

May 12, 2014  
Six 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, May 12, 2014, was called to order at 6:01 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, and CHARLIE HIGHT (7/0). Alderman MURRY WITCHER was absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation and pledge of allegiance were lead by Alderwoman Robinson.

On the motion of Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, the minutes of a regular council meeting held on Monday, April 28, 2014, were approved, accepted and filed as prepared by the City Clerk (7/0).

Mayor Smith announced a Special Call scheduled for Monday, May 12, 2014, at 6:00 p.m.

May 9, 2014 (via email)

Subject: Special Call (R-14-76)

Honorable Members of the North Little Rock City Council:

The purpose of this email is to advise you that Mayor Smith has called a special meeting of the North Little Rock City Council at 6:00 p.m. on Monday, May 12, 2014, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) R-14-76 – AUTHORIZING AN AGREEMENT BETWEEN THE NORTH LITTLE ROCK POLICE DEPARTMENT AND WHITE COUNTY SHERIFF'S DEPARTMENT FOR HOUSING OF NLRPD PRISONERS; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES. Sponsor: Mayor Smith

Also attached is an amendment to O-14-44 to add Alderman Taylor, who was inadvertently omitted as sponsor of the legislation.

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.

Respectfully,  
C. Jason Carter  
City Attorney

SPECIAL CALL R-14-76 (RESOLUTION NO. 8540 – MAYOR SMITH)

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE NORTH LITTLE ROCK POLICE DEPARTMENT AND WHITE COUNTY SHERIFF'S DEPARTMENT FOR HOUSING OF NLRPD PRISONERS; APPROPRIATING FUNDS (\$54,000.00 – General Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Baxter. Without objection, Aldermen Ross, White, Baxter, Foutch and Hight were added as cosponsors. Mayor Smith said the Pulaski County Jail is closed. Currently, if someone is arrested, they are ticketed and released. This agreement provides an option to lock up someone if the Police Chief deems it necessary. Alderman Foutch asked about the facility behind Laman Library and if that site would be reopened. Mayor Smith said that was a Booking Facility for the county. Police Chief Mike Davis said the facility was operated by Pulaski County. The building is no longer designed for use as a booking site. Mayor Smith said cities are renegotiating their jail contracts with Pulaski County. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

Mayor Smith invited Mr. Randy Naylor, Keep North Little Rock Beautiful to come forward. Mr. Naylor said the annual Citywide Cleanup will be May 17, 2014. Cleanup around the city will take place Saturday morning between 9:00 a.m. and 11:00 a.m. followed by lunch and recognition of volunteers beginning at 11:30 a.m. at the Pavilion at Lakewood Village. Mr. Naylor thanked the North Little Rock Sanitation and Street Departments for their continued assistance.

On the blanket motion of Alderman Hight and seconded by Alderman Baxter, and by voice vote and all members present having voted aye, communications #2, 3, 4, and 7 were accepted and filed without being read (7/0).

2. Karen Scott, Chairman, Energy Risk Management Committee memorandum to City Clerk Whitbey re: Energy Cost Recovery Rider adjustment factor (ECR) for May 2014 - \$.0107/kwh.
3. Christopher P. Noun, National Advisor, Hattie Harris Good Spirits Club letter to City Council members re: National Thank You for Elected Officials.
4. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Replacement from Yura Thornell* for Marty's Meat & Grocery fka Marty's Fresh Deli Meat Grocery, 4618 East Broadway, by Dong R. Shin.

7. Mayor Smith letter to Debra Velez, Change Center for Health and Vitality re: intent not to renew Contract for Operation of Argenta Wellness Clinic.

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

1. Robert Phelps, Executive Director, Keep Arkansas Beautiful Commission, State Affiliate Director, letter to Randy Naylor, re: selection to be recognized as one of 25 Exceptional Individuals for Organizational Leadership Arkansas River Cleanup Project / Keep North Little Rock Beautiful.

On the motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, communication #5 was read, accepted and filed (7/0).

5. Fire Chief Robert Mauldin letter to Mayor Smith re: Retirement effective June 30, 2014.

On the motion of Alderman Baxter and seconded by Alderwoman Ross, and by consent of all members present, communication #6 was read by title only, accepted and filed (7/0).

6. City Clerk and Collector Diane Whitbey letter to Mayor Smith and City Council members re: Northstar Alarm Services door to door soliciting without peddlers permits and request for the same.

