

June 13, 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, June 13, 2016, was called to order at 6:01 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, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (7/0). Alderman MAURICE TAYLOR was not present for roll call (*Note: Alderman Taylor entered the council chambers at 6:25 p.m.*). City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The prayer and pledge of allegiance were led by Alderwoman Robinson.

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 and a Special Call meeting held on Monday, May 23, 2016, were approved, accepted and filed as prepared by the City Clerk (7/0).

Mayor Smith announced a Special Call meeting scheduled this date.

June 10, 2016

Special Meeting of the North Little Rock City Council, Monday, June 13, 2016.

Honorable Members of the North Little Rock City Council:

The purpose of this e-mail is to advise you that Mayor Smith has called a special meeting of the North Little Rock City Council at 6:00 p.m. on Monday, June 13, 2016, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

R-16-102 – A RESOLUTION APPROVING AN ADJUSTMENT TO THE 2016 ANNUAL ACTION PLAN TO INCREASE THE FUNDING AMOUNT FOR HOME PROJECTS IN ACCORDANCE WITH THE INCREASE IN 2016 HOME FUNDING TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe A. Smith

R-16-103 – CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF ORBEA USA LLC TO PARTICIPATE IN THE TAX BACK PROGRAM AS AUTHORIZED BY SECTION 15-4-2706(D) OF THE CONSOLIDATED INCENTIVE ACT OF 2003; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe A. Smith

Pursuant to Sec. 2-48(2) of the North Little Rock Municipal Code, you are entitled to 72 hours' *electronic* notice of this meeting. Please acknowledge receipt of this email as soon as possible by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

C. Jason Carter
City Attorney

Special Call R-16-102 (RESOLUTION NO. 9009 – MAYOR SMITH)

A RESOLUTION APPROVING AN ADJUSTMENT TO THE 2016 ANNUAL ACTION PLAN TO INCREASE THE FUNDING AMOUNT FOR HOME PROJECTS IN ACCORDANCE WITH THE INCREASE IN 2016 HOME FUNDING TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted (7/0).

Special Call R-16-103 (RESOLUTION NO. 9010 – MAYOR SMITH)

A RESOLUTION CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF ORBEA USA LLC TO PARTICIPATE IN THE TAX BACK PROGRAM AS AUTHORIZED BY SECTION 15-4-2706(D) OF THE CONSOLIDATED INCENTIVE ACT OF 2003; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Foutch. Mayor Smith said Orbea is moving their national headquarters and distribution center to North Little Rock. This legislation allows them to file for Tax Back Incentives from the state. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Hight, and by voice vote and all members present having voted aye, communications #1, 2, 3, 4, 5, 7, 8, 9, 11 and 12 were accepted and filed (7/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: Restaurant Beer and Wine (Combo) – New #06388 for La Casa Real, 3700 John F. Kennedy Boulevard, by Juan M. Alvarez.
2. Glinda Craigmyle, Mayor's Office memorandum re: Retail Beer off Premises – Replacement from Saed Qatoum #05796 for Eureka Garden Food Mart fka Handi Pantry Food, 124 Eureka Garden Road, by Jawed Arab.
3. Glinda Craigmyle, Mayor's Office memorandum re: Retail Beer off Premises – Replacement from Majid Kameli 02966; Small Farm Wine – NEW for Crystal Hill

Superstop fka Shell Super Stop #1058, 5919 Crystal Hill Road, by Donnie Miller. (*per Planning outside city limits*)

4. Glinda Craigmyle, Mayor's Office memorandum re: Retail Beer off Premises – Replacement from Mohammad Honarmand 02210; Small Farm Wine – NEW for McCain Shell, by Donnie Miller.
5. Glinda Craigmyle, Mayor's Office memorandum re: Retail Beer off Premises – Replacement from Young Kim 00518 for Cana Food Store #2, 1524 Pike Avenue, by Grace Y. Chae.
7. Glinda Craigmyle, Mayor's Office memorandum re: Restaurant Mixed Drink – Replacement from Gillmore Russell 02268 for Millennium Bowling Center fka Millennium Bowl, 7200 Count Massie Road, by Aziz Pabani.
8. Glinda Craigmyle, Mayor's Office memorandum re: Retail Beer off Premises & Small Farm Wine – Change of Manager from Marty Walter 03266 for Corner Store #1787, 9600 Hwy 165 East, by Laura A. Picklesimer.
9. Glinda Craigmyle, Mayor's Office memorandum re: Retail Beer off Premises & Small Farm Wine – Change of Manager from Marty Walter 00795 for Corner Store #1795, 9723 Maumelle Boulevard, by Laura A. Picklesimer.
11. C. Tad Bohannon, CEO Central Arkansas Water letter to Mayor Smith re: Appointment to Board of Commissioners (CAW) – Kandi Hughes.
12. C. Tad Bohannon, CEO Central Arkansas Water letter to Mayor Smith re: Reappointment of Jay Hartman to CAW Board of Commissioners.

