

June 9, 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, June 9, 2014, was called to order at 6:00 p.m. by the honorable Acting Mayor LINDA ROBINSON.

The roll having been called and the following Aldermen answered to their names: DEBI ROSS, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (6/0). Aldermen BETH WHITE and MAURICE TAYLOR were absent. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

The invocation and pledge of allegiance were lead by Alderman Foutch.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes from the North Little Rock City Council meeting scheduled for Monday, May 26, 2014, and held on Tuesday, May 27, 2014, and a Special Call meeting also held on the 26th were approved, accepted and filed as prepared by the City Clerk (6/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Foutch, and by consent of all members present communications #1, 2, 5, 7, and 10, were accepted and filed without being read (6/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises and Small Farm Wine - Replacement from Hiram King, Sr.* for Remount Food Mart fka E-Z Mart #367, 6101 Remount Road, by Yousef N. Qattoum.
2. Charlotte Thomas, Mayor's Office memorandum re: *Retail Beer on Premises - NEW* for La Isia, 2641 Pike Avenue, by Araceli Ouando.
5. Karen Scott, Chairman Energy Risk Management Committee and Finance Director memorandum re: Energy Cost Rider Adjustment Factor (ECR) June 2014 - \$.0059/kwh.
7. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink - Replacement from Stanley Conrad* for Hooters of North Little Rock, 4110 Landers Road, by William P. Almond.
8. Jeremy Lewno, Director of Operations Bobby's Bike Hike to Mayor Smith et al re: commending creation of NLR Fire Department Bike Team and members.

On the motion of Alderman Witcher and seconded by Alderman Baxter, and by consent of all members present, communication #4 was read, accepted and filed (6/0).

4. Mayor Smith letter to City Clerk Diane Whitbey and City Council members re: out of town, Monday, June 9, 2014. Alderwoman Robinson will preside over City Council meeting.

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

6. North Little Rock Parks and Recreation Department Press Release re: Summer Food Service Program.

On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, communication #3 was read, accepted and filed (6/0).

3. Aldermen Robinson and Taylor letter to Mayor Smith re: request to discuss current policy for dispersing funds from Ward's Drainage Funds.

Alderwoman Robinson questioned if the policy on spending Ward Drainage Funds had changed. She referenced a project in Ward 2 where they had requested signage and asked if the policy had changed. Alderman Witcher being the senior member of the city council said it had not, but referenced compliance issues. Alderwoman Robinson said the council approves the city's budget. Department heads do not have to get permission from the Mayor's Office to spend departmental funds.

Alderwoman Robinson said these funds would have been used to have a sign designed. Chief of Staff Danny Bradley said the scope of work was delivered to the City Engineer who referred it to the A & E (Architectural and Engineering) Committee because it was a professional service. After meeting, it was determined it did not have to go before the committee. This was a matter of process and not permission. Mr. C. Jason Carter, City Attorney said initially Drainage Funds were used for Drainage Projects. Those are General Taxation Funds and not restricted by purpose. Mr. Carter suggested renaming the fund (Ward Project Funds). Mr. Carter said Executive Approval has never been required for the expenditure of Ward Funds. Both Aldermen (from the Ward) have to consent to the expenditure of funds. Alderwoman Robinson asked if council members could go directly to Department Heads with their requests or do they have to go to the Mayor, and if Department Heads have to seek permission from the Mayor regarding council member requests. Mr. Carter said the City Council is the Legislative Branch of City Government which approves the budget and establishes the rules under which our city operates. The Mayor manages city departments, department heads and employees. This is part of the role of the (Chief) Executive Officer of the city. The person with direct authority over employees is the Mayor. Alderman Witcher said this protects the council and city from criticism. Mr. Carter said when professionals are hired (i.e. Engineers, Architects, Land Surveyors, Attorneys, etc.), the city must go through a professional selection. If the city spends \$20,000.00 or more, then it must be either bid or come before the city council to waive the bidding requirement. Mr. Carter said the Mayor's permission is not required for aldermen to spend their Ward funds. The funds have to be spent according to policy.

On the motion of Alderman Foutch and seconded by Alderman Baxter, and by consent of all members present, communication #9 was read, accepted and filed (8/0).

9. Gary Davis, North Little Rock School District Athletic Director thanking the city and Parks and Recreation Department for hosting State Baseball Tournament.

On the motion of Alderman Foutch and seconded by Alderman Hight, and by consent of all members present, communication #10 was read, accepted and filed (8/0).

10. Mayor Smith letter to City Council members re: PACE Board of Directors and Mayor's representative Alderwoman Beth White.

Acting Mayor Robinson announced citizen public comment. Mr. James Ard spoke regarding O-14-46 and referenced Landscaping Businesses storing outdoor equipment. Mr. Fred Trusty spoke regarding O-14-46. He has lived in a lot of different cities. He said North Little Rock is one of the trashiest city's he's ever lived in. There aren't curbs and gutters on many streets. Vehicles are parked in front yards. Trees, limbs, lawn cuttings and other trash are allowed to be out on the street many days before scheduled pickup. Vacant houses are boarded up. People have chairs and couches in their yards. There are ordinances dealing with these issues, however, when he has complained in the past, the city didn't do anything. If a citation is issued, it is up to a judge to determine what happens. Fines should be imposed. He referenced cardboard boxes and appliances being stored in a carport. Mr. Trusty supports the ordinance and said there should be zero tolerance.

