

April 11, 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, April 11, 2016, was called to order at 6:02 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, Deputy City Clerk Katelyn Thomas, and City Attorney C. Jason Carter were also present.

The prayer and pledge of allegiance were led by Alderman Witcher.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Monday, March 28, 2016, were approved, accepted and filed as prepared by the City Clerk (8/0).

Mayor Smith acknowledge Sherwood Council members Marina Brooks and Ken Keplinger who were present.

On the blanket motion of Alderman Baxter and seconded by Alderwoman Ross, and by consent of all members present, communication #1 was accepted and filed (8/0).

1. Karen Scott, Chairman Energy Risk Management Committee and Finance Director memorandum to City Clerk Diane Whitbey re: Energy Cost Recovery Rider (ECR) April, 2016 (\$.0099) Credit.

Mayor Smith introduced the North Little Rock Police and Fire Department Annual Video. Mayor Smith thanked all of the Emergency Service personnel in the city for their service.

Mayor Smith asked Mr. Isaac Henry to come forward. The city has been considering after school programs for city youth. Existing programs stop when children reach the sixth grade. Mayor Smith said the budget is (approximately) \$15,000.00 for the summer. Mr. Henry then reviewed the proposed "North Little Rock Works" (outreach) program. He met Jonathan Dunkley when he was working the Boys and Girls Club. Mr. Dunkley provided community service hours at the club. When he (Mr. Henry) started working on this project he contacted Mr. Dunkley due to his knowledge of non-profits and similar projects. Mr. Dunkley is involved with the non-profit International Development Services, located in North Little Rock. The program would involve mentoring (up to) 60 youth from across the city, ages 13-18. Mentoring would be Tuesday and Thursday evenings from 5:00 p.m. until 8:00 p.m.

at the Sherman Park and North Heights Recreation Centers. Various goals include a 1 to 5 year plan (for all participants), desired recreational activities, and teaching positive goals, etc. Mr. Dunkley said if young people do not have a plan, they will struggle in the future. Alderwoman White asked if the youth (progress) would be tracked. Mr. Dunkley said the program is designed along the same lines as a college course. Alderwoman Robinson asked how participants would be recruited. Mr. Henry said they have a relationship with the (North Little Rock) School District. A recruitment table will be set up during lunch periods. Alderman Taylor said he supports helping youth. He asked how the outcome will be measured. Mr. Dunkley said they will measure positive outcomes. Alderwoman Ross asked what will happen after the 10 week session. Mr. Dunkley said the youth will be given the tools to manage their lives and plan for the future. Alderwoman White asked if they were recruiting mentors and if Mr. Henry will monitor the program. Alderwoman Robinson said both Mr. Henry and Mr. Dunkley have worked with youth and made a difference in their lives.

Mayor Smith announced citizen public comment on legislation. Mr. Tom Brooks spoke in support of O-14-24. Mr. Brooks is a member of Immaculate Conception Catholic Church (IC), 7000 John F. Kennedy Boulevard. Mr. Brooks said an electronic changeable copy sign would allow the church to advertise events including fundraisers and open houses, mass and other services times, etc. Currently, they put out multiple yard signs that blow over and look bad. The sign would be used for messages, not graphics. There are no houses in the area with a view of the sign other than the associate pastor. Mr. Brooks asked those present supporting the sign to stand. Alderman Hight asked if the legislation could be called.

Without objection, O-16-24 was called.

O-16-24 (ORDINANCE NO. 8804 – ALDERMEN HIGHT AND TAYLOR)

AN ORDINANCE GRANTING 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 Taylor and seconded by Alderman Hight, 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 Alderman Hight, 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). The ordinance was read a third and final time. A motion to adopt was made by Alderman Taylor and seconded by Alderman Hight. Alderwoman Ross has talked to Mr. Brooks regarding this request. In 2009, the city issued a Moratorium on Electronic Changeable Copy Signs. After many months, meetings and public comments, the consensus of residents was they did not want electronic changeable copy signs. Sign districts were then developed. Alderwoman Ross asked why a sign district was not created for this sign. If this request is approved (as is), then the next request would need to be approved. Schools in the city do not have signs due to the restrictions. Several churches have made (previous) requests that

