

December 9, 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, December 9, 2013, was called to order at 6:00 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). Alderman MAURICE TAYLOR was absent. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

The prayer was given by Alderwoman Robinson followed by the pledge of allegiance to the flag which was also led by Alderwoman Robinson.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the minutes of a regular council meeting held on Monday, November 25, 2013, were approved, accepted and filed as prepared by the City Clerk (7/0).

Mayor Smith convened a public hearing scheduled for 6:00 p.m. regarding R-13-228. A working meeting will be held Thursday, December 12, 2013 at 5:00 p.m. in the City Council Chambers. Mr. Gene Barentine – Retired North Little Rock Police Department spoke on behalf of the Police and Firemen Associations. The association members requested the council support the proposed 2014 Budget Resolution which included an increase to their retirement benefits. There are 45 police and firemen who have been retired for 30. There are officers and firemen who have been retired for 20 years. In 2006, these (retired) employees received a \$125.00 month increase to their retirement benefit. Around 1986, the city transferred retirement funds to the state police and firemen retirement fund known as LOPFI. The transferred funds did not provide to a 3% cost of living increase even though 50% of the funds were contributed by the retirees. Retirees under the present plan receive or will receive an annual 3% increase. Both Mayor Smith and Chief of Staff Danny Bradley agreed that they would like to increase our benefit. Mr. Barentine referred to the Consumer Price Index which indicated \$1,000.00 in 1983 and compared to the current CPI which indicated 2,344.84 for 2013 (in buying power). This is an increase of 134% over the past 30 years. Mr. (James) Jimmy Ard said contractors working in the city should have to pay for trash (or debris) removal by the city as a result of their work. This would provide financial benefits to the city. There being no one else wishing to speak, Mayor Smith adjourned the public hearing.

On the blanket motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communications #1, 2, 3, 4, and 5 were accepted and filed (7/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Replacement from Norma Gallegos*, for Joses Compadre (fka Jose's Mexican Grill), 11100 Hwy 165, by Norma Aguirre.
2. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – NEW* for Tlaquepaque Grill, 2629 Lakewood Village Drive, by Ignacio R. Jimenez.
3. Bob Rhoads, CPRP, Parks and Recreation Director letter to Mayor Smith re: Prescribed Burn Program (Burns Park) to continue through end of 2014.
4. J. D. Spencer via US mail, petition requesting speed hump on North Walnut Road (13 signatures for).
5. Karen Scott, Chairman Energy Risk Management Committee re: ECR Adjustment Factor December 2013. \$.0063/kwh.

UNFINISHED BUSINESS

O-13-105 called later in meeting, see below.

CONSENT AGENDA

R-13-224, R-13-225 and R-13-226 where pulled from the consent agenda.

R-13-224 (RESOLUTION NO. 8459 – MAYOR SMITH)

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED AT 707 PARKER STREET (\$93,000.00 – Richard Campbell) IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderwoman Ross. Alderwoman Ross asked if the city had the written contract. On the previous motion and by consent of all members present, the resolution was unanimously adopted. (7/0)

R-13-225 (RESOLUTION 8460 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE LOW BID OF CONNOR INDUSTRIES FOR A RESCUE BOAT FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; APPROPRIATING ACT 833 FUNDS (\$138,840.94); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Alderwoman Ross asked if \$8,400.00 was for the towing the boat on the trailer or to truck it in. Chief Mauldin said it would be trucked in. Alderwoman Ross asked about the boat the city currently owns and that it was named after Chief Springer. Mayor Smith said no decision has been made and it will be determined by the cost of upkeep, etc. Chief Mauldin said they will name the new boat and Chief Springer's wife would like it named after him. Alderman Witcher said the boat the city has was acquired from Federal Surplus, therefore, there are specific regulations regarding disposal. Chief Mauldin said after a certain amount of time, the regulations expire. Mayor Smith said the time frame is two (2) years. On the previous motion, and by consent of all members present, the resolution was adopted. (7/0)

R-13-226 (RESOLUTION NO. 8461 – ALDERMEN TAYLOR AND ROBINSON)

A RESOLUTION ACCEPTING THE LOW BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH ELIJAH HAMPTON ENTERPRISES, INC. FOR THE EAST BETHANY DITCH PAVING PROJECT IN THE AMOUNT OF \$34,124.00;

APPROPRIATING FUNDS (from Drainage Improvement Fund); 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 adopted. (7/0)

Alderman Witcher asked Mr. Robert Voyles, Planning Director if the applicant for O-13-105 was present. Mayor Smith said the item will be called after 6:30 p.m.

