

January 13, 2014
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, January 13, 2014, was called to order at 6:30 p.m. by the honorable Mayor JOE A. SMITH. The roll having been called and the following Aldermen answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT AND MURRY WITCHER (8/0). City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

The prayer 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, December 23, 2013, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communications #1 and 2 were accepted and filed (8/0).

1. Karen Scott, Chairman Energy Risk Management Committee and Finance Director memorandum to City Clerk Diane Whitbey re: Energy Cost Recovery Rider Adjustment – January 2014 – \$.0058/kwh.
2. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer Off Premises & Small Farm Wine* – NEW for T & G Enterprises, LLC, 3100 JFK (John F. Kennedy) Boulevard, by Sean Laughlin.

Mayor JOE A. SMITH announced a Special Call scheduled for Monday, January 13, 2014, at 6:30 p.m.

January 9, 2014 (via email)

Subject: Special Call R-14-6

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 6:30 p.m. on Monday, January 13, 2014, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

1) A RESOLUTION APPROPRIATING \$140,000.00 FROM THE GENERAL FUND AS 2014 MATCHING FUNDS FOR THE CENTRAL ARKANSAS TRANSIT AUTHORITY'S COMPRESSED NATURAL GAS FLEET CONVERSION PROJECT; AND FOR OTHER PURPOSES.

A copy of the proposed resolution is attached hereto for your reference.

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.

City Attorney C. Jason Carter
By: Matthew W. Fleming
Assistant City Attorney

SPECIAL CALL R-14-6 (RESOLUTION NO. 8473 – MAYOR SMITH)

A RESOLUTION APPROPRIATING \$140,000.00 FROM THE GENERAL FUND AS 2014 MATCHING FUNDS FOR THE CENTRAL ARKANSAS TRANSIT AUTHORITY'S COMPRESSED NATURAL GAS FLEET CONVERSIONS PROJECT; AND FOR OTHER

PURPOSES. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman White. Mayor Smith said funds from the sell of property on Broadway will be used to pay for this portion of the city's obligation. Mayor Smith said a local company may provide a grant for the remaining funds. The Central Arkansas Transit Authority (CATA) Board of Directors will meet later this week regarding a decision on new (CNG or Diesel fueled) buses. Alderman Foutch asked when CATA had their last increase in fares. Mr. Jerrod Varner, Executive Director said he has been with CATA since July and there has not been an increase since then. Mayor Smith said he served on the Board and recalled the last increase may have been 5 or 6 years ago. Alderman Foutch said this is a public transfer system. The cities are being asked to provide funds. He asked why riders didn't have to pay more in fares. He said based on 2012 figures (number of passengers, income and expenses), riders pay \$.78 per ride. The actual cost to CATA is \$4.85 per rider. Riders need to pay more of the costs and tax payers should pay less. On the previous motion, and all members present having voted in the affirmative, with the exception of Alderman Foutch who voted no, the resolution was adopted (7/1).

Mayor Smith announced citizen public comment on numbered legislation. Mrs. Margaret Roy spoke regarding O-13-117. She owns property located at 111 West 7th Street and supports the application for a Special Use. The applicants are artists who want to bring their business into an Art District. Her husband was opposed. However, after meeting with them he too supports the request. Mrs. Roy said this is not a typical tattoo parlor. Ms. Rachel Fletcher spoke for O-13-117. She moved to the area four months ago from Philadelphia. When she moved to Argenta it was because it was an Arts District and she wanted to be close to other artists. This business will add life and color to the neighborhood. Mr.

