

August 26, 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 a SPECIAL PRESENTATION meeting of the North Little Rock City Council scheduled for Monday, August 26, 2013, at 6:15 p.m.

August 20, 2013 (via email)

Subject: Special Presentation to the North Little Rock City Council

This notice is to advise that there will be a special presentation to the NLR (North Little Rock) City Council on Monday, August ~~29~~ 26, 2013, at 6:15 p.m. immediately preceding the regularly scheduled NLR City Council meeting. The agenda for this presentation includes:

Jason Carter, interim director of the NLR (North Little Rock) Electric Department, will make a presentation concerning the NLR Electric Department budget and budget process.

All NLR City Council members are asked to attend. The public is invited.

For the Mayor,
Matthew W. Fleming
Deputy City Attorney

Mr. Carter advised he will ask for a budget amendment and physical guidance from the council. He then reviewed the process. The standard process requires both an appropriation and authorization to spend public funds. The process of appropriation is legislative in nature. The city council authorizes the city to spend public funds on specific items as deemed appropriate. Mr. Carter referenced material (*Exhibit "A" tabs a, b, c, and d*) he provided to council members via email Friday. There are 16 departments within the Electric Department. Mr. Carter said he is projecting a budget shortfall of approximately \$1.5 million. There was a \$550,000.00 expenditure at the Galloway Substation that was not budgeted. Mr. Carter referenced expenditures that were appropriated in 2012, but not spent until 2013. Alderwoman Ross asked if the Smart Meters were remote disconnect meters. Mr. Carter said they only ordered remote disconnect meters this year. Alderwoman White asked the percentage of Smart Meters that have been installed. Mr. Carter said at the current pace all meters will be deployed by next fall (2014). Alderwoman Ross asked about the Smart Grid Infrastructure reduction. Mr. Carter said this item has been delayed for further review. Alderwoman Ross asked about Hydro Communications. Mr. Carter said fiber lines are expensive - 24 hour / 7 days a week communication

has to be available to the (Murray) Hydro (Electric Plant). Fiber is what switching and meter devices work from. Alderwoman Ross asked if the reduction under conservation would affect Energy Audits. Mr. Carter said it would not. Alderman Foutch asked about \$600,000.00 increase under Packing Box Unit 1. Mr. Carter said the money was appropriated in 2012. The expense did not incur until 2013. Mr. Carter said all of the \$2.1 million is contemplated to come out of the bond issue. Mr. Carter said the intent is to reallocate and prioritize expenditures. Alderwoman White asked about examples of reallocated funds. Mr. Carter referred to Exhibit "A" and advised all orange lines indicate an increase, while green lines indicate a decrease. Mayor Smith closed the special presentation discussion.

The regular meeting of the North Little Rock City Council scheduled for Monday, August 26, 2013, was called to order at 6:34 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 Daniel McFadden were also present.

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

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, August 12, 2013, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderwoman Robinson and seconded by Alderman Baxter, and by consent of all members present, communications #1 and 3, were, accepted and filed (8/0).

1. David F. Menz, Williams & Anderson, PLC letter to City Clerk Diane Whitbey re: North Little Rock Municipal Property Owners' Improvement District – Quapaw Project No. 1; North Little Rock Municipal Improvement District – Project No. 2; and North Little Rock Property Owner's Improvement District – Quapaw Project No. 3 (dissolving all districts).
3. Eddie Armstrong, III letter of resignation from Mayor's Staff effective August 30, 2013.

On the motion of Alderman Baxter and seconded by Alderwoman Ross, and by consent of all members present, communication #2 was read by title only, accepted and filed (8/0).

2. Email from Alderwoman White re: Arkansas Online article by Andy Davis re: Adult Obesity. Alderwoman White said the city is working hard for employees and residents to provide healthy options.

On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, communication #4 was read, accepted and filed (8/0).

4. Email from Alderman Taylor re: letter from Tammi Thomas in response to notice for a “Conditional or Special Use” for property at 425 Whitehead Drive.

