

July 14, 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, July 14, 2014, was called to order at 6:02 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, CHARLIE HIGHT and MURRY WITCHER (7/0). Alderman BRUCE FOUTCH was absent. Assistant City Clerk Linda Marshall and Assistant City Attorney Matt Fleming were also present.

The invocation was led by Alderman Hight and the pledge of allegiance was lead by Alderman Witcher.

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 and Special Call meeting scheduled for Monday, June 23, 2014, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Alderwoman Robinson and seconded by Alderman Baxter, and by consent of all members present, communications #1, 3, 4, 5, 6, 7, and 8, were accepted and filed (7/0).

1. Karen Scott, Finance Director re: Chairman Energy Risk Management Committee and Finance Director memorandum to City Clerk Diane Whitbey re: ECR (Energy Cost Recovery Rider) for July 2014, \$.0021/kwh.
3. Dennis Wells, Director Gain, Inc. letter to City Council re: Annual Performance Report.
4. Joan Bohannon, Community Development Director memorandum to Mayor Smith re: Gain, Inc. Lease.
5. Mary Beth Bowman, Commerce Director/Purchasing letter to Mayor Smith re: Request for Proposals for Fire Department Study (response times, etc).
6. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Beer & Wine - NEW* for Tazikis Mediterranean Café, 3929 East McCain Boulevard, Suite G07B, by J. Thomas Keet.
7. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Beer & Wine - NEW* for Mr. Cheng's, 4629 East McCain Boulevard, by Lingyan Ferg.
8. Mayor Smith letter to Karen Scott, Finance Director re: appointment of Jim Billings, Director of Special Projects, effective August 1, 2014, Salary \$36,000.00.

On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, communication #2 was read by title only, accepted and filed (7/0).

2. Notice of Public Hearings and Funding Availability re: 2015 Community Development Block Grant Program.

Alderwoman Ross asked the dates and locations of the meetings. Ms. Bohannon advised the following:

- Ward 1: Tuesday, July 15, 2014 at 6:00 p.m.,
North Little Rock Boys and Girls Club, 1212 North Maple Street
- Ward 2: Wednesday, July 16, 2014 at 6:00 p.m.,
Rose City Police Substation, 4609 East Broadway
- Wards 3 & 4: Thursday, July 17, 2014 at 6:00 p.m.
North Heights Recreation Center, 4801 Allen Street

Alderman Witcher said the public did not have to attend the meetings to be able to apply for assistance.

Mayor Smith reconvened a public hearing regarding O-14-46, amending Chapter 8 (Nuisance Abatement and Property Maintenance) of the NLRMC regarding Outdoor Storage. Ms. Zoe Rossi lives across the street from 530 Skyline Drive. She referenced photographs of the location and said she has talked to Mr. (Tom) Wadley (Code Enforcement) on numerous occasions about the nuisance. She said the man (Mark Jenkins) is in the salvage business. He has parked jeeps, boats, trailers, vans etc. in the street. He has now moved things to his driveway. She also referenced the carport, porch and trailer in the driveway and items in the side yard. He is storing multiple items including sinks, etc. She said he may be operating a business from his home. He leaves the house with a trailer loaded with items and returns several days later with different items. This is a nuisance. Mr. James Ard had no quarrels with the ordinance but did see issues. People should call in when they see a violation. Mr. Jason Henry lives between Park Hill and Levy. Over the last several years, he and his neighbors have noticed a decline in the appearance of houses in the neighborhood. People are storing non-working appliances, furniture, empty boxes and other items. These items are now piles of junk. People are parking in the grass because their garage, carport and driveways are full. This has become a nuisance. This affects home sales and property values. Alderwoman Robinson asked about toys being left outside and said they are often kept under the carport. Basketball goals cannot be in the street. Ms. (inaudible) Nixon lives in the Levy area. People are storing things in containers in their carports. These areas have become eyesores. There being no one else wishing to be heard, the public hearing was adjourned.

UNFINISHED BUSINESS

R-14-97

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MODIFIED EEI MASTER AGREEMENT WITH MACQUARIE ENERGY, LLC; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith.

