

May 22, 2017
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, May 22, 2017, was called to order at 5:58 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, RON HARRIS, and CHARLIE HIGHT (6/0). Aldermen MAURICE TAYLOR and MURRY WITCHER were not present during roll call. Assistant City Clerk Katelyn Thomas, Deputy City Clerk Tiffany McGraw, Assistant City Attorney Amy Fields and Assistant City Attorney Bill Brown were also present.

The prayer and pledge of allegiance were led by Pastor Joe Hodges, Park Hill Christian Church.

On the motion of Alderman Hight and seconded by Alderwoman 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 Monday, May 8, 2017, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, communications 1, 2, and 3 were accepted and filed (6/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Liquor & Retail Beer off Premises – Change of Manager from Kulwinder Kaur*, for Neighborhood Wine & Spirits, 4526 Camp Robinson Road, by Balwinder Kaur.
2. C. Tad Bohannon, Chief Executive Officer, Central Arkansas Water (CAW) re: reappointment of Ms. Carmen Smith to Board of Commissioners, CAW.
3. Charlotte Thomas, Mayor's Office memorandum re: *Retail Liquor & Retail Beer off premises – Replacement from Parul Modi*, for Thrifty Liquors, 2521 Old Jacksonville Hwy., by Sanjaykumar R. Modi.

Mayor Smith announced a Special Call meeting.

May 18, 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, May 22, 2017, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

R-17-98—AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND NORTH LITTLE ROCK SCHOOL DISTRICT FOR TRANSPORTATION FOR THE CITY'S SUMMER YOUTH PROGRAM. 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

By Amy Beckman Fields
Assistant City Attorney

Special Call R-17-98 (RESOLUTION NO. 9216 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND NORTH LITTLE ROCK SCHOOL DISTRICT FOR TRANSPORTATION FOR THE CITY'S SUMMER YOUTH PROGRAM; 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 resolution was adopted (6/0).

Note: Alderman Maurice Taylor entered the Council Chambers at 6:05 p.m.

Mayor Smith announced citizen comment agenda items. Mr. James Ard spoke in support of O-17-39 and O-17-40. He does not approve of a garbage fee or raising taxes. However, between the two, he would rather see an additional sales tax as people from outside the city would pay a portion of it. Mr. Joseph Falasco, Attorney at Law spoke for O-17-36. He represents Mr. Gene Pfeifer. The legislation pertains to limited access into Northshore Business Park. Corporate businesses in the area include Arkansas Department of Environmental Quality (ADEQ), Arkansas Surgical Hospital, and Crystal Hill Elementary School. The area continues to grow and needs an additional entrance. His client wants to work with the city and does not want to continue litigation which has gone through Circuit Court, the Arkansas Supreme Court and back to the city council. Mr. Falasco provided a packet to the City Council which included corresponding material and legal arguments regarding the same. Ms. Glenna

