July 10, 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, July 10, 2017, 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, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, CHARLIE HIGHT and MURRY WITCHER (7/0). Alderwoman BETH WHITE was absent. Assistant City Clerk Katelyn Thomas, Deputy City Clerk Tiffany McGraw, and City Attorney C. Jason Carter were also present. Mayor Smith advised Alderwoman White was present via technology (telephone). Mayor Smith checked with the City Attorney to determine if this was allowed and requested a Voice Vote from the council members present, to approve the same. Legislation will be presented at the next council meeting to include language in the council's current meeting rules. Alderman Taylor said the Arkansas Realtors Association uses ZOOM Conferencing technology. Alderwoman Ross said some guidelines need to be included for the use of the technology. Mayor Smith called for a voice vote to allow Alderwoman White to participate via telephone, and all members present, voted in the affirmative (7/0). Alderwoman White was included in the quorum and listed as present based on the above Voice Vote (8/0).

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

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 Special Call meeting held on Monday, June 26, 2017, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #1, was read, accepted and filed (8/0).

1. Mayor Joe A. Smith, letter to Assistant Fire Chief Gerald Tucker re: Appointment as Fire Chief effective July 15, 2017. Monthly salary - $8,543.13 plus benefits.

Mayor Smith announced a Swearing In Ceremony to be held Friday, July 14, 2017, at 1:00 p.m. in the City Council Chambers in City Hall. Everyone is invited to attend.

On the motion of Alderman Baxter and seconded by Alderwoman Ross, and by consent of all members present, communication #2, was read by title only, accepted and filed (8/0).

2. Karen Scott, Finance Director/Chairman Energy Risk Management Committee memorandum re: Energy Risk Management Committee Adjustment Factor, July, 2017 (.0045 positive).

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 (8/0).

3. Karen Scott, Finance Director memorandum re: FY2015 Audited Financial Statements with Independent Auditor's Report – December 31, 2015.

Mrs. Scott referenced the Audit Report provided to council members this date. Craft, Veach & Company, PLC provided the following report "*...the financial statements referred to above present fairly, in all material respects, the respective financial positon of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of North Little Rock, Arkansas, as of December 31, 2015, and the respective changes in the financial position and where applicable, cash flows thereof, and the respective budgetary comparison for the General Fund.*

Alderwoman Ross invited North Little Rock Police Chief Mike Davis to come forward. Chief Davis said the Police Department held their second annual Summer Youth Camp. Twenty youth participated at the 4-H Center. A video of highlights from the camp was then presented. He thanked Aldermen Ross and White and others within the city for their support of the program.

Mayor Smith announced citizen comment agenda items. Mr. James Ard spoke about O-17-49. He is not opposed to the car lot, however, there is a neighbor with concerns. There needs to be restrictions on the number of cars as this is a residential area. Mr. Ard spoke about O-17-47 and said the city needs to charge to turn on power. When he worked for ARKLA the same people had their gas turned off every month. He asked when the fees would go into effect. Mr. Ard also spoke re: O-17-50. He is not opposed to the Ice Machine, but suggested the machine be located in a different spot on the property. Mr. Terrell Sanders is the application on O-17-49. He said he doesn't need 42 cars as included in the ordinance. The maximum number of cars he requested is 20. He has an existing business at the address with traffic coming and going. Mr. Charlie Porter spoke for O-17-53. The request went before the Planning Commission and was denied due to opposition by neighbors. He has since met with neighbors who are now supportive of the request.

Without objection, Mayor Smith called O-17-42.

O-17-42 (ORDINANCE NO. 8921 – MAYOR SMITH)
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 adopted June 26, 2017, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, with the exception of Alderman Taylor who passed, the emergency clause was adopted (7/1). (*applicant: Thomas Engineering for Metro Scrap Metal*)

Without objection, Mayor Smith called O-17-56
O-17-56 (ORDINANCE NO. 8922 – MAYOR SMITH, ALDERMEN TAYLOR AND ROBINSON) AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A WAREHOUSE WITH OFFICES IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED ON MICHAELA DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AND EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Hight, and by consent of all members present, the readings were suspended (8/0). On the motion of Alderman Hight and seconded by Alderman Taylor, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). *Note: the emergency clause was not called.* (*applicant: D & D Sun Control – Dietz*)

