May 11, 2015
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 11, 2015, 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, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (7/0). Alderman MAURICE TAYLOR was absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter 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 held on Monday, April 27, 2015, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present communications #1, 2, 3, 6, 7, 8, and 9 were accepted and filed (7/0).

1. Karen Scott, Chairman, Energy Risk Management Committee memorandum to City Clerk Diane Whitbey re: Energy Cost Recovery Rider Adjustment Factor (ECR) for May, 2015 - $.0018 (CREDIT).
2. City Attorney C. Jason Carter letter to Mayor Smith and City Council members re: O-15-35 – an ordinance granting a Special Use to allow a Mobile Home in an R-2 zone for property located at 14024 Faulkner Lake Road – filed prematurely for April 27, 2015 meeting.
3. Mayor Smith – letter to City Council re: out of city 5-11-15. Alderman White acting Chair City Council meeting. Withdrawn 5-11-15. Mayor Smith will be at meeting.
6. Glinda Craigmyle, Mayor's Office memorandum re: Retail Beer off Premises & Small Farm Wine – Change of Manager from Cory Boyd, Kum & Go #144, 5216 JFK Blvd, by Carissa S. Bryson.
7. Glinda Craigmyle, Mayor's Office memorandum re: Retail Beer off Premises & Small Farm Wine – Change of Manager from Cory Boyd, Kum & Go #153, 8801 Maumelle Blvd, by Carissa S. Bryson.
8. Glinda Craigmyle, Mayor's Office memorandum re: Retail Beer off Premises & Small Farm Wine – Change of Manager from Cory Boyd, Kum & Go #152, 3220 Spring Hill Drive, by Carissa S. Bryson.

9. Glinda Craigmyle, Mayor's Office memorandum re: Retail Beer off Premises – Change of Manager from Kelly Watson, for Tobacco Superstore #42, 4604 JFK, Suite 10, by Angelia M. Strickland.

On the motion of Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, communication #4 was read, accepted and filed (7/0).

4. Mayor Smith – letter to City Council re: 2015 Street Overlay Program.

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

5. Ken Gould, via email to Mayor Smith and Bob Rhoads re: Widening of the Fort Roots Highland Perimeter Trail.

Presentation by Taggart Architects re: Main Street / North Little Rock High School (road) Project. Mr. Bill Gray, Allen New and Brad Petersen reviewed a PowerPoint presentation with the council. The overall site plan included a new parking lot, and street crossing which is about 300' from 22nd Street. The crossing area has planter containers, bollards and LED lights to provide a safe crossing. Two bronze "Wild Cats" statues have been purchased to be placed on an elevated pedestal. These sculptures will provide a formal entry into the area. The cross walk will include a crossing feature the pedestrian will control. The low maintenance plants in the containers will be maintained by the School District. Banners are proposed for light fixtures. Alderwoman Robinson said she and Alderman Taylor were not aware of the city purchasing the bronze Wild Cat statutes. She said previously, if she wanted to purchase items for her area, it had to pass the "test". She asked Mr. Carter if these statutes met that guideline. Mr. Carter said the statues will be in the city right-of-way and enhance the area.

Mayor Smith invited Mr. Randy Naylor to come forward. Mr. Naylor said the city put together an education video re: littering, which was then shown. The annual Keep North Little Rock Beautiful will be Saturday, May 16, 2015.

Mayor Smith announced citizen public comment on legislation. Mr. Carter advised legislation regarding O-15-35 was filed prematurely for the previous council meeting. Therefore, it was refiled for this meeting to meet public notice requirements and to allow the public an opportunity to speak. Ms. Anna King spoke against O-15-35. Mrs. Tonja Pruitt and Mr. Mark Pruitt are the applicants for O-15-35. They want to put a mobile home on the property. Their daughter would live in there. Ms. Helen Gaines lives near the property. She is opposed to O-15-35. The owners have an acre where they could put the trailer. They don't want any more renters there. Mrs. Joann Hicks lives next door. She is opposed to a trailer going in. Mr. Gary Hicks said his mother (Mrs. Hicks) has had her home since it was built in the 1960's. He is also opposed to O-15-35. Mr. Danny Warrier said he has lived in the area a longtime and there have been mobile homes in the area as long. He said the Pruitt's keep their yard mowed and have one of the best houses in the neighborhood. He said when his mother's

home burned in the county, the city wouldn't help put out the fire. The city should provide services if they want to take over the county side. He supports O-15-35.