Mayor Smith announced citizen comment on agenda legislation. Ms. Tanya Whitlock lives on Whitehead Drive and said there are mobile homes on the property. She is opposed to a Special Use to allow an additional mobile home (O-13-76). Ms. Carol Brady has lived on Whitehead Drive for 28 years. There are mobile homes on the property that are grandfathered. Ms. Brady referenced photos she distributed and said she lives across the street. One photo included a camper trailer with utilities running across the yard. She said Mr. Pack takes care of his property. Mr. Jerry Pack said he has seven acres and referenced his family history regarding the properties. Everyone in the neighborhood signed a statement indicating no objection to a mobile home on the property, with the exception of two families. Mr. Pack said this is a personal issue between him and the Thomas family. Ms. Vickie Musgrove lives in a mobile home across the street from the Pack’s. She said this is not a messy area and will not affect property values in the area. Mr. Cass Kowaski lives on Whitehead Drive across the street from Mr. Pack. Most of the homes in the area are mobile homes. Most of the neighbors like the community the way it is. Mr. Pack should be able to have his trailer.

UNFINISHED BUSINESS

None.

CONSENT AGENDA

On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by voice vote and all members present having voted aye, consent agenda items R-13-149, R-13-150, R-13-151, and R-13-152 were adopted (8/0).

R-13-149 (RESOLUTION NO. 8385 – MAYOR SMITH)

A RESOLUTION APPOINTING HOLLIE LEWIS TO THE POSITION PREVIOUSLY HELD BY JUDITH KRILE ON THE NORTH LITTLE ROCK LIBRARY COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

R-13-150 (RESOLUTION NO. 8386 – MAYOR SMITH)

A RESOLUTION APPOINTING WILLIAM M. “MIKE” SMITH TO THE NORTH LITTLE ROCK NON-UNIFORMED EMPLOYEES RETIREMENT (*aka Pension*) BOARD; AND FOR OTHER PURPOSES, was adopted (8/0).

R-13-151 (RESOLUTION NO. 8387 – MAYOR SMITH)

A RESOLUTION REAPPOINTING TOBY BURKETT TO THE NORTH LITTLE ROCK AIRPORT COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

R-13-152 (RESOLUTION NO. 8388 – MAYOR SMITH)

A RESOLUTION REAPPOINTING BRUCE WALLER TO THE PARKS & RECREATION COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

NEW BUSINESS

R-13-153 (RESOLUTION NO. 8389 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NORTH LITTLE ROCK FIRE FIGHTERS LOCAL NO. 35 (storage of antique fire truck); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Witcher. Alderwoman Ross said she was unaware that Local 35 had paid for the building. On the previous motion and by consent of all members present, the resolution was unanimously adopted (8/0).

R-13-154 (RESOLUTION NO. 8390 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH ARKANSAS REGIONAL INNOVATION HUB, INC; APPROPRIATING \$50,000.00 FROM THE GENERAL FUND; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows: *see substituted resolution provided this date* (8/0). Alderwoman White passed out an Application Evaluation Form for Fit 2 Live Community Garden. The Community Garden Program gets \$50,000.00 per year. An extremely detailed process is in place for distribution of those funds. There have been concerns from members of the community regarding city funds being given to non-profits and how it is spent. Each Community Garden application is evaluated in detail. Citizens have expressed concerns regarding money being given to non-profits without knowing what the funds are used for. Alderwoman Robinson said the council set up a reporting process regarding funds and did not see a report attached. Mayor Smith said everyone is required to provide a report. Mr. John Gaudin is a member of the board. This will be a regional program to attract entrepreneurs, start-up companies and existing companies and provide a collaboration and network for schools, universities, and state, federal and local government to attract, and retain talent in North Little Rock. The request for funding is for start-up costs. An Executive Director has been hired and office space, computers, etc. are in place. Mayor Smith said Warwick Sabin will be heading the program. Alderman Foutch referenced item 3. of the agreement and asked if the \$50,000.00 is to be used for start-up costs, then what is the benefit provided to the city. Mr. Gaudin said contacts and a network with the Governor, Head of U A, Delta Regional Authority, North Little Rock School Superintendent and others have already been set up. Jobs coming into the community would benefit North Little Rock. Alderman Hight asked if this was a one-time request and if the non-profit would be self-sustaining in the future. Mr. Gaudin said there are other hubs around the country that are similar. Federal funds will be available. A number of partnerships with the state are also available. City's around the country have started similar programs because of the Economic prospects. Alderman Hight

