

December 11, 2017  
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, December 11, 2017, was called to order at 6:00 p.m. by the Honorable Acting Mayor Charlie Hight.

The roll having been called and the following Council Members answered to their names: DEBI ROSS, BETH WHITE, LINDA ROBINSON, RON HARRIS, CHARLIE HIGHT and MURRY WITCHER (6/0). Council Member STEVE BAXTER was absent and Council Member MAURICE TAYLOR was not present during roll call. City Clerk Diane Whitbey and City Attorney Amy Fields were also present.

The prayer and pledge of allegiance were led by Acting Mayor Hight.

On the motion of Council Member Witcher and seconded by Council Member Ross and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Monday, November 27, 2017, were approved, accepted and filed as prepared by the Assistant City Clerk (6/0).

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

7. Mayor Joe A. Smith, letter to City Clerk Diane Whitbey and North Little Rock City Council Members re: unable to attend meeting (December 11, 2017), due to illness. Council Member Charlie Hight will preside over council meeting.

On the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, communications #1, 2, 3, 4, 5, and 6 were not read, but accepted and filed (6/0).

1. Russ Kelso, email to North Little Rock Police Chief Mike Davis thanking officers for participating in annual *I Like Me* reading program.
2. Mayor Joe A. Smith letter to State Aid Street Committee requesting assistance to improve (section of) Lynch Drive and Faulkner Lake Road.
3. Mayor Joe A. Smith letter to Scott E. Bennett, P.E. – Director of Highways and Transportation, Arkansas Department of Transportation re: Request to assume jurisdiction of Riverfront Drive from the east side of the Pike Round-about to Highway 70 (East Broadway) in the downtown area.
4. Belinda Snow, Executive Director North Little Rock Housing Authority, letter re: Re-appointment of Resident Commissioner Raymond Wells.

5. Karen Scott, Chairman Energy Risk Management Committee/Finance Director memorandum to City Clerk Diane Whitbey re: ECR Adjustment Factor, December, 2017 (.0032 [positive]).
6. Charlotte Thomas, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager from Kelsey Alpert* for Hooters of Arkansas, 4110 Landers Road, by Stanley Conrad.

Acting Mayor Hight asked Council Member Ross to introduce a video from the Dogtown Derby races held in October 2017. Council Member Ross advised this was the third year for the Dogtown Derby East Initiative at Lakewood Middle School. Drivers of the City Council car were Kayden Jones and Cameron Singleton. A video was shown which highlighted the races and participants. The race was dedicated to Fire Chief Jim Murphy. Ms. Shelley Jones presented the third place trophy the City Council Team won to Council Member Ross and the City Council and advised that her students also made the video. Mr. Singleton said it was a great event and he was glad to have participated.

Council Member Taylor entered the council chambers at 6:06 p.m.

Acting Mayor Hight announced public comment on legislation.

Without objection, R-17-211 was called.

R-17-211 (RESOLUTION NO. 9325 – MAYOR SMITH)

A RESOLUTION ADOPTING A BUDGET FOR THE 2018 FISCAL YEAR FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Witcher and seconded by Council Member Ross. Mr. Brandon Dowd referenced (a) \$90 million dollar budget. He said we are entering the Third Industrial Revolution. He asked what break-throughs regarding technology, and when would (North Little Rock) move toward alternative (energy) sources and potentially making homes independent power sources through solar panels, wind turbines, etc. Mr. James Bray, General Manager, North Little Rock Electric Department advised solar energy is available to any North Little Rock (Electric) customer who would like to invest in the equipment. The city has a net metering rate that would provide credits. There are generation programs in place for large (commercial) customers. Going off the (electric) grid will depend on the future and battery storage. The city also has a 40 Megawatt Hydro Electric Plant on the (Arkansas) river. Mr. Dowd asked when would residential expenses be reduced. Mr. Bray said the city has looked into the possibility of building a Solar Farm in the city and selling off the panels to individuals. Currently, it is not feasible due to the expense. There being no further discussion, and on the previous motion, and by consent of all members present, the resolution was adopted (7/0).

#### UNFINISHED BUSINESS

*None.*

## **CONSENT AGENDA**

Acting Mayor Hight called for a voice vote on Consent Agenda items: R-17-204, R-17-205, and R-17-206, and all members present having voted "aye" the items were adopted (7/0).