### **UNFINISHED BUSINESS**

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 two times May 12, 2014, was read a third and final time May 27, 2014, was called and held at the request of Assistant City Attorney Fleming for Alderwoman White. Alderman Hight asked if a private organization could hold an event on private property and have a food truck on site. Mr. Carter said zoning would apply to private property. Mr. Robert Voyles, Planning Director said if a company had an annual picnic and catered the event, it would be allowed. However, anything else would have to go through a Special Use request. Alderman Hight referred to Catfish Young's. Mr. Voyles said they are caterers. Ms. Whitbey said Young's is licensed as a Restaurant in the city with a Catering license.

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 two times May 12, 2014, was read a third and final time May 27, 2014, was called and held by sponsor, Alderwoman Ross. A public hearing was scheduled for Monday, June 23, 2014, at 6:05 p.m. Alderman Baxter encouraged people to review the legislation and provide feedback to council members.

O-14-52

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW CAR SALES IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4620 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time May 27, 2014, was read a second time. There was no motion to suspend the rules, therefore, the item will remain on the agenda. (*applicant: Steffanie Mahaney*)

### **CONSENT AGENDA**

At the request of Alderwoman Ross consent items R-14-85, R-14-86, R-14-87, R-14-88, R-14-89, R-14-90, and R-14-91 were pulled and read.

R-14-85 (RESOLUTION NO. 8556 - MAYOR SMITH)

A RESOLUTION APPOINTING CLAY PARTRIDGE TO THE NORTH LITTLE ROCK ENERGY IMPROVEMENT DISTRICT BOARD OF DIRECTORS; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (6/0).

R-14-86 (RESOLUTION NO. 8557 - MAYOR SMITH)

A RESOLUTION APPOINTING CHARLES FOSTER TO THE NORTH LITTLE ROCK ENERGY IMPROVEMENT DISTRICT BOARD OF DIRECTORS 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 resolution was adopted (6/0). Mr. Foster was present and thanked for his service.

R-14-87 (RESOLUTION NO. 8558 - MAYOR SMITH)

A RESOLUTION APPOINTING WILLIAM GRUBER TO THE NORTH LITTLE ROCK ENERGY IMPROVEMENT DISTRICT BOARD OF DIRECTORS; 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 resolution was adopted (6/0). Mr. Gruber was present and thanked for his service.

R-14-88 (RESOLUTION NO. 8559- MAYOR SMITH)

A RESOLUTION APPOINTING TODD LARSON TO THE NORTH LITTLE ROCK ENERGY IMPROVEMENT DISTRICT BOARD OF DIRECTORS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (6/0). Mr. Larson was present and thanked for his service.

R-14-89 (RESOLUTION NO. 8560 - MAYOR SMITH)

A RESOLUTION APPOINTING TERRY HARTWICK TO THE NORTH LITTLE ROCK ENERGY IMPROVEMENT DISTRICT BOARD OF DIRECTORS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (6/0).

R-14-90 (RESOLUTION NO. 8561 - MAYOR SMITH)

A RESOLUTION APPOINTING LISA MEYERS TO THE NORTH LITTLE ROCK ENERGY IMPROVEMENT DISTRICT BOARD OF DIRECTORS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (6/0). Ms. Meyer was present and thanked for her service.

R-14-91 (RESOLUTION NO. 8562 - MAYOR SMITH)

A RESOLUTION APPOINTING SUSAN SIERRA DOLLAR TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (6/0). Ms. Dollar was present and thanked for her service.

### **NEW BUSINESS**

R-14-92 (RESOLUTION NO. 8563 - MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE NORTH LITTLE ROCK SCHOOL DISTRICT FOR THE EXCHANGE OF REAL PROPERTY; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. Alderman Foutch asked how this would impact parking at the Police and Courts Building. North Little Rock Police Chief Mike Davis said they would lose some spots. Overflow parking is available across the street at Laman Library and the back lot of the Holiday Inn. Directional signage will be put up. On the previous motion, and by consent of all members present, the resolution was adopted (6/0).

R-14-93 (RESOLUTION NO. 8564 - MAYOR SMITH)

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY'S CONTRACT WITH TELEWORKS, INCORPORATED; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. On the motion of Alderwoman Ross and seconded by Alderman Baxter, the resolution was amended as follows:: *attach Exhibit provided this date* (6/0). On the motion of Alderman Witcher and seconded by Alderman Foutch, and by consent of all members present, the resolution was adopted as amended (6/0). (*term - 24 months*)

R-14-94 (RESOLUTION NO. 8565 - 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 305 CHERYL IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Foutch. Acting Mayor Robinson 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 (6/0). (*amount - \$3,632.30*)

O-14-57 (ORDINANCE NO. 8649 - ALDERMAN TAYLOR)

AN ORDINANCE AMENDING ORDINANCE NO. 8645 TO CORRECT THE RECLASSIFIED PROPERTY LOCATION FROM 1118 WEST 18TH STREET TO 1109 WEST 18TH STREET; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of

Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, all readings were suspended (6/0). On the motion of Alderman Witcher and seconded by Alderman Baxter, and by consent of all members present, the ordinance was adopted (6/0). Emergency clause adopted (6/0). (*applicant: Mrs. Esther Yang Chang*)

**PUBLIC COMMENT**

Mr. Ard reminded everyone that a lot of citizens have low incomes and cannot afford a garbage fee. Mr. Ard has found a lot of banners in the city. If the city would enforce collecting fees for banners, money could be collected.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 6:49 p.m. (6/0), until the next regularly scheduled meeting which will be held on Monday, June 23, 2014, at six o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: \_\_\_\_\_  
MAYOR JOE A. SMITH

ATTEST: \_\_\_\_\_  
DIANE WHITBEY, CITY CLERK