

January 14, 2019  
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, January 14, 2019, was called to order at 6:00 p.m. by the Honorable Mayor Joe A. Smith.

The roll having been called and the following Council Members answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, JANE GINN and CHARLIE HIGHT (8/0). City Clerk Diane Whitbey and City Attorney Amy Fields were also present.

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

On the motion of Council Member Ross and seconded by Council Member Hight and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Wednesday, December 26, 2018, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Council Member Robinson and seconded by Council Member Taylor, and by consent of all members present, communications #1, 2, 3, 7, and 8 were not read, but were accepted and filed (8/0).

1. Indian Hills Community Club Annual Report to City Council (January – December 2018).
2. Karen Scott, Finance Director/Chair Energy Risk Management Committee memorandum to City Clerk Diane Whitbey re: Power Cost Adjustment (PCA) rate for January, 2019 (.0001/kwh) negative – to be billed as 0 (zero).
3. C. Tad Bohannon letter to City Clerk Whitbey re: appointment recommendation to fill upcoming vacancy on Central Arkansas Water Board of Commissioners.
7. Joy Cameron, Administrative Assistant, Gardner Memorial United Methodist Church letter to Patrick Lane, Street Department Director re: Thank you for assistance with drainage issue.
8. John P. Gill, Attorney at Law (Gill, Ragon, Owen) letter to Mayor Smith re: Appreciation of Greg Zonner, Arkansas Inland Maritime Museum (AIMM).

On the motion of Council Member White and seconded by Council Member Ross, and by consent of all members present, communication #4 was read by title only, accepted and filed (8/0).

4. C. Tad Bohannon letter to Mayor Joe Smith re: Proposed Adjustments to Basic Water Schedule.

On the motion of Council Member Ross and seconded by Council Member White, and by consent of all members present, communication #5 was read, accepted and filed (8/0).

5. Ruby Jordan-Johnson, Section Head – Public Involvement Environmental Division, Arkansas Department of Transportation letter to Mayor Smith re: Notice of Public Involvement Meeting ARDOT Job No. 061506 Shilcotts Bayou (Hwy 176), Pulaski County, January 24, 2019 from 4:00 p.m. until 7:00 p.m. at Levy Church of Christ, 5124 Camp Robinson Road – Room 1001.

Council Member Baxter said this project would replace the culvert that runs under Camp Robinson (Road) at 54<sup>th</sup> and the public will be able to view the plans. Mayor Smith asked City Engineer Chris Wilbourn to invite the lady with flooding issues who lives in the area to attend.

On the motion of Council Member Ross and seconded by Council Member Harris, and by consent of all members present, communication #6 was read by title only, accepted and filed (8/0).

6. Amy Beckman Fields, City Attorney memorandum re: Simplified Procedural Rules of City Council.

City Attorney Fields advised that after reviewing the current rules and sections of the (Municipal) Code, she discovered areas where the rules have been amended and has received a request for additional changes. Legislation will be filed in the near future to repeal previous legislation.

Mayor Smith announced the Special Call meeting.

January 11, 2019

Special Meeting of the North Little Rock City Council

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 6:05 p.m. on Monday, January 14, 2019, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

**R-19-07 –AUTHORIZING PAYMENT ACCOMMODATIONS FOR NORTH LITTLE ROCK ELECTRIC CUSTOMERS WHO ARE FEDERAL EMPLOYEES WITHOUT PAY DUE TO THE GOVERNMENT SHUTDOWN. Sponsor: Mayor Joe A. Smith**

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

Amy Beckman Fields  
City Attorney

Special Call R-19-07 (RESOLUTION NO. 9587 – MAYOR SMITH)

A RESOLUTION AUTHORIZING PAYMENT ACCOMMODATIONS FOR NORTH LITTLE ROCK ELECTRIC CUSTOMERS WHO ARE FEDERAL EMPLOYEES WITHOUT PAY DUE TO THE GOVERNMENT SHUTDOWN; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Ross and seconded by Council Member Taylor. Mayor Smith said furloughed Federal Employees will be given (up to) a 30 day extension on their (North Little Rock) Electric bill and penalties will not be assessed. This will expire in one month. If the Government Shutdown continues through a second billing cycle, the council will need to pass another resolution. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

Mayor Smith announced citizen public comment on legislation. Mr. Brent Treece spoke regarding O-19-01 and thanked the Mayor and Council for their time. Mr. Treece referenced a handbook amendment that was adopted December 10, 2018. The (North Little Rock) Fire Union has concerns as there is no contract in place. On November 30, 2018, the union formally conceded and provided a proposal to the Mayor and Chief (Danny) Bradley. The union does not have a signed contract and adjustments continue to be made to the (employee) handbook. Mr. Treece showed a copy of a (proposed) contract and referenced the areas with changes which were in red. The Union looks forward to moving forward and working with the Mayor and Council. Mr. Robert Furiagh spoke regarding R-19-05. He said he was pleased that the Police and Courts Bond proposal was separated from the Airport Bond proposal. Mr. Furiagh is a retired Civil Engineer and worked for Garver and Garver for a number of years. Mr. Furiagh said Garver and Garver is on retainer for the city, however, the city has not involved the firm at this time. An Architectural Firm from Oklahoma that specializes in Healthcare has provided preliminary drawings and cost estimates. Mr. Furiagh said he has not found any indication that the firm has experience with airport improvements, the State Aeronautics Commission, or the FAA Southwest Region. Any time building improvements are planned on or near any airport, the FAA must be notified in advance. Mr. Furiagh had concerns regarding activities at the airport and provided his telephone number if anyone wanted to call him regarding the same.

