November 28, 2016
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, November 28, 2016, was called to order at 6:01 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, and MURRY WITCHER (6/0). Aldermen MAURICE TAYLOR and CHARLIE HIGHT were absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

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

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 held on Monday, November 14, 2016, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the motion of Alderwoman White and seconded by Alderman Baxter, and by consent of all members present, communications #2, 3, and 4 were accepted and filed (6/0).

2. C. Jason Carter, City Attorney, letter to North Little Rock City Council re: Risk Management Committee Quarterly Report. (Q3, FY16)
3. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – NEW* for Community Market, 1513 East Washington Avenue, by Satnarayan Murthy.
4. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager* from Aaron Lee, for Carino's Italian Kitchen, 4221 Warden Road, by Brian Biggs.

On the motion of Alderman Foutch and seconded by Alderman Baxter, and by consent of all members present, communication #1 was read, accepted and filed (6/0).

1. Received from North Little Rock Police Department – letter from Richard W. Myers, Chairman and W. Craig Hartley, Jr. Executive Director, Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) re: CALEA Accreditation.

Alderwoman Ross introduced a video featuring the 2016 Dogtown (Soapbox) Derby held in North Little Rock. This was a project of the North Little Rock School District's East Initiative Class. Mayor Smith thanked Alderwoman Ross and the participants for their efforts in this event.

Mayor Smith announced a Special Call meeting scheduled this date.

November 23, 2016

Special Meeting of the North Little Rock City Council, Monday, November 28, 2016

Honorable Members of the North Little Rock City Council:

The purpose of this e-mail is to advise you that Mayor Smith has called a special meeting of the North Little Rock City Council at 6:00 p.m. on Monday, November 28, 2016, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

R-16-191 – A RESOLUTION ACCEPTING THE LOW BID OF REDSTONE CONSTRUCTION GROUP FOR THE GOLF CART COURSE REHABILITATION PROJECT AT NORTH LITTLE ROCK BURNS PARK; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe A. Smith.

O-16-86 – AN ORDINANCE AUTHORIZING EXECUTION OF A LEASE-PURCHASE AGREEMENT TO PROVIDE SHORT-TERM FINANCING UNDER AMENDMENT 78 TO THE ARKANSAS CONSTITUION FOR THE PURCHASE OF ATHLETIC EQUIPMENT FOR THE NORTH LITTLE ROCK PARKS AND RECREATION DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe A. 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 email as soon as possible by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

C. Jason Carter
City Attorney

Note: Alderman Taylor entered the council chambers at 6:07 p.m.

SPECIAL CALL

R-16-191 (RESOLUTION NO. 9094 – MAYOR SMITH)
A RESOLUTION ACCEPTING THE LOW BID OF REDSTONE CONSTRUCTION GROUP FOR THE GOLF CART COURSE REHABILITATION PROJECT AT NORTH LITTLE ROCK BURNS PARK; APPRROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Foutch and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (7/0). (*$211,850.00 – Parks and Recreation Capital Improvements Fund*)

O-16-86 (ORDINANCE NO. 8859 – MAYOR SMITH)
AN ORDINANCE AUTHORIZING EXECUTION OF A LEASE PURCHASE AGREEMENT TO PROVIDE SHORT-TERM FINANCING UNDER AMENDMENT 78 TO THE ARKANSAS CONSTITUTION FOR THE PURCHASE OF ATHLETIC EQUIPMENT FOR THE NORTH LITTLE ROCK PARKS AND RECREATION DEPARTMENT; DECLARING AN EMEGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Foutch and seconded by Alderman Baxter, and by consent of all members present, the readings were suspended (7/0). 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 adopted (7/0). Emergency clause adopted (7/0). (*$76,744.80*)

No one signed in to speak during citizen comment on legislation.

Mayor Smith convened an a previously advertised public hearing regarding an ordinance creating the North Little Rock Municipal Multipurpose Improvement District No. 37 – Faulkner Crossing, which was adopted at the previous council meeting. Mr. Carter advised the legislation was (called and) heard at the previous City Council meeting. Mayor Smith convened a public hearing. Mr. Carter said a Multi-Purpose Improvement District can encompass a variety of things defined by (state) statue. There being no one present wishing to be heard, the public hearing was adjourned at 6:15 p.m. Mr. Carter will file legislation to ratify this action at the next council meeting.