Without object, O-17-53 was called at the request of Alderwoman Ross.
O-17-53 (ORDINANCE NO. 8923 – ALDERMEN ROSS AND WHITE)
AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A SECOND RESIDENCE IN AN R-2 ZONE ON CERTAIN REAL PROPERTY LOCATED AT 206 EAST G AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time June 26, 2017, was read a second time. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the readings were suspended (8/0). Alderwoman Ross said there is no need for the backyard fence included in Section 2: b). Also, a No Parking Sign was requested in front of Mr. Odom's house. Mr. Odom also has dogs (that may bark) in his back yard and the applicant is aware of this. On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, the ordinance was amended as follows:: *Section 2: b) strike through ~~and rear yard~~* (8/0). A motion to adopt as amended was made by Alderman Witcher and seconded by Alderwoman Ross. Alderman Baxter referenced Exhibit "C" and asked if the second residence was the same as the building labeled as storage. The applicant said the square footage is between 400 and 500 square feet. The building was used as a residence in the past. The previous owner did not maintain the property and had the power removed from the building. The applicant (was not identified) said this would not be a permanent situation. It is an additional income property now, but could be converted back to storage or a garage in the future. There are also three off-street parking pads at the location, one of which would be allocated to the building in the back. Alderman Baxter then asked about the minimum square footage allowed (for a residential home). Mr. Shawn Spencer, Planning Director said it is slightly less than 800 (square feet). This structure is being considered a Studio Apartment. Alderman Baxter, said peoples desires for size of housing has changed and the city needs to be mindful of these changes. Alderman Taylor reminded the applicant that this is a Special Use request. Alderwoman Ross said this is an example of the applicant and neighbors working together. On the previous motion to adopt as amended, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). (*applicant: Mr. Brandon Finch for Midtown Premium Properties, LLC*)

Mayor Smith reconvened a scheduled public hearing re: O-17-47 – adopting General Service Rules & Regulations for the North Little Rock Electric Department. Alderman Witcher said he had been advised some of the higher fees were already being requested. Mayor Smith asked Mrs. Jill Ponder, North Little Rock Electric Department to come forward. Mrs. Ponder said the current deposit if $100.00. This request is for a soft credit check that would set the standard for the deposit (amount). Alderwoman Robinson asked if information could be included on monthly bills indicating if not paid by a certain date the account would be subject to shutoff. Mrs. Ponder said the notice will indicate that the shutoff will be 7 days after the date the bill was due. The department will utilize multiple resources to notify the public of upcoming changes. Mayor Smith asked Mrs. Ponder to provide a schedule to council members for the next meeting. Alderman Taylor said people who don't make much money have a hard time coming up with money to pay their bill. They will have an even harder time coming up with more money to get there power back on. Mrs. Ponder said this would be in the form of a deposit. Mayor Smith said the department is looking at the ability to collect via pre-pay by 2018. Alderman Taylor reiterated his concerns. Mrs. Ponder said customers will be encouraged to contact the department so they can work with them. Alderwoman White asked if this would affect levelized billing. Mrs. Ponder said it would not. Alderman Witcher ask about the department's default total. Mrs. Ponder said it was around $250,000.00. Alderman Witcher also referenced (electric) assistance programs in place. There being no one present wishing to be heard, the public hearing was recessed until July 24, 2017 at 6:05 p.m.

Mayor Smith convened a scheduled public hearing re: Proposed 2017 Annual Action Plan for Housing and Community Development. There being no one present wishing to be heard, the public hearing was adjourned.

UNFINISHED BUSINESS

O-17-42 *see above.*

O-17-47

AN ORDINANCE ADOPTING GENERAL SERVICE RULES & REGULATIONS FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read three times June 12, 2017. A public hearing was held June 26, 2017. The public hearing was reconvened this date (see above). Mayor Smith then held the legislation.

O-17-49

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A CAR SALES LOT IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1201 PARKWAY DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time, June 12, 2017, was read a second time June 26, 2017, was read a third

and final time this date. Alderman Harris said Mr. Fraizer and Mr. Sanders operate a Detail Shop at this location. From time to time they get a car in that they might want to sell. A Special Use request would be based on square footage. The current square footage would allow up to 42 vehicles. However, the applicants prefer to only request 20 vehicles. On the motion of Alderman Harris and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows:: *Section 2: i) strike through 42 and insert* 20 (8/0). Alderman Baxter referenced several inoperable vehicles on the property for some time. He has also been contacted by residents who do not want to see the addition of a car lot. On the motion of Alderman Harris and seconded by Alderman Taylor and the roll having been called, and the following members having voted in the affirmative: Taylor, Harris, Hight and Witcher, and the following members having voted no: Ross, White, Robinson and Baxter, the ordinance failed as amended (4/4). (*applicant: Sanford Frazier and Terrell Sanders*)

O-17-50
AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A SELF-SERVE ICE VENDING UNIT IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5500 MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and pulled at the request of the sponsor, Alderman Harris. (*applicant: Randy Wiggins – Big Wig Ice, LLC*)