Michael McDonald works at 615 Main Street and is opposed to the Special Use. This location is not a good fit as it was a residence. He drove to several tattoo parlors in Little Rock and North Little Rock. None were located adjacent to residences. Locations in commercial areas were on I-30, Chicot Road, Geyer Springs, Warden Road and Highway 107. He then read a letter from George Mobbs who lives in the residence next to the property. He is opposed to the Special Use permit. The majority of properties west of the location are residential. The Argenta Square Apartments are a half block away. New residential construction is underway on Maple Street. There is no on-street parking in that block of 7th Street. The Trolley line also runs by the location. He referenced similar businesses in other residential areas around the country. Alderman Foutch asked if Mr. McDonald or others have opposed tattoo parlors in other areas of the city. Ms. Phyllis Holifield owns the CPA Firm and building located at 615 Main Street. Their business has been at the location since early 1980's. She is not opposed to tattoos or tattoo salons. The building in question has been a residence and is located next to other residences. There is no on-street parking or adequate parking for employees and customers. She is opposed to the Special Use Permit. Mr. Chris Schee and his wife Lori are the applicants for the Special Use. His business is a tattoo studio. He understands concerns from neighbors as this is not a typical business. This is a legitimate business and he is licensed by the State. There would be a total of three employees. At the most they could each have one customer. Regarding parking, the property is zoned commercial/residential. There is public parking on Main Street and by the Trolley Stop on 7th Street. He thought the area was a "park and walk" community. Alderwoman Robinson met with the applicants and had a concern regarding parking. Mr. Marikos Bowens is a tattoo artist and works with Mr. Schee. He looks forward to being a part of the Argenta District. He was a Thea Scholarship winner in 2004 and wants to give back to the community. Mr. Bob Hardin spoke regarding O-14-3 – Master Street Plan. He referenced a proposed amendment to include a footnote pertaining to the North Shore Drive proposed road. The proposal would permit the property owner to move the road which could be an unlawful delegation of authority. The Master Street Plan is an estimate of where a road should go by setting forth a general location. Giving the ability to move a road to someone other than the City Council or Planning Commission is inappropriate. Mr. Hardin opposed the amendment on behalf of his client, owner of the Business Park. Mr. Gene Pheifer is the Developer of North Shore Business Park. He agreed with Mr. Hardin's comments. The legislation states that the location is "general" which is why a map is provided instead of a legal description. The intention of the Master Street Plan is for the Planning Commission to work with property owners at the time the actual location of the roadway is determined. Mr. Pheifer said this is important to the future expansion of North Shore Business Park which has produced taxes and provided employment opportunities as well as future opportunities for expansion of both. Alderman Foutch asked about access to city property in the area if the footnote is approved. Mr. Pheifer said access is off of Young Road through a narrow passageway. The line in the proposed plan improves access. Mr. Robert Voyles, Planning Director said the amendment would not alter the city's property. If constructed, the road would cut through it. Changes would be beyond city property. The need for access is not on city property. Mr. Voyles referenced a hospital and school and said it is really a safety issue. The city works with land developers to accommodate general needs as they develop. This would grant the property owner some

discretion. Roads are placed to serve needs. Alderman Hight asked who would pay for development of the road. Mr. Voyles said the developer of the property usually does. If it cut across city property, the city would pay. Grant funds could be available. Mr. Matt Chandler and his company have built properties for the past 40 years. They do not want this (road) on the Master Street Plan. However, the amendment gives their consent. Mr. Chandler said this is the last major piece of undeveloped land from Interstate 40 to Interstate 30, all the way down 430 (approximately 80 acres). There would still be access to the city's property. Mayor Smith then closed public comment.

UNFINISHED BUSINESS

O-13-110 (ORDINANCE NO. 8597 – MAYOR SMITH)

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, was

read three times December 9, 2013, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Mayor Smith said all properties have closed. 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). (*North Little Rock School District*)

O-13-114 (ORDINANCE NO. 8598 – ALDERMAN TAYLOR)

