

April 24, 2017
Five 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 24, 2017, was called to order at 5:00 p.m. by the Honorable Mayor Joe A. Smith.

The roll having been called and the following Aldermen answered to their names: DEBI ROSS, BETH WHITE, LINDA ROBINSON, STEVE BAXTER, CHARLIE HIGHT, and MURRY WITCHER (6/0). Aldermen MAURICE TAYLOR and RON HARRIS were not present during roll call. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

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

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, April 10, 2017, were approved, accepted and filed as prepared by the City Clerk (6/0).

Note: Alderman Taylor entered the council chambers at 5:07 p.m. Alderman Harris entered the council chambers at 5:09 p.m. Alderman Harris left the council chambers at 5:45 p.m. and did not return during the meeting.

Mayor Smith advised a public hearing was scheduled for 5:00 p.m. this date and referenced a hearing held at the previous council meeting (April 10, 2017). Mayor Smith said City Attorney Carter needs to know how to go forward with regard to a ballot title for a sales tax. Mayor Smith then reviewed a Powerpoint presentation and handout. Without increases in revenue or cuts in services provided by the city, the city will be \$5 million short of presenting a balanced budget this fall (2017). By using the city's reserve fund to fill the gap, it would jeopardize the city's ability to respond to emergencies. Reducing city payroll by 7.25% would save \$2.8 million. Mayor Smith referred to page 2 of the handout. A 7.25% cut would equal approximately 13 police officers, 12 fire fighters, 3 sanitation employees and about 1 person from smaller departments. Cutting funding to community service contracts would save an additional \$795,000.00. Cutting all training and travel funding (which is primarily training) would have a major effect on the 500 public safety personnel and their ability to protect the public. These cuts would leave the city short \$1 million from being able to balance the budget. Mayor Smith spoke to several neighborhood groups last week. Twenty group leaders or representatives were present at the meeting representing all areas of the city. He reviewed the issues and numbers. In 2007, sales tax revenue was \$29 million. This year (2017) it is \$30 million. In ten years, sales tax revenue has increased less than \$1 million. Mayor Smith then reviewed options which

included a Sales Tax Election. Another option is a (\$15.00) Sanitation Fee. He presented a list of the top 25 cities in the state and their Sanitation Fees or lack of. The City of Little Rock charges \$24.00 a month. A \$15.00 Sanitation Fee in North Little Rock would carry the city through the year 2020. By 2022 figures would again be in the red. Those who participated in the neighborhood meeting last week leaned towards a sales tax increase instead of a sanitation fee. One half cent would improve the five-year financial outlook and allow continuing existing programs and (police and fire) personnel. Mayor Smith then referenced catastrophic storm damage in other states and how devastating those events would be to our city's infrastructure. The council needs to make a decision now to allow time for ballot title approval by the Arkansas Department of Finance and Administration. If nothing is done, then by 2019, the city would not be able to present a balanced budget (based on current revenue). Alderwoman Ross said residents are concerned about (the condition) of roads and if a tax is proposed then a portion go towards roads. Mayor Smith referenced a sales tax adopted in Oklahoma City that included a sunset clause for a portion of the tax. A half-cent tax for five (5) years could produce \$40 million. Capital Improvement issues that need to be addressed include the (outdated) Police and Courts Building that is 55 years old. A new building will cost around \$25 million. Some of the city's fire stations need to be replaced. All of the city's community centers were built in the 1960's. Needs also include at least \$5 million for street improvements. Alderwoman White said people want to know what the money will be used for (specifics). Mr. Carter said there are two ways to address restrictions on taxes. One is to include the restriction in the ballot title. In the past, when an ordinance was adopted setting a tax, a resolution was adopted that included the items the revenue would be spent on. Alderman Hight referenced reallocating Capital Improvement Tax previously. Mr. Carter said when the previous one-cent sales tax was adopted, one-half cent was for general operations and one-half cent for restricted capital improvements. The city went back to the voters and requested a change in the allocation of the sales tax. Now 75% is allocated for general operations and 25% for capital improvement. Mr. Carter referenced the temporary sales tax that was used to build (Dickey-Stephens) Baseball Park and the (Patrick Henry Hays) Senior Citizens Center. That tax was specific to those two projects. Mayor Smith said out of the top 25 cities in the state, North Little Rock has the next to the last lowest tax in the state. He referenced the cities at the top of the list and their tax rates. Alderwoman Ross referenced streets again and advised concrete streets in the city need to be replaced. Alderwoman Robinson referenced a one-half cent tax and asked if that would be enough. Mayor Smith said staff had looked at needs regarding streets and drainage and recommended \$60 million. Alderman Baxter said there are over 150 buildings in the city in the vicinity of Maumelle and that the city would not be able to collect sanitation fees from those. Mayor Smith then convened the public hearing. Mr. James Ard said he does not want to see an increased sales tax. However, there is no choice. Residents need police, fire and 911 assistance. He supports a one-percent increase. Mr. Rich Cosgrove, Whole Hog Café said North Little Rock is a business friendly city. He said North Little Rock has a three and one-half percent Hamburger tax. When added to the other taxes, this moves North Little Rock to the top of the previously shown list of taxes collected in the state. This means that customers would pay an eighth of the price of their meal in taxes. He will support whatever the city decides to do. Alderwoman Ross said other cities in the state collect a Hamburger tax. Mayor