On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, communication #6 was read by title only, accepted and filed (7/0).

6. North Little Rock Police Chief Mike Davis letter to Joe A. Smith, Mayor re: Request for Public Hearing Monday, June 13, 2016, (during scheduled City Council meeting) re: NLRPD application for 2016 Edward Byrne Justice Assistance Grant.

Mayor Smith convened a scheduled public hearing. There being no one present wishing to be heard, the public hearing was adjourned.

On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, communication #10 was read by title only, accepted and filed (7/0).

10. Hank Klein (via email requested by Alderwoman Ross) CashMax Loan Services flyer including APR rate.

UNFINISHED BUSINESS

None.

CONSENT AGENDA

None filed.

NEW BUSINESS

R-16-96 (RESOLUTION NO. 9011 – MAYOR SMITH)

A RESOLUTION REAPPOINTING VICKI MATTHEWS TO THE NORTH LITTLE ROCK LIBRARY COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Foutch, and by consent of all members the resolution was adopted (7/0). Mayor Smith said Mrs. Matthews has been the chair of the Library Commission for the past several years and thanked her for her service. Mayor Smith added that Mr. Hal Matthews (Vicki's husband) is in the process of creating a non-profit "Friends of the Library."

R-16-97 (RESOLUTION NO. 9012 – ALDERMEN ROBINSON AND TAYLOR)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE FEDERAL AID ARKANSAS TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FUNDS FOR THE BISHOP LINDSEY SCAPE PROJECT FROM VINE STREET TO HICKORY STREET; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderwoman Ross. Alderwoman Robinson said she and Alderman Taylor have wanted to address this area for some time. The Ward 2 council members were able to provide 20% in Matching Funds. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-16-98 (RESOLUTION NO. 9013 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE LOW BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH CRANFORD CONSTRUCTION COMPANY FOR THE 2016 ASPHALT OVERLAY PROGRAM; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Foutch. Alderwoman Ross referenced the area around the High School (Maple to 21st and 22nd) was not on the list. Mayor Smith said they are included. Alderman Baxter said the plan has been to set aside some funds each year. Mayor Smith agreed. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-16-99 (RESOLUTION NO. 9014 – MAYOR SMITH)

A RESOLUTION AUTHORIZING REFUNDING OF THE 2011 NORTH LITTLE ROCK ELECTRIC REVENUE BONDS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-16-100 (RESOLUTION NO. 9015 – MAYOR SMITH)

A RESOLUTION AUTHORIZING REDEMPTION OF THE 2012 – C NORTH LITTLE ROCK ELECTRIC REVENUE BONDS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. Mayor Smith said the city has been monitoring and holding these funds. Under the new business plan for North Little Rock Electric the

city has been able to pay off \$8 million in bonds. Mayor Smith commended the department on their management. Mr. Carter agreed with Mayor Smith's comments. The refunding issue will have to come back before the city council. Annual savings are approximately \$1.5 million per year with a \$175,000.00 interest rate reduction. Mayor Smith said the best management practices will continue. Mr. Carter said excess funds will be used to replenish reserves. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-16-101 (RESOLUTION NO. 9016 – 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 Alderwoman Ross and seconded by Alderman 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).

O-16-35 (ORDINANCE NO. 8816 – MAYOR SMITH)

AN ORDINANCE ADOPTING CHAPTER 14 ON STORMWATER MANAGEMENT AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING ORDINANCE NOS. 7952 AND 7953; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Foutch and seconded by Alderman Baxter, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. Alderman Witcher said this legislation does not include "verbatim" state/federal regulations. Mr. Carter said the city had previously adopted most of the rules. This codification incorporates most amendments. Alderman Witcher referenced the option for inspections every seven (7) or fourteen (14) days. Mr. Chris Wilbourn, City Engineer referenced PAGis and a program to gather Stormwater information. The city will be responsible for new development information. Approximately 60% of the city is included in the GIS. 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-16-36 (ORDINANCE NO. 8817 – MAYOR SMITH)

