January 25, 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, January 25, 2016, 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 City Attorney C. Jason Carter were also present.

Alderwoman White introduced Reverend Daryl Dandredge of the New Creation Baptist Church who then led the prayer and pledge of allegiance.

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 held on Monday, January 11, 2016, and a Special Call meeting held on Tuesday, January 19, 2016, were approved, accepted and filed as prepared by the City Clerk (8/0).

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

1. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer on Premises – Replacement from Paul E. Leonard* for Wingstop, 2913 Lakewood Village Drive, by Hiren M. Patel.
2. Rick Ezell, North Little Rock Emergency Management Coordinator letter to Mayor Smith re: Retirement effective March 15, 2016.
3. Mayor Sung Jei, Kim, Uiwang City, South Korea, letter to Mayor Smith re: Winter Educational Program January 14 – February 12, 2016 and Expansion of Studies including Culture, Art and Economy.
4. Jenny McCauley, Senior Vice President, Human Resources, Southwestern Energy letter to Mayor Smith re: Worker Adjustment and Retraining Notification ("WARN") Act Notice.
5. Charlotte Thomas, Mayor's Office memorandum re: *Private Club & Retail Beer on Premises – Change of Manager from Phillip Patten* for 4 Quarter Bar fka TRAX, 415 Main Street, by Margarett S. Hinson.
6. Karen Scott, Finance Director 4th Quarter (2015 YTD) Code Enforcement Liens and Fees collected by Pulaski County and Code Enforcement.
7. Raven L. Lawson, Watershed Protection Manager, Central Arkansas Water letter re: Prescribed Burn (January – April).

Mayor Smith, Alderman Charlie Hight and Sherry Bruno, North Little Rock Sertoma Club presented the following awards to participants in the 2015, North Little Rock Sertoma, City of North Little Rock and North Little Rock Visitors Bureau Annual Christmas Parade.

Mayor's Cup - Nightmare Before Christmas
Chairman's Choice- Ms. Karen's Dance Studio
Best Church Float- First Pentecostal Church
Best Beauty Entry- B Senior (Arkansas State) Fair Queen
Best Club Entry- North Little Rock Lion's Club
Scout Awards- Girl Scout Troop 6626
Best Decorated Commercial or Business Vehicle – Arkansas Travelers Baseball
Best Horse or Riding Club Entry – Down To Earth Riders
Best Dance/Performing Group – North Little Rock Christian Academy
Best Fire Truck - North Little Rock Pink Fire Truck
Best Marching Group – North Little Rock High School Marching Band
Sertoma President's Award – North Little Rock Teen Court
Mayor Smith thanked all of the parade participants.

Mayor Smith invited Margaret Powell, Director of External Affairs to come forward. Mrs. Powell advised the Fifth Annual Sister City Winter Study Program was underway. Last summer marked the 15th year of the Summer Exchange Program. Mrs. Powell thanked the City Council for their support and funding. She also thanked all of the host families and introduced all of the host families. Mrs. Powell also introduced the visiting delegation of students and chaperones. Each was presented an Arkansas Travelers Certificate. Mr. Hon and Mayor Smith then exchanged gifts.

Mayor Smith asked Mr. Austin Clements to come forward. Austin and members of his troop repainted the doors of the North Little Rock Heritage Center on Main Street. This was much needed and looks great. Austin is an Eagle Scout. Mayor Smith presented a Certificate of Appreciation to him and thanked him for his efforts.

Mayor Smith asked Mr. Matthew Fenton to come forward. Matthew and his troop made raised garden beds for the firemen at the Central Fire Station so they will have healthy food options. Matthew is a member of the Fire Department Explorer Program. He will be an Eagle Scout in a few weeks. Mayor Smith presented him with a Certificate of Appreciation and thanked him for his efforts.

Mayor Smith announced citizens public comment on legislation. Ms. Barbara Armstrong spoke in support of O-16-04. She said she is cofounder of the Certified Arkansas Farmers Market, doing business as the Argenta Farmers Market. They outgrew their original site and moved to 512 Main Street. She thanked the Mayor for assisting them with electrical services at their new location. They want to grow the market and beautify the space. Their mission is to ensure that products sold in the market are grown by local farmers. She encouraged everyone to stop by on Saturdays and Tuesday

evenings. Ms. Tammy Pope is a vendor at the Farmers Market. She said another entity is looking at doing a market near their market. It is her hope that there would be one vibrant market in the city. They already compete with the Farmers Markets in Little Rock. Mayor Smith said the property Ms. Pope referenced is privately owned and properly zoned.

Without objection, O-16-04 was called.

