

September 12, 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, September 12, 2016, 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, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT, and MURRY WITCHER (7/0). Alderman MAURICE TAYLOR was absent. Assistant City Clerk Katelyn Thomas, Deputy City Clerk Shelley Ussery and City Attorney C. Jason Carter were also present.

The prayer and pledge of allegiance were led by Mayor Smith.

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 on Monday, August 22, 2016, were approved, accepted and filed as prepared by the City Clerk (7/0).

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

1. Billy R. Grace, Director Animal Control – retirement announcement effective September 9, 2016.
2. Karen Scott, Finance Director - Chair Energy Risk Management Committee re: ECR September, 2016 (\$.0020) CREDIT.
4. Mayor Smith, letter to City Council re: Appointment of David Miles as Director of the North Little Rock Animal Shelter, effective September 10<sup>th</sup>, 2016.

Mayor Smith asked Mrs. Karen Scott, Director of Finance to come forward. Mrs. Scott referenced communication #3. A Request for Quotes (RFQ) was issued for underwriters. The Investment committee met and reviewed responses to the RFQ. The A & E Committee (Architects and Engineers) selected Stephens Inc. as the underwriter and Friday, Eldridge & Clark as legal Counsel. The City has met with Stephens Inc. and the Company has provided several options for the refinance. A Bond issue and Private Placement was suggested. Mrs. Scott advised based on the numbers that were provided to the City, a Private Placement was more favorable. She also stated the City is looking towards a total savings in excess of \$3 million dollars. She said information is still being researched at this time, but anticipates legislation being presented at the next Council Meeting, held on September 26<sup>th</sup>, 2016.

On the motion of Alderwoman Baxter and seconded by Alderman Foutch, and by consent of all members present, communication #3 was read, accepted and filed (7/0).

3. Karen Scott, Finance Director, letter to Mayor Smith and City Council re: North Little Rock Investment Committee.

Alderman Hight referenced Communication #4 and asked if Mr. David Miles was attending this meeting. Mayor Smith advised he was not present. Alderman Hight said this was an excellent appointment and advised he has gotten to know Mr. Miles over the years while serving as an alderman. He said Mr. Miles will do a great job as Director of (North Little Rock) Animal Control and has been an excellent employee. Mayor Smith said Mr. Miles has been an employee at Animal Control for 13 years and promotion within a department is encouraged. He added that Mr. Miles comes from a great family. Mayor Smith will ask Mr. Miles to attend the next Council Meeting to be held on September 26<sup>th</sup>, 2016.

Mayor Smith introduced citizen public comment on legislation.

### **UNFINISHED BUSINESS**

O-16-53 (ORDINANCE NO. 8836 – ALDERMAN ROBINSON AND TAYLOR)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW TRUCK AND MATERIAL STORAGE IN AN R-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1700 EAST WASHINGTON AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time August 22, 2016 and held.

The ordinance was read a second time this date. On the motion of Alderwoman Robinson and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its third and final reading (7/0). A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Witcher. Alderwoman Ross asked if previous questions regarding the mesh netting had been resolved. Alderwoman Robinson said she had reviewed it (the netting) and was okay with it. The applicant stated he would provide plants on or around the netting or give the netting an aesthetic look. Mayor Smith stated the owners were present and would keep their word. 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). (*applicant: Jim Walker*)

### **CONSENT AGENDA**

On the motion of Alderman Hight and seconded by Alderman Witcher, and by voice vote, and all members present having voted “aye”, consent items R-16-138, R-16-139, R-16-140, R-16-141, R-16-142, and R-16-143 were adopted (7/0). R-16-144 was pulled and called under new business.

R-16-138 (RESOLUTION NO. 9051 – MAYOR SMITH)

A RESOLUTION REAPPOINTING LAWRENCE FINN TO THE ROCK REGION METROPOLITAN TRANSIT AUTHORITY BOARD OF DIRECTORS; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-139 (RESOLUTION NO. 9052 – MAYOR SMITH)

A RESOLUTION REAPPOINTING TONY VESTAL TO THE ROCK REGION METROPOLITAN TRANSIT AUTHORITY BOARD OF DIRECTORS; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-140 (RESOLUTION NO. 9053 – ALDERWOMAN WHITE)

A RESOLUTION RENEWING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COMMUNITY GARDEN LICENSE AGREEMENT WITH THE SALVATION ARMY; AND FOR OTHER PURPOSES, was adopted (7/0). (\$1,750.00)

R-16-141 (RESOLUTION NO. 9054 – MAYOR SMITH)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO MAINTAIN THE TRAFFIC SIGNAL INSTALLED ON MILITARY ROAD PURSUANT RO ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT JON 061434; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-142 (RESOLUTION NO. 9055 – MAYOR SMITH)