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 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 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. Alderwoman Robinson asked if the vendor was present and said there have been problems with tires. She asked if the owners would insure that tires will be disposed of properly. Mr. Brooks McRae said tires would be picked up on a weekly or bi-weekly basis. Alderman Hight said vehicles can only be repaired inside the building and asked if the owners would comply. Alderwoman Robinson referenced Section 2 (m) regarding trees. In the past, owners have planted trees which have died. She wanted to ensure that if the trees die that the vendor would replant them. She then asked Mr. Voyles if the trees die, can the Conditional Use be revoked. Alderwoman Ross asked if the Fire Marshal would be enforcing the number of tires per square footage. Mr. Voyles said this is a small building. They can build additional structures for storage. Mr. Voyles said Code Enforcement, Planning and the Fire Marshal can all count the number of tires. Ms. Whitbey asked for a timeline on when the business will open. Alderman Taylor said the conditions in the legislation have to be met before a license can be issued. Mr. Voyles said the conditions would have to be met and planning would have to inspect the property before they would

issue a zoning permit. Alderman Witcher asked if a Certificate of Occupancy is required. Mr. Voyles said this is an existing building with no modifications. Mr. McRae asked if there was an option other than going under the concrete sidewalk to irrigate the trees. Mr. Voyles said there are options. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the ordinance was amended as follows:: *Section 2 (m) add* , AND MUST BE PLANTED BY APRIL, 15, 2014 (8/0). 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 as amended (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Jim Butler*)

O-13-117

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TATTOO STUDIO IN A C-6 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 111 WEST 7TH 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 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 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). On the motion of Alderman Taylor and seconded by Alderman Foutch, and the roll having been called, and the following members having voted yes: Taylor, Baxter and Hight, and the following members having voted no: Ross, White, Robinson, Foutch and Witcher, the motion failed (3/5). (*applicant: Chris Schee*)

CONSENT AGENDA

None filed.

NEW BUSINESS

R-14-1 (RESOLUTION NO. 8474 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY LOCATED ON VIRGINIA DRIVE IN THE CITY OF NORTH LITTLE ROCK FROM CRAIG WATTS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Ross. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was amended as follows:: *Section 3: insert* AND AFTER A CERTIFICATE OF CLEAR TITLE IS OBTAINED, (8/0). On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted as amended (8/0). (*Lots 75 and 76, Block 0, Belwood Addition*) Mayor Smith asked if the city checked for clear title on all donated properties. Mr. Voyles said not in the past and referenced a property with complications. Mayor Smith asked that clear title be included in future legislation.

R-14-2 (RESOLUTION NO. 8475 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH THOMAS ENGINEERING COMPANY FOR ENGINEERING DESIGN WORK ON ARGENTA PLAZA; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Witcher. Alderman Foutch asked about the \$85,000.00 payment. Mayor Smith said this land swap has been in the works for over a year. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (*\$19,500.00 - 2013 Special Projects Infrastructure Fund*)

R-14-3 (RESOLUTION NO. 8476 – 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 3709 WILLOW STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson 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 unanimously adopted (8/0). (*amount - \$4,796.80*)

R-14-4 (RESOLUTION NO. 8477 – MAYOR SMITH)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 1400 EAST WASHINGTON AVENUE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. 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 - \$3,598.37*)

R-14-5 (RESOLUTION NO. 8478 – MAYOR SMITH)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 412 LINDENHURST DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Baxter 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 unanimously adopted (8/0). (*amount - \$4,848.10*)

O-14-1 (ORDINANCE NO. 8599 – MAYOR SMITH, ALDERMEN ROSS, AND WHITE)

AN ORDINANCE ADOPTING AN UPDATED DRAINAGE BASIN MAP; RESTATING AND REQUIRING THAT DRAINAGE IMPACT AND IMPERVIOUS SURFACE FEES BE EXPENDED WITHIN THE DRAINAGE BASIN FROM WHICH COLLECTED; DECLARING AN

EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher 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 Alderwoman Robinson, 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. Alderwomen Ross and White asked to be added as cosponsors. On the motion of Alderwoman Ross, and seconded by Alderwoman White, the ordinance was amended as follows:: *attach additional maps provided by City Attorney* (8/0). Mr. Mike Smith, City Engineer said the Impact Fee / Drainage Basin Fee Map had been in effect for about 13 years. The new map is easier to read. A correction was made with regard to drainage from the Silver City Courts area. On the motion of Alderman Hight and seconded by Alderwoman White, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0). Alderman Witcher asked about balances in the drainage account. Mrs. Karen Scott, Finance Director will provide the information to council members.

