August 10, 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, August 10, 2015, 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, MAURICE TAYLOR, BRUCE FOUTCH and CHARLIE HIGHT (5/0). Aldermen LINDA ROBINSON, STEVE BAXTER and MURRY WITCHER were absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The prayer and pledge of allegiance were led by Alderwoman Ross.

On the motion of Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Monday, July 27, 2015, were approved, accepted and filed as prepared by the City Clerk (5/0).

No communications were filed.

Mayor Smith announced a Special Call meeting scheduled for this date.

August 7, 2015

Special Call Meeting of the North Little Rock City Council

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, August 10, 2015, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

> R-15-118 – A RESOLUTION ACCEPTING THE LOW BID OF, AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH, REDSTONE CONSTRUCTION GROUP FOR THE MAIN STREET OVERLAY PROJECT – 13TH TO 22ND STREETS; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe A. Smith

O-15-63 – AN ORDINANCE AMENDING THE MID-YEAR 2015 QUOTA ORDINANCE (ORDINANCE NO. 8750) FOR THE NORTH LITTLE ROCK PUBLIC WORKS DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe A. Smith

O-15-64 – AN ORDINANCE DEFINING "ECONOMIC DEVELOPMENT CONSULTANT" TO BE PROFESSIONAL SERIVCES UNDER ARKANSAS LAW; 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 e-mail as soon as possible by replaying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

C. Jason Carter
City Attorney

R-15-118 (RESOLUTION NO. 8842 – MAYOR SMITH)
A RESOLUTION ACCEPTING THE LOW BID OF, AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH, REDSTONE, CONSTRUCTION GROUP FOR MAIN STREET OVERLAY PROJECT – 13TH TO 22ND STREETS; APPROPRIATING FUNDS (*$315, 967. 09*); 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 adopted (5/0).

O-15-63 (ORDINANCE NO. 8755 – MAYOR SMITH)
AN ORDINANCE AMENDING THE MID-YEAR 2015 QUOTA ORDINANCE (ORDINANCE NO. 8750) FOR THE NORTH LITTLE ROCK PUBLIC WORKS DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Foutch and seconded by Alderman Taylor, and by consent of all members present, and Mayor Smith having voted yes, the readings were suspended (6/0). On the motion of Alderman Hight and seconded by Alderman Taylor, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was adopted (5/0). On the emergency clause, all members present voted yes, including Mayor Smith, emergency clause adopted (6/0).

O-15-64 (ORDINANCE NO. 8756 – MAYOR SMITH)
AN ORDINANCE DEFINING "ECONOMIC DEVELOPMENT CONSULTANT" TO BE PROFESSIONAL SERVICES UNDER ARKANSAS LAW; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, and Mayor Smith having voted yes, the rules were suspended and the ordinance was placed on its second reading (6/0). On the motion of Alderman

Taylor and seconded by Alderwoman White, and by consent of all members present, and Mayor Smith having voted yes, the rules were again suspended and the ordinance was placed on its third and final reading (6/0). A motion to adopt was made by Alderman Hight and seconded by Alderman Foutch. Alderman Foutch asked if there were any costs for salary for the professional services. Mr. Carter said whenever something is defined as a professional service, then the city is saying it will not follow the bidding process for said service. The city will advertise a request for qualifications. Responses will be ranked in order of qualifications as to who can best provide the services. The city would then negotiate a contract. Funds would need to be budgeted. Alderman Foutch asked if this would be task specific. The city is looking to reengage services pertaining to Economic Development. Alderwoman Ross asked if there would be retroactive pay. Mayor Smith said the city is waiting to see what the Pulaski County Circuit Court Judge decides regarding the same. (North Little Rock) Economic Development has been operating using saved funds. If the Judge agrees, then 2015 will be funded from the (city's) budget. Alderwoman Ross asked if the records, etc. would be subject to the Freedom of Information Act. Mr. Carter said that has been discussed during litigation regarding managing confidential information in a public forum. The Arkansas Economic Development Corporation at the state level has a specific FOIA exemption. All of our records (city) are subject to FOIA. The identity of prospective businesses needs to be protected. Ms. Whitbey advised there were five (5) votes to suspend the readings (and Emergency Clause) and 6 were needed. Mayor Smith voted yes on suspension of the readings and the previous emergency clause. Mr. Carter advised when the city council votes to move away from the bidding process, a two-thirds vote is required for adoption. Alderman Ross asked how much money is budgeted. Mr. Carter said the amount is $275,000.00. Mayor Smith said a lot of cuts have been made. No future promises have been made. Mayor Smith said Hal Matthews is the Chairman of the commission and has urged the city to do something. Mr. Carter said there have been issues with regard to pending litigation. Mayor Smith said former Arkansas Attorney General Steve Clark drew up a similar contract for the City of Fayetteville. Alderwoman White asked if all cities in the state would be on level playing field. Mr. Carter said all cities may not use the same solution. He said Economic Development is important to our city and we will do it within the requirements of the law. Mayor Smith said in the past a focus was not given to retail. However, the city has realized the need to attract retail development. Alderwoman Ross mentioned Whole Foods in Fayetteville and a comparison to the Park Hill area. Alderman Hight asked about future litigation. Mayor Smith said Fayetteville's agreement has not been challenged yet. On the previous motion, and the roll having been called, and all members present, having voted in the affirmative, including Mayor Smith, the ordinance was adopted (6/0). On the emergency clause, all members present voted yes, including Mayor Smith, emergency clause adopted (6/0).

