

October 13, 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, October 13, 2014, was called to order at 6:00 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). City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

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

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, September 22, 2014, were approved, accepted and filed as prepared by the City Clerk (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, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 were accepted and filed (8/0).

1. Belinda F. Snow, Director North Little Rock Housing Authority letter to Mayor Smith re: reappointment of Commissioner Brett Russell.
2. Karen Scott, Chairman Energy Risk Management Committee memorandum re: Energy Cost Recovery Rider Adjustment Factor (ECR) October, 2014 \$.0144/kwh.
3. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises - NEW* for 786 Food Mart, 300 Lake Lane, by Moshain Kazmi.
4. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises - NEW* for El Paisano Authentic Mexican Food, Inc., 406 West 47th Street, by Blanca Camacho.
6. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises - Change of Manager from Beverly Drayer* for Love's Country Store #236, 11801 E. I-40, by Emmanuel Alderete.
7. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises and Small Farm - Replacement from Othman Ahmad*, for McArthur Food Mart fka McArthur Mini Mart, 3600 MacArthur Drive.
8. Glinda Craimyle, Mayor's Office memorandum re: *Restaurant Beer & Wine - Replacement from Ling Yan Feng* for Mr. Cheng's, 4629 East McCain Boulevard, by Na Lin.
9. Glinda Craigmyle, Mayor's 'Office memorandum re: *Restaurant Mixed Drink - NEW for Nashville Rockin Grill*, 10832 Maumelle Boulevard, by William M. Bray.

10. Metroplan notice to City Clerk re: document pertaining to proposed regional sustainability and long range transportation plan - Imagine Central Arkansas Draft Plan (available for viewing in City Clerk's Office).
11. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink - Replacement from Wayne Bettoney* for Boudreaux's fka Bourdreaux's Grill and Bar, 9811 Maumelle Boulevard, by Ljuba Cunningham.
12. Glinda Craigmyle, Mayor's Office memorandum re: *Small Farm Wine - NEW* for JFK Shell 1030, 6915 John F. Kennedy Boulevard, by Jacqueline D. Covey.
13. Karen Scott, Finance Director, Quarterly report of Liens and Fines collected by Pulaski County Treasurer in 2014.
14. Kimberly Helble email re: Neighborhood Safety concerns pertaining to speeding traffic on Sycamore.
15. Thomas B. Crnko email re: request council support of Alderwoman Robinson legislation pertaining to Nevada Railroad Materials.
16. Scott Bennett, P. E. Director of Highways and Transportation, Arkansas State Highway and Transportation Department letter to City Clerk Diane Whitbey re: Notice of Public Meeting re: AHTD Job No. CA0602 I-530-Hwy 67 (widening and reconstruction) (I-30 and I-40) Interstate 30 Planning and Environmental Linkages Study, November 6, 2014, Horace Mann Arts and Science Magnet School Cafeteria, 1000 East Roosevelt Road, 4 - 7 p.m.
17. Mayor Smith letter to City Council members re: Fire Department Budget and concerns and considerations regarding the same.

On the motion of Alderman Taylor and seconded by Alderwoman White, and by consent of all members present, communication #5 was read, accepted and filed (8/0).

5. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises & Small Farm Wine - NEW*, 124 Eureka Garden Road, by Saed Qatoum.

Ms. Evelyn Creel, President Meadowpark Neighborhood Association said members are opposed to this request. Two years ago a request (application) was made with the ABC (Alcohol Beverage Control Board) which was denied. There are seven established businesses on the perimeter of their neighborhood, two of which are liquor stores. Police Chief Mike Davis will meet with neighbors before sending a letter to the ABC regarding his support or denial of the request.

Mayor Smith announced citizen public comment on agenda items. Three people signed in to speak regarding R-14-183. Mayor Smith advised the legislation will be pulled. The city has been reviewing departments and the services provided. This was an attempt to make the area of the garage more accountable. It costs the city \$2 million to maintain vehicles annually. There are multiple vendors that provide the services. Commerce (Purchasing) Director Mary Beth Bowman will put out an RFP (Request for Proposals). Alderwoman Ross said some cities have tires under one contract and parts under another. Mayor Smith will meet with former Alderman Martin Gipson who is in the auto parts business for input. Mr. Patrick Stair spoke regarding R-14-181. He moved into the Argenta

neighborhood in 1999 and smelled cookies (baking from Jackson Cookie Company). In 2012, Nevada Railroad moved to their present location. Now they smell creosote. Mr. Stair started keeping a log of complaints which he has provided to city officials. The odor is widespread and offensive. Residents have suffered from headaches and watery eyes. This business is a nuisance. Residents have signed petitions and provided depositions regarding the same. Mr. John Pflasterer is President of Argenta Neighborhood Boosters. He spoke as a representative of the neighborhood. This is a Historic Neighborhood which has been marred by Nevada Rail. The rail yard is zoned Industrial, however, the (residents of) neighborhood have a right to live without the noise and odors. He asked the council to support R-14-181. Mr. Thomas Crnko also spoke in support of R-14-181. He lives on West 5th Street. He moved there in 2010. Nevada Railroad has created a significant nuisance to the residents. There being no one else wishing to be heard, Mayor Smith called for unfinished business.

