

January 28, 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 28, 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 Council Member Ross.

On the motion of Council Member Hight and seconded by Council Member 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, January 14, 2019, were approved, accepted and filed as prepared by the City Clerk (8/0).

Mayor Smith announced the annual Winter Sister City Program between the City of North Little Rock and the City of Uiwang City, South Korea. Mrs. Margaret Powell, External Affairs Director said this is the 8th year for the Winter Program. The program allows students to come to the United States and attend school for one (1) month. Students arrived January 11 and will leave February 7 and are attending advanced classes. Mrs. Powell thanked the City Council for continuing to support the program. Mrs. Powell then introduced and thanked the host families. Mrs. Powell introduced "Alice" and "Rose" who were visitors from Uiwang City. "Rose" said this was her second visit and advised the program has helped the participants improve their language skills and has broadened their knowledge of our culture. She said although the participants live in another country and speak a different language, they have many things in common with the American participants. "Alice" is the group chaperone. She read a letter from the Mayor of Uiwang City addressed to Mayor Smith which thanked the City of North Little Rock for continued support and participation in the program. Mayor Smith thanked the host families. The participants then had photos made with Mayor Smith.

Mayor Smith and Council Member Hight then went to the podium for the annual presentations of the 2018 North Little Rock/Sertoma Christmas Parade Trophies which were presented to the following:

Mayor's Cup	Reflejos Mexicanos
Chairman's Choice	Arkansas Travelers Baseball
Best Girl Scout Float	Girl Scout Troop #6566/6096

Best Beauty Entry	Scimitar Sarine – Bedouins
Best Boy Scout Award	Cub Scout Pack #87
Best Decorated Commercial or Business Entry	J Hook Towing
Best Non-Profit	Mt. Pleasant Baptist Church
Best Dance/Performing Group	Studio 501
Best Fire Truck	North Little Rock Fire Department
Best Marching Group	North Little Rock High School Marching Band
Sertoma President’s Award	North Little Rock Dance Starz

Council Member Hight said plans are underway with Parade Chair Sherry Bruno for the 2019 Christmas Parade.

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

1. Anita Paul, Mayor’s Office memorandum re: *Small Brewery – Tap Room (1) 4305 Warden Road* for Brick Oven Brewery & Pizza Company, 4305 Warden Road by John Cathey, Jr.
2. Anita Paul, Mayor’s Office memorandum re: *Retail Beer off Premises – Change of Manager from Cynthia Adams* for Tobacco Superstore #42, 4604 John F. Kennedy Boulevard, Suite 10, by Wendell M. Huddleston.

Mayor Smith announced citizen public comment on legislation. Mr. Robert Fureigh spoke regarding R-19-05. Mr. Fureigh is a retired Civil Engineer with 40 years as a designer for Airport Improvements. The City (North Little Rock) Airport has a five year contract with a local engineering firm to assist with planning and cost estimation. Mr. Fureigh said planning and cost estimation on a current proposal was not done by an engineer or an Arkansas firm. It was done by an Oklahoma architectural firm that specializes in healthcare facilities. Mr. Fureigh said anytime there is airport construction that falls under certain criteria, it is required that the FAA Airport Division be notified. Mr. Fureigh said the city should not waste funds on a project that has not been coordinated with the FAA Southwest Region. Some of the work may be eligible for funding assistance (through grants) from the Arkansas Department of Aeronautics. Mr. Nick Franke spoke regarding R-19-05. He said the city is wanting the taxpayers to donate \$4 million to the North Little Rock Airport for certain improvements which have not been provided. Other airports in the state operate on taxes from operations, fuel, grants, etc. They do not take funds from the city. Mr. Franke said funding would be for corporate housing for corporate jets. He said current funding provided by the city is used for capital outlay (equipment). Mr. Franke said the people who use the airport should fund the airport.

Without objection, O-19-12 was pulled and called.