asked how soon a return would be seen on the \$50,000.00 investment. Mr. Gaudin said returns are already being seen. Alderman Foutch referenced item 2. of the agreement which included the length of the agreement (five (5) months) with the option to extend by authorization of the City Council and budgetary appropriation. Mr. Gaudin said (an extension) is a possibility and up to the city council. The board will be made up of CEO's, School Administrators and others in the community. Mayor Smith said the city should work to attract and retain young people and business. Alderman Taylor visited a similar project (innovation hub) in New Orleans. This will help attract, retain and maintain talent in North Little Rock and Central Arkansas. Alderwoman Ross has received several calls against this request and concerns if it was to be ongoing. Alderwoman Robinson had calls from residents regarding the use of the money and questions from the public regarding access to the amendment. Alderwoman White said there are people in the community who feel there isn't enough transparency. Alderwoman Robinson asked how small business owners or startup businesses can get information. Alderwoman Ross said these funds are to remain separate and are subject to the Arkansas Freedom of Information Act. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, with the exception of Alderman Foutch, who voted no, the resolution was adopted (7/1).

Without objection, O-13-76 was called.

Alderman Hight made a motion to suspend the readings on all ordinances on the agenda (this date). Alderman Witcher raised a Point of Order and said each item should be addressed separately. Mayor Smith said he spoke with Legal and was advised you could suspend all of the readings on all of the ordinances for the meeting with one motion. On the previous motion, and all members having voted no, with the exception of Alderman Hight who voted yes, the motion (*to suspend all readings*) failed (1/7).

O-13-76

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A MANUFACTURED HOME IN AN R-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 523 WHITEHEAD DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, with the exception of Aldermen Taylor, Robinson and Baxter, who voted no, and Mayor Smith, who voted yes, all readings were suspended and the ordinance was placed on its final reading (6/3). The ordinance was read a third and final time. A motion to adopt was made by Alderman Foutch and seconded by Alderman Witcher. Alderman Taylor said this may not be good for the city. Alderman Hight said there was a similar request a few months ago and asked the difference. Mr. Robert Voyles, Planning Director said this location is more rural. These are considered on a case-by-case basis. Alderman Foutch asked Mr. Voyles about one of the photos distributed earlier which included a camper trailer with utilities and asked what precludes allowing such in the future. Mr. Voyles said a condition can be attached to a Special Use. Alderman

Taylor said mobile homes are personal property and special conditions have to be met to be able to get financing. After further discussion and on the previous motion, and the roll having been called, and all members present, having voted no, the motion to adopt failed (8/0). (*applicant: Jerry Pack*)

Mayor Smith recessed the meeting briefly. The meeting was then reconvened.

R-13-155 (RESOLUTION NO. 8391 – MAYOR SMITH)

A RESOLUTION REPEALING RESOLUTION NO. 8008 WHICH DECLARED 708 NORTH MAGNOLIA STREET IN THE CITY OF NORTH, ARKANSAS TO BE A PUBLIC NUISANCE AND CONDEMNED IT; AND FOR OTHER PURPOSES, read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Foutch. On the motion of Alderwoman Ross and seconded by Alderwoman White, the resolution was amended as follows:: *strike through Chuck Wade and insert* ANDREW F. MCCAULEY (8/0). On the motion Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-13-156 (RESOLUTION NO. 8392 – MAYOR SMITH)

A RESOLUTION APPROPRIATING A ONE-TIME PAYMENT OF \$175,000.00 FROM THE GENERAL FUND REPRESENTING THE CITY OF NORTH LITTLE ROCK'S SHARE TO PROVIDE LED LIGHTING ON THE CLINTON PRESIDENTIAL, JUNCTION AND MAIN STREET BRIDGES; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Mayor Smith said this is a matching share. Entergy is donating \$2,000,000.00 to Central Arkansas to provide lighting on these three bridges. The estimates came back at \$2.4 million. Mayor Smith, Little Rock Mayor Mark Stodola, Pulaski County Judge Buddy Villines and (a representative from the) Clinton Foundation agreed to provide some funding. During events, the LED lights will be able to be synchronized for Special Events. This will be a great tourist attraction. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-13-157 (RESOLUTON NO. 8393 – 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 RESULT OF GRASS CUTTING EXPENSES AND ABATEMENT OF OTHER NUISANCES; 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).