O-14-2 (ORDINANCE NO. 8600 – MAYOR SMITH)

AN ORDINANCE ACCEPTING THE ANNEXATION OF LANDS COMMONLY DESCRIBED AS LANDS TO BE TITLED THE “WLS ANNEXATION” TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING WLS ANNEXATION A PART OF THE CITY OF NORTH LITTLE ROCK; 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, 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. Alderwoman Robinson asked if this annexation will cost the city funds for development, etc. Mr. Voyles said the owner wants to develop a business park with contractor’s offices. He is across the street from a Fire Station and would like to have fire service. Alderman Baxter said this property was rezoned at the last council meeting. On the motion of Alderman Hight and seconded by Alderman Baxter, and the roll having been called, and by consent of all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*Petitioners: Nels Scott and Jocelyn Scott*)

O-14-3 (ORDINANCE NO. 8601 – MAYOR SMITH)

AN ORDINANCE ADOPTING A NEW MASTER STREET PLAN AND MAPS FOR THE CITY OF NORTH LITTLE ROCK; REPLACING THE PREVIOUS MASTER STREET PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of

Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time. Alderman Hight made a motion to suspend the rules. Alderman Hight made a motion to

amend. Mr. Fleming sent out two proposed amendments to Street Segment Table 8. Alderman Taylor said if this property owner is being granted the right to specify where the road goes, then everyone else should. Mr. Voyles said the Planning Department works with property owners. Mr. Voyles said hearings were held at the planning level and this issue (Chandler property) was debated. Mr. Voyles referenced areas where previously a property owner set the alignment of the road. Mayor Smith said all land owners have the same basic right. Alderwoman Robinson asked if the owner decides to put in a road, who will be responsible for the development. Mr. Fleming said it would be the property owner. Alderman Foutch asked about the proposed amendment and the intent of the owner. Mr. Fleming said when and if the area is developed, a road will go in pursuant to the Master Street Plan. At such time that a roadway was developed, the owner would have the opportunity to suggest where the road should go. Pursuant to the Master Street Plan, the road would be a certain width and meet certain specifications. After further discussion, and on the previous motion to amend, which was seconded by Alderwoman Ross, and by consent of all members present, with the exception of Aldermen Taylor and Robinson who voted no, the ordinance was amended as follows: *Street Segment Table 8 – North Shore Lane – add footnote THE SPECIFIC ROAD ALIGNMENT SOUTH OF WHITE OAK BAYOU MAY BE SET BY THE PROPERTY OWNER (6/2)*. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading as amended (8/0). Alderwoman Ross referenced Fairfax and East McCain going to 440. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the ordinance was unanimously adopted as amended (8/0). On the emergency clause, all members present voted in the affirmative, with the exception of Alderman Taylor, who voted no, emergency clause adopted (7/1).

O-14-4 (ORDINANCE NO. 8602 – MAYOR SMITH)

AN ORDINANCE AMENDING ORDINANCE NO. 6636, AS AMENDED, AND RESTATING THE PENSION PLAN FOR THE NON-UNIFORMED EMPLOYEES OF 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 Hight, 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 Witcher and seconded by Alderman Taylor, 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). On the motion of Alderman Witcher 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).