have been denied. The current sign ordinance was adopted in 2010. Mr. Carter said the government must be neutral in matters regarding religion. Schools and churches of other beliefs would be treated the same way. Alderwoman White said her position has not changed. Her constituents are opposed to these signs. She has many friends who attend IC and has a lot of respect for them. Mr. Brooks said they will keep close guard on what is allowed on the sign. On the previous motion, and the roll having been called, and the following members having voted yes: Taylor, Robinson, Baxter, Foutch and Hight; and the following members having voted no: Ross and White; and the following member having passed: Witcher, the ordinance was adopted (5/3). Emergency clause unanimously adopted (8/0). (*applicant: John Wakube, Pastor, Immaculate Conception Catholic Church*)

Alderman Taylor asked Mr. Carter to prepare legislation to establish an Overlay District as has been done in the past for other such sign requests. Alderman Witcher said the process may need to be considered. Alderman Hight asked if Mr. Carter could prepare legislation that would allow certain types of electronic signs and prohibit other types of electronic signs. Mr. Carter said that would be a time, place and matter type of restriction that is allowed. The city previously worked through many issues. As new technology becomes available, types of signs and capabilities will change. Some communities are using electronic message boards to reach residents during emergencies. There are signs that predate the city's ordinance. If rights are taken away with regard to signs then monetary compensation would be needed. Alderwoman White asked if the council could specify distance and how would they determine who gets a sign. Mr. Carter said those are rules that planners and lawyers struggle with. Various things need to be considered. Alderwoman Ross said there is a difference between reader boards, message boards and electronic changeable copy signs. Alderman Foutch said he considers who sponsors legislation and the feedback from the community when voting on the item.

### **UNFINISHED BUSINESS**

*None.*

### **CONSENT AGENDA**

*None.*

### **NEW BUSINESS**

R-16-65 (RESOLUTION NO. 8978 – MAYOR SMITH)

A RESOLUTION APPROVING THE FINANCIAL MANAGEMENT PLAN FOR TRANSFERRING FUNDS AND ADJUSTING BUDGET AMOUNTS IN THE 2013 AND 2015 CDBG PROGRAMS; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-16-66 (RESOLUTION NO. 8979 – MAYOR SMITH)

A RESOLUTION AMENDING THE 2016 BUDGET FOR THE CITY OF NORTH LITTLE ROCK TO INCLUDE REVENUE FUNDS RECEIVED FROM GENUINE PARTS COMPANY FOR CITY-OWNED INVENTORIES OF AUTOMOTIVE PARTS AND SUPPLIES; APPROPRIATING SAID FUNDS TO THE VEHICLE MAINTENANCE DEPARTMENT FOR THE MAINTENANCE OF BUILDINGS AND GROUNDS; AND FOR OTHER PURPOSES was read. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0). (\$72,995.25) Mrs. Karen Scott, Finance Director advised the funds will be used to make repairs to the Vehicle Maintenance Building aka The Shop.

R-16-67 (RESOLUTION NO. 8980 – MAYOR SMITH)

ADOPTING THE 2016-2020 CONSOLIDATED PLAN, THE 2016 ANNUAL ACTION PLAN, AND THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING FOR THE CITY OF NORTH LITTLE ROCK, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Hight. 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-16-22 (ORDINANCE NO. 8805 – MAYOR SMITH)

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 98, SECTIONS 98-36 AND 98-37, REGARDING LODGING (Hotel/Motel) AND FOOD SERVICE TAXES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Foutch, 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 Hight and seconded by Alderman Foutch, 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). Alderman Taylor has talked to several realtors and attorneys regarding occupancy concerns when a property is rented to either a buyer or seller during a pending real estate transaction. Alderman Witcher asked if homeowners renting their home (or rooms) would have to have a business license. Mr. Bob Major, North Little Rock Visitor's Bureau Director said hotels, motels, and RV parks have to have business licenses. Vacation rentals (homes) would have to have an A&P permit. Ms. Whitbey said the City Clerk's Office would require a business license before issuing the A&P permit. Alderman Hight asked how the city will know of these businesses operating. Mr. Major said the individual will get a license, or a search on line reveals who is promoting their property on the internet. Mr. Major said the concern is competing lodging options (i.e. hotel/motel/home rental). Other large cities in the state are already doing this. Alderman Foutch asked if there was an estimate on the number of vacation homes being rented. Mr. Major said there were about 10 in North Little Rock and over 100 in Little Rock being advertised. Alderman Hight said his eye Doctor stays in homes in other centers and that he pays a tax for the service. Alderwoman Robinson asked about the (business license) fee. Ms. Whitbey said it is \$121.50 for similar businesses (hotel/motel) plus \$3.60 per (sleeping) room. Alderwoman Ross asked

