

November 25, 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, November 25, 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, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT AND MURRY WITCHER (7/0). Alderwoman BETH WHITE was absent. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

The prayer was given by Mrs. Debbie Stobel followed by the pledge of allegiance to the flag.

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, November 11, 2013, were approved, accepted and filed as prepared by the City Clerk (7/0).

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

1. Eddie Armstrong, Chair Pulaski County Bridge Public Facility Board letter to Mayors and County Judge re: 2014 Budget for Pulaski County Bridge Facility board request for additional funds for Calendar Year 2014. *(total from each jurisdiction \$41,583.00)*

On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present communication #2 was read, accepted and filed (7/0).

2. Ms. Raybonlene Daniels Hill letter to Mayor Smith re: Bus Route for Amboy/Levy Area.

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

3. Pulaski County Board of Election Commissioners Certification of Election held November 12, 2013, re: Whether or not Alcoholic Beverages may be sold or manufactures (in Park Hill area – Precincts 4M, 4E, 4D, 4Q, and 4P).

Mayor Smith asked Mr. Kc D. Lowery, Chair North Little Rock Outdoor Storage Task Force to come forward. Mr. Lowery provided a presentation (final report) of the task force. Mr. Lowery provided information including facts, real estate values based on outdoor storage, causes of outdoor storage, concerns, recommendations and the definition of outdoor storage. Mayor Smith then presented Certificates of Appreciation to members of the Task Force: Deborah Denton, Dennis Fisk, Kc D.

Lowery, Bob Iriana, Dauphne Trenholm, Joi Whitfield, Jeremy White, Alderman Ross, Alderman Baxter, Daniel McFadden, Firefighter John Pflasterer, Police Officer Karl Sorrels, Caroline Prentice, Russ Elrod, and Jackie Alexander.

Mr. Charlie Baxter, Director Patrick Henry Hays Senior Center to come forward. Mr. Baxter then provided a report regarding the city's new Emergency Operations Center (EOC) at 8th and Main. An emergency plan has been created including all city departments. Mr. Baxter then reviewed the four alert levels, notifications, etc. A press conference was held earlier this date regarding the same.

No one signed in to speak on any agenda items.

UNFINISHED BUSINESS

O-13-99 (ORDINANCE NO. 8588 – MAYOR SMITH, ALDERMAN ROSS, WHITE AND FOUTCH)

AN ORDINANCE ADOPTING A CHAPTER ON PUBLIC PROPERTY (STREETS, SIDEWALKS AND EASEMENTS) AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING CERTAIN CODE SECTIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read three times November 11, 2013 and amended (a revised version including all amendments was provided this date). The legislation was called and read. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the ordinance was amended as follows:: *new Section 2: 3.2.1 (C)EXCAVATIONS IN RESIDENTIAL AREAS. EXCEPT IN AN EMERGENCY, WHENEVER THE PERMIT APPLICANT PLANS TO BLOCK OR OBSTRUCT INGRESS/EGRESS TO PRIVATE PROPERTY, OR WHENEVER THE PERMIT APPLICANT PROPOSES TO PERFORM MAJOR EXCAVATION OR RENOVATION WORK, THE AFFECTED RESIDENTS SHALL BE NOTIFIED AT LEASE 48 HOURS IN ADVANCE* BY THE PERMIT APPLICANT. FAILURE TO COMPLY WITH THE NOTIFICATION REQUIREMENT SHALL BE SUBJECT TO SECTION 3.3.2 BELOW. *New paragraph* IN THE CASE OF SINGLE FAMILY *RENTAL* HOMES/DUPLEXES OR MULTI-UNIT APARTMENT PROPERTIES, NOTICE SHALL BE GIVEN TO THE LESSEE(S) OF A SINGLE FAMILY DWELLING/DUPLEX OR IN THE CASE OF A MULTI-UNIT APARTMENT BUILDING OR COMPLEX, TO THE MANAGER OF THE BUILDING/COMPLEX (7/0). 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-13-105

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A DAY CARE CENTER IN A C-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5532 JFK (JOHN F. KENNEDY) BOULEVARD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and read. Alderman Witcher said there was previous discussion regarding ingress and egress to the

property. The applicant was not present. The Traffic Department recommended not adding another driveway on John F. Kennedy Boulevard. Alderwoman Ross asked if there was room in the back of the property for playground equipment (on the hill). Alderman Taylor said there was a driveway off of JFK. Mr. Robert Voyles, Planning Director said the adjacent property owner has the area blocked. (*applicant: Felicia Scott*). A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. The following members voted in the affirmative: Aldermen Taylor and Baxter, the following members voted no: Aldermen Ross, Foutch, Hight and Witcher, and the following members passed: Alderman Robinson, therefore the motion to adopt failed (2/4/1). Having voted on the prevailing side a motion to expunge the previous vote was made by Alderman Witcher and seconded by Alderman Taylor, the following members voted yes: Aldermen Taylor, Robinson, Baxter and Witcher, and the following members voted no: Aldermen Ross, Foutch and Hight, and the Mayor having voted yes, the previous vote was expunged and the item will remain on the agenda. (5/3).

CONSENT AGENDA

Consent agenda items R-13-214 and R-13-215 were moved to the regular agenda.

NEW BUSINESS

R-13-214 (RESOLUTION NO. 8449 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH OWNERS OF PROPERTY LOCATED SOUTH OF HWY. 165 NEAR I-440 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Foutch and seconded by Alderwoman Robinson. On the motion of Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, the resolution was amended as follows: *Exhibit “A” 4. Rent strike through ~~\$630.00~~ and insert \$700.00 (7/0)*. On the motion of Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, the resolution was adopted as amended (7/0).