O-14-5 (ORDINANCE NO. 8603 – MAYOR SMITH)

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS AND NUMBERS OF EMPLOYEES FOR EACH DEPARTMENT OF THE CITY GOVERNMENT OF NORTH LITTLE ROCK FOR THE YEAR 2014; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On

the motion of Alderman Witcher and seconded by Alderman Hight, 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 Witcher 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. Alderman Hight asked for a brief review of changes. Mayor Smith said Fit 2 Live was removed from Administration and made a separate department. Mr. C. Jason Carter, Interim General Manager North Little Rock Electric Department said the total number of employees should be 103. A position was added for Financial Risk Management. The Sustainability Manager position has been deleted. Several positions were restructured to include more employees in leadership roles. Meter reader positions will be deleted at the end of 2014. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mayor Smith said all changes included in the ordinance are within the budget. Mrs. Scott said changes in the Parks Department eliminated some part-time and contract positions. Alderman Taylor asked why Fit 2 Live was made a separate department and not moved to another department, such as Health. Ms. Scott said a new department would provide separate listings of expenses related to the same. Alderman Fouch said cuts are going to have to be made. Alderwoman Ross asked how much grant funding the city received through Fit 2 Live. Mayor Smith said \$1.6 million. Alderwoman Ross asked about the Golf Pro position. Mr. Bob Rhoads, Parks and Recreation Director said there was a grey area since the pro was an employee and under a contract. Mr. Steve Ralston is no longer an employee. Regarding the part-time employees, they were summer workers. It has become difficult to find people to fill the positions. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows: *Section 12 strike through ~~102~~ and insert 103* (8/0). On the motion of Alderman Witcher 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 as amended (8/0). Emergency clause unanimously adopted (8/0).

PUBLIC COMMENT

Mr. Thomas Crnko complained about Nevada Railroad Materials located on the ground of Union Pacific Railroad. It has been a year and the business continues to break the nuisance laws of the city. Council members have encouraged him to continue to bring this issue to the council's attention. He asked the city to take action and enforce the current laws. He asked why he had to get an attorney to enforce the city's laws. Mr. Crnko asked council members to drive by the area on their way home after the meeting and smell the creosote. He then played a recording of the sounds being emitted from the property which go on 48 hours a week. His wife is home ill and cannot rest. Alderwoman Ross asked if the business is allowed at the location. Mr. Voyles said the property is zoned I-3. Mayor Smith said the city is still working on this and hopes to have an answer for Mr. Crnko within 30 days. Mr. Jerry Butler asked the status of a proposed study of having (or using) family homes for housing elderly and disabled people. Alderman Hight said he is waiting to hear back from the Legal Department. Mr. Butler said using zoning regulations to discriminate against disabled people is a violation of the Fair Housing Act. Violations can result in fines and penalties. Mr. Butler asked council members to read a statement online regarding the Fair Housing Act. Mr. Jimmy Ard spoke

about the House of Three (group housing for disabled people). People need a place to live in a home in a small group where they can receive care. He took care of his mother 16 years. Alderwoman Ross said a new volunteer group has formed called Volunteers Of the Levy Trail (VOLT). The purpose of the group is to promote, advocate and advise on behalf of the trail. People interested in volunteering should contact Ms. Willa Williams, Fit 2 Live at 975-8780 or email her at wwilliams@nlr.ar.gov. Alderman Witcher said a group of business leaders will meet tomorrow (January 14, 2014) at the North Little Rock Chamber of Commerce at 2:00 p.m. to discuss extending East McCain over 440. Alderman Witcher agreed with Mr. Ard's comments regarding at home housing for disabled people. There may be existing homes in the city. Mayor Smith asked Mr. Voyles to research the same. Alderman Hight said rezoning may not be the answer. Alderman Hight asked for an update regarding the leaf vacuums. Mayor Smith said the weather this year has been an issue. Mr. Harold Ford, Sanitation Director said crews have been in the Lakewood area the last two weeks. There have been equipment problems, too. Alderman Foutch thanked Sanitation employees for working during the "polar vortex" the past few weeks. The city is reviewing the process to try and make the program more efficient next year. Alderwoman Ross asked about the separation of green waste and other materials. Mr. Ford said they are working on educating the public before issuing tickets. Mayor Smith said employees are visiting Civic Groups, Church Organizations, etc.

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 8:24 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, January 27, 2014, 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