UNFINISHED BUSINESS

O-13-105 *see below* (*).

NEW BUSINESS

R-13-227 *was called later in the meeting (see below).*

R-13-228 *was called later in the meeting (see below).*

R-13-229 (RESOLUTION NO. 8462 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT FROM THE CITY OF NORTH LITTLE ROCK TO CENTERPOINT ENERGY TO ALLOW RELOCATION OF A GAS PIPELINE; AND FOR OTHER PURPOSES, was read. A

motion to adopt was made by Alderman Hight, and seconded by Alderwoman Robinson. Alderwoman Ross asked if these funds would go into the General Fund. Mayor Smith said he will bring this back to the council before the city closes on the property for suggestions for the funds. He referenced a TIF loan and a warehouse on East Broadway. Alderwoman Ross asked about the TIF loan. Mayor Smith said there was a loan for Rockwater Boulevard. The city borrowed the money with the intent that TIF funds (taxes) would pay the loan. Mayor Smith anticipated \$50,000.00 next year once apartments are built. Alderwoman Ross asked the balance on the loan. Mrs. Karen Scott, Finance Director said the loan has a balloon of (approximately) \$1,327,000.00. Alderman Foutch asked if \$9.00 per square foot was an Industry norm. Mayor Smith said the property across the street appraised at \$13.00. The original offer was \$3.00 per square foot. There is an easement running perpendicular to this easement which chops up the 7 acres. Through negotiations the amount was raised to \$9.00 and they will abandon the easement that cuts the property in half. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted. (7/0)

Alderman Taylor entered the council chambers at 6:25 p.m.

O-13-110

AN ORDINANCE VACATING AND ABANDONING A CERTAIN PORTION OF EAST 23RD STREET LOCATED BETWEEN MAIN AND NORTH POPLAR STREETS IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

(North Little Rock School District) was read. On the motion of Alderman Hight, and seconded by Alderman Baxter, and by consent of all members present, with the exception of Alderman Taylor who passed, the rules were suspended and the ordinance was placed on its second reading (7/1). On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, with the exception of Alderman Taylor who passed, the rules were again suspended and the ordinance was placed on its third and final reading (7/1). The ordinance was read a third and final time. Alderman Hight asked if there were active businesses on the street. Mr. Voyles said the school owns property on both sides of the street. Mayor Smith said the District has closed on all of the properties with the exception of one. Earnest money has been put up and the seller has agreed to the sell, which should close within the next few weeks. Mayor Smith said there will be 1,000 parking spots. Alderman Witcher questioned adopting the legislation before the property closes. Mayor Smith asked about retaining easements. Mr. Fleming said that was included in Section 2. Mayor Smith then held the legislation.

Mayor Smith said anyone present wishing to speak during the meeting should sign in with Ms. Whitbey. He then provided an update on the recent inclement winter weather. The city issued a Level 2 Alert (under the new Emergency Plan). Employees were notified and leave was canceled. Fortunately, we did not have an ice storm which could have caused multiple power outages. There was one outage which affected 35 customers. The outage was the result of a vehicle sliding into a pole. The Electric Department had the power back on within 20 minutes. The Level was reduced to 1 on Sunday. There are still icy roads in the area. Sanitation picked up their routes scheduled for today then began running Friday's routes. Mr. Harold Ford, Sanitation Director said Waste Management was running Friday's recycling routes today. Mayor Smith said everyone did a great job.