Without objection, O-15-35 was called.

O-15-35
AN ORDINANCE GRANTING A SPECIAL USE OT ALLOW A MOBILE HOME IN AN R-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 14024 FAULKNER LAKE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Baxter, 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 Hight 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 (7/0). The ordinance was read a third and final time. Alderman Hight asked if this ordinance was the same as the one previously before the council. Mr. Carter said it is the same. On the motion of Alderman Foutch and seconded by Alderman Baxter, and the roll having been called, and all members present having voted no, the ordinance failed (0/7). (*applicant: Mark Pruitt*)

UNFINISHED BUSINESS

O-15-28
AN ORDINANCE AMENDING SECTION 74-51 OF CHAPTER 74 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO CLARIFY AND SIMPLIFY REGULATIONS FOR MOBILE FOOD VENDORS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times, April 13, 2015, was read a third and final time April 27, 2015, was called and held by the sponsor, Mayor Smith. Alderman Hight advised the Food Truck group will meet tomorrow and hoped to have legislation to file for the next council agenda regarding the same.

CONSENT AGENDA

Consent items R-15-65, R-15-66, R-15-66, R-15-67, R-15-68, R-15-69, and R-15-70 were all read and voted on separately.

NEW BUSINESS

R-15-65 (RESOLUTION NO. 8792 – MAYOR SMITH)
A RESOLUTION REAPPOINTING SUZANNE CLEMENTS JACKSON TO THE NORTH LITTLE ROCK HISTORY COMMISSION, 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 (7/0). Mayor Smith thanked Mrs. Jackson for her continued service to the city and commended her for her efforts.

R-15-66 (RESOLUTION NO. 8793 – MAYOR SMITH)
A RESOLUTION REAPOINTING DENISE HANSON TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted (7/0). Mayor Smith thanked Mrs. Hanson (who was not present) for her continued service to the city.

R-15-67 (RESOLUTION NO. 8794 – MAYOR SMITH)
A RESOLUTION DESIGNATING THE FACILTIES LOCATED AT 506 MAIN STREET AS THE "NORTH LITTLE ROCK HERITAGE CENTER"; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mrs. Jackson and History Commission Director Sandra Taylor Smith spoke about the building located at 506 Main Street. This building houses the North Little Rock History Commission and Historic District Commission. Changing the name will help attract tourists to the site. Mrs. Taylor Smith said there will be some great exhibits in the near future. Ms. Whitbey said city records are stored on the second floor of the building in a climate controlled archive room. Alderman Witcher said in addition to a new tag line, the commission has a new sign. Ms. Whitbey said there is also a new non-profit association, Friends of North Little Rock History. Mrs. Taylor Smith reviewed the role of both commissions. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-15-68 (RESOLUTION NO. 8795 – MAYOR SMITH AND ALDERWOMAN WHITE)
A RESOLUTION EXPRESSING SUPPORT FOR THE NORTH LITTLE ROCK FIT 2 LIVE EMPLOYEE WELLNESS, SCREENING AND INCENTIVE PROGRAM; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted (7/0).

R-15-69 (RESOLUTION NO. 8796 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEM, AND CERTAIN ACCESSORIES RELATED THERETO, AS SURPLUS; PROVIDING FOR AUCTION THEREOF; 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 resolution was adopted (7/0).

R-15-70 (RESOLUTION NO. 8797 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN INFORMAL INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND NORTH LITTLE ROCK SCHOOL DISTRICT FOR STREET IMPROVEMENTS ON MAIN STREET AT THE NEW HIGH SCHOOL PROJECT AREA; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Foutch. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members

present, the ordinance was amended as follows:: *attach INFORMAL INTERLOCAL AGREEMENT and ILLUSTRATIONS* (7/0). Alderwoman Robinson asked if the School District had time to review the unsigned agreement. Mayor Smith said the School District's attorney's had reviewed and approved the same. Alderwoman Robinson asked if the amount included was all of the costs to the city. Mayor Smith said there is a 20% contingency included. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted as amended (7/0).