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 withdrawn by the sponsor, Mayor Smith. (*for fiber optic cable telecommunications*)

R-14-168

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED ON RIVER ROAD IN THE CITY OF NORTH LITTLE ROCK TO EASON LAROCHE HOLDINGS, INC.; AND FOR OTHER PURPOSES, was called and withdrawn by the sponsor, Mayor Smith.

R-14-171

A RESOLUITON DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2225 FENDLEY DRIVE 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 called and held by the sponsor, Mayor Smith. (*owner: Rafael Guarionex DeCastro*)

R-14-172

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2800 JOHN ASHLEY DRIVE 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 called and held by the sponsor, Mayor Smith. (*owner: Rafael Guarionex DeCastro*)

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. *(This was the sixth time on the agenda, therefore, the item was removed by the City Clerk).*

CONSENT AGENDA

All consent agenda items were pulled and placed under new business.

NEW BUSINESS

R-14-175 (RESOLUTION NO. 8641 - MAYOR SMITH)

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF BRETT RUSSELL TO THE NORTH LITTLE ROCK HOUSING AUTHORITY BOARD OF COMMISSIONERS; 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 unanimously adopted (8/0). Mayor Smith thanked Mr. Russell for his service to the city.

R-14-176 (RESOLUTION NO. 8642 - MAYOR SMITH)

A RESOLUTION SUPPORTING THE STARTUP AND EXPANSION OF THE ARKANSAS FILM AND DIGITAL CONTENT PRODUCTION INDUSTRY IN OR NEAR THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-14-177

A RESOLUTION APPROVING THE PURCHASE BY NORTH LITTLE ROCK WASTEWATER UTILITY OF PROPERTY OWNED BY DIXIE COMMUNITY DEVELOPMENT CORPORATION FOR THE PURPOSE OF RELOCATING A PUMP STATION; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith.

R-14-178

A RESOLUTION APPROVING THE EXCHANGE OF CERTAIN PROPERTIES LOCATED IN DIXIE SUBDIVISION BETWEEN THE NORTH LITTLE ROCK WASTEWATER UTILITY AND CHARLES SLATER FOR THE PURPOSE OF RELOCATING A PUMP STATION; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith.

R-14-179 (RESOLUTION NO. 8643 - MAYOR SMITH, ALDERMEN FOUTCH, WITCHER, BAXTER, ROSS, WHITE, TAYLOR, ROBINSON, AND HIGHT)

A RESOLUTION REQUESTING THE ENVIRONMENTAL PROTECTION AGENCY TO REVISE CARBON REDUCTION GOALS FOR THE STATE OF ARKANSAS; AND FOR OTHER

PURPOSES, was read. Without objection, Aldermen Witcher and Baxter were added as cosponsors. Interim General Manager North Little Rock Electric Department and City Attorney C. Jason Carter provided a PowerPoint Presentation. This is a huge plan coming from the EPA (Environmental Protection Agency) which is affecting everyone in the Electric Industry. Their proposed rule came out in June and will be finalized next June. Mr. Carter asked the council to oppose the plan as currently written. The city is a leader in Environmental Stewardship. There are people in the community who think carbon monoxide reduction should be a high priority, while others do not. Whatever policy we have should not sacrifice the liability of the bulk electric system. The President of the United States intended that CO2 emissions be reduced by 30 percent from 2005 levels. Levels are already down and more renewable resources are available. The EPA set Arkansas's goal at 44 percent from levels in 2012. The interim goal is 2020. Arkansas's requirement is one of the steepest in the country. Regional compliance is less costly than state by state. Mr. Carter proposed that the EPA provide a more reasonable regulation with a reasonable amount of time. Mayor Smith said a lot of other cities are looking to North Little Rock to take the lead in this area. This could have a devastating effect on electric rates. Alderwoman Ross asked if there was any consideration of Smart Meters or the Hydro Electric Plant. Mr. Carter said the state as a whole is being considered. Alderman Foutch encouraged people to consider Federal candidates who will support this. Without objection, all council members were added as cosponsors. On the motion of Alderman Foutch and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-14-180 (RESOLUTION NO. 8644 - MAYOR SMITH)

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS AGAINST TWO PARCELS OF PROPERTY LOCATED AT OR NEAR THE NORTHWEST CORNER OF LOT 1, I-440 INDUSTRIAL PARK PHASE 1 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of

Alderman Foutch and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-14-181 (RESOLUTION NO. 8645 - ALDERMEN ROBINSON AND TAYLOR)