O-19-12 (ORDINANCE NO. 9070 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 7101 & 7204 HIGHWAY 70 FROM C-3 TO I-3 BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was

read. On the motion of Council Member Robinson and seconded by Council Member Hight, 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 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: Thomas Engineering Company*)

Without objection, R-19-19 was pulled and called.

R-19-19

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN EXCLUSIVE LISTING AGREEMENT WITH NEWMARK MOSES TUCKER PARTNERS TO SELL APPROXIMATELY FIVE ACRES OF PUBLIC LAND IN THE CITY OF NORTH LITTLE ROCK'S DOWNTOWN AREA; AND FOR OTHER PURPOSES, was read and held by the sponsor, Mayor Smith. Mayor

Smith advised he had reviewed the contract with the City Attorney and found several items that needed to be addressed. Work (development) in North Little Rock has focused on the area of 500 and 600 blocks of Main Street (First Orion and Downtown Plaza). A progress report will be provided to the council at the next council meeting. On February 19, 2019, there will be a ground-breaking ceremony for the building at 600 Main. When the Arts Center was considering a new location, this area (property) around 120 Main Street was considered. The location is on the Trolley route, has a great view (of the river and downtown skyline) and is adjacent to the arena (Verizon). Mayor Smith said he does not have the time or contacts to promote the sale of the property. He contacted Fletcher Hansen and Jimmy Moses regarding this development. The goal is to allow the company to market the property and this legislation would approve a contract with the realtor. Any project will have to come before the City Council. Council Member Ross asked where city departments and employees located in the City Services Building would go and about parking for the (North Little Rock) Chamber (of Commerce). Mayor Smith said the number of employees at City Services is being reduced due to changes (in the utility collections area). The goal is to move the IT Department to the new Police (and Courts) Building. Police Training (Division) would also be relocated which would open up the building on Willow Street. The (North Little Rock Police Department) Detectives' office is very large and could accommodate two departments. There is also the possibility of renting space. Mayor Smith said if there is a \$55 million project proposal for the property, which could also bring new jobs into the city, it would be better than having a 60 year old building. A parking deck is also a possibility. Mayor Smith has also talked with Chamber President John (Owens) regarding their parking. Council Member Robinson said it doesn't make sense to sell the building, then go rent (office space). This location is convenient for residents. When the light (electric department) was moved (to 120 Main Street) it was

advertised as a “One Stop Shop” location. Council Member Robinson said public transportation travels down Main Street and Maple Street. Buses coming from McCain and Park Hill travel this route. If the location is moved then it is no longer convenient for the residents. She asked that the council think about this decision and referenced that City Hall is an old building. She said the public thinks the city has a lot of money, but it doesn’t. Being progressive is good. As elected officials, they have to represent their wards and the city. Council Member Ginn said the location is convenient, but times are changing. The amount of money spent to buy the building is good and renting may not be the best option. This proposal and design for the development doesn’t cost the city anything. If someone comes in and proposed some ideas that make the city money, that would be good. Council Member Ross said the Planning Department needs to be close to the City Clerk’s Office (for permits, etc.). Mayor Smith said that is an easy fix. An employee could be placed in either planning or the City Clerk’s Office. He suggested Purchasing may be combined with Finance. Code Enforcement may need to be closer to Planning as an example. The goal is to have the professionals’ present ideas for consideration. Council Member Hight asked Mr. Moses if they have any potential projects. Mr. Moses said they do have some ideas and this is a great location. They also understand the concerns that have been mentioned. He encouraged considering what a project would be like in five years or so and referenced a hotel that would bring lots of people downtown. They currently have projects underway in Fayetteville and El Dorado. It will be up to the city to pursue development.
(Surrounding and including the City Services Building located at 120 Main)

UNFINISHED BUSINESS

R-19-05

A RESOLUTION EXPRESSING AN 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, was called and held by the sponsor, Mayor Smith. (*\$4 million*)

CONSENT AGENDA

By consent of all members present who voted “aye”, consent items, R-19-08, R-19-09, R-19-10, R-19-11, R-19-12, R-19-13, R-19-14, R-19-15, R-19-16, R-19-17, and R-19-18 were unanimously adopted (8/0).