R-13-215 (RESOLUTION NO. 8450 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE LOW BID OF JLC COMMUNICATION, INC. FOR A REDUNDANT FIBER OPTIC LINE; AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Foutch and seconded by Alderman Taylor. Mr. C. Jason Carter, Interim General Manager North Little Rock Electric Department said this loop provides a second line to connect City Hall to the Electric Department. Alderman Baxter asked about the disparity in materials referenced in the bids. Mr. Carter said this bid is comparable to a similar bid for the primary line. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-13-216 (RESOLUTION NO. 8451 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUIDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 815 NORTH “G” 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 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 adopted (7/0). (*owner: Ida Morris*)

R-13-217 (RESOLUTION NO. 8452 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 803 NORTH “G” STREET 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 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 adopted (7/0). (*owner: Andrew Wilson*)

R-13-218 (RESOLUTION NO. 8453 – 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 Alderwoman Ross and seconded by Alderman Taylor. On the motion of Alderman Taylor and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows: *Exhibit “A” remove 33N0390016300, 6109 Whitby, Derek Glover (7/0)*. Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted as amended (7/0).

R-13-219 (RESOLUTION NO. 8454 – 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 2010 CENTRAL AIRPORT ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman 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 adopted (7/0). (*amount - \$3,764.78*)

R-13-220 (RESOLUTION NO. 8455 – 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 2014 CENTRAL AIRPORT ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*amount - \$2,694.71*)

R-13-221 (RESOLUTION NO. 8456 – 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 1810 WEST LONG 17TH 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 Taylor. Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*amount - \$3,053.75*)

R-13-222 (RESOLUTION NO. 8457 – MAYOR SMITH)

A RESOLUTION AMENDING RESOLUTION NO. 8227 (2013 BUDGET); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Hight. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended to attach Exhibit “A” (7/0). A motion to adopt as amended was made by Alderman Witcher and seconded by Alderman Hight. Alderman Foutch asked about the adjustments. Mrs. Karen Scott, Finance Director briefly reviewed the numbers. On the previous motion, and by consent of all members present, with the exception of Alderman Taylor who voted no, the resolution was adopted as amended (6/1).

R-13-223 (RESOLUTION NO. 8458 – MAYOR SMITH)

A RESOLUTION APPOINTING ASSESSORS FOR YOUNG ROAD MULTI-PURPOSE MUNICIPAL IMPROVEMENT DISTRICT NO. 33 OF NORTH LITTLE ROCK, ARKANSAS; 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 resolution was adopted (7/0).

(*Commissioners: Gary Wayne Clements, Diane Hannah Barton and Ron Harris*) Alderwoman Ross asked how commissioners are selected. Mayor Smith said property owners recommend them. Mr. Bob Hardin, Attorney at Law said the commissioners are electors in the city.

O-13-107 (ORDINANCE NO. 8589 – ALDERMAN HIGHT)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT THE NORTHEAST CORNER OF REMOUNT ROAD AND SPRIGGS ROAD IN THE CITY OF NORTH LITTLE

ROCK, ARKANSAS FROM R-1 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 Witcher and seconded by Alderman Taylor, and by consent of all members present, all readings were suspended (7/0). On the motion of Alderman Hight and seconded by Alderman Witcher, 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: Terry Hartwick*)

O-13-108 (ORDINANCE NO. 8590 – ALDERWOMAN ROBINSON)
AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A TRAINING AND RESOURCE CENTER, AUDITORIUM AND DAY PROGRAM SERVICES FOR CHILDREN AND FAMILIES IN AN R-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1802 FRANKLIN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, with the exception of Alderman Witcher who passed, the rules were suspended and the ordinance was placed on its second reading (6/1). On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, with the exception of Alderman Witcher who passed, the rules were again suspended and the ordinance was placed on its third and final reading (6/1). The ordinance was read a third and final time. Alderwoman Robinson said Freewill Baptist Church donated the property which has been renovated and is now a training resource center. On the motion of Alderwoman Robinson and seconded by Alderman Hight, 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: Craig Cloud*)

O-13-109 (ORDINANCE NO. 8591 – MAYOR SMITH)
AN ORDINANCE DESIGNATING THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT AS THE SOLE ENTITY AUTHORIZED TO AGGREGATE DEMAND RESPONSE OF ITS CUSTOMERS IN ACCORDANCE WITH FERC ORDER 719; 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 readings were all suspended (7/0). On the motion of Alderman Hight and seconded by Alderman Witcher and the roll having been called, and all members present the ordinance was adopted (7/0). Emergency clause adopted (7/0).

PUBLIC COMMENT

Alderman Hight said the annual North Little Rock Sertoma Club Christmas Parade is Sunday, December 1, 2013, at 2:00 p.m. Alderman Baxter referenced a presentation regarding tree canopy coverage during a recent Planning Commission meeting and asked if the same could be presented to the council. Alderman Baxter said a lot of leaves are on the street and curb and asked what could be

done to educate the public. Mr. Harold Ford, Sanitation Director said door hangers put out by crews. Alderwoman Ross thanked the members of the Outdoor Storage Task Force members for their time and efforts and advised legislation will be forthcoming. Mayor Smith asked council members to provide recommendations regarding the 2014 Budget to Mrs. Scott. Ms. Whitbey reminded everyone that city offices will be closed Thursday and Friday in observance of the Thanksgiving Holidays. Garbage and trash routes will run one-day delayed Thursday and Friday.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the meeting was adjourned at 7:40 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, December 9, 2013, at six 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