### **UNFINISHED BUSINESS**

*None.*

### **CONSENT AGENDA**

By consent of all members present who voted “aye”, consent items, R-19-01, R-19-02, and R-19-03 were unanimously adopted (8/0).

R-19-01 (RESOLUTION NO. 9588 – MAYOR SMITH)

A RESOLUTION APPOINTING CITY COUNCIL MEMBER DEBI ROSS TO THE POSITION PREVIOUSLY HELD BY FORMER CITY COUNCIL MEMBER MURRY WITCHER ON THE TREE BOARD; AND FOR OTHER PURPOSES, was adopted (8/0).

R-18-02 (RESOLUTION NO. 9589 – MAYOR SMITH)

A RESOLUTION APPOINTING CITY COUNCIL MEMBER STEVE BAXTER TO THE POSITION PREVIOUSLY HELD BY FORMER CITY COUNCIL MEMBER MURRY WITCHER ON THE DOWNTOWN DEVELOPMENT BOARD; AND FOR OTHER PURPOSES, was read.

R-18-03 (RESOLUTION NO. 9590 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (8/0).

Ms. Whitbey swore in Council Member Ross who was appointed to the North Little Rock Tree Board and Council Member Steve Baxter who was appointed to the Downtown Development Board following the council meeting.

**NEW BUSINESS**

R-19-04 (RESOLUTION NO. 9591 – MAYOR SMITH)

A RESOLUTION EXPRESSING THE INTENT TO ISSUE REVENUE BONDS FOR THE PURPOSE OF FINANCING CONSTRUCTION OF A POLICE AND COURTS BUILDING; AUTHORIZING THE MAYOR TO EXECUTE ENGAGEMENT LETTERS WITH BOND COUNSEL AND UNDERWRITERS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Hight and seconded by Council Member Ross. Council Member Ross said this legislation is for an additional \$10 million (in addition to \$20 million from a temporary half-cent sales tax). Mayor Smith said several things need to be known: if the bond is sellable, what the interest rate will be, and projections on when funds will be needed. Finance Director Karen Scott said plans haven't begun yet so there are no projected time-lines for funding needs at this time. Council Member Ross said the estimate tax is \$4 million coming in yearly. The city has already purchased (the Armory) property. Mrs. Scott advised fund projections were considered and developed over a year ago. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-19-05

A RESOLUTION EXPRESSING THE INTENT TO ISSUE REVENUE BONDS FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE NORTH LITTLE ROCK AIRPORT; AUTHORIZING THE MAYOR TO EXECUTE ENGAGEMENT LETTERS WITH BOND COUNSEL AND UNDERWRITERS; AND FOR OTHER PURPOSES; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith.

R-19-06 (RESOLUTION NO. 9592 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH THOMAS ENGINEERING COMPANY, INC. TO PROVIDE PROFESSIONAL

SERVICES FOR THE SIXTH STREET DESIGN PROJECT (MAIN TO MAGNOLIA) AND FOR PARKING LOTS EAST OF THE TROLLEY BARN; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-19-01 (ORDINANCE NO. 9067 – MAYOR SMITH)

AN ORDINANCE AMENDING ORDINANCE NO. 9061 AS TO VACATION AND SICK LEAVE BENEFITS FOR UNIFORMED EMPLOYEES OF THE NORTH LITTLE ROCK FIRE DEPARTMENT; 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 (8/0). On the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, the ordinance was amended as follows: *at the end of Section 1: add UPON SEPARATION FROM EMPLOYMENT ACCRUED VACATION LEAVE TIME WILL BE PAID LUMP SUM AT THE EMPLOYEE’S BASE RATE OF PAY AT THE TIME OF SEPARATION* (8/0). A motion to adopt as amended was made by Council Member Taylor and seconded by Council Member Ross. Council Member Ross said several council members met (separately) with Fire Department (union) employees regarding their contract and the (employee) handbook. This legislation is a small portion of the handbook which can be amended at any time. Council Member Ginn said she spoke with the President of the Fire Union who advised he would provide corrections by Friday (January 18, 2019). On the previous motion, 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).