R-19-08 (RESOLUTION NO. 9593 – MAYOR SMITH)

A RESOLUTION REAPPOINTING JAMES DIETZ TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

R-19-09 (RESOLUTION NO. 9594 – MAYOR SMITH)

A RESOLUTION APPOINTING JIM LEWIS TO THE POSITION PREVIOUSLY HELD BY VIRGINIA RAUM ON THE SENIOR CITIZENS COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0). Note: *Mr. Lewis was sworn in following the vote on the consent agenda.*

R-19-10 (RESOLUTION NO. 9595 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH ARGENTA COMMUNITY THEATER; AND FOR OTHER PURPOSES, was adopted (8/0). (*\$50,000.00*)

R-19-11 (RESOLUTION NO. 9596 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PREPURCHASED FOOD AGREEMENT WITH ARKANSAS FOODBANK; AND FOR OTHER PURPOSES, was adopted (8/0). (*\$20,000.00*)

R-19-12 (RESOLUTION NO. 9597 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE NORTH LITTLE ROCK BOYS AND GIRLS CLUB OF CENTRAL ARKANSAS; AND FOR OTHER PURPOSES, was adopted (8/0). (*\$65,000.00*)

R-19-13 (RESOLUTION NO. 9598 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PROGRAM AGREEMENT WITH THE NORTH LITTLE ROCK POLICE ATHLETIC LEAGUE; AND FOR OTHER PURPOSES, was adopted (8/0). (*\$60,000.00*)

R-19-14 (RESOLUTION NO. 9599 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH OZARK MISSION PROJECT; AND FOR OTHER PURPOSES, was adopted (8/0). (*\$10,000.00*)

R-19-15 (RESOLUTION NO. 9600 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH BUTTERFLY COMMUNITY (SEIS PUETES PROJECT); AND FOR OTHER PURPOSES, was adopted (8/0). (*\$25,000.00*)

R-19-16 (RESOLUTION NO. 9601 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THEA FOUNDATION; AND FOR OTHER PURPOSES, was adopted (8/0). (*\$48,000.00*)

R-19-17 (RESOLUTION NO. 9602 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND ARGENTA ARTS FOUNDATION; AND FOR OTHER PURPOSES, was adopted (8/0). (\$20,000.00)

R-19-18 (RESOLUTION NO. 9603 – MAYOR)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ENHANCED COMMUNITY SERVICES AGREEMENT WITH ARGENTA DOWNTOWN COUNCIL; AND FOR OTHER PURPOSES, was adopted (8/0). (\$110,000.00)

NEW BUSINESS

R-19-19 *was called earlier in meeting and held by the sponsor.*

Mayor Smith convened a public hearing on the properties: 128 ½ Davis Street, 910 North C Street, 1701 West Long 17th Street, 4904 Haywood Street, 2216 West 16th Street, 400 East 21st Street, and 413 Division Street. There being no one present wishing to be heard, the public hearing was adjourned.

R-19-20 (RESOLUTION NO. 9604 – 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 128 ½ DAVIS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 unanimously adopted (8/0). (\$4,295.87)

R-19-21 (RESOLUTION NO. 9605 – 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 910 NORTH C STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 unanimously adopted (8/0). (\$4,403.09)

R-19-22 (RESOLUTION NO. 9606 – 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 1701 WEST LONG 17TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 unanimously adopted (8/0). (\$8,826.31)

R-19-23 (RESOLUTION NO. 9607 – 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 4904 HAYWOOD STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 unanimously adopted (8/0). (\$4,511.04)

R-19-24 (RESOLUTION NO. 9608 – 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 2216 WEST 16TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 unanimously adopted (8/0). (\$4,296.82)

R-19-25 (RESOLUTION NO. 9609 – 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 400 EAST 21ST STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 unanimously adopted (8/0). (\$3,744.38)

R-19-26 (RESOLUTION NO. 9610 – 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 413 DIVISION STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 unanimously adopted (8/0). (\$4,965.41)

Mayor Smith pulled R-19-30.

