

March 2, 2015  
Six o'clock P.M.  
North Little Rock City Hall Council Chambers  
300 Main Street  
North Little Rock, Arkansas

A Special Call meeting of the North Little Rock City Council scheduled for Monday, March 2, 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, BETH WHITE, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (6/0). Aldermen MAURICE TAYLOR and LINDA ROBINSON were absent. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

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

Alderman Taylor entered the council chambers between the invocation and pledge.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes from the North Little Rock City Council meeting scheduled for Monday, February 9, 2015, and a Special Call meeting also held on Monday, February 9, 2015, were approved, accepted and filed as prepared by the City Clerk (7/0).

Mayor Smith announced the Special Call meeting.

February 27, 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, March 2, 2015, at City Hall Council Chambers, North Little Rock, Arkansas due to the cancellation of the regularly scheduled meeting that was set for February 23, 2015. The following will be on the agenda:

**ALL ITEMS ON THE PREVIOUSLY PUBLISHED AGENDA FOR THE FEBRUARY 23, 2015 REGULAR MEETING OF THE NORTH LITTLE ROCK CITY COUNCIL**

A copy of that published agenda ordinance is attached hereto for your convenience and is incorporated by reference.

Additionally, the following will be on this special call:

**R-15-36 – A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE FEDERAL AID ARKANSAS TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FUNDS FOR PHASE THREE OF THE LEVY MULTI-USE TRAIL PROJECT; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe A. Smith**

**O-15-19 – AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES’ POLICY AND PROCEDURE MANUAL; AND FOR OTHER PURPOSES. Sponsors: Alderman Debi Ross, Alderman Linda Robinson and Alderman Steve Baxter.**

**O-15-20 – AN ORDINANCE AMENDING THE 2015 QUOTA ORDINANCE FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe A. Smith**

Copies of the resolution and ordinances are attached for your convenience.

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

Mayor Smith introduced Mr. Isaac Henry who is a new city employee working on the Mayor’s staff.

Mayor Smith asked Ms. Jenna Rhodes, MA, MPS, MPH, Jump Start Coordinator to come forward. Ms. Rhodes advised she has worked on the Jump Start Project since October 2013. Jump Start is essentially an economic revitalization effort initially funded by MetroPlan in the Park Hill and Levy areas of the city. A coalition was created and discussion ensued. An overlay work group includes property owners, business owners, neighborhood leaders, Metroplan and various city departments. Their hope is that a new plan will be ready to submit to the Planning Commission and City Council during the first quarter of 2015 in order to qualify for additional Metroplan funding. The coalition will continue to meet monthly. Alderwoman Ross thanked Ms. Rhodes and Mrs. Bernadette Rhodes, Fit 2 Live Coordinator for their efforts.

Mayor Smith announced citizen comment on legislation. Mr. Chad Denis spoke regarding O-15-19. He read an article over the weekend regarding the proposed ordinance and asked how many issues North Little Rock has had regarding this type of discrimination and if this would open a “Pandora’s box.” There is a trend across the country to adopt ordinances that seem harmless and mild. His concern is that individual freedoms may be affected. He referenced an incident in another state where a business owner refused to provide services to a same-sex couple. The issue is bigger than a person’s sexual preference. He said the city’s role needs to be considered. He asked that the council table this issue until criteria can be considered regarding the same. Mr. Presley Melton spoke in support of O-15-19. He said the issue is not about religion or sexuality, but discrimination. A vote for the ordinance indicates open-mindedness. A vote against it would indicate the city being willing to continue to allow such discrimination. Mr. Matt Kirk spoke in support of O-15-19. He thanked the council members who sponsored the legislation. He has worked for four Fortune 500 Companies that had non-discrimination policies which included all individuals and allowed them to be themselves, show brilliance and display their talents.

On the blanket motion of Alderman Witcher and seconded by Alderman Baxter and by consent of all members present communications #2 and 3, were accepted and filed (7/0).

