

November 26, 2018
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, November 26, 2018, was called to order at 6:00 p.m. by the Honorable Mayor Joe A. Smith.

The roll having been called and the following Council Members answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, CHARLIE HIGHT and MURRY WITCHER (8/0). City Clerk Diane Whitbey, Deputy City Clerk Talor Shinn, and City Attorney Amy Fields were also present.

The prayer and pledge of allegiance was led by Council Member Baxter.

On the motion of Council Member Witcher and seconded by Council Member Hight and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Tuesday, November 13, 2018, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Council Member Witcher and seconded by Council Member Baxter, and by consent of all members present, communication #1 was not read, but was accepted and filed (8/0).

1. Karen Scott, Finance Director/Chair Energy Risk Management Committee memorandum to City Clerk Diane Whitbey re: Power Cost Adjustment rate (PCA) for November, 2018 - .0024/kwh (positive).

There was no citizen public comment on legislation.

UNFINISHED BUSINESS

R-18-210

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDMENT TO THE AGREEMENT BETWEEN THE REGIONAL RECYCLING AND WASTE REDUCTION DISTRICT, CITY OF NORTH LITTLE ROCK, CITY OF LITTLE ROCK, CITY OF SHERWOOD AND WASTE MANAGEMENT OF ARKANSAS, INC. TO EXTEND THE TERM OF AGREEMENT FOR RESIDENTIAL RECYCLING CURBSIDE PICK-UP SERVICES; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith.

O-18-90

AN ORDINANCE APPROVING COMPENSATION AND BENEFITS FOR UNIFORMED EMPLOYEES OF THE NORTH LITTLE ROCK FIRE DEPARTMENT; DECLARING AN

EMERGENCY; AND FOR OTHER PURPOSES, was read November 13, 2018, and the readings were suspended. The item was called this date and held by the sponsor, Mayor Smith.

CONSENT AGENDA

None filed.

NEW BUSINESS

R-18-218 (RESOLUTION NO. 9551 – MAYOR SMITH)

A RESOLUTION REAPPOINTING JEREMY WHITE TO THE NORTH LITTLE ROCK HOUSING & BUILDING BOARD OF ADJUSTMENT & APPEALS (SIGN BOARD); AND FOR OTHER PURPOSES, was read. On the motion of Council Member Witcher and seconded by Council Member Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-18-219 (RESOLUTION NO. 9552 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-18-220 (RESOLUTION NO. 9553 – MAYOR SMITH)

A RESOLUTION EXTENDING THE CURRENT AGREEMENT WITH APPLE TREE SERVICE, INC. FOR VEGETATION REMOVAL SERVICES FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-18-221

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 900 NORTH C STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS 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 called. Following a public hearing (see below) the item was withdrawn by the sponsor, Mayor Smith. (*owner: Kevin Brown, Jr.*)

Mayor Smith convened a public hearing on items R-18-221 – 900 North C Street, R-18-222 – 808 North E Street, R-18-223 - 5502 Chiquito Road, and R-18-224 – 519 Middle Street. Mr. Kevin Brown, Jr. spoke regarding 900 North C Street. The property belonged to his grandmother. He asked for time (to bring the property up to code). A lot of family members were initially involved with the property, but Mr. Brown is now the property owner. He replaced the roof Saturday and plans to do more work. He estimated it will take about six (6) months. Mayor Smith advised Mr. Brown of the

process to post a bond with the City Attorney. City Attorney Fields advised she had determined Mr. Brown had a deed dated from 2013 that was recorded with the Pulaski County Circuit Clerk in October, 2018. After speaking with Code Enforcement Director Tom Wadley, Ms. Fields asked that the legislation either be held or withdrawn to allow time to serve proper notice as required by statute. Mr. Brown was advised to meet with Mr. Wadley regarding this issue. Council Member Baxter asked if Mr. Brown would be able to get a permit to work on the property since there will be no legislation pending against the property. Mr. Wadley advised a permit had already been obtained. There being no one else wishing to be heard, the public hearing was adjourned.

R-18-222 (RESOLUTION NO. 9554 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 808 NORTH E STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS 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. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owners: Nathaniel Williams and Ollie Williams*)

R-18-223 (RESOLUTION NO. 9555 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 5502 CHIQUITO ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING PROPERTY OWNER A PERIOD OF TIME TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Nathaniel Williams, Jr.*)

R-18-224 (RESOLUTION NO. 9556 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 519 MIDDLE STREET 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. On the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Pulaski Lands LLC c/o Gateway Realty and Megan Torres*)

R-18-225 was called. Mayor Smith then convened a public hearing regarding Clean Up Liens on R-18-225 – 116 South Spruce, R-18-226 – 120 South Spruce, R-18-227 – 32 Wright Circle, R-18-228 – 1901 E. Washington Avenue, and R-18-229 – 2221 E. Washington. There being no one present wishing to be heard, the public hearing was adjourned.