Mayor Smith convened a public hearing on the following properties: 2119 West 16th Street, 2200 East Washington Avenue, 2204 East Washington Avenue, 1323 Franklin Street, and 4132 East Washington Street. Ms. Janice Starkey spoke regarding 1323 Franklin Street, which is owned by her sister, Helen

Brents. Ms. Starkey said her sister was cited on the property and had to go to court where the Judge gave her until February 21, 2019, to show improvement. Ms. Starkey said she thought the Judge's decision overruled the council. Ms. Starkey then distributed copies of the current condition of the structure and receipts to indicate the amount of money (\$14,365.19) spent on the property to council members. Their father was working on the property before his death. Ms. Brents has been working on other properties and had surgery last year. Ms. Brents has since got the sheet rock in and floated and the kitchen has been redone and new plumbing has been added. Ms. Brents is redoing the whole house. She already owns half the houses on the street. This house is close to being ready to live in at which time it will either be sold or rented. Ms. Starkey said the property is not a nuisance and has not been neglected. Ms. Lisa Dusenberry spoke regarding 2119 West 16th Street which her mother owns. She requested an extension and said she has faced a lot of obstacles. She asked what their options are and said she doesn't want to see the house torn down. Mayor Smith said if the legislation is adopted, she will have 30 days to negotiate a contract with the City Attorney and put up a bond. Mayor Smith referenced the previous property where the owner has ¾ of the work completed. Ms. Fields advised the bond would cover the cost of demolition. Council Member Ross asked when the structure burned. Ms. Dusenberry said it was in August, 2018. She has been trying to salvage and scrap items from the house. Council Member Robinson asked Ms. Felicia McHenry, Code Enforcement Deputy Director for more information. Code Enforcement Officer Cedric Williams advised the house burned in August, 2018 and has visited with the owner since that date. The house is in the same condition however, cars that were there have been moved. It is his assumption that the house still has burned items in it. Council Member Robinson asked for an update on 1323 Franklin. Mr. Williams said he has been dealing with Ms. Brent's for a number of years and that she acquired the property in 2013. He said Ms. Brents told him she had 25 plus houses and didn't have time to work on this property. Mr. Williams issued a citation a few months ago. When she went to court, she advised the Judge she would have the property ready by her next court date. As of this afternoon, a plumbing permit has not been obtained on the property. There is a permit for electrical work. Mr. Williams advised Ms. Brents has not had a Business permit (License) (for rental property) since 2014.

R-19-27 (RESOLUTION NO. 9611 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2119 WEST 16TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Baxter, and by consent of all members present, the resolution was unanimously adopted (8/0).
(owner: Mildred D. Lewis)

R-19-28 (RESOLUTION NO. 9612 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2200 EAST WASHINGTON AVENUE IN THE CITY OF NORTH LITTLE ROCK

TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; 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). (*owner: Bayview Loan Servicing LLC*)

R-19-29 (RESOLUTION NO. 9613 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2204 EAST WASHINGTON AVENUE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; 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). (*owner: Bayview Loan Servicing LLC*)

R-19-30

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 524 GARDENIA AVENUE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was pulled by the sponsor, Mayor Smith. (*owner: Tommie Middleton*)

R-19-31

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1323 FRANKLIN STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Taylor and seconded by Council Member Hight. Council Member White asked about the Judge's extension. Ms. McHenry said court citation is a separate issue from the City Council legislation. Mayor Smith said it is likely the condemnation proceedings began before the court case. Ms. Fields said the court date and council date are separate issues. Mayor Smith then held the legislation and advised Ms. Starkey and Ms. Brents they needed to get a lot done on the property within the next two weeks. Ms. McHenry said they were issued a Stop Work Order for working without a permit and need to get those in order. Mayor Smith said Ms. Brents needed to get a Business License as well. Council Member Taylor asked how this (condemnation) is different from any other condemnation and said there is a process in place. (*owner: Helen Brents*)

