

October 12, 2015  
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, October 12, 2015, was called to order at 6:00 p.m. by the honorable Mayor Joe A. Smith.

The roll having been called and the following Aldermen answered to their names: DEBI ROSS, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH and CHARLIE HIGHT (5/0). Aldermen BETH WHITE, MAURICE TAYLOR and MURRY WITCHER were absent. City Clerk Diane Whitbey and Assistant City Attorney Daniel McFadden were also present.

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

On the motion of Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Monday, September 28, 2015, were approved, accepted and filed as prepared by the City Clerk (5/0).

On the motion of Alderman Baxter and seconded by Alderman Hight, and by consent of all members present, communications #1, 2, 4 and 5 were accepted and filed (5/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Wine and Retail Beer on Premises – Change of Manager from Paul Woodard*, for Shotgun Dan's Pizza #2, 4020 E. Broadway.
2. Karen Scott, Chairman Energy Risk Management Committee/Finance Director memorandum re: ECR Adjustment Factor October, 2015 (\$.0032) credit.
4. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager from William P. Almond for Hooters of North Little Rock*, 4110 Landers Road, by Kelsey Alpert.
5. C. Tad Bohannon, Chief Legal Counsel, Central Arkansas Water letter to Little Rock Mayor Mark Stodola and North Little Rock Mayor Joe A. Smith re: Proposed Issuance of Special Revenue Bonds in 2016 and Adoption of Special Rates to Support Repayment of Bonds.

On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, communication #3 was read by title only, accepted and filed (5/0).

3. Scott E. Bennett, P. E. Arkansas State Highway and Transportation Department letter to City Clerk Diane Whitbey re: Notice of Public Meeting AHTD Job No. CA0602, I-530 – Hwy 67 (widening and reconstruction) (I-30 and I-40) I 30 Planning and Environmental Linkages Study, October 22, 2015, at Friendly Chapel Church of the Nazarene (Gym), 116 South Pine Street from 4:00 p.m. until 7:00 p.m.

Alderman Hight said two business owners who will be affected by the closing (of the ramp) have contacted him. He encouraged council members to attend the upcoming meeting. Mayor Smith said (the city) has been aware of this for several months. He has talked to the Highway Department. An alternative has been proposed which would include keeping the exit, but relocating it from 15<sup>th</sup> Street to 19<sup>th</sup> Street. The side road would go all the way to Broadway. The exit heading north may stay the same, however the on ramp will be different. This proposal will be submitted at the upcoming meeting. Alderwoman Ross said the plan continues to evolve and encouraged the public to attend. Mayor Smith said this is the second phase of planning.

Mayor Smith recognized members of Carousel Fit-For-Life who were present. The business located on Main Street in the Argenta area 15 years ago. Mayor Smith read a proclamation proclaiming October 15, 2015, as their day and commended them for their efforts. He then invited members to come forward for a group photograph. Mrs. Phyllis Hodges thanked the mayor and city and said they will continue to work hard to provide services to help people be spiritually, mentally, physically and financially fit.

Mayor Smith asked Mr. James Ard to come forward. He said Mr. Ard attends a lot of council meetings and other events. He (Mayor Smith) was at National Night Out events last week and ran into Mr. Ard where they had their photo made. Mayor Smith then presented a copy to Mr. Ard and wished him good health.

Mayor Smith asked Mr. Marc Wilkins, North Little Rock Wastewater Director to come forward. Mr. Wilkins said in 2011 the Treatment Committee entered into a Consent Order with the Arkansas Department of Environmental Quality. The utility completed a Master Plan and recommended several phases of Capital Improvements to address issues with Sanitary Sewer Overflows. The next phase will require a loan. The utility contracted with Consultant Dan Jackson, Vice President Willdan/Economists.com to conduct a rate study. Mr. Jackson said he has been the city's rate consultant since 1999 and periodically looks at rates to determine long-term needs. Water and wastewater rates have been going up at a high rate across the United States. Rates represent an investment in the future of communities and certain levels of service are expected. Mr. Jackson said it costs more to replace a sewer line than it did 20 years ago. The average utility has increased rates by 5% to 6% each year. Currently customers pay a base rate of \$14.56 for the first 400 cubic feet (around 3,000 gallons) of service provided. For each 100 cubic feet over (400 c.f.) the fee is an additional \$3.64. The average residential family uses about 700 cubic feet per month. Fees in North Little Rock are significantly less than what Little Rock Wastewater customers pay. North Little Rock's rates compare favorably with other cities around the state. North Little Rock Wastewater has about 32,000 customers. The proposed five-year rate plan takes into consideration that various costs will increase (fuel, insurance, etc.). The utility also anticipates adding a 3-man repair crew. Projections are for \$25 million in 2016 and another \$14 million in 2019. A total investment of \$54,740,000.00 is projected over the next 10 years. The utilities treatment plants and lift stations need to be overhauled and