O-19-02 (ORDINANCE NO. 9068 – MAYOR SMITH)

AN ORDINANCE AMENDING THE SMALL WIRELESS COMMUNICATION FACILITY REGULATION TO APPROVE STREETLIGHT POLE ATTACHMENT DESIGN FOR SMALL WIRELESS FACILITIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member White, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Council Member Hight and seconded by Council Member Ross. Council Member Ross said this legislation is for Streetlight poles only and not decorative poles. Ms. Fields advised the Electric Department worked with AT&T on the design. The same will be done with decorative poles in the future. Council Member Hight asked the status of a lawsuit the city is involved in. City Attorney Fields said the 8<sup>th</sup> Circuit Court denied the city’s motion and transferred the matter to the 9<sup>th</sup> Circuit Court. There are a number of cities and law firms involved in the litigation. It was prudent for the City of North Little Rock to withdraw from the lawsuit. Mayor Smith said the city is supporting the issue through the U. S. Conference of Mayors and National League of Cities. 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-19-03 (ORDINANCE NO. 9068 – MAYOR SMITH)

AN ORDINANCE GRANTING A WAIVER OF SECTION 13.2 OF THE ZONING ORDINANCE TO ALLOW A REDUCED NUMBER OF PARKING SPACES FOR CERTAIN REAL PROPERTY LOCATED AT 811 S.A. JONES DRIVE AND 813 S.A. JONES DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. On the motion of Council Member Taylor and seconded by Council Member Robinson, and by consent of all members present, the readings were suspended (8/0). On the motion of Council Member Taylor and seconded by Council Member Robinson, 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). (*requested by Deacon Etroy Lyons, First Baptist Church*)

**PUBLIC COMMENT**

Mr. James Ard said he had to call an ambulance recently and a police officer also responded. Mr. Ard said he has a protection order and the officer said he was checking to see how he was. Mr. Ard commended the Police Department. Mr. Ard commended Mayor Smith for all that he has done for the city which included paying off debt and more. Mr. Brett Ake spoke on behalf of the Faulkner Crossing Property Owners Association. He thanked the Fire Department for putting out a grass fire in their subdivision. He thanked Mayor Smith for sending Chief of Staff Danny Bradley to visit with the group to discuss issues and (lack of ) inspections. Residents have submitted bills to council members for their losses for not having advance inspections. He asked about the sink holes and referenced one that is at least 25 feet deep. It has been there for at least three (3) years. There are smaller sink holes forming all over (the neighborhood). Mr. Ake said this is from the developer not cementing the casings in when they worked on the substructure under the street. The residents want to know who they should talk to regarding all of these issues. Mr. Nick Franke spoke regarding the North Little Rock Airport. He said over the past three (3) years, the citizens have given the airport \$300,000.00. The airport wants to put in a café. Mr. Franke said the people who have airplanes at the airport should (fund and) build it. Mr. Franke referenced spending in 2014 and 2015. In 2016, funds were given to a contractor for work. In 2018, Mr. Franke said he was attacked by an airport commissioner. Mr. James Humphrey said he was present to represent himself and the Holt Road Sewer Project. He referenced signed petitions in support of the project. Mr. Humphrey passed the petitions to the council members. Mr. Humphrey said this was his third time to make this request of the city council. The residents in the community need it and the sewer line is needed to improve the health environment of this area and city. A sewer line would allow the residents to get rid of sewer waste in the best way possible. There is (sewer) service on the street. It isn't fair for some houses to have the service while others do not. Mr. Humphrey said the Holt Road Community has been part of the city for over 30 years. He then passed a copy of Executive Order issued by former Mayor Patrick Henry Hays to council members. Council Member Ross asked how many of the 55 people who signed the petition live on Holt Road. Mr. Humphrey's said only one (1). Mr. Humphrey referenced an Arkansas Democrat-Gazette article regarding North Little Rock Waste Water taking over the Maumelle sewer system. He went on to read

the Mission Statement of the North Little Rock Wastewater Department. (Note: copies of all were passed to council members who passed them to the City Clerk who received them and filed them with the supporting documents of this meeting). Council Member Ross said there are other areas of the city that are not connected to North Little Rock Waste Water including the Belwood neighborhood in Ward 3. Council Member Taylor said he spoke with Marc Wilkins, Waste Water Director who advised him there are 860 households in the city that are not connected to city sewer. These residents are all connected to septic tanks. Holt Road is not an isolated location. Council Member Taylor said Mr. Wilkins advised him it would cost \$350,000.00 to \$600,000.00 to run sewer lines down Holt Road. Council Member Robinson said there is only one house on Holt Road and the houses on Neely Road have septic tanks. Mayor Smith said Maumelle residents pay additional fees for their waste water service. Council Member Hight welcomed Council Member Ginn to the city council. Ms. Whitbey reminded residents that Monday is a holiday, however, garbage routes will run as scheduled. Council Member Baxter said he looks forward to working with the fire union and said crime numbers were down. Council Member Ross said the leaf vacuums have started their second round of pickup and are in area one (Park Hill). Council Member Robinson thanked sanitation for their efforts picking up tires around the city.

There being no further business to come before the Council, and on the motion of Council Member Hight and seconded by Council Member Ross, and by consent of all members present, the meeting was adjourned at 6:49 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, January 28, 2019, 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