R-19-32 (RESOLUTION NO. 9614 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 4132 EAST WASHINGTON STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson and seconded by Council Member Ross, and by consent of all members present, with the exception of Council Member Taylor, who passed, the resolution was adopted (7/1). (*owner: Olen Thomas*)

O-19-05 (ORDINANCE NO. 9071 – MAYOR SMITH)

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS AND NUMBERS OF EMPLOYEES FOR EACH DEPARTMENT OF THE CITY GOVERNMENT OF NORTH LITTLE ROCK FOR 2019; DECLARING AN EMERGENCY (*aka Quota Ordinance*); AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Baxter, 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 as amended as follows: *Section 21: page 10, (AIMM) change title of Operations Manager to OFFICE MANAGER* (8/0). Council Member Ross asked about the addition of employees to the Parks Department. Ms. Betty Anderson, Human Resources Director advised the department was taking part-time employee positions to fill full time positions. The department is spending a lot of money on Comp Time and Overtime. Finance Director Karen Scott said these positions were included in the 2019 Budget. On the motion of Council Member Hight and seconded by Council Member Harris, and by consent of all members present, 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-19-06 (ORDINANCE NO. 9072 – MAYOR SMITH)

AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES' POLICY AND PROCEDURE MANUAL REGARDING EMPLOYEES RETIRING UNDER THE DISABILITY PROVISIONS OF ANY PENSION PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Council Member Ross and seconded by Council Member Robinson. Ms. Anderson said when people become Social Security Disabled and retire they are not allowed to stay on the city's insurance. However, after research it was determined they could stay on the city's insurance if they are disabled. The individual would have to pay the full amount of the (insurance) premium. This is for individual coverage only. On the previous motion, and by consent of all members present, 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-19-07 (ORDINANCE NO. 9073 – MAYOR SMITH, COUNCIL MEMBERS ROSS, WHITE, TAYLOR, ROBINSON, BAXTER, HARRIS, GINN, AND HIGHT)
AN ORDINANCE AMENDING CHAPTER 13, SECTION 2.3.1 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO PROHIBIT THE COMMERCIAL PICK-UP OF DUMPSTERS LOCATED ON OR ADJACENT TO RESIDENTIAL PROPERTY AND TEMPORARY LODGING PROPERTIES BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M.; REPEALING ORDINANCE NO. 7500; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross 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 Hight and seconded by Council Member Baxter, and by consent of all members present, the ordinance was amended as follows: *amend title and Section 1*: IN ADDITION, THE COMMERCIAL PICK-UP OF GARBAGE FROM ANY DUMPSTER THAT IS LOCATED ON, OR ADJACENT TO, ANY PROPERTY THAT IS USED FOR TEMPORARY LODGING (INCLUDING BUT NOT LIMITED TO HOTELS, MOTELS, BED AND BREAKFASTS, RV PARKS, CAMPGROUNDS, AND INNS) IS PROHIBITED BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M. (8/0). Mayor Smith said employees who are on a route completion schedule may start their pickup at 3:00 a.m. so they can end their day sooner. Council Member Baxter asked who was going to enforce this. Mayor Smith referenced areas around the city where there are issues. The city Sanitation (Code) Officer could adjust their hours to go in earlier and get off earlier. Council Member Robinson asked when the ordinance would become effective. Ms. Fields advised immediately (upon publication). Council Member Ross said she gets frequent calls about violations. Mayor Smith said the police department and Sanitation Code Officer will have enforcement authority. At the request of Council Member White, all council members were added as cosponsors. On the motion of Council Member Hight and seconded by Council Member Ross, 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). Mayor Smith recommended residents with complaints call the police non-emergency number at 501-758-1234.

