review will be conducted commencing no later than September 1, 2013, and thereafter no less than every two years on or before September 1 of that year.) On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

O-13-45 (ORDINANCE NO. 8535 – MAYOR SMITH)

AN ORDINANCE AMENDING THE MASTER STREET PLAN (ORDINANCE NO. 7932) TO DOWNGRADE CLASSIFICATION OF A PROPOSED MINOR ARTERIAL CONNECTING MARYLAND AVENUE TO THE FUTURE PROPOSED NORTH BELT INTERSTATE HIGHWAY TO A COLLECTOR ROAD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight 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. Mr. Voyles advised the State Highway Department held a study regarding a toll road facility. A collector has been proposed for a new subdivision. If the North Belt Highway is built, the old Batesville Pike will be abandoned and this would become the

minor arterial. On the motion of Alderman Hight 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 (7/0). The ordinance was read a third and final time. 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 adopted (7/0). Emergency clause adopted (7/0).

O-13-46

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 7121 WEST MEADOW LANE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1 TO R-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; GRANTING A SPECIAL USE TO ALLOW A MANUFACTURED HOME IN AN R-1 TO R-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; GRANTING A SPECIAL USE TO ALLOW A MANUFACTURED HOME IN AN R-2 ZONE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time. There being no motions, the ordinance will remain on the agenda. (*applicant: Nancy O'Barr*)

### **PUBLIC COMMENT**

Mayor Smith introduced the new Finance Director Ms. Karen Scott. Ms. Scott was the Finance Director for the City of Benton which also has an Electric Department. Mr. Bob Sisson will retire later this year. Ms. Whitbey introduced Deputy City Clerk and Collectors Mark Rogers and Katelyn Thomas. Alderwoman Ross reminded members to submit the names of their representatives on the Outside Storage Task Force. Mayor Smith asked if a member and his son are both on the Task Force if that would create a conflict. The Planning Commission appointed Mr. Steve White. Mayor Smith appointed Mr. Jeremy White. Mr. Fleming said there could be an appearance of impropriety. Therefore, the Planning Commission will select a new representative. Alderman Foutch advised he had an opportunity to teach a group of Boy Scouts who were working on merit badges for their Eagle Scout level. The young men were energetic, bright and caring. Alderwoman Ross thanked everyone who participated in the Quapaw Quarter Tour of Homes in Park Hill held over the weekend. Mayor Smith recognized Mrs. Connie Phillips who was in the audience and thanked her and the committee who worked on the Public Land Use Task Force. Alderman Baxter said not all residents are putting their recycling out at the right time. Mayor Smith said some of the Summer Youth employees will be assigned to ride along the recycling routes and check that containers are out when they are supposed to be and that the recycling container contains recyclable materials only. This is in an effort to educate residents. Mayor Smith said it is the property owner. Utility easements are there to allow the city access if needed. He also said there were issues with garbage and yard waste pickup, code requirements regarding grass cutting, etc. and suggested the city create a flyer or brochure with information for new residents (or utility customers). Alderman Hight has talked with realtors regarding information they provide new home owners regarding city services. Alderwoman Ross suggested providing information to utility customers when they come in to get utilities connected.

Mayor Smith will ask Mr. Nathan Hamilton, Communications Director to work on this. Alderman Baxter also asked who's responsibility it was to maintain easements that adjoin residential property. Alderman Baxter asked also asked who's responsibility it is to remove a tree that has been cut down. Mayor Smith said if a resident pays a service to cut down a tree, they are required to remove/haul it away. Alderman Baxter said the Arkansas Highway and Transportation Department will hold a public (drop in) meeting Thursday, May 16, 2013, at Amboy Methodist Church from 4:00 to 7:00 p.m. to discuss the overpass over the railroad tracks and Parkway Drive. Ms. Whitbey reminded members the next City Council meeting scheduled for Monday, May 27, 2013, will be held on Tuesday, May 28, 2013, due to the Memorial Day holiday. Alderman Taylor asked about the debris/trash behind Park Plaza. He also asked that the issue affecting the residents of Ranchettes at Deer Meadows be addressed. Mayor Smith drove by Pike Plaza and saw a couch and mattress in the ditch. He asked Public Works to pick it up and will call again in the morning. Mr. Ard thanked the council for their vote regarding snow cone trucks. He drove one in the 1960's. Mr. Ard said Code Enforcement told him he had to get rid of a tree he cut down. Ms. Helen Brents said there is still trash in the ditch behind Park Plaza. Mr. David Nicholas, (Nicholas Properties, LLC), said code regulations are excessive in the city. He has owned a total of 12 properties over the years in the city. His driver's license was suspended because he did not attend Environmental Code Court. Not having a license has made it impossible for him to work. He is a licensed realtor and auctioneer. He did not get notice of a court appearance. Eventually, people will stop purchasing dilapidated properties and fixing them. Renters are the ones making the property below standard. Mr. Joe Reynolds said there were problems with council members in Ward 3 in the past. The two representing Ward 3 now are doing a good job. Mr. Reynolds said there is a serious need for a Fire Department in the Willow Beach area. He is looking at property in the area.

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 7:44 p.m. (7/0), until the next regularly scheduled meeting which has been rescheduled to Tuesday, May 28, 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