

September 14, 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, September 14, 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, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (7/0). Alderman MAURICE TAYLOR was absent. Assistant City Clerk Linda Marshall and City Attorney C. Jason Carter were also present.

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

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 held on Monday, August 24, 2015, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, communications #1, 2, 3, 4, and 5 were accepted and filed (7/0).

1. Paul Stricklin, Petition requesting Speed Hump on Granby Street (*19 signatures for*).
2. Karen Scott, Chairman Energy Risk Management Committee/Finance Director memorandum to City Clerk Diane Whitbey re: ECR Adjustment Factor September, 2015 (\$.0055).
3. Charlotte Thomas, Mayor's Office memorandum re: *Retail Beer off Premises – Change of Manger from Emmanuel Alderete* for Love's Country Store #236, 11810 E. I-40, by Patrick C. Simpson.
4. Charlotte Thomas, Mayor's Office memorandum re: *Restaurant Beer & Wine – NEW* for Chicken Wangs III, 9201 Maumelle Boulevard, by Dana Fuller.
5. Charlotte Thomas, Mayor's Office letter from Vic Snyder re: Significance of today – September 2 and USS Razorback/USS Hoga.

On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, communication #6 was read, accepted and filed (7/0).

6. Mary Beth Bowman, Director of Commerce letter to Mayor Smith and City Council members re: update on success of auctioning surplus items on GovDeals.

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

7. Dennis Fisk, Rose City Neighborhood Association President, letter to Mayor Joe A. Smith and City Council members re: Opposition to Ordinance O-15-70 concerning an Event Center.

Mayor Smith announced public comment on agenda items. Ms. Teresa Bridgeforth spoke in support of O-15-70. Ms. Bridgeforth is the applicant for the legislation. She said that only 75 people are allowed in the building at a time. They have agreed to provide security at all events and keep the area clean. Alderwoman Robinson said a link had been provided to the Council's attention that appeared to show her business operating. Ms. Bridgeforth said she held one dedication to a deceased child in one of the rooms inside the building. This caused family members to come to this location. There being no one else signed in to speak, public comment was concluded.

Without objection, O-15-70 was called.

O-15-70

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW AN EVENT CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4514 LYNCH DRIVE 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 readings were suspended (7/0). Alderman Foutch expressed his concern regarding Ms. Bridgeforth's previous comment on holding one dedication in the past. He said it was presumptuous that a room and location had been dedicated without the proper approval. This concerns him that there may have been other activities at this location. On the previous motion made by Alderman Witcher, and seconded by Alderman Baxter, and the roll having been called, and all members present having voted no, the ordinance failed (0/7). (*applicant: Teresa Bridgeforth*)

UNFINISHED BUSINESS

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 at the request of Mayor Smith for Alderman Taylor.

O-15-65

AN ORDINANCE ESTABLISHING THE NORTHSORE LANE MULTI-PURPOSE MUNICIPAL IMPROVEMENT DISTRICT NO. 36 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PUPROSES, was held by the sponsor, Mayor Joe A. Smith.

CONSENT AGENDA

On the motion of Alderman Hight and seconded by Alderman Witcher, and by voice vote and all members present having voted “aye” R-15-126, R-15-127, R-15-128, R-15-130, R-15-131, R-15-132, and R-15-133 were adopted (7/0). R-15-129 was pulled and called under new business.

R-15-126 (RESOLUTION NO. 8853 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (7/0).

R-15-127 (RESOLUTION NO. 8854 – MAYOR SMITH)

A RESOLUTION AUTHORIZING DEMOLITION OF A STRUCTURE ON CITY-OWNED PROPERTY LOCATED AT 1923 PIKE AVENUE; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was adopted (7/0). (*not to exceed \$6,000.00*)

R-15-128 (RESOLUTION NO. 8855 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO TOWER ATTACHMENT-GROUND LEASE AGREEMENT AND MEMORANDUM OF AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLD; AND FOR OTHER PURPOSES, was adopted (7/0).