O-19-08 (ORDINANCE NO. 9074 – MAYOR SMITH)
AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR THE PURPOSE OF A THIRTY-EIGHT FOOT LED CHRISTMAS TREE FROM TEMPLE DISPLAY, LTD.; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Hight, and by consent of all members present, the readings were suspended (8/0). Mayor Smith said he saw a (Christmas) tree he really liked while he was out of town and asked the city's Purchasing Director to see if she could locate a tree like it. There is a 30% after Christmas Sale if the tree is ordered now. Council Member Ross asked where the current tree will go and if it could be set up in Ward 1. Mayor Smith said the Advertising and Promotion Commission is paying for the tree and it will go in the Downtown Plaza. On the motion of Council Member Hight and seconded by Council Member Baxter, 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). (*\$31,780.11*)

O-19-09 (ORDINANCE NO. 9075 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A DAYCARE CENTER IN AN R-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 901 PARKER STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER

PURPOSES, was read. The applicant was present. On the motion of Council Member Robinson and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (8/0). On the motion Council Member Robinson and seconded by Council Member 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: Edward Looney*)

O-19-10 (ORDINANCE NO. 9076 - COUNCIL MEMBER ROBINSON)

AN ORDINANCE AMENDING AN EXISTING PLANNED USE DEVELOPMENT (PUD) LOCATED AT 214 WEST 5TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO ALLOW AN ACUPUNCTURE BUSINESS INSTEAD OF AN ENGINEERING FIRM; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Council Member

Robinson said she sponsored legislation on this property several years ago and was happy to sponsor this legislation. On the motion of Council Member Robinson and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (8/0). 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 unanimously adopted (8/0).
Emergency clause unanimously adopted (8/0). (*applicant: Chris Kent*)

O-19-11 (ORDINANCE NO. 9078 – COUNCIL MEMBERS HARRIS AND BAXTER)

AN ORDINANCE APPROVING A HILLSIDE CUT TO REMOVE MATERIALS ON PROPERTY LOCATED ALONG MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the

motion of Council Member Baxter and seconded by Council Member Robinson, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Council Member Baxter and seconded by Council Member Robinson. Council Member Baxter said the applicant is going to extend an existing ‘dig-out’ further away from the road. This meets the requirements for a hillside cut. Mayor Smith convened a scheduled public hearing. Mr. Darrell Kitchens has property across the road in a residential neighborhood. He said he was concerned that this would deter from residential to more of a commercial. The noise and traffic will also be an issue. Dr. Robert Stanley lives on Sunset (just above the cut-out). He asked how far back the cut out would go and what kind of equipment will be used. Mayor Smith suggested holding this item to allow those in attendance to visit with the city engineer and applicant.