O-14-45 (ORDINANCE NO. 8655 - ALDERWOMAN WHITE)

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 read. Mr. Fleming advised a final proposed amendment had been distributed. Alderwoman White said she had input from several people on this legislation. On the motion of Alderwoman White and seconded by Alderwoman Ross, and by consent of all members present, the legislation was amended as follows: *substitute copy provided this date (7/0)*. Alderman Hight asked if this legislation included non-profit organizations, Improvement Districts, Schools, etc., who want to have mobile food trucks on private property. Mayor Smith said it does not. However, legislation will be presented at the next council meeting pertaining to private property (i.e. church, shopping center, parking lot, etc.). That legislation will allow food truck vendors on private property for Special Events and with some regulations. Mr. Fleming said the Mayor or his designee will determine what a Special Event is. Proposed legislation would amend the Zoning Ordinance pertaining to events on private property. Mr. Fleming said this would not apply to a catered event. Alderwoman Robinson referenced National Night Out Events and asked if permission would be required. Mayor Smith said permission (or application) is already required to block off public streets, etc. Mayor Smith reiterated this applies to public property. On the motion of Alderwoman White and seconded by Alderwoman Ross, 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).

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 read again this date. A public hearing was held this date and adjourned. Aldermen Baxter and Ross thanked the public for contacting them and speaking during the meeting. Alderwoman Ross addressed Alderwoman Robinson's previous questions regarding toys. The legislation will only address items not meant to be stored outside. It is understood that people may refinish furniture in their carport, or temporarily store furniture and other items. Accumulated items (boxes, etc.) can cause safety issues by attracting rats, roaches, etc. Alderman Baxter provided some scenarios including painting an indoor item with outdoor paint. This isn't about appearances. There are safety issues. Stored boxes of newspapers are a fire hazard. Alderwoman White said we need to educate the public and allow time for people to make other arrangements. She also suggested a no-fee permit. Alderman Hight referenced a residence on Crestwood Drive where the resident parks a delivery truck in the driveway at night. The resident stores furniture in the carport under a tarp. Alderman Witcher said residents have asked how this would be reported and he suggested that complaints come from the public. He has rocking chairs on his back porch. Many people have them on their front porch. One of the biggest complaints the

Outdoor Storage Task Force heard about was boxes. There being no further discussion, the legislation was then held by Alderwoman Ross.

CONSENT AGENDA

On the motion of Alderwoman White and seconded by Alderwoman Ross, and by voice vote and all members present having voted aye, consent agenda items R-14-111, R-14-112, R-14-113, R-14-115, R-14-116, R-14-117, and R-14-118 were adopted (7/0). R-14-109, R-14-110, and R-14-114 were called under new business. Alderwoman White referenced a 1978 truck from the Street Department and said that shows how hard the city works to keep equipment running.

R-14-111 (RESOLUTION NO. 8579 - MAYOR SMITH)

A RESOLUTION REAPPOINTING TOM DAVIS TO THE PARKS AND RECREATION COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-14-112 (RESOLUTION NO. 8580 - MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT AGREEMENT BETWEEN ENTERGY ARKANSAS, INC. AND THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES, was adopted (7/0). (*Entergy's Lynch SES Switchyard*)

R-14-113 (RESOLUTION NO. 8581 - MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED VEHICLES AND PARTS OF VEHICLES AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (7/0). (*Online Auction - GovDeals*)

R-14-115 (RESOLUTION NO. 8582 - MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTY LOCATED AT 1422 MAGNOLIA STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was adopted (7/0). (*\$12,500.00 - Special Projects Infrastructure Fund - property adjoins CNG Station*)

R-14-116 (RESOLUTION NO. 8583 - ALDERMEN TAYLOR AND ROBINSON)

A RESOLUTION EXPRESSING THE SUPPORT AND COMMITMENT OF THE CITY OF NORTH LITTLE ROCK FOR THE DRAINAGE REPLACEMENT PROJECT ON COLONEL MAYNARD ROAD; AND FOR OTHER PURPOSES, was adopted (7/0).