Butler spoke in support of R-17-96. She lives across the street from the property on Westwind. The house has been under construction for over 7 years. As it is being built, it falls. She saw a man fall from the second floor when he leaned against a rail. He broke his back. Work has been done without building permits from the City. Ms. Butler has attended several court hearings against the owner, Mr. Don Price. Code Enforcement has been to the location multiple times and advised the owner of the necessary permits required. Mr. Price has ignored both Code Enforcement and the court for close (8) years. Ms. Butler asked council members to look at the condition of the property, inside and outside. The house needs to be torn down. Mrs. Gayla Dachenhausen spoke in support of R-17-96. She lives across the street and agreed with Ms. Butler's comments. When a home is bought it should be safe for the homeowner and the neighborhood. This house is not safe. Mrs. Dachenhausen recalled only one building permit that expired after one year. People working on the property were not professionals. Weeds are taller than the house. The gutters and lights have fallen off the house. Residents tried to purchase the home before learning there was mold growing inside. Mr. Todd Dachenhausen spoke in support of R-17-96. He also lives across the street from the house. He is a business owner in the building trade. New homes are being constructed in the neighborhood. Many of the people who worked on the house were living in it too. Neighbors have had contact with individuals late at night who requested food or a place to use the bathroom. Port-o-potties were brought in as the sewer had not been hooked. They have also had issues with construction debris. A temporary power pole was not installed on the property. Mr. Price stole electricity from neighbors. A meter was put in without permission and until a few weeks ago power was on. Uncapped wires were visible. Lights on the front of the house have fallen off and the chimney are falling as well. Recently a driveway was installed with twelve (12) inch walls on both sides. However, drainage was not. The home was built wrong and is now collapsing. The owner and others are occupying the home which is a safety and health hazard. Mr. Mike Friedrichsmere spoke in support of R-17-96. He lives next door to the property and agrees with previous statements from the neighbors. Mr. Price is using his yard as a bathroom. There is a large septic hole between their homes. The issue has been ongoing for eight (8) years. Mr. Friedrichsmere said he hoped council would condemn the home as it is a nuisance and has been a nightmare for the whole neighborhood. Mr. Kenny Wallis spoke in opposition of O-17-39 and O-17-40. Mr. Wallis said he managed the defeat of a 2011 Sales tax increase and has managed other campaigns against taxes. Mr. Wallis opposes the tax increase. He quoted a statement from *Arkansas Online*, dated April 23, 2017 regarding City funds and cuts. The city wants to impose a tax or sanitation fees to improve the city budget according to the article that was quoted by him. However, city employees received 3% raises this year. Mr. Wallis is opposed to a Special Election as they minimize voter turnout. Legislation was presented during the State Legislative session that would have done away with Special Elections, however, it did not pass. Important issues should be proposed for a May (Primary Election) or November (General Election). The nation was founded on the expansion of business and free enterprise. Lowering taxes and regulation(s) would result in expansion of businesses, staying in business, and bring more businesses which would result in more revenue. There being no one else wishing to be heard Mayor Smith closed citizen comment.

UNFINISHED BUSINESS

O-17-36 (ORDINANCE NO. 8911 – MAYOR SMITH)

AN ORDINANCE DENYING THE ESTABLISHMENT OF THE NORTHSHORE LANE MULTI-PURPOSE MUNICIPAL IMPROVEMENT DISTRICT NO. 36 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Alderwoman Ross asked that the legislation be explained. Ms. Fields advised in 2015, an application for an Improvement District was made. It came before the City council in November of 2015. It was determined the City of North Little Rock and the applicant (Mr. Pfeifer) were the majority of the property owners. Subsequently, Mr. Pfeifer filed a lawsuit. In Circuit Court, the Judge ruled the City should have passed an ordinance that set out specific things that the City should have found. In effect, this would have forced the City to adopt the Ordinance and establish the improvement district. The City appealed the ruling to the Arkansas Supreme Court. The Arkansas Supreme Court issued the following ruling in the matter. They concurred the Circuit Court could order the City Council to pass an Ordinance. It was based on the statute that governs Improvement Districts. The Governing body shall make a finding as to whether the petition is signed by majority in assessed value of the property owners and the finding of the governing body shall be expressed in an Ordinance. When it was originally heard in 2015, the City Council did not approve the Ordinance. There was no Ordinance stating the City found a majority in value of the assessed property owners petitioned for it. The purpose of this legislation is to follow the Supreme Court ruling. The Supreme Court amended the Circuit Court ruling stating that the court should not have told the City to create an Ordinance of what the findings should be. The City Council had previously found that a majority in value did not sign the petition in accordance to the Ordinance before them. The Ordinance memorializes what had been decided in 2015. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman White. Alderman Harris recalled signing his name to an Improvement District in association with Mr. Pfeifer in the past and asked if it was regarding this Ordinance. Mayor Smith stated it had been a different Improvement District. On the previous motion, and the roll having been called, and all members present, having voted in the affirmative, with the exception of Alderman Harris, who voted no, the ordinance was adopted (6/1). Emergency clause adopted (7/0).

CONSENT AGENDA

Mayor Smith called for a voice vote on the consent agenda, and all members present having voted “aye”, consent items R-17-93, R-17-94, and R-17-95 were adopted (7/0).

R-17-93 (RESOLUTION NO. 9217 – MAYOR SMITH)

A RESOLUTION REAPPOINTING RICHARD (DICK) GIDDINGS TO THE NORTH LITTLE ROCK SENIOR CITIZENS COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-17-94 (RESOLUTION NO. 9218 – MAYOR SMITH)

A RESOLUTION REAPPOINTING DICK BLANKENBEKER TO THE NORTH LITTLE ROCK SENIOR CITIZENS COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-17-95 (RESOLUTION NO. 9219 – MAYOR SMITH)

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF CARMEN SMITH TO THE BOARD OF COMMISSIONERS OF CENTRAL ARKANSAS WATER; AND FOR OTHER PURPOSES, was adopted (7/0).