UNFINISHED BUSINESS
None.

CONSENT AGENDA
On the motion of Alderman Witcher and seconded by Alderman Taylor, and by voice vote, and all members present having voted "aye", consent items R-16-181, R-16-182, R-16-183, and R-16-184 were unanimously adopted (7/0).

R-16-181 (RESOLUTION NO. 9095 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-182 (RESOLUTION NO. 9096 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL VACANT LAND LOCATED AT 1302 DIVISION STREET IN THE CITY OF NORTH LITTLE ROCK TO HABITAT FOR HUMANITY OF PULASKI COUNTY; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-183 (RESOLUTION NO. 9097 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A TEMPORARY SITE LICENSE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC; AND FOR OTHER PURPOSES, was adopted (7/0). (*Northwest corner of Poplar Street and Riverfront Drive*)

R-16-184 (RESOLUTION NO. 9098 – MAYOR SMITH)
A RESOLUTION RATIFYING THE CONTRACT WITH CINERGI CONTRACTORS FOR THE NORTH LITTLE ROCK SIDEWALK PROGRAM FOR 2016; AUTHORIZING THE EXTENSION OF SAID CONTRACT THRU DECEMBER 31, 2017; AND FOR OTHER PURPOSES, was adopted (7/0).

NEW BUSINESS

R-16-185 (RESOLUTION NO. 9099 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2924 LINCOLN STREET 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 read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. Mayor Smith convened a public hearing. There being no one present wishing to be heard, by public hearing was adjourned. Mr. Carter refereed to Section 3 and advised the fine has increased (for this and future condemnations) from $50.00 per day to $250.00 per day. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*owner: Dorothy Carter*)

R-16-186 (RESOLUTION NO. 9100 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 416 WISTERIA STREET 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 read. A motion to adopt was made by Alderman Taylor 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. Alderwoman Ross asked about the Foreclosure Registry Process. Mr. Carter said there is a standard ordinance, but it doesn't fit with Arkansas Law. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*owner: Wells Fargo Home Mortgage*)

R-16-187 (RESOLUTION NO. 9101 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1700 PARKER STREET 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 read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. 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 as adopted (7/0). (*owner: Timothy Smith*)

R-16-188 (RESOLUTION NO. 9102 – 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 4523 BOYER 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 Robinson. 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 - $3,876.37*)

R-16-189 (RESOLUTION NO. 9101 – 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 218 MOUNT OLIVE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Mayor Smith convened a public hearing. Mr. David Gober lives adjacent to the property and is one of the heirs. He would like to purchase the property and asked what he needs to do. Mayor Smith said the City doesn't own the property. Mr. Gober said he is trying to catch up the tax (payments). Mr. Carter said someone will have to pay the lien which represents city funds that were spent on the property. Alderman Foutch asked if the lien would be included in the taxes owed on the property. Mr. Gober wanted to know if he had to come up with the full amount or make payments. Mayor Smith recommended he talk to his attorney. Mr. Gober said the previous owners are deceased and did not have children and that Emmit Gober was his uncle. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*amount - $3,006.54*)

R-16-190 (RESOLUTION NO. 9102 – MAYOR SMITH)
A RESOLUTON APPROVING AND CERTIFYING AMOUNTS OF LIENS TO BE FILED WITH 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 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).

O-16-81 (ORDINANCE NO. 8860 – MAYOR SMITH)
AN ORDINANCE AMENDING THE ENERGY COST RECOVERY (ECR) RIDER; DECLARING AN EMERGENCY; 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 (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. Mr. Carter said when the ECR was established, it was a variable component within (electric) rates. It was to fluctuate up and down based on the cost of power. Originally, all costs were rolled into one bill. Now costs are broken down. Power costs have gone down, however, transmission costs have increased. This ordinance looks at all costs related to delivery of an electron to the city's distribution system. On the motion of Alderman Baxter and seconded by Alderman Foutch, 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-16-82 (ORDINANCE NO. 8861 – ALDERMAN BAXTER)
AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW INDOOR RETAIL IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 10503 MAUMELLE BOULEVARD – BLDG. B., IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; 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 readings were suspended (7/0). On the motion of Alderman Baxter and seconded by Alderman Foutch, 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: Amos Enderlin*)