R-15-71 (RESOLUTION NO. 8798 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 822 NORTH D STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCCTURES; 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 Alderman Hight 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: Nathaniel White – deceased*)

O-15-35 *called earlier in meeting*.

O-15-36 (ORDINANCE NO. 8732 – MAYOR SMITH)
AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES' POLICY AND PROCEDURE MANUAL (*re: smoking and tobacco use*); 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 (7/0). Alderwoman Ross asked if this should be held to allow time for input. Ms. Betty Anderson, Human Resources Director said this applies mostly to E-cigarette users and providing updates to the policy. On the motion of Alderman Foutch and seconded by Alderman Hight, 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).

O-15-37 (ORDINANCE NO. 8733 – MAYOR SMITH)
AN ORDINANCE ADOPTING CHAPTER 6 ON FLOODS, A FLOOD DAMAGE PREVENTION PROGRAM, AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING CERTAIN ORDINANCES AND CODE SECTIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross 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. Alderman Witcher suggested holding this legislation to allow property owners time to review flood maps. On the motion

of Alderwoman Ross and seconded by Alderman Foutch, and by consent of all members present, Exhibit "A" was amended as follows:: *Section 1. 1.1.2 Cuts in Seawall (B) strike ~~$100.00~~ and insert* $1,000.00 (7/0). Alderwoman Ross said the FEMA maps are what they are. Mr. Chris Wilbourn said the city has been working on these maps for approximately 10 years. Essentially, the maps were completed around 2008. A delay was the result of Certification of the levy. Mayor Smith said a sizable amount of money will be needed to fix the levy in the future. On a different topic, Mayor Smith advised the Arkansas River is expected to crest Wednesday. Some flooding is evident in Burns Park. Mayor Smith asked Mr. Wilbourn if any flooding was expected. Alderwoman Ross asked if there was something a property owner could do if their property was located within a flood plain. Mr. Wilbourn said you can develop in a flood plain if done properly. Mr. Wilbourn then discussed the 100 Year and 500 Year Flood plans. Alderwoman White asked if any residents or business owners should be concerned about possible flooding this week. Mr. Wilbourn said it would depend on if there is more rain and drainage. Alderwoman Robinson asked about the people on Gribble Street. Mayor Smith asked Mr. Dan Scott, Neighborhood Services Director to put together a flyer to distribute to the neighborhoods. On the motion of Alderwoman Ross and seconded by Alderman Foutch, and the roll having been called, and by consent of all members present, with the exception of Alderman Witcher, who voted no, the ordinance was adopted (6/1). Emergency clause adopted (7/0).

PUBLIC COMMENT

Alderwoman Robinson said city funds were used to purchase the bronze statues (see previous comments) and the council should have had a vote on the expenditure. Mayor Smith said the city got a good price on the statues. Alderman Hight said the Food Truck Committee will meet tomorrow (May 12, 2015) at 1:00 p.m. He asked that a public hearing be scheduled for the next council meeting, scheduled for Tuesday, May 26, 2015. Mr. James Ard said people set up in parking lots on weekends and sell "stuff" out of their vehicles. He said he has called the police department but they won't issue a ticket. He thought they had to have ID badges. He said if the city isn't going to enforce having a business license, then he shouldn't have to have one either. Code Enforcement employees take their vehicles home on the weekend and should be on-call to take these complaints. Ms. Whitbey said door to door solicitors (peddlers) have to have a photo ID issued by the city. There are currently no licensed door to door peddlers in the city at this time. Ms. Annie McGuire lives on Olive. People on her street are putting trash and garbage in their green (recycling) bins. The city needs to take them if people aren't going to use them. They stink. She went out the other night and encountered a large opossum in the street. Mayor Smith asked her to call his office and provide addresses. He said the city is picking up bins from people for improper use. Alderwoman Ross announced she has a new grandson, Léopold (Leo) Aaron Ross.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the meeting was adjourned at 7:01 p.m. (7/0), until the next regularly scheduled meeting which will be held on Tuesday, May 26,

2015, 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