A RESOLUTION REQUESTING THE CITY ATTORNEY TO EXAMINE COMPLAINTS AND EVIDENCE REGARDING NEVADA RAILROAD MATERIALS, INC.; TO RECOMMEND APPROPRIATE ACTIONS TO BE TAKEN BY THE CITY; AND FOR OTHER PURPOSES, was

read. Without objection, Alderman Taylor was added as a cosponsor. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-14-182 (RESOLUTION NO. 8646 - ALDERMEN ROBINSON AND TAYLOR)

A RESOLUTION ACCEPTING THE LOW BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH TCI, INC. FOR REPAIR OF THE DRAINAGE PIPE CROSSING AT 3900 COLONEL MAYNARD ROAD; APPROPRIATING \$28,298.00 FROM THE STREET FUND AND \$129,862.00 FROM THE FAULKNER LAKE IMPACT FEES ACCOUNT; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-14-183

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH GENUINE PARTS COMPANY D/B/A NAPA AUTO PARTS TO SUPPLY AUTOMOTIVE REPLACEMENT PARTS AND OTHER SUPPLIES AND SERVICES TO THE CITY; AND FOR OTHER PURPOSES, was called and withdrawn by the sponsor, Mayor Smith.

R-14-184 (RESOLUTION NO. 8647 - 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 Taylor and seconded by Alderwoman Robinson. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was amended as follows: *Exhibit "A" remove (page 4) 23N0460032300 North "F" Street, Eldora Brown; (page 5) 33N3080016902, 308 North Hickory, Mark Jackson; (page 6) 33N2860006200, S. A. Jones Street, Level 3 Communications and 33N2890103700, 1420 N. Magnolia, Jack R. Marshall Revocable Trust; (page 7) 24N0060012500, 15 Puckett Drive, Danielle Jackson* (8/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted as amended (8/0). *(Note: a proposed amendment provided this date was not presented as the property owner paid the amount owed prior to the council meeting - per Tom Wadley, Code Enforcement).*

O-14-92 (ORDINANCE NO. 8683 - ALDERMAN TAYLOR)

AN ORDINANCE AMENDING ORDINANCE NO. 8241 WHICH GRANTED A SPECIAL USE FOR A DAY CARE CENTER IN AN I-2- ZONE FOR PROPERTY LOCATED AT 8000 INDUSTRY DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO CORRECT THE NAME OF THE APPLICANT; 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, all readings were suspended (8/0). 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 unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-14-93 (ORDINANCE NO. 8684 - ALDERMEN ROSS AND BAXTER)

AN ORDINANCE AMENDING SECTION 8.1.3 OF CHAPTER 8 (NUISANCE ABATEMENT & PROPERTY MAINTENANCE) OF THE NORTH LITTLE ROCK MUNICIPAL CODE REGARDING OUTDOOR STORAGE; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baxter and seconded by Alderwoman Ross, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Baxter and seconded by Alderwoman Ross, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). A motion to adopt was made by Alderman Baxter and seconded by Alderwoman Ross. Alderman Baxter said this ordinance is a work in progress. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Foutch, who voted no, the ordinance was adopted (7/1). There was no emergency clause. The effective date will be January 1, 2015.

PUBLIC COMMENT

Alderwoman Robinson announced she is a candidate for reelection as Alderman Ward 2. She said people run for office for different reasons. A person should run for (public) office because they want to serve. She has been an advocate for the residents of Ward 2 and citizens (city-wide). She has been a member of her neighborhood association for 24 consecutive years. She is also a member of the city's Advertising and Promotion Commission. She is a product of the North Little Rock School District. Her children also grew up in the North Little Rock School District. Her family is a family of service. She said she is committed to the city and will continue to make Ward 2 a better place to live.

Alderman Witcher advised he has asked the City Attorney to prepare legislation regarding the distance requirements for chicken coops in residential areas. Current legislation allows 75 feet. People like being able to have fresh eggs. Alderman Baxter asked for an update regarding Leaf Vacuums. Chief of Staff Danny Bradley said the program will begin October 27, 2014. This year the city will be divided into six (6) zones. A listing will be provided indicating when leaves should be raked to the curb to be vacuumed. He estimated it will take six (6) weeks to get through the city. The schedule will be posted on the city website, Facebook, etc. Alderman Taylor thanked everyone for their words of support and sympathy regarding the recent loss of Beverly Carter. She did a lot of work in the area and will be missed. Alderwoman Ross asked if there was a way to make it clearer of the location of leaf vacuums within the city. Chief Bradley said a map will be posted. Instructions will also be provided that include not raking leaves into the street, next to telephone (light) poles, next to a mail box, over water meters or sprinkler heads. Alderwoman Ross asked if people can be fined for deliberately putting leaves into the storm drain. Mayor Smith said to call Code Enforcement. Mayor Smith said the Draft Budget (for 2015) will be finished tomorrow. The first draft should go out later this week. This may be a decent year with management changes that have cut some expenses and

income is up slightly due to collections in several areas. Mayor Smith said there will also be challenges and referenced the Fire Department fleet.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Hight, and by consent of all members present, the meeting was adjourned at 6:49 p.m. (8/0), until the next regularly scheduled meeting which will be held on Monday, October 27, 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