R-17-204 (RESOLUTION NO. 9326 – MAYOR SMITH)

A RESOLUTION APPOINTING ROGER MARLIN TO THE POSITION PREVIOUSLY HELD BY TOBY BURKETT ON THE NORTH LITTLE ROCK AIRPORT COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-17-205 (RESOLUTION NO. 9327 – 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-17-206 (RESOLUTION NO. 9328 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTY LOCATED IN PLAINVIEW SUBDIVISION; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was adopted (7/0).

## **NEW BUSINESS**

R-17-207 was called and held at the request of Acting Mayor Hight. *Note: the item was recalled at the end of the meeting (see below).*

R-17-208 (RESOLUTION NO. 9329 – MAYOR SMITH)

A RESOLUTION APPROPRIATING FUNDS FOR THE PURCHASE OF PROPERTY BY THE NORTH LITTLE ROCK DOWNTOWN DEVELOPMENT BOARD; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Robinson, and by consent of all members present, the resolution was adopted (7/0).

R-17-209 (RESOLUTION NO. 9330 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH NORTH LITTLE ROCK ECONOMIC DEVELOPMENT CORPORATION (EDC) FOR ECONOMIC DEVELOPMENT SERVICES; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Council Member Witcher and seconded by Council Member Taylor. Council Member Ross asked about the quarterly report due date. City Attorney Fields referred to page 3 and the development of a marketing plan, which is due to the City Council by March 31, 2018. Council Member Ross then asked what portion of the funds go to the (North Little Rock) Chamber of Commerce. Mr. Todd Larson advised nothing goes directly to the Chamber of Commerce. They pay rent and will develop a services contract with the chamber for next year. Council Member Harris asked if this was included in the budget for 2018. Ms. Fields said this agreement is a contract for

Economic Development Services. The EDC may have agreements with the chamber, however, that is not directly with the city. Mr. Larson advised that in the future, if they develop a project, it will have to be approved by the City Council. Ms. Fields agreed that any Economic Development project will have to go through the City Council for approval and appropriations. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-17-210 (RESOLUTION NO. 9331 – MAYOR SMITH)

A RESOLUTION ADOPTING A BUDGET FOR THE 2018 FISCAL YEAR FOR THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Witcher and seconded by Council Member Taylor. A motion to amend was made by Council Member Witcher and seconded by Council Member Hight. Finance Director Karen Scott advised the revised budget (including the three pages provided separately this date) was sent to council members last week, along with a spreadsheet that outlined changes. The differences are: \$144,551.00 – Police Salaries and Benefits. This also includes \$100,000.00 for I-30 enhancements, \$31,000.00 for Audit expenses, \$6,600.00 for the Food Pantry, \$30,000.00 for The Old Mill, \$7,086.00 for Fit2Live, and \$53,815.00 for FOP (Fraternal Order of Police) Salary adjustments. The total is \$373,052.00. Revenues were adjusted to year-to-date actual amounts. Mrs. Scott advised representatives from Non-Profit Organizations seeking funding were also present. On the previous motion to amend, the resolution was amended as follows: *substitute (hard copy) exhibit pages A, B, and B, provided by Finance Director this date – these are the same as the revised version of Exhibits A and B that were emailed to Council Members in its entirety, Thursday, December 7, 2017 (7/0)*. A motion to adopt as amended was made by Council Member Witcher and seconded by Council Member Hight. Council Member Ross asked about the Fire Department Quota. The city has a specific number of slots for Captain, Lieutenant and Chief positions. If one someone quits or retires, will the position be filled? Chief of Staff Danny Bradley said those positions are included in the Quota Ordinance and have been funded for the year of 2018. This would only change if the council changed the Quota Ordinance. Council Member Ross asked about the Argenta Arts Foundation. Mrs. Donna Hardcastle and Mr. Chris Kent were present. Mr. Kent will replace Mrs. Hardcastle as Executive Director of the Argenta Downtown Council and the Argenta Arts Foundation. Council Member Ross said \$20,000.00 has been budgeted for the Argenta Arts Foundation. The Argenta Arts Foundation pays the Argenta Downtown Council \$3,000.00 a month for Administration. She asked if this was over-lapping or duplication. Mrs. Hardcastle said the Argenta Downtown Council pays salaries, rent and overhead expenses. The Argenta Arts Foundation shares the benefits from the employees and facility. This is an allocation of part of the expense. At one point it was \$7,000.00 per month. Mrs. Hardcastle referenced the Friends of the Arts Program and special events. She said most of the funds received from the city are reallocated to other non-profits to help support them. She referenced the Theatre, The Joint, The Shakespeare Theatre, and a few others. Council Member Ross asked if the city received recognition for those funds. Council Member Taylor asked why the funds were not given directly to the Downtown Council. Mrs. Hardcastle said they have two separate non-profits and like to keep

things associated with them separate. On the previous motion, and by consent of all members present, the resolution was adopted as amended (7/0).