collection lines need to be replaced. Mr. Jackson showed multiple charts that illustrated costs, services, etc. The rate plan recommends adjusting base rates up to \$18.59 per customer by January 2021. The volume charge would increase to \$5.81 by 2021. Mr. Jackson used the example of higher gasoline and food prices as an example of continuing increases. It costs a lot of money to get sewage from the home to the treatment facility. Mayor Smith said a public hearing will be held at the next city council meeting regarding this legislation. Alderwoman Ross requested information on projects that have been completed and are underway. Alderman Foutch asked if the cost analysis included the current loan, expenditures, etc. Mr. Wilkins said no additional employees have been added. They currently have 85 and are proposing the addition of a 3-man repair crew to catch up on some issues. The crew would operate a backhoe and work on the collection system daily. Mr. Wilkins said these are dirty jobs and the employees work hard. It is often hard to find people to fill positions.

Mayor Smith announced public comment on legislation. Mr. Dennis Fisk, Rose City Neighborhood Association President spoke regarding R-15-145. The association provided equipment for a park in the area. The park has been a real asset to the community and is used by a lot of people. He has talked with the new property owner who is willing to work with the city and neighborhood association.

### **UNFINISHED BUSINESS**

O-15-61

AN ORDINANCE AMENDING SECTION 3.1 (REGULATIONS APPLYING TO ALL DISTRICTS) AND ARTICLE 21 (TABLE OF PERMITTED USES) OF ORDINANCE NO. 7697 (THE ZONING ORDINANCE) REGARDING FARMING AND THE KEEPING OF LIVESTOCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by Mayor Smith for the sponsor, Alderman Taylor. *Note: this is the sixth time on the agenda, therefore, this item will be removed by the clerk.*

O-15-65

AN ORDINANCE ESTABLISHING THE NORTHSORE LANE MULTI-PURPOSE MUNICIPAL IMPROVEMENT DISTRICT NO. 36 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PUPROSES, was called and held by the sponsor, Mayor Joe A. Smith.

### **CONSENT AGENDA**

On the motion of Alderwoman Ross and seconded by Alderman Hight, and by voice vote and all members present having voted “aye”, consent items R-15-144 and R-15-145 were adopted (5/0).

R-15-144 (RESOLUTION NO. 8870 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (5/0).

R-15-145 (RESOLUTION NO. 8871 – MAYOR SMITH)

A RESOLUTON APPROVING A LEASE AGREEMENT BETWEEN THE NORTH LITTLE ROCK PARKS AND RECREATION DEPARTMENT AND TERRAFORMA, LLC FOR A PORTION OF THE FORMER ROSE CITY ELEMENTARY SCHOOL GROUNDS IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was adopted (5/0).

**NEW BUSINESS**

R-15-146 (RESOLUTION NO. 8872 – 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 1012 EAST 2<sup>ND</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 (5/0). (*amount - \$3,024.89*)

R-15-147 (RESOLUTION NO. 8873 – 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 105 DAVIS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Baxter and seconded by Alderwoman Ross. 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 (5/0). (*\$3,552.32*)

R-15-148 (RESOLUTION NO. 8874 – 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 Alderman Baxter and seconded by Alderwoman Ross. 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 (5/0).

O-15-75

AN ORDINANCE FIXING RATES FOR SERVICES FURNISHED BY THE SEWER SYSTEM OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all

members present, including Mayor Smith who voted yes, the rules were suspended and the ordinance was placed on its second reading (6/0). The ordinance was read a second time and held by the sponsor, Mayor Smith. A public hearing will be held Monday, October 26, 2015 at 6:05 p.m.