if it was just a couple of times a year, what the fee would be. Ms. Whitbey said the fee is not prorated on this type of business. Mr. Major said he was advised of someone who was earning about \$1,500.00 a month on rentals. Mayor Smith recommended amending the (Business License) fee (schedule) regarding to “Air B&B” type properties. Alderwoman White has stayed at a couple of these homes and it was a great experience. The homeowner picks and chooses who stays in their home. Mr. Major said A&P will collect the tax, but will also promote the businesses. Mayor Smith recommended not approving the Emergency Clause. Mr. Carter said the ordinance would then be effective in 60 days. Mr. Major said they are anticipating \$1,500.00 in revenue from these businesses. He then reminded the council that the ordinance includes (taxes for) RV parks and hotel/motels with less than 40 rooms. On the motion of Alderman Taylor and seconded by Alderman Witcher, and by consent of all members present, the ordinance was amended as follows: *add subsection Sec. 98-36 (d)* SUBSECTION (a) OF THIS SECTION SHALL NOT APPLY TO A BUYER’S OCCUPANCY OF REAL ESATE PRIOR TO CLOSING NOR TO A SELLER’S OCCUPANCY OF REAL ESTATE AFTER CLOSING (8/0). The ordinance was read a third and final time. On the motion of Alderman Witcher and seconded by Alderman Hight, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). All members present voted against the emergency clause, which failed (0/8). (*Note: the ordinance will take effect in 60 days*).

O-16-23 (ORDINANCE NO. 8805 – MAYOR SMITH, ALDERMEN ROBINSON AND TAYLOR) AN ORDINANCE CHANGING THE NAME OF VAN ASCHE LANE TO BEN E. KEITH WAY 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 Alderman Witcher, and by consent of all members present, the readings were suspended (8/0). Alderwoman Robinson asked that she and Alderman Taylor be added as co-sponsors. On the motion of Alderman Witcher and seconded by Alderman Hight, 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). (*Todd Larson for Ben E. Keith*)

O-16-24 was called following citizen public comment (see above).

### **PUBLIC COMMENT**

Ms. Marion McCall has an issue with H. W. Tucker Company located at the corner of 13<sup>th</sup> Street and Beech have been pushing neighbors around for 60 years. They show the residents no respect. The business purchases lots that are zoned residential and have been condemned. Sixteen years ago, they brought in a pile of dirt. The pile of dirt is as tall as a house. Ms. McCall contacted the newspaper which ran an article. She said Mr. Robert Voyles, Planning Director told them the property was not zoned Commercial or Industrial and that they needed to move the dirt. They ended up moving most of the dirt to lots they own. Now, when it rains, water flows on the residential lots in the middle. Those residents got tired of the flooding and moved. A house was vandalized then condemned by the city

and torn down. Ms. McCall alleged the owner was involved. Now there's more dirt. The residents need the city to protect them from the property owner. Ms. McCall said they also bring in their heavy equipment. She called Code about the issue. Mayor Smith said he would have Planning Director Shawn Spencer and City Engineer Chris Wilbourn to take a look at the area. Ms. McCall said Code forced them to go to court. She said when she calls code, they come out and tell her what's wrong with her property and retaliate against her. Mr. Jimmy Ard thanked council members for voting for the sign for the church. Mr. Ard said if the city is going to enforce sign rules, then the big church on the interstate is changing ever-so-many seconds. Ms. Whitbey introduced Ms. Shelley Ussery and her husband Kevin. Shelley is a new deputy clerk and Kevin has worked for Traffic Services for many year.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 7:28 p.m. (8/0), until the next regularly scheduled meeting which will be held on Monday, April 25, 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