Smith said North Little Rock has the largest and best city parks system in the state, which is funded by the Restaurant (Hamburger) tax. Alderman Witcher asked how many people who live outside the city would pay the sales tax (versus those who live in the city). Mayor Smith said the number would be 40%. Mr. Joe Reynolds represents the Meadowlane Property Owners Association. Residents are opposed to a sanitation fee. Five members of the city council could impose a sanitation fee. He does not support a one-cent sales tax. He hasn't received an increase in his pension since he retired and said he knows about inflation. Mr. Reynolds asked why the top cities in the illustration had such high taxes. North Little Rock has been able to operate with less funding. Mayor Smith said North Little Rock owns its own Electric Department. The city has supplemented the general fund from that department for many years. Due to energy efficiency, solar power, etc., revenue is reduced. If the tax is passed, the city needs to manage the money properly. Ms. Shirley Simpson represents the Poe Addition neighborhood. She has talked to neighbors in the Rose City area. They do not like the idea of a sales tax. A sanitation fee would be unfair to elderly people and others on fixed incomes or those who live alone. There are people who have to decide whether they buy groceries or pay their utility bill or purchase medicine. The fee would also break an agreement made with the voters when the previous one-cent sales tax was adopted. If a fee is added, the city should remove the previous one-cent sales tax. A sales tax would be better for the residents of the city. Mayor Smith agreed that a sales tax would be fairer than a sanitation fee. Ms. Simpson said she got a raise in her social security benefits. However, other things increased in price at the same time including groceries. Mayor Smith said when the previous one-cent sales tax was adopted, it cost the city \$2.7 million to run the sanitation department. The cost now is \$5 million. This includes the department lowering its budget by \$500,000.00 in recent years. Alderman Taylor was in the Benton/Bryant area earlier. They have a lot of new retail businesses. Surrounding cities have all added new retail businesses. This has reduced the number of people who came to North Little Rock to shop since they can now shop closer to home. Prices of items have increased. Something has to be done. Mayor Smith said the city is going to start a campaign to encourage (our residents) to shop here. Alderman Witcher said Conway has increased population by over 20,000 in the last 10 years. He has been on the city council 27 years. We try to take care of our employees and provide a good quality of life to our residents. The council has always done what it said it would. Alderman Hight said he travels around the state daily and agreed with the new retail growth in other areas. Mr. Patrick Lane, Public Works Director referenced needs for street repair/resurfacing. North Little Police Chief Mike Davis discussed the costs of maintaining the current Police and Courts Building, Administration Building and Police and Fire Training Center. Discussion was then whether the ballot should include one issue or two. Mr. Carter said he needed to know the amount, the purpose, and the length of the ballot issue. Alderman Baxter said separate ballot issues can be confusing and recommended make this proposal as clear as possible. Mr. Carter said if something is proposed tonight, (a Special Election) could be held on August 8, 2017. After additional discussion and on the motion of Alderwoman Ross and seconded by Alderwoman White, the council agreed by roll call vote, with the exception of Alderman Witcher who voted no, to proceed with asking the city attorney to draft a ballot title that would include a one-percent sales tax with one-half percent being allocated for general expenses and one-half percent allocated for capital expenditures, which will

be defined further (by Resolution); with a sunset clause of five (5) years on the capital improvement tax, with the option to request an extension (by a vote of the people) (6/1).

Mayor Smith recessed the meeting at 6:18 p.m. and reminded those present who wished to speak during the 6:00 p.m. agenda portion of this meeting to sign in with the City Clerk during the recess. He also announced to those who were present regarding Stone Links (Urban District ordinance) that the item was not on the agenda but an ordinance rescinding the previous ordinance will be prepared and filed for the next meeting. The meeting was reconvened at 6:28 p.m.

