

May 28, 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 22, 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 28, 2013, at 6:00 p.m.:

1. Mayor Smith presentation to Johnathan Dial, Jr.
2. Mayor Smith presentation to 2012 Miss Arkansas Outstanding Teen Laura Leigh Turner.
3. A 10-minute presentation from Ms. Bernadette Rhodes, Fit 2 Live Coordinator, on the following:
  - Report to Council on all the NLR community gardens – how much funded, current status, people involved
  - Recognize those community partners that created and manage the gardens
  - Recognize Central Arkansas Water and American Composting for their service to the gardens – free water meters and compost

All are invited to attend.

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

Mayor Smith invited Mr. Johnathan Dial, Jr. to come forward. Mr. Dial was appointed to the Class of 2017 United States Military Academy at West Point. He graduated from North Little Rock High School in May 2012 and was a member of the Junior ROTC Battalion. He was also a Varsity Swimmer, All Regional and All State and a four year ROTC Scholarship Candidate at Arkansas State. Mr. Dial's father is retired from the military and his mother is a teacher at Meadowpark Elementary School. Mayor Smith then presented Mr. Dial with a Proclamation proclaiming his day in the City of

North Little Rock. Alderman Hight said Mr. Dial, Jr. is a lifeguard at Overbrook Swimming Pool this summer. Mayor Smith thanked Mr. Dial, Sr. and Jr. for their service.

Mayor Smith invited Miss Laura Leigh Turner to come forward. Miss Turner is 2012 Miss Arkansas Outstanding Teen. She also won "You've Got The Look Award", "Photogenic Award", "Most Talented Dancer Award", "Overall Evening Wear Award", "Sloan Roberts Overall Physical Fitness and Sportswear Award", "Overall Talent Award", and "Overall Private Interview Award". Mayor Smith then presented Miss Turner a Proclamation proclaiming this her day in the City of North Little Rock.

Mayor Smith introduced Mrs. Bernadette Rhodes, Fit 2 Live Coordinator. Ms. Harmony Hudson and Mr. Andrew Carty presented a PowerPoint presentation regarding Community Gardens. Mrs. Josh Finley with the People Tree was also present. Since 2011, over \$77,349.19 has been allocated for gardens in North Little Rock. There are now 19 Community Gardens in the city. Community Gardens are affiliated with Arkansas Garden Corps which is a branch of AmeriCorps. All of the gardens are different and serve different purposes. Some are communal gardens and some have individual plots. Ms. Hudson then reviewed gardens locations in the city, including three city-employee garden plots. Mr. Carty reviewed the gardens he is involved with. He thanked American Compost for all of the compost and soil that has been donated. He also thanked Mr. Blake Winedorf and Central Arkansas Water for providing water to garden sites. Mr. Finley thanked Mrs. Rhodes and Fit 2 Live for their efforts. Mrs. Rhodes thanked the community partners for their support. Mayor Smith also thanked everyone for their efforts.

The regular meeting of the North Little Rock City Council scheduled for Tuesday, May 28, 2013, was called to order at 6:36 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, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (7/0), a quorum was declared. Alderman MAURICE TAYLOR was out of town. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

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

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 held on Monday, May 13, 2013, and a Special Call meeting held on Tuesday, May 21, 2013, were approved, accepted and filed as prepared by the City Clerk (7/0).

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

2. Mary Dyson, Management Secretary, Central Arkansas Water re: upcoming appointment recommendation to fill vacancy on CAW Board of Commissioners.
4. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Replacement from Soon Lee Park* for Sisi Mart *fka* Solomon, 2500 Old Jacksonville Highway (2500 Highway 161) by Eun Hee Park Yi.

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

1. Outdoor Storage Task Force: Officer Russ Elrod – Code Enforcement, ~~Presley Melton – Ward Four~~.

Per Alderwoman Ross, Mr. Melton will not be able to serve on the Task Force therefore, Ward 4 will need a new appointment.

On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, communication #3 was read, accepted and filed (7/0).

3. North Little Rock Community Garden Groups letter to City Council re: Recognition to American Composting, Inc. for support of Community Gardening Program.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communication #5 was read, accepted and filed (7/0).

5. Sara Caroline McAlister letter to Mayor Smith re: garbage, trash and yard waste pickup – efficient and affordable and commending staff.

Alderman Hight echoed the comments included in the letter. He commended Mr. Harold Ford, Sanitation Director and his staff for their work.

Mayor Smith announced a Special Call.

May 24, 2013 (via email)

Subject: Special Call Meeting for 6:35 p.m. Tuesday, May 28, 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 Tuesday, May 28, 2013, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) A Resolution Authorizing the Mayor and City Clerk to enter into a Meter Data Management Services Agreement with Entergy Arkansas, Inc.

