

April 14, 2014
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, April 14, 2014, 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, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (7/0). Alderwoman LINDA ROBINSON was not present during roll call. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

Alderwoman Ross invited Reid Lorenz, Boy Scouts Troop #18 to lead the prayer. The pledge of allegiance to the flag was then led by Alderwoman Ross.

Alderwoman Robinson entered the council chambers.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting and Special Call meeting held on Monday, March 28, 2014, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Baxter and seconded by Alderman Taylor, and by unanimous vote of all members present, communications #1, 2, 3, 4, 5, 6, 7, 9 and 10 were accepted and filed (8/0).

1. North Little Rock Utility Assistance Program – 2013 Summary.
2. Thomas Crnko email re: Issue with Nevada Railroad.
3. Juliet Caplinger, Natural Resource Project Manager – Proposed Telecommunication Tower on Crutcher Street.
4. North Little Rock Senior Citizens and Office of Volunteer Services Program Annual Report for 2013.
5. Mayor Smith email from Bert Lowe re: Stop Sign at corner of Ridge Road and “G” Streets.
6. Karen Scott, Energy Risk Management Committee and Finance Director memorandum re: Energy Cost Recovery Rider Adjustment Factor April 2014 - \$.0116/kwh.
7. Glinda Craigmyle, Mayor’s Office memorandum re: *Retail Liquor & Retail Beer off Premises Replacement – from Patrice A. Griggs, for Pat’s Beverage Shop by Diane E. Holitik.*
9. Suzanne Jackson, Chair North Little Rock History Commission note to Sandra Taylor-Smith re: Thank You for dedication and presentation, from Carolyn Mosely, Corresponding Secretary, Pinnacle 1219 Questors Group.
10. Glinda Craigmyle, Mayor’s Office memorandum re: *Retail Beer Off Premises – replacement from Young Kim for Hi – Life Market, 4404 East Broadway, by Joanne Kim.*

On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, communication #8 was read, accepted and filed (8/0).

8. Notice of Public Hearing re: Parks and Recreation needs for the City of North Little Rock – April 21, 2014, at 5:15 p.m. at the North Little Rock Community Center, 2700 Willow.

Mayor Smith announced a Special Call scheduled for Monday, April 14, 2014, at 6:00 p.m.

April 10, 2014 (via email)

Subject: Special Call (R-14-64)

Honorable Members of the North Little Rock City Council:

The purpose of this email 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, April 14, 2014, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THEA FOUNDATION; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES.

A copy of the proposed resolution and agreement are attached hereto for your reference.

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.

City Attorney C. Jason Carter

By: Matthew W. Fleming
Deputy City Attorney

SPECIAL CALL R-14-64 (RESOLUTION NO. 8529 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THEA FOUNDATION; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and

by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Smith announced a second Special Call scheduled for Monday, April 14, 2014, at 6:00 p.m.

April 10, 2014 (via email)

Subject: Special Call (O-14-38)

Honorable Members of the North Little Rock City Council:

The purpose of this email 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, April 14, 2014, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A PAWN SHOP IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 6907 JFK BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

A copy of the proposed ordinance is attached hereto for your reference.

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.

City Attorney C. Jason Carter
By: Matthew W. Fleming
Deputy City Attorney

SPECIAL CALL O-14-38

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A PAWN SHOP IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 6907 JFK (John F. Kennedy) BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN

EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held by the sponsor Alderman Witcher. A public hearing was scheduled for Monday, April 28, 2014, at 6:05 p.m. (*applicant: Douglas Braswell*) Note: This item will be added to the city council meeting agenda under Unfinished Business.

Mayor Smith introduced members of Boy Scouts Troop #18 and asked all members to stand and be recognized and thanked them for attending the council meeting.

Mayor Smith announced citizen public comment on legislation.

Mayor Smith said an awards luncheon was recently held honoring North Little Rock Emergency Responders (Police, Fire, 911). Two videos were shown. Fire Lieutenant. Josh Cox received the Fire Chief's Award, Police Officer Karl Sorrells received the Police Chief's Award, and Emergency Services Dispatcher Mary Denton received the Emergency Services Award. Mayor Smith commended Rusty Gatrell, North Little Rock Police Department for his production of the videos.