R-18-225 (RESOLUTION NO. 9557 – 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 116 SOUTH SPRUCE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0). (*amount - \$4,350.87*)

R-18-226 (RESOLUTION NO. 9558 – 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 120 SOUTH SPRUCE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson and seconded by Council Member Baxter, and by consent of all members present, the resolution was unanimously adopted (8/0). (*amount - \$1,860.31*)

R-18-227 (RESOLUTION NO. 9559 – 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 32 WRIGHT CIRCLE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson and seconded by Council Member Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0). (*amount - \$4,944.23*)

R-18-228 (RESOLUTION NO. 9560 – 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 32 WRIGHT CIRCLE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0). (*amount - \$3,516.04*)

R-18-229 (RESOLUTION NO. 9561 – 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 2221 E. WASHINGTON AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0). (*amount - \$6,653.10*)

R-18-230 (RESOLUTION NO. 9562 – MAYOR SMITH)

A RESOLUTION APPROVING AND CERTIFYING THE 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 Council Member Hight and seconded by Council Member 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-18-91 (ORDINANCE NO. 9058 – MAYOR SMITH)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT THE NORTHEAST CORNER OF MACARTHUR DRIVE AND CANDID LANE FROM R-2 TO I-1 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. On the motion of Council Member Witcher and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (8/0). On the motion of Council Member Taylor and seconded by Council Member Robinson, 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). (*applicant: Dante Jacuzzi*)

O-18-92 (ORDINANCE NO. 9059 – COUNCIL MEMBERS ROSS AND WHITE)

AN ORDINANCE VACATING AND ABANDONING A PORTION OF RIGHT OF WAY ON OLD W. 13TH STREET BETWEEN MAIN STREET AND MOPAC RAILROAD RIGHT OF WAY IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member White, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Council Member Hight and seconded by Council Member Baxter. Council Member Taylor asked why this was being done. Council Member Ross said when the old Argenta School was built, the Plat from 1882 indicated a road known as 2nd Street. It was later referred to as Old W. 13th Street. The school was built over the old portion of the road. Council Member Ross referenced the illustration where the road veers off. She said at one time it was a straight road. This was discovered after Terra Forma purchased the property. Council Member Taylor asked about a copy of the Plat. City Attorney Fields referenced Exhibit B which included a map of the Plat. On the previous motion, 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). (*applicant: Thomas Engineering Company for Terra Forma, LLC*)

O-18-93 (ORDINANCE NO. 9060 – COUNCIL MEMBER HARRIS)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A DAYCARE CENTER IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 12 MAUMELLE CURVE COURT IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Robinson, and by consent of all members present, the readings were suspended (8/0). On the motion of Council Member White and seconded by Council Member Baxter, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant – Angela Key*)

PUBLIC COMMENT

Mr. James Ard said Waste Management picks his (recycling) up because he cannot get it down the hill. Other things they are doing need to be corrected. Mr. Ard referenced a plastic bag that contained roofing nails. He said people next door put a new roof on (work began on Friday). He cannot call Code Enforcement. He said the company doesn't have permits or a business license. The business left the nails in the yards. Mr. Ard asked why Code Enforcement doesn't have to respond on weekends when businesses are operating without a permit. A lot of work is done on the weekend. To get people to pay the Privilege Tax and for permits there has to be enforcement. The City Clerk's (Enforcement) employee works some Saturdays. Mr. Bobby Taylor asked the status of (fixing/replacing) manhole covers on East Broadway. Mr. Taylor said he has talked with someone at the Wastewater Department and Street Department. Mayor Smith said he thought Mr. Taylor had contacted the (State) Highway Department. Mr. Taylor said the Highway Department employee (Mr. Mormon) said it wasn't their responsibility. Mr. Taylor said they did fix the drain covers. He said the area is from Prothro Junction to the railroad track. Mayor Smith said he would have someone look at it. Mayor Smith said the second Council meeting in December is scheduled for Monday, December 24, 2018, which is Christmas Eve. City offices will be closed Monday (24th) and Tuesday, Christmas Day. Mayor Smith asked council members if they would like to move the meeting to either Wednesday, December 26, or Thursday, December 27, 2018. After discussion, it was agreed the meeting would be moved to Wednesday, December 26, 2018, at 6:00 p.m. Council Member Ross complimented everyone who worked on the Northern Lights event which was held last Friday night. It was a great event and a lot of fun. Mayor Smith said Mr. Chris Kent, Mary Beth Bowman, Nathan Hamilton, Jim Billings, Robert Birch and Vince Insalaco all contributed to make it a great event. Council Member Hight commended the employees working on the leaf vacuums. Ms. Whitbey announced the City Clerk's Office will host an Open House in City Hall on Monday, December 10, 2018, from 3:30 p.m. until 5:30 p.m. and invited everyone to stop by for refreshments. Mayor Smith said he will file legislation for the 2019 Budget for a vote on December 10, 2018. He said if any Council Members wanted to schedule a public hearing prior to the meeting they need to let him know prior to the next council meeting filing deadline (Tuesday, December 4 at 12 noon). Council Members can also contact Finance Director Mrs. Karen Scott if they have any questions. Council Member Ross asked if the Recycling Contract will be called. Mayor Smith said the city is still in discussion with the provider. The provider wants the

contract to include the right to change their fee in the event of a change in law (United States, China, etc.). The city has acquired contracts from several other cities for review. Mayor Smith said he told the provider if they want 90 days to raise their rates (due to a change in International law), the city should have 90 days to opt out of the agreement.

There being no further business to come before the Council, and on the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, the meeting was adjourned at 6:35 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, December 10, 2018, 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