

July 11, 2016  
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, July 11, 2016, 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: BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT, and MURRY WITCHER (7/0). Alderman DEBI ROSS was absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

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

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 and a Special Call meeting held on Monday, June 27, 2016; and, a Special Call meeting held on Thursday, July 7, 2017, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, communications #1, 2, 3, 5 and 6 were accepted and filed (7/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *On Premises Wine & Retail Beer - NEW* for Posh Nails & Spa, 5913 John F. Kennedy Boulevard, by Vickie Trang Lee.
2. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink - Change of Manager from Allen Doakes* for The Olive Garden Restaurant #189, 2943 Lakewood Village Drive, by Carl W. Sandberg.
3. Glinda Craigmyle, Mayor's Office memorandum re: *Off Premises - Caterer's - Replacement from Robert Best*, 220 Smokey Lane, by Brian T. Kearns.
5. Charlotte Thomas, Mayor's Office memorandum re: *Restaurant Beer & Wine - Change of Manager from Diane Daws* for North Little Rock Athletic Club, 3804 McCain Park Drive, by Gary M. Dillon.
6. Karen Scott, Chairman Energy Risk Management Committee memorandum re: *ECR Adjustment Factor - 7-1-16 (\$0.0086) CREDIT*.

On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, communication #4 was read, accepted and filed (7/0).

4. Alderman Debi Ross email re: unable to attend July 11, 2016, City Council meeting. Comments re: O-16-39 and opposition to car lot.

Mayor Smith announced a Special Call meeting scheduled this date.

July 8, 2016

Special Meeting of the North Little Rock City Council, Monday, July 11, 2016

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, July 11, 2016, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

**R-16-112 – A RESOLUTION APPROVING SETTLEMENT OF THE CASE OF BUTLER V. CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES**

**PLEASE NOTE: This resolution is intentionally drafted with an absence of information. The negotiated settlement of this case is not complete. There will be more information provided at the scheduled meeting.**

**O-16-45 – AN ORDINANCE AUTHORIZING THE EXECUTION OF DOCUMENTS GUARANTEEING PAYMENT FOR WHOLESALE POWER CONTRACTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

Pursuant to Sec. 2-48(2) of the North Little Rock Municipal Code, you are entitled to 72 hours' *electronic* notice of this meeting. I acknowledge that I am barely clearing the hurdle on this one. Please acknowledge receipt of this email as soon as possible by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

C. Jason Carter  
City Attorney

Special Call R-16-118 (RESOLUTION NO. 9026 – MAYOR SMITH)

A RESOLUTION APPROVING THE SETTLEMENT OF THE CASE OF BUTLER V. CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. City Attorney Carter referenced a business known as The House of Three. The business acquired zoning for a residential address in the city to provide housing and care for aging and/or disabled persons. Permission for the business was later denied since a business cannot be operated in an R-1 zone. The applicant sought a zoning change that was denied by the City Council. Mr. Butler sued the city under the Fair Housing and Americans With Disabilities Act. The city's legal department asserted there was no violation or damages. Mr. Carter referenced concerns related to the case. The city has agreed to settle in the amount of

\$70,000.00. A motion to adopt was made by Alderman Hight and seconded by Alderman Foutch. Mayor Smith said legislation will be introduced regarding accommodations and procedures. On the previous motion, and by consent of all members present, with the exception of Alderman Witcher, who voted no, the resolution was adopted (6/1).

**O-16-45 (ORDINANCE NO. 8821 – MAYOR SMITH)**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF DOCUMENTS GUARANTEEING PAYMENT FOR WHOLESALE POWER CONTRACTS; DECLARING AN EMERGENCY; 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 Witcher 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 Witcher. Mr. Carter reviewed the city's process for purchasing wholesale power (from a third party). 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).

Mayor Smith introduced citizen public comment on legislation. Mr. Steve Winchester, President of the Park Hill Business and Merchants association spoke in support of R-16-116. A lot of progress was made regarding the Jump Start Initiative. He asked council members for a favorable vote. Mr. John Gegan, President of the Historic Park Hill Neighborhood Association also spoke in support of R-16-116. He also asked for the council's support and said this will improve the Park Hill neighborhood. Mayor Smith thanked Bernadette (Rhodes) and Jenna for their work on the Jump Start Projects.

Without objection, R-16-116 was called.

**R-16-116 (RESOLUTION NO. 9027 – ALDERMEN WHITE AND ROSS)**

**A RESOLUTION APPROVING AND ACCEPTING THE JUMP START IMPLEMENTATION PLANS FOR REVITALIZATION OF AND IMPROVEMENTS TO THE PARK HILL AND LEVY NEIGHBORHOODS IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES**, was read. On the motion of Alderman Taylor and seconded by Alderman White, and by consent of all members present, the resolution was adopted (7/0).