UNFINISHED BUSINESS

O-14-29 (ORDINANCE NO. 8629 – MAYOR SMITH)

AN ORDINANCE AMENDING SECTIONS 2.1.3, 4.1.3, 4.1.7 AND 4.2.4 OF NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 10 (PARKS AND RECREATION) TO INCLUDE CHANGES PROPOSED BY THE PARKS AND RECREATION COMMISSION; DECLARING AN EMEGENCY; AND FOR OTHER PURPOSES, was read two times March 28, 2014, was read a third and final time this date. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the ordinance was amended as follows: *substitute copy provided this date* (8/0). On the motion of Alderman Hight and seconded by Alderwoman Ross, 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).

CONSENT AGENDA

None filed.

NEW BUSINESS

R-14-58 (RESOLUTION NO. 8530 – MAYOR SMITH)

A RESOLUTION RECOGNIZING APRIL 18, 2014 AS LINEMAN APPRECIATION DAY; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mr. C. Jason Carter, Acting General Manager North Little Rock Electric Department (City Attorney) said the linemen work behind the scenes, after hours and in adverse conditions. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-14-59 (RESOLUTION NO. 8531 – MAYOR SMITH)

A RESOLUTION APPROVING AND RATIFYING ADJUSTMENTS TO THE 2014 ANNUAL ACTION PLAN TO DECREASE PROJECT FUNDING AMOUNTS IN ACCORDANCE WITH THE REDUCTION IN THE 2014 CDBG FUNDING AND IN THE 2014 FUNDING TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 resolution was unanimously adopted (8/0).

R-14-60

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MASTER LEASE AGREEMENT WITH VERIZON WIRELESS TENNESSEE PARTNERSHIP D/B/A VERIZON WIRELESS; AND FOR OTHER PURPOSES, was read. A motion to adopt was

made by Alderman Hight and seconded by Alderman Foutch. Chief of Staff Danny Bradley advised this is a joint project. Verizon approached the city about installing small micro-cell units at (currently) unspecified locations. Dimensions and design illustrations were sent to council members. This is the master agreement. Any site chosen would be an addendum to the master agreement. The city would approve each site. Alderwoman Ross did not want these on decorative poles. The fee would be \$2,500.00 per cell per year. Alderwoman Ross asked if they would be charged for barricade fees when working in right-of-way. Chief Bradley said the fees were included. Mr. Fleming said the Mayor or his designee would approve each site. Mayor Smith said he could notify council members of locations. Alderwoman Robinson asked about the number of sites (12 – 15). Chief Bradley said over time that could increase. Alderwoman Robinson said she had a problem with the length of the agreement (25 years). She asked if the length of time could be shortened and said the economy is subject to change. Chief Bradley said maximum coverage is 1,000 feet as these are small units. Alderwoman Robinson asked where the areas were. Chief Bradley said they were not known at this time. It is expensive to run fiber optics. Two representatives from Verizon were present, Mr. John Johnston and Mr. Chad Tarver. Mr. Johnston said these devices would provide service to small pocket areas. They have been installed in the French Quarter in New Orleans and Central Park in New York City. The device is more than a booster by providing dedicated data (through an Ethernet backlog). Alderman Hight asked if this device was unique to Verizon. It is not. Alderman Taylor worked in the cell phone industry. He said the weak spots were already known by the company. Verizon is trying to get the agreement in place before sites are established. This will allow time to find out what assets are available in the city. Verizon Arena has the equivalent of two micro-cell towers. Mayor Smith said over 100,000 calls went through the North Little Rock 911 Call Center. Eighty-eight percent were made from cell phones. Alderwoman Ross also had an issue with the length of the agreement. Mayor Smith asked if there was an escalating clause. There was not. Funds would go into the General Fund. Alderman Foutch asked when the agreement would begin (when the agreement is adopted or when each unit is installed). Mr. Fleming said it would be from the date of this agreement. Alderman Witcher asked Mr. Carter about other pole attachment agreements with the Electric Department. Mr. Carter said there were several. The primary user is AT&T. Whoever attaches to a pole is responsible for the cost of equipment to aid in their attachment. Alderman Witcher asked the expected length of usage of the equipment and the impact of changing the length of the agreement. Alderman Foutch asked if an AC drop was required and included in the lease. Mr. Carter said it was. Mayor Smith then held the legislation and asked council members to consider their amendments before the next meeting. *(No Q-tip poles, size of equipment, length of the agreement, an escalating clause)*. Alderman Taylor said he may not be at the next meeting, but he is in favor of technology.

