May 9, 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, May 9, 2016, was called to order at 6:03 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 was led by Alderwoman White, followed by the pledge of allegiance which was led by her grandsons: Sam, Nate and Isaac Itza.

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, April 25, 2016, were approved, accepted and filed as prepared by the City Clerk (6/0).

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

2. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Change of Manager from Mark Severns* for Pike Plaza Superstop, 2701 MacArthur Drive, by Aaron M. Severns.
4. Karen Scott, Finance Director / Chairman Energy Risk Management Committee – ECR May 2016 ($.0109) Credit.

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

1. Terry Hartwick, Director Parks and Recreation memorandum to Mayor Joe A. Smith and City Clerk Diane Whitbey re: Notice of Public Hearing (Parks Department) to get public input concerning Parks and Recreation needs, May 16, 2016, 5:15 p.m. at North Little Rock Community Center, 2700 Willow Street.

On the motion of Alderman Foutch and seconded by Alderman Baxter, and by consent of all members present, communication #3 was read, accepted and filed (6/0).

3. Harold Ford, Sanitation Director memorandum to Mayor Joe A. Smith and City Clerk Diane Whitbey re: City of Little Rock Landfill – Addendum to current Contract – increase .7% effective April 1, 2016.

Mayor Smith announced a Special Call meeting scheduled this date.

May 6, 2016

Special Meeting of the North Little Rock City Council, Monday, May 9, 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, May 9, 2016, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

> O-16-62 – AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR REPAIRS TO THE CONCRETE DRAINAGE DITCH AT THE BACK OF PROPERTY LOCATED AT 709 – 713 HEALY AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; APPROPRIATING FUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe 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.

C. Jason Carter
City Attorney

Mayor Smith advised a 120 foot wall behind the properties on Healy had collapsed. Public Works needs to make repairs between heavy rain fall. The first quote and a second one being considered are above the amount requested in the ordinance ($50,000.00).

O-16-32 (ORDINANCE NO. 8809 – MAYOR SMITH)
AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR REPAIRS TO THE CONCRETE DRAINAGE DITCH AT THE BACK OF PROPERTY LOCATED AT 709 – 713 HEALY AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; APPROPRIATING FUNDS (~~*$50,000.00*~~ *$100,000.00*); 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 (6/0). On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows:: *increase amount from $50,000.00 to* $100,000.00 (*additional funds will be appropriated from the General Fund per Finance Director Karen Scott*) (6/0). On the motion of Alderwoman Ross and seconded by Alderwoman

Robinson, and by consent of all members present, the rules were again suspended, and the ordinance was placed on its third and final reading as amended (6/0). The ordinance was read a third and final time as amended. Alderman Foutch said there are areas in Ward 3 that are in dire need of drainage work and asked that those be considered in the 2017 Budget. Mayor Smith requested a list of areas. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (6/0). Emergency clause adopted (6/0).

Mayor Smith asked Mr. Randy Naylor, Keep North Little Rock Beautiful (KNLRB) to come forward. Mr. Naylor introduced Mr. Daniel Guyton, President KNLRB. Mr. Guyton invited the public to participate in the Great North Little Rock Cleanup, Saturday, May 14, 2016. Each year, KNLRB removes thousands of pounds of trash from the city and waterways with the help of volunteers. Residents are encouraged to clean up their neighborhoods or area of choice. At 11:30 a.m., volunteer are invited to the John Irving Pavilion in Burns Park for a Pizza Party. For more information visit www.KNLRB.org.

Mayor Smith announced citizen public comment on legislation. Mr. Joe Reynolds spoke regarding O-16-28. The Meadow Lane subdivision is a mixture of residential and commercial property. The Pulaski County Special School District wants to use the property (at 7508 MacArthur Drive) for school bus storage, etc. Mr. Reynolds met earlier today with Mayor Smith, Mr. Jim Dailey, the property owners and representatives from the School District. As a result of the meeting, neighborhood concerns were addressed. Mr. John Strode, Vice President External Affairs, Ritter Communications spoke regarding O-16-31 and R-16-79. Mr. Strode said their parent company is located in Marked Tree and has been in business since 1906. He also referenced other locations in Arkansas and other states. They have been successful bidding to provide services for cell towers, schools, hospitals, etc. Alderwoman Ross asked what kind of markers would be used for the buried fiber-optic cable. Mr. Ritter said the contractor would place a white pole with an orange cap to mark the location of the cable. Alderwoman Ross said the poles are ugly and asked if there was another type of pole or marker that could be used. Mayor Smith asked how tall the poles were. Mr. Ritter said 3 to 4 feet. Alderwoman White spoke to City Engineer Chris Wilbourn regarding the necessity of the markers and asked if there was a smaller option. Mr. Ritter said the standard is to use the markers previously described. Mayor Smith said the height of the pole is because a lot of areas are rural and the pole needs to stand higher than vegetation. Mayor Smith asked if the property is residential could the height of the pole be reduced. Mr. Carter said anytime there is installation on public right-of-way, the city can have reasonable regulations. The city may not want to deviate to far from the industry standard with regard to marking (utilities). Mayor Smith suggested recommending something before the law is passed. Mr. Carter advised that all telecom providers must be treated the same. Mayor Smith then asked if the marker could be removed. Mr. Carter suggested an ordinance with a reasonable substitute regarding marking. Mayor Smith recommended the same. Alderwoman Ross added there are safety issues with the (PVC) poles when they are broken off. Mr. Ritter said most of

the lines are in business areas. If a pole is broken, they will replace them. It is important to keep the lines marked so the fiber-optic cable is not damaged. Alderman Witcher said there may be FCC (Federal Communication Commission) guidelines regarding marking the cables. He asked that Mr. Carter research it. Mayor Smith suggested approving the legislation and making Ritter Communications aware of the council's intent regarding poles in the future. Alderman Baxter suggested placing the poles next to existing poles to reduce the number (of poles) throughout the city.