**UNFINISHED BUSINESS**

**O-16-39**

**AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A CAR LOT ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2410 PIKE AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**, was held

June 27, 2016, was called and withdrawn by the sponsor, Mayor Smith. (*applicant: C J S Enterprises, Inc.*)

## **CONSENT AGENDA**

None filed.

## **NEW BUSINESS**

R-16-113 (RESOLUTION NO. 9028 – MAYOR SMITH, ALDERMEN WHITE AND ROSS)  
A RESOLUTION RECOGNIZING MONICA WALTERS FOR HER COURAGEOUS ACTIONS DURING A MULTI-FAMILY DWELLING FIRE AT 701 WEST 18TH STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Baxter. Mayor Smith asked Alderman White to read the legislation. Mayor Smith said Ms. Walters is very courageous. She was unable to attend this meeting. However, Fire Chief James Murphy and Fire Marshal John Pflasterer will deliver a proclamation to her. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-16-114 (RESOLUTION NO. 9029 – MAYOR SMITH)  
A RESOLUTION ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY LOCATED AT LINCOLN AND EAST WASHINGTON AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM HALL PROPERTIES, INC.; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Robinson. Mayor Smith said the Hess Family had provided this corner of property for the city to put in a road and thought the property was given to the city. Therefore, this is providing for that. The city will then start taking care of the property. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-16-115 (RESOLUTION NO. 9030 – MAYOR SMITH)  
A RESOLUTION APPROPRIATING \$7,643.59 FROM ACT 833 FUNDS FOR THE PURCHASE OF WATER RESCUE DRY SUITS FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; 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 adopted (7/0).

R-16-116 *was called earlier in meeting – see above.*

R-16-117 (RESOLUTION NO. 9031 – 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 Taylor and seconded by Alderwoman Robinson.

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-16-41 (ORDINANCE NO. 8822 – MAYOR SMITH)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 216 WEST 4TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM O-1 TO C-6 TO ALLOW COMMERCIAL DEVELOPMENT BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Robinson, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderman Hight, and seconded by Alderman Taylor, 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: Allen Engstrom*)

O-16-42 (ORDINANCE NO. 8823 – MAYOR SMITH)

AN ESTABLISHING JOB CLASSIFICATIONS AND NUMBERS OF EMPLOYEES FOR EACH DEPARTMENT OF THE CITY GOVERNMENT OF NORTH LITTLE ROCK FOR MID-YEAR 2016; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher 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 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 Taylor and seconded by Alderman Robinson. On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the ordinance was amended as follows:: *Section 12: insert* DATABASE ADMINISTRATOR – 1, NEW POSITION (7/0). On the motion of Alderman Witcher and seconded by Alderman Robinson, 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-16-43 (ORDINANCE NO. 8824 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR THE PURCHASE OF A PIERCE IMPEL CUSTOM PUMPER FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; 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 readings were suspended (7/0). A motion to adopt was made by Alderman Hight and seconded by Alderman Baxter. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the ordinance was amended as follows:: *Section 2: strike through ,in the amount of \$495,188.00, is hereby appropriated from the Sales Tax Special Improvements Fund, and insert* ARE INCLUDED IN THE 2016 BUDGET FROM THE SALES TAX CAPITAL IMPROVEMENT FUND (7/0). On the

motion of Alderman Witcher 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).

O-16-44 (ORDINANCE NO. 8825 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS; RATIFYING THE PURCHASE OF AND PAYMENT FOR PROTECTIVE EQUIPMENT AND BUNKER GEAR BY THE NORTH LITTLE ROCK FIRE DEPARTMENT; APPROPRIATING ACT 833 FUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of

Alderman Witcher and seconded by Alderman Taylor, the readings were suspended (7/0). A motion to adopt was made by Alderman Taylor and seconded by Alderman Witcher. Alderman White asked about bidding procedures. Mayor Smith said in the past the department has used the same company and only ordered two or three turnouts at a time. The department was unaware that this exceeded the amount required. The error was caught by Finance Director Karen Scott. 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). (\$67,737.64) Mayor Smith said this shouldn't happen in the future with the new accounting software the city has in place.

#### **PUBLIC COMMENT**

Mayor Smith met with State Representative Eddie Armstrong earlier today. Representative Armstrong will host a Community Forum tomorrow night (July 12, 2016) at 6:00 p.m. in the Council Chambers in City Hall. The public is invited to attend. North Little Rock Police Chief Mike Davis will update the community on Community Outreach and Community Policing efforts. This will be a time for other thoughts to be shared. The Planning Commission will also meet in the Council Chambers at 4:45 p.m.

There being no further business to come before the Council, and on the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 6:35 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, July 25, 2016, 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