1. Karen Scott, Finance Director – Liens collected from Pulaski County Treasurer – January 2015.
2. Mayor Smith’s Veto – O-15-13 / Ordinance No. 8712 dated February 9, 2015, legislation did not meet notification requirements.

On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, communication #1 was read by title only, accepted and filed (7/0).

3. Bob Rhoads, CPRP, Director Parks and Recreation letter to Mayor Smith and City Council re: maintenance of parks property, right-of-ways and medians.

Alderwoman White said there were a lot of medians not included in the list. She asked Mr. Patrick Lane, Street Department Director to provide a list of all areas maintained by the Street Department. Alderman Hight asked who maintains the River Trail. Mr. Lane said the Parks Department will assume all responsibility for the bike trails up to a point (UP Bridge) and the Street Department will handle the remainder. Mr. Rhodes said the Parks Department will take care of the Levy Spur. Mayor Smith said the city is looking into contracting some of the trails to an outside source.

Special Call R-15-36 (RESOLUTION NO. 8754 – MAYOR SMITH)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE FEDERAL AID ARKANSAS TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FUNDS FOR PHASE THREE OF THE LEVY MULTI-USE TRAIL PROJECT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Ross, and by consent of all members present, the resolution was adopted (7/0).

Special Call O-15-19 (ORDINANCE NO. 8713 – ALDERMEN ROSS, ROBINSON AND BAXTER) AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES’ POLICY AND PROCEDURE MANUAL; AND FOR OTHER PURPOSES), was read. On the motion of Alderman Witcher and seconded by Alderwoman Ross, 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 Witcher and seconded by Alderman Taylor. Alderman Witcher said he works for a Fortune 500 Company and diversity is important to them. Alderwoman Ross has received several calls regarding this legislation. This covers city employees only. Not businesses, churches or (otherwise) city-wide. 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). (*Note: there was no emergency clause*)

Special Call O-15-20 (ORDINANCE NO. 8714 – MAYOR SMITH) AN ORDINANCE AMENDING THE 2015 QUOTA ORDINANCE FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES), was read. On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderman Hight and seconded by Alderman Baxter, and the roll having been called, and by consent of all members present, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

### **UNFINISHED BUSINESS**

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. Mayor Smith advised Mr. Tom and Don Salmon (who purchased the Stone Links property) have offered to donate the golf course portion to the City of North Little Rock. Mayor Smith and Alderman Taylor met with neighboring property owners and advised them of the situation. They (neighbors) have been asked to prioritize how they would like to see this property used. The city cannot afford another golf course. A lot of ideas are being discussed. Mayor Smith said this is a very generous donation being made by the Salmon family.

### **CONSENT AGENDA**

On the motion of Alderman Hight and seconded by Alderman Taylor, and all members present having voted “aye” Consent items R-15-26, R-15-27, R-15-28, R-15-30, R-15-31, and R-15-32, were adopted (7/0). R-15-29 and R-15-33 were pulled.

R-15-26 (RESOLUTION NO. 8755 – MAYOR SMITH AND ALDERMAN ROSS)  
A RESOLUTION REAPPOINTING DEBORAH COLLINS TO THE NORTH LITTLE ROCK VETERANS MEMORIAL COMMITTEE; AND FOR OTHER PURPOSES, was adopted (7/0).

R-15-27 (RESOLUTION NO. 8756 – MAYOR SMITH)  
A RESOLUTION REAPPOINTING BERT TURNER TO THE NORTH LITTLE ROCK VETERANS MEMORIAL COMMITTEE; AND FOR OTHER PURPOSES, was adopted (7/0).