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.

C. Jason Carter  
City Attorney C. Jason Cater

R-13-102 (RESOLUTION NO. 8328 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A METER DATA MANAGEMENT AGENT SERVICES AGREEMENT WITH ENTERGY ARKANSAS, INC.; AND FOR OTHER PURPOSES, was read. Mr. C. Jason Carter, City Attorney/Interim General Manager North Little Rock Electric Department and Legal Council advised this is not related to meters on houses. These meters measure power that is injected into transmission system through the city's generators and withdrawn from the transmission system at the city's substations. The data has to be transmitted to MISO (Midcontinent Independent System Operator's). On the motion of Alderwoman Ross and seconded by Alderwoman White and by consent of all members present, with the exception of Alderman Witcher who passed due to a conflict, the resolution was adopted (6/1).

Mayor Smith announced citizen comment on legislation. Mrs. Nancy O'Barr spoke regarding O-13-46 and asked the council to vote for her reclassification so she could keep her mobile home. Mr. Kenneth McGowan spoke regarding R-13-101. This was his family home and he has owned it for 19 years. He lived in it until moving to his farm. He invested \$20,000.00 into the home. He tried renting it but that didn't work out. There was no one else wishing to be heard.

UNFINISHED BUSINESS

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 May 13, 2013, was read a second time this date. On the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the readings were suspended (7/0). The ordinance was read a final time. Mayor Smith sponsored the legislation for consideration only. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Alderwoman Ross asked if the change in Extra-Territorial Zoning Jurisdiction would affect this legislation. Mr. Robert Voyles, Planning Director advised it would not. Part of this area was annexed into the city 8 – 10 years ago. People in the neighborhood want to allow

continuation of non-conforming structures until they deteriorate, then replace them with conforming homes (stick built homes). Mrs. O'Barr had two mobile homes removed and replaced them with the one currently at the location, which is nonconforming. Alderman Hight asked if there were other manufactured homes in the area. Mr. Voyles advised there were. Alderman Foutch asked if there were any communications to the Planning Commission regarding this location. Mr. Voyles advised there were several. On the previous motion, and the roll having been called, and all members having voted no, the ordinance failed (0/7). (*applicant: Nancy O'Barr*)

### **CONSENT AGENDA**

Mayor Smith called for consent agenda items R-13-92, R-13-93, R-13-94, R-13-95, and R-13-96. All were moved to the regular agenda under *New Business*.

### **NEW BUSINESS**

R-13-92 (RESOLUTION NO. 8329 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH ARKANSAS ARTS CENTER; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baxter and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0). (*\$40,000.00 – 2013 Budget*)

R-13-93 (RESOLUTION NO. 8330 – ALDERMEN ROBINSON AND TAYLOR)

A RESOLUTION RENEWING THE COMMUNITY GARDEN LICENSE AGREEMENT WITH FIRST PRESBYTERIAN CHURCH AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO COMMUNITY GARDEN LICENSE AGREEMENT WITH FIRST PRESBYTERIAN CHURCH; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Baxter and seconded by Alderman Foutch. Alderwoman Ross referred to \$100.00 in Section 1 and said that seemed high and recommended \$25.00. On the motion of Alderwoman Robinson and seconded by Alderwoman White, and by consent of all members present, the resolution as amended as follows: *Section 1: strike through \$100.00 and insert \$25.00* (7/0). On the motion of Alderman Witcher and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted as amended (7/0).

R-13-94 (RESOLUTION NO. 8331 – ALDERMEN ROBINSON AND TAYLOR)

A RESOLUTION RENEWING THE COMMUNITY GARDEN LICENSE AGREEMENT WITH EIGHTH STREET MISSIONARY BAPTIST CHURCH AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO COMMUNITY GARDEN LICENSE AGREEMENT WITH EIGHTH STREET MISSIONARY BAPTIST CHURCH; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the resolution was amended as follows: *Section 1: strike through \$100.00 and insert \$25.00* (7/0). On the motion of Alderman Witcher and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted as amended (7/0).

R-13-95 (RESOLUTION NO. 8332 – ALDERWOMAN ROBINSON)

A RESOLUITON RENEWING THE COMMUNITY GARDEN LICENSE AGREEMENT WITH AARON REDDIN FOR “THE ONE, INC.”, AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A COMMUNITY GARDEN LICENSE AGREEMENT WITH AARON REDDIN FOR “THE ONE, INC.”; AND FOR OTHER PURPOSES, was read. On the motion of

Alderwoman Robinson and seconded by Alderwoman Witcher, and by consent of all members present, the resolution was amended as follows:: *Section 1: strike through \$100.00 and insert \$25.00 (7/0)*. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was adopted (7/0).