O-16-04 (ORDINANCE NO. 8785 – MAYOR SMITH)
AN ORDINANCE GRANTING A ~~CONDITIONAL USE~~ *SPECIAL USE* TO ALLOW A FARMER'S MARKET IN A C-6 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 610 MAIN STREET 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 (8/0). A motion to adopt was made by Alderman Witcher and seconded by Alderman Baxter. Alderman Taylor asked about the original Farmers Market location. Mayor Smith said they encountered several conflicts at the location of the proposed Plaza. Festivals (hosted by the Argenta Downtown Council) are held at the same location. Alderwoman Ross asked about Sales Tax. Ms. Armstrong said farmers are exempt from sales tax as long as the item was produced on their farm. Their rules and contract say that the farmers are responsible for any taxes owed. Alderwoman Ross said prepared food was being prepared at the market at one time. Ms. Armstrong said they may have food trucks. She said they may sponsor an event where they would invite chefs to come in for demonstrations. However, food would not be sold. Alderwoman Ross asked about the reference to tables being skirted. Mrs. Armstrong said that meant a table cloth. Ms. Whitbey asked if individual vendors are required to get a business license too. Mr. Carter asked how it was handled in the past. Alderman Taylor said the applicant is the city however, it is not the city's farmers market. Mayor Smith said the city is allowing them to use the property. Alderman Taylor asked why the request is for a Conditional Use instead of a Special Use. On the motion of Alderman Taylor and seconded by Alderman Witcher, and by consent of all members present, the ordinance was amended as follows:: *change Conditional Use to* SPECIAL USE (8/0). 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 unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0). (*applicant: City of North Little Rock*)

UNFINISHED BUSINESS

R-15-164
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORTH LITTLE ROCK AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS A.F.L.-C.I.O., LOCAL NO. 35; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith.

CONSENT AGENDA
None filed.

NEW BUSINESS
R-16-05 (RESOLUTION NO. 8918 – MAYOR SMITH)
A RESOLUTION APPOINTING J. MASON TOMS TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Foutch, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-16-06 (RESOLUTION NO. 8919 – MAYOR SMITH)
A RESOLUTION REAPPOINTING KEN DAVENPORT TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-16-07 (RESOLUTION NO. 8920 – MAYOR SMITH)
A RESOLUTION REAPPOINTING THOMAS MARR TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

Mayor Smith thanked all of the above commissioners for their service to the city.

R-16-08 (RESOLUTION NO. 8921 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR ELECTRIC CUSTOMER ASSISTANCE WITH CENTRAL ARKANSAS DEVELOPMENT COUNCIL; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. Alderwoman Ross wanted to be sure the city continues to provide energy saving suggestions and assistance (weather stripping, etc.). On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-16-09 (RESOLUTION NO 8922 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE ARGENTA COMMUNITY THEATER; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Alderwoman Ross referenced items that weren't attached including members of the Governing Board and Budget. Ms. Mary Beth Bowman has those items and will provide them

to the City Clerk to be attached. On the previous motion, and by consent of all members present, with the exception of Alderwoman Ross, who passed, the ordinance was adopted (7/1).

R-16-10 (RESOLUTION NO. 8923 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1115 EAST 2ND 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 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 unanimously adopted (8/0). (*owner: Cordelia Givens*)

R-16-11 (RESOLUTION NO. 8924 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2024 ½ 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 was unanimously adopted (8/0). (*owner: Steven W. Eubanks Vet Services*)

R-16-12 (RESOLUTION NO. 8925 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 824 WEST 37TH 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 Baxter 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 unanimously adopted (8/0). (*owner: Matthew Hill*)

R-16-13 (RESOLUTION NO. 8926 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 800-802 WEST 38TH 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 Alderwoman Ross and seconded by Alderman Taylor. Mayor Smith convened a public hearing. Mr. Paul Atkinson advised he owns the

property. He would like to try to sell the houses to someone who might rehab them. One of them is rough and needs to be taken down, but the other one could be salvaged. Mayor Smith said Mr. Atkinson needed to contact the City Attorney. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Paul P. Atkinson, Lou Properties and Brenda Weston Hill*)

R-16-14 (RESOLUTION NO. 8927 – MAYOR SMITH)
A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 701 WEST 22ND 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 Alderwoman Ross 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 unanimously adopted (8/0). (*owner: Katherine Prewitt*)

Alderman Hight asked about the number of condemnations coming before the council. Mr. Tom Wadley, Code Enforcement Director said the about 100 houses were torn down last year (20 percent by the city).

R-16-15 (RESOLUTION NO. 8928 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT TO UPGRADE THE TELEPHONE SYSTEM FOR THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS; (*366,103.69 + $35,000.00 – Special Appropriations*); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Mayor Smith said in a couple of years, the money saved should cover the costs. Alderman Baxter asked about the refurbished equipment. Mr. John Barber, North Little Rock Police Department said there is very little difference between refurbished equipment and new equipment, but costs about one-half the price. Both are guaranteed by the manufacturer and warranted. Alderwoman Ross asked if the phones would go out if the power goes out. Mr. Barber said there are battery backups and generators at all facilities. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-16-16 (RESOLUTION NO. 8929 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTY LYING BETWEEN BISHOP LINDSEY AVENUE (EAST 7TH STREET) AND EAST 4TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM UNION PACIFIC RAILROAD; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made Alderman Hight and seconded by Alderman Taylor. Alderman Foutch asked Mr. Carter if when a piece of property is assessed is it the value of all the portions or parts