R-15-130 (RESOLUTION NO. 8856 – ALDERMAN WHITE)

A RESOLUTION RENEWING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COMMUNITY GRADEN LICENSE AGREEMENT WITH THE ONE, INC.; AND FOR OTHER PURPOSES, was adopted (7/0). (*\$2,800.00*)

R-15-131 (RESOLUTION NO. 8857 – ALDERMAN WHITE)

A RESOLUTION RENEWING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COMMUNITY GARDEN LICENSE AGREEMENT WITH FIRST PRESBYTERIAN CHURCH; AND FOR OTHER PURPOSES, was adopted (7/0). (*\$1,500.00*)

R-15-132 (RESOLUTION NO. 8858 – ALDERMAN WHITE)

A RESOLUTION ACCEPTING A LICENSE AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A COMMUNITY GARDEN LICENSE AGREEMENT WITH ST. JOSEPH UNIVERSAL INSTITUTE OF THEOLOGY; AND FOR OTHER PURPOSES, was adopted (7/0). (*\$1,500.00*)

R-15-133 (RESOLUTION NO. 8859 – ALDERMAN WHITE)

A RESOLUTION RENEWING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COMMUNITY GARDEN LICENSE AGREEMENT WITH ST. JOSEPH CENTER OF ARKANSAS; AND FOR OTHER PURPOSES, was adopted (7/0). (\$4,800.00)

NEW BUSINESS

R-15-129 (RESOLUTION NO. 8860 – MAYOR SMITH)

A RESOLUTION CONSENTING TO A GROUND LEASE FOR U.S. POSTAL SERVICES EMPLOYEE PARKING AT 304 WEST PERSHING BOULEVARD; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mayor Smith said the City spent \$16,000.00 to fix the parking lot. The U.S. Postal workers lost the use of the North Little Rock High School parking lot. The City was repaid the money spent and this was for two years. Mayor Smith was contacted by U.S. Postal and was proposed a long term lease. He agreed to a \$4,000.00 annual lease. The property is leased to Argenta City Club, Inc. The Argenta City Club has agreed to collect the funds for the City. Mayor Smith said Argenta City Club will not get any of the money. Alderman Foutch referred to the exhibit on the legislation for collections. He said section 2 stated the City Clerk will collect the proceeds. City Attorney C. Jason Carter said Argenta City Club will collect the proceeds, then remit to City Clerk. All proceeds will go into the General fund for the City. Alderwoman Ross asked if the legislation would need to be clarified. She said that the legislation read that the City Clerk would collect the money. City Attorney C. Jason Carter said the City is the owner of the property and has to give consent for anyone to sub-lease. No one else is authorized to sub-lease the lot unless the money goes directly to the City. Alderwoman Ross said she was trying to ask to whom the check was made out to. She was misunderstood about the wording. Mayor Smith was on the Committee and they voted in favor of this. Mayor Smith said they would need the President of the Club to sign and that the Post Office would sign as well. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (\$4,000.00 annually)

R-15-134 (RESOLUTION NO. 8861 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL VACANT LAND LOCATED AT THE 800 BLOCK OF MAPLE STREET IN THE CITY OF NORTH LITTLE ROCK TO ARGENTA FLATS, LLC; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Hight. Mayor Smith said the plan was to take proceeds from this legislation and finish the alley between 6th and 7th Street. The amount is around \$100,000.00. Mayor Smith wants the remaining proceeds to go towards Downtown Development. City Attorney C. Jason Carter said section 3 states proceeds of the sale are exclusively for downtown development, including highway improvements and development of the downtown plaza. This restricts the use of these funds. Alderwoman Ross asked if the City will earmark (future funds) in the area where the property is located once the funds are received. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (\$319,000.00 less closing costs and commission)

R-15-135 (RESOLUTION NO. 8862 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ACKNOWLEDGEMENT AND CONSENT TO THE TERMS OF AN EASEMENT AND CONSTRUCTION AGREEMENT BETWEEN THE ARKANSAS TRAVELERS BASEBALL CLUB, INC. AND ARKANSAS STATE HIGHWAY COMMISSION FOR TEMPORARY CONSTRUCTION EASEMENTS IN THE REPLACEMENT OF THE BROADWAY BRIDGE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and

seconded by Alderwoman Robinson. Mayor Smith said this is a new parking lot to replace the spaces lost due to construction of the Broadway Bridge. Alderman Hight asked why the agreement was between the Arkansas Travelers and State Highway Commission. He asked who owns the property. Mayor Smith said the Public Building Authority owns the property and is the lease of the property. It is their spaces that are being lost. The Public Building Authority will take the money to build a new lot at the corner of Willow and Broadway. City Attorney C. Jason Carter said he compared contracts and the same question was posed concerning the collection and usage of the funds. The money is to be used for parking on site. Alderwoman Ross asked if it would be temporary. Mayor Smith said the parking lot would still be there after the bridge is completed. The City will end up with additional parking spots. Alderwoman Ross asked if the \$130,000.00 will be used to replace the spaces in another location. Mayor Smith said the lot would be at the corner of Willow and Broadway, across from the Municipal League building. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-15-136 (RESOLUTION NO. 8863 – 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 Alderwoman Ross 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. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

O-15-68 (ORDINANCE NO. 8759 – MAYOR SMITH)

AN ORDINANCE LEVYING A TAX ON ALL REAL AND PERSONAL PROPERTY WITHIN THE CITY OF NORTH LITTLE ROCK FOR THE POLICE PENSION AND RELIEF FUND, THE FIRE PENSION AND RELIEF FUND, THE MUNICIPAL LIBRARY FUND, AND THE NORTH LITTLE ROCK GENERAL FUND; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher 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). Mayor Smith said it is not a new tax; the City is required to pass legislation every year. On the motion of Alderman Witcher 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). 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 (7/0). Emergency clause adopted (7/0).