Mayor Smith invited Mr. Randy Naylor to come forward to announce the Great North Little Rock Cleanup scheduled for Saturday, May 6, 2017. Mr. Naylor encouraged all of the neighborhood groups to participate. Information is available on their KNLRB website. Participants were encouraged to sign up in advance. Ms. Ornet Grind was present with Mr. Naylor.

Mayor Smith announced the Special Call meeting.

April 21, 2017

Special Meeting of the North Little Rock City Council

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 6:05 p.m. on Monday, April 24, 2017, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

R-17-84—AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH TAGGART ARCHITECTS FOR THE DESIGN SCHEMATICS AND CONSTRUCTION SUPERVISION OF THE DOWNTOWN PLAZA; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe A. Smith

R-17-85—AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A REAL ESTATE DEVELOPMENT AGREEMENT AND OPTION TO PURCHASE AGREEMENT WITH CENTENNIAL BANK. Sponsor: Mayor Joe A. Smith

O-17-34—AMENDING CERTAIN SECTIONS OF CHAPTER 4 (BUILDINGS AND BUILDING REGULATIONS) OF THE NORTH LITTLE ROCK MUNICIPAL CODE; DECLARING AN EMERGENCY. 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 e-mail as soon as possible by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

Respectfully,
C. Jason Carter
City Attorney

SPECIAL CALL R-17-84 (RESOLUTION NO. 9196 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH TAGGART ARCHITECTS FOR THE DESIGN, SCHEMATICS AND CONSTRUCTION SUPERVISION OF THE DOWNTOWN PLAZA; APPROPRIATING FUNDS (\$400,000.00); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Baxter. Mayor Smith referenced the designers and the architects. A handout provided this date illustrated work of the designers. The city has set aside \$2 million for this project at this time. Mayor Smith said these funds are available due to previous land swaps and property purchased with stipulations. Mayor Smith also advised the railroad (Union Pacific) would be signing the easement release. Mayor Smith referenced the North Little Rock Convention and Visitors Bureau moving downtown and operating the Plaza. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

SPECIAL CALL R-17-85 (RESOLUTION NO. 9197 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A REAL ESTATE DEVELOPMENT AND OPTION TO PURCHASE AGREEMENT WITH CENTENNIAL BANK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mayor Smith said the city had an agreement with John Chandler to develop property between 6th and 7th Street. Some of the prospective developer wanted to own their own property. Development at 6th and Main includes the Convention and Visitors Bureau, Taggart Architects, and another the city will announce in a few weeks. Mr. Gordon Silaski, Regional President for Centennial Bank is interested in a Regional Office on the other corner. The building would have a corner design with the drive-thru off the street. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

SPECIAL CALL O-17-34 (ORDINANCE NO. 8902 – MAYOR SMITH)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 4 (BUILDINGS AND BUILDING REGULATIONS) OF THE NORTH LITTLE ROCK MUNICIPAL CODE; 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, the readings were suspended (7/0). Mayor Smith asked Mr. Shawn Spencer, Planning Department Director to come forward. Mr. Spencer said staff went through the document and corrected typos, etc.

On the motion of Alderwoman Ross and seconded by Alderwoman White, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was adopted (7/0).

On the motion of Alderman Witcher and seconded by Alderwoman White, and by consent of all members present, communications #1, 2, 3, 4, 5, 6, 7, and 8, were read by title only, accepted and filed (7/0).

1. Julie Fisher, Mayor's Office memorandum re: 2017 Overlay Streets (list and illustrations)
2. Shirley Wilcox – Petitions in Opposition to Ordinance 8891 – Stone Links.
3. Julie Fisher, Mayor's Office email re: Argenta City Club Annual Performance Report – 2016.
4. Dan Scott and Shirley Abel, Neighborhood Services – Levy Focus Report.
5. LaJuana Delph, letter to Mayor, City Attorney, City Clerk and City Council re: Pulaski County Voter Registration Office findings re: original petitions filed creating the Stone Links Drive Urban Service District (Ordinance No. 8891) and opposition based on inadequate number of valid signatures.
6. Charlotte Thomas, Mayor's Office memorandum re: *Application for Restaurant Mixed Drink – NEW for The Garden Bistro*, 4801 North Hills Boulevard, by Eric Greer.
7. Harold Ford, Sanitation Director – letter from Mr. Warren Atkins, City of Little Rock Solid Waste Manger re: CPI Increase for disposal - +2.8%.
8. Tammy Greer, letter to City Clerk re: signatures and additional signatures opposing Ordinance No. 8891 (Stone Links Urban District) (total signatures – 195).