R-14-61 (RESOLUTION NO. 8532 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH ARKANSAS ARTS CENTER; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Hight and seconded by Alderman Baxter. Mayor Smith said this legislation was a follow up to a previous contract.

Alderwoman Ross asked if the city was going to notify organizations that funds may not be available next year. Mayor Smith said he will send out letters in June. On the previous motion, and by consent of all members present, with the exception of Alderman Foutch, who voted no, the resolution was adopted (7/1). (*amount - \$40,000.00 – Arts and Cultural Education Special Appropriations 2014 Budget*)

R-14-62 (RESOLUTION NO. 8533 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDMENT TO THE AGREEMENT WITH THE ARKANSAS TRAVELERS TO MANAGE AND LEASE DICKEY-STEPHENS BASEBALL STADIUM; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Witcher and seconded by Alderman Foutch. On the motion of Alderwoman Robinson, the resolution was amended as follows: *attach Agreement provided this date* (8/0). Alderwoman Ross made a motion to delete Article IV – Section 7.2. regarding Capital Improvements. Repairs and improvements would still be allowed. She said there shouldn't be changes made to the (structure) property without approval. In addition, Alderwoman Ross's motion would delete Section 7.2 of the original contract. Aldermen Taylor and Robinson wanted to see the original Lease Agreement. Mr. Carter said rent was previously based on revenues/rent generated by the facility. Discretionary improvements would have reduced the amount paid to the city. Section 7.1 deals with required Capital Improvements like repairs, maintenance, etc. Alderwoman Ross had concerns regarding structures and the integrity of the ballpark. Alderman Witcher said there are plans for a series of improvements at the ballpark, including closing in the batting cages and air conditioning the space. The council doesn't need to oversee all of them. Mr. Carter said some required upgrades are necessary in the Minor League business. Alderman Hight asked about the time-frame based on rebidding the loan. Mayor Smith said he would call a Special Call if necessary. Alderwoman Robinson seconded Alderwoman Ross's previous motion to amend. Mr. Fleming clarified the proposed amendment "delete Article IV of the previous amendment; and Article 7, Section 7.2 of the original contract will be removed its entirety". Alderman Hight said this would involve the council in the day to day operations. On the previous motion to amend the amendment as restated by City Attorney Fleming, the following members voted yes: Ross, White and Robinson, the following members voted no: Baxter, Foutch, Hight and Witcher, and the following member passed: Taylor, the motion to amend failed (3/5). On the motion of Alderman Witcher and seconded by Alderman Hight, and the following members having voted yes: Baxter, Foutch, Hight, Witcher and Mayor Smith, and the following members having voted no: Ross, White, and Robinson, and the following member having passed: Taylor, the resolution was adopted as amended (5/4).

R-14-63 (RESOLUTION NO. 8534 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED AT 1231 W. 8TH STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR

OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, the resolution was unanimously adopted (8/0). (*\$94,000.00 – to Belinda Taylor*)

O-14-33 (ORDINANCE NO. 8630 – MAYOR SMITH)

AN ORDINANCE MERGING THE DUTIES OF THE NORTH LITTLE ROCK CITY TREASURER INTO THOSE OF THE CITY CLERK AND COLLECTOR EFFECTIVE JANUARY 1, 2015;

ESTABLISHING A CONSOLIDATED ELECTIVE OFFICE TO BE KNOWN AS “CITY CLERK – TREASURER”; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and

seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the

ordinance was placed on its second reading (8/0). On the motion of Alderman Hight and seconded by

Alderman Witcher, and by consent of all members present, the rules were again suspended and the

ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final

time. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Mayor

Smith acknowledge City Treasurer Mary Ruth Morgan and her husband Frederick “Buddy” who were present in the audience and thanked her for her service to the City of North Little Rock for 40 years.

Alderman Foutch asked if the election cycle for City Clerk and City Treasurer coincide with each

other. Ms. Whitbey said they do not. Alderman Foutch asked if there would be a problem with an off-

cycle election. 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). There was no

emergency clause.