*O-13-105 (ORDINANCE NO. 8592 – ALDERMEN HIGHT AND WITCHER)

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 read three times November 11, 2013, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Alderwoman Ross asked about drop-off. The applicant, Ms. Scott said to drop-off students the driver will have to pull into the lot, park and walk the child in. Alderwoman Ross asked about the concrete barriers at one end of the lot. Ms. Scott said they were placed there by the owner of this building. Ms. Scott will have someone direct traffic if needed. She said the Traffic Director did not want her having multiple access points due to traffic issues on JFK (John F. Kennedy). She is licensed for 30 children. Parents, etc. dropping off children do not all arrive at the same time. Drop-off and pickup is in a 2-hour window. Alderwoman Ross said this is a large building and asked

if there were plans to expand in the future. Ms. Scott said she cannot expand because the children cannot be upstairs. Alderwoman White asked if there was a planned traffic flow for parents to follow. Ms. Scott said she will if necessary. Alderwoman Robinson asked about a map directing the (traffic) flow. Mr. Voyles said initially, they will use one driveway, park and walk the children inside (and out). Alderwoman Ross asked if 56th Street would be blocked. Mr. Chris Wilbourn, Traffic Services Director distributed photographs of the site and said the (traffic) flow will not be an issue. The effect on traffic will be less than most retail businesses. Alderman Taylor asked about the access easement. Mr. Wilbourn said there was not one. Mr. Voyles said the sell of the property is pending. Alderman Witcher said (56th) Street is a short, dead-end street. There are over 30 parking spaces available. Alderman Hight said Lakeview Road has businesses and residences. He didn't think this building in this area was a good fit for a day care due to traffic issues, parking and the adjacent property. Alderwoman Robinson said day cares need to be in business areas. A lot of residents do not want a day care in their residential neighborhood. Alderman Ross asked about the playground area which is on a hillside. Ms. Scott said the playground will be in the spot right behind the building. Alderwoman White said she struggles with the traffic flow. Drop off and pick up can be a difficult time. Alderman Foutch asked about the apartment complex across the street. The benefits of having a business in the building will outweigh the traffic flow concerns. On the previous motion, and the following members having voted in the affirmative: Taylor, Robinson, Baxter, Foutch and Witcher; and the following members having voted no: Ross, White, and Hight, the legislation was adopted (5/3). On the emergency clause, the following members voted in the affirmative: Taylor, Robinson, Baxter, Foutch, and Witcher; the following members voted no: Ross, White and Hight; and the mayor voted yes, the emergency clause was adopted (6/3). (*applicant: Felicia Scott*)

Ms. Whitbey said there have been issues with applicants getting approved by the council, but not meeting all of the requirements and there being no follow-up to determine if the conditions have been met. The City Clerk's Office cannot issue a license without all of the requirements being met and approval from Planning. Ms. Whitbey asked that the applicant complete the requirements in a reasonable amount of time.

R-13-227 (RESOLUTION NO. 8463 – 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 Witcher with a seconded by Alderwoman Robinson. Mayor Smith convened a public hearing, there being no one present wishing to speak, the public hearing was adjourned. Alderman Foutch asked why the city charged the same amount for each lien for every property and asked if there was a variance in the cost of mowing, cleaning, etc. based on size. Mr. Tom Wadley, Director of Code Enforcement said the amount has been a flat rate. He said there are plans to charge based on lot size. Alderman Foutch's company labor hours and equipment are based

on a formula (lot size, equipment, etc.). Alderwoman Ross asked about properties with out-of-state owners. She asked Legal if there was a way the city or neighborhood could take over the property. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-13-228

A RESOLUTION ADOPTING A BUDGET FOR THE 2014 FISCAL YEAR FOR THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith. A discussion meeting will be held Thursday, December 12, 2013, at 5:00 p.m.

O-13-111 (ORDINANCE NO. 8593 – MAYOR SMITH)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HILLARD ROAD AND CRYSTAL HILL ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-4 TO I-1 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Baxter, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Baxter 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 (8/0). The ordinance was read a third and final time. A motion to adopt was made by Alderman Baxter and seconded by Alderman Foutch. Alderwoman Ross asked if this was for storage. Alderman Taylor asked about the I-1 zoning for an office / warehouse. Mr. Voyles said there is a mixture of uses in the area (I-3 to the north, residential to the south, Elks Park to the west and railroad tracks to the east). He did receive a few calls of concern, but once he explained the request, there were no objections. These will be light-industrial contractor type offices. Alderman Taylor said I-1 (light industrial) provides more uses than a C-4 zone. Mr. Voyles said they were similar. Alderwoman Robinson said the intent is to have compatible uses. 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: Nels Scott*)