On the motion of Alderman Hight and seconded by Alderwoman White, and by consent of all members present, communication #8 was read, accepted and filed (7/0).

8. Mayor Smith letter to City Council members re: Wellness Clinic and request to discontinue contract effective July 1, 2014.

Alderman Foutch asked if the funds would go into the Reserve Fund or General Fund. Finance Director Karen Scott said they would remain in the General Fund. Mayor Smith said cuts will be necessary in the future. Benefits for employees are one of them.

Mayor Smith acknowledged his wife Missie who was present.

Mayor Smith announced citizen public comment. Mr. Jim Ard spoke for R-14-60. He said technology is changing quickly and encouraged the council to vote for the legislation. Mr. Ard spoke regarding O-14-45 pertaining to food vendors and asked the council to include a stop time in the legislation.

### **UNFINISHED BUSINESS**

R-14-60 (RESOLUTION NO. 8541 – MAYOR SMITH)

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A**

**MASTER LEASE AGREEMENT WITH VERIZON WIRELESS TENNESSEE PARTNERSHIP**

**DBA VERIZON WIRELESS; AND FOR OTHER PURPOSES,** was read. A motion to adopt was

made by Alderwoman Ross and seconded by Alderman Foutch. Mr. Carter referenced an amendment to the agreement which would change the term of the agreement from 25 to 20 years, and additional language regarding extension term in five (5) year increments and an increase for each term. On the

motion of Alderman Foutch and seconded by Alderwoman Ross, and by consent of all members present, the resolution was amended as follows: *substitute Agreement provided this date (7/0)*. A motion to adopt was made by Alderman Hight and seconded by Alderman Baxter. Alderwoman Ross asked if each placement (or site) would be brought back to the city council. Mayor Smith advised they would. Alderman Hight said the fee is \$2,500.00 per site. On the previous motion, and by consent of all members present, the resolution was adopted as amended (7/0).

### **CONSENT AGENDA**

On the motion of Alderwoman Robinson and seconded by Alderwoman White, and by voice vote and all members present having voted aye, consent agenda items R-14-71, R-14-72, and R-14-73 were adopted (7/0). R-14-70 was held by the sponsor, Mayor Smith, and moved to the regular agenda.

R-14-70

A RESOLUTION APPOINTING RANDY JOHNSON TO THE NORTH LITTLE ROCK PUBLIC BUILDING AUTHORITY; AND FOR OTHER PURPOSES, was held and will be moved to regular agenda May 27, 2014.

R-14-71 (RESOLUTION NO. 8542 – MAYOR SMITH)

A RESOLUTION REAPPOINTING TODD LARSON TO THE NORTH LITTLE ROCK PUBLIC BUILDING AUTHORITY; AND FOR OTHER PURPOSES, was adopted (7/0).

R-14-72 (RESOLUTION NO. 8543 – MAYOR SMITH)

A RESOLUTION REAPPOINTING DAN SCOTT TO THE NORTH LITTLE ROCK PUBLIC BUILDING AUTHORITY; AND FOR OTHER PURPOSES, was adopted (7/0).

R-14-73 (RESOLUTION NO. 8544 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE LOW BID OF CASCO INDUSTRIES FOR TURNOUTS FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; APPROPRIATING ACT 833 FUNDS (\$40,145.00); AND FOR OTHER PURPOSES, was adopted (7/0).

### **NEW BUSINESS**

R-14-74 (RESOLUTION NO. 8545 – 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 6623 HWY. 70 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 (7/0). On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*amount - \$3,831.85*)

R-14-75 (RESOLUTION NO. 8546 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 624 AND 624 ½ WEST 36<sup>TH</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 OWNER TO ABATE SAID NUISANCE;

AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross 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: Kirby L. Simpson*)

O-14-42 (ORDINANCE NO. 8638 – MAYOR SMITH)

AN ORDINANCE VACATING AND ABANDONING CERTAIN SEWER EASEMENTS LOCATED IN CVS SUBDIVISION IN THE CITY OF SHERWOOD, ARKANSAS; DECLARING AN EMERGENCY; AND 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 (7/0). 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 (7/0). The ordinance was read a third and final time. A motion to adopt was made by Alderman Baxter and seconded by Alderman Foutch. Mr. Marc Wilkins, Director North Little Rock Waste Water said lines on this property were never built so there are no lines in the easement. This property is at the corner of Keihl Avenue and Highway 107. On the previous motion, 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). (*requested by: CVS 10430, AR, LLS – owner*)