O-14-34 (ORDINANCE NO. 8631 – MAYOR SMITH)

AN ORDINANCE AUTHORIZING A ONE-TIME PAYMENT OF \$80,000.00 TO THE LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) FOR THE BENEFIT OF CERTAIN

RETIREES, OR THEIR BENEFICIARIES, OF THE NORTH LITTLE ROCK POLICE AND

FIREMEN’S RELIEF AND PENSION FUNDS; DECLARING AN EMERGENCY; AND FOR

OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman

Hight, and by consent of all members present, all readings were suspended (8/0). On the motion of

Alderman Witcher and seconded by Alderman Foutch, and the roll having been called, and by consent

of all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously

adopted (8/0). (*Special Appropriations 2014 Budget*)

O-14-35 (ORDINANCE NO. 8632 – MAYOR SMITH)

AN ORDINANCE VACATING AND ABANDONING PORTIONS OF ALLEYWAYS LOCATED

EAST OF MAIN STREET AND WEST OF POPLAR STREET, ONE BETWEEN EAST 22ND AND

EAST 23RD STREETS, AND THE SECOND BETWEEN EAST 23RD AND EAST 24TH STREETS,

IN THE CITY OF NORTH LITTLE ROCK; 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, all readings were suspended (8/0). Alderman Taylor asked why the alleys were being closed. Mayor Smith said these areas are where the parking lot will be. On the motion of Alderman Witcher and seconded by Alderman Baxter, 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 Brad Petersen – Crafton Tull on behalf of North Little Rock School District*)

O-14-36 (ORDINANCE NO. 8633 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR WIRING DESIGN SERVICES AT THE GALLOWAY SUBSTATION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Foutch, and by consent of all members present, all readings were suspended (8/0). A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Ross. Mr. Carter said the Galloway Substation was originally designed like our other stations. Fast switches were installed to work with other switching lines. However, the new switches do not fit where the other switches were. PCS2000 has worked previously at the Hydro Plant. 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). (*\$23,500.00 – fund previously appropriated*)

O-14-37 (ORDINANCE NO. 8634 – MAYOR SMITH)

AN ORDINANCE VACATING AND ABANDONING CERTAIN SEWER EASEMENTS LOCATED IN GRIBBLE'S ADDITION AND TOPF'S SUBDIVISION IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Foutch, and by consent of all members present, all readings were suspended (8/0). A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. Alderman Foutch asked how the city would re-obtain the easement. Mr. Marc Wilkins, Director North Little Rock Waste Water advised there are six (6) adjacent properties on the south side of Gribble, all belonging to the same owner. The utility has two (2) sewer mains across the properties that are parallel and cross East / West. The existing easements zigzag across the properties and do not align with the sewer mains. The property owners have agreed to grant Wastewater the appropriate easement to the mains. This legislation abandons existing easement. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows:: *add to Section 1: the following:* THE ABANDONMENT OF THESE EASEMENTS IS SUBJECT TO AND CONTINGENT UPON THE GRANTING OF AN EASEMENT BY THE PROPERTY OWNERS TO THE CITY (8/0). On the motion of Alderman Witcher and seconded by Alderman Hight, 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 adopted (8/0). (*requested by North Little Rock Wastewater Utility*).

PUBLIC COMMENT

No one signed in to speak during public comment. Alderwoman Robinson said the residents of Faulkner Crossing, Willow Beach, Stonelinks, Ashley Downs, Cypress Crossing and Deer Meadows are disappointed that they are not going to get a Fire Station. They have waited since 2006 / 2007. The residents have asked that the council reconsider a Fire Station in their area of the city. The only area of the city where (new) development can occur is the East side of the city. The residents were told a station could be built, however, providing manpower was an issue. Now, building a station is off the table. Mayor Smith updated the council on negotiations with Nevada Rail. They are in the process of moving their tamping machine to the other end of their property (West), which is about three blocks from the residential area. Regarding the creosote (railroad) ties, they are attempting to keep their inventory low and relocate the pile 200 – 300 yards further West. Funding will end June 30 for the Recycling Bin at Kroger on McCain and North Hills. Waste Management was providing it at a cost of \$300.00 a week. Unless the council directs otherwise, the city will not seek bids or continue the service. For the past five (5) plus years a Federal Grant has provided funding to provide weekend and night bus service on bus routes in North Little Rock. These routes have provided transportation to a lot of people to and from work, shopping, etc. The grant will end before 2015. To keep providing the services will cost the city approximately \$280,000.00. Alderwoman Ross said the city allocated additional funds for the services. If CATA (Central Arkansas Transit Authority) and Links do not run on the weekend, it will affect handicapped riders. Mayor Smith said the additional amount referenced by Alderwoman Ross may be a match. Mrs. Karen Scott, Finance Director said the amount was \$187,369.00. Mayor Smith said a lot of work is ongoing to cut expenses (citywide).

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 7:22 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, April 28, 2014, 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