R-15-28 (RESOLUTION NO. 8757 – MAYOR SMITH AND ALDERMAN ROSS)  
A RESOLUTION APPROVING AND RATIFYING ADJUSTMENTS TO THE 2015 ANNUAL ACTION PLAN TO DECREASE PROJECT FUNDING AMOUNTS IN ACCORDANCE WITH THE REDUCTION IN THE 2015 CDBG FUNDING AND INCREASE PROJECT FUNDING AMOUNTS IN ACCORDANCE WITH THE INCREASE IN THE 2015 HOME FUNDING TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was adopted (7/0).

R-15-30 (RESOLUTION NO. 8758 – MAYOR SMITH)  
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH THE PUBLIC BUILDING AUTHORITY OF THE CITY OF NORTH LITTLE ROCK FOR PROPERTY LOCATED AT 615 WEST 29<sup>TH</sup> STREET FOR USE BY THE NORTH LITTLE ROCK POLICE DEPARTMENT; AND FOR OTHER PURPOSES, was adopted (7/0).

R-15-31 (RESOLUTION NO. 8759 – MAYOR SMITH)  
A RESOLUTION EXTENDING THE CLOSING DATE FOR THE SALE OF PROPERTY LOCATED ON YOUNG ROAD TO JEL LAND ACQUISITIONS, LLC TO JUNE 8, 2015; AND FOR OTHER PURPOSES, was adopted (7/0).

R-15-32 (RESOLUTION NO. 8760 – MAYOR SMITH)  
A RESOLUTION DECLARING CERTAIN CITY-OWNED COMPUTER WORKSTATIONS, MONITORS, PRINTERS AND OTHER COMPUTER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (7/0).

**NEW BUSINESS**

R-15-29 (RESOLUTION NO. 8761 – MAYOR SMITH)  
A RESOLUTION EXTENDING THE AGREEMENT WITH THE ARGENTA ARTS FOUNDATION TO MANAGE THE ARGENTA PLAZA; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Witcher. Alderman Fouch asked if the revenue generated from rentals was included in the Argenta Arts Foundation Report to the city. Mrs. Donna Hardcastle said it was (\$250.00 total). On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

Mayor Smith thanked Ms. Deborah Collins and Mr. Bert Turner for their continued service on the North Little Rock Veterans Memorial Committee.

R-15-33 (RESOLUTION NO. 8762 – MAYOR SMITH)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE FEDERAL AID RECREATIONAL TRAILS FUNDS FOR PHASE THREE OF THE LEVY MULTI-USE TRAIL PROJECT; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Foutch and seconded by Alderman Baxter. On the motion of Alderwoman Ross and seconded by Alderman Foutch, and by consent of all members present, the resolution was amended as follows: *attach map provided this date and referred to as EXHIBIT “A”* (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted as amended (7/0).

R-15-34 (RESOLUTION NO. 8763 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1301 CRUTCHER STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Taylor and seconded by Alderman Baxter. Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. Alderman Foutch asked about dual ownership. Mr. Tom Wadley, Director of Code Enforcement said notification was sent to the both Mr. Johnson and the Department of Veterans Affairs as they were in the process of buying back the property. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*owner: Jayvian Jamar Johnson / Secretary of Veterans Affairs*)

R-15-35 (RESOLUTION NO. 8764 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2421 RAILROAD AVENUE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; 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. Mr. John R. Tolliver owns the property. He said it is in disrepair. He said an employee wants the material from the house to build a cabin. (Inclement) weather has delayed this. He didn't want to get in trouble with the city if (tear down and removal) are delayed. He asked for assurance that if the weather is bad that additional time could be allowed. Mayor Smith said if there are more snow days, he should be able to request that Code Enforcement delay their proceedings. Mr. Fleming agreed and advised nothing can be done for at least 30 days to allow the owner time to file a motion to appeal. Mayor Smith adjourned the public hearing.