O-13-112 (ORDINANCE NO. 8594 – ALDERMEN FOUTCH AND BAXTER)

AN ORDINANCE GRANTING A WAIVER TO ALLOW VARIANCES FOR (A) POLE SIGN ON CERTAIN REAL PROPERTY LOCATED AT 11941 MAUMELLE BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Foutch, and by consent of all members present, all readings were suspended (8/0). Alderman Witcher said he would normally oppose a request like this, however, due to the extenuating circumstances (trees and shrubs) he will support this request. Alderman Hight asked if it had to be a 30 foot pole sign.

Alderwoman White said this is in a wetlands area which would require certain permits. The applicant said the sign will go in the current location. Alderman Hight said he was in the area and could see the hardship the applicant faces. He asked about the height of the Wal-Mart sign in the area and speculated it is 20 feet. He asked the applicant if a 20 foot sign would work. Mr. Voyles said the Planning Commission initially required a monument sign. However, vegetation in the wetland area grew up higher than the sign. The applicant said the trees started out at 3 – 4 feet and are now at 8 – 10 feet. Alderwoman Ross asked if this was in an area that allows changeable copy signs. Alderman Baxter said the sign currently at the location is a changeable copy sign. Alderwoman Ross said there have been a lot of excuses regarding signage in this area. On the motion of Alderman Witcher and seconded by Alderman Baxter and the roll having been called, and by consent of all members present, with the exception of Aldermen Ross and White, the ordinance was adopted (6/2). On the emergency clause, all members voted in the affirmative, with the exception of Alderwoman Ross who voted no, emergency clause adopted (7/1). (*applicant: Dominic Flis / Flis Enterprises, Inc.*)

O-13-113 (ORDINANCE NO. 8595 – ALDERMAN TAYLOR)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A TIRE STORE WITH OUTDOOR DISPLAY IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 920 EAST BROADWAY 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 Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. A motion to adopt was made by Alderman Taylor and seconded by Alderman Witcher. Alderwoman Robinson agreed with the conditions given to the applicant; especially the disposal of tires. There is a problem in Ward 2 with people dumping used tires. She asked the applicant if these will be new or used tires. The applicant, Ms. Oiler said they will have both. Their tires are disposed of at Davis Waste Tire in Little Rock. Alderman Taylor asked if they owned a property further down East Broadway. Ms. Oiler said as of February, 2013, they no longer own it. Alderman Taylor said there had been tire storage issues at the previous location. Ms. Oiler said they will have proper storage at this location. Alderwoman Ross referenced Section 2: (h) and asked how many square feet were in the building. Mrs. Oiler said the building is 11,000 square feet. Alderwoman Ross asked who will enforce the number of tires on the property. Mr. Voyles said Planning is working with the City Fire Marshal regarding the tires. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderwoman Ross who voted no, the ordinance was adopted (7/1). Emergency clause unanimously adopted (8/0). (*applicant: Ms. Christina Oiler*)

O-13-114

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A TIRE STORE IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1600 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Alderman Taylor. (*applicant: Jim Butler*)

PUBLIC COMMENT

Mr. Hiawatha Lewis thanked the council for doing a wonderful job. He asked for help for the Dixie Community. There are properties that need to be cleaned up and they are plagued with skunks and snakes. Children are in danger when they are waiting for the school bus. Alderwoman Robinson said the Railroad owns the property and asked if the city could contact them and ask them to cut/clean it up. Mayor Smith said the city has contacted them. Alderwoman Robinson asked if the law regarding undeveloped property was a city law or state law. Mr. Ard said he would help Alderwoman Robinson with phone issues. Alderwoman Robinson thanked him and advised she would take care of it. Mayor Smith reminded everyone of the budget meeting on Thursday. Mayor Smith said there will be a press conference on Thursday at 6:00 p.m. regarding a new business coming to the city (Edwards Food).

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderwoman White , and by consent of all members present, the meeting was adjourned at 7:28 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, December 23, 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