

September 8, 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, September 8, 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, BRUCE FOUTCH, and MURRY WITCHER (7/0). Alderman CHARLIE HIGHT was absent. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

The invocation and pledge of allegiance were led by Alderman Taylor.

On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the minutes from the North Little Rock City Council meeting and Special Call meeting held on Monday, August 25, 2014, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, communications #1, 2, 3, 4, 5, 6, 7, and 8 were accepted and filed (7/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Hotel/Motel/Restaurant Mixed Drink - Change of Manager from Jitendra Patel* for Courtyard by Marriott, 4339 Warden Road, by Nicolas D. Cooper.
2. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises - Replacement from Sulaiman S. Hudda* for Shamiim, LLC, (fka Goodi LLC), 6116 Crystal Hill Road, by Shamim N. Bhimani.
3. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises - Replacement from Sulaiman Hudda* for 786 Food Mart, 300 Lake Lane, by Mohsain Kazmi.
4. Wm "Bill" Barling, LCSW Executive Director, Families Are Special, Inc., letter to Assistant City Clerk Linda Marshall re: request Mayor and City Council to celebrate by providing a Proclamation for an early November City Council Meeting.
5. Glinda Craigmyle, Mayor's Office memorandum re: *Private Club - Change of Manager from Jeffrey Gash & Retail Beer on Premises - NEW* for B.P.O. Elks Lodge No. 1004, 123 E. Broadway, by Robert M. Chapman, Jr.
6. Karen Scott, Chairman Energy Risk Management Committee/Finance Director memorandum to City Clerk Diane Whitbey re: Energy Cost Recovery Rider (ECR) September 2014 - \$.0136/kwh.

7. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Beer & Wine - NEW* for The Garden Bistro, 4801 North Hills Boulevard, by Jim Greer.
8. Bob Rhoads, CPRP, Director North Little Rock Parks and Recreation letter to Mayor Smith and City Council members re: September 20, 2014, Conquer the Gauntlet event.

Mayor Smith announced a Special Call scheduled for Monday, September 8, 2014, at 6:05 p.m.

September 5, 2014 (via email)

Subject: Special Call Meeting September 8, 2014

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 6:05 p.m. on Monday, September 8, 2014, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) R-14-160 - AUTHORIZING THE MAYOR AND CITY CLERK TO NEGOTIATE AND TO EXECUTE TEMPORARY CONSTRUCTION EASEMENTS WITH THE ARKANSAS STATE HIGHWAY COMMISSION TO ALLOW FOR THE CONSTRUCTION OF THE BROADWAY BRIDGE PROJECT; AND FOR OTHER PURPOSES. Sponsor: Mayor Smith.
- 2) R-14-161 - AUTHORIZING THE CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS AGAINST PROPERTY LOCATED ALONG HWY. 165 AND COLONEL MAYNARD ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES. Sponsor: Mayor Smith.

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

R-14-160 (RESOLUTION NO. 8621 - MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO NEGOTIATE AND TO EXECUTE TEMPORARY CONSTRUCTION EASEMENTS WITH THE ARKANSAS STATE HIGHWAY COMMISSION TO ALLOW FOR THE CONSTRUCTION OF THE BROADWAY

BRIDGE PROJECT; AND FOR OTHER PURPOSES, was read. Mayor Smith said the contractor needs an additional 70 feet which may encroach on the Travelers parking. The Travelers will be reimbursed for lost parking. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

R-14-161 (RESOLUTION NO. 8622 - MAYOR SMITH)

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS AGAINST PROPERTY LOCATED ALONG HWY. 165 AND COLONEL MAYNARD ROAD 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 Alderman Foutch. City Attorney C. Jason Carter advised this easement is necessary in the Bayou Meto Water transmission line from the Faulkner Lake Substation to the Marion Berry Pump Station. The city has tried to negotiate with the owner. However, they have reached an impasse. Mayor Smith said one property owner (Ms. Fulkerson) is affected. The city has met with her and her attorney regarding the same. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

Alderwoman Ross invited Mr. Steve Winchester, Park Hill Business Association and Ms. Bethany Berry, Pop Up In The Rock to come forward and provide information about the upcoming Pop Up event in Park Hill. Ms. Berry said Park Hill was chosen this year a Pop Up Project. The purpose of the event is to provide a demonstration of what a community could be; promote bringing people outside; and walk-ability and bike-ability. In the past, outdoor activities have included a temporary dog park, food trucks, arts, and vendors. These events have taken place nationwide. Pop Up Park Hill will be Saturday, September 13, 2014 in Park Hill. The event will run from 10:00 a.m. until 8:00 p.m. and include rock climbing, a beer garden, food, mobile pet adoption, etc. Mr. Winchester said this is an opportunity for area residents to see what their community could be. A lot of young, enthusiastic and forward thinking individuals have worked on this project. He anticipated 2,000 people attending.