On the previous motion, and by consent of all members present, the resolution was adopted (7/0).  
(owners: John R. and John G. Tolliver)

O-15-14 (ORDINANCE NO. 8715 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR THE PURCHASE OF EQUIPMENT TO UPGRADE THE CITY OF NORTH LITTLE ROCK'S NETWORK SYSTEM TO 10GB; APPROPRIATING FUNDS (\$133,604.00 plus tax – 2015 Budget); AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher 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 Baxter 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 Baxter and seconded by Alderman Foutch. Alderman Foutch asked if this purchase would allow live feed of the city council meetings and storage of the same on the website. Mrs. Kathy Stephens, Director IT Department said that would be on the website side. Anytime a person accesses the website to view or stream (videos) it is related to the connection the person has back to the (website) server. Mr. Nathan Hamilton, Communications Director advised there have been issues. Recently a requisition was approved by the Mayor to rectify the problem. Alderwoman Ross said Exhibits were not attached. Mr. Fleming said they were submitted at time of filing. It appears they were not scanned and provided electronically. Ms. Whitbey will see what happened. On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the ordinance was amended as follows:: *include Exhibits "A" and "B" which were filed with the legislation* (7/0). On the motion of Alderwoman Ross and seconded by Alderman Baxter, 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-15-15 (ORDINANCE NO. 8716 – MAYOR SMITH, ALDERMEN ROSS AND WHITE)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A LANDSCAPE AND GARDEN CENTER IN AN R-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3101 NORTH HILLS 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 readings were suspended (7/0). A motion to adopt was made by Alderman Hight and seconded by Alderman Foutch. Alderwoman Ross said the applicant, Mr. Olsen was present. Mr. Olsen said they are in the process of redoing the property and have had a great response from the community. The new garden center will be called Plantopia and will have a new look. It will be a wholesale nursery, providing plants at good prices. The business will open April 6, 2015. Alderman Hight had calls from residents wanting to know why the property had to be rezoned. Mr. Robert Voyles, Planning Department Director said the property is zoned residential. The previous business had a Special Use which stays with the property owner. On the previous motion, the roll having been called, and all members present having voted in

the affirmative, the ordinance was adopted (7/00. Emergency clause adopted (7/0). (*applicant: Chris Olsen*)

O-15-16 (ORDINANCE NO. 8717 – 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 Taylor, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Alderman Baxter 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 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*)

O-15-17 (ORDINANCE NO. 8718 – MAYOR SMITH)

AN ORDINANCE APPROVING A REQUEST TO WAIVE REQUIREMENTS OF THE MASTER STREET PLAN FOR HALF STREET IMPROVEMENTS FOR CERTAIN PROPERTY LOCATED ON RIDGE ROAD 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 (7/0). Alderman Taylor asked why this needed to be done. Alderwoman Ross said Ridge Road Middle School will become Ridge Road Elementary. On the motion of Alderwoman Ross and seconded by Alderman Witcher, 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). (*requested by: Josh Minton*)

O-15-18 (ORDINANCE NO. 8719 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR COMPREHENSIVE LOSS AND BUSINESS INTERRUPTION INSURANCE FOR THE MURRAY HYDROELECTRIC PLANT; AUTHORIZING THE MAYOR TO EXECUTE AN INSURANCE AGREEMENT; 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, the readings were suspended (7/0). A motion to adopt was made by Alderman Hight and seconded by Alderman Foutch. Mayor Smith said this is done yearly. 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). (*amount - \$245,176.00*)

**PUBLIC COMMENT**

Mr. James Ard said there will be a Spaghetti Dinner at the Hospitality House this month. Mr. Ard said Waste Management missed a street recently. After he called, a representative went to each house and retrieved the bins so they could be emptied. Alderman Baxter said the Spaghetti Dinner Mr. Ard mentioned will be March 16, 2015, beginning at 5:30 p.m. Alderwoman Ross thanked employees for their hard work during the recent inclement weather. Mayor Smith said there is more winter weather heading this way. Ms. Whitbey said filing deadline for the March 9, 2015, council meeting is noon tomorrow (March 3, 2015). The meeting minutes may not be ready to go out with legislation but will be provided as soon as they are prepared.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 6:50 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, March 9, 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