

January 27, 2014  
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 presentations scheduled for Monday, January 27, 2014, at 6:00 p.m.

January 23, 2014 (via email)

Subject: Presentations prior to City Council Meeting January 27, 2014.

Honorable Members of the North Little Rock City Council:

The purpose of this e-mail is to advise you the following presentations will be made in the City Council Chambers on January 27, 2014, beginning at 6:00 p.m.:

1. Recognition of winners of the 2014 NLR (North Little Rock) Christmas parade contest and presentation of trophies.

Mayor's Cup – North Little Rock Teen Court

Chairman's Choice – MEMS

Best Church Float – Mt. Pleasant Baptist Church

Best Beauty Entry – Miss Arkansas High

Best Club Entry – Sherwood Rotary Club

Scout Awards – Troop \_\_\_\_

Best Decorated Commercial or Business – Razorback Twinkle Truck

Best Horse or Riding Entry – Down to Earth Riders

Best Dance/Performing Group – North Little Rock Catholic Academy Cheerleaders

Best Fire Truck – North Little Rock Fire

Best Marching Group – North Little Rock High School Junior ROTC

Sertoma Club Presidents Award – Whimsical Christmas

The North Little Rock Sertoma Christmas Parade was recognized as one of the Top 20 Events in the Southeast by the Southeast Tourism Society.

2. A presentation by Margaret Powell on the Sister Cities program.

All are invited to attend.

For the Mayor,

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

Mayor Smith asked Mr. Shannon Harris, North Little Rock Advertising and Promotion and Ms. Sherry Bruno to come forward.

Mayor Smith asked Mrs. Powell to come forward.

The regular meeting of the North Little Rock City Council scheduled for Monday, January 27, 2014, 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). Assistant City Clerk Linda Marshall and Assistant City Attorney Matt Fleming were also present.

The prayer was given by Pastor Steve Tiner, Levy Baptist Church followed by the pledge of allegiance to the flag which was led by Alderman Foutch.

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 and Special Call meeting held on Monday, January 13, 2014, were approved, accepted and filed as prepared by the City Clerk (8/0).

Mayor JOE A. SMITH announced a Special Call scheduled for Monday, January 27, 2014, at 6:30 p.m.

January 23, 2014 (via email)

Subject: Special Call Meeting of the NLR (North Little Rock) City Council January 27, 2014

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 27, 2014, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) R-14-15: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ADDENDUM TO THE 2013 AGREEMENT WITH ARGENTA DOWNTOWN COUNCIL (“ADC”); AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A NEW ENHANCED COMMUNITY SERVICES AGREEMENT WITH ADC FOR 2014; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES.

2) R-14-16: A RESOLUTION ACCEPTING \$5,190.27 FROM NORTH LITTLE ROCK SCHOOL DISTRICT IN PAYMENT OF THE CITY'S LIEN AGAINST PROPERTY LOCATED AT 2207 ½ POPLAR STREET; AUTHORIZING THE MAYOR TO EXECUTE A CONSENT JUDGEMENT ON BEHALF OF THE CITY OF NORTH LITTLE ROCK IN THE CONDEMNATION CASE OF NORTH LITTLE ROCK SCHOOL DISTRICT V. ESTATE OF SYLVESTER WEST, ET AL.; AND FOR OTHER PURPOSES.

Copies of the proposed resolutions are 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-14-15 (RESOLUTION NO. 8479 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ADDENDUM TO THE 2013 AGREEMENT WITH ARGENTA DOWNTOWN COUNCIL (“ADC”); AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A NEW ENHANCED COMMUNITY SERVICES AGREEMENT WITH ADC FOR 2014;

APPROPRIATING FUNDS (\$95,000.00 – 2014 Budget); AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. Alderwoman Ross asked why this is being done. Mayor Smith said last year, the council entered into a contract with ADC (for 2013). The process was changed in April (2013) however, services were provided for the entire year. Under the previous conditions, a check could not be issued until the current (2013) contract expired. This will begin a January to January contract. Alderwoman Ross said there are several other non-profit (organizations) that receive funds from the city with contracts scheduled to expire on May 1<sup>st</sup> and will the council go back on all of them if requested. Mayor Smith said if it is requested and he felt that services were provided within the 12 month period (January – December), he would bring it before the council. Assistant City Attorney Fleming said an addendum would be needed on each agreement. Alderwoman White would like to see all non-profits meet the same requirements and mentioned current work on an application process. Alderman Taylor said this is fixing the previous time frame. Mayor Smith said checks would have been written in the past, however, we have a new administration and new Finance Director so this will clarify this in the future. Alderman Baxter referenced previous comments pertaining to contracts. Alderman Foutch said the Performance Support Document submitted by ADC dated December 2, 2013, does not specifically

state where the \$95,000.00 was spent. According to the report the funds were used to pay salaries for Public Safety Ambassadors', a Green Team which plants flowers and picks up litter. No other area in the city has these. There is no breakdown on where the funds were spent. 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).

