

November 23, 2015
Six o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

A pre-meeting presentation was held at 5:30 p.m.

The regular meeting of the North Little Rock City Council scheduled for Monday, November 23, 2015, was called to order at 6:03 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, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (8/0). City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

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

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 held on Monday, November 9, 2015, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, communications #1, 2, 3, and 5 were accepted and filed (8/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Replacement from Hyon Ha* for Washington Street Food Mart fka K J Mart, 1513 E. Washington, by Diyazan N. Sufyan.
2. Fire Chief James Murphy letter to Mayor Smith re: Thanking Mayor for continued support of Fire Department and presence at opening of Station 11.
3. Mayor Smith letter to City Council re: appointment of Mr. Leonard Montgomery as Director of Emergency Service beginning January 1, 2016.
5. Daniel McFadden, Assistant City Attorney letter to Mayor Smith and City Council members re: O-15-89 – Establishing the Northshore Lane Multi-Purpose Municipal Improvement District. Legal Opinion that the petition does not contain a majority in owners in assessed value, as required by Law.

On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, communication #4 was read, accepted and filed (8/0).

4. Flyer re: 2nd Annual Northern Lights Festival, December 6, 2015, 120 Main Street.

Mayor Smith said the Festival will begin following the Annual Christmas Parade. The North Little Rock Fire and Drum Corp will also perform. Alderman Hight said the Christmas Parade will begin at 2:00 p.m. at Pershing and Orange and proceed south on Main Street. Ms. Whitbey advised the North Little Rock History Commission will host an Open House at the Heritage Center from 1:00 p.m. until 4:00 p.m. This is a good location to watch the parade.

Mayor Smith invited the recent graduates of the 2015 Neighborhood Associations Leadership Class to come forward. He also commended Joe Busbee and David Sink from UALR (University of Arkansas at Little Rock) for providing training. Mayor Smith then presented certificates to the following: Vertina Banks – Faulkner Crossing Neighborhood, Artic Boykin – Sherman Park Neighborhood, Wendy Gregan – Park Hill Neighborhood, Joseph Jackson – Sherman Park Neighborhood, Charles Nelson – Midtown Neighborhood and Dominica Williams – Faulkner Crossing Neighborhood. Willie Brooks, Chicot Neighborhood, and Pam Powell – University Park Neighborhood were unable to attend. Mayor Smith said there are 28 Neighborhood Associations in the City of North Little Rock. He commended the Associations and Dan Scott and Shirley Able from Neighborhood Services for their efforts.

Mayor Smith convened a public hearing regarding: R-15-166, Adopting a Budget for the 2016 Fiscal Year (for the City of North Little Rock) at 6:13 p.m. Mr. James Ard asked why the city would have to pay the Lakewood Association for their dam problems. Mayor Smith said the dam is in Ward 1. The lakes are there for water retention and hold millions upon millions of gallons of run-off keeping the water off of the south and eastern areas of the city. If the dam were to fail the railroad area, Dixie, parts of Dark Hollow and other areas would flood. Even though the Lakewood Improvement District owns the dam the dam itself is a huge benefit to the city. There being no one else wishing to be heard, Mayor Smith recessed the public hearing at 6:14 p.m. until Monday, December 14, 2015 at 6:05 p.m.

Mayor Smith convened a public hearing regarding: R-15-167, Adopting a Budget for the 2016 Fiscal Year for the North Little Rock Electric Department. Mayor Smith said the Electric Department Budget is still being tweaked. Changes will be provided to the council before the next meeting (December 14, 2015). Mr. Ard attended a meeting before that lasted a long time. The proposed budget (for the Electric Department) is a good plan. There being no one else present wishing to be heard, Mayor Smith recessed the public hearing at 6:15 p.m. until Monday, December 14, 2015 at 6:05 p.m.

Mayor Smith announced citizen public comment on legislation. Mr. John Santoro spoke regarding O-15-90. He was present to represent The Church at Willow Beach. The church wants to get rid of their Reader Board and replace it with an LED Board. This would allow making a year's worth of changes on a computer at one time. As it is, an 85 year old member has to climb an 8' ladder to change the board. They have received over \$18,000.00 in donations for the sign. Mr. Santoro referenced pagers and bag phones and the progression of technology. He said that's all this is. He also referenced the

former outdated Christmas lights in Burns Park. They will use a local company for the work. He thanked the council for their consideration. Mr. Santoro also thanked Fire Chief James Murphy and the City Council for providing Fire Station 11 in the area. There being no one else wishing to be heard, citizen comment was concluded.

UNFINISHED BUSINESS

None.

CONSENT AGENDA

None filed.

NEW BUSINESS

Without objection, R-15-160 was called.