Mayor Smith thanked Mr. Giddings, Mr. Blankenbeker and Ms. Smith for serving.

NEW BUSINESS

R-17-96 (RESOLUTION NO. 9220 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 7213 WESTWIND DRIVE 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 Alderman Hight and seconded by Alderman Baxter. Mayor Smith convened a public hearing. If anyone did not speak during public comment earlier in the meeting, they were asked to come forward. Mr. James Ard said he tried to assure residents near the home on Westwind Drive that the City Council would condemn the property. Mayor Smith advised Mr. Roger Green, Planning Department Inspector, Mr. Shawn Spencer, Planning Department Director and Mr. Bill Brown, City Attorney were present and available to answer any questions. Alderwoman Ross asked to see the photo of the electrical work done on the home. Alderwoman Ross asked Mr. Green to provide information regarding violations. Mr. Green advised: 1. owner was living in the structure, 2. electric meter installed without permission, 3. bathtub area did not have tempered glass, 4. air conditioner cord in the bathtub, 5. no handrail on basement stairs, 6. basement access blocked, 7. no landing for door over stairs, 8. exposed wiring, 9. water heater without cover, 10. unvented exhaust fan, 11. open panel on electric box / wires sticking out, 12. second bathroom with open lights and no exhaust, 13. tripping hazards, 14. no plumbing, 15. no weather proof receptacles. Mr. Green advised the basement was full of mold. Mayor Smith said the City has tried to work with the property owner for seven (7) years. The owner has been to Court several times and refuses to abate the nuisances. Alderman Hight asked Tom Wadley, Code Enforcement Director about the process to condemn property. Mr. Brown, went over the process. Mr. Brown reviewed other issues regarding the property included delinquent taxes. Mr. Wadley went over some of the history regarding the property. Alderman Taylor said this has been going for seven (7) years. Mr. Wadley said (citations have been issued) and the property has been in court on multiple occasions. Mr. Brown said the court has issued warnings and fines. The owner has also been incarcerated and has health issues. There being no one additional 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: Don Price*)

R-17-97 (RESOLUTION NO. 9221 – MAYOR SMITH)

A RESOLUTION APPROVING AND CERTIFYING AMOUNTS OF LIENS TO BE FILED WITH THE PULASKI COUNTY TAX COLLECT 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 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).

O-17-39 (ORDINANCE NO. 8912 – MAYOR SMITH)

AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE PERCENT (1%) SALES AND USE TAX WITHIN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ONE-HALF OF WHICH SHALL ONLY BE LEVIED UNTIL DECEMBER 31, 2022 AND SHALL ONLY BE USED TO ACQUIRE, CONSTRUCT, REPAIR, EQUIP AND/OR IMPROVE STREETS, DRAINAGE STRUCTURES; AND FACILITIES FOR THE POLICE DEPARTMENT, THE FIRE DEPARTMENT, AND THE DISTRICT COURTS, AND ONE-HALF OF WHICH SHALL NOT BE LIMITED IN DURATION OR USE; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO, was read. A motion to suspend the readings was made by Alderman Hight and seconded by Alderwoman Ross. Alderman Hight asked why this item was being called before O-17-40. Ms. Fields said the tax has to be levied first and referenced Section 5. On the previous motion, 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 White said the city needs to be clear on what the funds will be used for. 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). *There was no emergency clause.* Mayor Smith has been speaking to various groups around the about the upcoming tax election.

O-17-40 (ORDINANCE NO. 8913 – MAYOR SMITH)

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, ON THE QUESTION OF LEVYING A ONE PERCENT (1%) LOCAL SALES AND USE TAX WITHIN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, ONE-HALF OF WHICH SHALL ONLY BE LEVIED UNTIL DECEMBER 31, 2022 AND SHALL ONLY BE USED TO ACQUIRE, CONSTRUCT, REPAIR, AND/OR IMPROVE STREETS, DRAINAGE STRUCTURES; AND FACILITES FOR THE POLICE DEPARTMENT, THE FIRE DEPARTMENT, AND THE DISTRICT COURTS, AND ONE-HALF OF WHICH SHALL NOT BE LIMITED IN DURATION OR USE; PRESCRIBING OTHER MATTERS PRETAINING THERETO; AND DECLARING AN EMERGENCY, 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). On the motion of Alderman Taylor and seconded by Alderman Hight, 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-17-41 (ORDINANCE NO. 8914 – MAYOR SMITH)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A GENERAL REVENUE PROMISSORY NOTE (BURNS PARK GOLF COURSE EQUIPMENT PROJECT), SERIES 2017; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO, was read.