R-13-96 (RESOLUTION NO. 8333 – MAYOR SMITH, ALDERMEN ROSS, WHITE, TAYLOR, ROBINSON, BAXTER, FOUTCH, HIGHT AND WITCHER)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH BUTTERFLY COMMUNITY; AND FOR OTHER PURPOSES, was read.

Without objection, all council members were added as cosponsors. On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted (7/0). (*\$10,000.00 – 2013 Budget*)

R-13-97 (RESOLUTION NO. 8334 – MAYOR SMITH)

A RESOLUITON CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 406 ½ WEST 5<sup>TH</sup> 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 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). (*Rhonda B. Atwood - amount \$2,702.20*)

R-13-98 (RESOLUTION NO. 8335 – MAYOR SMITH)

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 RESOLUT 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 Alderwoman Ross. 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).

R-13-99 (RESOLUTION NO. 8336 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1317 WEST 15<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 Alderman Hight 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: Saline and Perry G. Maggard*)

R-13-100 (RESOLUTION NO. 8337 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 5206 SCHAER 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 Baxter and seconded 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: Christie and Robert A. Grandbois*)

R-13-101 (RESOLUTION NO. 8338 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 128 MARVIN 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 Foutch and seconded by Alderman Hight. Mayor Smith convened a public hearing. Mr. McGowan said he doesn't have money to tear down the house. He started tearing it down himself last week. It's been hard since he works 12 hours a day. Mayor Smith suggested he visit with Code Enforcement. He said he was told if the city took down the house, they would also remove his storage building on an adjacent lot (130 Marvin). There being no one else wishing to be heard, Mayor Smith adjourned the public hearing. On the previous motion, and by consent of all members present, the resolution was adopted (7/0) (*owner: Kenneth and April McGowan*)

O-13-47 (ORDINANCE NO. 8536 – MAYOR SMITH)

AN ORDINANCE AMENDING ORDINANCE NO. 7507 ADOPTING AN AMENDED LAND USE MAP AND AN AMENDED PLANNING AREA / EXTRA TERRITORIAL JURISDICTION MAP FOR THE CITY OF NORTH LITTLE ROCK COMPREHENSIVE LAND USE PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Alderman Witcher made a motion to suspend all readings which was seconded by Alderwoman Ross (7/0). Alderman

Hight asked if a public hearing was held. Mr. Voyles advised public hearings were held when the item went before the North Little Rock Planning Commission. Arkansas Act 1053 of 2013 will go into effect July 1, 2013. Alderman Baxter asked about zoning in the Crystal Hill area which was discussed a year ago. On the previous motion and by consent of all members present, all readings were suspended (7/0). On the motion of Alderman Witcher 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).

O-13-48 (ORDINANCE NO. 8537 – ALDERWOMEN ROSS AND WHITE)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 2504 MCCAIN BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-1 AND R-4 TO C-3 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. On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, all readings were suspended (7/0). Mr. Mike Marlar advised the property is located behind Walgreen's at Fairway and McCain. First Security Bank plans to renovate the building and have a branch at the location. On the motion of Alderman Hight and seconded by Alderman Baxter, 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: Mike Marlar*)

**PUBLIC COMMENT**

Alderwoman Robinson asked for an update regarding Douglas Avenue in Dixie Addition. Mr. Chris Wilbourn, City Engineer advised there is a trail and bank stabilization project. On the west side of Conley Park there is a Community Development Project. \$85,000.00 was left over from last year and another \$85,000.00 is anticipated for this year. Alderman White said there were 194 volunteers involved in the 2013 Citywide Cleanup. 15 miles of the city were cleaned. 183 bags of trash were collected weighing 3,600 pounds. Mayor Smith said Randy Naylor did a great job on the event. Alderwoman Robinson thanked Mayor Smith and staff members for attending a meeting in Rose City last week. She also thanked the City Engineer's Office for their assistance regarding residents concerns in the Meadowpark area. Alderman Baxter reminded everyone trash and garbage routes are one-day delayed all week due to the Monday holiday. Alderman Foutch thanked Mr. Harold Ford and his staff from Sanitation for their good work. Ms. Whitbey introduced Deputy City Clerk and Collector Mark Rogers and advised Mr. Rogers is involved with North Little Rock Friends of Animals. He recently headed up the Relief for Rescues fund raiser which has raised over \$10,000.00 to purchase Kuranda beds for kennels at the North Little Rock Animal Shelter. Mr. James Ard said the Bike Trail in Levy is nice but people keep knocking out the street lights and asked if patrols could increase in the area. Mayor Smith suggested Mr. Ard call 9-1-1.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 7:18 p.m. (7/0), until the next regularly scheduled meeting which has been rescheduled to Monday, June 10, 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