Mayor Smith presented a video from the North Little Rock Police Department regarding the North Little Rock Police Athletic League and its success. Following the video presentation, Mayor Smith thanked the Police Department for the presentation and said it provides a sincere look at the program and its benefits. One North Little Rock Police Officer is assigned to the program. There are over 600 kids participating in the program. In order for the program to grow, a plan needs to be considered to

make this happen. Mayor Smith asked the council to consider what they have seen as a future request for additional funding. Alderwoman Ross asked if the line item amount was $25,000.00.

Mayor Smith announced public comment on legislation. No one signed in to speak.

UNFINISHED BUSINESS

O-15-38

AN ORDINANCE ESTABLISHING THE NORTHSHORE LANE MULTI-PURPOSE IMPROVEMENT DISTRICT NO. 36 OF THE CITY OF NORTH LITLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor Mayor Smith. The item has been on the agenda six times and will be removed by the City Clerk. Mayor Smith asked the City Attorney to refile the legislation for the next meeting. (*petitioned by Eugene Pfeifer, III and Matt Chandler*) Mr. Carter said the city is still negotiating.

O-15-61

AN ORDINANCE AMENDING SECTION 3.1 (REGULATIONS APPLYING TO ALL DISTRICTS) AND ARTICLE 21 (TABLE OF PERMITTED USES) OF ORDINANCE NO. 7697 (THE ZONING ORDINANCE) REGARDING FARMING AND THE KEEPING OF LIVESTOCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Alderman Taylor.

CONSENT AGENDA

None filed.

NEW BUSINESS

R-15-115 (RESOLUTION NO. 8843 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE A STREET RIGHT OF WAY EASEMENT OVER CERTAIN REAL PROPERTY LOCATED AT THE CORNER OF NORTH MAIN AND WEST 22ND STREETS IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PUPROSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted (5/0).

R-15-116 (RESOLUTION NO. 8844 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT AND RIGHT OF WAY FROM THE CITY OF NORTH LITTLE ROCK TO MAGELLAN PIPELINE COMPANY, L.P. TO ALLOW CONSTRUCTION AND MAINTENANCE OF A GASOLINE PIPELINE UNDER A PORTION OF CENTRAL AIRPORT ROAD; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight, and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted (5/0). (*amount - $9,630.00*)

R-15-117 (RESOLUTION NO. 8845 – 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 Alderman Taylor 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 (5/0).

PUBLIC COMMENT

Mr. James Humphrey spoke regarding a request for sewer service to property he owns in the city and referenced a petition. Tax paying citizens in the community have city sewer service. Some areas do not have sewer service where things are old, deteriorated and have failed, causing sewage to back up. He said this is in violation of the Arkansas Department of Health Sanitation Regulations. Mr. Humphrey said the sewer lines are already there. This needs to be done as soon as possible. Alderwoman Ross asked the location in the city. Alderman Taylor said it is on the back side of Meadowpark. Mayor Smith said the sewer lines are not already in the area. He has met with Mr. and Mrs. Humphrey's. Aldermen Taylor and Robinson have talked to them, too. Waste Water has also been involved. Their lines do not go out that far. When a neighborhood is developed the developer is responsible for paying for the sewer lines. Alderwoman Ross said there is an area in Belwood that still has septic tanks. Alderman Hight commended Mr. Jeff Caplinger, Parks & Recreation, Park Ranger Ian Hope, and Mrs. Bernadette Rhodes, Fit 2 Live Coordinator for their efforts in applying to be one of 16 cities through the National League of Cities to attend a conference regarding connecting children with nature. North Little Rock was a recipient. Alderman Hight will be attending the conference in Salt Lake City in October with Jeff and Ian. The National League of Cities is covering all expenses. Alderman Hight said a resident on Kierre has contacted him regarding parking their vehicle over the sidewalk so their kids can play basketball in the driveway. Someone in the city drives by and complains that the resident is blocking the sidewalk. Alderman Hight said before there is a sidewalk on the street, residents can park up to four vehicles in their driveway. However, after a sidewalk goes in, they are limited to two. People on the other side of the street who do not have a sidewalk can still park up to four vehicles in their driveway. Also, the city allows residents to park an RV in their driveway over the sidewalk for a limited time to load and unload. He asked the city attorney to look into this. Mr. Carter said parking issues have been an issue for some time and an ordinance regarding the same has been amended many times. Alderman Hight said the resident has been given four tickets. Mayor Smith reminded residents that next Monday will be the first day of the school year. This year is unique with students going to new schools, etc. There will be traffic issues. The school district has a traffic design that will be in effect. If the design doesn't work, the city will work with the school district to resolve any issues. He went on to encourage the public to be aware of school buses and children crossing the street. Alderwoman Ross said the city is currently under a Burn Ban.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, the meeting was adjourned at 6:34 p.m. (6/0), until the next regularly scheduled meeting which will be held on Monday, August 24, 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