R-17-211 *called earlier in meeting.*

R-17-212 (RESOLUTION NO. 9332 – 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 Council Member Hight and seconded by Council Member Taylor. Acting Mayor Hight 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-17-96 (ORDINANCE NO. 8965 – MAYOR SMITH)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 4 (BUILDINGS AND BUILDING REGULATIONS) OF THE NORTH LITTLE ROCK MUNICIPAL CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Witcher and seconded by Council Member 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 Council Member Witcher and seconded by Council Member 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. On the motion of Council Member Ross and seconded by Council Member Witcher, and by consent of all members present, the ordinance was amended as follows:: *Section 2.1.2 strike through Aet and insert ACI; and Section 4.2.2 (H) strike through (RPX) and insert RPZ* (7/0). A motion to adopt as amended was made by Council Member Witcher and seconded by Council Member Taylor. Council Member Ross asked Planning Director Shawn Spencer to explain the difference between maintenance and building. Mr. Spencer said a home owner is allowed to do maintenance, such as replacing an existing sink or toilet. When a new house is built, a sink or permit to install the same would require a permit. This is not changing anything. On the previous motion, and the roll having been called and all members present having voted in the affirmative, the ordinance was adopted as previously amended (7/0). Emergency clause adopted (7/0).

O-17-97 (ORDINANCE NO. 8966 – MAYOR SMITH)

AN ORDINANCE DEFINING THE APPLICATION OF ACT 470 OF 2017 TO THE SALE OR EXCHANGE OF REAL PROPERTY OWNED BY THE CITY OF NORTH LITTLE ROCK, ARKANSAS, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Witcher and seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council

Member Witcher and seconded by Council Member Taylor. City Attorney Fields said the State Legislature changed rules regarding the sale or exchange of real property. There is an inconsistency in the statute. One paragraph references the execution of all contracts be performed by the Mayor and City Clerk, etc. when authorized by a resolution. Another paragraph references that the Mayor may sell or exchange any municipal real estate with a value of \$20,000.00 or less. Ms. Fields advised all conveyances require approval by the City Council. She referenced a few examples. 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).

O-17-98 (ORDINANCE NO. 8967 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR THE ACQUISITION OF SCHEDULING AND TIME KEEPING SOFTWARE; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT THE PROPOSAL OF NOVATIME; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present the readings were suspended (7/0). A motion to adopt was made by Council Member Hight and seconded by Council Member Witcher. Mrs. Scott advised the revised contract was distributed to council members through Dropbox. In 2015, the city entered into a contract with BS&A for the city's accounting software. At the time, the city also entered into an agreement with Executime for time keeping and scheduling. This software was supposed to have an interface with the BS&A software. The city has been unable to get the vendor (Executime) to provide the product that was promised with regard to advanced scheduling. Tyler Technologies purchased Executime soon after the city entered into the previous agreement. They have been unable to provide the needed application or a timeline as to when they could. BS&A recommended NOVAtime. The maintenance would be less. City staff has talked to other users and are satisfied that this product will meet our needs. On the motion of Council Member White and seconded by Council Member Ross, and by consent of all members present, the ordinance was amended as follows: *attach contract provided this date* (7/0). On the motion of Council Member Ross and seconded by Council Member 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-17-99 (ORDINANCE NO. 8968 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR THE PURCHASE OF POWER GENERATORS FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; APPROPRIATING \$136,200.00 FROM CAPITAL IMPROVEMENT FUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council Member Ross and seconded by Council Member Taylor. Council Member Harris asked what the generators would be used for. Fire Chief Gerald Tucker said they would go into three of the fire stations (No. 4 – 8723 Maumelle Boulevard,

No. 9 – 2309 Osage, and No. 10 – 8800 Highway 70). Acting Mayor Hight asked if they were portable. Chief Tucker said no and advised they are 60 KW each. Council Member Ross asked how many more were needed for all of the stations to have generators. Chief Tucker said this would bring the number to 6 out of 11 stations. 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).

O-17-100 (ORDINANCE NO. 8969 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR REPAIR OF SLIP JOINT ASSEMBLY NEEDED FOR OVERHAUL WORK ON UNIT 1 AT THE MURRAY HYDROELECTRIC PLANT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. On the motion of Council Member Hight and seconded by Council Member Robinson, and by consent of all members present, the readings were suspended (7/0). On the motion of Council Member Robinson, and seconded by Council Member 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).