**SPECIAL CALL R-14-16 (RESOLUTION NO. 8480 – MAYOR SMITH)**

**A RESOLUTION ACCEPTING \$5,190.27 FROM NORTH LITTLE ROCK SCHOOL DISTRICT IN PAYMENT OF THE CITY'S LIEN AGAINST PROPERTY LOCATED AT 2207 ½ POPLAR STREET; AUTHORIZING THE MAYOR TO EXECUTE A CONSENT JUDGEMENT ON BEHALF OF THE CITY OF NORTH LITTLE ROCK IN THE CONDEMNATION CASE OF NORTH LITTLE ROCK SCHOOL DISTRICT V. ESTATE OF SYLVESTER WEST, ET AL; AND FOR OTHER PURPOSES**, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Alderwoman Ross asked if there was a breakdown on funds recovered through liens. Mrs. Karen Scott, Finance Director said Finance receives a report from Pulaski County every month. Mayor Smith asked Ms. Scott to provide a list of satisfied liens every six (6) months. Mayor Smith thanked North Little Rock School Board member Scott Miller for being present. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, communications #1, 2, 3, 4 and 5 were accepted and filed (8/0).

1. Danny Shameer, State Editor, Arkansas Democrat Gazette letter to Mayor Smith re: annual request for notification of dates, times and places of regular and special meetings.
2. Robert Voyles, Planning Director letter to Mayor Smith re: Access to Highway 165 frontage to support Ott Park.
3. Doug McDowall, via facsimile – Burns Park is all fowled up.
4. Robert Voyles, Planning Director letter to Mayor Smith re: Regulating community residences or group homes.
5. Jody Hardin, via email information re: St. Joseph Farm – The Goat Dairy & Artisan Cheese Enterprise.

Mayor Smith announced citizen public comment on numbered legislation. Mr. Joe Smith (no relation to Mayor Smith) spoke regarding on O-14-07 asked that a smaller amount of concrete be removed for a mulch bed and to leave an existing fence. Mayor Smith said he had been to out to the site.

Alderwoman Ross asked about the type of business. Mr. Smith said they repair and service campers.

**UNFINISHED BUSINESS**

*None.*

## **CONSENT AGENDA**

On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by voice vote and all members present having voted aye, consent agenda items R-14-07, R-14-08, and R-14-09, were adopted (8/0). R-14-10 was moved to the regular agenda at the request of Alderwoman Ross.

R-14-07 (RESOLUTION NO. 8481 – MAYOR SMITH)

A RESOLUTION APPOINTING MARK STEPHEN GOODMAN TO THE POSITION PREVIOUSLY HELD BY RICK ASHLEY ON THE NORTH LITTLE ROCK AIRPORT COMMISSION; AND FOR OTHER PURPOSES, was adopted. Mayor Smith thanked Mr. Goodman for his service and thanked Mr. Rick Ashley for his many years of service on the commission.

R-14-08 (RESOLUTION NO. 8482 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE SALE OF A USED TRAFFIC DEPARTMENT PAINT TRUCK OWNED BY THE CITY OF NORTH LITTLE ROCK (\$55,000.00 to Quality Used Striping Equipment); AND FOR OTHER PURPOSES.

R-14-09 (RESOLUTION NO. 8483 – MAYOR SMITH, ALDERMEN FOUTCH AND BAXTER)

A RESOLUTION ACCEPTING THE LOW BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH LAMBERT CONSTRUCTION FOR DRAINAGE IMPROVEMENTS TO COUNTS MASSIE ROAD IN THE AMOUNT OF \$70,245.00; APPROPRIATING FUNDS (from the Drainage Improvement Fund); AND FOR OTHER PURPOSES.

## **NEW BUSINESS**

R-14-10 (RESOLUTION NO. 8484 – ALDERMEN ROSS AND WHITE)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH GARER, LLC TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION INSPECTION PHASES OF THE MARION STREET IMPROVEMENT PROJECT, FROM 15<sup>TH</sup> STREET TO 18<sup>TH</sup> STREET; APPROPRIATING FUNDS FOR THE DESIGN PHASE IN THE AMOUNT OF \$40,000.00 (from Drainage Improvement fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman White. Alderwoman Ross requested that \$6,767.74 come from the Ward 1 Drainage Fund and the balance of \$33,232.26 come from the Dark Hollow Drainage Fund. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

Mayor Smith referred to R-14-09 and advised he had received a letter (from the Improvement District) advising they do not have the money. The issue should have been resolved during construction.

Mayor Smith will not sign a requisition to approve this project until he has had time to discuss the same with Aldermen Baxter and Foutch and their desires regarding the same.

