

November 14, 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, November 14, 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: 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 Taylor.

On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the minutes from the North Little Rock City Council meeting and Special Call meeting held on Monday, October 24, 2016, were approved, accepted and filed as prepared by the City Clerk (8/0).

Mayor Smith asked the council for a Voice Vote to reschedule the City Council meeting scheduled for Monday, December 26, 2016, to Tuesday, December 27, 2016 (due to the Christmas Holiday). All members agreed and a voice vote was taken (8/0).

On the motion of Alderman Foutch and seconded by Alderman Baxter, and by consent of all members present, communications #1, 2, 3, and 4 were accepted and filed (8/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – NEW* for Kamikaito, 521 North Main Street, by Kiyen Kim.
2. Karen Scott, Finance Director/Chair Energy Risk Management Committee – memorandum re: Energy Cost Recovery Rider Adjustment Factor (ECR) for November, 2016 (\$.0098) CREDIT.
3. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Replacement from Enover Carson* for GS Food Mart fka OK Food Mart, 5524 Fairfax Road, by Jongeun Kim.
4. Julie Fisher, Mayor's Office, for Mayor Smith, Standing Executive Order S-006 re: Financial Management-Purchasing.

Mayor Smith announced citizen comment on legislation. Mr. Tom Brooks spoke in support of O-16-79. Mr. Brooks represents the Parish Council at Immaculate Catholic Church in North Little Rock. Several months ago, the city council approved a (monument) sign. Mr. Brooks passed out an illustration of what the proposed sign would look like and referenced the sign at the Levy Baptist Church. The LED sign will be taller but not wider. Alderman Witcher asked if the sign had already

been ordered. Alderman Witcher said there are other churches in the area that want changeable copy signs.

Mayor Smith asked to pull several items out of (agenda) order.

Without objection, R-16-171 and O-16-78 were called.

R-16-171 (RESOLUTION NO. 9083 – MAYOR SMITH, ALDERMEN ROSS AND WHITE)  
A RESOLUTION CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF ZERO  
MOUNTAIN, INC. TO PARTICIPATE IN THE TAX BACK PROGRAM AS AUTHORIZED BY  
SECTION 15-4-2706(D) OF THE CONSOLIDATED INCENTIVE ACT OF 2003; 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 resolution was unanimously adopted (8/0).

O-16-78 (ORDINANCE NO. 8852 – ALDERMAN ROSS)  
AN ORDINANCE APPROVING A WAIVER REQUEST TO ALLOW AN 8 FOOT CHAIN LINK  
SECURITY FENCE AROUND CERTAIN REAL PROPERTY LOCATED AT 1400 GREGORY  
STREET IN 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 Alderwoman Robinson, and by consent of all members present, the readings were suspended (8/0). On the motion of Alderman Witcher and seconded by Alderwoman Ross, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Zero Mountain, Inc.*) Mayor Smith welcomed Zero Mountain to the city and advised they will bring new jobs into the city.

O-16-79 (ORDINANCE NO. 8853 – ALDERMAN HIGHT *for consideration only*)  
AN ORDINANCE AMENDING ORDINANCE NO. 8804 WHICH GRANTED A WAIVER TO  
ALLOW VARIANCES FOR A GROUND MOUNTED SIGN ON CERTAIN REAL PROPERTY  
LOCATED AT 7000 JFK (JOHN F. KENNEDY) BOULEVARD IN THE CITY OF NORTH  
LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Baxter, the readings were suspended (8/0). Alderman Hight explained the need for this legislation and the reason it was filed for consideration only. A motion to adopt was made by Alderman Hight and seconded by Alderman Baxter. Alderwoman Ross asked Mr. Shawn Spencer, Planning Director, how much the size (of the sign) would increase. Mr. Spencer said the sign itself is the same size. The LED portion is 8 inches taller. Mr. Spencer said the message on the sign will change every 30 seconds. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Fr. John Wakube, Pastor, Immaculate Conception (IC) Catholic Church*)

Mayor Smith acknowledged Sherwood City Council members Marina Brooks who was present and thanked her for her attendance.