O-14-43

AN ORDINANCE VACATING AND ABANDONING PORTIONS OF ALLEYWAYS LOCATED WEST OF POPLAR STREET, ONE BETWEEN EAST 23<sup>RD</sup> AND EAST 24<sup>TH</sup> STREETS, AND THE SECOND BETWEEN EAST 22<sup>ND</sup> AND EAST 23<sup>RD</sup> STREETS, IN THE CITY OF NORTH

LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Mayor Smith. (*requested by Brad Peterson of Crafton Tull on behalf North Little Rock School District*)

O-14-44 (ORDINANCE NO. 8639 – MAYOR SMITH AND ALDERMAN TAYLOR)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 306 WEST 6<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R-4 TO PLANNED USE DEVELOPMENT (PUD) TO ALLOW FOUR RESIDENTIAL UNITS ON ONE LOT, BY

AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER

PURPOSES, was read. On the motion of Alderwoman Robinson 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 (7/0). The ordinance was read a second time. A motion to suspend the rules was made by Alderman Hight and seconded by Alderman Foutch. Alderman Taylor presented a point of order regarding amending the ordinance. After brief discussion and without objection, Alderman Taylor was added as a cosponsor without amending the ordinance. On the previous motion, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). On the motion of Alderman Hight and seconded by Alderman Baxter, 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: Lawrence Finn*)

O-14-45

AN ORDINANCE AMENDING CHAPTER 74 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO ADD REGULATIONS FOR “MOBILE FOOD VENDORS” DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baxter and seconded by Alderwoman White, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. A public hearing was set for Tuesday, May 27, 2014, at 6:05 p.m. Alderwoman White requested input from council members. The legislation was then held by the sponsor, Alderwoman White. Alderwoman Ross said this legislation would allow food vendors at stationary events only, not mobile food trucks.

O-14-46

AN ORDINANCE AMENDING CHAPTER 8 (NUISANCE ABATEMENT AND PROPERTY MAINTENANCE) OF THE NORTH LITTLE ROCK MUNICIPAL CODE REGARDING OUTDOOR STORAGE; 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 (7/0). The ordinance was read a second time. A public hearing was set for Tuesday, May 27, 2014, at 6:05 p.m. Alderwoman Ross asked for input from council members. The legislation was then held by sponsor, Alderwoman Ross.

*Note:* the next City Council meeting will be held on Tuesday, May 27, 2014, the day after Memorial Day.

O-14-47 (ORDINANCE NO. 8640 – ALDERWOMAN ROBINSON)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A MOBILE HOME PARK IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4401 EAST BROADWAY 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 Foutch, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. A motion to suspend the rules was made by Alderman Hight and seconded by Alderwoman Robinson. Alderwoman Robinson said the council

previously approved a Special Use at this location. The owner who is retired wants to sell the property/Mobile Home Park. Alderman Taylor asked about Section 2: c) Recreation Area and the location of the same. The applicant, Mr. Bjorn Rost said there were originally 19 mobile home lots. This request would include only 18 and room for a picnic area/green space for residents. Mr. Bjorn said nine slips are allowed per acre. Mr. Robert Voyles, Planning Director said an open space/area is required for Trailer Parks. Alderman Baxter asked if this park would be limited to Manufactured Homes or if Travel Trailers would be allowed (12', 16' etc.). Mr. Bjord said Manufactured Homes only. The Recreation space would be on the Broadway side of the property (front right corner). Alderwoman Robinson said there is a lot of foot traffic on East Broadway. Mr. Carter said identifying the area as a green space could be limiting. Recreation provides more options. On the motion of Alderwoman Robinson and seconded by Alderman Baxter, and by consent of all members present, the ordinance was amended as follows:: *Section 2: c) Provide a recreationAL area for residents- THAT IS CENTRALLY LOCATED ON THE MOBILE HOME PARK (7/0)*. On the previous motion, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). On the motion of Alderman Hight 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). (*applicant: B and K Enterprise Group*)

O-14-48 (ORDINANCE NO. 8641 – ALDERWOMAN ROBINSON)

AN ORDINANCE VACATING AND ABANDONING A PLATTED AND UNDEVELOPED PORTION OF CLOVER STREET LOCATED SOUTH OF GRIBBLE STREET IN THE CITY OF NORTH LITTLE ROCK; 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, all readings were suspended (7/0). 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 adopted (7/0). (*requested by Gladys M. Webb*)