Alderman Witcher referenced communication #7 and the increase in disposal fees. Mayor Smith said New Jersey pays 10 times the amount we pay in disposal fees. Alderwoman White referenced communication #4. Mayor Smith said the report is posted on the city website. A FOCUS event will take place in the Dark Hollow neighborhood during the summer months.

UNFINISHED BUSINESS

R-17-72

A RESOLUTION APPROVING AN INTERCONNECTION AGREEMENT WITH THE L'OREAL USA; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith.

Mayor Smith announced citizen comment on legislation.

CONSENT AGENDA

On the motion of Alderwoman White and seconded by Alderman Taylor and all members present having voted “aye”, consent items R-17-74, R-17-75, R-17-76, and R-17-77, were adopted (7/0). Item R-17-78 was pulled and called under new business.

R-17-74 (RESOLUTION NO. 9198 – ALDERMAN WHITE)

A RESOLUTION RENEWING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COMMUNITY GARDEN LICENSE AGREEMENT WITH ST. PATRICK’S CHURCH; AND FOR OTHER PURPOSES, was adopted (7/0).

R-17-75 (RESOLUTION NO. 9199 – MAYOR SMITH)

A RESOLUTION CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF USA IMAGES, LLS 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 adopted (7/0).

R-17-76 (RESOLUTION NO. 9200 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE LOW BID OF MIDDLETON HEAT & AIR FOR REPLACEMENT OF AN AIR CONDITIONING COMPRESSOR ON CITY-OWNED PROPERTY AT 2800 WILLOW STREET OCCUPIED BY THE HEALTH DEPARTMENT; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was adopted (7/0). (\$19,867.67)

R-17-77 (RESOLUTION NO. 9201 – MAYOR SMITH)

A RESOLUTION AMENDING THE CITY OF NORTH LITTLE ROCK 2017 BUDGET FOR THE PARKS AND RECREATION DEPARTMENT; AND FOR OTHER PURPOSES, was adopted (7/0).

NEW BUSINESS

R-17-78 (RESOLUTION NO. 9202 – MAYOR SMITH)

A RESOLUTION AMENDING THE CITY OF NORTH LITTLE ROCK 2017 BUDGET FOR RECEIPT AND EXPENDITURES OF FUNDS FOR THE HERITAGE PARK CIRCLE URBAN SERVICE DISTRICT NO. 1 ~~AND STONE LINKS DRIVE URBAN SERVICE DISTRICT NO. 2;~~ AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, with the exception of Alderman Taylor, who passed, the resolution was amended as follows:: *delete ~~and Stone Links Drive Urban Service District No. 2~~* (6/1). On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

R-17-79 (RESOLUTION NO. 9203 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 65 PROSPECT TRAIL TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, was read. A motion to adopt was made by Alderwoman Robinson 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). (*owner: Treycor Properties, LLC*)

R-17-80 (RESOLUTION NO. 9204 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 6500 HOLT ROAD TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. 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: David Allen Robertson*)

R-17-81 (RESOLUTION NO. 9205 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 604 WATER STREET TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. 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: Patricia A. Melton*)

R-17-82 (RESOLUTION NO. 9206 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1928 FLORA STREET TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. 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: Karin Demonbreun aka Karen Hall-Willis*)

R-17-83 (RESOLUTION NO. 9207 – 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 Taylor and seconded by Alderwoman Robinson.

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-17-28 (ORDINANCE NO. 8903 – MAYOR SMITH)

AN ORDINANCE AMENDING APPENDIX A-PARK HILL OVERLAY DISTRICT OF THE ZONING ORDINANCE (ORD. NO. 7697) TO INCLUDE PARK HILL ELEMENTARY PROPERTY IN THE OVERLAY DISTRICT; RECLASSIFYING THE SUBJECT PROPERTY FROM O-1 TO C-PH; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the

motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, the readings were suspended (7/0). Mayor Smith invited Mr. Scott Landers, CEO, Applied Technology Group, Inc. to come forward and provide a summary of what they plan to do with the property. Mayor Smith said he contacted Mr. Kent Walker, Mr. John Gregan, Park Hill Merchants Associations, and neighborhood associations and advised them Mr. Landers' intentions. All were in favor of the project. Mr. Landers said his company, Applied Technology Group, Inc., is a local software group currently located in Prothro Junction. The business is rapidly growing and the company is needs more space. The Park Hill location would be used for office space. The structure of the building will remain the same except for a portable classroom which would be removed. Additional parking will be added along the back of the property. Mayor Smith said the company has close to 40 employees and within the next three (3) years had the potential to grow to 100 with the space available. Alderwoman Robinson asked Mr. Landers if he would be moving the office at Prothro Junction. Mr. Landers said they would like to stay in the building at Prothro Junction. They explored options to expand the building but those options won't meet their needs. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Alderwoman Ross asked Mr. John Gregan from the Park Hill Neighborhood Association for comments. Mr. Gregan said the Park Hill neighborhood will celebrate its Centennial year soon. Park Hill Elementary School is a touchstone to its history and future. Keeping a good tenant will also assist the Jump Start Program in the area. Alderwoman Ross said the property is under the new zoning classification titled "C-PH" for Park Hill. She asked if the property had been purchased. Mr. Landers said the property sale had not closed as of this date. It is a large scale project and prior to closing on the property the Company intends to verify everything is in order so that the project can be completed. Alderwoman Ross stated if the legislation passed and the Company failed to complete the purchase, that the location would now be zoned as Commercial. Any company could then utilize the zoning and move into the building. Mayor Smith said the purchase would go through and the City Council would help out anyway they could. Mr. Carter agreed. Alderwoman Ross asked if they could undo the process before a permit was issued if anything came up. Mayor Smith said yes. Alderwoman Ross said she wanted to make sure the City was covered should anything come up. Alderman Taylor asked if this was part of the due diligence process in the contract or the financing. Mr. Landers said yes. He said knowing the property is zoned for the Company's use is part of the due diligence process in getting everything put together. Alderman Taylor asked if financing was based on the property being rezoned. Mr. Landers said no. Mr. Landers said the Company would not close on the property before moving forward with the appropriate Zoning. The Company is exploring the technology part that would include an area for smaller technology companies to come in. There are many moving pieces to the project and this legislation is the item on

the check list. Alderwoman Ross said she is focused on ensuring the right type of Zoning for the neighborhood. On the previous 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 adopted (7/0). Emergency clause adopted (7/0). (*3801 John F. Kennedy Boulevard*)

O-17-29 (ORDINANCE NO. 8904 – ALDERMAN HARRIS)

AN ORDINANCE GRANTING A WAIVER TO ALLOW VARIANCES FOR A POLE SIGN ON CERTAIN REAL PROPERTY LOCATED AT 10500 MAUMELLE BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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, with the exception of Alderman Witcher, who voted no, the readings were suspended (6/1). A motion to adopt was made by Alderman Baxter and seconded by Alderman Hight. Alderwoman Ross asked this would be an electronic pole sign. Alderman Baxter said yes. Alderwoman Ross asked if the City currently had other electronic pole signs in that area. Alderman Baxter said yes. Alderman Taylor said the city had issues in the past with approved signs on Maumelle Boulevard. He asked if the city had researched this request. Mr. Shawn Spencer, Planning Department Director, said they had. The issue before the council is not the LED sign, but the sign being on a pole. The current ordinance allows a monument sign. Mr. Spencer said the applicant's area is lower (than the roadway). A pole sign would make it visible from Maumelle Boulevard. Mr. Carl Brown said individuals driving south on Maumelle Boulevard would not be able to see a monument sign due to the geography. On the previous motion of Alderman Baxter and seconded by Alderman Hight, and the roll having been called and all members present having voted in the affirmative, with the exception of Aldermen Ross and Witcher, who voted no, the ordinance was adopted (5/2). Emergency clause adopted (7/0). (*applicant: Carl Brown – The Boulevard Veterinary Clinic*)

O-17-30 (ORDINANCE NO. 8905 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR THE ACQUISITION OF GOLF CARTS, PARTS AND ACCESSORIES FOR THE NORTH LITTLE ROCK PARKS & RECREATION DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Alderman Hight and seconded by Alderwoman Robinson. Alderwoman Ross asked if bid sheets were attached to the legislation. Mayor Smith said the city is taking over the lease. The city already has the golf carts and adopted legislation at the previous council meeting. Mrs. Karen Scott, Finance Director, said short-term financing was previously approved. Mr. Steve Ralston's current lease is not in conformance with the law the city is required to follow. She then referenced Exhibit "B" which includes a buyout price for golf carts and parts. Alderwoman Ross said she thought the City was buying new carts. 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-17-31(ORDINANCE NO. 8906 – MAYOR SMITH)

