

February 9, 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, February 9, 2015, 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, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT, and MURRY WITCHER (7/0). Alderwoman BETH WHITE was absent. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

The invocation and pledge of allegiance were led by Alderman Foutch.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the minutes from the North Little Rock City Council meeting scheduled for Monday, January 26, 2015, and a Special Call meeting held on Monday, February 2, 2015, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderwoman Ross and seconded by Alderman Baxter and by consent of all members present communication #1 was accepted and filed (7/0).

1. Karen Scott, Chairman Energy Risk Management Committee/Finance Director memorandum to City Clerk Diane Whitbey re: Energy Cost Recovery Rider (ECR) Adjustment – February 2015 - \$-.0026/kwh (CREDIT).

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

February 5, 2015

Special 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, February 9, 2015, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

**R-15-25 – A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH SOUTHEAST MANAGEMENT, LLC TO LEASE PROPERTY LOCATED AT 9906 E. 165, NORTH LITTLE ROCK, ARKANSAS; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES.**

Sponsor: Mayor Smith

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

Additionally for your convenience, I am attaching proposed amendments to O-15-11 and O-15-12, both of which are on the agenda.

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

R-15-25 (RESOLUTION NO. 8744 – MAYOR SMITH, ALDERMEN ROBINSON AND TAYLOR) A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH SOUTHEAST MANAGEMENT, LLC TO LEASE PROPERTY LOCATED AT 9906 EAST U. S. HWY 165, NORTH LITTLE ROCK, ARKANSAS; APPROPRIATING FUNDS (\$18,700.00 – General Fund); AND FOR OTHER PURPOSES, was read. Mr. John Santoro, President Willow Beach Property Owners Association spoke in favor of the resolution. He referenced other neighborhoods and businesses in the area and asked how long before there is a permanent solution. Mayor Smith said this will allow time to see how staffing, budgets etc. look in the future. Alderman Hight thanked Aldermen Robinson and Taylor for their persistence in getting a Fire Station in the Eastern part of the city. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0). Without objection, Aldermen Robinson and Taylor were added as cosponsors.

Mayor Smith asked Alderwoman Ross to introduce members of Lakewood Middle School's East Initiative. Taylor Barnhart, Uriah Rockins, Kennedy Banks, and Tanner Barnhart were present to speak and support the event. The youth would like to host the first North Little Rock Soap Box Derby Race. They have already met with the North Little Rock Chamber of Commerce and Mayor Smith. The tentative date of the race is August 22, 2015 – the event would be called "Racing Back to School." The goal (of the event) is to connect positive adult role models with young adults that are lacking in these types of relationships. Through the experience, it is their hope that a quality relationship will be established between the adult and child, and that the child will have the opportunity to learn life skills,

as well as get to do something they would not have the opportunity to do otherwise. Sponsors are needed. To sponsor one car kit the donation is \$850.00. Donations of any amount will be appreciated. Adult volunteers are also needed. Ms. Shelly Jones said the race will take place on the Main Street Viaduct (south) towards 8<sup>th</sup> and Main. Brochures were distributed to council members. Mayor Smith said this would be a good location since it is next to the Police Substation. Alderman Baxter asked if this will be a sanctioned event on the National level. Ms. Jones said she is in discussions regarding sanctioning. The hope is to have between 10 and 24 cars. A kit can be purchased which includes everything needed to build a car. Alderwoman Ross said the youth are working really hard on this project. Once the cars are sponsored, they get to keep the car. Other activities were mentioned including food trucks, finger printing and more. The deadline to get donations would be April 30, 2015. Alderman Witcher suggested the city council sponsor a car, and donated \$100.00. People interested in participating should contact Ms. Jones at 501-351-4042 or email [jones@nlrsd.org](mailto:jones@nlrsd.org). Mayor Smith said information would be posted on the city's website.

### **UNFINISHED BUSINESS**

R-15-04 (RESOLUTION NO. 8745 – MAYOR SMITH, ALDERMEN WHITE AND HIGHT) A RESOLUTION APPOINTING CONNIE WOODARD TO THE NORTH LITTLE ROCK HISTORY COMMISSION; AND FOR OTHER PURPOSES, was read. Aldermen White and Hight were added as cosponsors. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (7/0). Mrs. Woodard said she had looked for a way to serve the city and this seemed like a good fit for her. She thanked the council for their support. Mrs. Suzanne Jackson, Chairman North Little Rock History Commission announced a non-profit has been set up “Friends of North Little Rock History”. February is Black History Month. The commission will host an event February 21, 2015, from 5:30 p.m. – 7:30 p.m. at the First Baptist Church Family Life Center, 2015 Main Street. The public is invited to attend. There is also an exhibit at the History Commission featuring black legislators.

R-15-16 (RESOLUTION NO. 8746 – MAYOR SMITH) A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS AGAINST A CERTAIN PARCEL OF PROPERTY LOCATED NORTH OF U.S. HWY 165 (ENGLAND HIGHWAY) PARALLEL AND ADJACENT TO A RAILROAD RIGHT-OF-WAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

O-15-10 AN ORDINANCE AMENDING SECTION 3.1 (REGULATIONS APPLYING TO ALL DISTRICTS) AND ARTICLE 21 (TABLE OF PERMITTED USES) OF ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE) REGARDING SMALL FARMING OR

RANCH PLOTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time January 26, 2015, was called and held by the sponsor, Alderman Taylor.