R-14-11 (RESOLUTION NO. 8485 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1920 NORTH POPLAR STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS 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 unanimously adopted. (8/0) (*owner: Richard Stiles*)

R-14-12 (RESOLUTION NO. 8486 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1823 EAST 2<sup>ND</sup> STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS 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: Linda Brown*)

R-14-13 (RESOLUTION NO. 8487 – 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 2110 EDMONDS 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 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 - \$3,132.86*)

R-14-14 (RESOLUTION NO. 8488 – 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 2518 FRANKLIN STREET 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 Robinson. Mayor Smith convened a public hearing. There being no one wishing to be heard, the public hearing was adjourned. On the previous motion and by consent of all members present, the resolution unanimously adopted (8/0). (*amount - \$3,409.97*)

Alderman Foutch said warm weather will be here soon and mowing and grass cutting will begin. The fee needs to be reconsidered. He used the example of charging the same to mow a 10 foot square lot versus two acres. Mayor Smith and Code Enforcement Director Mr. Tom Wadley will try to figure out a process to charge everyone a fair amount.

O-14-06 (ORDINANCE NO. 8604 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR THE PURCHASE OF A PAINT TRUCK FOR THE NORTH LITTLE ROCK TRAFFIC SERVICES DEPARTMENT; APPROPRIATING FUNDS (\$249,877.07 – 2014 Budget Sales Tax Capital Improvement Fund); 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, the readings were suspended (8/0). Alderwoman Ross asked why bidding was waived. Commerce Director Ms. Mary Beth Bowman, said this was bid through a process approved by the state. HGACBuy (Helping Governments Across the Country Buy) is an organization utilized by municipalities and state agencies for the acquisition of this type of equipment). Mayor Smith asked if this process would be done every time a bid is taken. Mr. Fleming recommended doing what state law required. 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).

O-14-07

AN ORDINANCE GRANTING WAIVERS OF NORTH LITTLE ROCK PLANNING COMMISSION REQUIREMENTS FOR REMOVAL OF FENCING AND SIZE OF MULCH AREA AROUND A MANUFACTURED BUILDING ON CERTAIN REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF MACARTHUR AND E. MEADOWLANE DRIVE IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor Smith asked for a motion (to suspend the rules). There was no motion. There was discussion regarding whether the item failed for lack of a motion. The consensus was that it did. (*requested by Smith Campers*). (It was later determined this item should remain on the agenda as the motion would have been to suspend the rules, not adopt, therefore the item will remain on the agenda.

O-14-08 (ORDINANCE NO. 8605 – ALDERMAN TAYLOR)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT THE NORTHWEST CORNER OF HWY 70 AND INTERSTATE 440 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-3/C-4/I-3 TO I-2 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 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 Witcher, 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: Tim Daters*)

O-14-09 (ORDINANCE NO. 8606 – ALDERMAN TAYLOR)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT THE SOUTHEAST CORNER OF FAULKNER LAKE ROAD AND HWY 391 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-2 TO R-2 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 Taylor and seconded by Alderman Witcher, and by consent of all members present, all readings were suspended (8/0). On the motion of Alderman Taylor and seconded by Alderman Witcher, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (8/0). Emergency clause adopted (8/0). (*applicant: Brett Watts*)

**PUBLIC COMMENT**

Mr. Mike Rose lives in the Levy. He asked council members to help in getting a shelter for the elderly people who wait on the bus between MacArthur and Lynn Lane. He has written and called CAT (Central Arkansas Transit Authority), but has not gotten a response. Mr. Thomas Crnko said it has been a year since Nevada Railroad Materials moved on the grounds of Union Pacific Railroad. They continue to break a number of local laws. He asked the council to enforce the law. Twenty-nine residents (29) have complained about this business. Mr. Robert Voyles, Planning Director advised him that the property is zoned for Heavy Industrial. They should have to have a Business License and DEQ (Department of Environmental Quality) permits. Mr. Crnko asked for council support to remove this business from the neighborhood. They do not belong in a city. Mr. Jimmy Ard asked the council to help the House of 3 establish a location in North Little Rock. The applicant did everything legal and was turned down. Mr. Scott Miller thanked the mayor and council for their support to the School District on 23<sup>rd</sup> Street. Mr. Miller spoke regarding a group home that was rejected because it was a business going in a residential neighborhood. Businesses are in neighborhoods all over the city. He urged the council pass legislation that will deal with this issue city wide and not just a particular home or location. There are people renting rooms all over the city. Sometimes five or six different tenants rent rooms in a single-family home. This affects the school district too. The city doesn't have a zoning ordinance applying to single-family homes if a person can purchase a home and then rent rooms to multiple individuals. This is an opportunity to solve to issues (rental property and home care). Mayor Smith asked Mr. Shawn Spencer, Planning Department to get the address of the home across the street from Mr. Miller that he referenced as renting rooms. Mr. Jerry Butler spoke regarding the House of 3 and group homes in residences within the city. He referenced a communication regarding the same. Ms. Jessie Pounds lives in Ridge Road Apartments. The apartments are supposed



to be energy efficient but are not. Elderly residents have received high electric bills. She asked how the apartments could have passed inspection. She asked if the city could work with residents and set up a payment plan on their bills. Alderwoman Ross referenced Mr. Miller's comments regarding rooms being rented out of residential homes. The issue is proving it. If a resident knows of people renting rooms and is willing to come forward and testify that could help.

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the meeting was adjourned at 7:25 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, February 10, 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