R-15-160 (RESOLUTION NO. 8883 – MAYOR SMITH)

A RESOLUTION AUTHORIZING A RESOURCE MANAGEMENT AGREEMENT WITH THE ENERGY AUTHORITY, INC. (TEA); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, Exhibit “A” was unanimously amended as follows: *Task Order 1, Page 4 delete ~~Long Term Load Forecast~~ (8/0)*. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-15-157 (RESOLUTION NO. 8884 – ALDERWOMAN WHITE)

A RESOLUTION SUPPORTING THE NORTH LITTLE ROCK 2016 EMPLOYEE WELLNESS SCREENING AND INCENTIVE PROGRAM; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Baxter. Alderman Foutch said he has opposed this program from the start. He said Mrs. Bernadette Rhodes has done a great job. However, the tax payers are paying for a program that doesn’t really benefit them. Alderwoman White said this type of program is being used around the country and it works. The city’s workforce is unhealthy. There aren’t many other options. Alderwoman Ross said the incentive is for 450 employees, however, the city has close to 900 employees. What will happen if the number of employees exceeds 450. Mayor Smith said if that happened, it would be brought back to the council for consideration. Mayor Smith said the city held a Wellness Fair last week which was well attended. Alderman Taylor said data shows that a healthy workforce decreases missed days and increases productivity. 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).

R-15-158 (RESOLUTION NO. 8885 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE PLACEMENT OF DEED RESTRICTIONS IN THE TITLE OF CERTAIN CITY PROPERTY LOCATED AT THE NORTH LITTLE ROCK AIRPORT, FORMERLY USED AS A LANDFILL, TO COMPLY WITH ADEQ LANDFILL CLOSURE REGULATIONS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Witcher. Alderman Foutch asked if this would remove the property from North Little Rock's control or if there will be a review process. Mr. Carter said this would apply to any work in the area where this easement is established. Driving across the surface would most likely get clearance. Excavation might not. Mayor Smith said the area is at the end of the runway. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (7/0).

R-15-159 (RESOLUTION NO. 8886 – MAYOR SMITH)

A RESOLUTION ESTABLISHING A MAINTENANCE FUND FOR THE MURRAY HYDROELECTRIC PLANT, ALLOCATING OVERAGES SUBJECT TO THE ENERGY COST RECOVERY RIDER; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Mr. Carter explained how the Energy Cost Recovery Rider (ECR) worked. The committee looks at rates for the previous three months and the upcoming three months to determine if collection was over or under. This year the department over collected. This was due to the cost of acquiring energy being lower every month, with the exception of one. Setting aside a portion of the funds is prudent at this time. Mayor Smith said the city had to come up with \$4 million a few years ago for unplanned repairs at the Hydro Plant. Now is the time to plan ahead. Alderman Hight asked why costs were lower. Mr. Carter said partly because Natural Gas rates were lower. Moving to a power control arrangement will help control costs in the future. Alderman Foutch asked about the remaining \$3.5 million. Mr. Carter said that will be pushed back to the customers and referenced ECR credits. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-15-160 (*called earlier – see above*).

R-15-161 (RESOLUTION NO. 8887 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A TEMPORARY SITE LICENSE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC; 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 resolution was unanimously adopted (8/0).

R-15-162 (RESOLUTION NO. 8888 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A STATEMENT OF AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND THE FRATERNAL ORDER OF POLICE, JOHN E. CHARLES LODGE NO. 5; AND FOR OTHER PURPOSES, was read. A motion to adopt

was made by Alderwoman Ross and seconded by Alderman Taylor. On the motion of Alderman Taylor and seconded by Alderman Foutch, and by consent of all members present, the resolution was unanimously amended as follows: *page 16, Article XIX, Overtime Compensation, Sec. 1(a)(i); and page 21, correct number of Article XXIX, Duration (inadvertently numbered as XIX) (8/0)*. On the motion of Alderman Baxter and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted as amended (8/0). Mayor Smith commended the FOP for their leadership.

R-15-163 (RESOLUTION NO. 8889 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A STATEMENT OF AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND THE NORTH LITTLE ROCK POLICE DEPARTMENT SUPERVISORS ASSOCIATION; 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 resolution was unanimously adopted (8/0). Mayor Smith commended Captain Jerri Daughtery and her team, too.

R-15-164

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORTH LITTLE ROCK AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS A.F.L.-C.I.O., LOCAL NO. 35; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith.

R-15-165 (RESOLUTION NO. 8890 – MAYOR SMITH)

A RESOLUTION ADOPTING REVISED PAY SCHEDULES FOR GRADE/STEP UNCLASSIFIED NON-UNIFORM EMPLOYEES IN THE CITY OF NORTH LITTLE ROCK; 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 resolution was unanimously adopted (8/0). *Note: see R-15-165 recall at end of new business, amendment and adoption.*

R-15-166

A RESOLUTION ADOPTING A BUDGET FOR THE 2016 FISCAL YEAR FOR THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith. A public hearing was convened this date and recessed until Monday, December 14, 2015.