Mayor Smith announced and convened a public hearing scheduled for 6:05 p.m. re: O-14-84, an ordinance reclassifying property located at 7501 Young Road from Conservation to R-4; adopting an Amended Land Use Plan. The legislation was then read. Mr. Sam Hilburn is a resident in the area. He said he is neither for or against the reclassification. The problem will be accessibility if a 276 unit apartment complex is developed in the area. Mr. (Gene) Pfeifer has done a great job developing the area. There is only one ingress and one egress in the area. At 5:00 p.m. to 5:30 p.m. traffic is backed up to Maumelle past that exit. Drivers wanting to head East on Interstate 40 will travel on Young Road around to the exit. Traffic backs up past the water theme park (Wild River Country). Traffic includes people who work at the hospital, CAC School traffic, and Elementary School traffic. Some drivers will travel up White Oak to Southwind then drop down to the interstate. Traffic is worse during school. There are issues on Sundays as well due to church traffic in the area. Based on the diagram he saw there will be one way in and one way out. This will only make existing traffic issues

worse. Mrs. Witkowski's family spent over a million dollars developing the area. There are nice homes in the area. Mr. Pheifer said Mr. Hilburn's argument against the property could be an argument against him further developing his business park. Mr. Pheifer said a second entrance to the Business Park was added to the Master Street Plan at the request of the Planning Department Staff. Mr. Pheifer also referenced the development plan he saw this evening which illustrated a (initial) layout that does not honor the current Master Street Plan. He is in favor of the proposed rezoning (reclassification) of the property and supports development of the same. He said residents of a future apartment complex might want to work in the Business Park where they could walk or bike to work. Mr. Joe Murdaugh has a business on Young Road. He said traffic is an issue in the area and is opposed to additional development at this time. His employees have trouble getting to their facility. Alderwoman Ross asked about wetlands in the area. Mr. Robert Voyles, Planning Director said there are no wetlands on this property due to fill being brought in overtime and raising the grade. The area in question is now 10 feet above the 100 Year Flood Plain. The majority of the property the city owns is already zoned residential. The area in question is the northeast corner. A potential buyer has 180 days to close on this property and has been made aware of the Master Street Plan. Alderman Baxter said this was property the Public Land Task Force reviewed. The recommendation was that the city sell the property which was zoned for apartments. The offer mentioned is for all of the property (18.85 acres). Alderwoman Robinson said if a developer built, they would have to follow the Master Street Plan. Mr. Voyles said there would have to be two points of access with the number of apartment proposed to meet fire department requirements. There is a design to widen Crystal Hill 4 to 5 lanes to I-40. The city would have to agree to relocate utilities at a cost of approximately \$4 million. Another option would be forcing Young Road traffic through Mr. Hilburn's property. Alderwoman Ross asked if traffic included Maumelle residents. Alderman Foutch asked if a Traffic Survey had been conducted. Mr. Chris Wilbourn, Traffic Services Director said they have looked at options in the area. Alderman Witcher said he is concerned about issues in the area. He would like to see what the long-term plans are for the area. Mayor Smith said a vote on this ordinance is only to reclassify the property to make it marketable and appraisable. If a developer wants to move forward, they will have to go through the Planning process. Alderman White asked about the cost of relocating the utility lines. Mayor Smith said a large water line runs through the area and over the bridge. It will be expensive to relocate. The city does not have the money to do so at this time. There being no further discussion, the public hearing was adjourned. The legislation was then called.

O-14-84 (ORDINANCE NO. 8674 - MAYOR SMITH)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 7501 YOUNG ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM CONSERVATION (CONS) TO R-4 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 during public hearing (see above). On the motion of Alderman Taylor 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 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 (7/0). On the motion of Alderman Taylor and seconded by Alderman Foutch, and the roll having been called, and all member present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: City of North Little Rock*)

Mayor Smith announced citizen public comment on agenda items.

UNFINISHED BUSINESS

R-14-142

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LICENSE AGREEMENT WITH E. RITTER COMMUNICATIONS HOLDINGS, INC., D/B/A RITTER COMMUNICATIONS; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith. (*for fiber optic cable telecommunications*)

O-14-70

AN ORDINANCE AMENDING SECTION 3.1 (REGULATIONS APPLYING TO ALL DISTRICTS) AND ARTICLE 21 (TABLE OF PERMITTED USES) OF ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE) REGARDING SMALL FARMING OR RANCH PLOTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Alderman Taylor.

CONSENT AGENDA

On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present (roll call vote), R-14-152, R-14-153, R-14-154, R-14-155, R-14-156 and R-14-159, were adopted (7/0).

R-14-152 (RESOLUTION NO. 8623 - MAYOR SMITH)

A RESOLUTION APPROVING THE FINANCIAL MANAGEMENT PLAN FOR TRANSFERRING FUNDS AND ADJUSTING BUDGET AMOUNTS IN THE 2009, 2010 AND 2014 CDBG PROGRAMS; AND FOR OTHER PURPOSES, was adopted (7/0).

R-14-153 (RESOLUTION NO. 8624 - MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ANALOG RADIO EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (7/0).

