

March 26, 2018  
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, March 26, 2018, 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, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, CHARLIE HIGHT, and MURRY WITCHER (7/0). City Clerk Diane Whitbey and City Attorney Amy Fields were also present.

The prayer and pledge of allegiance were led by Council Member Harris.

On the motion of Council Member Witcher and seconded by Council Member Ross and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Monday, March 12, 2018, were approved, accepted and filed as prepared by the City Clerk (7/0).

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

3. C. Jason Carter, Attorney at Law, memorandum to North Little Rock City Council re: Risk Management Committee Quarterly Report (Q4, FY17).

4. C. Jason Carter, Attorney at Law, North Little Rock Risk Management Committee FY 17 Annual Report.

5. Nathan Hamilton – Mayor Joe A. Smith – Annual State of the City Report – 2017.

*Note: Mayor Smith referenced the State of the City Report later in the meeting and advised the city was in good standing and said it would not be possible without staff.*

6. Joe Lacy – Petition requesting Speed Hump 1100 – 1400 block of West 47<sup>th</sup> (20 signatures – for).

7. Karen Scott, North Little Rock Finance Director Financial Statements and Supplementary Information with Independent Auditor's Report for the Year Ended December 31, 2016.

The following statement was found under *Opinions* – *In our opinion, based on our audit and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major funds, and the aggregate remaining fund information of the City of North Little Rock, Arkansas, as of December 31, 2016, and the respective changes in the financial position and where applicable, cash flows thereof, and the respective*

*budgetary comparison for the General Fund, therefore the year then ended in accordance with accounting principles generally accepted in the United States of America.*

On the motion of Council Member Hight and seconded by Council Member Witcher, and by consent of all members present, communication #1 was read, accepted and filed (7/0).

1. Terry Hartwick, Director Parks and Recreation memorandum to Mayor Joe A. Smith and City Clerk Diane Whitbey re: Notice of Public Hearing for the Parks and Recreation Department – April 16, 2018, at 5:15 p.m., at the North Little Rock Community Center, 2700 Willow Street, North Little Rock, Arkansas.

On the motion of Council Member Witcher and seconded by Council Member Ross, and by consent of all members present, communication #2 was read, accepted and filed (7/0).

2. Email re: George Wheatly, Waste Management letter re: Annual Adjustment to reflect change in Consumer Price Index, increase effective April 1, 2018, to \$2.99.

Mayor Smith said the city hosts an Annual Senior Citizens Hall of Fame Luncheon at which time individuals who have made major contributions to other seniors citizens in the community are inducted into the Senior Citizens Hall of Fame. Mayor Smith was out of state during the banquet and unable to recognize those inducted. Mayor Smith invited Ms. Esther Crawford and Ms. Erma Wilbert to come forward and recognized them for their induction.

Mayor Smith invited Mrs. Dianne Hocut, President North Little Rock Woman's Club to come forward. He then read a proclamation proclaiming March 15, 2018, as North Little Rock Woman's Club Day. President Hocut said the club had been providing services to residents of the city for 60 years. Mrs. Hocut thanked the mayor and city for their continuing support of the organization.

### **UNFINISHED BUSINESS**

R-18-11 (RESOLUTION NO. 9393 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL CERTAIN VACANT PROPERTY GENERALLY LOCATED ALONG THE NORTH BANK OF THE ARKANSAS RIVER BETWEEN THE RIVER AND ARKANSAS STATE HIGHWAY 165 IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Robinson and seconded by Council Member Ross. On the motion of Council Member Ross and seconded by Council Member Robinson, the resolution was amended as follows: *include Offer and Acceptance and Survey provided this date* (7/0). On the motion of Council Member Hight and seconded by Council Member Robinson, and by consent of all members present, the resolution was adopted as amended (7/0). Mayor Smith said the funds from this sell will be given to the Waste Water Department.

Mayor Smith advised audio problems with the Council Chambers sound system continue.

## **CONSENT AGENDA**

On the motion of Council Member Robinson and seconded by Council Member Baxter, and by voice vote, consent items R-18-56, R-18-57, R-18-58, and R-18-59 were adopted (7/0).

R-18-56 (RESOLUTION NO. 9394 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (7/0).