O-14-49

AN ORDINANCE WAIVING CERTAIN REQUIREMENTS OF THE CITY'S REGULATIONS TO CONTROL DEVELOPMENT AND SUBDIVISION OF LAND; ACCEPTING STREETS AND DRAINAGE INFRASTRUCTURE WITHIN THE RANCHETTES AT DEER MEADOWS IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PUROSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman White, and by consent of all members present, the rules were suspended and the ordnance was placed on its second reading (7/0). The ordinance was read a second time. A motion to suspend the rules was made by Alderman Taylor and seconded by Alderwoman White. Alderman Taylor said areas are being annexed into the city but services are not being provided to the resident. He and City Engineer Mike Smith went out and looked at the streets in the Deer Meadows neighborhood where work is needed. However, the streets in the area are private. If the city annexes property it should take care of

everything that comes with it. Alderwoman Robinson said council members have had questions in the past regarding infrastructure. When Deer Meadows was annexed, the streets were already in place. The homes in the area are very nice estates and the owners are paying taxes. Alderwoman Robinson then asked to be added as a sponsor. Alderwoman Ross did not recall streets being accepted without a bond. When the area was annexed, the streets were not. She visited the area and found the streets need a lot of work and do not appear to be up to city standards. The city already has a lot of streets that need attention. Alderman Taylor said the city had Territorial Jurisdiction when the streets were built the city could have had input. Mr. Voyles said the subdivision was laid out in 5 to 6 acre tracts of rural estates. The owner may have annexed the property to help sell the lots. The streets were proposed as private streets and are of a rural standard. There were questions whether the original design had side swells. When property is annexed it does not change agreements the city has. City Engineer Mike Smith said when the streets were built in the county a bond may not have been required. Alderwoman Robinson said residents in this area wanted to be deannexed from the city for lack of services. A plan is needed. Mr. (Mike) Smith said the area used to be farmland. There are also drainage issues in the area in addition to the streets. Alderman Taylor said the streets need to be accepted so pot holes can be repaired. Mr. (Dwight) Lambert lives at Ranchettes at Deer Meadows. He is a retired Air Force Sergeant. Houses in this area cost \$250,000.00 to \$500,000.00. If they were in Chenal in Little Rock they would cost a million dollars. The only service they have been provided is trash pickup. They are paying \$5,000.00 a year for trash pickup. The council spends money in other areas of the city. He asked that they spend some money in their area. They formed a Neighborhood Association and he is the spokesman. He referenced the Subdivision laws. On the previous motion, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and the roll having been called, and the following members having voted in the affirmative: Taylor, Robinson and Foutch; and the following members having voted no: Ross, White, Baxter and Hight, the motion failed (3/4). *(requested by property owners in Ranchettes at Deer Meadows)*

### **PUBLIC COMMENT**

Mayor Smith announced last week was Municipal Clerk's Week and proclaimed the same in the City of North Little Rock. Mayor Smith will present the same to the clerk's office staff tomorrow. Mr. Jim Ard said the city "tightening its belt." If the city would issue tickets for violations, garbage fees wouldn't have to go up. Also, the people in Ranchettes at Deer Meadows need help. Alderman Taylor said they are trying to help their constituents. Accepting a community into the city and not providing services isn't right. Alderman Hight said people in the Overbrook Neighborhood were able to watch the meeting on U-Verse and thanked Nathan Hamilton for his efforts. Mayor Smith said options will be provided to council members soon regarding naming the new 311 App. Mayor Smith said the new website will have a link for residents to apply to serve on city boards and commissions. There are openings on the Civil Service Commission and Airport Commission.

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 7:06 p.m. (7/0), until the next regularly scheduled meeting which will be held on Tuesday, May 27, 2014, (due to the Memorial Day Holiday, Monday May 26, 2014), at six o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

\*Note: these minutes were amended May 27, 2014, at the request of Alderman Taylor to reflect that the council did not vote to reschedule the meeting scheduled from Monday, May 26, 2014 to Tuesday, May 27, 2014, (due to the Memorial Day Holiday). A motion was made by Alderwoman Ross and seconded by Alderman Foutch (on Tuesday, May 27, 2014), and the meeting was then rescheduled by unanimous vote of the council (8/0) to Tuesday, May 27, 2014.

APPROVED: \_\_\_\_\_

MAYOR JOE A. SMITH

ATTEST: \_\_\_\_\_

DIANE WHITBEY, CITY CLERK