O-16-83 (ORDINANCE NO. 8862 – ALDERMAN BAXTER)
AN ORDINANCE RECLASSIFYING CERTAIN REAL PROPERTY LOCATED AT 2400 WEST 58TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM O-1 TO C-3 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; GRANTING A CONDITIONAL USE TO ALLOW OFFICES WITH WAREHOUSE SPACE IN A C-3 ZONE; DECLARING AN EMERGENCY; 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 readings were suspended (7/0). Alderman Baxter said this is the old Amboy Elementary School Property. The neighborhood association has worked closely with the School District in finding a suitable occupant for the site. On the motion of Alderman Baxter and seconded by Alderman Foutch, 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: North Little Rock School District*)

O-16-84 (ORDINANCE NO. 8863 – ALDERMAN HIGHT)
AN ORDINANCE APPROVING A REQUEST TO WAIVE REQUIREMENTS OF THE MASTER STREET PLAN FOR HALF STREET IMPROVEMENTS FOR CERTAIN PROPERTY LOCATED ALONG KIERRE 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 Baxter, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderman Witcher, and seconded by Alderman Foutch, 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: Marlar Engineering*)

O-16-85 (ORDINANCE NO. 8864 – ALDERMAN HIGHT)
AN ORDINANCE APPROVING A REQUEST TO WAIVE REQUIREMENTS OF THE MASTER STREET PLAN FOR HALF STREET IMPROVEMENTS FOR CERTAIN PROPERTY LOCATED ALONG REMOUNT 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 Baxter, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Alderman Witcher and seconded by Alderman Foutch. Alderman Taylor said he drove by the area and asked why the street improvements were being waived. Alderman Witcher said there aren't any improvements in the area now. Mayor Smith agreed, there were no sidewalks, curbs, or gutters. Alderman Witcher said hopefully, the development of this property will help with runoff in the area. Jason with Marlar Engineering said this is for a replat of the property. Alderman Taylor asked what was on the back side of the lot. Mayor Smith said it is a (private) baseball field. On the previous motion, 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: Marlar Engineering*)

PUBLIC COMMENT

Mr. James Ard said Alderman Foutch has done a great job (serving on the city council). He also thanked Alderman Foutch's wife (Jan). Mr. Ard congratulated Mr. Ron Harris, Alderman-elect for Ward 3. Mr. Ard also congratulated Mr. Carlton Wing on his win. Alderwoman White said the annual North Little Rock Christmas Parade will be this Sunday (December 4, 2016). Mayor Smith said it will start at 3:00 p.m., which is a later time due to an event scheduled at Verizon Arena. He encouraged participants to attend the Northern Lights Festival and Christmas Tree Lighting (at the City Services Building, 120 Main Street), following the parade. Alderman Witcher said December 7, 2016, a Pearl Harbor Day Event will be held at 11:30 a.m. (at the USS Razorback Submarine). Mayor Smith said this year will mark the 75th Anniversary of the bombing at Pearl Harbor. Ms. Whitbey announced the North Little Rock Heritage Center will open an exhibit (North Little Rock Railroads: Building a City) on Sunday, December 4, 2016 at 2:00 p.m. and encouraged people to stop by and watch the parade from the Heritage Center. Alderman Baxter recently spent time with North Little Rock Electric Department General Manager James Bray and learned more about power poles, power distribution, etc.

It was very educational and informative. Mayor Smith reminded everyone the second City Council meeting in December will be held on Tuesday, December 27, 2016. The Swearing In Ceremony (for North Little Rock Elected Officials) will be Sunday, January 1, 2017, at 1:00 p.m. in the lobby of City Hall. Everyone is invited. Elected officials were reminded to provide their invitation lists to his office by the end of the week. Alderman Baxter said the North Little Rock Charging Wildcats Football Team will play Fayetteville at War Memorial Stadium. Mayor Smith encouraged everyone to attend the game and show support for North Little Rock.

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 6:45 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, December 12, 2016, 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