R-18-57 (RESOLUTION NO. 9395 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE LOW BID OF, AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH RED ROC, INC. FOR THE MISSION ROAD DRAINAGE IMPROVEMENTS PROJECT IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was adopted (7/0).  
(\$56,689.00)

R-18-58 (RESOLUTION NO. 9396 – MAYOR SMITH)

A RESOLUTION ACCEPTING GRANT FUNDS FROM THE ARKANSAS DEPARTMENT OF TRANSPORTATION (ARDOT); ACCEPTING THE LOW BID OF, AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH CINERGI, INC. FOR THE ARDOT TAP SAFE ROUTES TO SCHOOL PROJECT IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was adopted (7/0).  
(\$93,658.00)

R-18-59 (RESOLUTION NO. 9397 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A RIGHT-OF-WAY INSTRUMENT TO ENTERGY ARKANSAS, INC., FOR PROPERTY ADJOINING ENTERGY'S WESTGATE SUBSTATION; AND FOR OTHER PURPOSES, was adopted (7/0).

## **NEW BUSINESS**

R-18-60 (RESOLUTION NO. 9398 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL CERTAIN REAL PROPERTY LOCATED ON ALLEN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO HABITAT FOR HUMANITY OF CENTRAL ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Baxter, and by consent of all members present, the resolution was adopted (7/0). Mayor Smith said North Heights is being torn down. Habitat for Humanity will build homes in the area.

R-18-61 (RESOLUTION NO. 9399 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 823 NORTH D 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 Robinson and seconded by Council Member Baxter. 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 adopted (7/0). (*owner: Doris Allen c/o Mary Lee Nolen*)

R-18-62 (RESOLUTION NO. 9400 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 307 W 20<sup>TH</sup> 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 Ross and seconded by Council Baxter. 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 adopted (7/0). (*owners: Larry Baxter and Ayoub S. Qattoum*)

R-18-63 (RESOLUTION NO. 9401 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1002 NORTH D 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 Robinson and seconded by Council Member Baxter. 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 (7/0). (*owner: Don Price dba Price Realty*)

R-18-64 (RESOLUTION NO. 9402 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1713 PARKER 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 Robinson and seconded by Council Member Baxter. Mayor Smith convened a public hearing. Ms. Paulette Walls said she is the daughter of the owner and she lives at 1713 Parker where there was a fire. She said she

spoke with a contractor who told her it couldn't be saved. She asked if she had time to get her belongings out of the home. Mayor Smith told her she had thirty (30) days. Ms. Walls then asked if she needed to have the house torn down. Mayor Smith said if the city does it a lien will be placed on the property. There being no one else wishing to be heard, the public hearing was adjourned. On the previous motion, and by consent of all members present, the resolution as adopted (7/0). (*owner: Francis Walls*)

O-18-22 (ORDINANCE NO. 8993 – COUNCIL MEMBER HIGHT)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 4 MARTIN DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-2 TO R-3 CLASSIFICATION 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 Hight and seconded by Council Member Robinson, and by consent of all members present, the readings were suspended (7/0). The applicant, Mr. Mike Marlar said the church would turn the property into a duplex similar to others next to The Levy Church of Christ. Levy Church of Christ would be the landlord for rentals. 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 adopted (7/0). Emergency clause adopted (7/0). (*applicant: Marlar Engineering*)

O-18-23 (ORDINANCE NO. 8994 – COUNCIL MEMBER HIGHT)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT W. MINE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-3 TO R-1 CLASSIFICATION 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 Hight and seconded by Council Member Robinson, and by consent of all members present, the rules were suspended (7/0). Council Member Hight said this property was zoned for the planned North Loop Expressway. However, since the Expressway is no longer under consideration, the property owner wants to build a house on the property. A gravel road leads up to the property which is 2.3 acres. On the motion of Council Member Hight and seconded by Council Member Witcher, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicants: Rudy and Linda Ealy*)

### **PUBLIC COMMENT**

Mr. Jimmy Ard said the rule is that you sign in for public comment or you don't get to speak. Ms. Cortney Mixon said an estimated \$90,000.00 is spent to enforce BSL (Breed Specific Legislation). That money could be used to repair roads and underfunded projects. She and others were upset that a newsletter used a website to spread biased and negative information on pit bull type dogs. No

retraction has been made. We (her group) have also tried to communicate with the City Council and want to educate council members with scientific facts about BSL and why it doesn't work. Ms. Mixon then referenced packets to be given to council members that contained information on estimated expenses for enforcement, local dog bite cases, local intake and euthanasia numbers, books and other information on why BSL doesn't work. Claire Green is a 13 year old student who wrote a paper regarding the same.

There being no further business to come before the Council, and on the motion of Council Member Ross and seconded by Council Member Witcher, and by consent of all members present, the meeting was adjourned at 6:30 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, April 9, 2018, 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