O-17-52 (ORDINANCE NO. 8924 – ALDLERMEN WITCHER AND HIGHT)
AN ORDINANCE APPROVING A WAIVER REQUEST FOR REQUIREMENTS OF STREET TREES FOR CERTAIN REAL PROPERTY LOCATED AT 4331 EAST 43RD STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time June 26, 2017, was read a second time this date. On the motion of Alderman Witcher and seconded by Alderwoman Ross and by consent of all members present, the readings were suspended. Alderwoman Robinson asked why the street tree waiver was being requested. The council was advised that Entergy has a large easement in the area. The developer has to sign an agreement saying they will not plant or build within the easement. On the motion of Alderman Hight and seconded by Alderman Witcher and by consent of all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Cromwell Architects Engineers*)

O-17-53 *see above.*

O-17-54 (*Special Call 6-26-17*) (ORDINANCE NO. 8925 – MAYOR SMITH AND ALDERWOMAN ROSS)
AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR ADDITIONAL WORK NEEDED ON THE STORM DRAIN REPLACEMENT PROJECT ON GLENMERE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; APPROPRIATING FUNDS; DECLARING AN

EMERGENCY; AND FOR OTHER PURPOSES, was read one time June 26, 2017, was read a second time this date. A motion to suspend the remaining readings was made by Alderwoman Ross and seconded by Alderman Harris. Alderman Taylor asked where the funds would come from. Mr. Carter advised the Street Fund Carry Forward and Ward Funds (Ward 1). Alderwoman Ross reviewed the issues that were discovered once work began at the site. On the previous motion, and by consent of all members present, the readings were suspended (8/0). On the motion of Alderwoman Ross and seconded Harris, and the roll having been and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*$75,000.00*)

CONSENT AGENDA

On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by voice vote and all members present having voted "aye", consent items, R-17-111 and R-17-112, were accepted (8/0).

R-17-111 (RESOLUTION NO. 9234 – 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 2017 SISTER CITY PROGRAM; AND FOR OTHER PURPOSES, was adopted (8/0).

R-17-112 (RESOLUTION NO. 9235 – MAYOR SMITH)
A RESOLUTION ACCEPTING GRANT FUNDS AWARDED BY THE ARKANSAS HISTORIC PRESERVATION PROGRAM; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A GRANT AGREEMENT; AND FOR OTHER PURPOSES, was adopted (8/0). (*$17,136.00*)

NEW BUSINESS

R-17-113 (RESOLUTION NO. 9236 – MAYOR SMITH)
A RESOLUTION APPROVING THE 2017 ANNUAL ACTION PLAN FOR THE CITY OF NORTH LITTLE ROCK, INCLUDING THE 43RD YEAR (2017) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND THE 2017 HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) PROJECTS AND BUDGETS; AND FOR OTHER PURPOSES, was read. Mayor Smith convened a scheduled public hearing this date (*see above*). On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, with the exception of Alderwoman Robinson who passed, the resolution was adopted (7/1). Alderwoman White said when she was in Washington D.C. she visited with state legislators regarding the importance of CDBG funds to cities and towns.

R-17-114 (RESOLUTION NO. 9237 – 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 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 unanimously adopted (8/0).

O-17-55 (ORDINANCE NO. 8926 – MAYOR SMITH)
AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR UPGRADING THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT'S POWER MONITORING SYSTEM; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the readings were suspended (8/0). On the motion of Alderwoman Ross and seconded by Alderman Taylor, 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). (*$81,108.00 + tax and shipping*)

O-17-56 *see above.*

PUBLIC COMMENT

Ms. Venetta Peaster referred to problems she had with property at 2323 East Broadway. In the spring (of this year) she wanted to open a funeral home at that location. She spoke to Mr. Tim Reavis who advised the location was zoned for business. She then met with her board. When she returned to get her (city business) license she found out that a funeral home could no longer be at that location. Mr. Reavis had emailed the information (zoning certificate) to the office across the street (City Clerk's Office). However, when she went back to get her utilities turned on, she was told she would have to have a (business) license. When she came to the office to get the license she was advised it had been more than 30 days (on the zoning certificate). She said she would not have put up a $1,500.00 deposit had she known she could not open her business at the location. She had to wait for Mr. Spencer (Planning Director) to come in to talk to him. She also spoke with Aldermen Robinson and Taylor. She has been out a lot of money. She said local churches have offered to let her have "family hour" at their locations. Mayor Smith asked Ms. Peaster to stay after the meeting and he and Mr. Spencer would visit with him. Mr. Ard spoke about the upcoming Sales Tax Election. He reminded the public that in five years, one-half cent of the tax will expire. A sales tax is better than a garbage fee for residents. People living in apartments would contribute. Mr. Ard said early voting starts August 3. The election will be August 8, 2017. Alderwoman White thanked everyone for making it possible for her to participate in the meeting by telephone.

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 6:55 p.m. (8/0), until the next regularly scheduled meeting which will be held on Monday, July 24,

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