

November 11, 2013
Six-thirty 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 11, 2013, was called to order at 6:30 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 CHARLIE HIGHT (6/0). A quorum was declared. Aldermen MAURICE TAYLOR and MURRY WITCHER were absent. Assistant City Clerk Linda Marshall and Assistant City Attorney Matt Fleming were also present.

The prayer was given by Brother Charles Winters, Cedar Heights Baptist Church followed by the pledge which was led by Alderwoman Ross.

On the motion of Alderman Hight and seconded by Alderman Foutch and by consent of all members present, the minutes of a regular council meeting held on Monday, October 28, 2013, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the blanket motion of Alderman Hight and seconded by Alderman Robinson, and by consent of all members present, communications #1, 2 and 4, were accepted and filed (6/0).

1. Karen Scott, Finance Director – Chairman Energy Risk Management Committee memorandum re: ECR Adjustment Factor November 2013, \$.0002/kwh.
2. Graham W. Rich, Central Arkansas Water letter to Little Rock Mayor Mark Stodola re: DeGray Lake water rights and proposed agreement between CAW and Hot Springs.
4. Loraine Chism, Petition requesting speed hump on West 24th (20 signatures – for).

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. Randy Naylor, Keep North Little Rock Beautiful, email regarding America Recycles Day, November 15, 2013.

On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members Present, communication #5 was read by title only, accepted and filed (6/0).

5. Karen Scott, Finance Director Sample letter to Non-Profit Agencies regarding request for performance report to be sent to all non-profits receiving funds, etc. from the City of North Little Rock. Mrs. Scott reviewed the letter and the process. Alderwoman Ross suggested organizations provide a list of their Board of Directors and the percentage of money for salaries. City Attorney C.

Jason Carter said current legislation may not include listing the board members.

Mayor Smith announced citizen comment on agenda legislation. No one signed up to speak.

UNFINISHED BUSINESS

O-13-91 (ORDUNANCE NO. 8584 – MAYOR SMITH)

AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES' POLICY AND PROCEDURE MANUAL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was

read three times October 14, 2013, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Foutch. Alderwoman Robinson said she had a problem with inspections and searches (of personal property). She recommended employees not bring their lap tops to work and that cell phones be in vibrate mode. She provided a scenario in that if the employee had an inappropriate photo on their phone and the department head had to scroll through all of the employee's photos, she would have a problem with it. If the department head decides the photo is not inappropriate then is the employee who reported the photo reprimanded. This could be a privacy or rights issue. She will vote against the legislation. Mayor Smith said this is the same policy that the police department has in place. The mayor is the only one who can authorize a review (or search). This would prevent department heads from requesting to see an employee's personal phones or computers without approval. Security of information has to be a concern that has to be considered. Alderwoman Robinson said she had a concern regarding removable thumb drives. If the property is city-owned, the city has a right to look at it. She continued to disagree with regard to personal devices. Alderwoman White agreed with both sides of the issue. However, technology has changed. People can take pictures of (computer) screens to get information. The council has to protect both employees and public information. Alderman Hight has worked in the private sector and has had to sign off on policy regarding technology in the workplace. This policy isn't any different and is in the best interest of city employees. Alderwoman Ross had concerns regarding a future mayor and his or her decisions regarding searches. Alderman Baxter said military installations do not allow employees to plug anything into a USB port. Thumb drives and external hard drives or employees charging their cell phones are not allowed either. Many things can be viewed as inappropriate or offensive. Alderman Foutch said his company has a lot of personal information and data on employees. Back ground checks and other pre-screenings are preformed. There have been reports in the news of employees using another person's information for personal gain. The disposable nature of laptops, etc. has to be considered. Mr. Fleming said the purpose of the legislation is to provide a balance between privacy concerns and the city's ability to investigate. On the previous motion, and by the roll having been called, and by consent of all members present, with the exception of Alderwoman Ross who passed and Alderwoman Robinson who voted no, and the Mayor having voted yes, the legislation was adopted (5/1/1). On the emergency clause, all members present voted in the affirmative, with the exception of Alderwoman Robinson who voted no, and the Mayor having voted yes, the emergency clause was adopted (6/1).

