

June 11, 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, June 11, 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). Council Member MAURICE TAYLOR was absent. City Clerk Diane Whitbey, Deputy City Clerk/Revenue Officer Shannon Carroll and City Attorney Amy Fields were also present.

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

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 and a Special Call meeting held on *Tuesday*, May 29, 2018, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Council Member Robinson 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).

1. Jonathan Bricker, Vice President, Crews & Associates, Inc., email to Mayor Joe A. Smith re: Congratulations on condition of Burns Park Golf Course.
2. Karen Scott, Finance Director – Energy Risk Management Committee Chair re: ECR Adjustment Factor for June 2018 (.0030 [Credit]).

On the motion of Council Member Baxter and seconded by Council Member Ross, and by consent of all members present, communication #3 was read, accepted and filed (7/0).

3. Email from City Clerk Diane Whitbey to Mayor Smith re: Business License Revenue Enforcement. Council Member Baxter said part of the city's responsibility is to increase efficiency throughout all departments. This is evidence of the increased efficiency in the City Clerk's Office and producing additional revenue. Council Member Baxter commended the team for their efforts.

Mayor Smith advised the switcher for the Council Chambers was not working. The meeting is visible on one camera only. Mayor Smith reminded the council that the system was installed 15 years ago. The equipment was repaired a few months ago. It will need to be replaced in the near future.

Mayor Smith announced citizen public comment regarding legislation. Mr. Melvin Peoples has lived in the area 24 years. He is opposed to any rezoning or special use permit being granted in the area which is residential. Mining top soil and truck traffic will create problems with both noise and dust. There are also children in the area. The area is prone to flooding. Digging and excavating could cause more issues. He asked the council to oppose O-18-30. Mr. Peoples asked about the process to call the legislation. Mayor Smith advised it has been on the agenda three times and can remain for three more meetings. The item will be called at some point in the future. Mayor Smith said the applicant thought there was a miscommunication with the church. Mr. Steven Briggs lives in the area. He is also opposed to O-18-30. People are concerned about their neighborhood and do not want this and asked council members to oppose the ordinance. Mr. Johnny Montgomery who has lived in the area for 19 years is also opposed to O-18-30. There are a lot of ways to improve the area without digging. Areas need to be cleaned out to control flooding. Council Member Hight asked if there were (business) operations at the site. Mayor Smith advised there was not, however, the applicant did clear out some trees. He has not been selling soil to his knowledge. Mr. Montgomery said there is a slough that needs to be opened up in the area. Mayor Smith said the (US Army) Corp of Engineers may be involved in the area as well.

#### **UNFINISHED BUSINESS**

R-18-104 (RESOLUTION NO. 9444 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN OFFER AND ACCEPTANCE WITH SOUTHEAST FINANCIAL MANAGEMENT, LLC AND TO PURCHASE CERTAIN REAL PROPERTY LOCATED AT 9906 EAST HIGHWAY 165 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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, and by consent of all members present, the ordinance was amended as follows:: *replace Offer and Acceptance and Map with copies provided this date (7/0)*. On the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, the resolution was adopted as amended (7/0). (owner: Kaye Lynn Tankersley).

O-18-30

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED EAST OF GRAHAM AVENUE AND NORTH OF PAGE MILL ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1 TO R-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; GRANTING A SPECIAL USE TO ALLOW THE SALE OF TOPSOIL IN ORDER TO PREPARE LAND FOR ROW CROPS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith. (applicant: David Mitchell)

## CONSENT AGENDA

Without objection, all consent items were called under new business.

## NEW BUSINESS

R-18-109 (RESOLUTION NO. 9445 – MAYOR SMITH)

A RESOLUTION REAPPOINTING DAN SCOTT TO THE NORTH LITTLE ROCK DOWNTOWN DEVELOPMENT BOARD; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Witcher, and by consent of all members present, the resolution was adopted (7/0). (*Note: Mr. Scott was sworn in by the City Clerk immediately following the council meeting*).

R-18-110 (RESOLUTION NO. 9446 – MAYOR SMITH)

A RESOLUTION REAPPOINTING RANDALL BRADLEY TO THE NORTH LITTLE ROCK PARKS AND RECREATION COMMISSION; 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, the resolution was adopted (7/0).