Note: following item O-19-13 below, Mayor Smith recessed the meeting briefly. The meeting was reconvened. After talking to Mr. Chris Wilbourn, City Engineer and the applicant, Dr. Stanley said they were provided information and still had unanswered questions. Council Member White asked what was explained (or discussed) during the recess. Mr. Wilbourn said he went over the engineering, location, buffers and requirements of the project. The plan shows phase 1 cuts and the haul road to enter and exit the property. Mrs. Susan Kitchens owns property across the street and lives on the family property. Her daughter has an autistic child who is sensitive to smoke and burning. She has called the city many times when others in the neighborhood are burning things. She also had concerns with the heavy equipment, digging, tree removal, how it will look (when they are done) and how this will effect home prices. She referenced another area where a hillside cut was made and said the location is now a dump. Council Member White asked if burning would be done on the property. Mr. Grant Garrett is the applicant. His grandfather started their business in 1950. He lives in Hot Springs and owns an office in Benton. He does the majority of his work in Pulaski, Saline and Faulkner County. Mr. Garrett said his company is doing dirt work for CARTI and the new hotel off of McCain. Some of this material will be taken to those sites. When he saw the property, he saw an opportunity and a safety hazard. Right now there is an old vertical cut. Mr. Garrett said he saw an opportunity to improve the property aesthetically and monetarily. Regarding burning, they burn on 95% of their projects. However, when they cannot burn, they haul the trees away. They have forced air incinerators that virtually eliminate the smoke. Mr. Garrett is sympathetic to the concerns of the neighbors. The property, as is has safety issues, little value and is unattractive. This property is an investment and he wants to comply with the state and city regulations. Council Member Robinson asked what he was going to put on the property. Mr. Garrett said it is zoned commercial. He does not know what it will be used for in the future. Council Member Hight asked how long the excavation will take. Mr. Garrett said he does not anticipate being there daily. He has hired a soil engineer to test the material. There are some hard veins of rock that he does not intend to disturb which will increase the buffer zone beyond the requirements. Mr. Garrett said they have a systematic approach to working on the property. Council Member Hight asked if there would be any demolition. Mr. Garrett said he did not think so. The trees will need to be cleared before they can export any material. Council Member Ross asked if they would be doing any blasting. Mr. Garrett advised they would not. Council Member Taylor asked if Mr. Garrett was a developer. He said he was an excavator but had purchased this property to develop. Council Member Robinson said a burn permit would be required since the property is in the city limits. Ms. Heather Chenault agreed with her mother's previous comments. They have had a lot of people come into their residential neighborhood with industrial businesses. An adjacent property has been under development for five years. Heavy equipment has been operated day and night. A lot of burning has taken place over the years. They are tired of the smoke, noise and traffic issues. This was a pretty neighborhood where children could play outside. They do not have the money to move. Residents who live in the area have had multiple health issues. Dr. Laura Stanley lives up the hill from the site. Her son is a North Little Rock Police Officer and grew up in the area. She said there is a pit in the area where her children played. They have a swimming pool in their yard. When the trees are removed it will cause visual pollution and change the way the area looks as this

property is adjacent to theirs. Part of their property is in the city and part of the property is in the county. Mr. Thomas Pownall, Thomas Engineering said the property is zoned C-3. Apartments cannot go into a C-3. Council Member Harris asked what the hours of operation would be. Mr. Garrett said they are sensitive to their neighbors' concerns. Mayor Smith adjourned the public hearing. A motion to adopt was made by Council Member Baxter and seconded by Council Member Robinson. Council Member Ross asked what the buffer was. Mr. Wilbourn said the buffer for a hillside cut is 60 feet. He also said where the trees are removed will be vegetated pursuant to requirements. Council Member Taylor asked the time frame. Council Member Harris said he didn't have one. Mayor Smith said Mr. Garrett purchased the property for the rock. Mr. Garrett said the material will be removed over time. It could be this year or it could be three years. Mayor Smith said a lot of shale will be needed at the new interchange in Maumelle. Mr. Garrett said he has talked to that contractor. On the motion of Council Member Baxter and seconded by Council Member Ross, and by consent of all members present, the ordinance was amended as follows: *new SECTION 2: THAT NO BURNING IS ALLOWED ON THE PROPERTY and renumber subsequent sections (8/0)*. On the motion of Council Member Baxter and seconded by Council Member Harris, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

O-19-12 was called earlier in meeting and adopted – see above.

O-19-13 (ORDINANCE NO. 9077 - COUNCIL MEMBER ROSS)

AN ORDINANCE ALLOWING A SPECIAL USE FOR AN UPHOLSTERY BUSINESS IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2400 PIKE AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER

PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Baxter, 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 the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). (*applicant: Robert Martinez*)

PUBLIC COMMENT

There was no public comment. Council Member Taylor said he had concerns regarding the process for condemnations. Ms. Fields said the legislation that was held will be on the agenda again in two weeks. Council Member Ginn asked the status of negotiations with the Firefighters Union. Mayor Smith said a meeting is scheduled for this Friday.

There being no further business to come before the Council, and on the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, the meeting was adjourned at 8:09 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday,

February 11, 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