A RESOLUTION UTILIZING THE REMAINDER OF A FEMA GRANT AWARDED TO THE NORTH LITTLE ROCK FIRE DEPARTMENT FOR PURCHASE OF ADDITIONAL TURNOUT GEAR; APPROPRIATING \$5,825.00 FROM ACT 833 FUNDS.; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-143 (RESOLUTION NO. 9056 – MAYOR SMITH)

A RESOLUTION ACCEPTING A FEMA GRANT FOR \$89,091.00 UNDER THE FY 2015 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR THE PURCHASE OF FIXED EXHAUST EXTRACTION SYSTEMS FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; APPROPRIATING THE CITY’S LOCAL SHARE FROM ACT 833 FUNDS; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-144 – pulled and called under New Business.

**NEW BUSINESS**

R-16-144 (RESOLUTION NO. 9057 – ALDERWOMAN TAYLOR AND ROBINSON)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE A DRAINAGE EASEMENT OVER CERTAIN REAL PROPERTY LOCATED SOUTH OF U.S. HIGHWAY 165, PARALLEL AND ADJACENT TO THE WESTERLY LINE OF CYPRESS CROSSING IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER

PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Witcher. Alderwoman Ross asked Mr. Carter about the City having a previous easement on

this property and to explain why this was different from previous easements. Mr. Carter said the City often obtains easements. This easement was brought to the City's attention by Alderman Taylor along with the drainage problems in the area. Mr. Carter explained the definition of an easement which is an attribute of property, a dominate estate. He said this acquisition gives the City the right to enter the property, but not ownership of the property. The City bought this property to use to help with drainage issues in the neighborhood. Mayor Smith said this easement runs a one-quarter of a mile or longer. This issue should have been addressed when the neighborhood was established. Alderwoman Ross asked if the City would be responsible for maintaining the easement. Mayor Smith said this is a drainage easement and would be handled differently. Alderwoman Ross asked if man power was available. Mr. Carter said there are many different types of easements, including right-of-way easements where people walk or drive vehicles. The burden of maintaining easements is between the City and the land owner. The land owner is not allowed to do anything on the property that would interfere with the City's dominate interest. Alderwoman Robinson said this is a huge drainage ditch with issues that need to be addressed. Alderwoman White said she did not understand spending \$12,500.00 for the city to go in and keep the property clean. Alderwoman Robinson said the money would come from Ward 2. Mr. Carter advised the amount is in the event the city needs to move water across the property. Mayor Smith said if acreage on the North side develops, the drainage will be routed to that area. Alderwoman Ross asked why drainage was not taken into consideration when the area was initially developed. Alderman Witcher said in the past, the City had acquired property around 38<sup>th</sup> Street, in 600 block in Levy on the North side of the drainage ditch where houses had previously flooded. He said around 36<sup>th</sup> or 37<sup>th</sup> Street where the intersection meets, the City dealt with the same issue in the past, it has just been a while. Mr. Chris Wilbourn, City Engineer said it appears to be an oversight. The drainage easement that will be obtained is 50 feet wide and runs the full length of Cypress Crossing. All of drainage in Cypress Crossing is dependent on this easement. Mr. Wilbourn said the drainage should have been part of the development from the beginning, but ended up on private property where the City had no access despite it servicing all of the area. Mayor Smith said the property has changed hands several times. Mr. Wilbourn said because of the property changed hands multiple times, it was left off the final plat. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (\$12,500.00)

R-16-145 (RESOLUTION NO. 9058 – ALDERWOMAN ROBINSON)

A RESOLUTION REPEALING RESOLUTION NO. 8820 WHICH DECLARED 300 PHILLIPS ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO BE A PUBLIC NUISANCE AND CONDEMNED IT; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Foutch, and by consent of all members present, the resolution was adopted. (7/0). Alderwoman White said based on the images on Google maps, the property has already made improvements and looks good.

R-16-146 (RESOLUTION NO. 9059 – MAYOR SMITH)

A RESOLUTION APPROVING SETTLEMENT OF THE CASE OF NORTH LITTLE ROCK V. CEDRICK HAYES, GLORYLAND BAPTIST CHURCH, INC. AND GLORYLAND FAMILY FELLOWSHIP CHURCH; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. Alderwoman Ross asked why the City is only obtaining five (5) properties of eleven (11) properties in the area. She also asked if the city could obtain all the properties. Mr. Carter advised the City researched the area and the properties listed and this legislation is the result of that. He referenced an illustration including the locations of the properties and said the locations, specifically 522 West 2<sup>nd</sup> Street, have long property descriptions. It is believed that Gloryland Church and Pastor Hayes received the majority of the properties through donation deeds. Mr. Carter recommended adopting the legislation as is to allow for future acquisitions. Mayor Smith also commended Deputy City Attorney Paula Juels-Jones for her involvement in the matter and negotiating the settlement. Mayor Smith said there will be a cost associated with the church once the settlement is finalized. He expressed his sympathy for Pastor Hayes on the hardships of maintaining the properties. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-16-147 (RESOLUTION NO. 9060 – MAYOR SMITH)

A RESOLUTION AUTHORIZING ACQUISITION OF DISTRESSED PROPERTIES LOCATED IN DESIGNATED AREAS IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read.