R-18-111 (RESOLUTION NO. 9447 – MAYOR SMITH)

A RESOLUTION SUPPORTING CADDO MOUNTAIN SPRING WATER, LLC, THE DEVELOPMENT OF ITS FACILITIES IN MONTGOMERY COUNTY, ARKANSAS, ITS BUSINESS HEADQUARTERS LOCATED IN NORTH LITTLE ROCK, ARKANSAS AND ENDORSING THE ASSISTANCE OF THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION INCENTIVES FOR CADDO MOUNTAIN SPRING WATER, LLC, was read. On the motion of Council Member Robinson and seconded by Council Member Witcher, and by consent of all members present, the resolution was adopted (7/0). Mayor Smith acknowledged Mr. Barry Davidson who was present. The spring is located near Mount Ida, however, the corporate office will be in North Little Rock.

R-18-112 (RESOLUTION NO. 9448 – MAYOR SMITH)

A RESOLUTION REPEALING RESOLUTION NO. 9289 WHICH DECLARED 8030 RAINES ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO BE A PUBLIC NUISANCE AND CONDEMNED IT; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson and seconded by Council Member Baxter, and by consent of all members present, the resolution was adopted (7/0). (*new owner: Norman Clifton*)

R-18-113 (RESOLUTION NO. 9449 – MAYOR SMITH)

A RESOLUTION RECOGNIZING THE CRITICAL IMPORTANCE OF THE DIVERSITY OF IDEAS AND THOUGHTS THAT COME WITH A RANGE OF GENERATIONAL PERSPECTIVES; AND COMMITTING THIS CITY COUNCIL TO ENCOURAGING AND SUPPORTING A YOUNGER GENERATION OF ADULTS OF THE NORTH LITTLE ROCK

COMMUNITY IN THEIR CIVIC DUTY OF PUBLIC SERVICE, was read. A motion to adopt was made by Council Member Witcher and seconded by Council Member Robinson. Mayor Smith said younger people need to be involved as they bring a different outlook on issues. Millennials and Generation X people need to be encouraged to get involved in local government. Mayor Smith said he will focus on recruiting younger (board and) commission members. Council members have been encouraged to recommend five potential candidates (from within their wards) to be considered for appointment. Mayor Smith will announce this at the Arkansas Municipal League Conference Friday, June 15, 2018, when he is sworn in as President of the League. He will encourage the 500 city councils and boards throughout the state to work on this. He went on to say that was easy to reappoint the same people to boards and commissions and referred to the Chairman of the Planning Commission, Mr. Norman Clifton who was present. Longtime commission members have a lot of knowledge and experience. However, the state has indicated that a commissioner cannot serve for more than two (2) terms. Many cities have ignored this requirement. During the next two (2) years, appointments will be done based on the law. The younger generation will bring new ideas and new successes. Mayor Smith asked the council to consider young adults, people in their 30's and 40's, when making their recommendations. He added that at one time, a ninth council member was considered. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-18-114 (RESOLUTION NO. 9450 – 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 4709 ATKINS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 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). (\$4,941.40)

R-18-115 (RESOLUTION NO. 9451 – 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 7213 WESTWIND DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Baxter and seconded by Council Member Robinson. Mayor Smith convened a public hearing. There being no one 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). (\$14,210.24)

R-18-116 (RESOLUTION NO. 9452 – MAYOR SMITH)

A RESOLUTION APPROVING AND CERTIFYING AMOUNTS OF LIENS TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS AS A RESULT OF GRASS CUTTING

EXPENSES AND ABATEMENT OF OTHER NUISANCES; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Baxter and seconded by Council Member Hight. Mayor Smith convened a public hearing. There being no one 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).

O-18-45 (ORDINANCE NO. 9015 – MAYOR SMITH)

AN ORDINANCE AMENDING THE 2018 QUOTA ORDINANCE (No. 8980) FOR THE NORTH LITTLE ROCK ADMINISTRATION, FINANCE, PATRICK HAYS SENIOR CITIZENS CENTER AND POLICE DEPARTMENT; AND 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 (7/0). A motion to adopt was made by Council Member Hight and seconded by Council Member Ross. Council Member Hight said Todd Larson, Economic Development Director was being added to the Mayor's staff and said the city had allocated \$275,000.00 (to the Chamber of Commerce) in the past. Mayor Smith said the funds would stay with the city instead of going to Economic Development. Council Member Hight asked if the city was going to continue to rent space at the (North Little Rock) Chamber of Commerce for Mr. Larson's office. Mayor Smith said Mr. Larson and Chamber President John Owens have a great partnership. Mr. Larson will continue to work there and on other projects as well. The funds and properties owned by Economic Development will be returned to the city (of North Little Rock). Council Member Ross asked if Mr. Larson would work on grants and other development within the city. Mayor Smith said he would. Council Member Ross asked about the volunteer Cold Case Officers. North Little Rock Police Chief Davis confirmed they were volunteers and are being added as part-time employees. They've had a lot of success in solving cold cases. On the previous motion, 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).