AN ORDINANCE APPROVING AN ENCROACHMENT FOR ARGENTA FLATS, LLC ONTO PUBLIC RIGHT-OF-WAY FOR STEPS AND HANDRAIL ACCESS INTO CERTAIN APARTMENT UNITS LOCATED ALONG MAPLE STREET AND WEST 8TH STREET IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, the readings were suspended (7/0). Mayor Smith said during construction the contractor built one of the front porches over the easement. It does not affect anything. The aesthetics and handicap parking are fine. He said instead of asking the Salter Company

(contractor) to tear the front porch down, a resolution was created. It states the contractor is aware the porch is in a right-of-way and would have to be removed in the event the city had to get to that location. Mr. Spencer said there are two (2) which include steps that go up to some of the apartments. He referred to the attachment which illustrated the location of the steps. It is around two (2) feet. The ADA (Americans with Disabilities Act) and safety inspector checked and these issues meet safety requirements and handicap accessibility. Alderwoman Ross said the issue was in one section only. Mr. Spencer said there were issues in three (3) of the four (4) blocks. Alderwoman Ross said it was only noticeable on one. Mr. Spencer said some were noticeable and some were not. On the motion of Alderman Hight and seconded by Alderman Baxter, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). On the emergency clause, all members present voted yes, with the exception of Alderman Taylor who voted no, the emergency clause adopted (6/1) (*applicant: J. Brent Salter – Argenta Flats, LLC*)

O-17-32 (ORDINANCE NO. 8907 – MAYOR SMITH)

AN ORDINANCE VACATING AND ABANDONING THE SOUTHERN FOUR FEET OF RIVER PARK ROAD 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 Alderwoman White, and by consent of all members present, the readings were suspended (7/0). Mayor Smith said this was a small, short dead-end road at Bruce Oakley's and was considered a driveway that went directly into the property. The business is expanding their maintenance building for their trucks. He said the best way to handle the situation was to abandon four (4) feet. Alderwoman Ross asked if it was the same process as abandoning an alleyway. Mayor Smith said yes. A motion to adopt was made by Alderman Taylor and Alderwoman White. Alderwoman Ross asked if the property would be replatted. Mr. Carter said this would reduce the width of the right-of-way, which is not being abandoned. 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: Bruce Oakley, Inc.*)

O-17-33 (ORDINANCE NO. 8908 – ALDERMAN ROBINSON)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW RESIDENTIAL AND COMMERCIAL USE IN THE SAME BUILDING IN AN I-2 ZONE FOR CERTAIN REAL

PROPERTY LOCATED AT 10000 HIGHWAY 165 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 Alderwoman Ross, and by consent of all members present, the readings were suspended (7/0). Mayor Smith asked Mr. Mike Marlar, Marlar Engineering to come forward. Mr. Marlar said Chipmunk's Taxidermy is located on Highway 165 near Rose City. Mr. Lavoyed Headwood is the owner and is building a new taxidermy shop. Mr. Headwood would like to have residential space so he can live on the property. He lives in his current shop at that location. On the motion of Alderman Hight and seconded by Alderwoman Robinson, 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*)

PUBLIC COMMENT

Alderwoman Ross asked Mr. Marlar for an update on the McCain bridge project. Mr. Marlar said the project was scheduled for completion in December 2017, but looks like it will be complete by late July or August 2017. Steel plates can still be seen at this time. The next step will be setting the forms and getting the concrete deck on top. Mr. Chris Wilbourn, City Engineer, will bring plans for lights to the city council within a couple weeks to be approved. Mr. Marlar said he believes this will be a great addition to the City of North Little Rock. Mayor Smith said the city saved money on the project. Because the project is under budget, it was decided that lights would be added. Mr. James Ard encouraged residents to support the one (1%) percent sales tax. He said there are unlicensed businesses cutting grass and doing construction work in the city. Construction businesses are leaving trash behind for sanitation to pick up. The city needs to get the businesses licensed and said he could not call Code Enforcement. Alderwoman White said Tour De Bark will be in the Park Hill Baptist Church parking lot Saturday from 10:00 a.m. 2:00 p.m. The event will include food trucks and dog walks. (North Little Rock) Friends of Animals will be there supporting the Animal Shelter.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 7:13 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, May 8, 2017, 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