AN ORDINANCE AMENDING NORTH LITTLE ROCK REGULATIONS TO CONTROL DEVELOPMENT AND SUBDIVISION OF LAND; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. *Note: Alderman Taylor entered the council chambers at 6:25 p.m.* On the motion of Alderman Foutch and seconded by Alderman Baxter, and by consent of all members present, the readings were suspended (8/0). On the motion of Alderman Hight and seconded by Alderman Witcher, 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-16-37 (ORDINANCE NO. 8818 – ALDERMEN ROBINSON AND TAYLOR)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW OUTDOOR RENTAL STORAGE IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3719 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by

Alderman Taylor, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). A motion to suspend the rules and place the ordinance on its third and final reading was made by Alderwoman Robinson and seconded by Alderman Taylor. Alderwoman Robinson said she and Alderman Taylor are happy with Hum's Hardware's new location on East Broadway. This ordinance would allow them to tear down the building next door and move some of their equipment to that location. There are no residential properties next to or behind this location. Alderman Taylor asked if the same conditions to the adjacent property will apply. Mr. Shawn Spencer, Planning Director said they will. On the previous motion, 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). On the motion of Alderman Taylor and seconded by Alderman 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). Without objection, Alderman Taylor was added as a cosponsor. (*applicant: Marlar Engineering*)

PUBLIC COMMENT

Alderman Witcher said council members may have received calls regarding the Planning Commission meeting and an agenda item regarding rezoning property at Randolph and McCain. The meeting is tomorrow, June 14, 2016, at 4:45 p.m. The consideration is for a change in zoning. The next step would be an application to have a plat approved. Alderman Witcher said neither he nor Alderman Hight will sponsor legislation. Mr. Spencer said Planning Staff does not recommend the change. Mr. Hank Klein said CashMax Loan Services is going to open (a storefront) at 4700 John F. Kennedy Boulevard. The business will be using a credit service model. The owner Cheney Pruitt has used this business model for his Payday Loan stores in Texas. The finance charge is 16 times the interest rate of 17% which is the state (Arkansas) maximum. In 2008, Mr. Pruitt had CashNow at 3301 John F. Kennedy. He was asked to close the business by the (Arkansas) Attorney General. In 2008, the cost to repay a \$350.00 loan was \$53.34 in finance charges for a 14 day loan. CashMax Loan Services will offer loans of \$300 - \$1,000.00. The finance charge for a \$300.00 loan would be \$88.12. Financial Services of Arkansas applied for a license at 4700 John F. Kennedy Boulevard and was licensed as an Administrative Office. Mr. Klein asked the council to place a moratorium on any business that charges more than the 17% maximum allowed by the state constitution. All payday stores closed in 2009 as a result of court rulings. Mr. Carter said this is a new business and referenced the numbers provided by their North Little Rock location. Alderwoman Ross referenced the finance charge and CSO fee. Mr.

Klein said the form illustrates a 17% interest rate + the CSO fee. (The total APR on a \$300.00 loan is 280.82%.) This will hurt poor citizens. Mayor Smith recommended the Legal Department handle this issue. Ms. Whitbey advised this was brought to her attention last week by Mr. Klein. She consulted with Mr. Carter and called several employees of Financial Service Centers of Arkansas in an attempt to determine the type of business being operated at the location. The City Clerk does not believe this business fits into the category for Administrative Office. Ms. Whitbey spoke with Mr. Pruitt today who said he was going to consult with his attorney regarding what category they feel they should be listed under. This matter was also referred to the Arkansas Attorney General's Office. Mr. Jimmy Ard said he has received correspondence in the mail regarding sewer and water line warranties. He asked if this was legitimate. Mayor Smith said the city has endorsed the company. Alderman Taylor said he could answer any questions regarding the same. There are two types of warranties for sewer lines: 1. Foundation to the city's sewer main; and/or, 2. Coverage for inside plumbing. Separate coverage is also available for water lines. Mr. John Gregan is President of the Historic Park Hill Neighborhood Association. He asked the city to review the Business/Privilege License issued to CashMax, 4700 John F. Kennedy Boulevard. The business appears to be a walk-in center for taking loans and cashing checks. Loans offered by CashMax included an APR over 250%. The rates are illegal and unconscionable. Mr. Gregan asked that the city review the licensing and legality of this business. Alderman Hight has had three calls regarding the status of turning the lights back on at the I-40/I-30 interchange. Mayor Smith said those are old poles and it would be very expensive to work on them. The new interstate will change (the layout of the) area.

There being no further business to come before the Council, and on the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 6:44 p.m. (8/0), until the next regularly scheduled meeting which will be held on Monday, June 27, 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