thereof the one being assessed. The property is being assessed in its entirety. Mr. Carter said the difference in values are from the appraisers hired to value the property (the City and Union Pacific). The city will sell part of the property. Alderman Foutch said the city will be left with a less desirable portion of the property. Mayor Smith referenced the illustration attached to the legislation. Mr. Danny Bradley, Chief of Staff said all of the property is bounded by either Mr. Tennenbaum's group or the city. Negotiations have been underway for some time. On the previous motion, and all members present, with the exception of Alderman Foutch, who voted no, the resolution was adopted (7/1).

O-16-03 (ORDINANCE NO. 8786 – MAYOR SMITH)
AN ORDINANCE APPROVING A HEDGE PLAN FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; WAIVING COMPETITIVE BIDDING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Foutch and seconded by Alderwoman Ross, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Alderman Hight and seconded by Alderman Foutch. Alderwoman Ross asked Mr. Carter to explain the legislation. Mr. Carter reviewed a number of areas of risks. Price stability and lower prices for customers are considerations. He referenced flow charts and said hedge percentages are important. On the previous motion, 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-16-04 *called earlier in the meeting, see above.*

O-16-05 (ORDINANCE NO. 8787 – ALDERMAN BAXTER)
AN ORDINANCE GRANTING A ~~CONDITIONAL USE~~ *SPECIAL USE* TO ALLOW A BEAUTY SALON IN AN I-1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 9202 MAUMELLE BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Alderman Taylor expressed concern regarding Conditional Use versus Special Use and referenced car lots on East Broadway. Mr. Shawn Spencer, Planning Director said the requested use is based on zoning. On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the readings were suspended (8/0). On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of members present, the ordinance was amended as follows:: *change Conditional Use to* SPECIAL USE (8/0). On the motion of Alderman Baxter and seconded by Alderman Taylor, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Reggie Wright*)

O-16-06 (ORDINANCE NO. 8788 – ALDERMAN TAYLOR)
AN ORDINANCE GRANTING A WAIVER TO ALLOW A VARIANCE OF MINIMUM ROOF PITCH REQUIREMENTS FOR CERTAIN REAL PROPERTY LOCATED AT 1224 WEST 8TH

STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PUPROSES, was read. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Alderman Taylor and seconded by Alderman Hight. Alderwoman Ross asked why this was in the Overlay. Alderman Taylor said to protect the architectural design in the area. The roof truces are already made by Habitat For Humanity. Mr. Plunkett said truces and walls are built in their shop. Mayor Smith said volunteers aren't allowed on a 6 foot pitch roof. Mr. Plunkett said they have built 45 houses in Baring Cross in the last five years. On the previous motion, 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). (*requested by: Bill Plunkett – CEO Habitat for Humanity*)

PUBLIC COMMENT

Mr. John Richards said Mr. James Ard wanted his family to sign their family cemetery over to him. He would then get a road put in and sign the cemetery back over to them. He (Mr. Ard) wanted to buy a plot in the cemetery for his burial. The family declined. Mr. Richards then showed council members pictures of the road when it was dirt. He then presented a photo of ruts. He wants the road returned to the way it was before. Mr. Burkhalter applied to build an apartment complex and driving range. Mr. Richards said Ralph MacMoran was his cousin. His relatives aren't North Little Rock voters. They live in other cities and feel they do not have any representation. Mayor Smith provided photographs of flood damage on the (bike) trail. As of last week, the city had hauled 170 truck-loads of dirt, silt and debris. He anticipates 400 loads. Cooks Landing has been closed for safety reasons due to all of the heavy equipment in the area. This is a large job that is going to cost a lot of money. Mayor Smith then showed photos of the downtown boat ramp. The city had just spent $35,000.00 to have silt and sand removed as a result of spring flooding. The damage now from recent flooding is at least twice as bad. Another location for the Fire Boats has been considered. He is talking with Engineers on how to prevent this from happening again. Alderman Baxter asked if the sand could be used elsewhere in the city. Mayor Smith said it takes specialized equipment to remove the sand, etc. from the river. Another photo behind the Waste Water Facility illustrated erosion up to the road. Waste Water has dirt, but rip-rap may be needed, ($4,000 - $5,000). The property is leased. Mayor Smith also showed a photo of the parking lot where the old Checkmate Club was located. The owner allows visitors to downtown to use the area free of charge (except during Verizon Arena events). Mayor Smith said he wants to put a load of gravel in since the area is used for public parking. Mayor Smith said he attended a family funeral in Little Rock earlier this year. Nine people had to carry the casket over a ditch and up the steps for burial. He referenced another family plot in another state that is surrounded by property where they have to get permission to go into the cemetery.

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 7:42 p.m. (8/0), until the next regularly scheduled meeting which will be held on Monday, February

8, 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