R-13-158 (RESOLUTION NO. 8394 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2010 CENTRAL AIRPORT ROAD 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 unanimously adopted (8/0). (*owner: Betty Benson*)

R-13-159 (RESOLUTION NO. 8395 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2014 CENTRAL AIRPORT ROAD 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 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: Lonnie Benson*)

R-13-160 (RESOLUTION NO. 8396 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 412 LINDENHURST DRIVE 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 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: James H. Purdom c/o Angle Ritter*)

R-13-161 (RESOLUTION NO. 8397 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 8507 HWY. 70 IN THE CITY OF NORTH LITTLE ROCK TO COINSTITUTE 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 unanimously adopted (8/0). (*owner: May Properties, LLC*)

R-13-162 (RESOLUTION NO. 8398 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 7919 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 Alderman Baxter. Mayor Smith convened a public hearing. Ms. Terry (inaudible) was present with her mother, Mrs. Bernice Vann. They have gone in and cleaned up everything and had tin put over the holes in the roof. The structure is sound. They requested another inspection and said code was contacted but would not come out. Mayor Smith reviewed the process to put up a bond. Alderman Fouch asked about vehicles (and boats) on the property. Ms. Vann said there are still a few boats there. Ms. Terry (inaudible) said this was never a residence. It is a concrete building and has always been a shop. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owners: Theodore and Bernice Vann*)

R-13-163 (RESOLUTION NO. 8399 – 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 200 CORNISH STREET, AKA 202 CORNISH 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 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 unanimously adopted (8/0). (*amount - \$2,324.60*)

R-13-164 (RESOLUTION NO. 8400 – 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 202 CORNISH 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 Alderwoman Robinson. Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. Alderman Hight asked about the address on this legislation and the previous legislation. Mayor Smith said there were two structures on one lot. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (*amount - \$2,579.60*)

R-13-165 (RESOLUTION NO. 8401 – MAYOR SMITH)

A RESOLUTION AMENDING THE 2013 BUDGET FOR THE ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. Mr. Carter asked the council to accept Exhibit “A” (Tab D). Alderman

Witcher made a motion to amend to attach *Exhibit "A", Tabs C and D*, which was seconded by Alderman Taylor. Alderwoman Ross asked about Exhibit "A" Tabs A, B, C, and D. After discussion, and on the previous motion, and all members present, with the exception of Alderwoman Ross who passed, and Alderman Baxter who voted no, the resolution was amended to attached Exhibit "A" (Tab C) and (Tab D) (6/2). *Item recalled after new business and adopted as amended (see * below).

O-13-71 (ORDINANCE NO. 8557 – MAYOR SMITH)

AN ORDINANCE DISSOLVING THE NORTH LITTLE ROCK MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT – QUAPAW PROJECT NO. 1; 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, all readings were suspended (8/0). The ordinance was read a third and final time. On the motion of Alderman Witcher and seconded by Alderman Taylor, and 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). (*requested by: David Menz*)

O-13-72 (ORDINANCE NO. 8558 – MAYOR SMITH)

AN ORDINANCE DISSOLVING THE NORTH LITTLE ROCK MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT – QUAPAW PROJECT NO. 2; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Hight, and by consent of all members present, all readings were suspended (8/0). The ordinance was read a third and final time. On the motion of Alderman Witcher and seconded by Alderman Taylor, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Alderman Witcher said there was not an emergency clause. Therefore the roll was not called. (*requested by: David Menz*) (*Note: the end of Section 5 included an emergency clause, since it was not voted for or against, it will be stricken per discussion with City Attorney*). Alderman Witcher advised there was not an emergency clause on the previous legislation, and having voted in the affirmative on the previous legislation (O-13-71) he made a motion to reconsider the emergency clause on the previous legislation. Assistant City Attorney McFadden said it wouldn't be necessary. There was no second.