O-17-101 (ORDINANCE NO. 8970 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CONTRACTOR'S OFFICE WITH OUTDOOR STORAGE IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 701 JUDI DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member

Robinson and seconded by Council Member White, and by consent of all members present, the readings were suspended (7/0). On the motion of Council Member Robinson and seconded by Council Member 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).

O-17-102

AN ORDINANCE GRANTING A WAIVER TO ALLOW VARIANCES FOR AN ELECTRONIC CHANGEABLE COPY POLE SIGN IN A C-3 ZONE ON CERTAIN REAL PROPERTY LOCATED AT 12201 MAUMELLE BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of

Council Member Harris and seconded by Council 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 Council Member Harris, and by consent of all members present, the rules were 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 Council Member Taylor and seconded by Council Member Robinson. Council Member Witcher opposes changeable copy signs; particularly on a single pole. Acting Mayor Hight said when these come up there have been unusual circumstances. He asked what makes this request different. Council Member Harris said the location is off the boulevard and on the

hill. In talking to the owner, he learned about monument signs and the maintenance required. The initial request was going to be for a pole sign. However, the owner is trying to get attention to their business. Council Member Taylor asked if an overlay district had been created (in the area). Mr. Spencer advised it had. Acting Mayor Hight asked if there were other requests for electronic changeable copy signs in the area. Mr. Spencer said there have been three or four in the last five years or so. Electronic changeable copy signs are allowed. The issue with this request is that the sign is on a pole. Acting Mayor Hight asked if this sign on a pole would give this business an advantage over other businesses in the area. Mr. Danny Gilliland is the owner. They are in business to make a profit. The visibility of the business is necessary to attract customers. Council Member White asked Mr. Spencer if the other changeable copy signs in the area were changeable copy pole signs or monument signs. Council Member Witcher asked about the elevation. Mr. Gilliland said the elevation is higher than the street. Mr. David Elrod sold the property to Mr. Gilliland. He advised the council had just approved a sign at a vet clinic down the street. Every building, with the exception of ACME Brick are above grade. The property has over 160' of right-of-way. It is the widest street in the city, with the exception of Interstate 167. This makes it difficult to see the business. This is not like John F. Kennedy Boulevard with 70' of right-of-way, or Camp Robinson where the right-of-way is 60'. On the previous motion, and the roll having been called, and the following members having voted no: Ross, White, Hight and Witcher; and the following members having voted yes: Taylor, Robinson, and Harris, the motion to adopt failed (3/4).

Chief Bradley asked if the council could recall R-17-207. It is related to O-17-97, which was adopted this date. Without objection, R-17-207 was called.

R-17-207 (RESOLUTION NO. 9333 – MAYOR SMITH)

A RESOLUTION DEFINING THE MAXIMUM VALUE OF REAL PROPERTY THAT MAY BE SOLD WITHOUT COMPETITIVE BIDDING; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the resolution was adopted (7/0).

### **PUBLIC COMMENT**


Ms. Ramona Dokes invited the resident council of the Electric Company to a community meeting December 19, 2017, at 6:00 p.m. Council Member Robinson advised this was a meeting she was supposed to set up. She called the office of ACORN or ACO and left a message that she had contacted the Mayor's Office with regard to scheduling a meeting. The Mayor had advised that his office with Neighborhood Services would either schedule a meeting or get back with the group. As of this time, no meeting has been scheduled on December 19, 2017. Ms. Shanta Pointer asked when they would be notified of the meeting. Council Member Robinson said that is up to the Mayor and Neighborhood Services. She said the only contact information they have is for ACO. Council Member Robinson said she called the number and spoke with Corey who took a message. She also left a message for Mr. Neil Seeley. Mr. James Ard shared some Christmas cheer. Ms. Whitbey advised the next council



meeting will be held on Wednesday, December 27, 2017, due to the Christmas holidays. Ms. Whitbey also advised city offices will be closed, Monday, December 25, and Tuesday, December 26, 2017. Council Member Robinson received calls from elderly residents who advised they appreciated the Sanitation Department and the assistance the employees provide on their routes.

There being no further business to come before the Council, and on the motion of Council Member Robinson and seconded by Council Member Ross, and by consent of all members present, the meeting was adjourned at 7:07 p.m. (7/0), until the next regularly scheduled meeting (which was rescheduled due to the Christmas Eve and Christmas Day holidays) to be held on Wednesday, December 27, 2017, 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