O-13-99

AN ORDINANCE ADOPTING A CHAPTER ON PUBLIC PROPERTY (STREETS, SIDEWALKS AND EASEMENTS) AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING CERTAIN 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 was 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). The ordinance was read a third and final time. Alderwoman Ross referenced amending Section 2: 3.2.1. to add (C) a notification requirement to a resident of pending work in the street adjacent to their address. City Engineer Mike Smith asked if Alderman Ross was referring to the property owner's property or city right-of-way. Alderwoman Ross said on the property owner's property even in the easement. An exception would be an emergency situation such as a leak. Alderwoman White suggested a 48 hour notification period. Mr. Smith said it is difficult for utility work to be scheduled in advance due to weather and other circumstances. Mr. Smith said there is an existing ordinance regarding notification for drainage work. This ordinance covers utility work. Mr. Fleming referenced Section 3.3.2 which covers penalties and fines. Alderman Foutch referenced paragraph 3, C, regarding easements which are considered accessible. Chief of Staff Danny Bradley referred to a proposed amendment regarding work being performed for the city. On the motion of Alderman Foutch and seconded by Alderman Baxter, and by consent of all members present, the ordinance was amended as follows:: *Section 3: 4.3.1 Fees last paragraph add OR ANY ORGANIZATION WORKING AT THE DIRECTION OF THE CITY* (6/0). Chief Bradley then reviewed a proposed amendment regarding Permit Fees. On the motion of Alderwoman Ross and seconded by Alderman Foutch, and by consent of all members present, the ordinance as again amended as follows:: *Section 3: 3.3.1 (B) strike through fifty dollars (\$50.00) and insert ONE-HUNDRED (\$100.00)* (6/0). Alderwoman Ross said revenue from penalties should go into the General Fund, not maintenance and construction of streets. On the motion of Alderwoman Ross and seconded by Alderman Baxter and by consent of all members present, the ordinance was again amended as follows:: *Section 3: 3.3.2 delete (C)* (6/0). On the motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, the ordinance was again amended as follows:: *Section 2: 4.3.2 delete second paragraph* (6/0). Alderwoman Ross referenced Section 2: 3.2.3 (H) regarding grass and vegetation and asked if there was a fine if the contractor does not put in sod. Chief Bradley said this could be covered under the non-compliance section. Alderwoman Ross referenced Section 1: 2.1.11 regarding parking of bulldozers etc. in a yard. Mayor Smith said it is covered under "construction purposes". Mr. Smith reiterated the utility company and its responsibility. Mrs. Karen Scott, Finance Director advised the city collects fees for curb cuts which go into the Street Fund. The ordinance was then held by the sponsor Mayor Smith.

O-13-100 (ORDINANCE NO. 8585 – MAYOR SMITH)

AN ORDINANCE ADOPTING A CHAPTER ON SOLID WASTE AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING CERTAIN CODE SECTIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight

and seconded by Alderwoman Ross, and by consent of all members present, the ordinance was amended as follows: *correct typo Section 1.1.1 by striking through ~~yard trimmings, leaves and similar materials~~* (6/0). Alderwoman White referenced Section 2: 4.2.1 and recycling containers being left in the street by the collection vehicle. Mr. Harold Ford, Sanitation Director said that would be an operational issue. Mayor Smith asked council members to document any overturned containers in the street. Alderwoman Ross said there are residents who use their recycling containers for trash/garbage. Waste Management will not pick it up. Chief Bradley said the city's contract with Waste Management requires them to notify the resident of misuse of the container and remove the container if misuse continues. If Waste Management does not remove the container, there is a \$50.00 fee for the city to resolve the issue. 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 as amended (6/0). On the motion of Alderman Hight 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 Alderwoman Ross and seconded by Alderman Foutch, 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). Alderwoman White requested talking points to take to neighborhood meeting regarding the Solid Waste Ordinance.

CONSENT AGENDA

R-13-209, R-13-210, R-13-211, R-13-212 and R-13-213.

On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by voice vote and all members present having voted aye, consent items R-13-209 through R-13-213 were adopted.

R-13-209 (RESOLUTION NO. 8444 – MAYOR SMITH)

A RESOLUTION APPOINTING BENTLEY E. WALLACE TO THE POSITION PREVIOUSLY HELD BY JOI WHITFIELD ON THE CENTRAL ARKANSAS TRANSIT AUTHORITY BOARD; AND FOR OTHER PURPOSES, was adopted (6/0). Mayor Smith thanked Ms. Whitfield for her service.

R-13-210 (RESOLUTION NO. 8445 – MAYOR SMITH)

A RESOLUTION APPOINTING CHARLES R. HART TO THE POSITION PREVIOUSLY HELD BY VICKI LYNNETTE COX ON THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was adopted (6/0). Alderman Hight introduced Mr. Charles Hart. Mayor Smith thanked him for his service. Alderman Hight asked Mr. Hart to visit with City Engineer Smith regarding a sign at the Bike Fix It Station.