O-18-46 (ORDINANCE NO. 9016 – MAYOR SMITH)

AN ORDINANCE GRANTING A WAIVER OF SECTION 6.5 OF THE ZONING ORDINANCE TO ALLOW A PIPE STEM LOT ON CERTAIN REAL PROPERTY LOCATED AT 8<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson and seconded by Council Member Baxter, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council Member Hight and seconded by Council Member Robinson. Council Member Hight ask what a Pipe Stem was. Mayor Smith said this is a narrow piece of property to allow access to another property from the street. On the previous motion, 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: Norman Clifton*) Mayor Smith asked Mr. Clifton if the business had moved in and thanked him for his work on redeveloping the property. Mr. Clifton said there were 60-70 people working daily.

O-18-47 (ORDINANCE 9017 – MAYOR SMITH)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 4 (BUILDINGS AND BUIDLING REGULATIONS) OF THE NORTH LITTLE ROCK MUNICIPAL CODE;

DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council Member Ross and seconded by Council Member Baxter. Mr. Spencer said the previous ordinance was not written for the lay person. This revision will make it a more readable document. Council Member Ross referenced Section 1.2.4 regarding permit requirements if a resident is working on their own property. On the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, the ordinance was amended as follows: *Section 6: 1.2.4 strike through \$2,500.00 and insert \$3,500.00 (7/0)*. Mr. Spencer said the minimum planning permit is \$40.00. Council Member Harris asked what surrounding cities charge. Council Member Ross advised this is for property owners only, not contractors. Mr. Spencer asked for time to update computer records, etc. Mayor Smith recommended not passing the emergency clause. On the motion of Council Member Ross, and seconded by Council Member White, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (7/0). Emergency clause *FAILED (7/0)*. *Note: the ordinance will become effective 30 days following the date of passage.*

O-18-48 (ORDINANCE NO. 9018 – COUNCIL MEMBER ROSS)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CAR SALES LOT IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3125 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

Robinson, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council Member Ross and seconded by Council Member Baxter. Council Member Baxter asked about hours of operation. Mr. Spencer said the property is not in a residential area. Council Member Ross said a fence is not usually allowed in front of the property, however, it was approved by the Planning Commission. Mr. Spencer said the cars would be stored behind the fence at night for security. Council Member Ross said she advised the applicant that he could not work on cars at this location. On the previous motion, 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: Antonio Romero*)

**PUBLIC COMMENT**

Mr. Jimmy Ard commended the City Clerk's Office and the new Code Officer for their work. He asked how much revenue the officer had brought in through his enforcement efforts. Ms. Whitbey advised it was a team effort which included all staff members. Mr. Ard said several people are upset about radiation coming off of the new (electric) meters. He talked to Mr. Williams at the Electric Department who told him the meters are 900 megahertz which isn't even close to cell phone

frequencies. This is the same frequency for portable home phones. They have a permit and pick up digital signals that are sent back to their computers. Mr. Ard said anyone with any questions should call Mr. Williams. Mr. Bobby Taylor said the manhole covers were not installed properly on an overlay project from Broadway to Prothro Junction. Some of the covers are dangerous. Mr. Taylor said there is a riser that need to be installed to raise the steel grate. Mr. Taylor also said the Rose City Intersection is almost done. He will continue to do what he can to help. Council Member Baxter said some residents have contacted him about the new emergency sirens. They are having difficulty hearing the preannouncement and the sound of the siren. The location is at Diamond Head and Foxboro. Council Member Ross said there may be other areas. Council Member White was able to hear the voice and siren. Council Member White said several years ago a resident had complained that the sirens could not be heard inside their home. After some research she learned that was not the intent and asked if that was the same. Mayor Smith suggested neighbors look out for their neighbors.

There being no further business to come before the Council, and on the motion of Council Member Ross and seconded by Council Member Harris, and by consent of all members present, the meeting was adjourned at p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, June 25, 2018, at 6:53 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