Mr. Patrick Stair spoke regarding R-16-178 and said he supports the legislation. Mr. Stair said the Argenta Farmers Market sets up in this area and asked the city to consider finding them another location in the area. Mayor Smith said he is working with them.

### **UNFINISHED BUSINESS**

O-16-70

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CAR LOT IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3004 EAST BROADWAY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and pulled by the sponsor, Alderwoman Robinson. (*applicant: Beau Turnbo, Turnbo's Auto Center*)

O-16-73 (ORDINANCE NO. 8854 – ALDERMAN TAYLOR)

AN ORDINANCE TO ESTABLISH AND LAY OFF THE NORTH LITTLE ROCK MUNICIPAL MULTIPURPOSE IMPROVEMENT DISTRICT NO. 37 - FAULKNER CROSSING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, 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 Alderman Taylor and seconded by Alderwoman Robinson, 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). A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. Ms. Whitbey has paperwork (notice of hearing and petitions) related to this item that will be attached to the same. Mr. Carter asked Mayor Smith to convene a public hearing. 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 the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

### **CONSENT AGENDA**

On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by voice vote, and all members present having voted “aye”, consent items R-16-170, R-16-173, R-16-174, R-16-175, R-16-176, and R-16-177 were unanimously adopted (8/0). R-16-171 was called earlier in the meeting by Mayor Smith and R-16-172 was pulled by Alderwoman Ross.

R-16-170 (RESOLUTION NO. 9084 – MAYOR SMITH)

A RESOLUTION APPOINTING MARLEENE CALVIN TO THE POSITION PREVIOUSLY HELD BY MARY RUTH MORGAN ON THE SENIOR CITIZENS COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

R-16-171 *was called earlier in meeting.*

R-16-173 (RESOLUTION NO. 9085 – MAYOR SMITH)

A RESOLUTION APPROPRIATING ADDITIONAL FUNDS TO COMPLETE THE PROJECT FOR SIDEWALKS AND OTHER IMPROVEMENTS LOCATED AT 700 BROADWAY; AND FOR OTHER PURPOSES, was adopted (8/0). (\$7,873.50 – *North Little Rock Electric Department*)

R-16-174 (RESOLUTION NO. 9086 – MAYOR SMITH)

A RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDS AWARDED TO THE CITY OF NORTH LITTLE ROCK THROUGH THE METROPLAN TRANSPORTATION ALTERNATIVES PROGRAM FOR COMPLETION OF THE LEVY SPUR MULTI-USE TRAIL PHASE 3 PROJECT; APPROPRIATING LOCAL MATCHING FUNDS; AND FOR OTHER PURPOSES, was adopted (8/0). (\$10,500.00 – *City's Match*)

R-16-175 (RESOLUTION NO. 9087 – MAYOR SMITH)

A RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDS AWARDED TO THE CITY OF NORTH LITTLE ROCK THROUGH THE METROPLAN TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FOR THE DESIGN PHASE OF THE PIKE AVENUE PEDESTRIAN/STREET IMPROVEMENTS PROJECT; AUTHORIZING EXECUTION OF AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR IMPLEMENTATION OF THE PIKE AVENUE PROJECT; APPROPRIATING MATCHING FUNDS; AND FOR OTHER PURPOSES, was adopted (8/0). (\$28,000.00 – *City's Match*)

R-16-176 (RESOLUTION NO. 9088 – MAYOR SMITH)

A RESOLUTION EXTENDING THE CURRENT AGREEMENT WITH APPLE TREE SERVICE FOR VEGETATION REMOVAL SERVICES FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES, was adopted (8/0).

R-16-177 (RESOLUTION NO. 9089 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY LOCATED AT THE CORNER OF REGINA LANE AND U. S. HIGHWAY 70 IN THE CITY OF NORTH LITTLE ROCK FROM MR. GEORGE GLOVER; AND FOR OTHER PURPOSES, was adopted (8/0).