R-14-154 (RESOLUTION NO. 8625 - MAYOR SMITH)

A RESOLUTION APPROVING ACCEPTANCE BY THE NORTH LITTLE ROCK AIRPORT COMMISSION OF A GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS

FOR REHABILITATION OF PAVEMENT AND REPAIRS TO TAXIWAY; APPROPRIATING \$14,578.00 IN MATCHING FUNDS; AND FOR OTHER PURPOSES, was adopted (7/0).

R-14-155 (RESOLUTION NO. 8626 - MAYOR SMITH)

A RESOLUTION APPROVING ACCEPTANCE BY THE NORTH LITTLE ROCK AIRPORT COMMISSION OF A GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS FOR HANGAR REHABILITATION; APPROPRIATING \$15,430.00 IN MATCHING FUNDS; AND FOR OTHER PURPOSES, was adopted (7/0).

R-14-156 (RESOLUTION NO. 8627 - MAYOR SMITH)

A RESOLUTION ADOPTING THE HAZARD MITIGATION PLAN FOR PULASKI COUNTY, ARKANSAS; AND FOR OTHER PURPOSES, was adopted (7/0).

*R-14-159 (RESOLUTION NO. 8628 - MAYOR SMITH)

A RESOLUTION APPROPRIATING \$11,833.11 FROM ACT 833 FUNDS FOR THE PURCHASE AND INSTALLTION OF WIRELESS MODEMS FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; AND FOR OTHER PURPOSES, was adopted (7/0).

NEW BUSINESS

R-14-157 (RESOLUTION NO. 8629 - MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF VETERANS AFFAIRS, CENTRAL ARKANSAS VETERANS HEALTHCARE SYSTEM, FOR GENERAL LABOR SERVICES UNDER ITS COMPENSATED WORK THERAPY PROGRAM; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Mayor Smith asked Human Resources Director Betty Anderson to come forward. Ms. Anderson said this program helps veterans transition back into the workplace. When the city has temporary positions, an effort will be made to fill them with veterans. Mr. David Clayton and Mr. Jeremy Duncan with the Department of Veterans Affairs were also present. The department tries to place veterans in areas of their interest. Mr. Duncan reviewed some of the opportunities available through the pre-employment vocation assessment program. This allows an employer an opportunity to evaluate a potential employee and provides a low cost means to assess worker skills prior to making an employment decision. Alderman Foutch has worked with this program and supports it. Mayor Smith said North Little Rock is a "military town" and this is a way for us to give back. In the Fall, the city hires emergency hire employees to assist with the Leaf Program. Ms. Anderson said the cost to the city would be \$8.00 an hour which is less than an employment agency charges. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*Note: minutes amended 9-22-14 to include roll call vote on this item*).

R-14-158 (RESOLUTION NO. 8630 - 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 Alderman Witcher and seconded by Alderman Taylor. 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).

O-14-83 (ORDINANCE NO. 8675 - MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR REPAIRS TO THE CNG STATION LOCATED AT 320 CURTIS SYKES 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 Alderwoman Robinson, and by consent of all members present, the readings were suspended (7/0). Mayor Smith said an 18-wheeler cut across the property and destroyed the dispenser. Two bids were received. The city chose the higher bid because it had a longer warranty (one year) and was a local company. The lower bid had a shorter warranty (six months) and was from an out of state vendor. A motion to adopt was made by Alderman Foutch and seconded by Alderman Baxter. On the motion of Alderman Taylor and seconded by Alderman Witcher, and by consent of all members present, the ordinance was amended as follows:: *increase \$58,387.50 due to additional costs to \$61,982.50 in 3rd whereas and Section 1: (7/0)*. 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 adopted as amended (7/0). Emergency clause adopted (7/0).

(~~58,387.50~~ \$61,982.50 + \$1,900.00 - General Fund)

O-14-84 was called earlier in the meeting.

PUBLIC COMMENT

Mr. Pfeifer thanked the Mayor for his statement regarding the Master Street Plan and encouraged council members to read the footnote(s). Mr. Pfeifer said Mr. Murdaugh spoke of the inconvenience to his employees caused by the traffic on Young Road. They do not have working toilet at their business. Mr. Murdaugh got a city business license. Mr. Mike Zwiffler is one of the founding members of Improvement District No. 33 which has improved the western half of Young Road. Mr. Pfeifer referenced how nice Mr. Zwiffler's property looks. Mr. James Ard reminded the public of the upcoming School Board Election and encouraged people to vote. The current board members have done a good job. Mr. Ard encouraged everyone to attend Pop Up Park Hill. He said candidates are putting their campaign signs in the public right of way and hoped Code Enforcement would remove them. Alderwoman Ross commended the city (police and fire) for their efforts during assisting the North Little Rock High School Football Team and their families following an accident on the interstate

last week and asked if the Police Department could provide escorts to their remaining games (at War Memorial Stadium, Little Rock). Mayor Smith also commended our public safety employees. He asked North Little Rock Police Captain Leonard Montgomery to see if escorts were possible. Alderman Baxter said most other teams playing at War Memorial have a police escort bring them in. 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 7:03 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, September 22, 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