O-15-76 (ORDINANCE NO. 8765 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR SAND DREDGING WORK AT THE NORTH LITTLE ROCK MUNICIPAL DOCK; APPROPRIATING FUNDS (\$36,000.00 – Street Department); 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, and Mayor Smith having voted yes, the readings were suspended (6/0). Alderman Hight made a motion to adopt which was seconded by Alderman Baxter. Mayor Smith said this is a result of the flood earlier this year. Expenses were submitted to FEMA but turned down. There is a lot of sand and silt in the area that has to be removed. On the previous motion, and the roll having been called and all members present having voted in the affirmative, the ordinance was adopted (5/0). Emergency clause adopted (6/0), which included Mayor Smith voting yes.

O-15-77

AN ORDINANCE AMENDING ARTICLE 21 (TABLE OF PERMITTED USES) OF ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE) TO ALLOW “SCHOOL, ADULT EDUCATION” IN CERTAIN ZONES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called, and held by Mayor Smith for the sponsor, Alderman Taylor.

O-15-78 (ORDINANCE NO. 8766 – ALDERMAN BAXTER)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 147 SUNSET DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-3 TO ~~R-2~~ R-1, TO RECOGNIZE AN EXISTING HOME, BY AMENDING ORDINANCE NO. 7697; DECLARING AN

EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baxter and seconded by Alderman Hight, and by consent of all members present, and Mayor Smith having voted yes, the readings were suspended (6/0). Mr. Shawn Spencer, Planning Director said this was the zoning in 1980. C-3 may have been requested when the area was annexed. Mayor Smith asked why the request was for R-2 instead of R-1. Mr. Spencer said R-2 would allow special uses. The applicant Ms. Summer Bartczak said either would be fine. This is a single family home. Alderwoman Ross asked the realtor who was present if she had a preference. Mayor Smith said R-2 would allow a duplex. Mr. Spencer said a day care could also be allowed through a special use in an R-2 zone. The realtor and owner prefer R-1. On the motion of Alderman Baxter and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows: *amend R-2 to R-1* (5/0). On the motion of Alderman Hight and seconded by Alderman Foutch, and the roll having been called and all members present having voted in the affirmative, the ordinance was adopted as amended (5/0). Emergency clause adopted (6/0), which including Mayor Smith voting yes.

**PUBLIC COMMENT**

Mr. Chuck Fowler, is with Jones Rigging and Hauling on East Broadway which operates 24/7. Their business has been in North Little Rock a long time and they have tried to be good neighbors. He has ongoing issues with Superior Funeral Home and had talked to both Alderwoman Robinson and Alderman Taylor who have tried to help him. Patrons of the funeral home block Mr. Fowler's driveway and block the roadway. A week ago Saturday, his driveway was blocked. He said he has also been spit on. Funeral home representatives told Alderwoman Robinson they would stop people from blocking his drive. Mr. Fowler said he has put out no parking signs on his private property. Mayor Smith asked Mr. Fowler to talk to Chris Wilbourn and Police Chief Mike Davis. Mr. John Richards, XI said this was the fourth time he has attended a council meeting regarding his family cemetery at Smokey Lane and 46<sup>th</sup> Street, where approximately 42 people are buried. In October, 2014, an apartment complex was built at which time the road leading to the cemetery was covered with sod and a sprinkler system. He is now unable to drive to the cemetery. The only way to get to the cemetery now is to walk 70 yards, then another 30 yards down a road. Mr. Richards asked audience members what they would do if their family cemetery was blocked. Alderwoman Ross reminded everyone The Dogtown Derby will be Saturday, October 17, 2015, at the Police Substation at 8<sup>th</sup> and Main. The event which includes Soapbox cars and students from the East Initiative at Lakewood Middle School will get underway at 9:30 a.m. and will include Food Trucks, displays and more. Alderman Foutch thanked North Little Rock Police Officers, Firefighters and other city employees who participated in National Night Out events last week. There was a great turnout. Mayor Smith said a draft (2016 Budget) will be delivered to council members Monday, October 19. On October 26, 2015, a Budget meeting will be held from 4:00 p.m. until 6:00 p.m. (prior to the regular scheduled City Council meeting at 6:00 p.m.). If additional time is needed another date will be scheduled.

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 6:57 p.m. (5/0), until the next regularly scheduled meeting which will be held on Monday, October 26, 2015, 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