## **NEW BUSINESS**

R-16-172 (RESOLUTION NO. 9093 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Baxter. On the motion of

Alderman Ross and seconded by Alderman White, and by consent of all members present, the resolution was amended as follows:: *Page 6 of Exhibit A add 25-OUTDOOR CHRISTMAS LIGHTING DECORATIONS (8/0)*. A motion to adopt as amended was made by Alderman Ross and seconded by Alderman Baxter. Alderman Ross referenced a CNG Dispenser and asked the status of the CNG station. Mayor Smith said one is working. Mayor Smith said a decision will need to be made next year to spend funds to update the facility or not. Alderman White asked if the changes to I-40 would affect the location. Alderman Ross also asked about a 2007 Camper. Mr. Dan Scott, Neighborhood Services Director advised the city purchased a trailer in 2007 because staff was working a lot in the park and needed a base. The camper was used for about a year then given to the Street Department. It was used prior to purchase. On the previous motion, and by consent of all members present, the resolution was unanimously adopted as amended. (8/0).

R-16-178 (RESOLUTION NO. 9090 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A REAL ESTATE DEVELOPMENT AND OPTION TO PURCHASE AGREEMENT, FOR PROPERTY LOCATED ON MAIN STREET AT 6<sup>TH</sup> AND 7<sup>TH</sup> STREETS, WITH J. CHANDLER & COMPANY, INC.; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Ross. Mr. Carter reviewed the contract terms, etc. and referenced attached illustrations. Mayor Smith said Mr. John Chandler was present. Mr. Chandler participated in the site visit to Fort Worth and shared the city's vision. On the motion of Alderman Witcher and seconded by Alderman Ross and by consent of all members present, the resolution was amended as follows:: *attach Exhibit C which was provided this date (8/0)*. On the motion of Alderman Witcher and seconded by Alderman Ross, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-16-179 (RESOLUTION NO. 9091 – MAYOR SMITH)

A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH TENASKA POWER SERVICES CO. FOR SERVICES RELATED TO PARTICIPATION IN MISO MARKETS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Baxter. On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the resolution was amended as follows:: *attach Exhibit A which was provided this date (8/0)*. On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-16-180 (RESOLUTION NO. 9092 – 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 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-16-74 (ORDINANCE NO. 8855 – MAYOR SMITH)

AN ORDINANCE ADOPTING A CHAPTER ON BUILDINGS AND BUILDING REGULATIONS AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING CERTAIN CODE SECTIONS; 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 (8/0). On the motion of Alderman Taylor and seconded by Alderwoman White, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted (8/0).

O-16-75 (ORDINANCE NO. 8856 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS TO REPAIR CERTAIN ELECTRIC FACILITIES SERVING WM RENEWABLE ENERGY, LLC OF ARKANSAS; AUTHORIZING THE EXECUTION OF A BILL OF SALE; 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 (8/0). Mr. James Bray, General Manager North Little Rock Electric Department said in March (2016) following a storm, the city was notified that a pole was in need of repair in the swamp off of Trammel and Rixie Road. While there, six poles were discovered to have damage from beavers. The department did not have the equipment to work in the swamp environment. Therefore, two contractors were asked to provide estimates. One was over \$69,000.00. The second was over \$72,000.00. The department then decided to wait until August (when the area would be dry) to go in and do the needed work. Due to summer rains, the work was delayed until October. The department rented a track hoe and ordered timber matting for the job. Later it was determined that additional matting (approximately 700 feet) would be needed to complete the job. Mr. Carter advised the title needed to be amended. On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, the resolution was amended as follows: *strike through* ~~AUTHORIZING THE EXECUTION OF A BILL OF SALE~~ *in the title* (8/0). On the motion of Alderman Foutch and seconded by Alderman Witcher, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0). (\$45,000.00 – North Little Rock Electric Department)

O-16-76 (ORDINANCE NO. 8857 – MAYOR SMITH)