**CONSENT AGENDA**

On the motion of Alderman Hight and seconded by Alderman Taylor, and all members present having voted “aye” Consent items R-15-18, R-15-19, R-15-20, R-15-21, R-15-22, and R-15-23, were adopted (7/0).

R-15-18 (RESOLUTION NO. 8747 – MAYOR SMITH)

A RESOLUTION REAPPOINTING DON CHAMBERS TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0). Mayor Smith thanked Mr. Chambers who was present for his service.

R-15-19 (RESOLUTION NO. 8748 – MAYOR SMITH)

A RESOLUTION REAPPOINTING JAMES DIETZ TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-15-20 (RESOLUTION NO. 8749 – MAYOR SMITH)

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF TERESA BURL TO THE NORTH LITTLE ROCK HOUSING AUTHORITY BOARD OF COMMISSIONERS; AND FOR OTHER PURPOSES, was adopted (7/0).

R-15-21 (RESOLUTION NO. 8750 – MAYOR SMITH)

A RESOLUTION APPROPRIATING \$22,010.00 FOR THE HOMELESS DAYCARE CENTER; AND FOR OTHER PURPOSES, was adopted (7/0). (*from General Fund to increase city's pro rata share from \$125,000.00 to \$147,010.00*). Alderwoman Ross asked that the city renegotiate this agreement next year.

R-15-22 (RESOLUTION NO. 8751 – MAYOR SMITH)

A RESOLUTION REPEALING RESOLUTION NO. 8293 WHICH DECLARED 4908 ATKINS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO BE A PUBLIC NUISANCE AND CONDEMNED IT; AND FOR OTHER PURPOSES, was adopted (7/0) (*owner: Easy Street Properties LLC*)

R-15-23 (RESOLUTION ON. 8752 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS AGAINST A CERTAIN PARCEL OF PROPERTY LOCATED NORTH OF U.S. HWY. 165 (ENGLAND HIGHWAY) PARALLEL AND ADJACENT TO A RAILROAD RIGHT-OF-WAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was adopted (7/0).

## NEW BUSINESS

R-15-24 (RESOLUTION NO. 8753 – MAYOR SMITH)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 5020 ALPHA IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 (7/0). (*amount – \$2,875.91*)

O-15-11 (ORDINANCE NO. 8710 – MAYOR SMITH)

AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES’ POLICY AND PROCEDURE MANUAL; 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, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. On the motion of Alderman Baxter and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows:: *see and attach REVISED EXHIBIT “B” distributed by City Attorney this date* (7/0). A motion to adopt as amended was made by Alderman Baxter and seconded by Alderwoman Robinson. Alderwoman Ross referenced Exhibit “A” and recommended adding Sexual Orientation under *Filling Vacancies*. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the ordinance was again amended as follows:: *Exhibit “A” – Filling Vacancies, second sentence add OR SEXUAL ORIENTATION* (7/0). On the motion of Alderman Witcher 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 (7/0). Emergency clause failed (0/7). *The ordinance will go into effect in 60 days.*

O-15-12 (ORDINANCE NO. 8711 – MAYOR SMITH)

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS AND NUMBERS OF EMPLOYEES FOR EACH DEPARTMENT OF THE CITY GOVERNMENT OF NORTH LITTLE ROCK FOR 2015 (aka Quota Ordinance); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. On the motion of Alderman Baxter and seconded by Alderwoman

Ross, and by consent of all members present, the ordinance was amended as follows: *see substituted copy provided this date (page 2 - title change – City Clerk Treasurer Department) (7/0)*. 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 adopted as amended (7/0).  
Emergency clause adopted (7/0).

O-15-13 (~~ORDINANCE NO. 8712 – ALDERMAN BAXTER~~)  
~~AN ORDINANCE GRANTING A WAIVER TO ALLOW A FREESTANDING POLE SIGN ON CERTAIN REAL PROPERTY LOCATED AT 10840 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 (7/0). On the motion of Alderman Baxter and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. A motion to adopt was made by Alderman Baxter and seconded by Alderman Foutch. Alderman Baxter said the topological difference of the roadway and the property itself would make a lower sign difficult to see. Alderman Foutch said the ditch area has protected growth. Alderman Taylor said this is an LED sign. Alderman Baxter said the property is in an Overlay District. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: Ashley Stepps*) Vetoed by Mayor Smith February 11, 2015 – legislation did not meet notice requirements.

### **PUBLIC COMMENT**

Mayor Smith thanked Fire Chief Murphy and Assistant Fire Chief Steve Smith for their efforts and guidance in coming up with a way to provide a (temporary) Fire House in the eastern part of the city. Mr. James Ard suggested holding the Soap Box Derby on Snake Hill and referenced 1963 when a classmate went down the hill on roller-skates. Mr. Ard asked the city to issue citations for improperly placed banners. Mr. Ard said the Electric Department withdrew funds from his account for someone else's bill without his permission. Alderman Witcher said council members attended the Arkansas Municipal League Conference last month where Emergency Clauses were discussed. The city has used this when there may not have been an emergency effecting the residents of the city. He asked that the city use the Emergency Clause more sparingly.

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 6:41 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, February 23, 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: Joe A. Smith  
MAYOR JOE A. SMITH

ATTEST: Diane Whitbey  
DIANE WHITBEY, CITY CLERK