O-15-69 (ORDINANCE NO. 8760 – MAYOR SMITH)

AN ORDINANCE AMENDING THE MID-YEAR 2015 QUOTA ORDINANCE (ORDINANCE NO. 8750) FOR THE NORTH LITTLE ROCK STREET DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

On the motion of Alderman Foutch and seconded by Alderman Baxter, and by consent of all members present, the readings were suspended (7/0). 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 adopted (7/0). Emergency clause adopted (7/0).

PUBLIC COMMENT

Ms. Geneva Richards Earles spoke regarding Richards Cemetery. The road has been closed and covered with Sod and Sprinklers. They have had their vehicles stuck in the mud. Mr. John Douglass Richards, VI said there are four Richards buried in the cemetery. He measured from the asphalt to the entrance of cemetery, which is 232 feet. They have tried to walk to the cemetery and their shoes were covered with mud. He said they need a sponsor and prayers. Ms. Peggy Rupp has family buried in the cemetery, including her grandfather. She said it is slush and muck and has had her vehicle stuck trying to gain access as well. She called and spoke with the City of Searcy. She obtained an email with information concerning automobile access and easements. She feels their easement has been taken away. They want their road put back in. Ms. Rupp talked to the Attorney General and was advised on a course of action. They want the City's help. Mr. Dwayne Richards's grandfather was the property owner on which the cemetery was built. He said his vehicle tore up a yard to gain access into the cemetery. He feels it is unsafe for the residents of the Apartments to have only one road in and out. Mr. Billy Joe Ivey also has family buried at this location. Mr. Ivey is a retired firefighter. He shared his family history and health issues. He asked that the city correct the issue and put in a road. Mr. Jonathan Crouch has family buried at this location. They have tried to take care of the cemetery, but can no longer get in it to maintain. His mother has health issues and cannot walk the distance from the nearest paved road. He asked for help to fix the issue. Mr. James Ard said he purchased a sign from the former city Planning Director when he built a building on his property for storage. He said if he returned it after his use he would get his money back. He did not receive his \$20.00 for returning the sign and asked to be reimbursed or get the sign back. He advised his night watcher (light) went out in March). It hasn't been fixed and no one has called him about a refund. Mr. Ard also asks that the city help the Richards Cemetery. Ms. Alicia Walton is running for the North Little Rock School Board, Zone Two. She asked for the North Little Rock residents' support. She is a parent of three and a veteran of the US Marine Corps and Arkansas National Guard. She is an attorney and practices primarily juvenile law. Alderwoman Ross drove out to the Richards Cemetery. She proposed several options to work out a

solution including gravel and a gate. Alderwoman White also drove out to the cemetery. She supports a solution to the problem. She also received a call from a resident. She compared an article from the 1960's comparing population to the current year. The City of North Little Rock maintains a population around 60,000. She said it is important that the city work to bring in development and programs to help our city grow. Alderwoman Robinson commended Neighborhood Services for their newsletter and mail outs to residents concerning the process of Power outages after being contacted by residents. She also commended James Bray, Electric Department, for his efforts. She has also been contacted about the track that was at the high school and removed during construction. She asked if there would be an alternative. Alderwoman Ross said the North Little Rock School Board will make a track available at the North Little Rock Popular Street School. Alderwoman Ross also said Saturday, September 19th, 2015 is Dark Hollow Day. A parade will start at 11:00 a.m. The best place for parking will be on Curtis Sykes Drive. Food and activities will follow. Alderman Witcher said the Library Commission has made an offer for the Executive Director position at the Library. Alderman Baxter has had residents ask about leaf pick up. Mayor Smith said the trucks are ready and will begin routes around the third week in October. City Attorney C. Jason Carter said Alderman Witcher has been recognized by the Missouri Public Utilities Association (MPUA). Alderman Witcher will receive an award for outstanding public service. Mr. Carter referenced an accident at the Bayou Meto project where a contractor was injured. Due to the training and efforts of our staff the man will make a full recovery.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderman Witcher, 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, September 28, 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