ORDINANCE NO. __________

AN ORDINANCE TO GRANT A FRANCHISE AGREEMENT TO DUKE ENERGY FOR SMART MEDIA, LLC, FOR THE PLACEMENT OF A CITYPOST™ SMART KIOSK WITH DIGITAL WAYFINDING ON WEST MARKHAM STREET NEAR THE INTERSECTION OF SOUTH MAIN STREET; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on March 26, 2017, the Mayor of the City of Little Rock, Arkansas ("the City"), and Smart Media, LLC, executed a Memorandum of Understanding ("the Smart City MOU") to permit the placement of CityPost™ Kiosks within the City of Little Rock that will make digital smart market channel broadcasts and provide a Wi-Fi hot spot at these locations; and,

WHEREAS, the first kiosk is soon to be placed near the Statehouse Convention Center on West Markham Street near the intersection with Main Street, as more fully shown on Exhibit A to this ordinance; and,

WHEREAS, the Smart City MOU requires that a Franchise Agreement be obtained for each location, and that each such Franchise be added as an exhibit to the Smart City MOU;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. Duke Energy operating through Smart Media, LLC, located at 54 West 40th Street, New York, New York, is hereby granted a Franchise pursuant to the Smart City MOU for the location more specifically described in Exhibit A to this ordinance for the placement of a CityPost™ Smart Kiosk.

Section 2. This ordinance, by agreement of the parties, shall become Exhibit No. 1 to the Smart City MOU entered into on March 26, 2017.

Section 3. This Franchise shall be subject to the terms and conditions of the City’s Utility Relocation Policy as currently set forth, or as may be later amended, in Little Rock, Ark., Rev. Code §§ 2-350 to 2-357 (1988).

Section 4. It is further understood that this franchise is not perpetual and may be revoked by the City in the future as appropriate.

Section 5. In the event that any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall
not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion
so declared or adjudged invalid or unconstitutional was not originally part of the ordinance.

Section 6. All ordinances, resolutions, by-laws, and other matters inconsistent with this ordinance are
hereby repealed to the extent of such inconsistency, provided that this ordinance is not intended, nor shall
it be construed as to any part, to repeal any part the levying provisions of the Prior Tax Ordinances referred
to above, but only to expand and otherwise clarify them.

Section 7. Emergency Clause. It has been found, and it is hereby declared, that the ability of the City
to provide CityPost™ Smart Kiosks to enable greater use of technology within the City by citizens and
visitors is essential to the public health, safety and welfare; an emergency is, therefore, declared to exist
and this ordinance shall be in full force and effect upon its passage after the expiration of ten (10) days that
the ordinance and exhibit have been on public display at the direction of the City Clerk.

PASSED: June 19, 2018

ATTEST:

___________________________________  _________________________________
Susan Langley, City Clerk         Mark Stodola, Mayor

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney
Exhibit A