R-13-211 (RESOLUTION NO. 8446 – MAYOR SMITH)

A RESOLUTION APPROPRIATING \$44,100.00 FROM THE GENERAL FUND FOR THE CODE ENFORCEMENT DEPARTMENT DEMOLITION AND DEBRIS REMOVAL PROGRAM; AND FOR OTHER PURPOSES, was adopted (6/0).

R-13-212 (RESOLUTION NO. 8447 – ALDERMEN ROSS AND WHITE)

A RESOLUTION ACCEPTING THE LOW BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH TANKERSLY, INC. FOR 36TH STREET IMPROVEMENTS, FROM MARION TO RAILROAD, IN THE AMOUNT OF \$72,072.00; APPROPRIATING \$72,072.00 FROM 39TH YEAR (2013) CDBG PROGRAM FUNDS; AND FOR OTHER PURPOSES, was adopted (6/0).

R-13-213 (RESOLUTION NO. 8448 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE LOWEST RESPONSIVE BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH ARNOLD & BLEVINS ELECTRIC COMPANY FOR AN EMERGENCY GENERATOR IN THE AMOUNT OF \$48,850.00; APPROPRIATING \$48,850.00 FROM THE 35-2010 SALES TAX BOND FUND; AND FOR OTHER PURPOSES, was adopted (6/0).

NEW BUSINESS

O-13-104 (ORDINANCE NO. 8586 – MAYOR SMITH)

AN ORDINANCE ADOPTING A CHAPTER ON PUBLIC SAFETY AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING CERTAIN 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 (6/0). On the motion of Alderman Hight and seconded by Alderman Foutch, the rules were again suspended and the ordinance was placed on its third and final reading (6/0). The ordinance was read a third and final time. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of members present, the ordinance was amended as follows: *Sec. 1.1.3 The Chief of Police SHALL ATTEND OR APPOINT A REPRESENTATIVE TO ATTEND ALL COUNCIL MEETINGS* (6/0). Alderwoman White asked if be be guns were included under air guns. Mr. Fleming said it does. A typo in 3.1.5 (I) a typo was corrected to TRAIN instead of *rain*. Alderwoman Ross asked if “water accidents” needed to be added under 3.1.5 (B). Mr. Fleming said this would be included under “emergency incidents”. Alderwoman Ross asked about 2.6.13 (G) and if it should be removed. After discussion it was determined this was outdated and on the motion of Alderwoman Ross and seconded by Alderman Foutch, and by consent of all members present, Section (G) was removed (6/0). On the motion of Alderwoman Ross and seconded by Alderwoman White, and the roll having been called, and by consent of all members present, the ordinance was adopted as amended (6/0). Emergency clause adopted (6/0). Mr. Fleming commended Becky Henderson for her efforts working with and coordinating multiple departments.

O-13-105

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A DAY CARE CENTER IN A C-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5532 JFK (JOHN F. KENNEDY) BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

On the motion of Alderman Hight 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 Alderman Hight 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). Alderman Hight said residents behind the location have called concerned with the property only having one entrance to the parking lot from 56th Place. Alderwoman Robinson asked if there was a fee associated with the North Little Rock Police Department doing background checks for sex offenders. The applicant was not present. The legislation was then held at the request of sponsor, Alderman Hight. Alderwoman Ross expressed concern regarding traffic and there only being one entrance. (*applicant: Felicia Scott*)

O-13-106 (ORDINANCE NO. 8587 – ALDERMEN FOUTCH AND BAXTER)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW STONE FABRICATION AND RETAIL SALES IN AN I-1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 9648 MAUMELLE BOULEVARD 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 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 Foutch, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (6/0). Emergency clause unanimously adopted (6/0). (*applicant: Steve Tracy*)

PUBLIC COMMENT

Mr. Charlie Ball talked about his past experience and World War II. He then talked about central Arkansas and the area including the City of Sherwood. Mr. Ball spoke of the Kiwanis Club and other Civic Clubs coming together to get a hospital. He suggested more city employees being members of local civic clubs. Alderman Hight asked about the trees in the median on North Hills Boulevard. Mayor Smith said they were removed. There has been discussion on what to put in the area. Alderwoman White suggested tall thin trees. Mayor Smith said irrigation is an issue. Alderwoman Ross thanked the staff at Laman Library for their efforts in organizing the annual Veteran's Day Celebration held earlier today. She estimated 150-200 people attended.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 7:50 p.m. (6/0), until the next regularly scheduled meeting to be held on Monday, November 25, 2013, at six thirty 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