R-14-117 (RESOLUTION NO. 8584 - ALDERMEN BAXTER AND FOUTCH)

A RESOLUTION ACCEPTING THE LOW BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BURKHALTER TECHNOLOGIES, INC. FOR PARKWAY DRIVE STORM DRAINAGE IMPROVEMENTS, BURKS AVENUE TO PIKE

AVENUE; APPROPRIATING \$99,775.00 FROM 38TH YEAR (2012), 39TH YEAR (2013), AND 40TH YEAR (2014) CDBG PROGRAM FUNDS; AND FOR OTHER PURPOSES, was adopted (7/0).

R-14-118 (RESOLUTION NO. 8585 - ALDERMAN TAYLOR)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LICENSE AGREEMENT FOR AN ENTRANCEWAY AND SIGNAGE TO ROCKWATER VILLAGE IN THE PUBLIC RIGHT OF WAY; AND FOR OTHER PURPOSES, was adopted (7/0).
(*North Bluff Development - \$100.00 year or in-kind - see agreement*)

NEW BUSINESS

R-14-109 (RESOLUTION NO. 8586 - MAYOR SMITH, ALDERMEN)

A RESOLUTION APPOINTING TOM PRINCE TO THE POSITION PREVIOUSLY HELD BY JOE WICKLIFFE ON THE NORTH LITTLE ROCK CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES, was read. Mayor Smith introduced Mr. Prince who is a former City Director and Mayor of the City of Little Rock and thanked him for his service. All council members were added as co-sponsors to the legislation. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (7/0).

R-14-110 (RESOLUTION NO. 8587 - ALDERMEN ROBINSON AND TAYLOR)

A RESOLUTION APPOINTING LILLIAN K. WILLIAMS TO THE POSITION PREVIOUSLY HELD BY TERRY STEVENSON ON THE NORTH LITTLE ROCK CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES, was read. Alderwoman Robinson said Ms. Williams is a long-time North Little Rock resident and thanked her for her service. She then added Alderman Taylor as a co-sponsor. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the resolution was adopted (7/0).

R-14-114 (RESOLUTION NO. 8588 - MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTY LOCATED ON JOHN ASHLEY DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FOR ACCESS TO THE NEW STATE VETERANS HOME; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Alderman Ross referenced the date the offer expired. The property is being purchased from the Arkansas Teachers Retirement System for access to the site and utilities. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*\$35,000.00 - Special Projects Infrastructure Fund*)

R-14-119 (RESOLUTION NO. 8589 - MAYOR SMITH)

A RESOLUTION APPROPRIATING \$70,000.00 FOR IMPROVEMENTS TO THE BICYCLE AND PEDESTRIAN TRAIL LOCATED BETWEEN OLD PIKE AVENUE AND RIVER FRONT ROAD

IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 (7/0). (*Special Projects Infrastructure Fund*)

R-14-120 (RESOLUTION NO. 8590 - MAYOR SMITH)

A RESOLUTION APPROVING A REQUEST BY THE NORTH LITTLE ROCK PARKS AND RECREATION DEPARTMENT TO COMMENCE WORK FOR THE INSTALLATION OF 3-PHASE POWER AT QUAD 3 OF THE SOCCER COMPLEX AND LIGHTING FOR FOUR ADDITIONAL TENNIS COURTS AT BURNS PARK; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. Mr. Bob Rhoads, Parks and Recreation Director advised the Regional Tournament 2015 changed the number of teams which required a minimum of 6 lit fields. The additional fields are also needed due to use. These tournaments bring a lot of people to the area who eat in local restaurants and stay in local hotels. Mayor Smith said this is a great public and private partnership. Centennial Bank donated \$50,000.00 to go towards the addition of the lights. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*Total costs \$128,000.00 as follows: \$11,000 - in-kind NLR Electric, \$35,000 - AR Tennis Association and \$82,000 Parks and Recreation Capital Improvement Fund*)

R-14-121 (RESOLUTION NO. 8591 - 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 Alderwoman Ross and seconded by Alderwoman Robinson. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was amended as follows: *remove 1701 Allen Street 33N2570000900; College Park Drive 33N2550006400; and N.E. Street 23N0460011400* (7/0). Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned (7/0). On the motion of Alderwoman Ross and seconded by Alderman Taylor and by consent of all members present, the resolution was adopted as amended (7/0).