On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted (7/0).

*(\$10,000.00 – General Fund)*

R-16-148 (RESOLUTION NO. 9061 – 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 1115 EAST 2<sup>ND</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Baxter and seconded by Alderwoman Ross. 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). *(\$5,224.25)*

R-16-149 (RESOLUTION NO. 9062 – 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 Foutch 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-16-57 (ORDINANCE NO. 8837 – MAYOR SMITH)

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A SEWER REVENUE BOND, SERIES 2016, BY THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FOR THE PURPOSE OF PAYING THE COST OF ACQUIRING, CONSTRUCTING, AND EQUIPPING CERTAIN EXTENSIONS, BETTERMENTS, AND IMPROVEMENTS TO THE SEWER SYSTEM OF THE CITY; AUTHORIZING SALE OF THE BOND; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST AND SERVICING FEE ON THE BOND; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY, 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). A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. Alderwoman Ross asked if Wastewater Director, Mr. Marc Wilkins could come forward and asked if the City's rates were appropriate. Mr. Wilkins said the loan was largely for rehabilitation of the collection system for the purpose of eliminating sanitary sewer overflows and for betterments of the treatments in place. It is also for Capital Improvement Projects, which are identified in the facility plan used in last year's rate study (2015). The previous rate study included the loan amount for this year. Mr. Wilkins said there would be no additional rates on top of the loan for 2016. This is a five (5) step rate increase plan that was introduced in January, 2016 (through 2020). Alderman Hight commended Mr. Wilkins and his Department on their promptness and informative responses throughout the years. Mayor Smith thanked Mr. Mark Halter on his involvement. On the previous, 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-16-58 (ORDINANCE NO. 8838 – (ALDERMEN ROSS AND WHITE)

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE ZONING ORDINANCE) TO ADD A SUBSECTION UNDER SECTION 12.4 FOR TOURS OF OWNER-OCCUPIED HOMES LISTED ON THE HISTORIC REGISTER; 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). A motion to adopt was made by Alderwoman White and seconded by Alderwoman Ross. On the motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows:: *see copy provided this date changing National Historic Register to NATIONAL REGISTER OF HISTORIC PLACES* (7/0). A motion to adopt as amended was made by Alderman Witcher and seconded by Alderman Foutch. Alderwoman Ross said Mr. Chris Olsen was present. He purchased the Justin Matthews, Jr. House (in Parkhill). He is currently renovating and restoring the house and will have it open for tours. On the previous motion, 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-16-59 (ORDINANCE NO. 8839 – ALDERMAN TAYLOR)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CAR LOT IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2006 HIGHWAY 161 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER

PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderman Hight 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). (*applicant: Edwin Johnson*)

**PUBLIC COMMENT**

Mr. Jimmy Ard said Waste Management was doing a poor job in the City. They leave cans in the Street and refuse to pick up stacked cardboard pieces and throwing them on the ground. Calling the company does not help. They won't return calls. He asked the council to assist with this issues. Mr. Ard is also having issues installing a (communication) cable at a residential address. He has not received a call back from Planning regarding cable requirements. Mr. Ard said there is also an issue with political signs being placed in public right-of-way. Alderman Hight commended Danny Dillown, Chris Wilbourn, and the Traffic Department on completing several tasks at Crestwood Elementary. Mr. Dillon was able to have a sidewalk donated by the contractor and 3 handicap ramps installed. Mayor Smith said the Police Department is hosting a cookout for Danny Dillon's daughter, who is extremely ill, at the Police Substation, 8<sup>th</sup> and Main at 11:00pm on September 13<sup>th</sup>. The money will go towards hospital and other expenses. Alderman Witcher advised on Mrs. Mary Ruth Morgan's behalf (former City Treasurer) that the North Little Rock High School Class of 1946 is having their 70<sup>th</sup> reunion in North Little Rock on September 24<sup>th</sup>. There were 250 High School graduates in 1946 and it was the only High School on the North Side of the River in the county. There will be around 50 people attending. Mayor Smith advised the class of 71' had their reunion the previous weekend.

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 6:37 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, September 26, 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