R-15-167

A RESOLUTION ADOPTING A BUDGET FOR THE 2016 FISCAL YEAR FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith. A public hearing was convened this date and recessed until Monday, December 14, 2015.

R-15-168 (RESOLUTION NO. 8891 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1109 EAST 2ND 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 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 unanimously adopted (8/0). (*owner: Edward Shields*)

R-15-169 (RESOLUTION NO. 8892 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1220 WEST 13TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Baxter and seconded by Alderman Taylor. 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 unanimously adopted (8/0). (*owners: Doris N. and James E. Rose*)

R-15-170 (RESOLUTION NO. 8893 – 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 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 by consent of all members present, the resolution was unanimously adopted (8/0).

O-15-89

AN ORDINANCE ESTABLISHING THE NORTHSORE LANE MULTI-PURPOSE IMPROVEMENT DISTRICT NO. 36 OF 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 Taylor, 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 Alderwoman Ross 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 (8/0). The ordinance was read a third and final time. A motion to adopt was made by Alderman Witcher and seconded by

Alderman Taylor. Mr. Carter referred to Communication #5, letter from Assistant City Attorney McFadden to Mayor and Council members. Mr. Carter said when the request for the Improvement District was received, it appeared that the property owned by the city was undervalued. Mr. McFadden asked Pulaski County to review the value, after which time the value was increased. One parcel was increased from \$530.00 to \$82,850.00. The petition indicates that Mr. Eugene Pfeifer, III is the majority owner of property based on value. It is now the opinion of the city attorney that the city owns the majority value of property and as such, a majority of the property owners (based on value) have not signed the petition. On the previous motion, and the roll having been called, and all members present having voted no, with the exception of Alderman Foutch, who voted yes, the ordinance failed (1/7).
(Gene Pfeifer, III)

O-15-90 (ORDINANCE NO. 8778 – ALDERMAN TAYLOR)

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”) TO ESTABLISH THE HIGHWAY 165 SIGN OVERLAY DISTRICT; 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, the rules were suspended and the ordinance was placed on its second reading (8/0). Without objection, the sponsor’s name was changed from Alderman Witcher to Alderman Taylor. The ordinance was read a second time. On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, with the exception of Alderman Witcher, who voted no, the rules were again suspended and the ordinance was placed on its third and final reading (7/1). A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. Alderwoman Ross referenced Mr. Santoro’s comments and said anytime a sign is removed, the replacement has to be a six foot monument sign. She referenced the proximity to residents in the area and asked if lighting would affect them. Alderman Taylor said he has been observing LED signs recently and referenced one at Full Counsel Church. Alderwoman Ross said she has seen a lot of changeable copy signs that are in violation of city ordinances. Alderman Taylor said this legislation is to approve the sign overlay district only. Signage will be addressed later. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, with the exception of Aldermen Ross and Witcher, who voted no, the ordinance was adopted (6/2). Emergency clause unanimously adopted (8/0).

Mr. Carter advised that R-15-165 referenced non-uniformed employees as unclassified. That should have been classified. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, R-15-165 was recalled.

R-15-165 was recalled (*see also above*).

On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows:: *strike unclassified in the title and change unclassified to classified in Section 1* (8/0). On the motion of Alderman Witcher and seconded by

Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

PUBLIC COMMENT

Mr. Jonathan Crouch spoke regarding Richards Cemetery on East 46th Street. When Fountaine Bleau Apartments were built, John Burkhalter put sod over the city street which has restricted access to their family cemetery. Mr. Crouch asked the Council to reverse their decision regarding this location. He said they can't drive back there due to all of the recent rainfall. Elderly family members have a hard time getting to the cemetery. Mr. Ard said council members weren't told there was a cemetery in the area. Mr. John Richards, VI owns the cemetery that doesn't have a road or accessibility to it. His ancestor Jacob owned property including McCain Mall. He has been told there are black slaves buried on the outside of the cemetery. He has been before the Council many times. He said the previous mayor agreed to put sod over the road. He asked the Council to reverse the situation and requested a two-lane blacktop road. Alderman Hight said the Christmas Parade will be December 6, 2015, beginning at 2:00 p.m. The weather looks good. Mayor Smith said city offices will be closed this Thursday and Friday for Thanksgiving. Garbage and trash routes will run one-day delayed Thursday and Friday. Alderwoman Robinson asked to speak with Mr. Richards after the meeting regarding slaves buried in the vicinity of Richards Cemetery. Alderman Baxter announced the new Little Rock Marathon Course will come through North Little Rock and will start an hour earlier (7:00 a.m.). He said he also looks forward to the City of North Little Rock supporting the runners.

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 7:01 p.m. (8/0), until the next regularly scheduled meeting which will be held on Monday, December 14, 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