On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the readings were suspended (7/0). 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). Emergency clause adopted (7/0). (\$280,750.00)

O-17-42

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 6801 HIGHWAY 70 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-3 TO I-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. Alderwoman

Robinson said the vendor is purchasing property adjacent to their existing property which is used for scrap metal and recycling. A few weeks ago, she could hear noise from the location at her home in Glenview. Work ceased at 11:00 p.m. The classification would go from Light Industrial Use to Heavy Industrial Use. She is not opposed to this use, but requested the business be respectful of their residential neighbors. It was her understanding that if a work day would be longer than normal business hours, that the business would contact the Mayor's Office. Mr. Scott Hilburn, Hilburn Law Firm, said it was his understanding that the business had not been operating at night (after dark) for close to two years. Alderwoman Robinson asked that a police officer go out the next time they are operating after hours and advise the mayor of his/her findings. Alderman Harris referenced hours of operations within different zone types. Mayor Smith suggested holding the legislation until the next meeting to allow time to talk to the owners. Mr. Hilburn said the company has operated at its current location for over 20 years in an I-3 zone. This legislation would increase the business site by three (3) acres. Alderwoman Robinson said a lot of residential neighbors have lived there for 50 years. Residents are not opposed to the business, they want to see it operate during decent hours. The area is across the railroad tracks from a mobile home park and residential homes in the Meadow Park neighborhood. Alderman Taylor suggested passing a Special Use. Then, if the applicant violated requirements the property would revert back to the previous zoning. Mr. Mike Ronnel is one of the principals for Metro Scrap Metal. They are here to support the community and create jobs. They employ off-duty North Little Rock Police Officers to provide security at their site. He has not observed crews working at night since 2014 and 2015. They currently have 12 acres. They want to clean up the area and eliminate the junk cars. If they expand they will be able to bring in additional equipment that will process materials faster and more efficiently. Alderman Hight asked the current

hours of operation. Mr. Ronnel said they operate from sunup to sundown. Average hours are 7:30 a.m. until 5:00 p.m. A motion to suspend the rules and place the ordinance on its second reading was made by Alderman Hight and seconded by Alderman Harris. All members present, voted yes, with the exception of Aldermen Taylor and Robinson, who voted no, the motion to suspend the reading failed (5/2). (*applicant: Thomas Engineering*).

O-17-43 (ORDINANCE NO. 8915 – ALDERMAN TAYLOR)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 11801 INTERSTATE 40 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-3 TO I-1 CLASSIFICATION BY AMENDING ORDINANCE NO. 8697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AND AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderman Taylor 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: McGetrick & McGetrick Engineering*)

O-17-44 (ORDINANCE NO. 8916 – ALDERMAN TAYLOR)

AN ORDINANCE VACATING AND ABANDONING AN ALLEYWAY RUNNING NORTH AND SOUTH BETWEEN E. 4TH AND 5TH STREETS, EAST OF POPLAR STREET, IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present the readings were suspended (7/0). On the motion of Alderman Taylor 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: Global Surveying Consultants, Inc.*)

PUBLIC COMMENT

Mr. James Ard referenced a property on 52nd Street and Commercial Realty Incorporated. He will provide more information. Mr. Ard asked why Code Enforcement doesn't work on weekends. That's when a lot of people have work done on their houses (roofing, yard work, etc.). He also referenced illegal banners. The city is losing revenue. Alderwoman Robinson asked Mr. Spencer how long a person obtaining a special or condition use have to complete the requirements. Mr. Spencer said if the zoning is a Special Use, the applicant has one year. There are no restrictions on other zonings. Alderwoman Robinson also referenced Daycare Centers. Alderwoman White announced Patio on Park Hill, Thursday, from 5:00 p.m. to 8:00 p.m. and invited everyone to attend. Alderman Hight asked the city attorney had received calls regarding panhandlers. Mayor Smith said the city is looking at options for ordinances that do not violate the Supreme Court's ruling.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, the meeting was adjourned at 7:17 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, June 12, 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