O-13-73 (ORDINANCE NO. 8559 – MAYOR SMITH)

AN ORDINANCE DISSOLVING THE NORTH LITTLE ROCK MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT – QUAPAW PROJECT NO. 3; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, all readings were suspended (8/0). The ordinance was read a third and final time. On the motion of Alderman Witcher and seconded Hight, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). (*Note: the end of Section 5 included an*

emergency clause, since it was not voted for or against, it will be stricken per discussion with City Attorney). There was no vote for or against the emergency clause. (requested by: David Menz)

O-13-74 (ORDINANCE NO. 8560 – MAYOR SMITH)

AN ORDINANCE DISSOLVING THE WILLOW BEACH MUNICIPAL IMPROVEMENT DISTRICT NO. 1 OF THE NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and

seconded by Alderman Hight, and by consent of all members present, all readings were suspended (8/0). The ordinance was read a third and final time. On the motion of Alderman Witcher and seconded by Alderman Taylor, and 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-13-75 (ORDINANCE NO. 8561 – MAYOR SMITH)

AN ORDINANCE APPROVING A REQUEST TO WAIVE THE REQUIREMENTS OF THE MASTER STREET PLAN TO PROVIDE HALF STREET IMPROVEMENTS FOR LOT 8B, BLOCK 2, McCAIN EAST BUSINESS PARK (EAST END OF EAST 43RD STREET) IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to suspend all readings was made by Alderman Hight and seconded

by Alderman Witcher. Alderman Taylor asked why the half street improvements are being waived. Mr. Voyles referenced a creek in the area. Extending the road to the creek would serve no purpose. On the previous motion, and by consent of all members present, all readings were suspended (8/0). On the motion of Alderman Taylor and seconded by Alderman Hight, and 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). (*applicant: Basil Shoptaw*)

O-13-76 *called earlier in meeting.*

O-13-77 (ORDINANCE NO. 8562 – ALDERMAN HIGHT)

AN ORDINANCE VACATING AND ABANDONING AN ACCESS EASEMENT AT LAKEWOOD VILLAGE SHOPPING CENTER IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of

Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, all readings were suspended (8/0). A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mr. Voyles said there is an individual lot separate from Lakewood Village (former Lonestar site) with an access easement. The roadway from the mall would be rerouted and an easement provided for the same. A large building is proposed in the area. Alderman Hight said he understood this to be a relocation of the easement. Alderwoman Ross asked if the shortcut to the mall would still exist. Mr. Gregg Mueller said this easement is the internal easement to Lakewood Village. There is not a cross access easement to the Lonestar location. They plan to dedicate a permanent

access easement to the mall. The Theatre building will be demolished and a new 45,000 square foot building will be built over this portion of the existing easement. On the previous motion, and 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). (*applicant: Gregg Mueller*)

O-13-78 (ORDINANCE NO. 8563 – MAYOR SMITH)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EAST 43RD STREET AND RICHARDS ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM I-2 TO C-4 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 Witcher, and by consent of all members present, all readings were suspended (8/0). A motion to adopt was made by Alderman Hight and seconded by Alderman Baxter. Alderman Taylor said he understood this was going to be a medical clinic. Mr. Voyles said the Planning Commission approved the site plan and recommended a waiver of some of the parking. On the previous motion, and 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). (*applicant: Basil Shoptaw*)

O-13-79 (ORDINANCE NO. 8564 – ALDERMEN BAXTER AND FOUTCH)

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”) TO ESTABLISH THE CRYSTAL HILL ROAD SIGN OVERLAY DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, all readings were suspended (8/0). Mr. Voyles said this would be a general rule change adding a corridor where changeable copy signs would be allowed. Alderman Foutch said this is an extension from Maumelle Boulevard across 440. Alderwoman Ross asked if this included Wild River Country. Alderman Baxter said the area does include Wild River Country, however, the request is not for Wild River Country. Alderwoman Ross said she is opposed if this allows signs on 430, but if it’s just Crystal Hill she would vote yes. Alderman Baxter recommended an amendment to allow the signs on frontage property on Crystal Hill only. Alderman Witcher asked if Section F could be removed. On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the ordinance was amended as follows: *Section 2: F. insert following district WITHIN 100’ (FEET) OF CRYSTAL HILL ROAD* (8/0). 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, with the exception of Alderman Witcher who voted no, the ordinance was adopted as amended (7/1). On the emergency clause, all members voted yes, with the exception of Alderman Witcher who voted no, the emergency clause was adopted (7/1).