Without objection, O-16-28 was called.

O-16-28 (ORDINANCE NO. 8810 – MAYOR SMITH *for consideration only*)
AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW SCHOOL BUS PARKING AND AN ABOVE GROUND FUEL TANK IN AN I-1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 7508 MacARTHUR DRIVE 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 Witcher, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (6/0). 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 (6/0). On the motion of Alderman Baxter and seconded by Alderman Witcher, and by consent of all members present, the ordinance was amended as follows:: *substitute copy provided this date* (6/0). The ordinance was read a third and final time. A motion to adopt as amended was made by Alderman Baxter and seconded by Alderman Foutch. Mayor Smith convened a public hearing. Mr. Ray Alexander owns property on East Meadow Lane. He has no objection to the request. There being no one else wishing to be heard, the public hearing was adjourned. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (6/0). Emergency clause adopted (6/0). (*applicants: Ronnie and Christine Edmondson – AR Silver Recover Company, Inc.*)

Former Little Rock Mayor Jim Dailey was present representing the above. He thanked the council members for their support. Mr. Dailey said the last time he attending the North Little Rock City Council meeting, the meeting had to be moved to the basement due to inclement weather.

Without objection, R-16-79 and O-16-31 were called.

R-16-79 (RESOLUTION NO. 8990 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LICENSE AGREEMENT WITH E. RITTER COMMUNICATIONS HOLDINGS, INC.; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Foutch and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (6/0).
O-16-31 (ORDINANCE NO. 8811 – MAYOR SMITH)

AN ORDINANCE PROVIDING FOR THE COLLECTION OF A FRANCHISE FEE BY E. RITTER COMMUNICATIONS HOLDINGS, INC. ON SERVICES PROVIDED WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; THE METHOD OF PAYMENT THEREOF; DECLARING AN EMERGENCY; 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 (6/0). On the motion of Alderman Foutch and seconded by Alderwoman White, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0). Alderman Witcher said he had concerns with regard to the additional weight on existing poles. Mr. Carter said the city is inventorying the system (including every pole, wire and transformer). Some poles may require replacement by the person (business) attaching to the pole or by the city.

Without objection, O-16-29 was called.
(ORDINANCE NO. 8812 – ALDERMEN WHITE AND ROSS)
AN ORDINANCE APPROVING VARIANCES FOR A GROUND MOUNTED MONUMENT SIGN ON CERTAIN REAL PROPERTY LOCATED AT 4008 McCAIN BOULEVARD 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 Foutch, and by consent of all members present, the readings were suspended (6/0). A motion to adopt was made by Alderwoman Ross and seconded by Alderman Foutch. Mr. Dean DiMichele advised the new McDonalds will be a state of the art facility with dual drive thru lanes to serve customers faster. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0). (*applicant: Dean DiMichele, DiMichele Management, Inc.*). Mayor Smith said the industry standard for McDonalds is 1,800 customer events per day.

UNFINISHED BUSINESS
None.

CONSENT AGENDA
None filed.

NEW BUSINESS
R-16-77 (RESOLUTION NO. 8991 – MAYOR SMITH)
A RESOLUTION ACCEPTING THE LOW BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH THOMCO, INC. FOR THE McCAIN GRADE SEPARATION PROJECT IN THE AMOUNT OF $10,173,454.07 (AHTD JOB NO. 061294); FUNDED WITH FEDERAL 80-20% MATCHING FUNDS THROUGH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Witcher. Mayor

Smith said the city's matching funds were already in place. Alderman Foutch said this was well planned. Alderwoman Ross said now is the time to think about the longevity of this project and the aesthetics. On the previous motion, and by consent of all members present, the resolution was adopted (6/0). (*City's match - $2,034,690.81*)

R-16-78 (RESOLUTION NO. 8992 – MAYOR SMITH)
A RESOLUTION 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 Alderwoman Ross and seconded by Alderman Foutch. 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 (6/0).

R-16-79 *called earlier in meeting.*

O-16-28 *called earlier in meeting.*

O-16-29 *called earlier in meeting.*

O-16-30 (ORDINANCE NO. 8813 – ALDERMAN TAYLOR)
AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 606 NORTH OLIVE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM I-1 TO C-6 TO ALLOW AN ART STUDIO/GALLERY, BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Foutch, the readings were suspended (6/0). On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0). (*applicants: Nancy Teed and Fran Soderberg*)

O-16-31 *called earlier in meeting.*

PUBLIC COMMENT

Alderman Foutch referenced Keep North Little Rock Beautiful and reminded the public that they can pick the area they want to clean when they sign up.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the meeting was adjourned at 6:46 p.m. (6/0), until the next regularly scheduled meeting which will be held on Monday,

May 23, 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