AN ORDINANCE APPROVING A POLICY FOR PURCHASES LESS THAN \$20,000; DELEGATING AUTHORITY; 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 readings were suspended (8/0). A motion to adopt was made by Alderman

Witcher and seconded by Alderman Foutch. Alderwoman Ross asked about the detailed executive order referenced in the legislation. Mr. Carter said it was filed as Communication #4 and referenced the process. Mayor Smith said the police was distributed to department heads during the last staff meeting. On the previous motion, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-16-77

AN ORDINANCE AMENDING CHAPTER 2 (ANIMAL CONTROL) OF THE NORTH LITTLE ROCK MUNICIPAL CODE REGARDING THE KEEPING OF HOGS, GOATS OR SHEEP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and withdrawn by the sponsor, Alderman Foutch. The requester found a new location for their pet. (*Nigerian Dwarf Goat*)

O-16-78 was called earlier in meeting.

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O-16-80 (ORDINANCE NO. 8858 – ALDERMEN ROSS AND WHITE)

AN ORDINANCE VACATING AND ABANDONING AN ALLEYWAY RUNNING WEST FROM SCHAER STREET BETWEEN WEST 25<sup>TH</sup> STREET ON THE NORTH AND WEST 24<sup>TH</sup> STREET ON THE SOUTH IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the readings were suspended (8/0). On the motion of Alderwoman Ross and seconded by Alderman Foutch, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). *applicants: Ernie and Kay Alonzo*

## **PUBLIC COMMENT**

Ms. Whitbey introduced Ms. Becky Taylor who is assisting in the City Clerk's Office for the next few months. Mr. Steven Powell started the first and only licensed mobile barber shop (in the state). They cater to senior citizens, homeless and low income people. Two years ago they were going to homeless campsites and providing services. Mr. Powell said they have been operating six months and have provided services to 807 people as of this date. Mr. Powell said he has to have permission from a property owner before he can set up and provide services. He set up on Faulkner Lake Road and planned to have a fundraiser. He was advised that the golf course (Stone Links) belongs to the city. He contacted the city and was directed to Code Enforcement. They do not charge a fee. Haircuts are free. They hold fundraisers and accept donations. The donations help pay for shampoo, conditioner, deodorant, etc. Mayor Smith said if a fundraiser is being held on city property, then the property would have to be rented and referenced other non-profits that hold fundraisers (at the Hospitality

House, Community Centers, etc.). Mr. Carter said he spoke with Ms. Whitbey regarding this business type. Part of the concern is how to regulate this business. Our licenses are linked to a physical address. Also, what regulations would apply. Mayor Smith asked if Mr. Powell was doing this in other cities. Mr. Powell said they are all over the State (Harrison, West Helena, Forrest City, Camden, Stephens, Fort Smith). This is a non-profit organization. They have five homeless people in college. Two are signed up as barbers. They also offer a mentor program in local schools. Ms. Whitbey talked to Mr. Powell a few weeks ago. Mr. Powell advised he had a business license in Jacksonville. Ms. Whitbey advised the process for doing business in North Little Rock. The city does not currently allow mobile barber shops. Ms. Whitbey also advised that non-profits are required to have a city business license. Mayor Smith asked if the mobile food truck legislation could be revised to include this type of business. Mr. Carter will put something together for the council to consider. Alderman Hight asked the difference between this business type and someone who provides landscape services. Ms. Whitbey said there is a category for Landscape (contractors) using a physical (home) location. Alderwoman Ross said we have licensed mobile pet groomers in the city and asked the difference. Alderwoman Robinson agreed with looking at the mobile food vendors. Alderwoman Ross said the North Little Rock Fire Department Local 35 is accepting donations for their annual Christmas Bicycle Drive. Mayor Smith wished everyone a Happy Thanksgiving.

There being no further business to come before the Council, and on the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 6:56 p.m. (8/0), until the next regularly scheduled meeting which will be held on Monday, November 28, 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