O-13-80 (ORDINANCE NO. 8565 – ALDERMAN TAYLOR)

AN ORDINANCE APPROVING A REQUEST TO WAIVE THE REQUIREMENTS OF THE MASTER STREET PLAN TO PROVIDE HALF STREET IMPROVEMENTS FOR EXTENSION OF PROGRESS STREET IN 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 Alderman Foutch, and by consent of all members present, all readings were suspended (8/0). On the motion of Alderman Taylor and seconded by Alderman Foutch, and 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). (*applicant: Rubber & Gasket Company of America, Inc. (RGA) James W. McGhee, CEO*)

O-13-81

AN ORDINANCE APPROVING A VARIANCE FOR AN ELECTRONIC CHANGEABLE COPY SIGN ON CERTAIN REAL PROPERTY LOCATED AT 2511 HIGHWAY 161 IN 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 Alderman Hight, and by

consent of all members, with the exception of Aldermen White, Robinson, and Witcher who voted no, and Mayor Smith having voted yes, all readings were suspended (6/3). Alderman Taylor said there used to be a Roadrunner Gas Station at the location. After that it changed ownership and ran down. The applicant has invested \$300,000.00 into the site. Several businesses in the area have closed, including Waffle House. The area needs help. Alderwoman Robinson said 161 was not an area where changeable copy signs were considered. Alderwoman Ross asked if there were other changeable copy signs in the area. Alderman Taylor said there is one on the corner of 161 and East Broadway. Alderwoman Ross asked if it was grandfathered. Alderman Foutch asked why this property should be an exception. Alderman Taylor said the owner has done a lot with the property and it is a very nice facility. There was a pole sign which Alderman Taylor asked the owner to remove. Alderwoman Robinson agreed that a lot of money was invested in the property; however, allowing this could set precedence. Alderman Witcher asked about the overall height of the sign. Alderman Taylor said this is a gas station sign illustrating prices. On the motion of Alderman Taylor and seconded by Alderman Foutch, and the roll having been called and all members present having voted no, with the exception of Alderman Taylor who voted yes, the motion to adopt failed (1/7). (*applicant: Robert Mitcham*)

*R-13-165 - Mr. McFadden advised the council voted on the amendment on item R-13-165, but did not vote to adopt the legislation as amended. On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

PUBLIC COMMENT

Mr. James Ard said he tried to pay his gas bill at the drive-thru at city services and was told he had to bring his bill. He provided a copy of the back of his electric bill which indicated Utilities Accounting

accepts payments for North Little Rock Electric, Central Arkansas Water, Comcast Cable and Reliant Energy (Must have Account Number). The notice on the bill does not indicate that you have to bring in the bill. The information needs to be changed or a customer shouldn't have to bring their bill in. Mr. Thomas Crnko said a nuisance business has been in his neighborhood for a year. There is a stench and noise problem. The business is operating six days a week. He provided audio of the sound from the business which is ongoing eight hours a day. He has family coming to his home for Labor Day. His biggest concern is not cleaning up his house, but the nuisance from the noise and smell. They will not be able to sit outside. The smell and noise are ruining the property values in Argenta. He asked the council not to allow this type of business and require an impact study in the future. Alderman Taylor said the grass on Faulkner Lake Road is extremely high. He asked for ditches to be mowed by Stone Links. Alderwoman Robinson said the city cuts various lots in the city and leave the grass (clippings) behind. She asked if the city was supposed to remove the grass. Mayor Smith said it would consume time and put them behind on cutting other lots. Alderwoman Robinson said some neighbors would cut the grass and/or remove the clippings but were afraid of being arrested for trespassing. Alderwoman Robinson said (regarding the sign request for the Mobile gas station at (2511 Highway 161)), the city may need to consider allowing signs in a portion of the district. Alderwoman Ross asked about the barges that broke loose on the Arkansas River last week. She observed the Little Rock Fire Chief on the North Little Rock side of the river. Mayor Smith said the City of Little Rock's fire boat is on the north side of the river. Alderman Baxter asked about heat relief centers. Mayor Smith said they will be open when the temperature exceeds a specific mark. Alderman Taylor said there will be a ribbon cutting for Rockwater Marina this Thursday (August 29, 2013). Council members were invited to attend. Alderwoman Robinson reminded the council of the need for a fire station on the eastern side of the city. Mayor Smith said a Central Arkansas Water summit will be held in September and encouraged council members to attend. The North Little Rock Chamber of Commerce Family Fun Fest will be held September 26, 2013, at Dickey Stephens Park.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the meeting was adjourned at 8:25 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, September 9, 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