R-14-122 (RESOLUTION NO. 8592 - MAYOR SMITH)

A RESOLUTION APPROVING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY AT 900 EAST 17TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Ross. 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). (*amount \$3,354.67*)

O-14-63 (ORDINANCE NO. 8656 - ALDERMEN WITCHER AND HIGHT)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW AGRICULTURE, LIVESTOCK, AGRI-TOURISM AND FESTIVALS IN AN R-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 6800 CAMP ROBINSON ROAD 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 Hight, 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 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. The ordinance was read a third and final time. Alderman Hight asked about the number of goats and the size of the paddocks. Mr. Jody Hardin said 500' wide and 500' deep. The area pertaining to the goats is about 10 acres. Alderman Hight asked about the odor caused by the goats contained in a small area. Mr. Hardin said the location is in the center back part of their property with a buffer (behind the main structure). Mr. Scott Landers is a member of the Saint Joseph Center Board of Directors. He works with the Diesis and building representatives of the property. He said the area in question is the area where livestock were housed in the past. The area will have to be referenced. Alderwoman Ross referred Section 2: d) pertaining to Festivals and asked if the reference to food vendors included mobile food trucks, which are currently not allowed on private property. The intent is to create and Agri-Tourism attraction. Alderman Taylor said residents in his area have complained about a landowner with cattle on his property. Mayor Smith said there are no other parcels in the city this size (62.939 acres). Alderman Taylor asked Robert Voyles, Planning Director if the buffer being provided was adequate to the residences in the area. Mr. Voyles said there were concerns that's why the buffer was added. The distance is about 2 city blocks. Mr. Voyles said a lot will depend on maintenance, drainage, etc. Alderman Taylor said he had a problem with farm animals in the city. He said what they are doing at the site is admirable. Alderwoman Robinson referenced the odor from the animals. Alderman Taylor said the Animal Control Ordinance has provisions for inspections and managing animal waste. Mr. Hardin said the waste is spread in the pasture to promote growth through fertilization. Mr. Landers said the property has maintained livestock since 1907. Alderman Taylor asked about the area labeled Paddock 6. Mr. Hardin said that would be the vineyard, greenhouse garden area. On the motion of Alderman Hight and seconded by Alderman Witcher, 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: Farm and Food Innovation Center*) Mayor Smith encouraged everyone to visit the facility.

PUBLIC COMMENT

Mr. Thomas Crnko lives on 5th Street. He spoke regarding Nevada Railroad which he said continues to be a nuisance. The business came in without obtaining permits or anything else. He asked the city to enforce the laws on the books. Residents have filed complaints and been interrogated by the Police Department. Mr. Crnko said the stench from goats doesn't compare to the stench from the creosote. The people in Argenta need help. He referenced the standing water and rotting boxes on the property.

Mr. Ard wished Alderman Witcher well in his retirement from Entergy. He said landlords should be fined when they throw trash out after a tenant leaves. This would generate revenue without raising garbage rates. Ms. Latasha Washington showed a photograph of her deceased grandfather, (inaudible) Washington. She referenced a business in North Little Rock where her grandfather went to receive methadone treatments. Following a treatment, he got in his car and passed out. He remained in the car for 8 hours before someone found him. This is an unregulated business located at 4620 Stockton Road. She said they held a rally before the council meeting to bring awareness to this issue and to the city. The name of the business is CATAR Clinic (Center for Addiction Treatment and Rehabilitation). Alderman Taylor asked Mr. Voyles about zoning at Nevada Railroad. Mr. Voyles said it is in an I-3 zone. Alderman Taylor asked if this type of business is a permitted use. Mr. Voyles said it is a heavy industrial category. This business was operating under the viaduct previously in the area of Melrose Circle for some time and was moved around. Alderman Baxter said he recently saw something about illegal dumping in Ward 1. However, this is a problem in Ward 3 too. Mayor Smith said cameras have been installed in the past. Mayor Smith said an open house will be held at City Hall on July 27, 2014, from 3:00 p.m. until 5:00 p.m. in honor of the laying of the cornerstone during the construction of City Hall in 1914.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 7:20 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, July 28, 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